

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE

held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 16 April 2013 at 2.00 pm.

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

Apologies for Absence: - Councillors Bennett, Boyes and Johnstone.

1. Order of Business

The Committee, having heard from the Clerk, noted the withdrawal, at the request of the Applicants, of Agenda Item No 7 – Application (**13/00039/DPP**) for Installation of Telecommunications Cabinet at Footpath to the West of 10 The Square, Bridge Street, Penicuik.

The Development Management Manager advised that it was anticipated that an amended proposal would be submitted and reported to Committee in due course.

2. Declarations of Interest

Councillor Montgomery declared a non-pecuniary interest in agenda item 9 - Application for Planning Permission (13/00063/DPP) for Erection of 9 Wind Turbines (up to 102m Tip Height) and Associated Transformers; Erection of Switchgear Building; Erection of Anemometer; Formation of Access Tracks; Mount Lothian Moss, Penicuik – Procedural Arrangements (paragraph 7 below refers), on the grounds that he was a member of Penicuik Civic Society who had made representations on the application. 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 de Vink also declared a non pecuniary interest in agenda item 9, indicating that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

3. Minutes

The Minutes of Meeting of 26 February 2013 were submitted and approved as a correct record.

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

With reference to paragraph 5 of the Minutes of 26 February 2013, there was submitted report, dated 9 April 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, who in responding to Members' questions, advised that the pre-application consultation in respect of the proposed residential development on Land adjoining St David's RC Primary School, Lauder Road, Dalkeith was as a result of the previous consent having expired. Indications were that a revised layout was likely to be sought by the applicants but that safeguards such as the alternative access arrangements would still be included.

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; and
- (c) To note the current position in respect of the pre-application consultation in relation to the proposed residential development on Land adjoining St David's RC Primary School, Lauder Road, Dalkeith.

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

5. Appeal and Local Review Body Decisions

There was submitted report, dated 9 April 2013, by the Head of Planning and Development, advising that there were no notices of reviews determined by the Local Review Body (LRB) at its meeting on 5 March 2013, and detailing an appeal determined by Scottish Ministers.

Appended to the report was a copy of the appeal decision notice, dated 13 March 2013, from the Scottish Government, Directorate for Planning and Environmental Appeals, dismissing an appeal by Nivensknowe Parks Ltd against the decision to refuse planning permission (12/00517/DPP, dated 16 August 2012) to carry out the development without compliance with condition(s) 1 2 and 3 imposed in the grant of planning permission 11/00816/DPP, dated 21 March 2012, at Nivensknowe Park, Loanhead and upholding refusal of planning permission.

Decision

- (a) To note that no notices of reviews had been determined by the LRB at its meeting on 5 March 2013; and
- (b) To note the appeal decision notice from Scottish Ministers.

6. Applications for Planning Permission

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

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With reference to paragraph 2 above Councillors de Vink and Montgomery, having both declared a non-pecuniary interest in the following item of business, left the meeting at 2.32pm, taking no part in the discussion thereof.

7. Application for Planning Permission (13/00063/DPP) for Erection of 9 Wind Turbines (up to 102m Tip Height) and Associated Transformers; Erection of Switchgear Building; Erection of Anemometer; Formation of Access Tracks; Mount Lothian Moss, Penicuik – Procedural Arrangements

With reference to paragraph 5 of the Minutes of 26 February 2013, there was submitted report, dated 9 April 2013 by the Head of Planning and Development, concerning proposals for the procedural arrangements for the Pre-Determination Hearing and Site Visit in respect of Planning Application No 13/00063/DPP Erection of Wind Turbines and Associated Equipment on Land at Mount Lothian, Penicuik.

Having heard from the Development Management Manager, the Committee expressed its support for the proposed procedural arrangements detailed in the report.

Decision

- (a) To agree that the Pre-Determination Hearing be held in Penicuik Town Hall on Friday 17 May 2013 at 10.00am; and
- (b) To agree that this be followed by an unaccompanied Site Visit which would take place on Monday 20 May 2013, leaving Midlothian House at 10.00am.

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

Sederunt

Councillors de Vink and Montgomery rejoined the meeting upon the conclusion of the foregoing item of business at 2.35pm.

8. 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: Update – Approved the recommendations.

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

The meeting terminated at 3.00 pm.

APPENDIX

(relative to paragraph 6)

1. Application for Planning Permission (12/00743/PPP) by University of Edinburgh, Estates Department, Old College, South Bridge, Edinburgh for Residential Development with Associated Car Parking and Access on Allocated Housing Site H15, Land West of Roslin, Penicuik Road, Roslin.

