

Minute of Meeting



Planning Committee

Date	Time	Venue
22 January 2018	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Hardie	Councillor Johnstone
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Parry
Councillor Russell	Councillor Smaill
Councillor Wallace	Councillor Winchester

1. Apologies

An apology for absence had been received from Councillor Smaill, who hoped to join the meeting later.

2. Order of Business

The Clerk confirmed that that order of business was as outlined in the agenda that had been previously circulated.

The Committee agreed, on the suggestion of the Chair, to take agenda item 5.7 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC), as the final item of public business.

3. Declarations of interest

Councillor Milligan (non-pecuniary) declared an interest in agenda item 5.7 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC) – on the grounds that he was a non-executive Member of the NHS Lothian Board who retained an interest in the application site it being a former NHS property. He would therefore withdraw from the meeting during discussion of this item of business. In addition, Councillors Muirhead, Lay-Douglas, Smaill, Cassidy and Alexander (non-pecuniary) all declared an interest on the grounds that, at the invitation of the applicants, they had all visited the application site, but at no time had offer an opinion on the current applications before Members.

Councillors Hackett (non-pecuniary) declared an interest in agenda item 5.10 - Application for Planning Permission for the Erection of dwellinghouse; formation of access and car parking and associated works at Land at 3 Eskview Villas Dalkeith (18/00760/DPP) on the grounds that he had been approached by the nursery which his children attended, regarding the application, as it was on land that adjoined/was part of their grounds, but at no time had offer an opinion on the current application before Members.

On behalf of the Members of the Conservative Group, Councillor Hardie (non-pecuniary) declared an interest in agenda item 5.3 - Application for Planning Permission for Residential Development including Park and Ride; Allotments; Land Safeguarded for possible Education Use; Formation of Access Roads and Car Parking and Associated Works at Land At Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (17/00408/DPP and 17/00408/DPP) – on the grounds that they all knew the current occupant of Wellington Farm, who was a Conservative Party candidate.

4. Minutes of Previous Meetings

The Minutes of Meeting of 20 November 2018 were submitted and approved as a correct record.

The Committee, on the suggestion of the Chair, agreed to clarify for the record that agenda item 5.5 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC) - had been deferred rather than continued.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Supplementary Guidance: Special Landscape Areas	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.1 of the Minutes of 9 October 2018, there was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Special Landscape Areas Supplementary Guidance.</p> <p>The report explained in particular that –</p> <ul style="list-style-type: none">the required public notification/advertisement advising that the Special Landscape Areas Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 17 October 2018; andScottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 26 October 2018 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance		
Decision		
<p>The Committee, having heard from the Planning Manager, noted the update on adoption of the Special Landscape Areas Supplementary Guidance.</p>		
Action		
<p>Planning Manager</p>		

Agenda No	Report Title	Presented by:
5.2	Supplementary Guidance: Resource Extraction	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 28 August 2018, there was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Resource Extraction' and seeking agreement to the adoption of the Resource Extraction Supplementary Guidance.

The report explained that the consultation period had run for five weeks from 7 September to 12 October 2018 with responses being received from eight parties, which included Community Councils, the Quarrying industry and Government agencies. A summary of the consultation responses, together with details of the Council's proposed response and a track change copy of the draft Supplementary Guidance document showing proposed deletions and additions (shown in red) to the document arising from the consultation were appended to the report.

Summary of Discussion

The Committee, having heard from the Planning Manager who responded to Members' questions and clarified the process for approving the Supplementary Guidance, welcomed the comments received as a result of the public consultation on the proposed Supplementary Guidance.

Decision

After further discussion, the Committee agreed:-

- a) to adopt the Resource Extraction Supplementary Guidance (as amended following the consultation process);
- b) that the Resource Extraction Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- c) to instruct the Planning Manager to undertake the required notification/ advertisement advising that the Resource Extraction Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) to instruct the Planning Manager to notify the Scottish Ministers of the Council's intention to adopt the Resource Extraction Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.3	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in the Appendices to the report.</p>		
Decision		
<p>The Committee agreed:-</p> <p>(a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2019; and</p> <p>(b) To note the updates for each of the applications.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.4	Appeal and Local Review Body Decisions	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meetings in November 2018 and January 2019, and advising that there were no appeals determined by Scottish Ministers to report.</p>		
Decision		
<p>The Committee noted the decisions made by the Local Review Body at its meetings on 27 November 2018 and 14 January 2019.</p>		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation: Proposed Erection of up to 9 wind turbines at Wull Muir, Gorebridge (18/00894/PAC).	Peter Arnsdorf

