

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 26 February 2013 at 2.00 pm.

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

1. Audio Recording

Before the commencement of the business the Chair reminded Members that the proceedings were being audio recorded.

2. Order of Business

In view of the Council's interest in this matter, the Committee agreed to accept, as urgent, an additional joint report by the Director, Corporate Resources and Acting Director, Communities and Wellbeing on Straiton Residential Caravan Site, as dealt with in the **Addendum** hereto.

3. Declarations of Interest

Councillor Coventry declared a non-pecuniary interest in agenda item 9(a) Application for Planning Permission for Erection of 422 Dwellinghouses and 36 Flatted Dwellings; Formation of Associated Access Road and Parking Areas; Provision of Open Space incorporating Footpaths, Areas for Play and Sport, Sustainable Urban Drainage Features and Landscaping; and Other Associated Works at Land at Greenlaw Mains, Mauricewood Road, Penicuik (paragraph 1 of the **Appendix** refers). He indicated that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

Councillor Thompson declared a non pecuniary interest in Agenda item 8 Loanview Holdings, Loanview House, Lang Loan, Loanhead Planning Application 00/00178/FUL And Related Applications on the grounds that he had met, along with Officers, the owners regarding various issues, however, at no time had he offered a view on the matters now before the Committee, He therefore felt that the nature of his interest was such that he did not need to withdraw, and therefore intended to remain and participate in consideration thereof.

4. Minutes

The Minutes of Meeting of 15 January 2013 were submitted and approved as a correct record.

Sederunt

Councillor Beattie joined the meeting at the conclusion of the foregoing item of business at 2.03 pm.

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

With reference to paragraph 4 of the Minutes of 15 January 2013, there was submitted report, dated 19 February 2013 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.

The Committee, heard from the Development Management Manager, regarding the proposed procedural arrangements for consideration of Application No 13/00063/DPP Erection of Wind Turbines and Associated Equipment on Land at Mount Lothian, Penicuik. In addition, the Head of Planning and Development in responding to Members' questions, advised that sites allocated in the adopted Midlothian Local Plan that had not yet come forward, could be reviewed as part of preparation of the new Midlothian Local Development Plan.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2013;
- (b) To agree to receive further updated information on the procedural progress of major applications on a regular basis;
- (c) To agree to hold a Pre-Determination Hearing in respect of Planning Application No 13/00063/DPP Erection of Wind Turbines and Associated Equipment on Land at Mount Lothian, Penicuik;
- (d) To remit to the Head of Planning and Development, in consultation with the Chair, arrangements for the date and venue for the Hearing;
- (e) To undertake an unaccompanied visit to a similar development and to the application site in advance of the Hearing; and
- (f) To note that sites allocated in the adopted Midlothian Local Plan that had not yet come forward, could be reviewed as part of preparation of the new Midlothian Local Development Plan.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

6. Appeal and Local Review Body Decisions

There was submitted report, dated 19 February 2013, 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.

The Committee, heard from the Development Management Manager who responded to Members' questions.

Decision

To note the decisions made by the Local Review Body at its meeting on 22 January 2013.

7. Processing Agreements for Major Planning Applications

There was submitted report, dated 19 February 2013 by the Head of Planning and Development, regarding the proposed introduction of processing agreements with regards the determination of major applications. A processing agreement template was appended to the report.

The report explained that a processing agreement was an agreed framework for processing an application. It did not guarantee the grant of planning consent but offered increased transparency in the decision making process and provided increased certainty for applicants in terms of the timescales for assessment and determination of the application. The agreement would be signed at the start of the application process and would commit the local planning authority to a timetable of assessment and reporting to the Planning Committee.

The Committee, heard from the Development Management Manager and the Head of Planning and Development, who responded to Members' questions.

Decision

- (a) To agree to the introduction of processing agreements which could be offered to and/or requested by applicants who had submitted major planning applications;
- (b) To review the ordering of the 'Action taken by the Local Planning Authority' column so that Developer Contributions appeared earlier in the listing; and
- (c) That the extent and effectiveness of process agreements be reported to Members as part of regular performance reporting.

(Action: Head of Planning and Development)

8. Loanview Holdings, Loanview House, Lang Loan, Loanhead Planning Application 00/00178/FUL and Related Applications

With reference to paragraph 5 of the Minutes of 15 January 2013, there was submitted report, dated 19 February 2013 by the Head of Planning and Development, providing an update on the planning position at Loanview Holdings, Loanview House, Lang Loan, Loanhead.