There was submitted report, dated 9 April 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 developer contributions towards in particular secondary school education and transportation; it being pointed out that the existing bus service that served the proposed development site was currently heavily subsidised by the Council. Consideration was also given to how more meaningful use could be made of the percentage for the arts contribution from developers. The Head of Planning and Development suggested that both these issues be taken up by officers as part of the ongoing dialogue with the developer.

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, in accordance with the strategic provisions of the Edinburgh and the Lothians Structure Plan 2015. Therefore the principle of the residential development of the site is acceptable and complies with MLP Policy HOUS1 and ELSP Policy HOUS3. 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 contributions towards education provision, the maintenance of children's play provision, community facilities, and any identified roads/transport requirements; and

(b) the following conditions:

1. The masterplan submitted with the application is not approved.

Reason: *The application is for planning permission in principle only and the details delineated within the masterplan are for illustrative purposes only.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the

provision of open space, structural landscaping, the SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii drainage details and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing;
 - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
 - x proposed play areas and equipment;
 - xi proposed cycle parking facilities; and
 - xii proposed area of improved quality (20% of the proposed dwellings).

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 RP8, RP20, RP31 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). 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.*

5. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian accesses;
 - 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 travel 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 proposed bus stops/lay-bys and other public transport infrastructure;
 - ix a programme for completion for the construction of access, roads, footpaths and cycle paths; and,
 - x 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.*

6. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has

been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

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.*

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 IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

8. 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 building.*

(Action: Head of Planning and Development)

2. **Application for Planning Permission (12/00814/PPP) by University of Edinburgh, Estates Department, Old College, South Bridge, Edinburgh for Residential Development with Associated Car Parking and Access on Allocated Housing Site H13, Land South West of Bilston, Seafield Moor Road, Bilston.**

There was submitted report, dated 9 April 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 developer contributions towards in particular transportation; it being pointed out that the proposed development site was close to the proposed route for the realigned A701. Consideration was also given to how more meaningful use could be made of the percentage for the art contribution from developers. The Head of Planning and Development suggested that both these issues be taken up by officers as part of the ongoing discussions with the developer.

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 to meet the Council's Strategic Housing Allocations within the Edinburgh and the Lothians Structure Plan 2015. Therefore the principle of the residential development of the site is acceptable and complies with MLP Policy HOUS1 and ELSP Policy HOUS3. 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 and transport improvements, and contributions towards education provision, the maintenance of children's play provision and community facilities; and
- (b) the following conditions:

1. The masterplan submitted with the application is not approved.

Reason: *The application is for planning permission in principle only and the details delineated within the masterplan are for illustrative purposes only.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, structural landscaping, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii drainage details and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing;
 - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
 - x proposed play areas and equipment;
 - xi proposed cycle parking facilities; and
 - xii proposed area of improved quality (minimum of 20% of the proposed dwellings).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until a flood risk assessment for the development has been submitted to and approved by the Planning Authority. Any mitigation measures agreed shall be implemented in accordance with a timetable to be agreed in writing by the Planning Authority.

Reason: *To ensure that the dwellings built on the site are not at risk of flooding.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). 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.*

6. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads, footways and cycle ways in relation to a fixed datum;
 - ii the proposed vehicular, cycle and pedestrian accesses into the site from the A703, A701 and Castlelaw Crescent;
 - iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Bilston;
 - v proposed visibility splays, traffic calming measures, lighting and signage;
 - vi proposed construction traffic access and haulage routes;
 - vii a residential Green Travel Plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - viii proposed car parking arrangements;
 - ix proposed public transport infrastructure provision comprising new/upgraded bus stops and shelters and real time information on the A701 and A703;
 - 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 residential Green Travel Plan 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.*

7. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
 - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

8. Development shall not begin until 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.*

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 building.*

10. Development shall not begin until a programme of archaeological works (archive assessment and evaluation) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area investigated shall be no less than 8% of the total site area.

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..*

(Action: Head of Planning and Development)

3. **Application for Planning Permission (12/00837/DPP) by Network Rail, Buchanan House, 58 Port Dundas Road, Glasgow for the Formation of Train Maintenance, Cleaning and Stabling Depot; the Erection of a Retaining Wall and Engineering Works to Lower Ground Levels; Formation of New Railway Lines; Erection of Boundary Fencing; and Formation of Associated Car Parking and Access at Former Millerhill Marshalling Yards, Whitehill Road, Dalkeith.**

There was submitted report, dated 9 April 2013, by the Head of Planning and Development concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the need for flexibility regarding the boundary planting.