Executive Summary of Report
<p>There was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy advising that a pre application consultation had been submitted regarding the proposed erection of a wind farm of up to 9 wind turbines (tip heights up to 150m) at Wull Muir, Gorebridge (18/00894/PAC). The site was on the boundary adjoining the Scottish Borders' Council area.</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>
Summary of Discussion
<p>The Committee, having heard from the Planning Manager, who explained that the area of land within Midlothian had been included in the site boundary to allow the applicants the option to look at alternative potential access routes to the turbines and their infrastructure if required, acknowledged that if such a course of action was pursued it would be the subject of a separate planning application.</p>
Decision
<p>(a) To note the provisional planning position set out in the report; and</p> <p>(b) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>
Action
<p>Planning Manager</p>

Agenda No	Report Title	Presented by:
5.6	Pre-Application Consultation: Proposed Erection of a Mixed Use Development comprising Film & TV Studios including Workshops/Offices; Reception/ Commissary; Gatehouse; Backlot; Trailer Park; Film Academy and Associated Student Accommodation; and Associated Access, Parking and Infrastructure at Land East of Salters Road, Dalkeith (19/00012/PAC)	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy advising that a pre application consultation had been submitted regarding a proposed mixed use development comprising film and TV studios including workshops/offices; reception/commissary; gatehouse; backlot; trailer park; film academy and associated student accommodation; and associated access, parking and infrastructure at land east of Salters Road, Dalkeith (19/00012/PAC).</p>		

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

Having heard from the Planning Manager, the Committee in considering the proposed development, discussed the potentially significant socio economic benefits, together with the potential opportunity to create a centre for excellence through links to the adjoining Dalkeith Schools campus site.

Decision

- (a) To note the provisional planning position set out in the report;
- (b) To note the comments made by Members; and
- (c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for Residential Development including Park and Ride; Allotments; Land Safeguarded for possible Education Use; Formation of Access Roads and Car Parking and Associated Works at Land At Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (17/00408/DPP and 17/00408/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application.		
Summary of Discussion		
Having heard from the Planning Manager, the Committee acknowledged the need for the inclusion of additional conditions to address the issues raised by Transport Scotland in their consultation response.		
Thereafter, the Committee discussed the proposed developments and in particular, whether the proposed conditions relating to the timing of the provision of the continuous footway/cycleway (safe route to school) from the eastern extend of the		

site to the western extent of the site along Old Craighall Road – condition 2; the timing of the closure of the pig farm at Wellington – condition 3; and noise and vibration mitigation measures – conditions 21-23, were overly prescriptive and placed too onerous a burden on the developers. The Planning Manager in response explained the thinking behind these particular conditions. In considering the most practical way of resolving these concerns, the possibility of a revised form of wording and/or removal of the condition(s) was discussed. The Committee felt that on balance as the developers had already committed to providing the safe route to school and the closure of the pig farm that these conditions be removed and that with regards the noise and vibration mitigation measures these be reworded if possible, or removed if a revised form of words could not be found.

Decision

The Committee agreed that subject to the foregoing amendments that planning permission be granted (for both applications 17/00408/DPP and 17/00409/DPP) for the following reasons:

The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions and subject to appropriate conditions. The presumption for development is not outweighed by any other material considerations.

subject to:

- i) the prior signing of a legal agreement to secure:
 - a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards truck road junction interventions (including Sheriffhall roundabout);
 - a financial contribution towards Borders Rail;
 - a financial contribution towards public transport;
 - maintenance of open space;
 - the safeguarding and transfer of land to the Council for a primary school; and
 - the safeguarding and transfer of land to the Council for a park and ride facility.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- ii) Transport Scotland having an agreement in place with the applicant regarding financial provision for traffic lights on the westbound off ramp of the A720 at the A68/A720.

iii) the following conditions:

- 1. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the

planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

2. The external finishing material specified on application drawings/documents are not approved. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used in the area of improved quality which shall comprise no less than 20% of the number of dwellings on the site and not any of the affordable units. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

3. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - (i). other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - (ii). existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - (iii). proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - (iv). location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - (v). schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (vi). programme for completion and subsequent maintenance of all soft and hard landscaping;
 - (vii). a woodland management plan for existing and proposed areas of woodland;
 - (viii). a biodiversity action plan and maintenance plan to enhance the biodiversity value of the site;

- (ix). drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- (x). proposed car park configuration and surfacing;
- (xi). proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- (xii). details of existing and proposed services; water, gas, electric and telephone

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - (i). existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - (ii). proposed vehicular, cycle and pedestrian access;
 - (iii). proposed roads (including turning facilities), footpaths and cycle ways;
 - (iv). proposed visibility splays, traffic calming measures, lighting and signage;
 - (v). proposed construction traffic access and haulage routes;
 - (vi). a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
 - (vii). proposed car parking arrangements;
 - (viii). an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
 - (ix). proposed bus stops/lay-bys and other public transport infrastructure;
 - (x). a programme for completion for the construction of access, roads, footpaths and cycle paths; and
 - (xi). proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

6. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - (i). the nature, extent and types of contamination and/or previous mineral workings on the site;
 - (ii). measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - (iii). measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - (iv). the condition of the site on completion of the specified decontamination measures.
7. On completion of the decontamination/remediation works referred to in condition 6 above and prior to any dwelling on the site being occupied, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling on the site shall be occupied until the planning authority has approved the validation.

