

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE**

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 20 November 2012 at 11.00 am.

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

**Apologies for Absence:** - Councillors Beattie, Bennett and Imrie.

**1. Declaration of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 9 October 2012 were submitted and approved as a correct record.

**3. Planning Performance Framework**

There was submitted report, dated 12 November 2012, by the Head of Planning and Development, advising of the new performance measures and reporting arrangements that had been put in place by Scottish Government in order to provide a comprehensive and balanced monitor of local planning authorities in Scotland.

The report advised that the new Planning Performance Framework (PPF) had become operational on 1 October 2012, and that from that date all planning authorities in Scotland had been collecting and recording data on the newly defined measures: with a requirement that a report be submitted annually to Scottish Government. A copy of the initial Planning Performance Framework report for Midlothian covering the period 2011/12, which had been submitted to Scottish Ministers in September 2012, was appended to the report.

The Committee, having heard from the Head of Planning and Development who responded to Members' questions, discussed the currently ongoing debate on the potential to link performance to the scale of planning application fees charged. It was evident that regardless of the outcome the speed with which planning applications were assessed and determined was likely to remain a primary performance measure. In this regard, consideration was given to the possibility of making greater use of processing agreements.

**Decision**

- (a) To note the new Scottish Government's planning performance arrangements entitled "Planning Performance Framework";

- (b) To note the content of the initial Planning Performance Framework document for Midlothian for the period 2011/12, as submitted to Scottish Ministers in September 2012;
- (c) To seek a further report on the introduction of processing agreements; and
- (d) To refer the report to the Performance, Review and Scrutiny Committee for its interest.

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

### **Sederunt**

Councillor Russell joined the meeting during discussion of the foregoing item of business at 11.02am.

## **4. Development Management Performance Report**

With reference to paragraph 4 of the Minutes of 12 June 2012, there was submitted report, dated 12 November 2012, by the Head of Planning and Development, updating the Committee on Development Management Performance against key outcome indicators for the period April 2012 to September 2012 (Q1 and Q2).

The report identified that the improvement in overall performance which had been achieved in 2011/12 had been maintained through into Q1 and Q2 of 2012/13 with 73% of planning applications being determined within target. This compared to 70% in 2011/12, 65% in 2010/11 and 55% in 2009/10. In addition to the handling of planning applications, the report also highlighted the work undertaken by the Development Management team in relation to planning appeals/reviews, enforcement of planning control, the preparation of development/design briefs and responding to a wide range of associated enquiries giving planning advice to the public and others.

### **Decision**

The Committee, having heard from the Development Management Manager:-

- (a) To note the content of the report;
- (b) To agree to receive further development management performance reports on a six-monthly basis; and
- (c) To refer the report to the Performance, Review and Scrutiny Committee for its interest.

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

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

With reference to paragraph 3 of the Minutes of 9 October 2012, there was submitted report, dated 12 November 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.

The Committee, having heard from the Development Management Manager, were advised by the Head of Planning and Development in response to Members' questions that it was intended to bring forward an update on Shawfair to the December Council meeting.

**Decision**

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2012/13; 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)

**6. Appeal and Local Review Body Decisions**

There was submitted report, dated 12 November 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 23 October 2012.

**7. Applications for Planning Permission**

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

**8. Edinburgh and Lothians Forestry and Woodland Strategy 2012-2017**

There was submitted report, dated 2 November 2012, by the Head of Planning and Development, advising of the production and launch of the Edinburgh and Lothians Forestry and Woodland Strategy 2012-17 and seeking endorsement of the Strategy. The report set out the implications of the Strategy for the expansion and management of woodlands in Midlothian and outlined the role it would have in informing policies for the emerging Midlothian Local Development Plan. A copy of the Strategy had been placed in the Members' library.

The Committee, having heard from the Head of Planning and Development who responded to Members questions, discussed the Strategy and its implications.

### **Decision**

To note and endorse the Edinburgh and Lothians Forestry and Woodland Strategy 2012-17.

(Action: Head of Planning and Development)

### **Sederunt**

Councillor de Vink left the meeting at the conclusion of the public business at 11.45am.

