



APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of three appeal decisions received from Scottish Ministers. There were no notices of reviews determined by the Local Review Body (LRB) in May/June 2019.

2 APPEAL DECISIONS

- 2.1 An appeal against a refusal of planning permission for the erection of a single dwellinghouse and associated works on land to the rear of 180 Main Street, Pathhead has been dismissed (refused planning permission). The Reporter appointed by the Scottish Ministers concluded that the proposal is overdevelopment, out of keeping with its setting and would detract materially from the character and amenity of the Conservation Area. Furthermore, the proposed development would have a detrimental impact on the privacy and amenity of the neighbouring properties. A copy of the appeal decision accompanies this report. Separately, the Council is using its enforcement powers to secure the removal of the unauthorised building (garage) erected on the site.
- 2.2 An appeal against a refusal of planning permission for the erection of a single dwellinghouse and associated works at 3 Eskview Villas, Eskbank has been upheld (granted planning permission) subject to conditions. The Reporter appointed by the Scottish Ministers concluded that the proposed development is compatible with its setting and that it would not detract materially from the existing character and amenity of the Conservation Area. A copy of the appeal decision accompanies this report.
- 2.3 An appeal against a refusal of planning permission for the erection of two drive-through restaurants and associated works at land south west of Tesco Superstore, Hardengreen, Dalkeith has been upheld (granted planning permission) subject to the conclusion of a planning obligation securing developer contributions and conditions. The Reporter appointed by the Scottish Ministers concluded that the proposed development is acceptable in principle, is of good design and that it does not undermine nearby town centres or threaten the safe and

effective operation of the Eskbank roundabout. A copy of the appeal decision accompanies this report.

3 RECOMMENDATION

- 3.1 The Committee is recommended to note the appeal decisions by Scottish Ministers.

Dr Mary Smith
Director of Education, Communities and Economy

Date: 7 June 2019
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Background Papers: LRB procedures agreed on the 13 June 2017.



Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2052
- Site address: Land to rear of 180 Main Street, Pathhead, EH37 5QB
- Appeal by Iain Macintosh against the decision by Midlothian Council.
- Application for planning permission 18/00567/DPP dated 5 August 2018 refused by notice dated 22 November 2018.
- The development proposed: Erection of a dwellinghouse and garage.
- Date of site visit by Reporter: 11 April 2019

Date of appeal decision: 13 May 2019

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Because the appeal site is located within Pathhead and Ford Conservation Area I must also have regard to the duty imposed by section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the 1997 Act). This requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

2. The development plan comprises the South East Scotland Strategic Development Plan (SESPlan) approved in June 2013, and the Midlothian Local Development Plan 2017, (the local development plan). Having regard to the development plan the key issues in this appeal are whether the design and scale of the proposed house is compatible with the character and appearance of Pathhead and Ford Conservation Area; whether the proposed house would have an adverse impact on the privacy and amenity of adjacent residents; and whether it would provide an acceptable standard of amenity for its future occupants. No relevant policies in the strategic development plan have been brought to my attention and my decision is based upon an assessment of the appeal proposal in the context of the local development plan.

3. The appellant seeks planning permission to erect a single-storey dwellinghouse and, in retrospect, a partly completed garage which is currently subject to enforcement proceedings. Located within the Pathhead settlement boundary and linked to Main Street by a shared access. the site comprises of around 300 square metres of former garden

ground. Measuring some 15.4 metres by 11.3 metres, with accommodation in the roof space, the ridge height of the house would rise to 7.5 metres and the building would incorporate a flat-roofed extension to the north. Its finish would include wet-dash render, stone walling and traditional roofing materials. Housing at Roman Camp adjoins the site to the north and it is separated by a track from the bungalow at 180A Main Street to the south. Open countryside lies to the south-west.

4. I must determine the appeal on the basis of the information I have before me and at my site inspection the appellant acknowledged that the submitted block plan was incorrect. The means of correcting this discrepancy in future is a matter between the appellant and the council. In practice the proposed house would extend south-eastwards, outwith the site boundary as submitted, on to the track. The southern-most gable of the house would be some 1.2 metres further south-east than shown on the submitted block plan, beyond the existing hedge which would require to be removed, and it would restrict the width of the track. It would be commensurately closer to the single-storey house at 180A Main Street, less than 5 metres away from the proposal. I have dismissed the appeal on design, privacy and amenity grounds and I conclude that a corrected block plan for the appeal proposal would not address the issues that I identify below.

The Development Plan

5. It is necessary for me to assess the proposal against the relevant policies in the local development plan. Policy ENV19 'Conservation Areas' requires there to be no adverse effect from new development on the character or appearance of the conservation area. Policy STRAT2: 'Windfall Housing Sites' allows housing on unallocated sites provided it meets specified criteria including its effect on the character of the area. Policy DEV2: 'Protecting Amenity within the Built-Up Area' requires that new development must be appropriate to the area where it is located. Policy DEV6 'Layout and Design of New Development' requires good design and a high quality of architecture and the layout and design of new developments must meet specific criteria. Policy ENV16 supports the redevelopment of vacant and derelict land.