Reason for conditions 6 and 7: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

8. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a building.*

9. Development shall not begin until a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation has been submitted and approved in writing by the planning authority. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Data Structure Report submitted to the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of bat and bird boxes and the use of green roofs on ancillary buildings. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan 2017.*

11. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwelling. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

12. A detailed plan and elevation drawings and details of the finishing materials and colours of any electricity station(s) and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the planning authority.

Reason: *To safeguard the character and visual amenity of the area.*

13. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.

14. District heating ducting as detailed in the revised “Sustainability Report” dated 28 June 2018 shall be installed throughout the development site. A further sustainability feasibility report shall be carried out 5 years from the date of this permission assesses whether the provision for district heating on the site is technically feasible and financially viable. In the event that it is considered to be technically feasible and financially viable, a district heating scheme shall be installed at the site utilising the district heating ducting installed in terms of this condition.

Reason: In the interests of sustainable development and in order to comply with Policy NRG6 in the MLDP which has a presumption in favour of implementing district heating on this site.

15. Within 1 year of construction/engineering works or site clearance works commencing on site, a revised ecological assessment of the site shall be carried out and a report on it shall be submitted for the prior inspection and approval of the planning authority. The scope of the assessment shall be agreed in advance in writing by the planning authority. The recommendations made within the new ecological assessment shall be implemented in full.

Reason: In the interests of safeguarding biodiversity, including European Protected Species and because the initial survey is now considered to be out of date and it requires to be updated.

16. Prior to the commencement of development on the site a Construction Method Statement shall be submitted for the approval of the planning authority. The Construction Method Statement shall identify; the haulage route of construction traffic; parking for construction vehicles and construction employees; and the siting of the employee’s welfare facilities.

Reason: In the interests of highway safety and the amenity of existing nearby residential properties on the site.

17. Prior to the commencement of development on the site a remediation scheme to afford public safety and the stability of the proposed dwellings from the risks posed by the recorded mine entries (shafts), shall be submitted to and approved in writing by the planning authority in consultation with The Coal Authority. The remediation scheme shall include; the undertaking of an appropriate scheme of intrusive site investigations for those recorded mine entries not located; the submission of a report of findings arising from the intrusive site investigations for those mine entries not located; the submission of a scheme of remedial works for approval for both mine entries and the shallow workings for approval; and, implementation of those remediation works. The remediation works may entail changes to the layout or avoidance of parts of the site for development and the submission of further planning applications.

Reason: The applicant has confirmed that there are mine entries on the site which cannot be located. These mine entries appear to be under existing buildings and they cannot be the subject of intrusive site investigation for this reason. The condition seeks to ensure before any work is commenced on the site, the mine entries are located and treated. In the event that the layout needs to be amended to avoid the mine entry a further planning application or applications will be required showing the necessary amendments.

18. The site design and layout shall be such that Midlothian Council's design standards for residential use in relation to anonymous noise sources are met. These are as follows in relation to this site:
 - 55 dB LAeq(16hr) for daytime external garden amenity;
 - 35 dB LAeq(16hr) for daytime internal living apartment;
 - 30 dB LAeq(8 hours) for night time internal living apartment; and
 - for the avoidance of sleep disturbance, the internal noise level shall comply with the World Health Organisation Night Noise Guidelines for Europe 2009 - 42 dB LAmax (fast)(internal).
19. The 'high quality insulation' referred to in Table 7 of the acoustic report shall incorporate acoustic vents to allow these internal levels to be achieved with satisfactory ventilation. Post completion testing shall be carried out to demonstrate that any consented housing meets the internal design criteria identified in condition 18 above.
20. An assessment of vibration from train movements shall be carried out in order to ensure that the vibration dose value in terms of BS 6472-1:2008 'Guide to Evaluation of Human Exposure to Vibration in Buildings' does not exceed the low probability of adverse day and night-time values of 0.2 to 0.4 m.s-1.75 and 0.1 to 0.2 m.s-1.75 respectively. The assessment of vibration required in relation to this consent shall be carried out within 3 months of the first occupation of any dwelling located to the north of Old Craighall Road.

