

Minute of Meeting



Planning Committee

Date	Time	Venue
9 October 2018	2.00 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 McCall
Councillor Muirhead	Councillor Munro
Councillor Parry (by video link)	Councillor Russell
Councillor Smail	Councillor Winchester

1. Apologies

Apologies received from Councillor Johnstone, Lay-Douglas and Milligan.

2. Order of Business

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

3. Declarations of interest

Councillors Smaill, Munro, Winchester and Hardie (non-pecuniary) all declared an interest in agenda item 5.3 - Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage – on the grounds that they all knew the occupant, who was a former Conservative Party candidate, of one of the application sites.

Councillors Hackett (non-pecuniary) and Baird (business) both declared an interest in agenda item 5.8 - Application for Planning Permission for the Erection of two Drive-Through Restaurants; Formation of Access and Car Parking; and Associated Works at Land South West of Tesco Superstore, Dalkeith (18/00181/DPP). Councillor Hackett on the grounds that he knew socially someone who was an employee of one of the companies that were prospective occupants of the units and Councillor Baird on the grounds that the application related to the food and drink industry.

Councillor Cassidy (non-pecuniary) declared an interest in agenda item 5.7 - Application for Planning Permission for the Erection of Residential Care Home and Associated Works at Land to Rear of 41 Newmills Road, Dalkeith (18/00430/DPP) – on the grounds that a family member was one of the objectors.

4. Minutes of Previous Meetings

The Minutes of Meeting of 15 May 2018 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Supplementary Guidance: Special Landscape Areas	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 3 April 2018, there was submitted report, dated 2 October 2018, by the Head of Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Special Landscape Areas' and seeking agreement to the adoption of the Special Landscape Areas Supplementary Guidance.		

The report explained that the consultation period had run for six weeks from 24 April to 7 June 2018 with discussions with interested parties continuing after the specified period. Responses had been received from a wide spread of consultees including, community councils, individual members of the public, community organisations, third sector groups and Government agencies. In total 17 different parties had raised a range of separate points for consideration. 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 had been lodged in the Member's Library.

Summary of Discussion

The Committee, having heard from the Planning Manager, 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 Special Landscape Areas Supplementary Guidance (as amended following the consultation process);
- b) that the Special Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- c) to instruct the Head of Communities and Economy to undertake the required notification/advertisement advising that the Special Landscape Areas Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) to instruct the Head of Communities and Economy to notify the Scottish Ministers of the Council's intention to adopt the Special Landscape Areas Network Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

Head of Communities and Economy/Planning Manager

Agenda No	Report Title	Presented by:
5.2	Supplementary Guidance: Housing Development in the Countryside and Green Belt	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 2 October 2018, by the Head of Communities and Economy, seeking the Committee's agreement to undertake a formal consultation on its proposed 'Housing Development in the Countryside and Green Belt' supplementary guidance; a copy of which was appended to the report.

The report explained that the Midlothian Local Development Plan 2017 (MLDP), which had been adopted by the Council at its meeting on 7 November 2017, had included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance was required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas which needed further detail was Food and Drink and Other Non-retail Uses in Town Centres.

The supplementary guidance set out the Council's position with regard residential development in rural locations, including:-

- details of what constitutes a housing group under policy RD1;
- guidance on identifying the most appropriate location for new dwellings at existing housing groups;
- guidance on when non-residential buildings can be redeveloped and the appropriate scale and design for replacement development; and
- details on what constitutes an acceptable steading conversion..

Summary of Discussion

The Committee, having heard from the Planning Manager, welcomed the Supplementary Guidance and looked forward to seeing the comments received as a result of the public consultations.

Decision

After further discussion, the Committee agreed to:-

- (a) approve the draft Development in the Countryside and Green Belt Supplementary Guidance for consultation;
- (b) instruct officers to screen the draft guidance for a Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA); and
- (c) consider a further report on the Development in the Countryside and Green Belt Supplementary Guidance following the proposed consultation.

Action

Head of Communities and Economy/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 2 October 2018, by the Head of 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, having heard from the Planning Manager, 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 2018 and 2019; and</p> <p>(b) To note the updates for each of the applications.</p>
Action
Head of Communities and Economy

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 2 October 2018, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in September 2018, 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 meeting on 4 September 2018.</p>		
Action		
Head of Communities and Economy		

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation: Proposed Erection of Community Facility incorporating Secondary and Primary School; Early Years Provision and Family Learning; Library, Leisure and Healthcare Facilities, Sports Pitches and Associated Works at Former Site of Monktonhall Colliery, Monktonhall Colliery Road, Newton, Danderhall (18/00558/PAC)	Peter Arnsdorf