The impact of the proposal on the character and appearance of Pathhead and Ford Conservation Area

6. Pathhead and Ford Conservation Area is largely centred on Main Street, Pathhead. Here, by far the greater number of houses, albeit of varying designs and heights, are of a traditional and well-proportioned scale, incorporating a simple rectangular shape and, overall, are vernacular style. To the appellant the proposed house is "hybrid" in style "reflecting" vernacular design; it would be a building of interest providing "a unique enhancement" to the conservation area with traditional design and finishes reflecting earlier architectural styles. Notably a lantern-style window, described as being "Mackintoshesque", would be a feature on the south-east corner of the proposed building.

7. I am satisfied that the proposal reflects the prevailing finishing materials of buildings within the conservation area. However because of the restricted dimensions of the site, and in order to accommodate two bedrooms, the proposed house would incorporate a disproportionately bulky and an unduly steep 48 degree pitched roof. I find that this roof detail would not complement the design and massing of other houses in the immediate

vicinity nor within the wider conservation area. The inconsistency of this design is repeated in the incongruent single-storey, flat-roofed part of the proposal, incorporating a 0.9 metre high glazed cupula, that would lie between the house and the closest property in Roman Camp to the north.

8. Policy ENV16 supports the redevelopment of vacant and derelict land and the undeveloped former garden does not enhance the conservation area. However the local development plan specifically excludes garden ground from being 'brownfield' land and, although currently unused, I do not consider that the condition, appearance and former use of the site is such that justifies the construction of the proposed house, nor does it benefit from the provisions of this policy.

9. Overall I conclude that the proposal is contrary to local development plan policies ENV19: 'Conservation Areas' and STRAT2: 'Windfall Housing Sites'. Specifically the scale, height and massing of the proposed house, and in particular its bulky and dominating roofscape, would be out of keeping with the traditional vernacular form of the mix of properties within Pathhead and Ford Conservation Area. Its design would appear top heavy and 'squeezed in', dominating the adjoining single-storey extension. It would be an incongruous feature not only in the conservation area but adjacent to the existing more conventional houses around the site. It would not preserve or enhance the character or appearance of the conservation area.

The impact of the proposal on the residential amenity of adjacent residents

10. In accordance with policy DEV 2 new development will be permitted within an existing residential area unless it is likely to detract materially from the existing character or amenity of the area. Policy DEV 6 requires good design and a high quality of architecture to meet 14 criteria. Neither the council nor the appellant have made specific reference to the council's supplementary guidance on 'Quality of Place' and no detailed calculations have been submitted by the appellant setting out the effect of the proposed house on the privacy and amenity of the occupiers of existing houses. However I find that from my site inspection that the location and size of the house as proposed would have a negative effect on the privacy and amenity of the occupiers of 3 adjoining houses.

11. Specifically, 180A Main Street sits at a slightly lower level than the proposed house and its existing ground-floor bedroom would be overlooked from the proposed ground floor window, the rooflights and the glazed feature on the south-east corner of the proposed house. From this room the 7.5 metre high southern gable wall, close to the principal doorway at 180A Main Street, would be seen as a dominant and intrusive feature, impacting on daylight and reducing the amenity of residents. A bedroom window on the south-facing gable wall of the house at 5 Roman Camp would be around 7 metres from the northern gable wall of the proposed house. From this window the proposed house would also have a very dominant presence, restricting natural light, to the detriment of residential amenity currently enjoyed by the occupiers on 5 Roman Camp. The west facing low-level rooflights of the two first floor bedrooms would have clear unrestricted eye-level views into the rear garden of 6 Roman Camp, around 10 metres distant to the west.

12. Overall I conclude that there would be inadequate spacing between the proposed house and three closes existing houses. Any correction of the discrepancies in the appeal

block plan would serve to exacerbate the effects of the proposal on the amenity of the occupiers of 180A Main Street. The proposal would have an adverse impact on the amenity of the built-up area of this part of Pathhead and specifically the privacy and residential amenity of the occupiers of the three houses at 5 Roman Camp, 6 Roman Camp and 180A Main Street. It would be contrary to local development plan policies DEV2: 'Protecting Amenity within the Built-Up Area' and DEV 6(I): 'Layout and Design of New Development'.

The standard of amenity of future occupants

13. Local development plan policy DEV 6(K): "Layout and Design of New Development" requires the provision of an appropriate scale of private open space. I find that the proposed house, if constructed on this constrained site, would have only very limited private amenity space. The 120 square-metre "designed garden" west of the proposed house, although more attractive than the undeveloped appearance of the land, would have only limited privacy and be visible from the farm access track and the surrounding properties. The 4.5 metre length of the parking area adjoining the currently unfinished garage building is insufficient to allow 2 cars to safely park there, and there are objections to the proposal from the council in terms of parking and road safety.

14. Overall, having regard to the local development plan I conclude that the design of the house, although aimed to reflect "traditional Lothians form", would be an incongruent feature out of keeping with both the conservation area and the conventional design of adjacent houses in this part of Pathhead. By seeking to incorporate the scale of accommodation as proposed, the house would be seen as being overdevelopment. Its proximity to three existing houses would lessen the residential amenity currently enjoyed by their occupiers. Because of its restricted dimensions and proximity to other houses, the amenity of its future occupants would be constrained.

Material Considerations

15. I have noted the site's lengthy planning history which includes protracted enforcement issues. The use of its enforcement powers to address the alleged unauthorised garage is a matter for the council. Scottish Planning Policy (SPP) provides that design is a material consideration and I have set out above, in accordance with SPP, why the appeal should be dismissed on design grounds. I have carefully assessed the representations that have been received against the proposal and I agree with those comments on the effects of the proposal on the conservation area and on existing amenity. However I do not consider that there would be grounds to dismiss the appeal on the basis of the proposal's impacts on nature conservation, air quality and noise.

