

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 25 August 2015 at 2.00 pm.

**Present:-** Councillors Bryant (Chair), Baxter, Constable, Coventry, de Vink, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Rosie and Wallace.

**Apologies for Absence:** - Councillors Beattie, Bennett, Pottinger, Russell and Young.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 26 May 2015 were submitted and approved as a correct record.

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

There was submitted report, dated 18 August 2015 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.

The Committee, heard from the Planning Manager, who advised that as a consequence of the Midlothian Local Development Plan (MLDP): Proposed Plan being at an advanced stage, premature planning applications had been received for a number of sites not currently allocated for development. Although details of these applications had been included in the accompanying appendices to the report, in the interests of fairness and transparency it was proposed not to report these applications to Committee until the proposed MLDP had progressed through the examination process and the Council had formally adopted the Plan.

In addition, the position regarding sites that had been granted consent but which had not been progressed for one reason or another was discussed. The Planning Manager reassured Members that in terms of the overall number of applications, it was a relatively small number, however such sites were kept under regular review, and he undertook to bring an update forward to a future meeting.

**Decision**

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2015/16;
- (b) To approve the approach being taken to premature planning applications for sites not currently allocated for development; and
- (c) To receive an update on consented sites not being progressed.

(Action: Head of Communities and Economy)

#### 4. **Appeal and Local Review Body Decisions**

There was submitted report, dated 18 August 2015, by the Head of Communities and Economy, detailing the outcome of an appeal determined by Scottish Ministers and advising that there were no outstanding Local Review Body (LRB) decisions to report to Committee.

The report advised that the appeal by Mr J Barrington was against refusal of listed building consent 14/00801/LBC for the Installation of Solar Panels to Roof (Retrospective) at Cockpen School House, Cockpen Road, Bonnyrigg. The Scottish Ministers had dismissed the appeal and upheld the refusal of listed building consent.

##### **Decision**

To note the outcome of the appeal determined by Scottish Ministers.

#### 5. **Pre Application Consultations - New Stabling and Cleaning Facilities; New Railway Lines; Office; Staff Welfare Facilities; Car Parking and Access at Millerhill Marshalling Yard, Whitehill Road, Millerhill, Dalkeith (15/00420/PAC)**

There was submitted report, dated 18 August 2015, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding proposed New Stabling and Cleaning Facilities; New Railway Lines; Office; Staff Welfare Facilities; Car Parking and Access at Millerhill Marshalling Yard, Whitehill Road, Millerhill, Dalkeith (15/00420/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.

##### **Decision**

Having heard from the Planning Manager, the Committee:-

- (i) Noted the provisional planning position set out in the report; and
- (ii) 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).

#### 6. **Applications for Planning Permission**

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

The meeting terminated at 2.53 pm.

## APPENDIX

(relative to paragraph 6)

1. **Application for Planning Permission (14/00481/DPP) by Taylor Wimpey East Scotland, 1 Masterton Park, South Castle Drive, Dunfermline for the Erection of 199 Dwellinghouses and 12 Flatted Dwellings, Formation of Access Roads and Car Parking and Associated Works at Land at Harvieston Farm, Powdermill Brae, Gorebridge.**

With reference to paragraph 1 of the Appendix to the Minutes of 26 May 2015, there was submitted report, dated 18 August 2015, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, welcomed the positive response from the applicants, noting that the provision of affordable housing was now at the higher end of the 5% - 10% range; as required by Policy HOUS5 (Affordable and Special Needs Housing) of the 2003 Local Plan. In response to a question regarding the provision of fibre optic broadband connections, Members noted that the issue had been raised with the applicants.

After further discussion, the Committee agreed 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, HOUS1 and RP20. Furthermore, the development, subject to the recommended planning conditions, accords with good design principles and with Policies DP2, IMP1, IMP2 and IMP3 of the adopted Midlothian Local Plan 2008. The presumption for development is not outweighed by any other material consideration*

subject to:

- (i) the prior signing of a legal agreement to secure the provision of affordable housing and securing developer contributions towards education provision, children's play provision, an informal play/kick about area, town centre improvements; and a community facility; and
- (ii) 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. Details of the scheme shall include:
    - i notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS 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/buildings 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 cycle parking facilities;
- xi proposed area of improved quality; and,
- xii proposed play equipment.

