

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 28 May 2013 at 2.00 pm.

Present:- Councillors Baxter, Bennett, Boyes, Bryant, Constable, Coventry, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie, Russell and Wallace.

Apologies for Absence: - Councillors Beattie, de Vink and Thompson.

1. Chair

In the absence of the Chair, Councillor Thompson, it was agreed, in terms of Standing Order 7.3, that Councillor Constable be appointed to Chair the Meeting.

2. Declarations of Interest

Councillor Milligan declared a non-pecuniary interest in agenda item 8(c) Application for Planning Permission (13/00206/DPP) for the Erection of Retail and Commercial Units and Formation of Car Park at Land at the Former Staiside Inn, Rosewell Road, Bonnyrigg (paragraph 3 of the Appendix refers), on the grounds that he understood that one of the applicants was a former colleague, and also he knew some of those who had made representations. He indicated that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

3. Minutes

The Minutes of Meeting of 16 April 2013 were submitted and approved as a correct record.

4. Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage

With reference to paragraph 4 of the Minutes of 16 April 2013, there was submitted report, dated 21 May 2013 by the Head of Planning and Development, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

Decision

The Committee, having heard from the Development Management Manager, agreed to:-

- (a) note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2013;
- (b) receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Planning and Development)

5. Appeal and Local Review Body Decisions

There was submitted report, dated 21 May 2013, by the Head of Planning and Development, detailing the notices of reviews determined by the Local Review Body (LRB) at its meeting on 23 April 2013, and detailing an appeal determined by Scottish Ministers.

Appended to the report was a copy of an appeal decision notice, dated 8 April 2013, from the Scottish Government, Directorate for Planning and Environmental Appeals, dismissing an appeal by Mr D H Hunter against Condition 3 of Listed Building Consent 12/00724/LBC, granted on 24 December 2012, for the installation of replacement windows and doors, alteration to existing window openings, demolition of attached outbuildings, formation of decking, installation of rooflights, recladding of existing porch with timber and associated internal alterations at Broachrigg Farmhouse, Broachrigg Farm, Rosewell and upholding refusal to vary the terms of the Listed Building Consent.

Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 23 April 2013; and
- (b) To note the appeal decision notice from Scottish Ministers.

6. Changes to Householder Permitted Development Rights in Scotland: Dormer Extensions

With reference to paragraph 4 of the Minutes of 9 October 2012, there was submitted report, dated 21 May 2013 by the Head of Planning and Development, updating the Committee on the outcome of the public consultation on proposed amendments to the Supplementary Planning Guidance (SPG) on 'dormer extensions' to dwellinghouses as a result of changes to householder permitted development rights introduced by the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011, which came into effect on 6 February 2012. A copy of the revised SPG was appended to the report.

The Committee, having heard from the Development Management Manager, discussed the importance of any householder/agent considering a dormer extension contacting the Council's Building Standards Service for further advice regarding Building Warrants. It was also acknowledged that work carried out under householder permitted development rights did not always appear on house plans and that the Planning Service were often contact for advice on such matters.

Decision

To approve the amended SPG on 'dormer extensions'.

(Action: Head of Planning and Development)

7. Applications for Planning Permission

Applications for planning permission were dealt with as shown in the **Appendix** hereto.

8. Edinburgh Local Development Plan Proposed Plan

With reference to paragraph 5 of the Minutes of the Cabinet of 10 January 2012, there was submitted report, dated 9 May 2013 by the Head of Planning and Development, advising that the City of Edinburgh Council (CEC) had published its Proposed Edinburgh Local Development Plan (ELDP) and made it available for inspection from 1 May - 14 June 2013, during which time formal representations could be made. The Proposed Plan was accompanied by a revised Environmental Report, a Proposed Action Programme and supporting documents; on which written comments could also be submitted. Copies of the documents had been placed in the Members' library. The report identified those aspects of the Plan with potential implications for Midlothian and sought approval to submit comments and/or representations accordingly.

Having heard from the Planning Policy & Environment Manager, the Committee expressed its support for the proposed comments and representations as detailed in the report.

Decision

- a) welcome the publication of the Proposed Edinburgh Local Development Plan by the City of Edinburgh Council, and the opportunity to submit comments and representations on its contents; and
- b) agree to submit, as a response to the City of Edinburgh Council, the following:
 - i) formal representations with respect to the transport-related concerns as expressed in paragraphs 3.7-3.11 and 3.14-3.17 of the report; and
 - ii) comments on other matters as raised in paragraphs 3.20, 3.24-3.25, and 3.28-3.29 of the report, including those pertaining to the Proposed Action Programme.