16. Having regard to the statutory duty imposed by the 1997 Act, I conclude that the site to the rear of 180 Main Street, Pathhead does not have the capacity to absorb the scale and the visual impact of the proposal and consequently it would be to the detriment of the character and appearance of Pathhead and Ford Conservation Area.

17. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have

considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman
Reporter



Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2053
- Site address: 3 Eskview Villas, Eskbank, Dalkeith EH22 3BN
- Appeal by Mrs. Christina Walters against the decision by Midlothian Council
- Application for planning permission 18/00760/DPP dated 5 October 2018 refused by notice dated 30 January 2019.
- The development proposed: Erection of dwellinghouse, formation of access and car parking and associated works.
- Application drawings listed in schedule
- Date of site visit by Reporter: 6 May 2019

Date of appeal decision: 23 May 2019

Decision

I allow the appeal and grant planning permission subject to the 6 conditions listed at the end of the decision notice. Attention is drawn to the 4 advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The appeal site is within Eskbank and Ironmills Conservation Area I must also have regard to the duty imposed by section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the 1997 Act). This requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
2. The development plan comprises the South East Scotland Strategic Development Plan (SESPlan) approved in 2013, and the Midlothian Local Development Plan 2017, (the local development plan). Having regard to the development plan the key issue in this appeal is whether the design and scale of the proposed house is compatible with the character and appearance of Eskbank and Ironmills Conservation Area. No relevant policies in the strategic development plan have been brought to my attention and my decision is based upon an assessment of the appeal proposal in the context of the local development plan.
3. The site comprises of an unused area of some 430 square metres of former garden ground previously associated with a house at 3 Eskview Villas built in the 1980's and which, since the late 1990's, has accommodated the Happy Days Children's Nursery. The appeal



seeks planning permission for a two-storey, four-bedroomed detached house some 12.6 metres wide, 8.6 metres deep and 5.1 metres high. A 4.5 metre-wide vehicular access, acceptable to the council in road safety terms, would be taken from Eskview Villas to where three paved parking spaces would be formed. To the rear of the proposed house an enclosed rear garden of some 130 square-metres would be provided. To the council the modern design of the house does not respect the historic context of the surrounding area; it is neither complimentary to the character of its surroundings, nor is it an “assertive contrast”, making no attempt to interact with the character of the streetscape in the immediate surroundings. In refusing the planning application the council has advised that it does not consider the proposal to constitute the over-development of the site, nor is it opposed to the proposed access and car parking arrangements.

4. Located south of the two-storey terraced houses at Eskview Villas the site is bordered by mature trees, a hedge and a fence. The proposed building would be of a modern design with an irregular fenestration pattern which includes full height glazing. It would be finished in a “contemporary palette” of finishing materials and would have a slate roof, ivory coloured render, untreated larch timber cladding and grey coloured aluminium-clad doors and windows.

The Development Plan

5. The council’s sole reason for refusing the planning application was due to its conflict with local development plan policy ENV19 ‘Conservation Areas’ which requires there to be no adverse effect caused by new development on the character or appearance of a conservation area. In coming to my view on the proposal I have had regard to other relevant local development plan policies. Specifically, policy STRAT2: ‘Windfall Housing Sites’ allows housing on unallocated sites provided it meets specified criteria including its effect on the character of the area. Policy DEV2: ‘Protecting Amenity within the Built-Up Area’ requires that new development must be appropriate to the area where it is located. Policy DEV6 ‘Layout and Design of New Development’ requires good design and a high quality of architecture and the layout and design of new developments must meet specific criteria.

6. The supporting text to policy ENV19 provides that although conservation areas require a higher level of control, this does not mean that development is necessarily opposed; preserving and enhancing the character and appearance of the area is the primary concern. The local development plan also advises that innovative, well-designed contemporary buildings may be acceptable provided that the character, appearance and materials used complement the location. The council’s conservation area character assessment of Eskbank and Ironmills Conservation Area describes the area as a spacious, leafy, low density, late 19th century suburb which possesses high architectural quality with a variety of building styles. The character assessment stresses the need to ensure that new infill development is sensitively designed and relates carefully to adjacent buildings.

7. On my site inspection I observed in detail the prevailing character and appearance of this part of Eskbank and Ironmills Conservation Area, particularly in the vicinity of the appeal site. I agree with the council that the houses on the northern side of Eskview Villas are characterised by a well-integrated relationship between the existing terraced houses and the overall street-scene. I note that the adjacent category ‘A’ listed Eskbank House is

identified as a 'key building' in the conservation area character assessment and I am satisfied that the proposal would not adversely impact upon its setting. I also note that the trees around Glenesk House, to the west of the appeal site and visible from Eskbank Villas, are identified as a main tree group within the conservation area but because of the intervening distance I am satisfied that the proposal would not give rise to any threat to their integrity.