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.*

2. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space and structural landscaping, 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 existing land users and the future occupants of the development.*

3. The realigned sections of the roadside stone boundary wall along Powdermill Brae shall be built in lime bedded and pointed stonework using the stone doughtings of the wall, which doughtings are required to form the new accesses through it. Any deficit of natural stone shall be made up using natural to match as closely as possible; including technical qualities and colour as the existing natural stone of the wall in accordance with a sample to me provided for the prior written approval of the planning authority.
4. The mortar bedding and pointing of the realigned sections of the roadside stone boundary wall along Powdermill Brae shall be lime based to match the existing original lime bedding and pointing of the existing stone wall. Prior to the commencement of lime work a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime; aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialist analysis of and report on the existing wall, and a copy of this analysis and report shall be included with the detailed submission for this condition.

**Reason for conditions 3 & 4:** *In the interests of safeguarding the character, integrity and appearance of the listed wall, in the interests of safeguarding the character and appearance of the area.*

5. The upper storey windows installed in the window openings of living apartment rooms of the houses on plots 169-199 which face westwards onto the A7 shall be installed with glazing and window vents both designed to achieve a daytime internal noise level of no greater than 35 dB LAeq, 16 hours.

**Reason:** *To safeguard the residential amenity of the future houses adjacent to the A7.*

6. Other than at the point where the new pedestrian access is to be formed through it between plots 179 and 180 the existing roadside boundary stone wall along the A7 shall be retained at its current height along its whole length and all gaps or opening within it shall be infilled/built up in with lime pointed stonework all to match that of the existing wall.

**Reason:** *The roadside boundary wall will provide a degree of acoustic attenuation to the ground floor windows of and to the rear gardens of the houses immediately behind it and thus it should be retained in the interests of safeguarding the residential amenity of the future occupants of those houses.*

7. Prior to works commencing on site planning permission a planning application for the formation of a new access road to Harvieston House and Harvieston Cottage off the A7 shall have been granted by the planning authority and that access road shall be formed and made available for use in accordance with the details so approved.

**Reason:** *In the interests of road safety and the amenity of the occupants of both Harvieston House and Harvieston Cottage.*

8. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

9. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site including those within the grounds of the neighbouring Harvieston House in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. 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 policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

10. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be used in the area of improved quality which shall include the following plots: 13-24,

28-30, 45-58 and 116-132 inclusive. 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.*

11. 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.*

12. Development shall not begin until details of the following has been submitted to and approved in writing by the planning authority:
- 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. New traffic signals at the A7 / Powdermill Road junction;
  - vi. A new pedestrian crossing point at the Powdermill Brae / Lady Brae junction in the form of a pedestrian refuge island or localised narrowing of the road junction;
  - vii. Residential cycle parking for the 12 flats should be provided. A minimum of 6 'Sheffield' style rack should be provided (catering for 12 cycles) with an internal light and drainage required;
  - viii. The tree planted road verge opposite plots 39 – 44 and 59 – 66. The details shall include sections through the verge indicating the width and gradient to determine if any vehicle containment measures are required at this location;
  - ix. The bus terminus including an AutoTrack, visibility splays, road surfacing and the bus stop and shelter;
  - x. 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.*

13. Prior to any dwelling being occupied the requirement of condition 12v, 12vi & 12vii shall be formed/carried out to the approval of the planning authority.

**Reason:** *To ensure the safely and convenient access to the site in the interest of road safety.*

14. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i. A site survey (including bore hole testing where necessary) has been carried out to establish to the planning authority that the level of contamination of any land within the site is acceptable in relation to the proposed development, or that remedial and/or protective measures can be undertaken to bring the contamination to an acceptable level in relation to the proposed development, and
- ii a detailed schedule of any remedial and/or protective measures including their programming, is submitted to and approved by the planning authority.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented in accordance with the approved scheme to the approval of 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.*

15. No house 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.*

16. Development shall not begin until details of the access arrangements and haulage routes for construction traffic accessing and leaving the site have been submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accords with the approved details.



**Reason:** *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

17. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

18. The play area and play equipment required by condition 1xii will include; inter alia: (i) two pieces of inclusive play equipment; (ii) a bench and litter bin located within the fenced off area; (iii) two sets of benches and a litter bin provided alongside the path out with the play area; and, (iv) an area of hardstanding at the pedestrian gate entrance where there will be higher wear.

**Reason:** *For the avoidance of doubt as to what is required for the provision of an acceptable play area.*

19. Once installed the play equipment required by condition 1xii & 18 will be retained and maintained in accordance with the specifications approved unless otherwise approved in writing by the local planning authority. Any damaged equipment, fencing or hard/soft surface shall be replaced in accordance with a schedule of maintenance; including repair timetable, to be submitted and approved in writing by the local planning authority.