## **9. 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 8 and 9 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973:-

Draft Midlothian Open Space Strategy and Action Plan – Approved for public consultation.

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

The meeting terminated at 11.51 am.

## APPENDIX

(relative to paragraph 7)

**1. Application for Planning Permission (12/00339/DPP) by Persimmon Homes East Scotland for Erection of 60 Dwellinghouses; Formation of Access Road and Car Parking; Formation of SUDS Pond; and Associated Works on Part of Site U, Land at South Mayfield, Dalkeith.**

There was submitted report, dated 12 November 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 development site is identified as being part of the Council's allocated and safeguarded housing land supply within the adopted Midlothian Local Plan and the proposed layout and design accords with adopted Midlothian Local Plan Policies RP20 and DP2. The presumption for development is not outweighed by other material considerations.*

subject to

(a) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, 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.
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.
3. Notwithstanding that delineated on docketed drawings the proposed external finishing material and colours proposed for the buildings and boundary treatments shall be made available for the prior approval of 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.

4. Notwithstanding that delineated on docketed drawings the following shall be used for the buildings:
  - i. Red coloured facing brick as the principal brick wall finish.
  - ii. Dark grey coloured flat concrete roof tiles with a thin leading edge and a mock joint.
  
5. Notwithstanding that delineated/specified on application drawing samples of the hard ground cover surface materials shall be 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.
  
6. No development shall take place until the following information has been submitted to and approved in writing by the Planning Authority:
  - (i) a full site survey showing:
    - a. the datum used to calibrate the site levels,
    - b. levels along all site boundaries,
    - c. levels across the site at regular intervals,
    - d. floor levels of adjoining buildings.
  - (ii) full details of the proposed finished floor levels of all buildings and hard surfaces.

The development shall be carried out only in accordance with the approved details. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved by the Planning Authority. The development shall be carried out in strict accordance with the levels approved.
  
7. 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.

8. No trees or shrubs on the site shall be lopped, topped or pruned without the prior written approval of the Planning Authority.
9. All trees and shrubs to be retained shall be protected during periods of construction with a temporary protected fencing in accordance with the recommendations of the British Standard BS 5837: 20125 'Trees in Relation to Design, Demolition and Construction' and in accordance with details to be submitted for the prior approval of the Planning Authority. The temporary protective fencing so approved shall be erected prior to work commencing on site and shall be retained for the duration of construction works. Within the areas enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, or disposal of any waste or fires lit, all in accordance with the above names British Standards.
10. Any excavations within the canopy spread of trees to be retained shall be hand dug and any roots exposed shall be bridged.
11. 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.

- 12. No house shall be occupied unless and until the following have been completed and made available for use:
  - i. The driveway of the house, and the visitor parking spaces within the same phase of development have been formed and made available for use;
  - ii. The new junction of Mansfield Road (the C49) with the internal access road has been formed;
  - iii. The short redundant section of Mansfield Road has been removed;
  - iv. A bus shelter has been erected at each of the two existing bus stops on Westhouses Road.

There shall be no variation therefrom unless with the prior approval of the Planning Authority.

- 13. Details of the following shall be submitted for the prior approval of the planning authority:
  - i. The proposed alterations to the existing junction of Westhouses Road and Mansfield Road (C49);
  - ii. The pedestrian links from the site;
  - iii. The new junction of Mansfield Road (the C49) with the internal access road, including the removal of the short redundant section of Mansfield Road;
  - iv. Details of the two bus shelters to be provided at the existing bus stops on Westhouses Road.
  - v. A cross section through the filter trenches delineating how they will be constructed and their surface treatment.
  - vi. The design and location of street lighting;

Development shall thereafter be carried out in accordance with the approved details prior to the occupation of any dwellinghouse unless agreed otherwise in writing with the planning authority.



- 14 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.
- 15 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).

(Action: Head of Planning and Development)

### **Sederunt**

Councillor Coventry joined the meeting during discussion of the foregoing item of business at 11.09am.

