



SECTION 42 APPLICATION 18/00628/S42 TO AMMEND CONDITIONS 4 AND 5 (TO CLARIFY PHASING SUBMISSIONS) IMPOSED ON A GRANT OF PLANNING PERMISSION 15/00113/PPP FOR THE DEMOLITION OF EXISTING DWELLINGHOUSE, ERECTION OF HOTEL AND RESIDENTIAL DEVELOPMENT, FORMATION OF ACCESS ROADS, CAR PARKING AND ASSOCIATED WORKS AT LAND AT CALDERSTONES, BIGGAR ROAD, HILLEND, DAMHEAD.

The application is accompanied by an environmental impact assessment report prepared in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 At its meeting on 25 August 2015 the Committee granted planning permission for the demolition of existing dwellinghouse, erection of hotel and residential development, formation of access roads, car parking and associated works at land at Calderstones, Biggar Road, Hillend. This section 42 application seeks to amend the wording of two of the conditions, one relating to hard and soft landscaping and the second relates to the siting and design of buildings. The application is accompanied by an environmental impact assessment report. There have been no representations and there have been consultation responses from Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Environment Scotland, Transport Scotland, the Council's Policy and Road Safety Manager and Fairmilehead Community Council.**
- 1.2 The relevant development plan policies are policy 12 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies DEV5, DEV6, DEV7, TRAN1, TRAN5, VIS2, VIS3, RD3, RD4, ENV1, ENV2, ENV6, ENV7, ENV10, ENV11, ENV15, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is 4.95 hectares and occupied by a private dwellinghouse set within extensive landscaped grounds which include a number of exotic trees and shrub species. It is located in the countryside approximately two kilometres west of Loanhead, on the lower part of the northern slope of the Pentland Hills and within the boundary of the Hillend Country Park, the Pentland Hills Regional Park and in a Special Landscape Area (SLA).
- 2.2 The site is bounded by; woodland with the access road to the Midlothian Ski and Snowsports Centre to the north, the A702 Trunk Road (Biggar Road) to the east and rough grassland on the lower slopes of the Pentland Hills to the south and west. The A702 Trunk Road runs through the settlement of Hillend. The A720 Edinburgh City bypass is located nearby to the north.

3 PROPOSAL

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (hereafter referred to as the Act), is to amend two conditions on planning permission 15/00113/PPP, one relates to hard and soft landscaping (condition 4) and the second relates to the siting and design of buildings (condition 5).
- 3.2 A Section 42 application, is in itself a planning application - a particular kind of planning application for development without complying with or amending the condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the original permission if implemented. Therefore if planning permission is granted for this application it will supersede planning consent 15/00113/PPP if implemented.
- 3.3 Although a Section 42 application is a new planning application in law the Act states *"on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted"*. The principle, layout and form of development are not subject to assessment. Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply.
- 3.4 The underlined text below is the proposed amendment (addition) to condition 4 of planning permission 15/00113/PPP:

Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 for that phase. 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;
- 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); and,
- x proposed cycle parking facilities.

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.

- 3.5 The underlined text below is the proposed amendment (addition) to condition 5 of planning permission 15/00113/PPP:

Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 for that phase. The application shall include samples of materials to be used on external surfaces of cover surfaces; means of enclosure and ancillary structures. No building shall have an under-building that exceeds 0.5 metres in height above ground level. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

4 BACKGROUND

- 4.1 Planning application 15/00113/PPP for planning permission in principle for the demolition of existing dwellinghouse, erection of hotel, erection of replacement house plot, formation of three house plots, formation of access roads, car parking and associated works was granted in 2015. The application was accompanied by an environmental statement submitted under the terms of the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2011) - hereafter referred to as the EIA regulations.
- 4.2 An EIA regulations scoping opinion request, 18/00707/SCO, was submitted with regard the proposed amendments to the conditions which are the subject of this Section 42 application. The applicant was advised that an environmental impact assessment report was required to comply with the EIA regulations (the 2017 EIA regulations superseded the 2011 regulations). *The term 'environmental statement' was changed to 'environmental impact assessment report' in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.*
- 4.3 An alternative Section 42 application (18/00528/S42) for the site to amendment conditions 3, 4, 5, 6 and 10 is being held in abeyance following confirmation from the applicant that it is their intention to either pursue the application following further discussion with the Council and Transport Scotland or withdraw the application.
- 4.4 Pre Application Notice applications have been considered by the Committee in relation to two adjacent sites; one for the Snowsports Centre (18/00970/PAC) and one for a Mountain Bike Trail Centre (19/00126/PAC). The latter is predominantly within the City of Edinburgh Council administrative area.
- 4.5 The application for planning permission in principle constitutes a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and thereby it requires to be determined by the Planning Committee.