Executive Summary of Report	
<p>There was submitted report, dated 16 August 2018, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed Erection of Community Facility incorporating Secondary and Primary School; Early Years Provision and Family Learning; Library, Leisure and Healthcare Facilities, Sports Pitches and Associated Works at Former Site of Monktonhall Colliery, Monktonhall Colliery Road, Newton, Danderhall (18/00558/PAC).</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, acknowledged that any potential steps which could be taken to promote road safety, particularly in the vicinity of the A6106, would be welcomed.</p>	
Decision	
<p>(a) To note the provisional planning position set out in the report;</p> <p>(b) To note the comments made by Members; and</p> <p>(c) 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>Head of Communities and Economy</p>	

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission in Principle for the Storage of Soil (Top Soil and Sub Soil) for a Temporary Period of 5 years at Shawfair Site F, Monktonhall Colliery Road, Dalkeith (18/00155/DPP).	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.4 of the Minutes of 20 February 2018, there was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.</p>		

Summary of Discussion

Having heard from the Planning Manager, the Committee welcomed the measures intended to promote road safety.

Decision

Thereafter, the Committee agreed that planning permission be granted for the following reason:

The proposed development site is an integral part of a committed development site as allocated in the Midlothian Local Development Plan 2017 and the proposed temporary use is an operational requirement to facilitate the wider development of Shawfair which has a grant of planning permission. The distance of the site from existing dwellinghouses, the nature and scale of the proposed development, the use and operations on the site and the temporary nature of the use means the development would not give rise to an unacceptable impact on amenity. The proposed development does not conflict with adopted policies STRAT1, ENV7, ENV11, ENV17, ENV18 and IMP3 of the Midlothian Local Development Plan 2017.

subject to the following conditions:

1. Planning permission for the storage of topsoil and subsoil on the site is granted for a temporary period of 5 years from the date of the grant of this planning permission. The use shall cease and any stored material on the land shall be removed by 10th October 2023.

Reason: *The temporary use is only acceptable on the site as it will facilitate the implementation of committed development sites at Shawfair including established strategic housing site h43 (Shawfair) of which the site lies within.*

2. No stockpile of topsoil shall exceed 3 metres in height above existing ground levels.
3. No stockpile of subsoil shall exceed 8 metres in height above existing ground levels.

Reason for 2 & 3: *In the interests of safeguarding the landscape character and visual amenity of the area.*

4. Development shall not commence until the four recorded mine entries located on the site are located, secured and fenced off in accordance with details to be submitted to and approved in writing by the planning authority.

Reason: *In the interest of safety.*

5. The development shall not commence until details of a formal wheel washing facility and/or other measures to be taken to minimise loose material being carried onto the public road have been submitted to and approved in writing by the planning authority. The approved wheel washing facility/other measures shall be in place prior to the operation first coming

into use and shall remain in place, remaining operational, for the duration of the use hereby approved.

Reason: *In the interests of road safety.*

6. The development shall not commence until details of measures to control the flow of surface water run-off from the site have been submitted to and approved in writing by the planning authority. The approved mitigation measures shall be in place prior to the operation first coming into use and shall remain in place/remain operational for the duration of the use hereby approved.

Reason: *In the interests of road safety.*

Action

Head of Communities and Economy

Sederunt

With reference to item 3 above, Councillor Cassidy, having declared an interest in the following item of business, left the meeting at 2.18 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of Residential Care Home and Associated Works at Land to Rear of 41 Newmills Road, Dalkeith (18/00430/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

The Committee, having heard from the Planning Manager who responded to Members' questions and comments, discussed the access arrangements, in particular whether or not there was scope to secure improvements/upgrades to the existing walkways and network of footpaths in the area. The Planning Manager in explaining the current position, offered to raise the matter with the applicants and report back directly to the local Members and the Chair.

Decision

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

The proposed development accords with the Midlothian Local Development Plan (2017). The application site is located within the built-up area of Dalkeith on previously developed land where there is a presumption in favour of development.

The layout, design, form and scale will not result in a detrimental impact upon the character or amenity of the area. The presumption for development is not outweighed by any other material consideration.

subject to the following conditions:

1. The buildings which are the subject of this permission shall be used only as a residential home with care for adults over the age of 65 and no other use notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding, amending or revoking this order).

Reason: *For sake of clarity. The use of the development proposal has been assessed on the basis of the buildings being used as a residential home with 24-hour care. Developer contributions would be required for other uses within Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding or revoking this order).*

2. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a deskbased/archive assessment. The written scheme of investigation shall be approved in writing by 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 adopted Midlothian Local Development Plan.*

3. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings (coal working) 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.

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

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*

4. The design and installation of any plant, machinery or equipment being such that any associated noise complies with standard NR 25 when measured within any nearby living apartment.

Reason: *To minimise disturbance to nearby residential properties from the construction of the development.*

5. Construction and engineering operations (including deliveries) shall only take place during the specified times, and shall not take place outwith the specified times:

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

Sunday and Public Bank Holidays - No working or deliveries

Reason: *To minimise disturbance to nearby residential properties from the construction of the development.*

6. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements have 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 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.

7. 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 Proposed Midlothian Local Development Plan 2017.

