

Minute of Meeting



Planning Committee

Date	Time	Venue
14 November 2017	2.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Hackett
Councillor Lay-Douglas	Councillor McCall
Councillor Milligan	Councillor Montgomery
Councillor Muirhead	Councillor Smail
Councillor Winchester	

1. Apologies

Apologies received from Councillors Hardie, Johnstone, Munro, Parry and Russell.

2. Order of Business

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

3. Declarations of interest

No declarations of interest were received.

4. Minutes of Previous Meetings

The Minutes of Meeting of 3 October 2017 were submitted and approved as a correct record.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Town Centres	Ian Johnson
Executive Summary of Report		
<p>The Head of Communities and Economy explained that the purpose of today's presentation was to explore what could be done by the Council to support Midlothian's town centres. He emphasised that there were no simple solutions and that whilst the Council could seek to influence and shape matters ultimately market forces would largely dictate how successful, or otherwise, any measures that the Council sought to pursue proved to be. He then went on to outline some of the key factors that were likely to contribute to promoting and developing town centres, highlighting in particular the need for a mix of uses, not simply retail. The national, regional and local planning policy position remained largely unchanged, which was "Town Centre first". This approach was reflected in the newly adopted Midlothian Local Development Plan 2017, which contained a range of positive actions and restrictive measures, neither of which on their own would necessarily deliver successful town centres, a range of other tools and actions would be required to supplement the policy provisions, and ultimately as referred to previously it was important to bear in mind there would be market forces over which the Council had little, or no influence.</p>		
Summary of Discussion		
<p>The Chair, Councillor Imrie thanked Ian Johnson for his presentation and invited questions and comments from Members.</p> <p>Arising from Members questions and comments, the following issues were discussed by the Committee:-</p> <ul style="list-style-type: none">• The need to take appropriate steps either through additional guidelines and/or protection to ensure that town centres were safeguarded.		

- That an evaluation of the impact of projects such as CARS be undertaken in order to assess the effectiveness of such schemes.
- That given the sustained levels of growth in Midlothian to examine how town centres are 'marketed' and explore the experience of others to establish if more could be done or if a different approach was required.
- Explore ways to encourage people to 'Think Midlothian'.

Decision

After further discussion, the Committee:-

- (a) Thanked the Head of Communities and Economy for his presentation;
- (b) Noted that further report(s) on individual town centres and also possible additional planning guidance/protection would be brought forward to a future meeting(s) of the Committee.

Action

Head of Communities and Economy/Planning 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 7 November 2017, 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 2017/18; 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 7 November 2017, by the Head of Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in October 2017, and advising that there were no appeals determined by Scottish Ministers to report.

Decision

The Committee, having heard from the Planning Manager, noted the decisions made by the Local Review Body at its meeting on 10 October 2017.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation: Proposed Residential Development with Associated Access Roads, Open Space and Sustainable Urban Drainage (SUDs) at Land 65m West of Rosslyn Bowling Club, Main Street, Roslin (17/00693/PAC).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 7 November 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding the proposed residential development with associated access roads, open space and sustainable urban drainage (SUDs) at land 65m west of Rosslyn Bowling Club, Main Street, Roslin (17/00693/PAC).

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

The Committee, having heard from the Planning Manager, acknowledged concerns regarding the potential pressure that the proposed development would have on local infrastructure, in particular the ability of the local road network to adequately support the additional traffic movements likely to be generated; pressure on health facilities and education provision; and also measures to encourage greater use of public transport.