## **2. Application for Planning Permission (11/00847/DPP) by Ridge Wind for Erection of 9 Wind Turbines and Associated Transformers; Erection of Anemometer; Formation of Access Tracks; and Associated Works on Land at Fala Moor, Fala, Midlothian.**

There was submitted report, dated 12 November 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, the Committee discussed the application and also heard from the Head of Planning, who responded to Members questions.

Thereafter, Councillor Boyes, seconded by Councillor Pottinger, moved that planning permission be refused for the reasons detailed in the Head of Planning and Development's report.

As an amendment, Councillor Baxter, seconded by Councillor Wallace, moved that planning permission be granted, subject to conditions, on the grounds that: the Council needed to start delivering on its' commitment to the Scottish Climate Change Programme, and this particular application site appeared to offer that opportunity given that there were already a number of other wind farms in the locality; the Landscape Capacity Study for Wind Turbine Development in Midlothian (MLCS) (approved by Council in February 2007) which was a significant material consideration in the determination of the application, was over five years old and should be reviewed and updated; and the applicants apparent willingness to work to address issues of concern.

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

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

1. The proposed development will significantly exceed the capacity of the landscape around Fala Moor to accommodate a wind farm development of this scale, to an extent that it will have a significant adverse impact upon the landscape character and visual amenity of the area and the setting of the Moorfoot Hills contrary to Midlothian Local Plan policies RP6, RP7 and NRG1.
2. The proposed development would, if built, be viewed from distance with a series of other operational and consented wind farms and this cumulative impact would significantly exacerbate the detrimental impact on the landscape contrary to Midlothian Local Plan policies RP6, RP7 and NRG1.
3. Due to the significant difference in turbine size between the proposed wind farm and the operational wind farm at Dun Law, there would be an awkward relationship between the two wind farms which would lead to a confusion in the scale of the respective landscapes on which the opposing wind farms are located to the detriment of the landscape character of the area contrary to Midlothian Local Plan policies RP6, RP7 and NRG1.
4. The proposed wind farm development is contrary to the recommendations of the Landscape Capacity Study for Wind Turbine Development in Midlothian, adopted by Midlothian Council as a non-statutory guideline in February 2007, as this site, which is within the "Plateau Grassland" landscape character area as defined by that study, is classified as being of high sensitivity with no capacity to accommodate further wind farm development without significant adverse landscape and visual impacts.
5. The proposed wind farm development is contrary to policy NRG1 of the 2008 Midlothian Local Plan as it will;
  - a. have an unacceptable effect on the wider environment by reason of landscape and visual impact;
  - b. without the imposition of planning conditions, the development would have an unacceptable adverse impact upon the wildlife interests of the adjacent Special Protection Area, with particular regards to ornithological interests, and also to the peat land habitats of the development site itself;
  - c. with reference to policy RP6, it will have a significant adverse impact upon the special scenic qualities and integrity of the Area of Great Landscape Value; and
  - d. it fails to comply with the guidance provided on siting, design and location in the report "Landscape Capacity Study for Wind Turbine Development in Midlothian".

After further discussion, the Committee also agreed that the current review of the Midlothian Local Development Plan provided an ideal opportunity to revisit the Landscape Capacity Study for Wind Turbine Development in Midlothian.

(Action: Head of Planning and Development)

3. **Application for Planning Permission (12/00635/DPP) by Forrest Developments, 7 Seaward Street, Glasgow for Amendment to Condition 31 of Planning Permission 07/00303/FUL (Mixed Use Development comprising Supermarket, Class 4 Leisure/Restaurant/Bar/Health and Fitness Unit and Retail/Office/Restaurant Unit, Formation of Service Yard and Car Parking) to Extend the Time Frame in which to Implement the Approved Permission at the Bus Garage, Eskbank Road, Dalkeith.**

With reference to paragraph 2 of the Appendix to the Minutes of 11 November 2007, and paragraph 5 of the Minutes of 12 February 2008, there was submitted report, dated 12 November 2012, by the Head of Planning and Development concerning the above application.

Having heard from the Development Management Manager, the Committee discussed the application and also heard from the Head of Planning, who responded to Members questions.

