

Notice of Meeting and Agenda



Planning Committee

Venue: Virtual Meeting,

Date: Tuesday, 31 August 2021

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone: 0131 272 3161
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

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1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- 4.1** Minute of meeting of 15 June 2021 submitted for approval 5 - 10

5 Public Reports

- 5.1** Mavisbank Conservation Area Character Appraisal and Management Plan - Report by Chief Officer Place 11 - 64

- 5.2** Pre-Application Consultation for a mixed use development comprising Class 4, 5 and 6 at land East of Salters Road, Dalkeith (21/00512/PAC) 65 - 70

- 5.3** Application for Planning permission in principle for residential development and associated works at land north of Seafield Road, Bilston (19/01039/PPP) 71 - 104

- 5.4** Section 42 Application to amend condition 10 and 11 imposed on a grant of Planning Permission (13/00681/DPP) for the continuation of landfill operations without erection of waste management complex at Drummond Moor landfill site, Rosewell (21/00101/s42) 105 - 132

- 5.5** Application for Planning Permission for erection of up to 64 Holiday Lodges, Reception, Amenity building and associated works at land at Drummond Moor, Rosewell (20/00268/DPP) 133 - 172

- 5.6** Application for Planning Permission for Subdivision of existing dwelling house to form two dwelling houses and associated works at 172 main street, Pathhead (21/00188/DPP) 173 - 192

6 Private Reports

No items for discussion

7 Date of Next Meeting

Tuesday 12 October 2021 at 1 pm

Minute of Meeting

Planning Committee
Tuesday 31 August 2021
Item No: 4.1



Planning Committee

Date	Time	Venue
Tuesday 15 June 2021	1.00 pm	Via MS Teams

Present:

Councillor Imrie (Chair)
Councillor Alexander
Councillor Cassidy
Councillor Curran
Councillor Hardie
Councillor Johnstone
Councillor Lay-Douglas
Councillor McCall
Councillor McKenzie
Councillor Milligan
Councillor Muirhead
Councillor Munro
Councillor Parry
Councillor Russell
Councillor Smail
Councillor Wallace
Councillor Winchester

In Attendance:

Peter Arnsdorf	Planning Manager
William Venters	Legal Services
Derek Oliver	Chief Officer Place
Morag Barrow	Joint Director Health and Social Care
Janet Ritchie	Democratic Services Officer

1. Apologies

Apologies for absence were intimated on behalf of Councillor Milligan

2. Order of Business

The order of business was as set out in the Agenda.

3. Declarations of interest

No declarations of interest were intimated at this stage of the proceedings.

4. Minutes of Previous Meetings

The Minute of Meeting of 18 May 2021 was submitted and approved as a correct record with the following amendment to item 3. Declarations of Interest:

Councillor Smaill declared an interest in item 5.6 Application for Planning Permission for the erection of 42 dwelling houses and four flatted dwellings; formation of access road and car parking and associated works at land South East of Tynewater Primary School, Crichton Road, Pathhead (20/00538/DPP) therefore he would leave the meeting during this discussion.

5. Reports

Agenda No	Report Title	Presented by:
5.1	Midlothian Local Development Plan Action Programme	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to update the Committee on the progress made implementing the Midlothian Local Development Plan 2017 (MLDP) and sought the Committee's approval of the revised MLDP Action Programme.</p> <p>The Town & Country Planning (Scotland) Act 1997 requires the Council to prepare an Action Programme to accompany its local development plan, the MLDP, and to keep it under review and update it every two years. The first Action Programme was published in February 2018, this was reviewed in 2020.</p> <p>The revised Action Programme was subject to consultation between February and March 2020, however, the March 2020 Committee meeting was cancelled in response to the Covid-19 pandemic and the introduction of emergency measures. A copy of the revised Action Programme, was submitted to Scottish Ministers (to comply with the 2 year review requirement) for their information with the proviso that an adopted version would be submitted post pandemic or in 2021. A copy of the revised Action Programme is attached to the report as Appendix A.</p> <p>The Planning Manager in response to questions and comments advised that:</p> <ul style="list-style-type: none">• The consultation targeted consulted bodies who had a reference in the document and the report was an update what the Council had been doing over the last two years.		