8. From my observations it was apparent to me that the part of the conservation area around the appeal site has seen pressure for new development. Most notably, the modern steel roof and functional, blank rear elevation of 'Wall Cottage' acts as a dominant focal point of the street scene, unrelated to the character and appearance of the adjacent terraced villas. The 1980's architecture of the adjoining nursery school, adapted from a house to its current use, reflects the architectural style of its time. Very recently the council has approved a large double-garage building some 22 metres east of the appeal site opposite Eskbank House, at the junction of Eskbank Villas and Glenesk Crescent. South-west of the appeal site planning permission has been granted on several occasions for extensive new building at Glenesk House in the conservation area, some of which is adjacent to and visible from the appeal site. A little more distant, at the rear of 42 Eskbank Road, I observed a residential plot with planning permission being advertised for sale pursuant to the council's approval of a new house in the grounds of an existing villa. I conclude that development pressures within this part of the conservation area have been allowed with, to a greater or lesser extent, respect to the conservation area's character and appearance.

9. I have taken into account the design and finish of some of the more recent developments around the site. Located in a well-screened site at the west end of Eskbank Villas the proposed house, even after the formation of its new access, would be markedly less visible than the double garage currently under construction at the corner of Eskbank Villas and Glenesk Crescent. While I am in little doubt that the house would be of a contemporary design I do not consider it to be "awkward and contrived" as suggested by persons opposing the proposal. The use of slate for its roof will be complimentary to the character and appearance of the conservation area, as recognised by the council. I find that this choice of finish would be more appropriate than both the red brickwork of the former house now used by the nursery and the steel roof on the building which dominates the west end of Eskbank Villas. I find that the contemporary design of the proposed house makes more of a positive contribution than several of these other developments and, overall, I conclude that it would not have an adverse effect on the conservation area.

10. Having regard to the findings I set out above and the character assessment for the conservation area I conclude that the innovative, well-designed contemporary building complies with local development plan policies STRAT2, DEV2 and DEV6. In accordance with policy ENV 19 'Conservation Areas' I conclude that the scale, choice of materials and design of the proposed house preserves and enhances the character and appearance of Eskbank and Ironmills Conservation Area.

Material Considerations

11. I have carefully assessed the representations that have been received for and against the proposal, including that received from Eskbank and Newbattle Community Council and

which is supportive of residents. However, as I set out above, I disagree with those comments that are made on the potential adverse effects of the proposal on Eskbank and Ironmills Conservation Area and on existing amenity. I have noted the lengthy planning history of the both the site and the adjacent children's nursery.

12. I have observed that there is little, if any, provision of off-street parking available to residents of Eskbank Villas. However I am mindful of the absence of any objection from the council on road safety grounds and the proposal would provide 3 off-street car parking spaces within the appeal site. The council's planning officer advises that this provision complies with the council's parking standards. Overall, I conclude that the limited additional traffic that would be generated by a single house would not exacerbate, in any significant way, any current difficulties relating to on-street car parking, or road safety generally, in Eskbank Villas and its adjacent streets.

13. Given the intervening distance between the front elevation of the proposed house and the houses at Eskbank Villas, set out by the council's planning officer, there are no grounds to oppose the proposal on the basis of the suggested loss of privacy, daylight and sunlight to existing houses at Eskbank Villas. I am satisfied that proper statutory publicity has been given to the proposal and matters relating to perceived impacts on child safety are not material planning considerations.

14. Scottish Planning Policy (SPP) provides that design is a material consideration and I have set out above, in accordance with SPP, why I conclude that the appeal should be allowed on design grounds.

15. Having regard to the statutory duty imposed by the 1997 Act, I conclude that the appeal site at 3 Eskbank Villas, Dalkeith does have the capacity to absorb the scale and the visual impact of the proposal and consequently it would not be to the detriment of the character and appearance of Eskbank and Ironmills Conservation Area.

16. I therefore conclude, for the reasons set out above, that the proposed development does accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman

Reporter

Conditions

1. 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.

Reason: To ensure that any contamination and/or previous mineral workings on the site are 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.

2. On completion of the decontamination works referred to in Condition (1) above and prior to any dwellinghouse on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied unless or until the planning authority have approved the required validation.

Reason: To ensure that any contamination and/or previous mineral workings on the site are 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.

3. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: To ensure the development does not result in the loss or damage of trees which merit retention in accordance with local and national planning guidance and advice.

4. Prior to any external finish materials, hard surface materials; and fences/boundary walls being installed details and, if requested, samples of the materials shall be submitted to and approved in writing by the planning authority. Thereafter development shall comply with the approved details unless otherwise approved in writing by the planning authority

Reason: To safeguard the character of the conservation area.

5. The parking and access arrangements shown on the approved site plan (drawing no. HD ESKH 04A) shall be completed and operational prior to the house being occupied.

Reason: To ensure that the house is provided with safe and adequate access and parking; and to protect the amenity of local residents.

6. Prior to the house being occupied the brick boundary wall shown on the approved site plan (drawing no. HD ESKH 04A) shall be completed.

Reason: To protect the amenity of future occupants of the dwellinghouse and to protect the amenity of children attending the neighbouring nursery.

Schedule of Plans

Location Plan HD ESK 01A
Block Plan HD ESK 02A
Site Plan (Existing) HD ESK 03
Site Plan (Proposed) HD ESK 04A
Proposed Floor Plan HD ESK 05A
Proposed Floor Plan HD ESK 06A
Roof Plan HD ESK 07A
Proposed Elevations West HD ESK 08A
Proposed Elevations North HD ESK 09A
Proposed Elevations South HD ESK 10A
Proposed Elevations East HD ESK 11A
Proposed Cross Section AA HD ESK 12A
Proposed Cross Section BB HD ESK 13A
Root Protection Details 1712.L.G(92)003
Access Statement
Coal Mining Risk Assessment
Design Statement
Landscape Architect Report

Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to

confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.]