Thereafter, the Committee agreed that planning permission be granted for the following reason:

*The proposal to extend the timeframe for the implementation of this development would not result in significant harm to the character and amenity of the area or the amenity of any neighbouring property. It accords with the relevant provisions of the Development Plan; and this is not outweighed by any other material considerations.*

Subject to the following condition:

1. The development hereby permitted shall be begun within eight years from the date of this permission.
2. This permission relates solely to the amendment of condition 31 of planning permission 07/00303/FUL, dated 5<sup>th</sup> February 2008 and does not affect any other outstanding conditions related to that planning permission.

Thereafter, the Head of Planning and Development gave a brief update on the current position regarding future development of the site.

(Action: Head of Planning and Development)

4. **Application for Planning Permission (12/00384/DPP) by CEMEX UK Operations, CEMEX House, Coldharbour Lane, Thorpe, Egham, Surrey to Vary Condition 1 of Planning Permission 659/92 (the Winning and Working of Sand and Gravel; the Construction of a Private Haul Road; and Progressive Restoration of the Site at Outerston Farm) to Enable the Continuation of the Development until 31 December 2025 or on Completion of the Extraction, whichever is sooner, at Land at Temple Quarry, Gorebridge;**

**Application for Planning Permission (12/00387/DPP) by CEMEX UK Operations, CEMEX House, Coldharbour Lane, Thorpe, Egham, Surrey to Vary Condition 1 of Planning Permission 01/00228/FUL (Construction of Sand and Gravel Processing Site, Settlement Ponds, and a Conveyor Belt from the Sand and Gravel Quarry at Outerston Farm (with Consequent Amendments to Planning Permission No 659/92, Granted on 31 December 1996) at Land at Guildie Howes Farm, North Middleton, Gorebridge; and**

**Application for Planning Permission (12/00388/DPP) by CEMEX UK Operations, CEMEX House, Coldharbour Lane, Thorpe, Egham, Surrey to Vary Condition 1 of Planning Permission 05/00378/FUL (Extension to Settlement Lagoon Facilities through the Extraction of Sand and Gravel at Temple Quarry Processing Plant) at Land at Guildie Howes Farm, North Middleton, Gorebridge.**

There was submitted report, dated 12 November 2012, by the Head of Planning and Development concerning the above applications.

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

*The development is for a continuation of the operations on the site. The environmental impacts can be mitigated through conditions similar to those imposed on a grant of the previous planning permission for the development.*

Subject to the following conditions:

**Conditions relating to application 12/00384/DPP:**

1. Permission for the winning and working of sand and gravel at Outerston Farm is granted for a limited period of up to 31 December 2025; and the restoration of the whole site to a condition suitable for agriculture, or such other after use as may be approved by the Planning Authority, shall be completed by that date.
2. The development hereby approved shall be carried out in accordance with the application plans, and the details specified in the accompanying planning statement, dated June 2012.
3. The development hereby approved shall be carried out in accordance with the conditions attached to planning permission 659/92 dated 31 December 1996 except for conditions 8, 9, 15, 16 & 17 of that planning permission.
4. Prior to the commencement of extraction works between the months of March and October (inclusive), annual bird surveys shall be carried out over the site by a suitably qualified ecologist. These surveys shall serve to confirm the presence/absence of these species and help to identify any nest sites requiring protection. Any nest sites likely to be affected by works (either directly or indirectly) shall be avoided until the birds have left the next.

**Conditions relating to application 12/00387/DPP:**

1. Permission for the sand and gravel processing site, settlement ponds/lagoons, and a conveyor belt associated with the sand and gravel quarry at Outerston Farm is granted for a limited period of up to 31 December 2025; and the restoration of the whole site to a condition suitable for agriculture, or such other after use as may be approved by the Planning Authority, shall be completed by that date.
2. The development hereby approved shall be carried out in accordance with the application plans, and the details specified in the accompanying planning statement, dated June 2012.
3. Except as subsequently amended, or as otherwise required by the terms of this permission, the development hereby approved shall be carried out in accordance with the conditions attached to planning permission 01/00228/FUL dated 10<sup>th</sup> September 2001.