Decision	
(a)	To note the provisional planning position set out in the report;
(b)	To note the comments made by Members; and
(c)	To note 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:
5.5	Pre-Application Consultation: Proposed Residential Development, Primary School, Associated Roads, Landscaping, Open Space, Footpath/Cycle ways, Sustainable Urban Drainage (SUDs) and Infrastructure at Land South East of Auchendinny, The Brae, Auchendinny. (17/00606/PAC).	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 7 November 2017, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development, primary school, associated roads, landscaping, open space, footpath/cycle ways, sustainable urban drainage (SUDs) and infrastructure at land south east of Auchendinny, The Brae, Auchendinny. (17/00606/PAC).</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p>		
Summary of Discussion		
<p>Having heard from the Planning Manager, the Committee in discussing the proposals questioned the ability of local infrastructure to support ongoing and emerging development in the area, in particular the ability of the local road network to adequately support the additional traffic movements likely to be generated; pressure on health facilities and education provision; and also measures to encourage greater use of public transport.</p>		

Decision
<p>(a) To note the provisional planning position set out in the report;</p> <p>(b) To note the comments made by Members; and</p> <p>(c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p>
Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of 554 Residential Units; Formation of Access Roads, Sustainable Urban Drainage Systems and Associated Works at Land between Deanburn and Mauricewood Road, Penicuik (17/00068/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
<p>Having heard from the Planning Manager, the Committee in discussing the proposed development emphasised the need to phase the development in such a manner that any impact on local infrastructure and services could be managed. The ability of the local road network to adequately support the additional traffic movements likely to be generated both during construction and once the development was completed was also considered. It being noted that the provision of a new roundabout at the Mauricewood Road/A702 junction would assist in this regard. The movement of construction traffic would also be controlled by way of conditions as would the need to carry out any remedial works as a result of the ground conditions.</p>		
Decision		
<p>After further discussion, the Committee agreed that planning permission be granted for the following reason:</p> <p><i>By virtue of its scale, location, design and use the proposal complies with policies RP1, RP2, RP3, IMP1 and IMP2 of the Midlothian Local Plan and policies STRAT1, ECON2, IMP1 and IMP2 of the Proposed Midlothian Local Development Plan 2014.</i></p> <p>subject to:</p>		

(a) The prior signing of a legal agreement to secure:

- a contribution towards Education provision;
- a contribution towards nursery provision;
- a contribution towards Angle Park Pavilion;
- a contribution towards Penicuik swimming pool and library;
- a contribution towards a Traffic Regulation Order;
- the provision of affordable housing (22%);
- a contribution towards the A701 Relief Road;
- a contribution towards Penicuik town centre improvements;
- maintenance of open space;
- a contribution towards highway works including the A702 roundabout;
- cycle and scooter storage/parking equipment/facilities at the catchment schools; and
- restriction on development until A702 roundabout delivered.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused; and

(b) The following conditions:

1. The indicative phasing plan submitted with the application is not approved. 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, structural landscaping, the SUDS provision and transportation/roads 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.*

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 DEV2 and DEV6 of the Midlothian Local Development Plan and national planning guidance and advice.*

3. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii a woodland management plan for existing and proposed areas of woodland;
- viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the existing suds pond located nearby to the north east of the nursery area;
- ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- x proposed car park configuration and surfacing;
- xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); 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). Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan and national planning guidance and advice.*

4. 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: *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.*

5. Notwithstanding the requirements of Condition 1 of this planning permission, prior to the first occupation of any of the houses on plots 89, 90, 96 and 97 of the Mauricewood development area and any of the terraced houses within the Rullion Road affordable development area, the equipped neighbourhood childrens play area with associated benches and bins delineated on docketed drawings No.1611.L.L.(93)002 rev A, shall be formed/constructed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the timeous provision of an acceptable quantity and quality of equipped children's play in the development in the interests of the residential amenity of the future occupants of the houses and flats.*

6. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the house on plots A60, A61, A62, A63, A64, A66, A67 and A68 of the Belwood development area, the informal kick about pitch within Belwood Park; as delineated on docketed drawing 1611.L.G.(92)001 rev B, shall be formed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the timeous provision of an informal kick about pitch in the development, in the interests of the residential amenity of the future occupants of the houses and flats.*

7. 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 of the Midlothian Local Development Plan and national planning guidance and advice.*

8. 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/remediate the ground conditions of 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/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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.*