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).



Notice of Intention by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2051
- Site address: land south west of Tesco Superstore, Hardengreen, Dalkeith, EH22 3ND
- Appeal by SC Dalkeith Limited against the decision by Midlothian Council.
- Application 18/00181/DPP for planning permission dated 15 March 2018 refused by notice dated 27 November 2018.
- The development proposed: Erection of two drive-through restaurants; formation of access and car parking and associated works.
- Application drawings listed in schedule
- Date of site visit by Reporter: 6 May 2019

Date of notice: 3 June 2019

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, covering the matters listed in paragraph 25 below.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the South East Scotland Strategic Development Plan (SESPlan) approved in June 2013, and the Midlothian Local Development Plan 2017, (the local development plan). Having regard to the development plan the key issues in this appeal are whether the proposal would have an adverse impact on Bonnyrigg and Dalkeith town centres, and whether additional traffic generated by the proposal would be detrimental to road safety at the adjacent Eskbank roundabout. Also relevant to my determination is the layout and design of the proposed development. No relevant policies in the strategic development plan have been brought to my attention and my decision is based upon an assessment of the appeal proposal in the context of the local development plan.

2. The appellant seeks planning permission to erect two drive-through restaurants on 0.55 hectares of vacant grassland east of the A7 and south-west of Eskbank and which would be accessed from the Eskbank roundabout. The north-westernmost single-storey, 229 square-metres unit is intended to be occupied by a national restaurant chain. The second single-storey unit, to the south-west, is a drive-through café and coffee shop of 167 square metres and is expected to be occupied by national coffee chain. Like the adjacent supermarket and filling station both units would operate on a 24 hour basis and around 55 staff would be

employed. Some 55 car-parking spaces would be provided, compliant with the council's parking standards. The site is part of a commercial area which includes a Tesco supermarket and its car park, a filling station, a McDonald's drive-through restaurant and, to the north-east, industrial buildings and their curtilage. It is some 400 metres from Edinburgh College and the closest houses are around 150 metres to the north.

3. The council's two reasons for refusing the planning application are, firstly, that the proposal would impact on the vitality and viability of Bonnyrigg and Dalkeith town centres. Secondly, for road safety reasons, the council considers that the increased use of that part of the Eskbank roundabout serving the Tesco supermarket would result in queueing traffic, threatening the safe and effective operation of the roundabout.

The development plan

4. In coming to my decision I have assessed the appeal proposal against relevant local development plan policies. The appeal site is within the Eskbank, Dalkeith settlement boundary as defined by the local development plan, and it is not subject to specific land use designations or allocations. Policy DEV 2: 'Protecting Amenity in the Built Up Area' requires that, within the built up area of Midlothian, new development must be appropriate to the area where it is located. Policy DEV 6 'Layout and Design of New Development' requires good design and a high quality of architecture and the layout and design must meet specific and relevant criteria. Policy DEV 7: 'Landscaping in New Development' sets out the requirements for landscaping. Policy TCR1: 'Town Centres' supports retail development in town centres. Policy IMP2: 'Essential Infrastructure Required to enable New Development to Take Place' requires developer contributions towards the council's 'A7 Urbanisation' scheme.

The impact on the vitality and viability of Dalkeith and Bonnyrigg town centres

5. The council considers that the impact of the proposal on Dalkeith and Bonnyrigg town centres is a material consideration that outweighs any presumption in favour of development contained in the development plan. It does not refer to specific development plan policies but points to the importance of Bonnyrigg and Dalkeith town centres and their mix of retail, commercial and professional services. Footfall in both settlements has been maintained and occupancy levels are above the national average. To the council retaining what it terms a "fragile balance" of this mix of uses is essential if both towns are able to respond to further changes in market trends. It is argued that the existing "cluster" of commercial uses adjoining the appeal site at Hardengreen already comprises a "significant counter attraction" to the two town centres. Increasing this mix of uses, if the development were to proceed, would be detrimental to, and undermine, the council's policies which seek to protect existing town centres. This view is shared by Bonnyrigg and Lasswade Community Council who are concerned about the impact on nearby town centres. The council has not provided evidence-based reasoning to support its determination, nor referred to any development plan policies that support its stance.

6. Integral to the business model of drive-through restaurants is a readily available and acceptable vehicular access with sufficient, dedicated car parking. Typically, favoured locations for this type of use would be adjacent to a high volume of passing traffic or where visits can be combined with other trips to adjacent uses with a high footfall. I find that the business model for the appeal proposal differs from that of a conventional class 3 'Food

and Drink' use as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 (the 1997 Order). Similarly, I do not consider that appeal proposal corresponds to a class 1 'Shop' use, nor a class 11 'Assembly and Leisure' use, both as defined in the 1997 Order. I therefore agree with the council's planning officer that the development would be a sui generis use; it would not otherwise fall within a class of development specified in the 1997 Order.

