

**MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 18 November 2014 at 2.00 pm.

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

**Apologies for Absence:** - Councillors Beattie and Thompson.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 7 October 2014 were submitted and approved as a correct record.

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

There was submitted report, dated 11 November 2014 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 Development Management 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 2014/15; and
- (b) To receive further updated information on the procedural progress of major applications on a regular basis.

(Action: Head of Communities and Economy)

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

There was submitted report, dated 11 November 2014, by the Head of Communities and Economy, detailing the notices of reviews determined by the Local Review Body (LRB) at its meeting in October 2014 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 21 October 2014.

**5. Application for Planning Permission**

An application for planning permission was dealt with as shown in the **Appendix** hereto.

The meeting terminated at 2.05 pm.

## APPENDIX

(relative to paragraph 5)

**Application for Planning Permission in Principle (14/00444/PPP) by  
Buccleuch Estates Limited for Residential Development on Allocated  
Housing Site H1, Wester Cowden, Thornybank, Dalkeith**

There was submitted report, dated 11 November 2014, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Development Management Manager, discussed the application and although not directly part of the current application the potential future provision of public transport in the area.

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 requirements in accordance with the then Edinburgh and the Lothians Structure Plan 2015. Therefore the principle of residential development of the site is acceptable and complies with MLP Policies. 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, children's play provision and maintenance of play equipment, and town centre improvements.

(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 until an application for approval of matters specified in conditions for 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;
- 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 Dalkeith;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi proposed car parking arrangements;
- vii a programme for completion for the construction of access, roads, footpaths and cycle paths; and

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 an application for approval of matters specified in conditions for 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.

If the site investigation identifies the requirement for mine grouting then prior to development commencing a risk assessment for the proposed stabilisation of mine workings with Pulverised Fuel Ash (PFA) grout shall be submitted for the prior written approval of 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 an application for approval of matters specified in conditions for 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 an application for approval of matters specified in conditions for a programme of archaeological works (archive assessment and evaluation) and scheme of investigation has been submitted to and approved in writing in by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place 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 Policy RP28 of the Adopted Midlothian Local Plan.*

### **Declaration of Interest**

Councillor de Vink declared a non pecuniary interest in the foregoing item of business as he knew the applicants. He took no part in the discussion thereof, but remain in attendance throughout.

(Action: Head of Communities and Economy)