9. No building 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.*

10. Development shall not begin until a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Data Structure Report submitted to the planning authority and carried

out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan.*

11. The recommendations made within Section 6.0 of the Mauricewood, Penicuik Preliminary Ecological Appraisal report, dated May 2016 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of safeguarding biodiversity.*

12. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each 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.*

13. No more than 25 residential units shall be occupied until works associated with the upgrading of the A702(T)/Mauricewood Road roundabout, as illustrated in Fairhurst's Drawing No.86607/1006 Revision K, have been completed to the satisfaction of the Planning Authority in consultation with Transport Scotland. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

Reason: *To ensure that the standard of infrastructure modification proposed to the truck road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.*

14. Detailed drawings and a written specification of the following shall be submitted for the prior written approval of the Planning Authority:
 - (i) The pre-cast concrete benches;
 - (ii) The dog waste bins.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate designed street furniture.*

15. A detailed plan and elevation drawings and details of the finishing materials and colours of any electricity station(s) and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the Planning Authority.

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

16. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design details to be submitted for the prior written approval of the Planning Authority:

- i. In the Belwood development area an additional 3m wide cycleway/footpath link shall be provided in the vicinity of plot A75 linking the proposed internal road network with the main cycleway/footpath which will run along the northern boundary of the adjacent Taylor Wimpey site. This will provide a convenient cycling/pedestrian link from the new development to the proposed commercial area which is to be built within the adjacent TW site.
- ii. In the Mauricewood area a pedestrian/cyclist zebra crossing shall be provided at the main pedestrian crossing point opposite plot 22. This shall be formed as a humped zebra to provide traffic calming as well as a formal crossing point. This shall be in place prior to the 26th unit in the Mauricewood area being occupied.
- iii. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas secure, covered, lockable cycle parking facilities shall be provided for each flatted dwelling which does not have access to a private rear garden; which includes plots 35 – 59. The cycle parking buildings shall have lockable doors with an automatic internal light and floor drainage. The internal cycle storage shall take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each. These facilities shall be sited in secure locations within the site that are overlooked by the properties they are serving.
- iv. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas details of the bin storage arrangements for the flats shall be submitted and a suitable access route to the kerb provided. This will include the provision of an area of hardstanding in the vicinity of the pickup point.
- v. Details of the proposed new junctions and pedestrian crossing points onto Mauricewood Road and Rullion Road (identified in the Transport Assessment) shall be submitted for the prior approval of the Planning Authority.
- vi. Two sets of bus stops and shelters shall be provided at suitable locations on the spine road. The southern set shall be in the vicinity of the affordable housing with the second set on the Nursery frontage.
- vii. Traffic calming features shall be provided along the spine road to produce vehicle speeds in line with the road speed limit. As a possible bus route raised 'flat top' tables at road junctions and sinusoidal road humps would be suitable features to use. A minimum of 3 flat top tables and 4 road humps are required for this length of road.
- viii. Technical details for the proposed 3 SUDs basins are required including engineering sections through the basins showing the invert level, 1:200y flood level, side slopes and the level of any nearby new road / footpath. The details shall also show the anticipated

- overland flow route from the basins during extreme flood conditions.
- ix. Prior to the first occupation of any units on the west side of Mauricewood Road or by a different date to be agreed in advance by the Planning Authority, the section of footway along the south side of Rullion Road delineated by a purple coloured line on drawing No.SRTS001, titled: "SAFE ROUTES TO SCHOOL FOOTWAY/CYCLEWAY IMPROVEMENT, docketed to this planning permission shall be widened to 2.8 metres along its length and that widened footway/cycleway shall be marked out as a segregated pedestrian footway and cycleway.
 - x. Prior to the first occupation of any units on the west side of Mauricewood Road a new zebra crossing shall be provided at a point on Cuiken Terrace. The location and details of the crossing shall be submitted for the prior written approval of the Planning Authority.

Reason for 16i-viii: In the interests of road and pedestrian safety.

Reason for 16ix and 16x: To ensure the provision of a section of safe pedestrian and cycle route to Cuiken Primary School and Cornbank Primary School in the interest of pedestrian and cyclist safety.

