

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 25 February 2014 at 2.00 pm.

Present:- Councillors Bryant (Chair), Baxter, Bennett, Boyes, Constable, de Vink, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Pottinger, Rosie, Russell, Thompson and Wallace.

Apologies for Absence: - Councillors Beattie and Coventry.

1. Declarations of Interest

No declarations of interest were intimated.

2. Minutes

The Minutes of Meeting of 14 January 2014 were submitted and approved as a correct record.

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

With reference to paragraph 4 of the Minutes of 14 January 2014, there was submitted report, dated 18 February 2014 by the Head of Communities and Economy, 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:-

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2014; and
- (b) To receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Communities and Economy)

4. Appeal and Local Review Body Decisions

There was submitted report, dated 18 February 2014, by the Head of Communities and Economy, detailing the notices of reviews determined by the Local Review Body (LRB) at its meeting in January 2014 and advising that there were no appeals determined by Scottish Ministers to report.

Decision

To note the decisions made by the Local Review Body at its meeting on 21 January 2014.

5. Applications for Planning Permission

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

The meeting terminated at 3.15 pm.

APPENDIX

(relative to paragraph 5)

1. Application for Planning Permission (13/00853/DPP) by Scotmid for the Change of Use of a Retail Unit to Hot Food Takeaway and Erection of Ventilation Unit at 24 High Street, Penicuik.

There was submitted report, dated 18 February 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the current efforts of the Penicuik Business Improvement Steering Group to regenerate the town centre and the potential impact that the possible loss of a retail unit in such a prominent location might have. Consideration was also given to issues regarding possible over provision.

The Committee agreed that planning permission be refused for the following reason:-

The proposed development is contrary to Midlothian Local Plan policy DP7 as the cumulative effect of an additional hot food takeaway would adversely affect the vitality and viability of this part of the High Street due to the high number of hot food takeaways, cafes, restaurants, hotels and public houses in this part of the town centre.

In addition, the Committee also agreed that the applicant should be encouraged to engage with the Penicuik Business Improvement Steering Group.

(Action: Head of Communities and Economy)

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Councillor Wallace joined the meeting during discussion of the following item of business at 2.22pm.

2. Application for Planning Permission (13/00902/DPP) by Mr A Lambie for the Erection of Wind Turbine (35.2m Tip Height) 370 metres East of Loanstone Crossing at Pomathorn Farm, Penicuik.

There was submitted report, dated 18 February 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members' questions, discussed the potential impact that the proposed development might have. In particular, consideration was given to issues concerning the visual impact, noise, height of the wind turbine and the possible precedent that could be set for other similar developments in the event that consent was granted.

Thereafter, Councillor Baxter, seconded by Councillor Bennett, moved on the grounds that planning permission already existed for the erection of a wind turbine with a 33.2m tip height on the site, that planning permission be granted subject to appropriate conditions.

As an amendment, Councillor de Vink, seconded by Councillor Pottinger, moved that planning permission be refused due to the detrimental impact that such a development would have on the surrounding area.

On a vote being taken, five Members voted for the amendment and nine for the motion which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:-

The development will provide a significant local renewable energy resource with minimal impact on the landscape, the environment and residential amenity.

subject to the following conditions:

1. Development shall not begin until details of the turbines paint colour 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 appropriate materials to reflect its setting in accordance with policies in Midlothian Local Plan and national planning guidance and advice.*

2. Planning permission is for the wind turbine model 100kW Northern Power Systems NPS 100, with a tower height of 23.6 metres, a rotor diameter of 21 metres, and a tip height of 35.2 metres, unless otherwise agreed in writing by the planning authority.

Reason: *For the avoidance of doubt as the turbine model has been revised since the submission of the original planning application, and to control any deviation from Council Planning Advice.*

3. In the event that the turbine is no longer required, or where it has been non-operational for a continual period of at least 12 months then the turbine shall be decommissioned, and all parts of the turbines removed from the site, including all foundations cabling and transformers, and the site returned to its condition immediately prior to commencement of the development.

Reason: *To ensure that the site is returned to an acceptable condition in the event that the turbines are no longer required.*

4. In the event that noise from the turbine exceeds the noise emission levels in table 7.1 of the approved Noise Impact Assessment report, and these levels are deemed to be unacceptable by the planning authority, then the turbine shall be turned off until such time as it can be proven that the turbine is able to operate within these levels.

Reason: *In the interest of the amenity of neighbouring residents.*

5. The planning permission hereby granted shall be for 25 years from the date of commissioning of the turbines, and within 6 months of the expiry of this temporary period the turbine shall be decommissioned, and all parts of the turbines removed from the site, including all foundations cabling and transformers, and the site returned to its condition immediately prior to commencement of the development.

Reason: *To ensure that the site is returned to its original condition at the expiry of the operational life of the wind turbine.*

(Action: Head of Communities and Economy)

3. Application for Planning Permission in Principle (13/00780/DPP) by RH Miller Ltd for the Erection of 60 Dwellinghouses; Erection of Warehouse; Extension to Existing Petrol Filling Station Kiosk and Associated Works at Land at Fordel, Dalkeith

There was submitted report, dated 18 February 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, agreed that consideration of the application be continued to the 27 May Planning Committee meeting, in order that dialogue with the applicants could continue regarding the proposed development.

In addition, the Committee also agreed that in the meantime, other potential permissible uses that could be made of the site be explored in consultation with the owners and also an unaccompanied visit be arranged.

(Action: Head of Communities and Economy/Legal and Secretariat Manager)