5 CONSULTATIONS

- 5.1 **Scottish Environment Protection Agency (SEPA)** does not object to the application.
- 5.2 **Scottish Natural Heritage (SNH)** does not object to the application.
- 5.3 **Historic Environment Scotland (HES)** does not object to the application. The proposals do not raise any historical environment issues of national significance.

- 5.4 **Transport Scotland** does not object to the application subject to conditions (more appropriate to application 18/00528/S42).
- 5.5 The Council's **Policy and Road Safety Manager** does not object to the application.
- 5.6 **Fairmilehead Community Council (FCC)** (in the City of Edinburgh Council administrative area) does not object to the application – but would like to see all phases of the development implemented at the same time to mitigate the impact on local residents.

6 REPRESENTATIONS

- 6.1 No representations have been received.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan, adopted in November 2017. The following policies are relevant to the proposal:

Edinburgh and South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 12 (GREEN BELTS)** requires Local Development Plans to define and maintain Green Belts around Edinburgh whilst ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated. Local Development Plans should define the types of development appropriate within Green Belts.

Midlothian Local Development Plan (adopted 2017)

- 7.3 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.4 Policy **DEV6: Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.5 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.6 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.

- 7.7 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development
- 7.8 Policy **VIS2: Tourist Accommodation** supports the development of hotels or self-catering tourist accommodation provided the proposal is:
- A. is in scale and in keeping with the character of the local area;
 - B. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
 - C. is well located in terms of the strategic road network and maximises public transport access; and
 - D. is in accordance with one of the sections below.

Hotels in built-up areas will be supported, provided residential amenity is protected.

Hotels in business areas and at key gateway locations with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that:

- there are no suitable alternative sites elsewhere in the urban envelope; and
- the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

Self-catering tourist accommodation including touring caravan/camping sites, will be permitted where:

- the proposal is not in the Green Belt unless linked to some related existing development;
- the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and
- the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

- 7.9 Policy **VIS3: Midlothian Snowsports Centre Development** supports development proposals for the upgrading and enhancement of the Midlothian Snowsports Centre and ancillary facilities in order to secure its future as a centre for artificial skiing and snowboarding. Proposals with significant adverse environmental impacts will not be supported unless satisfactory mitigation measure are included in the proposal.
- 7.10 Policy **RD3: Pentland Hills Regional Park** states that proposals within the Pentland Hills Regional Park will not be permitted where it would be contrary to the policy aims of the Park.
- 7.11 Policy **RD4: Country Parks** only supports proposals in a park if they are compatible with the uses and character of the park.
- 7.12 Policy **ENV1: Protection of the Green Belt** Development will not be permitted in the Green Belt except for proposals that:

- A. are necessary to agriculture, horticulture or forestry; or
- B. provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. provide for essential infrastructure; or
- E. form development that meets a national requirement or established need if no other site is available.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which is to maintain the identity and landscape setting of Edinburgh and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence.

The policy states that housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity. The applicant will be required to show the need for the new dwelling is permanent; cannot be made within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity. A planning condition limiting the occupancy of the house is likely to be attached in the event of approval.

- 7.13 Policy **ENV2: Midlothian Green Network** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.14 Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.
- 7.15 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.16 Policy **ENV 10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.17 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss

of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.18 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.19 Policies **IMP1: New Development** and **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** require the developer to deliver, or contribute to, the required infrastructure to mitigate the impact of the development.
- 7.20 **Policy IMP 3 Water and Drainage** requires sustainable urban drainage systems (SUDS) to be incorporated into new development.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The consultation responses received are material considerations.
- 8.2 The principle of a hotel and associated works on the site was established by the grant of planning permission 15/00113/PPP. The proposed minor amendment to two conditions is insignificant in planning terms and in effect is done to provide additional clarity (if needed) and to extend the implementation start date of the earlier permission – keeping the planning permission for a hotel ‘alive’.
- 8.3 The earlier permission was assessed against policies in the 2008 Midlothian Local Plan. Since the grant of this permission the MLDP has been adopted, however there are no material changes in policy which would affect the proposed development. Furthermore, there has been no material change in circumstance or material considerations which would indicate that the proposed minor amendment to the wording of conditions 4 and 5 should not be supported.
- 8.4 The original 2015 planning application was accompanied by an environmental statement as required by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. An updated environmental impact assessment report has been submitted to comply with the later 2017 EIA regulations. The potential environmental consequences and associated mitigation measures of the proposed development are not impacted as a result of the proposed amended wording to conditions 4 and 5.