17. Notwithstanding that delineated on docketed drawings the configuration of and the position of the dwellings on plots A01 and A02 of the Nursery development area are not approved. No works shall be carried out on the land comprising plots A01 and A02 unless and until either (i) a tree survey demonstrating that no tree(s) in the adjacent woodland are within the fall distance of the houses on plots A01 and A02 is submitted for the prior written approval of the Planning Authority; or alternatively, (ii) a revised layout plan for that part of the development site delineating the reconfiguration of plots A01 and A02 and the position on those plots of the houses on them such that they are out with the fall distance of the trees in the adjacent woodland, is submitted for the prior written approval of the Planning Authority.

Reason: The information supplied does not demonstrate that the house on plot A02 is not within the fall distance of tree(s) within the adjacent woodland.

18. Notwithstanding that delineated on application drawings the cycle stores of cottage flats delineated on drawing No.15124(PL)704 and also the cottage flats within the Rullion Road affordable area shall extend beneath each of the stairs so that bicycles can be wheeled into the store. Each cycle store shall have a secure lockable door and incorporate a light, a drain and a bike rack/attachment bar.
19. Notwithstanding that delineated on application drawings the cycle storage rooms of the Rullion Road and Nursery area flats shall have a secure lockable door and incorporate a light, a drain and at least one bicycle rack per flat.

Reason for conditions 18 & 19: To ensure the provision of adequate secure bicycle parking for the flats that do not have a private garden, in the interests of the amenity of the future occupants of the flats.

21. The road serving plots 17 - 22 of the Mauricewood development area shall be constructed using above ground construction methods that avoid excavation or lowering of levels of the raised knoll containing the group of seven Beech trees referred to in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017. A detailed methodology for the construction of the road to safeguard the five Beech trees within the knoll that are to be retained shall be approved in advance by the Planning Authority.

Reason: Allowing the development to cut into the raised knoll would encroach into the root zone of and thus would likely harm the mature Beech trees standing on the knoll. Five of those Beech trees are in fair condition and have landscape amenity value and thus should be protected. The loss of these trees would be to the detriment of the landscape character and amenity of the area.

22. The recommendation made in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017, shall be carried out in full and without any variation unless with the prior written approval of the Planning Authority.

Reason: To ensure the retention of five Beech trees which have historic importance and are of landscape value.

23. Notwithstanding that delineated on docketed drawing No.1611.L.D(94)00 rev A, the proposed three 5m long concrete benches within Area A are not approved.

Reason: Five of the existing Beech trees within the raised knoll within area A are in fair condition and have landscape amenity values and thus they should be safeguarded and retained. The erection/siting of concrete benches within area A would result in harm to the roots of the retained trees, thus jeopardising their future survival.

24. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan.

25. Prior to development commencing, revised site layout plans and drawings of both the Rullion Road and Nursery affordable housing areas delineating all boundary treatments, all footpaths, surfacing materials and footpath lighting within those area shall be submitted for the prior written approval of the Planning Authority.

Reason: *Modifications are required to/additional information is required in respect of the development within both the Rullion Road and Nursery affordable housing areas in order for the development within those areas to be acceptable in planning terms and to comply with the development plan.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Application for Planning Permission for the Erection of 34 Dwellinghouses; Formation of Access Road, Car Parking, SUDS Features and Associated Works on Land South West Of Torcraik Farm, North Middleton, Gorebridge (17/00224/DPP).	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.		
Summary of Discussion		
<p>The Committee, having heard from the Planning Manager, discussed the potential impact that the proposed development might have on the existing community at North Middleton and also what benefits, if any, that the community might expect to see as a result. There being understandable concerns that a development of this size would simply put further pressure on existing infrastructure and services unless adequate provision was made to counter the effects of the additional housing. Concerns were also expressed regarding the provision for affordable housing and whether, or not, the levels proposed were adequate.</p> <p>After further discussion, Councillor Imrie, seconded by Councillor Cassidy, moved that planning permission be granted as per the recommendations contained in the report.</p> <p>As an amendment, Councillor Muirhead, seconded by Councillor Hackett, moved that planning permission be refused on the grounds of the impact that the proposed development was likely to have on existing infrastructure and services, in particular education and health, and also the level of affordable housing provision being inadequate for the size of such a development.</p> <p>On a vote being taken, five Members voted for the amendment and seven for the motion, which accordingly became the decision of the meeting.</p>		