7. I note from the results of a study carried out by the appellant in November 2018 that there is not a sequentially preferable, suitable and available site for the proposed development in either Bonnyrigg or Dalkeith town centres. Taking into account the business model I find that it is doubtful that a drive-through restaurant, with adequate car-parking, could readily be accommodated within the two town centres. Additionally, the proposal would not be supported in a town centre by policy TCR1: 'Town Centres', nor can it be ascribed as a new retail or commercial leisure facility which would be subject to policy TCR2: 'Location of new retail and commercial leisure facilities'. Contrary to the views of the council, I find that the proposal does not conflict with the aims of the 'Town Centre First' principle and that there is a clear rationale to the proposal's out-of-town location within a settlement boundary.

8. On my site inspection I observed the vibrancy and quality of Dalkeith and Bonnyrigg town centres. I have also studied in detail the appellant's qualitative assessment of the impact of the appeal proposal on the two town centres. I note that in Dalkeith around 3.4% of 174 commercial units are vacant; correspondingly in Bonnyrigg 4.2% of 72 units are unoccupied. In both towns this occupancy rate is better than the national average of 11.2% and the appellant's 'healthcheck' concludes that the towns are in "good" and "reasonable" health respectively. These findings have not been disputed by the council in its appeal submission. Overall, in qualitative terms, I conclude that both town centres appear healthy and are popular places for residents to shop and enjoy leisure facilities. Despite some vacant premises both town centres did not appear to me to be significantly struggling to attract trade or to fill vacant town centre units. They are functioning well, taking into account current trends in retailing.

9. In assessing the appellant's quantitative assessment of the effect of the appeal proposal, which has similarly not been disputed by the council, I am mindful that the proposal could have a predicted trade draw impact of 2.66% from Dalkeith town centre and 3.21% from Bonnyrigg. I am aware that the adjacent McDonald's facility has only been approved for around a year and the current state of the two town centres does not take into account the effects of this appeal proposal. However these rates of impact are unlikely to adversely impact on the town centres at Dalkeith and Bonnyrigg in any substantial way.

10. I have taken into account the distinctive differences between a drive-through restaurant and a conventional class 3: 'Food and Drink' use. I am also mindful of the need for the planning system to protect the wider local economy and not specifically individual businesses. On the basis of the evidence that I have before me, and from my observations, I find that the appeal proposal would not have, to any significant degree, an adverse qualitative or quantitative impact on the vibrancy, vitality or viability of Dalkeith and Bonnyrigg town centres. I therefore conclude that there are no grounds to dismiss the appeal on the basis of its potential impact on the two town centres.

The impact of the proposal on Eskbank roundabout

11. To the council traffic from the appeal proposal, when combined with that from existing uses, “will” cause queueing traffic and “threaten” the safe and effective operation of the roundabout. Both Bonnyrigg and Lasswade Community Council and Eskbank and Newbattle Community Council, and representees opposing the proposal, share this view.

12. The appellant’s transport assessment incorporates the results of a traffic survey and a queue count from November 2015, and includes forecast growth rates for 2019. From this transport assessment I note that it is predicted that, in the morning peak, an additional 92 trips, above the current 826 trips, would use the Tesco access arm of Eskbank roundabout. At the evening peak the appeal proposal would augment by 76 the current usage of 1338 trips. The transport assessment assumes that some 50% of the trips to the appeal proposal would be new trips on the road network, a higher percentage than was used in the assessment of the adjacent McDonalds’ facility. The council has not responded to these predictions in its appeal submission. In not opposing the proposal the council’s Policy and Road Safety Manager, to the contrary, notes the appellant’s transport assessment modelled the impacts of the appeal proposal on both the private four-arm roundabout within the Tesco site and the five-arm Eskbank roundabout on the A7.

13. The appellant has used a recognised technical assessment which is standard way of measuring the performance of priority junctions like Eskbank roundabout. Measured in terms of both ‘rate of flow to capacity’ and ‘mean maximum queue’ the performance of the Eskbank roundabout has been technically assessed as being able to satisfactorily function with the additional traffic that would be generated by the proposal. Conversely, the council has not evidenced how the appeal proposal “will” threaten the safe and effective function of the roundabout. Its view is contrary to that of its officials who have concluded that the additional traffic generated by the two units can be accommodated on the existing network.

14. I conclude, on the basis of the evidence before me, that the proposal would not threaten the safe and effective operation of the Eskbank roundabout and that there are no grounds for me to dismiss the appeal because of road safety.

The design, layout and landscaping of the proposal

15. I find that the contemporary appearance and finish of both of the proposed buildings, seen in particular from the approaches to the adjacent supermarket, would comprise a functional but well-designed modern development. Although opposed by a representee as being a standard corporate design, not unique in architectural terms, I find that it would not adversely impact on the character or amenity of the surrounding area where there are other adjacent examples of modern commercial buildings. I find that the proposal would accord with policy DEV 6 ‘Layout and Design of New Development’ which requires good design and layout and a high quality of architecture. Overall I conclude that the proposal does not detract materially from the existing character or amenity of the area and accordingly the proposal accords with policy DEV 2 ‘Protecting Amenity within the Built-Up Area’.

16. On my site inspection I closely observed the vacant and semi-derelict appeal site where surface vegetation has been removed, in some parts. It has been argued in a representation opposing the proposal that the site supports local biodiversity and is of value to local flora and fauna. However, the council’s biodiversity screening process did not

identify any biodiversity constraints that apply to the appeal site and draft condition 13 requires the submission of a scheme of sustainability and biodiversity, including measures to encourage and enhance biodiversity. I find there would be no grounds to dismiss the appeal on the grounds of local bio-diversity.