**Reason:** *In the interests of the safety of the children playing in the play area and for ease of maintenance in the interests of safeguarding the amenity of the area.*

20. Measures shall be undertaken to ensure that the first occupants of any house fronting onto an open space containing a play area, play equipment or kick about pitch is aware of the proposed use of the space: evidence of the measures taken shall be provided to the planning authority in advance of the first occupation of the said houses.

**Reason:** *to ensure future residents are provided with information by the site developer of the location of formal play areas within the site, and to avoid future antagonism towards the provision of such facilities.*

21. The electricity substation shall be housed in a building. Detailed drawings of the building and details of its external finishing materials and finishing colours shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

22. Prior to any dwelling being occupied the over-head power lines on the site shall be diverted or put underground in accordance with details to be approved in advance by the Planning Authority and no overhead wires, cables or telecommunication masts shall be introduced onto the site without the prior written approval of the planning authority.

**Reason:** *To ensure that the appearance of the development is not spoiled by over-head power lines, wires and telecommunication masts in accordance with Policy UTIL2 of the Midlothian Local Plan.*

23. Prior to the commencement of any work a site waste management plan shall be submitted for the prior written approval of the planning authority in consultation with the Scottish Environment Protection Agency and all works shall be carried out in accordance with the approved plan.

**Reason:** *To ensure that waste on the site is managed in a sustainable manner.*

24. If a road safety barrier is required between the road on the eastern part of the site and the SUDS basin, it shall comprise open metal railings of a design and finish to be approved in advance by the planning authority.

**Reason:** *To ensure the provision of a visually acceptable barrier in the interest of safeguarding the character and amenity of the area.*

25. The area immediately north east and east of the site, which is the remainder of allocated housing site h23 in the 2003 Local Plan, shall be retained as an informal amenity landscaped open space unless otherwise approved by the planning authority.

**Reason:** *In the interests of safeguarding the landscape character and amenity of the area and the amenity of the future occupants of the dwellings on the site.*

(Action: Head of Communities and Economy).

**2. Application for Planning Permission (15/00113/PPP) by Mr and Mrs Omar Almubarak, c/o Mike Towers, McLaren Murdoch and Hamilton, Edinburgh for the Demolition of Existing Dwellinghouse, Erection of Hotel and Residential Development, Formation of Access Roads, Car Parking and Associated Works at land at Calderstones, Biggar Road, Hillend, Midlothian.**

There was submitted report, dated 18 August 2015, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the proposed development in particular consideration was given to the prominent location of the application site, the need for the inclusion of a residential element, albeit holiday let/staff accommodation, and whether given already consented developments of a similar nature this current scheme would result in an overdevelopment of the area.

Thereafter, Councillor Baxter, seconded by Councillor Coventry, moved that planning permission be refused in light of the foregoing concerns.

As an amendment, Councillor Imrie, seconded by Councillor Motgomery, moved that planning permission in principle be granted subject to the conditions detailed in the report.

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

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

*The proposed hotel and replacement dwellinghouse are sited at a gateway location which complements the Midlothian Ski and Snowboard Centre in accordance with Midlothian Local Plan policies ECON7 and COMF7. The presumption in favour of appropriate development is not outweighed by any material considerations. The proposal will not unduly harm the landscape character and amenity of the area, including the Pentland Hills Regional Park and the Area of Great Landscape Value if designed to be sensitive to its setting.*

subject to the following conditions:

1. The illustrative site layout plan and prospective images submitted with the application are not approved.

**Reason:** *The application is for planning permission in principle only and the details delineated within the illustrative site layout plan prospective images are for illustrative purposes only.*

2. Notwithstanding that delineated on application drawings/stated in documents submitted with the application the three new 'house' plots are not approved; but instead, each of these three plots shall only contain a building occupied solely as self-catering tourist accommodation ancillary to the principal hotel use on the site; or alternatively, as staff accommodation incidental to the operation of the hotel.

**Reason:** *In the interests of safeguarding the character and amenity of the Green Belt as new private dwellings erected on the site would be contrary to South East Scotland Strategic Development Plan 2013 (SESPan) Policy 12 and adopted Midlothian Local Plan Policy RP2 (Green Belts).*

3. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of the hotel and the replacement dwelling and the three plots to accommodate three self catering units, the provision of landscaping, 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 existing land users and the future occupants of the development and in the interest of safeguarding the character and amenity of the area.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for 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;
  - vii drainage details 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); and,
  - xi proposed cycle parking facilities.

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 the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. No building shall have an under-building that exceeds 0.5 metres in height above ground level. 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 the Midlothian Local Plan and national planning guidance and advice.*

6. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for 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, footways and cycle ways in relation to a fixed datum;
  - ii the proposed vehicular, cycle and pedestrian accesses into the site;
  - iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the development with the local public transportation network;
  - iv proposed visibility splays, traffic calming measures, lighting and signage;
  - v proposed construction traffic access and haulage routes;
  - vii proposed car parking arrangements;
  - viii a programme for completion for the construction of access, roads, footpaths and cycle paths; and

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 an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
  - iv the condition of the site on completion of the specified decontamination measures.

