

Minute of Meeting



Planning Committee

Date	Time	Venue
31 May 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Constable
Councillor Coventry	Councillor Imrie
Councillor Johnstone	Councillor Milligan
Councillor Muirhead	Councillor Parry
Councillor Pottinger	Councillor Rosie
Councillor Russell	Councillor Wallace
Councillor Young	

1 Apologies

Apologies received from Councillors Bennett, de Vink and Montgomery

2 Order of Business

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

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 1 March 2016 were submitted and noted and the Minutes of Meeting of 19 April 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Proposed Revision of the Councils' Scheme of Delegation for the Determination of Planning Applications	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 24 May 2016, by the Head of Communities and Economy, seeking approval for an amended scheme of delegation for planning matters, under which specific types of planning applications were delegated to the appointed officer to determine.

The report explained that following a Planning Service Review the Development Management and Planning Policy and Environment teams had been conjoined into a single Planning team with a new structure being implemented from March 2016. As part of the new structure, roles and responsibilities and associated job titles had changed. As a consequence the approved scheme of delegation required to be updated to identify the correct appointed officers who were delegated to determine applications. The proposed updating of the scheme of delegation did not change which applications Elected Members delegate to officers to determine. Prior to the adoption of the amended scheme, the scheme required to be approved by the Scottish Ministers.

Decision

Having heard from the Planning Manager, the Committee agreed to refer the Scheme of Delegation to a Seminar of the Planning Committee.

Action

Head of Communities and Economy/Democratic and Document Services Manager

Agenda No	Report Title	Presented by:
5.2	Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 24 May 2016 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 Planning 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 2016; and
- (b) To note the updates for each of the applications.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	Appeal and Local Review Body Decisions	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 24 May 2016, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in April 2016, and advising of the outcome of an appeal and claim for the award of expenses determined by Scottish Ministers.

The report advised that the appeal by Mr G Dean was against refusal of planning permission 15/00737/DPP (dated 2 September, refused by notice dated 8 December 2015) for the formation of a hot food takeaway and installation of a flue at 5 Staiside Court, Bonnyrigg. The Scottish Ministers had upheld the appeal and granted planning permission subject to conditions. A Claim for an Award of

Expenses was also submitted by Mr Dean in relation to the same planning application but this had been dismissed by the Scottish Ministers who had declined to make an award.

Summary of Discussion

Having heard from the Planning Manager who, along with the Head of Communities and Economy responded to Members questions, the Committee considered the potential implications of the Scottish Ministers decision in terms of the impact on the neighbouring Lasswade High School Centre, where the Council operated a policy promoting healthy life styles and healthy eating, in accordance with Scottish Ministers own policies on health living. Members also discussed whether local democracy was being undermined by such rulings and what additional actions could be taken to ensure corporate policy objectives were given appropriate weight when determining planning matters.

Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 19 January 2016;
- (b) To note the outcome of the appeal determined by Scottish Ministers;
- (c) That the Head of Communities and Economy write to the Scottish Government's Chief Planner to seek advice on what further action could be taken by the Council to ensure that appropriate weight was given to corporate policies such as promoting healthy life styles and healthy eating when determining planning matters;
- (d) To explore further the introduction of Supplementary Guidance on hot food takeaways near to Schools;
- (e) To raise the matter with both COSLA and directly with the Scottish Ministers.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Enforcement Report – Formation of Dormers at 15 Dundas Street, Bonnyrigg	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 6 of the Minutes of 17 November 2015, there was submitted report dated 24 May 2016, by the Head of Communities and Economy advising that the owners of 15 Dundas Street, having been issued with an

enforcement notice to secure the removal of two dormer windows which had been erected without the benefit of planning permission at that address, had appealed to Scottish Ministers. The Scottish Government Reporter had subsequently dismissed the appeal and as the works were retrospective the Reporter had given the applicant 9 months (until 10 June 2016) to remove them.

The report explained that the owners had not as yet complied with the enforcement notice and that approval was therefore sought to report the matter to the Procurator Fiscal as the next step in taking matters forward in relation to the breach in the event that the unauthorised works were not removed by the 10 June 2016 deadline.

Summary of Discussion

The Committee, having heard from the Planning Manager, who responded to Members questions, discussed the current position, noting that it was understood that a further application would be coming forward, although it was unclear at this stage if it was material different from that which had already be refused consent. Consideration was also given to the options detailed in the Head of Communities and Economy's report and the implications of reporting the matter to the Fiscal.

Thereafter, Councillor Johnstone, seconded by Councillor Coventry, moved that the owners had had sufficient time to comply with the enforcement order and that the matter should be reported to the Procurator Fiscal in line with the recommendation contained in the Head of Communities and Economy's report.