Decision

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

By virtue of its scale, location, design and choice of materials the proposed development accords with policies RP5, RP6, RP7, RP20, RP22, HOUS2, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan 2008 and policies STRAT1, DEV1, DEV2, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV24, ENV25, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Proposed Midlothian Local Development Plan 2014. The layout and detailed appearance of the development will add interest to the street scene and it will not have a significant adverse impact on the amenity of nearby properties. 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 contributions towards education provision, Borders Rail, children's play provision and maintenance of play equipment. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- 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. existing and finished ground levels and floor levels for all buildings, open space, the SUDs feature and roads, cycleways and paths 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;
 - 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 and details of 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) details of car park and footpath lighting.

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 adopted Midlothian Local Plan, policy DEV6 of the Proposed Midlothian Local Development 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. Development shall thereafter be carried out using the approved materials or such alternatives as may be approved 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 kerb/verge arrangements between plots 19 and 20 and the SUDs basin have been submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of road safety, given the close proximity of the access road to the SUDs basin.*

4. Development shall not begin until details of the access arrangements, landscape planting and surfacing at the proposed pumping station have been submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of clarity and to ensure that the access to the pumping station operates successfully and safely and that the pumping station, which is a hard landscaped feature in a prominent location, is adequately screened from view.*

5. Development shall not begin until a traffic management plan related to the management of vehicles involved in the preparation and construction of the development hereby approved has been submitted to and approved in writing by the Planning Authority. Thereafter the construction traffic shall operate in compliance with the approved traffic management plan.

Reason: *In the interests of road and pedestrian safety, in particular given the close proximity of the development site to Moorfoot Primary School.*

6. The dwellinghouses hereby approved shall not be occupied until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing by the Planning Authority. 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.*

7. Prior to the occupation of any dwellinghouse on site a minimum visibility splay of 2.4m by 70m shall be provided at both vehicle entrances into the site. The visibility splay shall be shown on a site plan to be submitted and approved in writing by the Planning Authority. Any landscaping within the splay shall be removed and replaced to the rear of the splay.
8. The existing street lighting and 20mph speed limit on Borthwick Castle Road shall be extended over the site frontage with a suitable gateway feature being formed at the start of the residential development.
9. The pedestrian crossing point on Borthwick Castle Road shall be formed as a standard raised zebra crossing and a short section of 2m wide public footway shall link the new crossing to the existing public footway at the school access.

Reason for conditions 7 - 9: *In the interests of highway and pedestrian safety.*

10. Additional cycle and scooter parking facilities shall be provided within the school grounds at Moorfoot Primary School, in a position to be approved in writing by the Planning Authority, prior to the occupation of the first house unless an alternative timescale is approved in writing by the Planning Authority. Details of the cycle and scooter parking shall be approved in writing by the Planning Authority prior to the installation of the parking features.

Reason: *In order to encourage sustainable forms of travel in terms of complying with the aims of policy TRAN1 of the Proposed Midlothian Local Development Plan.*

11. Unless otherwise approved in writing by the Planning Authority the external materials on the buildings on plots 1-4, 7 -10, 15-17, 24 and 25, as identified on the approved site plan, shall be traditional natural materials.