The Committee, having heard from the Development Management Manager, discussed the current position and the potential receipt of a further planning application. It was felt that whilst this might assist in resolving matters it could not be relied upon solely and it would therefore be better to proceed as recommended in the report and to deal with any new planning application in the normal manner.

Decision

- (a) To note the history and current planning position at Loanview Holdings, Loanview House, Lang Loan, Loanhead; and
- (b) To authorise the Head of Planning and Development to instigate such enforcement action as may be considered appropriate.

(Action: Head of Planning and Development)

9. Applications for Planning Permission

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

10 Conservation Area Regeneration Scheme Bid for Gorebridge

With reference to paragraph 6 of the Minutes of 28 August 2012, there was submitted report, dated 11 February 2013 by the Head of Planning and Development, concerning the successful funding bid to Historic Scotland for a Conservation Area Regeneration Scheme (CARS) in Gorebridge.

The Committee, having heard from the Head of Planning and Development, welcomed the decision and congratulated all those involved in the success of the application. The timing of the award was felt to be particularly appropriate as with the planned and programmed implementation of the Borders Railway it complemented the proposed development plans for Gorebridge.

Decision

- (a) To note the announcement of the successful bid to Historic Scotland for the Gorebridge CARS project;
- (b) That, as a consequence, the Council formally enters into a contract with Historic Scotland to deliver the CARS project over a five year period commencing on 1 April 2013; and
- (c) That work commences on the development stage of the project involving the Council's community partners and other stakeholders in April 2013.

(Action: Head of Planning and Development)

Sederunt

Councillor Boyes left the meeting at the conclusion of the foregoing item of business at 2.43 pm.

11. 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 paragraphs 3, 6, 12 and 13 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Straiton Residential Caravan Site – Approved the recommendations.

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

The meeting terminated at 3.48 pm.

APPENDIX

(relative to paragraph 9)

Sederunt

With reference to paragraph 3 above Councillor Coventry, having declared a non-pecuniary interest in the following item of business, left the meeting at 2.16 pm, taking no part in the discussion thereof.

1. **Application for Planning Permission (12/00745/DPP) by Taylor Wimpey East Scotland for Erection of 422 Dwellinghouses and 36 Flatted Dwellings; Formation of Associated Access Road and Parking Areas; Provision of Open Space incorporating Footpaths, Areas for Play and Sport, Sustainable Urban Drainage Features and Landscaping; and Other Associated Works at Land at Greenlaw Mains, Mauricewood Road, Penicuik.**

There was submitted report, dated 19 February 2013, 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 potential impact that the proposed development might have on the adjoining transportation network and the measures taken to address these and other issues.

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

The site is allocated for housing in the adopted Midlothian Local Plan (2008). The proposed scheme of development by means of its siting, form and design also accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

subject to:-

- (a) the prior signing of a legal agreement to secure the provision of affordable housing and local road improvements, and contributions towards education provision, the maintenance of children's play provision and community facilities; and

- (b) 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.

Reason: *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc Act 2006).*

2. Development shall not begin until details of the phasing of the development have 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 open space, the SUDS provision, transportation infrastructure etc. 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 the future occupants of the development.*

3. 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: *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.*

4. Development shall not begin until details of the scheme of hard and soft landscaping works have 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, SUDS features 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, 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 in the open spaces shall be completed prior to the houses 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;
- x proposed children's play equipment; and
- xii 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). 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 the same or 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.*

5. 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 or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. 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.*

6. Prior to the occupation of any of the residential units hereby approved the upgrade to the Mauricewood Road/A702 junction shall have been completed, and carried out in accordance with the details approved under planning application 05/00889/FUL, unless otherwise agreed in writing with the planning authority in consultation with Transport Scotland.

Reason: *In the interests of the safety of pedestrians and other road users and to ensure that the standard of junction layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.*

7. Prior to the occupation of any of the residential units hereby approved the upgrade to the Mauricewood Road/A701 junction shall have been completed, and carried out in accordance with details that shall be subject to the prior written approval of the planning authority.

Reason: *In the interests of the safety of pedestrians and other road users and to ensure that the standard of junction layout complies with the current standards and that the safety and free flow of traffic is not diminished.*

8. 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;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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: *In the interests of road safe and visual amenity.*

9. 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.*

10. Prior to the commencement of any construction work on plots 277 to 458, details for the proposed local centre shall be submitted to and approved in writing by the planning authority. The submission will comprise a formal planning application in accordance with Development Management Regulations.