17. There are around 40 existing trees on the site which provide a soft edge to this part of the larger retail site at Hardengreen and which would be lost if the development were to proceed. I have assessed the appellant's extensive landscaping proposals which would assist in the screening of the proposed development from the adjacent A7, from where drivers would have limited and transient views of the appeal site and the other buildings beyond. Taking into account the appearance of the vacant site and the overall contribution of the trees I conclude that the proposed landscaping strategy, which includes a woodland buffer, would compensate for the loss of the trees, would enhance the setting of the two buildings and that it accords with policy DEV 7.

Material Considerations

18. Scottish Planning Policy (SPP) is an important material consideration and sets out national planning policies for the planning system and for the development and use of land. The appeal proposal has a gross floorspace of 396 square metres and SPP only requires a town centre impact assessment for any retail and leisure proposals that exceed 2,500 square metres in size and which are contrary to the development plan. SPP recognises the importance of town centres and the planning system should apply a 'town centre first' approach to encourage their vibrancy, vitality and viability. SPP defines the sequential 'town centre first approach' as being for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities. I have set out above my view why the appeal proposal is not contrary to the aims of the "town centre first" approach, as set out in SPP.

19. I have taken into account the site's extensive planning history and note that various proposals including retail uses, a nursing home and a garden centre have been refused planning permission. A restaurant and bar were allowed on appeal but those consents lapsed. In 2018, on an adjacent site, the council granted planning permission for the existing McDonald's drive-through restaurant, determined under the same local development plan. In approving that proposal the council concluded that the McDonald's proposal was a type of development that would not be expected in a town centre. I conclude that my decision on the current appeal is consistent with the planning history of the appeal site, and adjacent land.

20. The council has recently advised Scottish Ministers of its intention to adopt its draft supplementary guidance (SPG) for food and drink and other non-retail uses in town centres. The draft guidance is currently not part of the development plan, but is a material consideration in the determination of the appeal. The draft SPG concludes that "where drive-through restaurants have been demonstrated to not undermine the vitality and viability of nearby town centres there will be scope to support their development in the built-up area adjacent to the strategic road network". The draft SPG also concludes that drive-through units are an important part of the provision of food and drink but "town centre locations are unlikely to fit with the business models of drive-through unit operators". Despite its reference to a necessary sequential assessment I conclude overall that the draft SPG supports my decision to allow the appeal.

21. I have studied the representation from Midlothian Health & Social Care Partnership (MHSCP) and which opposes the proposal on health grounds. Pointing to a local strategy to address inequalities in health it is argued that less healthy food exacerbates health inequalities and that the growth of fast-food outlets in poorer areas can reinforce the consequences of inequalities in diet. There are no policies in the local development plan that refer to the health consequences of proposed developments, and although being some 400 metres from Edinburgh College the council's draft SPG refers to the proximity of schools to hot food takeaways but not to the proximity of further education establishments. The matters referred to by MHSCP are not unique to my determination but would apply to a wide range of uses that are, nationally, subject to the need for planning permission. I must determine the appeal on its planning merits. In the absence of national guidance on the health consequences of proposed developments I am unable to attach significant weight to the matters raised. I therefore conclude that there would be no planning grounds to dismiss the appeal on health grounds.

22. The views expressed by the 3 other parties who have made representations on the proposal, expressed on a planning matter, are material considerations. My findings on the effect of the proposal on the adjacent town centres, the access, the design of the proposal, and healthy eating are set out above. Conditions would address matters such as litter and noise.

Overall conclusions

23. Because of its location within the settlement boundary of Eskbank, Dalkeith the principle of development on the site is acceptable. I have concluded that the design, layout and landscaping of the appeal proposal would be appropriate to the area where it is located. From the evidence before me the proposed drive-through restaurants would not undermine the vibrancy, viability and vitality of Dalkeith and Eskbank town centres and would not threaten the safe and effective operation of the Tesco arm of the Eskbank roundabout.

24. The council has proposed the imposition of 14 planning conditions as set out in its committee report and which are acceptable to the appellant, if I allow the appeal. I find that each of the proposed planning conditions are appropriate and satisfy the terms of Scottish Government Circular 4/1998 'The use of conditions in planning permissions'. The conditions would address several requirements of the local development plan as well as noise and litter control.

25. Policy IMP2: 'Essential Infrastructure Required to enable New Development to Take Place' provides that new development must make provision for, amongst other things, essential infrastructure related to the scale and impact of the proposal. TRAN 2: 'Transport Network Interventions' sets out transport interventions required in Midlothian, including the A7 urbanisation. During the determination of the planning application agreement was reached between the appellant and the council on development contribution rates required towards the council's 'A7 Urbanisation' programme.

26. I conclude that a planning obligation restricting or regulating the development or use of the land should be completed in order to assist in encouraging safe pedestrian and cycle routes within the A7 transport corridor. A proportionate contribution would therefore be

required from this development. I will accordingly defer determination of this appeal for a period of 6 months to enable the relevant planning obligation (either an agreement with the planning authority, or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 6-month period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

27. I have studied the agreed draft heads of terms of the proposed planning obligation. I have no observations to make on its contents except the terms of clause 5.0 that relate to the issuing of planning permission. The planning permission for the development would be issued by myself on the registering or recording of the relevant planning obligation. However I am not a party or signatory to the agreement and I cannot be bound by its contents; the terms of the planning obligation ought to be amended by deleting clause 5.