Reason: *These plots are the most prominent on the application site and the use of traditional natural materials will ensure that the development enhances the character and appearance of the conservation area.*

12. Development shall not begin until temporary protective fencing is erected around all trees and hedges on the site to be retained and those trees off site which have a canopy which extends in to the application site. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the canopy unless otherwise approved in writing with the 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 trees and hedges which merit retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan, policies DEV7, ENV7 and ENV11 of the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

13. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise approved 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.*

14. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan and policies ENV24 and ENV25 of the proposed Midlothian Local Development Plan.*

15. 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 in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

16. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each 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 in accordance with the requirements of policy IT1 of the Proposed Midlothian Local Development Plan.*

17. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the Planning Authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan.*

18. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the Planning Authority.

Reason: *To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan.*

19. Prior to the commencement of development details to demonstrate how the development complies with either policy NRG3 or NRG6 of the emerging Midlothian Local Development Plan shall be submitted to and approved in writing by the Planning Authority.

20. The dwellinghouses hereby approved shall not be occupied until the zero and/or low carbon equipment or community heating system approved as part of condition 10 of this permission is installed in accordance with a phasing scheme which is to be agreed in writing by the Planning Authority.

Reason for conditions 19 and 20: *To ensure this development complies with the on-site carbon emissions target stated in policy NRG3 of the emerging Midlothian Local Development Plan or secures the infrastructure for a community heating system in compliance with policies NRG3, NRG4 and NRG6 of the emerging Midlothian Local Development Plan, in order to promote sustainable development.*

Action

Head of Communities and Economy

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Councillor Lay-Douglas left the meeting during consideration of the foregoing item of business at 3.10 pm.

Agenda No	Report Title	Presented by:
5.8	Application for Planning Permission in Principle for the Erection of Retail Unit at Soutra Mains Farm, Blackshiels, Fala, Pathhead (17/00641/PPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 7 November 2017, by the Head of Communities and Economy concerning the above application.

Summary of Discussion

Having heard from the Planning Manager, who responded to Members questions, the Committee discussed the current policy position, in particular the potential impact of the proposed retail unit on the vitality and viability of nearby town centres and the operational requirement by means of the sequential approach. The Committee also considered the likely impact on road safety. It being noted that these issues were all key concerns in relation to previous applications. Whilst opinion was divide over whether the case for a departure from the policy position in relation to the impact on nearby town centres and the requirement for a sequential approach had been clearly established, there was a general feeling amongst members of the Committee that the road safety concerns could not be ignored.

After further discussion, Councillor Smaill, seconded by Councillor Cassidy, moved that planning permission be granted subject to appropriate conditions.

As an amendment, Councillor Milligan, seconded by Councillor Muirhead, moved that planning permission be refused for the reasons detailed in the Head of Communities and Economy's report.

On a vote being taken, six Members voted for the amendment and six for the motion. There being an equality of votes, the Chair exercised his casting vote in favour of the amendment, which accordingly became the decision of the meeting.

Decision

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

1. The proposed retail development would comprise of a development in the countryside for which it has not been demonstrated that there is an operational requirement for a countryside location. Accordingly, the proposed development is contrary to the adopted Midlothian Local Plan

(2008) policies RP1, SHOP5 and ECON8 and the proposed Midlothian Local Development Plan (2014) policies TRC2 and RD1.

2. As the application site is in a remote countryside location it is not in one of the acceptable locations, as specified in the sequential town centre first approach identified in the Scottish Planning Policy. As no sequential test has been submitted for assessment it has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use and that there are no other more sustainable or suitable sites which could accommodate the development more appropriately. Accordingly, the proposed development is contrary to the SPP, policy 3 of the Strategic Development Plan, policy SHOP5 of the adopted Midlothian Local Plan (2008) and TRC2 of the proposed Midlothian Local Development Plan.
3. It has not been demonstrated to the satisfaction of the Planning Authority that the operation of the proposed retail complex would not undermine the vitality and viability of Midlothian's town centres, in particular Pathhead.
4. It has not been demonstrated to the satisfaction of the Planning Authority that the required visibility splays (215 metres in each direction) can be achieved.
5. The indicative information submitted shows a building which, on account of its scale, form, design and materials will not be compatible to its location or to existing nearby buildings.

Action
Head of Communities and Economy

The meeting terminated at 3.35pm.