Reason: *To ensure that there are adequate local facilities provided in the area for the increased number of households proposed.*

11. Prior to the construction of the 325th residential unit on the site, work shall commence on the construction of the local centre, in accordance with the details approved under condition 10 above.

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. The siting of any temporary buildings, site cabins/compound and sales offices brought onto the site in association with the development shall be agreed in writing with the local planning authority. Thereafter any such buildings/structures shall be removed in accordance with a timescale to be agreed in writing with the planning authority prior to the siting/formation of the facility. Once the facility has been removed the land shall be returned to a state as agreed in compliance with the hard and soft landscape condition (condition 7).

Reason: *To minimise disturbance to nearby residential properties.*

(Action: Head of Planning and Development)

Sederunt

Councillor Coventry rejoined the meeting upon the conclusion of the foregoing item of business at 2.28 pm.

2. Application for Planning Permission (13/00024/DPP) by Midlothian Council for the Extension and Alteration of Rosewell Primary School, 85 Carnethie Street, Rosewell.

There was submitted report, dated 19 February 2013, 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, agreed that planning permission be granted for the following reason:

The proposed development is compatible with the host building and the neighbouring land uses and will not harm the character and visual amenity of the area or the amenity of neighbouring properties and therefore accords with adopted Midlothian Local Plan Policies RP20 and COMF1.

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.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Notwithstanding the materials specified on drawings/documents docketed to this planning permission samples of the external finishing materials and colours shall be made available for the prior approval of the Planning Authority. Only the external finishing material and colours approved by the Planning Authority shall be used in the development.

Reason: *To safeguard the character and visual amenity of the area.*

3. Two footway extensions shall be provided, one each side of the junction of Louisa Square with Carnethie Street. They shall be designed to give improved sightlines for pedestrians crossing that junction. Details of the footway extensions shall be submitted for the prior approval of the Planning Authority. The footway extensions shall be formed prior to the extension first coming into use. .

Reason: *In the interests of pedestrian safety for pupils accessing the extended school.*

4. Twelve cycle parking spaces shall be provided on the application site in accordance with details; including type and location, to be submitted for the prior approval of the Planning Authority. The cycle parking spaces formed shall be made available for use prior to the extension first coming into use and shall thereafter be retained unless otherwise approved in writing by the Planning Authority.

Reason: *In order to ensure the provision of adequate cycle parking to accommodate the increase in pupils that will result from the extension hereby approved.*

5. Within the first planting season (October to April) following the construction of the extension, five large growing trees of a species, size and position to be approved in advance by the Planning Authority, shall be planted in the grassed area in the south east corner of the site. If within 5 years from the date of planting any of the trees dies, is seriously damaged or is removed, it shall be replaced in the next planning season with a tree of the same species.

Reason: *To compensate for the loss of the 5 mature trees that will have to be felled to facilitate the proposed development, in the interests of safeguarding the character and amenity of the area.*

(Action: Head of Planning and Development)

3. Application for Planning Permission (12/00812/DPP) by Midlothian Council for Alterations to Existing Window Opening to Form Door Opening at 4 Lothian Street, Dalkeith.

There was submitted report, dated 19 February 2013, 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 reasons:-

The proposed alteration is sympathetic to and would not detract from the character and appearance of the listed building and as such complies with adopted Midlothian Local Plan policies RP20 and RP24.

subject to the following conditions:

1. Prior to the commencement of development, details of the materials and finish of the doors shall be submitted to and approved in writing by the planning authority.

Reason: *These details were not submitted with the original application and are required in order to ensure the proposed development does not have an adverse impact on the character and appearance of the listed building.*

2. 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.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

(Action: Head of Planning and Development)

4. Application for Planning Permission (13/00068/DPP) by Mrs L Burnett for Erection of Shed (part retrospective) at 69 Birkenside, Gorebridge.

There was submitted report, dated 19 February 2013, 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 reasons:-

The proposed development by its scale, form and design will not have a significant adverse impact on the amenity of neighbouring properties or the character of the area and accords with Policy RP20 of the Midlothian Local Plan.

(Action: Head of Planning and Development)

5. Application for Planning Permission (13/00039/DPP) by Openreach for Installation of Telecommunications Cabinet at Footpath to the West of 10 The Square, Bridge Street, Penicuik.

There was submitted report, dated 19 February 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, agreed to continue consideration of the application in order to allow further discussions with the applicants regarding the siting of the cabinet.

(Action: Head of Planning and Development)