



## Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

### Local Review Body: Review of Planning Application Reg. No. 11/00731/PPP

Mr Mark Myles  
Algo Business Centre  
Glenearn Road  
Perth  
PH2 0NJ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Marshall Milne, Seafield Mill , 1 Seafield, Bilston, EH25 9RQ which was registered on 6 March 2012 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

**Application for Planning Permission in Principle for mixed use commercial development comprising showroom, office, industry and storage and distribution uses at Land At Seafield Mill , Seafield Moor Road, Bilston, Roslin, Midlothian, EH25 9RQ**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	GA 01 REV B	01.11.2011
Site Plan	GA 02 REV B	01.11.2011

Subject to the following condition:

1. The development hereby permitted shall be begun within three years from the date of this permission, or within 2 years from the date of approval by the planning authority of the last application for matters specified in conditions to be approved. Application for approval of matters specified in conditions shall be made to the planning authority within 3 years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

**Reason:** To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).

2. 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 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;
  - vii drainage details and sustainable urban drainage systems to manage water runoff; and
  - viii proposed car park configuration and surfacing.

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 RP3 and RP7 of the Midlothian Local Plan and national planning guidance and advice.

3. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings 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. 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 RP3 and RP7 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 site access, roads 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 in relation to a fixed datum;
  - ii proposed vehicular access, internal roads (including turning facilities and details of crossing/bridging the Boghall Burn) and footpaths;
  - iii proposed visibility splays, traffic calming measures, lighting and signage;
  - iv proposed construction traffic access and haulage routes;
  - v proposed car parking arrangements; and
  - vi a programme for completion for the construction of access, road.

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. Development shall not begin until the speed limit of the Seafield Moor Road/A703 is reduced to 50mph, or, alternative traffic safety measures are implemented to enable safe access into and out of the site. Any such alternative traffic safety measures shall be agreed in writing by the local 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. The buildings hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the Planning Authority following submission of appropriate SAP/SBEM calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the Planning Authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.

***Reason:*** To ensure this development complies with the on-site carbon emission reduction targets and BREEAM requirements of Policy NRG3 in the Adopted Midlothian Local Plan.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 17 April 2012. The LRB carried out an unaccompanied site visit on the 16 April 2012.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. ECON3 of the Edinburgh and Lothians Structure Plan 2015 – Economic Clusters
2. ENV1D of the Edinburgh and Lothians Structure Plan 2015 – Regional and Local Natural and Built Environment Interests
3. ENV2 of the Edinburgh and Lothians Structure Plan 2015 – Green Belt
4. ENV3 of the Edinburgh and Lothians Structure Plan 2015 – Countryside
5. RP1 of the Midlothian Local Plan – Protection of the Countryside
6. RP2 of the Midlothian Local Plan – Protection of the Green Belt
7. RP3 of the Midlothian Local Plan – Major non-Conforming Land Uses in the Green Belt
8. RP4 of the Midlothian Local Plan – Prime agricultural Land
9. RP5 of the Midlothian Local Plan – Woodlands, Trees and Hedges
10. RP7 of the Midlothian Local Plan – Landscape Character
11. RP8 of the Midlothian Local Plan – Water Environment
12. DERL1 of the Midlothian Local Plan – Treatment of Vacant and Derelict Land

Material Considerations:

1. The planning history of the site.
2. The consultation responses and representations received.

In determining the review the LRB concluded:

The sites relationship to the existing industrial uses at Seafield Mill and the sites location within the area identified for major non-conforming land uses in the green belt means the principal of the proposed commercial use in this location is acceptable.

In reaching its decision the LRB recognised that the proposed development is not a biotechnology or other knowledge based industry. However, this case can be considered on its individual merits without undermining adopted development plan policies or the future planned development of the Bush Estate. Permission shall therefore be granted on this occasion, but this decision can not be used to set a precedent against which future developments are assessed, because of the individual circumstances of this case.

Dated 17/04/2012

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions***

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)***

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*