(Action: Head of Planning and Development)

9. Scottish Government Consultation on National Planning Framework No. 3 and Draft Scottish Planning Policy

There was submitted report, dated 20 May 2013, by the Head of Planning and Development, advising that the Scottish Government had published for consultation two documents:

- (i) National Planning Framework No. 3 Main Issues Report and Draft Framework; and
- (ii) Draft Scottish Planning Policy.

This report sought the Committee's guidance on how it wished to respond to Scottish Government on these consultations.

Decision

The Committee, having heard from the Head of Planning and Development who advised that the deadline for responses for both documents was 23 July 2013, agreed to delegate responsibility for the preparation and submission of appropriate responses to the Head of Planning and Development, in consultation with a small Sub-Group comprising the Chair, Councillor Thompson and Councillor Imrie.

(Action: Head of Planning and Development)

10. Midlothian Open Space Strategy and Action Plan

With reference to paragraph 5 of the Minutes of 10 November 2012, there was submitted report, dated 10 May 2013 by the Head of Planning and Development, setting out the results of the public consultation exercise on the Draft Midlothian Open Space Strategy and seeking approval of the finalised Strategy and Action Plan; a copy of which had been circulated with the agenda.

Decision

The Committee, having heard from the Planning Policy & Environment Manager:-

- (i) noted the responses to the public consultation; and
- (ii) approved the finalised Midlothian Open Space Strategy and Action Plan for publication.

(Action: Head of Planning and Development)

The meeting terminated at 3.13 pm.

APPENDIX

(relative to paragraph 7)

1. **Application for Planning Permission (13/00077/MS) by Alauna Renewable Energy for the Erection of Anaerobic Digestion Plant and Associated Storage and Digester Tanks; Formation of Access Road and Car Parking; and Associated Works (Approval of Matters Specified in Conditions 2, 3, 4 and 5, of Planning Permission 11/00174/PPP) Land at Former Millerhill Marshalling Yards, Whitehill Mains Road, Millerhill.**

With reference to paragraph 1 of the Appendix to the Minutes of 13 December 2011, there was submitted report, dated 21 May 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed the issue of 'buffer zones' as contained in Scottish Planning Policy (SPP). It was hoped that, as the advice in the SPP was not prescriptive, a common sense approach would be taken to any application(s) that were to come forward in the future for compatible uses on the adjoining land and that they would be given due consideration and not simply ruled out as they were in the 'buffer zone'.

After further discussion, the Committee agreed that planning permission be granted for the following reason:

The proposed details submitted to discharge conditions 2, 3, 4 and 5 of planning permission 11/00174/PPP accord with development plan policies and will not have an unacceptable adverse environmental impact.

Subject to the following condition:

1. The landscaping hereby approved shall be carried out in full by the end of the first planting period following the completion of the development or it being brought into use, whichever is the earlier.

Reason: *To ensure the planting is carried out at an early stage, giving the plants time to become well established.*

(Action: Head of Planning and Development)

2. **Application for Planning Permission (13/00181/DPP) by West Register (Realisations) Limited, c/o David Wilson Homes, East Scotland, Telford House, 3 Mid New Cultins, Edinburgh for the Erection of 112 Dwellinghouses and 28 Flatted Dwellings; Formation of Access Roads and Car Parking; and Associated Works at Land at Former Jewel and Esk Valley College, Dalhousie Road, Eskbank, Dalkeith.**

With reference to paragraph 1 of the Appendix to the Minutes of 28 August 2012, there was submitted report, dated 21 May 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed developer contributions towards in particular affordable housing through the provision of a commuted sum and also the positioning of the proposed electricity sub-station.

After further discussion, the Committee agreed that planning permission be granted for the following reason:

The development lies within the built up area of Eskbank where there is a presumption in favour of development. The principle of the redevelopment of the site for dwellings has been established by previous planning permissions. The currently proposed scheme of development complies with the policies of the approved Edinburgh and the Lothian Local Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

subject to:-

- (a) the prior signing of a legal agreement to secure the provision a commuted sum towards affordable housing provision and contributions towards education, town centre improvements, the Borders Rail and children's play provision/maintenance; and

- (b) the following conditions:

1. Development shall not begin until details of the phasing of the development have 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 open space, the SUDS provision and transportation 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 the future occupants of the development.*

2. 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. 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Notwithstanding that delineated on the docketed drawings the flats on plots 53-66 and 67-80 shall comprise the 'area of improved quality', with an added emphasis on the quality of materials. 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 on plots 53-66 and 67-80 have been submitted to and approved in writing by the planning authority. 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 that an added emphasis on quality in materials for a prominent group of buildings on the site in accordance with adopted Midlothian Local Plan Policy DP2 and in the interests of safeguarding the character and visual amenity of the area.*

4. Development shall not begin until details of a 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 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 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. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing;
 - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
 - x proposed play equipment;
 - xi proposed cycle parking facilities;
 - xii proposed woodland management plan for any existing, to be retained, and proposed woodland;
 - xiii details of existing and proposed services; water, gas, electric and telephone; and
 - xiv proposed area of improved quality.