- If agreed this document would be published on the Council's website.
- Population estimates were a two way communication with Planning Authority and Scottish Government and the population statistics from the Census and that the population estimates are always slightly behind due to recovery of data.
- Explanation on the affordable housing and that for the reference referred to one year completion of affordable housing which was below 25%. He further advised that percentages for a number of years could be provided.
- Developer's contributions were on course and that 15.2 million had been collected. He further explained the reason for the gap between the amount secured and the amount collected and this was due to the number of housing approved but not yet completed.
- Confirmed that Midlothian is delivering the housing targets.

The Chair provided clarity on the role of the Scottish Reporter and the Scottish Government with regards to Planning applications and confirmed that the Scottish Government had the responsibility for Planning and could override a decision made by the Scottish Reporter.

Decision

The Planning Committee

- Agreed to adopt the updated Action Programme;
- Instructed the Planning Manager to submit the approved Action Programme to Scottish Ministers.
- Agreed that the Action Programme would be published electronically on the Council's Website.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Roslin Conservation Area Character Appraisal and Management Plan	Peter Arnsdorf
Outline of report and summary of discussion		
<p>This report sought the Committee's agreement to adopt the 'Conservation Area Character Appraisal and Management Plan' (CACAMP) for the Roslin Conservation Area, attached to the report as Appendix A.</p> <p>At its meeting of 24 November 2020 the Committee agreed to undertake a formal consultation on the 'Conservation Area Character Appraisal and Management Plan' for the Roslin Conservation Area which ran from 3 December 2020 to 15 February 2021. The consultation was advertised via press release and social media. The Roslin and Bilston Community Council, Historic Environment Scotland and other relevant local community groups were notified of the draft CACAMP and invited to make comment.</p>		

The Chair advised that this had been out for public consultation and certain amendments and decisions had been taken on Board but some of these will not be picked up until the next Midlothian Development Plan.

Decision

The Planning Committee:

- a) Agreed the adoption of the Roslin Conservation Area Character Appraisal and Management Plan.
- b) Authorised the Planning Manager to make any necessary minor editing and design changes to the Roslin Conservation Area Character Appraisal and Management Plan prior to publication.

Action

The Planning Manager

Agenda No	Report Title	Presented by:
5.3	Tree Preservation Order (2 Of 2021) at Little Moss and Nether Moss Near Howgate, Penicuik	Peter Arnsdorf

Outline of report and summary of discussion

This report sought the Committee's approval to confirm a Tree Preservation Order (TPO) 2 of 2021 issued on 31 March 2021 for three groups of trees (G1, G2 and G3) at Little Moss and Nether Moss, near Howgate, Penicuik.

A TPO was issued by the Executive Director of Place as an 'emergency' using delegated authority powers granted by Midlothian Council's Standing Orders. The background and justification for issuing the TPO was set out in the delegated authority report attached as Appendix A.

The TPO came into effect on 31 March 2021 and continues in force for six months (until 31 September 2021) or until the Order is 'confirmed', which is the process of making the TPO permanent (until it is removed).

In response to a question raised by Councillor Parry regarding replacing trees which are felled on Council land the Planning Manager advised there was no policy on this but the Council was mindful of addressing climate change with regards to tree planting. Councillor Parry expressed her disappointment that this is not done as a matter of course to plant a tree when one is felled and asked for the legal position regarding this. Mr Venters advised that this was not for the Committee to make a decision today but this could be raised with the Chief Executive and pursued separately.

Decision

The Planning Committee:

- a) Agreed to confirm the Tree Preservation Order (2 of 2021 for three groups of trees G1, G2 and G3 at Little Moss and Nether Moss, near Howgate, Penicuik).

- b) Instructed the Planning Manager to carry out the necessary procedures, following confirmation and endorsement of a tree preservation order, that are required by the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010.