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.*

8. Development shall not begin until an application for approval of matters specified in conditions for proposed lighting within the site including of the car parking areas, service areas, roads and footpaths have been submitted to and approved in writing by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The scheme shall be designed to minimise the spread of light in the night sky. Development shall therefore be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reasons:** *To reduce light pollution to the night sky and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.*

9. Development shall not begin until an application for approval of matters specified in conditions for the proposed junction with the trunk road shall be submitted and approved by the planning authority, in consultation with Transport Scotland as Trunk Roads Authority. Prior to the hotel, replacement house or self-catering accommodation first coming into use the junction shall be constructed to a standard as described in the Department of Transport Advice Not RA 41/95 (Vehicular Access to All-Purpose Trunk Road) (as amended in Scotland) complying with Layout 5. The details shall include a two

metre wide footway formed adjacent to the Trunk Road along the frontage of the development site to tie into the existing footway at either end of the development site from the junction of the A703 to the bus turning area.

**Reason:** *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

10. Within one month of the new access off the A702 trunk road first coming into use the existing vehicular access to the Midlothian Ski and Snowboarding centre shall be closed. Development shall not begin until an application for approval of matters specified in conditions for the closure shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

**Reason:** *To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.*

11. The fences erected on the site; the details of which are required by condition 4(iv), shall include a stock proof anti-climb fence provided and maintained by the developer along the boundary of the site with the trunk road. The type and position of this fence shall be approved by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The approved fence shall be erected in its entirety prior to the new access off the trunk first coming into use

**Reason:** *To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.*

12. Prior to any alterations to the trunk road to create the development junction, a detailed annotated drawing of a revised junction layout which shall delineate/demonstrate the existing bus turning circle unaltered and continuing to operate in a satisfactory and safe manner, shall be submitted to and approved in writing by the Planning Authority in consultation with the bus operators using the existing bus turning area:

**Reason:** *This is to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.*

13. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Evaluation) of no less than 5% of the total site area focussing on those areas unaffected by woodland and existing buildings, has been submitted to and approved in writing in by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure this development does not result in the unnecessary loss of buried archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan.*

14. The recommended mitigation contained within within the specific Environmental Management Plan (EMP) detailed in Section 7.0 (Ecology & Habitats) of the Environmental Statement shall be carried out in full.

**Reason:** *In the interests of safeguarding bats, badgers and breeding birds.*

(Action: Head of Communities and Economy).

**3. Application for Planning Permission (15/00365/DPP) by Springfield Energy Ltd, Springfield Farm, Springfield Road, Penicuik for the Erection of Two Wind Turbines (35.5m Tip Height), on Land at that Address.**

There was submitted report, dated 18 August 2015, by the Head of Communities and Economy concerning the above application, which had been the subject of a site inspection visit on Monday 24 August 2015.

Having heard from the Planning Manager, the Committee in discussing the proposed development considered the Council's Landscape Capacity Study for Wind Turbine Developments and whether the proposals complied with development plan policies or if there were material planning considerations that indicated otherwise. It was noted that the representations and consultation responses received were material considerations. The visual impact of the proposed turbines, along with their potential impact in terms of the redevelopment of the site as a working farm tourist attraction was also discussed.

Thereafter, Councillor Montgomery, seconded by Councillor Baxter, moved that planning permission be granted subject to appropriate conditions.

As an amendment, Councillor Rosie, seconded by Councillor de Vink, moved that planning permission be refused for the reasons detailed in the report.

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

The Committee thereby agreed that planning permission be refused for the following reasons

- 1. The height and location of the turbines will be out of scale and character with the surrounding area and the turbines will therefore have a significant detrimental impact on the Midlothian landscape. The proposal is therefore contrary to policies RP7, NRG1 and NRG2 of the adopted Midlothian Local Plan.*



2. *The height of the turbines is contrary to the recommendations of Landscape Capacity Study for Wind Turbine Development in Midlothian, adopted by Midlothian Council as a non-statutory guideline in October 2014. The proposal is therefore contrary to policies NRG1 and NRG2 of the adopted Midlothian Local Plan.*
3. *The height and location of the turbines would have a significant adverse effect on the special landscape qualities of the area and would undermine the effective implementation of policy ENV6 of the proposed Midlothian Local Development Plan.*

(Action: Head of Communities and Economy).