- 8.5 The environmental impact assessment report considers the potential environmental impacts in relation to: i) noise and air quality, ii) ecology and habitats, iii) socio economics, iv) cultural heritage and archaeology, v) transport and access, vi) landscape and visual impact, and vii) hydrology, soils and geology. The Committee considered these matters in determining application 15/00113/PPP. The updated report provides an up to date position which will assist the planning authority when assesses those details submitted to discharge the planning conditions attached to the grant of planning permission (by way of Matters Specified in Conditions applications). This position is not changed by the proposed amendments to conditions 4 and 5.
- 8.6 In addition to amending condition 4 and 5 it is appropriate to amend the wording of condition 14 to reflect legislative changes. The term 'Environmental Statement' was changed to 'Environmental Impact Assessment Report' in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, for clarity this term has been amended in condition 14.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted for the following reason:

The proposed development for a hotel/tourist accommodation accords with policy VIS2 of the Midlothian Local Development Plan 2017; as such there is a presumption in favour of the proposed development. This presumption in favour of the development is not outweighed by other policies in the development plan or other material considerations. The proposed amendments to conditions 4 and 5 are considered not to undermine this policy position or have a detrimental impact.

Subject to the following conditions:

1. The illustrative site layout plan and prospective images submitted with the application are not approved.

Reason: *The application is for planning permission in principle only and the details delineated within the illustrative site layout plan prospective images are for illustrative purposes only.*

2. Notwithstanding that delineated on application drawings/stated in documents submitted with the application the three new 'house' plots are not approved; but instead, each of these three plots shall only contain a building occupied solely as self-catering tourist accommodation ancillary to the principal hotel use on the site; or alternatively, as staff accommodation incidental to the operation of the hotel.

Reason: *In the interests of safeguarding the character and amenity of the Green Belt as new private dwellings erected on the site would be contrary to South East Scotland Strategic Development Plan 2013 (SESPlan) Policy 12 and adopted Midlothian Local Plan Policy RP2 (Green Belts).*

3. 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 the hotel and the replacement dwelling and the three plots to accommodate three self catering units, the provision of 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 and in the interest of safeguarding the character and amenity of the area.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 for that phase. 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;
 - 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); and,
 - x proposed cycle parking facilities.

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 the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 for that phase. 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. No building shall have an under-building that exceeds 0.5 metres in height above ground level. 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 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 3) 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 development with the local public transportation network;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - v proposed construction traffic access and haulage routes;
 - vi proposed car parking arrangements; and

- vii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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.

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 proposed lighting within the site including of the car parking areas, service areas, roads and footpaths have been submitted to and approved in writing by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The scheme shall be designed to minimise the spread of light in the night sky. Development shall therefore be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To reduce light pollution to the night sky and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.*

9. Development shall not begin until an application for approval of matters specified in conditions for the proposed junction with the trunk road shall be submitted and approved by the planning authority, in consultation with Transport Scotland as Trunk Roads Authority. Prior to the hotel, replacement house or self-catering accommodation first coming into use the junction shall be constructed to a standard as described in the Department of Transport Advice Not RA 41/95 (Vehicular Access to All-Purpose Trunk Road) (as amended in Scotland) complying with Layout 5. The details shall include a two metre wide footway formed adjacent to the Trunk Road along the frontage of the development site to tie into the existing footway at either end of the development site from the junction of the A703 to the bus turning area.

Reason: *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

10. Within one month of the new access off the A702 trunk road first coming into use the existing vehicular access to the Midlothian Ski and Snowboarding centre shall be closed. Development shall not begin until an application for approval of matters specified in conditions for the closure shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

Reason: *To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.*

11. The fences erected on the site; the details of which are required by condition 4(iv), shall include a stock proof anti-climb fence provided and maintained by the developer along the boundary of the site with the trunk road. The type and position of this fence shall be approved by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The approved fence shall be erected in its entirety prior to the new access off the trunk first coming into use

Reason: *To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.*

12. Prior to any alterations to the trunk road to create the development junction, a detailed annotated drawing of a revised junction layout

which shall delineate/demonstrate the existing bus turning circle unaltered and continuing to operate in a satisfactory and safe manner, shall be submitted to and approved in writing by the Planning Authority in consultation with the bus operators using the existing bus turning area:

Reason: *This is to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.*

13. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Evaluation) of no less than 5% of the total site area focussing on those areas unaffected by woodland and existing buildings, has been submitted to and approved in writing 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 buried archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan.*