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

The site is an established industrial site and forms part of the Council's economic land supply. Furthermore, the built form of the proposed development can be satisfactorily integrated into the landscape and the presumption in favour of the development is not outweighed by any other material consideration.

subject to the following conditions:

1. The mature trees on the eastern boundary of the site; which trees are mostly poplar, shall be retained unless otherwise approved in writing by the planning authority and shall be protected during construction in accordance with the BS5837 2005 "Trees in Relation to Design, Demolition and Construction".

Reason: *The existing mature poplar trees demarcating the east boundary of the site will largely screen the operations on the site and will therefore mitigate the visual impact of the development, particularly in views from the (north and north-east of the site, including the A1.*

2. Notwithstanding that delineated on docketed drawings the hedge to be planted along the west side of the proposed palisade fence shall not be planted. Instead, within the planting season when the works commence on site; or if works commence out with the planting season, within the next planting season after works commence, a hedgerow shall be planted alongside to the west of the existing poplar trees growing along the full eastern boundary of the site. Details of the hedgerow shall be submitted for the prior written approved of the planning authority. The hedgerow shall be no less than 3 metres wide along its length. If within a period of 5 years from planting any part of the hedgerow dies, is diseased or is seriously damaged or removed, it shall be replaced in the next planning season with a hedge of the same species. There shall be no variation there from unless with the prior approval of the planning authority.

Reason: *The poplar trees have a limited life and will eventually have to be felled, which would expose the site to views from the east. A hedgerow is required along the east boundary of the site to satisfactorily mitigate the visual impact of the development when the poplar trees are eventually felled, in the interest of safeguarding the landscape character and amenity of the area.*

3. Notwithstanding that delineate on docketed drawings; there shall be two levels of surface water treatment (SUDS Scheme) on the site in accordance with details to be submitted for the prior approval of the planning authority. Development shall thereafter be carried out in accordance with the approved SUDS scheme unless agreed in writing with the planning authority.

Reason: *To ensure the provision of adequate SUDS provision on the site in the interest of safeguarding the character and amenity of the area.*

4. Notwithstanding that delineated on docketed drawings/documents the external lighting installed within the site shall be designed to minimise light spill. They shall have illuminaries that direct light downwards thus reducing upward illumination.

Reason: *To minimise light spill and upward illumination in the interests of safeguarding the amenity of the area, including the amenity of nearby residential properties.*

5. 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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

6. All of the recommendations made in the Phase 1 habitat survey report dated January 2013 and the Winter Bird Survey dated 12th December 2012 shall be carried out, including the recommended breeding bird survey, bird checking surveys and reptile surveys. A copy of the report on these surveys shall be submitted for the prior approval of the planning authority prior to works commencing on the site.

Reason: *In the interests of safeguarding protected species.*

(Action: Head of Planning and Development)

4. Application for Planning Permission (13/00182/DPP) by Gorebridge Community Development Trust, 58 Main Street, Gorebridge for the Erection of Community Centre and the Formation of Associated Car Parking at Land at Gorebridge Leisure Centre, Hunterfield Road, Gorebridge.

There was submitted report, dated 9 April 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 would not result in significant harm to the character and amenity of the area or the amenity of any neighbouring property; including residences and thus complies with adopted Midlothian Local Plan Policies RP20 and COMF4. The presumption in favour of the proposed development is not outweighed by any other material considerations.

Subject to the following conditions:

1. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

2. 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, 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. 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; and
- ix proposed footpaths and cycle paths.

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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

3. The building hereby permitted shall not be occupied or brought into use unless and until the following has been provided/completed in accordance with detailed drawings to be submitted for the prior approval of the Planning Authority:
 - (i) the closure of the existing road access into the leisure centre and its replacement with a standard footway;
 - (ii) the formation of a 'drop kerb' at the new vehicular access instead of the proposed kerbed 'bell mouth' arrangement,;
 - (ii) the construction of a 3m wide shared pedestrian / cycling route along the east side of the internal access road, which shall serve as one of the pedestrian / cycling routes to the adjacent primary school;
 - (iv) a pedestrian 'safe crossing point' in the form of a raised, flat top crossing, which would also serve as a traffic calming feature on the access road (probably on the leisure centre frontage), or some other safe crossing point feature to be approved in advance by the Planning Authority, to function as a crossing point for children accessing the primary school; and,
 - (v) appropriate signs and road marking on the internal access road to inform drivers of the one-way traffic system in operation.

Reason: *To ensure the future users of the building have safe and convenient access to and from the site and in the interests of pedestrian and road safety.*

4. The soundproofing of the extension hereby approved shall be such that any noise emitting from the extended building is inaudible within all neighbouring residential properties. The design and installation of any plant, machinery or equipment operated shall be such that any associated noise does not exceed NR25 when measured within any neighbouring residential property.

Reason: *In the interests of safeguarding the amenity of neighbouring residences.*

(Action: Head of Planning and Development)