Action

The Planning Manager

Agenda No	Report Title	Presented by:
5.4	Pre-Application Consultation Report Regarding For Mixed Use Development Comprising Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage Or Distribution) With Associated Class 3 /Sui Generis Drive Through at Land At Sheriffhall South, Gilmerton Road, Dalkeith (21/00416/PAC)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed use development comprising Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage or Distribution) with associated Class 3 (Food and Drink)/Sui Generis drive through at land at Sheriffhall South, Dalkeith (21/00416/PAC).</p> <p>The pre-application consultation was reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>Councillor Curran while acknowledging that this may bring job opportunities to the area raised his concern with regards to the ongoing issue with grade separation at Sheriffhall and that this will result in more pressure and congestion at this roundabout. Councillor Hackett also commented that if this application does go ahead in the future it should not limit any changes which might happen to Sheriffhall in the future.</p>		
Decision		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> a) The provisional planning position set out in this report; b) That any comments made by Members will form part of the minute of the Committee meeting. c) That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application. 		
Action		
The Planning Manager		

Agenda No	Report Title	Presented by:
5.5	Pre-Application Consultation Report Regarding Residential Development at Scotts Touring Caravans, Mayfield Industrial Estate, Dalkeith (21/00344/PAC).	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for residential development (Class 9) at a former caravan park, west of the B6482, Mayfield (21/00344/PAC).</p> <p>The pre-application consultation was reported to the Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.</p> <p>Councillor Hackett commented on how this development encroaches into the employment land and that this should not limit opportunities for employment in this area particularly with the number of houses going up in the Mayfield and Easthouses area.</p>		
Decision		
<p>The Planning Committee noted:</p> <ul style="list-style-type: none"> a) The provisional planning position set out in this report; b) That any comments made by Members will form part of the minute of the Committee meeting. c) That the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application. 		
Action		
The Planning Manager		

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday 31 August 2021

The meeting terminated at 13.24 pm



MAVISBANK CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's agreement to adopt the 'Conservation Area Character Appraisal and Management Plan' (CACAMP) for the Mavisbank Conservation Area, attached to this report as Appendix A.

2 BACKGROUND

- 2.1 At its meeting of 24 November 2020 the Committee agreed to undertake a formal consultation on the 'Conservation Area Character Appraisal and Management Plan' for the Mavisbank Conservation Area which ran from 3 December 2020 to 15 February 2021. The consultation was advertised via press release and social media. The adjoining Community Council, Historic Environment Scotland and other relevant local community groups were notified of the draft CACAMP and invited to make comment.
- 2.2 Conservation areas are areas of special architectural and/or historic interest. The character and/or appearance of which it is desirable to preserve and enhance. Conservation area appraisals are a non-statutory form of planning guidance recommended as part of the ongoing management of conservation areas.
- 2.3 The Mavisbank Conservation Area was originally designated in 1977 and modified in 1992 and 2014.

Mavisbank House Restoration Project

- 2.4 In July 2021 Members and Council officers were informed that the application submitted to the National Lottery Heritage Fund's Heritage Horizon Awards by the Landmark Trust and Historic Environment Scotland to restore Mavisbank House and its grounds was unsuccessful. The application sought to restore the House and increase access into, and use of, the House's grounds.

- 2.5 Including the Mavisbank project, 12 projects from across the United Kingdom bid for a share of the National Lottery Heritage Fund's Heritage Horizon Awards fund of £50m. The Landmark Trust and Historic Environment Scotland are expecting detailed feedback from National Lottery Heritage Fund on their failed application. They will consider the feedback and have stated they will reflect on this with their partners, which includes Midlothian Council. This reflection will include consideration of next steps and exploration of other possible funding possibilities – elected members will be kept informed of progress.
- 2.6 The Mavisbank Conservation Area remains in place, and although the Conservation Area's focal point is the House and grounds, it does cover other nearby locations. It is therefore necessary that an up to date Mavisbank CACAMP is in place; it does refer to the Landmark Trust and Historic Environment Scotland's recent bid to the National Lottery Heritage Fund. As another proposal for Mavisbank House and grounds may come forward in the future, it was considered necessary to leave references of the proposal in the document to provide guidance for the consideration and assessment of any such proposals that may occur in the future.

