

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 9 October 2012 at 11.00 am.

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

Apologies for Absence: - Councillors Baxter and Coventry.

1. Declaration of Interest

Councillors Thompson and Imrie both declared a non-pecuniary interest in agenda item 8(a) Application for Planning Permission (12/00410/DPP) for the Addition of an Extension to the building occupied by Loanhead Community Learning Centre and Associated Works at 5 Mayburn Walk, Loanhead (paragraph 1 of the **Appendix** refers) in view of the fact that they were both members of the Centre's Management Committee. They both indicated that it was their intention to leave the meeting for this particular item and not to contribute to any discussion thereof.

2. Minutes

The Minutes of Meeting of 28 August 2012 were submitted and approved as a correct record.

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

With reference to paragraph 3 of the Minutes of 28 August 2012, there was submitted report, dated 2 October 2012 by the Head of Planning and Development, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2012; and
- (b) To agree to receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Planning and Development)

4. Appeal and Local Review Body Decisions

There was submitted report, dated 2 October 2012, by the Head of Planning and Development, detailing the notices of reviews determined by the Local Review Body (LRB) and advising that there were no appeals determined by Scottish Ministers to report.

Decision

To note the decisions made by the Local Review Body at its meeting on 4 September 2012.

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

With reference to paragraph 4 of the Minutes of 13 March 2012, there was submitted report, dated 2 October 2012, by the Head of Planning and Development, updating the Committee on the proposed amendment of the Supplementary Planning Guidance (SPG) on 'dormer extensions' to dwellinghouses as a result of changes to householder permitted development rights introduced by the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011, which came into effect on 6 February 2012. A copy of the revised SPG was appended to the report.

The Committee, having heard from the Development Management Manager, discussed the revised SPG and the implications of the new householder permitted development rights generally. Concerns were expressed regarding the potential for there being a range of different interpretations across Scotland of the same thing. The Development Management Manager explained that in order to try and offer consistency National Guidelines had been produced and that regard had been had to these in developing the revised SPG. There had also been dialogue with neighbouring authorities who formed part of the Strategic Development Plan area. This was welcomed by Members of the Committee, who also expressed their support for the period of public consultation. It was hoped that the Community Councils and others would take the opportunity to contribute their views.

Decision

- (a) To approve the draft amended SPG for consultation with all Community Councils, Architecture and Design Scotland and local architects/agents; and
- (b) To receive a further report once the consultation programme had been conclude with a view to adopting the SPG.

(Action: Head of Planning and Development)

6. Applications for Planning Permission

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

7. Exclusion of Members of the Public

In view of the nature of the business to be transacted, the 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:-

Proposed Tree Preservation Order – Approved.

The Committee thereafter agreed to proceed as detailed in the addendum hereto.

The meeting terminated at 11.32 am.

APPENDIX

(relative to paragraph 6)

Sederunt

With reference to paragraph 1 above Councillors Thompson and Imrie, having both declared a non-pecuniary interest in the following item of business, left the meeting at 11.07am, taking no part in the discussion thereof.

Chair

Councillor Bryant, with the agreement of the Committee, took the Chair for this item.

1. **Application for Planning Permission (12/00410/DPP) by Loanhead Community Learning Centre, Kabin, 5 Mayburn Walk, Loanhead for the Addition of an Extension to the building occupied by Loanhead Community Learning Centre and Associated Works at that address.**

There was submitted report, dated 2 October 2012, by the Head of Planning and Development concerning the above application.

The Committee, heard from the Development Management Manager who in responded to their questions, sought to reassure Members' that concerns regarding the likely impact the proposed development might have had been addressed in assessing the application.

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

Subject to the recommended conditions on a grant of planning permission, the proposed development is compatible with the neighbouring land uses and accords with adopted Midlothian Local Plan Policies RP20 and DP2.

subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.
2. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - ii proposed new planting;
 - iii any retaining structure/wall to be erected between the site and the tarmac car park immediately south of the site;

- 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; and
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August).

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.

3. The soundproofing of the extension hereby approved shall be such that any noise emitting from the extended building is inaudible within all neighbouring residential properties. The design and installation of any plant, machinery or equipment operated shall be such that any associated noise does not exceed NR25 when measured within any neighbouring residential property.
4. All the external walling and roofing materials on the proposed extension shall match those on the existing building and comprise:
 - i the roof shall be clad in natural slate;
 - ii the external timber walling shall be treated/stained with the same timber preservative as the timber walling of the existing building; and
 - iii the base course of the extension shall match in every respect the brick used for the base course of the existing building.

(Action: Head of Planning and Development)

Sederunt

Councillors Thompson and Imrie rejoined the meeting upon the conclusion of the foregoing item of business at 11.09am.

Chair

Councillor Thompson, having thanked Councillor Bryant, resumed as Chair.

2. **Application for Planning Permission (12/00404/DPP) by Grange Estates (Newbattle) Ltd for the Amendment of Condition 1 of Planning Permission 08/00204/RES (Residential Development and Associated Works Approval of Reserved Matters relating to Planning Permission 01/00033/OUT) to Extend the Time Period in which to Implement the Approved Permission at Site A, Land At Hopefield Farm, Bonnyrigg.**

There was submitted report, dated 2 October 2012, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, agreed that planning permission be granted for the following reason:

The already approved layout complies with the Hopefield Master Plan and as the Hopefield development has yet to be completed, the extension of time for commencement of building works will allow the development to be completed as was intended by the masterplan.

subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall comply with the requirements of Conditions 2 to 5 of planning permission 08/00204/RES.

(Action: Head of Planning and Development)

3. Application for Planning Permission (12/00059/DPP) by Montbank Ltd c/o Cockburn's Consulting, 20A Falcon Avenue, Edinburgh for Erection of 8 Flatted Dwellings and Associated Vehicular Access and Parking (Amendment of Planning Condition 3 of Planning Permission 08/00252/FUL to Allow a Revision of Parking arrangements) at 2A George Drive Loanhead.

There was submitted report, dated 2 October 2012, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager who responded to Members questions, discussed the application.

Thereafter, Councillor Thompson, seconded by Councillor Beattie, moved that planning permission be refused for the reason that the proposed development failed to meet the required car parking provisions and could have a detrimental impact on road safety as a result of an increase in on-street parking in the area.

As an amendment, Councillor Imrie, seconded by Councillor Boyes, moved that planning permission be granted for the reasons, and subject to the conditions, detailed in the Head of Planning and Development's report.

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

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

The development makes good and positive use of a derelict brown-field site within the town centre, it will enhance the character and amenity of the area and provide a greater mix of housing tenure to the area, and the revised proposal with four car parking spaces will ensure that this will have no significant adverse impact upon on-street parking levels in the immediate vicinity of the development.

subject to:

- (i) the prior signing of a legal agreement ensuring the development is for 'elderly amenity housing'; and
- (ii) the following conditions:-
 - 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. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.
 - 2 Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the flats being occupied.
 - vii drainage details and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing; and
 - ix proposed footpaths.

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.

- 3 Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. 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.

- 4 Prior to the occupation of the development hereby approved, the access road and the four parking spaces shown on drawing reference CO/04/01 revision C shall be completed and available to occupants of/visitors to the development.
- 5 Prior to the occupation of the first residential unit on site there shall be a fence or railings erected alongside the north side of parking space number 4 on drawing reference CO/04/01 revision C, and a similar fence provided to replace the bollards to the rear of 2 and 4 George Drive, the details of which shall be submitted to and approved by the planning authority.
- 6 The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

(Action: Head of Planning and Development)