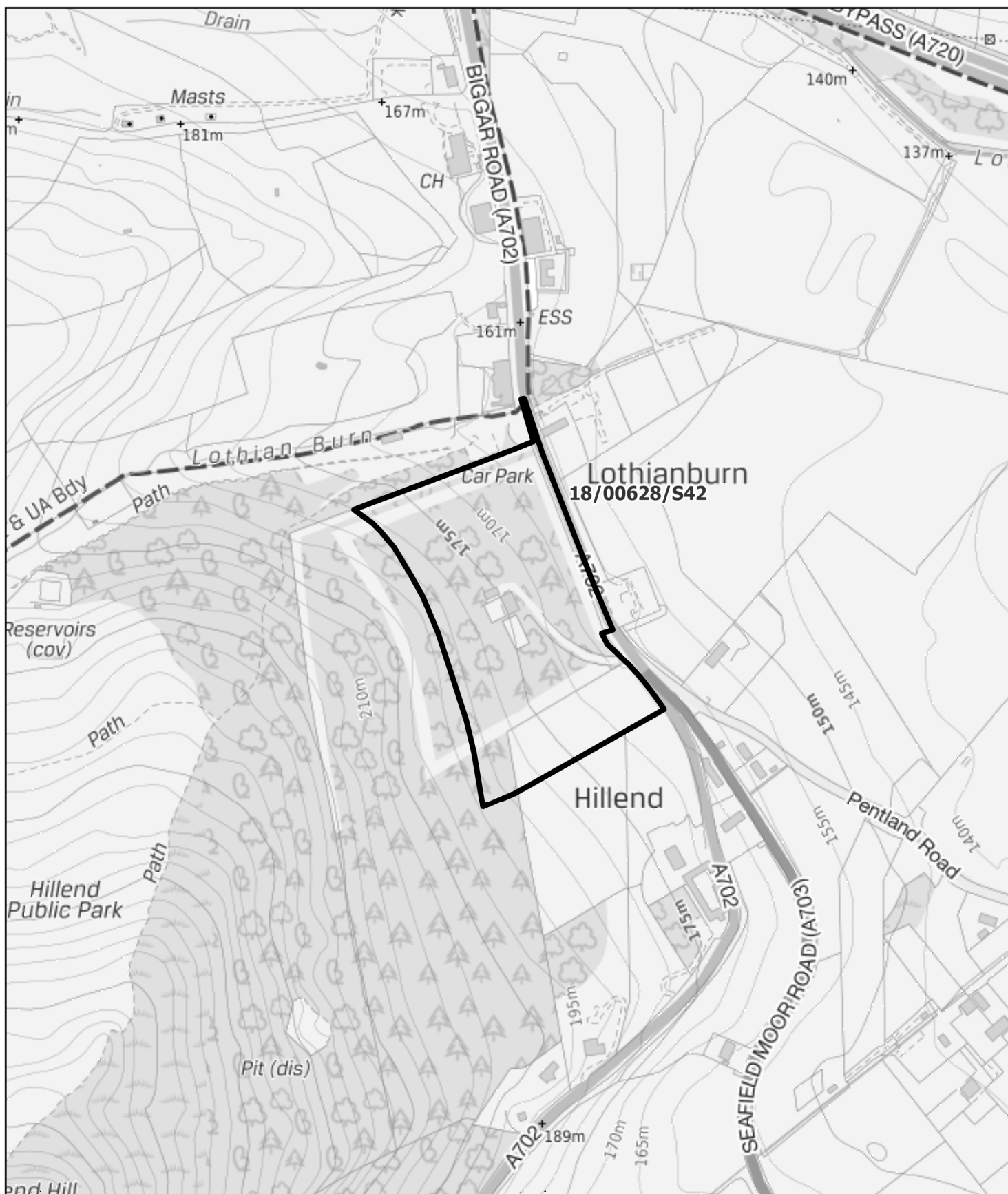
14. The recommended mitigation contained within the specific, Environmental Management Plan (EMP) detailed in Section 7.0 (Ecology & Habitats) of the Environmental Impact Assessment Report shall be carried out in full.

Reason: *In the interests of safeguarding bats, badgers and breeding birds.*

Dr Mary Smith
Director of Education, Communities and Economy

Date: 16 August 2019

Application No: 18/00628/DPP
Applicant: Mr and Mrs Omar Almubarak
Agent: Scott Hobbs Planning
Validation Date: 20 July 2018
Contact Person: Joyce Learmonth
Tel No: 0131 271 3311
Background Papers: Applications 18/00528/S42 and 15/00113/PPP



**Education, Economy
& Communities**
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Section 42 application to amend conditions 4 and 5 of planning permission 15/00113/PPP (to amend the phasing of development)) at Land At Calderstone, Biggar Road, Edinburgh (this application is accompanied by an Environmental Impact Assessment Report)

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