**Conditions relating to application 12/00388/DPP:**

1. Permission for the extended settlement lagoons for use in association with the extraction of sand and gravel is granted for a limited period of up to 31 December 2025; and the restoration of the whole site to a condition suitable for agriculture, or such other after-use as may be approved by the Planning Authority, shall be completed by that date.
2. The development hereby approved shall be carried out in accordance with the application plans, and the details specified in the accompanying planning statement, dated June 2012.
3. Except as subsequently amended, or as otherwise required by the terms of this permission, the development hereby approved shall be carried out in accordance with the conditions attached to planning permission 05/00378/FUL dated 6<sup>th</sup> February 2006.

(Action: Head of Planning and Development)

**5. Application for Planning Permission (12/00517/DPP) by Mr G Douglas for the Removal of Conditions 1, 2 and 3 of Planning Permission 11/00816/DPP to Allow Siting of 137 Mobile Homes at Nivensknowe Park, Loanhead.**

With reference to paragraph 3 of the Appendix to the Minutes of 13 March 2012, there was submitted report, dated 12 November 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 to remove conditions 1,2 and 3 of Planning Permission 11/00816/DPP be refused for the following reason:

1. The proposal would result in the creation of one additional pitch situated close to dog kennels on the adjoining boundary and will be the subject of noise from them: such noise detracts from the amenity of those plots rendering them unsuitable for permanent occupation.

2. The deletion of conditions 1 to 3 will allow the permanent siting of mobile homes in an area of open space which conflicts with the aims of the original planning permission for the park, to improve the layout and general level of amenity within the park. Furthermore, this would have a significant adverse impact upon the landscape setting of the park, resulting in a more crowded layout and a reduction in the level of amenity for existing and future occupiers of the caravan park.
- 3 The deletion of conditions 1 to 3 will allow development to take place which would result in the loss of open space and the overdevelopment of the caravan park to the significant detriment of existing and future occupiers of the caravan park.

(Action: Head of Planning and Development).

**6. Application for Planning Permission (12/00516/DPP) by Mrs G Duncan for Erection of Decking, Fencing and Shed (Retrospective) at 28 Woodburn View Dalkeith.**

There was submitted report, dated 12 November 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 proposed development by means of its scale, form and design will not detract materially from the existing character or amenity of the built-up area; and therefore does not conflict with Midlothian Local Plan Policy RP20.*

(Action: Head of Planning and Development).

**7. Application for Planning Permission (12/00500/DPP) by Mr M Robertson 15 Dundas Street, Bonnyrigg for Change of Use from Public Open Space to Private Garden Ground; Erection of Detached Garage; and Formation of Driveway at 1 Mavisbank, Loanhead.**

There was submitted report, dated 12 November 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 refused for the following reasons:

1. The proposed development would result in the loss of trees which contribute to the visual amenity of the area. The affected area of open space is of particular value in that it adds interest and enhances the appearance of the surrounding area providing an amenity for both residents and passersby. The proposed development would result in the loss of the visual benefits of the area of open space with a detrimental impact on the character and visual amenity of the surrounding area. Therefore, the proposal is contrary to policy RP5 of the adopted Midlothian Local Plan which seeks to prevent the loss of trees which are of particular amenity importance; RP20 which seeks to protect the character and amenity of the built-up area; and policy RP30 which seeks to protect valuable open spaces in towns and villages.

2. The proposed garage would be located well forward of the building line of neighbouring properties on Polton Road and would be a prominent incongruous feature in the street scene with a detrimental impact on the visual amenity of the area contrary to policy RP20 of the adopted Midlothian Local Plan which seeks to protect the character and amenity of the built-up area.
3. Visibility from and of the proposed vehicular access is limited which is potentially detrimental to highway safety.
4. The erection of the garage in its currently proposed position would result in an inadequate space for a vehicle to park without obstructing the footway, which is potentially detrimental to pedestrian and highway safety.

(Action: Head of Planning and Development).