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). Thereafter 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

5. All trees and shrubs to be retained shall be protected during construction with temporary protective fencing in accordance with the recommendations of the British Standard BS 5837: 20125 'Trees in Relation to Design, Demolition and Construction' and in accordance with details to be submitted for the prior approval of the Planning Authority. The temporary protective fencing so approved shall be erected prior to work commencing on site and shall be retained for the duration of construction works. Within the areas enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, or disposal of any waste or fires lit, all in accordance with the above names British Standards. Any excavations within the canopy spread of trees to be retained shall be hand dug and any roots exposed shall be bridged.

Reason: *To safeguard trees and shrubs on the site which make a valuable contribution to the character and visual amenity of the area.*

6. 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 or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. 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.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination 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.*

7. 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 house.*

8. 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; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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.*

9. Notwithstanding that delineated on application drawings the substation shall be housed in a pitched roofed building and finished in materials to be approved in advance by the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

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

10. The 1.8 metre high stone wall to be erected along the length of the west boundary of the site shall be a natural rubble lime pointed sandstone wall set back 2 metres from the heel of the existing pavement along the east side of Dalhousie Road. A sample of the natural stone to be used for the wall shall be made available for the prior approval of the Planning Authority.

Reason: *In the interests of safeguarding the character and visual amenity of the area.*

11. None of the houses on plots 29-35, plot 45 and plots 88--99 shall be occupied until the section of 1.8 metre high stone wall to be erected on the west roadside boundary of their plot has been erected in its entirety. The wall shall thereafter be retained at a height of 1.8 metres along its length unless otherwise approved by the Planning Authority.

Reason: *In the interests of safeguarding the character and visual amenity of the area and the amenity of the future occupants of the house and flats on the western part of the site.*

12. Development shall not begin until detail, including a timetable of implementation, of 'Percent for Art' has 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 IMP1 and DP2 of the adopted Midlothian Local Plan and national planning guidance and advice.*

13. Construction vehicles associated with the development shall only access and egress the site from the new access, or from a temporary access to agreed in writing by the planning authority, off Dalhousie Road via the A7 Trunk Road. No construction vehicles shall access the site via Abbey Road or the Eskbank Toll Roundabout.

Reason: *In the interests of road safety.*

(Action: Head of Planning and Development)

Sederunt

With reference to paragraph 2 above Councillor Milligan, having declared a non-pecuniary interest in the following item of business, left the meeting taking no part in the discussion thereof.

3. **Application for Planning Permission (13/00206/DPP) by Carlsson for the Erection of Retail and Commercial Units and Formation of Car Park at Land at the Former Staiside Inn, Rosewell Road, Bonnyrigg.**

There was submitted report, dated 21 May 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the proposed siting of the loading bay on Rosewell Road, which due to its close proximity to an existing bus stop and to the traffic light controlled junction had given rise to some concerns, as had the movement of construction traffic into and out of the development site due to the proximity of the site to the school.

With regards the latter it was proposed to condition to prevent construction traffic movements during times when pupils would be travelling to and from the school. The proposed loading bay on Rosewell Road had been designed so as to allow vehicles to be parked completely behind the kerb line (an arrangement similar to that which already successfully operated in Bonnyrigg town centre). The new traffic light controlled junction on Rosewell Road/Hopefield Park had been redesigned to accommodate the traffic to the new high school and it was not anticipated that the proposed development would add significantly to the volume of traffic using this junction.

After further discussion, the Committee agreed that planning permission be granted for the following reason:-

“The development will complement the existing neighbourhood centre, which in conjunction with the High School redevelopment will create a stronger and more vibrant community facility. The design of the development will enhance the character of the area. There will be no adverse impact upon the safety of pedestrians and other road users, and there will be no adverse impact upon existing recognised retail centres”

Subject to the following conditions:

1. Only those three units closest to the road junction shown on drawing 1005 P(2-) 007 revision B, and specified on that drawing as having ground floors of 96 m², 96 m² and 279 m² respectively, shall be permitted to be used for retail purposes as defined by class 1 of the Town And Country Planning (Use Classes)(Scotland) Order 1997, and all other uses shall be deemed to be restricted to classes 2 and 3 of that order, unless otherwise agreed in writing by the planning authority.