8. Prior to the commencement on development, the following details shall be submitted to the planning authority for prior written approval:
- i. Details of the proposed design/construction of the foundations; and
 - ii. A construction method statement demonstrating how the proposed foundations are to be constructed in relation to the existing adit and in a way that limits incursion into the root protection areas of adjoining trees.

The foundations shall be designed so as to address any potential ground movement derived from any future collapse of the adit.

Reason: To ensure that the foundations are suitable for development given the previous coal workings in the area, so as to address any potential ground movement derived from any future collapse of the adit and to limit the impact of the development on existing trees.

9. 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: In the interest of protecting the character and appearance of the area so as to comply with DEV2 of the adopted Midlothian Local Development Plan 2017.

10. Development shall not begin until 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 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 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 shall be completed prior to the development being occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff and mitigate flood risk.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV7 and ENV8 of the adopted 2017 Midlothian Local Development Plan 2017 and national planning guidance and advice.*

11. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policy ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

Action

Head of Communities and Economy

Sederunt

Councillor Cassidy re-joined the meeting at the conclusion of the foregoing item of business at 2.28 pm.

With reference to item 3 above, Councillor Baird, having declared an interest in the following item of business, left the meeting at 2.28 pm, taking no part in the consideration thereof.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission for the Erection of two Drive Through Restaurants; Formation of Access and Car Parking; and Associated Works at Land South West of Tesco Superstore, Dalkeith (18/00181/DPP).	Peter Arnsdorf

Executive summary of report

There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, who advised in response to a question from Councillor Hackett that it was intended to bring a report on the responses received to the public consultation on the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres' which closed on the 10 October to the November meeting, the Committee gave consideration to a possible continuation. The possibility of the applicants appealing to the Scottish Minister on the ground of non-determination was acknowledged as a potential possibility. The Planning Manager indicated the procedures that would be followed in the event that this occurred.

After further discussion, Councillor Hackett, seconded by Councillor Smail, moved that consideration of the matter be continued in order to allow the application to come forward and be considered in conjunction with the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres'.

In terms of Standing Order 11.3 (vii), the Chair directed that a vote be taken for and against the motion to continue 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 more detailed discussion.

Thereafter, on a vote being taken, five Members voted against the motion and 6 for, which accordingly became the decision of the meeting.

Decision

The Committee agreed to continue consideration of the application in order to allow it to come forward and be considered in conjunction with the proposed supplementary guidance on 'Food and Drink and Other Non-retail Uses in Town Centres' at the November meeting.

Action

Head of Communities and Economy/Democratic Services

Sederunt

Councillor Baird re-joined the meeting at the conclusion of the foregoing item of business at 2.44 pm.

Agenda No	Report Title	Presented by:
5.9	Application for Planning Permission for the Erection of 79 Residential Units; Formation of Access Roads, Car Parking and Associated Works at Land South West of Newbattle Community High School, Newtongrange (18/00308/DPP)	Peter Arnsdorf
Executive summary of report		
There was submitted report, dated 2 October 2018, by the Head of Communities and Economy concerning the above application.		
Decision		
<p>The Committee, having heard from the Planning Manager, agreed to grant the planning permission for the following reasons:</p> <p><i>The proposed development site is within the built-up area as defined 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. The presumption for development is not outweighed by any other material considerations.</i></p> <p>subject to:</p> <ul style="list-style-type: none"> i) securing developer contributions towards education provision, children's play provision, Mayfield Town Centre Improvements and Borders Rail; and ii) the following conditions: <ul style="list-style-type: none"> 1. 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: <i>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.</i> 2. 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 area of woodland to be trained;
- viii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- ix proposed car park configuration and surfacing;
- x proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xi 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.

3. 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.*

4. 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.*

5. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings (coal working) 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.

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report

shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

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*

6. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a deskbased/archive assessment. The written scheme of investigation shall be approved in writing by 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 adopted Midlothian Local Development Plan.*

7. 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 Proposed Midlothian Local Development Plan 2017.*

8. The recommendations made within the Preliminary Ecological Appraisal Report dated February 2018 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the planning authority.

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

9. The design and installation of any plant, machinery or equipment being such that any associated noise complies with standard NR 25 when measured within any nearby living apartment.

Reason: *To minimise disturbance to nearby residential properties from the construction of the development.*

10. Construction and engineering operations (including deliveries) shall only take place during the specified times, and shall not take place outwith the specified times:

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

Sunday and Public Bank Holidays - No working or deliveries

Reason: *To minimise disturbance to nearby residential properties from the construction of the development.*

Action

Head of Communities and Economy

6. Private Reports

Exclusion of Members of the Public

In view of the nature of the business to be transacted, the Planning Committee agreed that the public be excluded from the meeting during discussion of the undernoted item, as contained in the Addendum hereto, as there might be disclosed exempt information as defined in paragraph 13 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973

Report No.	Report Title	Presented by:
6.1	Enforcement Report: Loanhead.	Peter Arnsdorf
Decision		
To approve the recommendations contained in the report.		

The meeting terminated at 3.03pm.