As an amendment, Councillor Young, seconded by Councillor Baxter, moved that the owners be given a further, and final, two months beyond the enforcement notice compliance date of 10 June 2016 to resolve the breach of planning control, after which, if they had still not complied, the matter be reported to the Fiscal in line with the recommendation contained in the Head of Communities and Economy's report.

As a second amendment, Councillor Milligan, seconded by Councillor Bryant, moved that consideration of the matter be continued in order to allow the further planning application to come forward and be considered.

In terms of Standing Order 11.3 (vii), the Chair directed that a first vote be taken for and against the second amendment to continue consideration of the matter and if this was carried that would be the end of the matter. If however it fell then a second vote be taken between the motion to report the matter to the Fiscal immediately following expiry of the compliance date and the first amendment to allow the owners a further two months before the matter was reported to the Fiscal.

Thereafter, on a first vote being taken, three Members voted for the second amendment and 12 against, which meant that the second amendment therefore fell.

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

Decision

The Committee thereby agreed that the owners of 15 Dundas Street, Bonnyrigg be given a further, and final, two months beyond the enforcement notice compliance date of 10 June 2016 to resolve the breach of planning control, after which, if they had still failed to comply, the matter would be reported to the Procurator Fiscal in line with the recommendation contained in the Head of Communities and Economy's report.

Action

Head of Communities and Economy

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Councillor Beattie left the meeting at the conclusion of the foregoing item of business, at 2.51pm

Agenda No	Report Title	Presented by:
5.6	Pre-Application Consultation: Proposed Residential Development at the former Rosslynlee Hospital, Roslin (16/00266/PAC) and (16/00267/PAC).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 12 April 2016, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding (i) a proposed residential development and complementary land uses at Rosslynlee Hospital, Roslin (16/00266/PAC); and, (ii) a proposed change of use, alterations, extensions and partial demolition of the former Rosslynlee Hospital and associated new build development with associated infrastructure (16/00267/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 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 discussing the proposals, acknowledged comments made regarding the need for the proposed development to be sympathetic to the setting and location and have regard to what was considered an attractive existing building.

Decision

- (a) Noted the provisional planning position set out in the report; and
- (b) Noted the comments made regarding the proposed development; and
- (c) Noted 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:
5.7	Application For Planning Permission (15/00083/DPP) for the Erection of 33 Dwellinghouses and 12 Flatted Dwellings; Formation of Access Roads and Car Parking and Associated Works on Part of Site C and D, Land at Hopefield Farm, Bonnyrigg	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.8 of the Minutes of 19 April 2016, there was submitted report, dated 24 May 2016, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, the Committee welcomed the positive response from the developers to the concerns that had been expressed at the previous meeting, and felt that on balance although a number of issues still remained to be finalised it was sufficient to allow the current application to proceed. It was also suggested that it would be helpful to keep Poltonhall Community Council advised of progress as they had been instrumental in highlighting a number of the issues.

Decision

That planning permission be granted for the following reason:

The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the adopted Midlothian Local Plan 2008 and accords with development plan policies COMD1 and RP20. Furthermore, the development, subject to the recommended planning conditions, accords with good design principles and with Policies DP2, IMP1 and IMP2 of the adopted Midlothian Local Plan 2008. The presumption for development is not outweighed by any other material consideration.

subject to the following conditions:

1. 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. The scheme shall also cover the proposed open space to the west of the site, referred to as Landscape Zone 6: Western Finger in the approved Masterplan. 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, 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 to a specified standard and subsequent maintenance of all soft and hard landscaping. The landscaping in the open space shall be completed prior to the houses on adjoining plots being occupied;
 - 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 cycle parking facilities;
 - xi details of existing and proposed services; water, gas, electric and telephone; and
 - xii 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 to a specified standard 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.

Prior to this condition being discharged the finished standard of open space shall be inspected and approved in writing by the planning authority.

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.*

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. An enhanced quality of materials shall be used in the area of improved quality. 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. 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 proposed car parking arrangements;
- vii an internal road layout which facilitates service/emergency vehicles entering and leaving the site in a forward facing direction; 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. Details of how the trees proposed in hardstanding areas are to be accommodated shall be submitted for the prior approval of the planning authority. The details shall include soil volume per tree of between 11.8 cubic metres and 30 cubic metres depending on the size of the trees.

Reason: *In order for the trees to be retained as tree roots will conflict with hard surfaces in which they will be located.*

5. Where trees are shown in close proximity to services, including between plots 110 and 111 a root barrier shall be deployed.

Reason: *In order for the trees to be retained and mitigate conflict with the proposed services.*

6. 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 IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

7. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband (or subsequent replacement internet connectivity technology) 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 dwellinghouse. 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.*

Action
Head of Communities and Economy

The meeting terminated at 3.06pm.