Reason: *To ensure that the retail impact of the development is controlled to an extent that it will not have a significant detrimental impact upon existing retail centres.*

2. Any units proposed to contain cooking equipment for the preparation of cooked or heated foodstuffs for public sale or wholesale shall not be permitted to operate until such time as all details of cooking equipment and the proper ventilation of any cooking and food preparation areas has been agreed in writing by the planning authority in consultation with Environmental Health.

Reason: *To ensure that any cooking odours are adequately treated and ventilated to a height that will ensure that there is no significant harm to neighbouring residential amenity.*

3. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings 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 and open space, including trees, shrubs, hedging 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. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration, lighting and surfacing;
- ix proposed footpaths;
- x details of public litter bins to be sited within the application boundary; and
- xi proposed cycle parking facilities.

All hard and soft landscaping listed in i to xi above 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). Thereafter 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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

4. 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. 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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin, including the demolition of any existing buildings, until a bat assessment (to identify the potential for roosting bats) has been undertaken by a qualified ecologist and any mitigation measures identified are implemented in accordance with details to be submitted and approved in writing by the planning authority.

Reason: *In the interests of safeguarding bats in accordance with Policy RP13 of the Adopted Midlothian Local Plan and to ensure that an up to date understanding of these species on the site is available prior to development commencing.*

6. Development shall not begin, including the demolition of any existing buildings, until details of the lay-by incorporating a 3m footpath is submitted and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved plans.

Reason: *To enable the planning authority to consider this matter in detail and to provide a better and safer pedestrian thoroughfare.*

7. All of the proposed car parking, cycle parking and the proposed lay-by shall be completed and available for use prior to any of the units hereby approved coming into operation.

Reason: *To ensure that adequate parking and servicing provision is available for the development.*

8. In addition to the standard construction site operating restrictions (BS 5228), there shall be no movement of construction traffic, plant or machinery into or out of the site during the following times on any weekdays when pupils are in attendance at the Lasswade High School;

- a. 0755 to 0825 Monday to Friday;
- b. 1300 to 1400 Monday to Thursday;
- c. 1215 to 1245 Friday; and
- d. 1530 to 1600 Monday to Thursday

Reason: *In the interests of pedestrian safety on the adjacent route to the high school.*

(Action: Head of Planning and Development)

Sederunt

Councillor Milligan rejoined the meeting upon the conclusion of the foregoing item of business.

4. **Application for Planning Permission (13/00231/DPP) by Midlothian Council, Corporate Resources Erection of 5 Dwellinghouses and 12 Flatted Dwellings; and Formation of Associated Access Road and Car Parking; Land North of 1 Craigiebiel Crescent, Penicuik.**

There was submitted report, dated 21 May 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed the siting, form and design of the proposed development, in particular concerns were expressed regarding the proposed height, which at 3 storeys was felt to be too high, even when allowing for the sloping ground within the site; other properties in the area being almost predominately single storey.

After further discussion, the Committee agreed to continue consideration of the application to allow further discussion with the applicants on these issues.

(Action: Head of Planning and Development)

Sederunt

Councillor Wallace joined the meeting during discussion of the foregoing item of business.

5. Application for Planning Permission (13/00226/DPP) by Optimisation Developments, Hilmore House, Gain Lane, Bradford for the Erection of a Supermarket and Formation of Associated Access, Service Area and Car Parking at the Former First Bus Depot and Car Park, Eskbank Road, Dalkeith.

With reference to paragraph 3 of the Appendix to the Minutes of 20 November 2012, there was submitted report, dated 21 May 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the proposed siting of the delivery yard and the possible effects that it might have on adjoining properties and the steps being taken by the applicants to mitigate those potential effects. Consideration was also given to provisions being made for cyclists and the simplification of the drop-off lay-by on Eskbank Road which would include provision for taxis and buses stopping off.

After further discussion, the Committee agreed that planning permission be granted for the following reason:-

The principle of the redevelopment of the site for a supermarket has been established by the grant of planning permission 07/00303/FUL. The proposed development can be safely and conveniently accessed and serviced and adequate parking has been provided for the use. The proposed development will preserve the character and visual amenity of the area and the character and amenity of the Conservation Area and, subject to conditions, it will not result in demonstrable harm to the amenity of neighbouring properties including residences. Accordingly, the proposed development complies with development plan policies.

Subject to appropriate conditions to be drafted and agreed in consultation with the Chair of the Planning Committee.