28. I therefore conclude, for the reasons set out above, that subject to the matters referred to in paragraph 25 being satisfactorily dealt with, the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Chris Norman
Reporter

List of conditions

1. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

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

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.

2. On completion of the decontamination/remediation works referred to in condition 1 above, and prior to any building on the site being brought into use, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No building on the site shall be brought into use unless or until the planning authority have approved the required validation.

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.

3. Development shall not begin until a scheme of investigation and remediation to deal with previous mineral workings has been submitted to and approved in writing by the planning authority. The scheme shall include:

- i) a scheme of intrusive site investigations;
- ii) a report of findings arising from the intrusive site investigations; and
- iii) a scheme of remedial works for approval by the Coal Authority.

Before any work starts onsite on the proposed development the investigation schemes and remediation works shall be fully implemented as approved by the planning authority and the Coal Authority.

Reason: To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to development commencing.

4. Development shall not begin until a detailed scheme of hard and soft landscaping 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, open space and roads in relation to a fixed datum;
- ii) existing trees, landscaping features and vegetation to be retained, removed or protected during development;
- iii) proposed new planting in planting areas, including trees, shrubs, hedging and grassed areas;

- iv) location and design of all 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) a 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; 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 (existing or planted) that are subsequently lost through removal, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the next available planting season by trees or 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 DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

5. Development shall not begin until details and, if requested, 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 physical development is of an appropriate standard in terms of its impact on the character and appearance of the area. To ensure compliance with local and national planning guidance and advice.

6. Prior to either restaurant opening to the public details of a litter collection plan for the surrounding area, including an agreed length of the National Cycle Network Route 196, shall be submitted to and approved in writing by the planning authority. All the measures identified in the approved plan shall be in place and fully operational for the opening of either of the restaurants to members of the public and shall continue in operation for the duration of the approved use, unless otherwise approved in writing by the planning authority.

Reason: To protect the character and amenity of the surrounding area.

7. Prior to each restaurant opening to the public a travel plan, for the said restaurant, shall be submitted to and approved in writing by the planning authority. Each travel plan shall include details of the measures to be taken to encourage staff to use sustainable modes of transport when travelling to the site. All the measures identified in the approved plans shall be in place and fully operational for the opening of each restaurant to members of the public and shall continue in operation for the duration of the approved use, unless otherwise approved in writing by the planning authority.

Reason: To ensure that the number of vehicle trips generated by staff of the restaurant is minimised.

8. Unless otherwise approved in writing by the planning authority the vehicular access and parking arrangements shown on the approved proposed site plan (Drawing number G2713-AL(0)003 P2-2) shall be operational prior to the restaurant being opened to the public.

Reason: To ensure that queuing and disruption to Eskbank roundabout is minimised.

9. The kitchens of the restaurants shall be ventilated by extraction ventilation system which shall:

- i) Be designed to achieve 30 air changes each hour;
- ii) Provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
- iii) Prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties; and
- iv) Terminate at sufficient height to permit the free disposal of exhaust fumes.

Reason: To safeguard amenity

10. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason: To safeguard amenity.

11. The sound emitted by any tannoy or loudspeaker system serving the restaurant's drive-through facilities shall be controlled to ensure that no amplified speech is audible within any adjacent noise sensitive premises.

Reason: To safeguard amenity.

12. Development shall not begin until details for the provision and use of electric vehicle charging stations throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.

13. Development shall not begin until a scheme of sustainability and biodiversity (including measures to encourage and enhance biodiversity) for the site has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.

14. Consent is hereby granted for the sale of food and drink for consumption on the premises and off the premises. The buildings hereby approved shall be used as sui generis drive-through restaurants/cafes.

Reason: To ensure that the use of the buildings reflects the terms of the application; and to safeguard the vibrancy, vitality and viability of local town centres by ensuring that the buildings cannot be used for any other use without planning permission.

Schedule of drawings

Floor plan, Roof Plan and Elevations Unit 1 A(0)004 P3-2 04 Jun 2018
Drainage Layout 13037-500-A 04 Jun 2018
Floor plan, Roof Plan and Elevations Unit 2 A(0)005 P1 1:100 20 Mar 2018
Landscaping Plan 28001-L102-B 09 Aug 2018
Location Plan AL(0)001 1:1250 20 Mar 2018
Proposed Site Plan AL(0)003 P2-2 1:1250 04 Jun 2018
Site Plan AL(0)002 P1 1:1250 20 Mar 2018
Air Quality Impact Assessment 20 Jun 2018
Coal Mining Risk Assessment 20 Mar 2018
Coal Mining Risk Assessment Addendum 18 May 2018
Drainage Strategy Plan 20 Mar 2018
Flood Risk Assessment 20 Mar 2018
Landscape and Visual Appraisal 20 Mar 2018
Landscaping Strategy 03 Jul 2018
Planning Statement 20 Mar 2018
PSAD Letter detailing revisions 04 Jun 2018
Response to Emerging Food & Drink SG 06 Nov 2018
Sequential Assessment 19 Nov 2018
Transport Assessment 20 Mar 2018
Transport Assessment May 2018 Part 1 of 2 04 Jun 2018
Transport Assessment May 2018 Part 2 of 2 04 Jun 2018
Tree Survey and Arboricultural Constraints Report