Reason for Conditions 18 to 20: To ensure the noise and vibration levels at the site do not adversely impact to occupants of the development.

Action

Planning Manager

Report No.	Report Title	Presented by:
5.9	Application for Planning Permission for the Subdivision of Existing Dwellinghouse to Form Two Dwellinghouses and Associated Erection of Porch and External Alterations; Erection of Garage; Erection of New Dwellinghouse and Associated Works and Formation of Access Points at 1 Braeside Road, Loanhead (18/00777/DPP).	Peter Arnsdorf

Executive Summary of Report
There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application.
Summary of Discussion
<p>The Committee, having heard from the Planning Manager who responded to Members' questions and comments, discussed the proposed development, giving particular consideration to the potential impact that the proposed additional dwellinghouses might have in terms of road safety. It being acknowledged that whilst the current junction between Braeside Road and Lasswade Road did not meet the prescribed visibility requirements, the current proposals did incorporate plans to improve the visibility splay to the east.</p> <p>After further discussion, the Committee were of the view that even although the planned improvements to the junction where Braeside Road joins Lasswade Road did not fully address the visibility issues they did on balance constitute sufficient an improvement to permit the proposed development to proceed.</p>
Decision
<p>Thereafter, the Committee agreed that planning permission be granted for the following reason:</p> <p><i>The scale, form, design and finish materials of the development will preserve the character, appearance and amenity of the conservation area and neighbouring properties. The proposal complies with policies STRAT2, DEV2, DEV6, ENV19 and ENV22 of the Midlothian Local Development Plan 2017.</i></p> <p>subject to appropriate conditions to be determined by the Planning Manager, in consultation with the Chair.</p>
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.10	Application for Planning Permission for the Erection of dwellinghouse; formation of access and car parking and associated works at Land at 3 Eskview Villas Dalkeith (18/00760/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application.		
Summary of Discussion		
<p>Having heard from the Planning Manager who responded to Members' questions and comments, the Committee discussed the proposed development and the potential impact that it was likely to have on the character of the Eskbank and Ironmills Conservation Area. It being felt on balance that the design, materials, scale and sitting of the proposed development would have a negative impact on the character of the Conservation Area and its setting</p>		

Decision
<p>After further discussion, the Committee agreed that planning permission be refused for the following reason:</p> <p><i>The proposed development by means of its design, materials and form is not in keeping with the character and appearance of the conservation area. The proposal is therefore contrary to policy ENV19 of the Midlothian Local Development Plan 2017.</i></p>
Action
Planning Manager

Sederunt
<p>With reference to item 1 above, Councillor Smaill joined the meeting during consideration of the foregoing item of business, at 1.51 pm.</p> <p>With reference to item 3 above, Councillor Milligan, having declared an interest in the following item of business, left the meeting at 1.57 pm, taking no part in the consideration thereof.</p>

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 20 November 2018, there was resubmitted report, dated 8 November 2018, by the Director of Education, Communities and Economy, concerning the above applications.		
Summary of Discussion		
<p>Having heard from the Planning Manager, who responded to Members' questions/ comments, the Committee discussed the position regarding the requirement for developer contributions at length. With particular consideration being given to whether there was scope to potentially relax the current requirements in order to help secure the retention of the Grade C Listed former Rosslynlee Hospital building. The fact that additional land had already been allocated for complementary enabling development was acknowledged, however, questions were raised regarding whether or not this was sufficient for the purpose for which it had been provided and also if, in view of the current financial climate, the Council was in a position not to secure the full developer contributions, particularly those required for education and infrastructure improvements.</p>		

After further discussion, Councillor Muirhead, seconded by Councillor Wallace, moved that consideration of the matter be deferred for a further cycle in order that the position regarding developer contributions could be discussed with the applicants with a view to securing the necessary contributions for education and infrastructure improvements. Whilst also allowing further consideration to be given to the requirement for contribution towards the Borders railway and also affordable housing, given the particular circumstances of this application.

In terms of Standing Order 11.3 (vii), the Chair directed that a vote be taken for and against the motion to defer consideration of the matter and if this was carried that would be the end of the matter. If however it fell then he would open the matter up for further more detailed discussion.

Thereafter, on a vote being taken, one Member voted against the motion and 16 for, which accordingly became the decision of the meeting.

Decision

The Committee agreed that consideration of the matter be deferred for a further cycle in order that the position regarding developer contributions could be discussed with the applicants with a view to securing the necessary contributions for education and infrastructure improvements. Whilst also allowing further consideration to be given to the requirement for contribution towards the Borders railway and affordable housing, given the particular circumstances of this application.

Action

Planning Manager/Democratic Services

The meeting terminated at 2.47pm.