3 PURPOSE OF CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS

- 3.1 Conservation area appraisals are a non-statutory form of planning guidance recommended by the Scottish Government as part of the ongoing management of conservation areas. The purpose of this CACAMP is to:
- Confirm the importance of the designation of the area and to consider the ongoing relevance of the current conservation area boundaries;
 - Highlight the significance of the area in terms of townscape, architecture and history; and
 - Provide a framework for conservation area management and for managing change within the conservation area.
- 3.2 The purpose of conservation area designation and of the appraisal is not to prevent change, but to identify the key characteristics of the historic environment and establish a context within which change can continue in a way which enhances the historic character of the area.
- 3.3 Midlothian Local Development Plan 2017 Policy ENV 19 Conservation Areas states that in assessing proposals for development (by way of a planning application) in or adjacent to a conservation area, consideration will be given to any relevant Conservation Area Character Appraisal.

4 CONSULTATION RESPONSES

- 4.1 Five consultation responses have been received and are set out in detail in Appendix B attached to this report.
- 4.2 In summary, three responses were received from local residents, the others were from the Lasswade and District Civic Society and the Mavisbank Trust. The local residents and Lasswade and District Civic Society were supportive of the CACAMP stating Mavisbank House and grounds are known for their beauty and tranquillity. The Mavisbank Trust, which includes some local residents, expressed support for the CACAMP but requested changes to highlight key features of Mavisbank House and grounds – these changes are identified in Appendix B.
- 4.3 Appended to this report is a schedule of the comments received on the draft CACAMP through the public consultation, and proposed changes to the document arising from these received responses. The proposed changes have been incorporated into the Mavisbank CACAMP.

5 RECOMMENDATION

- 5.1 The Committee is recommended to:
1. Adopt the Mavisbank Conservation Area Character Appraisal and Management Plan; and
 2. Authorise the Planning Manager to make any necessary minor editing and design changes to the Mavisbank Conservation Area Character Appraisal and Management Plan prior to publication.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Contact Person: Grant Ballantine, Lead Officer Conservation and Environment
grant.ballantine@midlothian.gov.uk

Background Papers:

1. Mavisbank Conservation Area Character Appraisal and Management Plan as proposed for adoption by Midlothian Council August 2021 (Appendix A);
2. Schedule of comments received through the public consultation on the Draft Mavisbank Conservation Area Character Appraisal and Management Plan (November 2020) and proposed Midlothian Council responses (Appendix B); and
3. Midlothian Local Development Plan 2017.



Mavisbank

Conservation Area Character
Appraisal & Management Plan

MIDLOTHIAN COUNCIL
AUGUST 2021 (As proposed for adoption)

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Introduction

1. Conservation areas are areas of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve and enhance. Under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Midlothian Council is required to determine which parts of its administrative area should be designated as conservation areas.
2. When a Conservation Area has been designated, it is the duty of Midlothian Council to pay special attention to the character or appearance of the Conservation Area when exercising powers under planning legislation. The character of a conservation area is not a simple matter of style, it is a combination of street layout, building density, scale and form, and landscape character.
3. Conservation area character appraisals are a non-statutory form of planning guidance recommended as part of the ongoing management of conservation areas. The purpose of this Conservation Area Character Appraisal and Management Plan (CACAMP) is to:
 - Highlight the significance of the Conservation Area in terms of townscape, landscape, architecture and history;
 - Provide a framework for conservation area management and for managing change within the conservation area; and
 - Confirm the importance of the designation of the area.

The CACAMP will define how change is managed within the Conservation Area, identifying specific opportunities for enhancement and it will inform planning decisions in the Conservation Area. The purpose of conservation area designation and this CACAMP is not to prevent change. The aim is to identify the key characteristics of the historic environment and establish a context within which change can continue in a way which enhances historic character.

4. The Mavisbank Conservation Area, shown in Figure 1, is centred on the Mavisbank Estate, which is located 6 miles south of Edinburgh, between Loanhead, Lasswade and Bonnyrigg (Poltonhall). The population within the Conservation Area is approximately 180 people. The Conservation Area straddles the River North Esk and is bounded by Wadingburn Road to the north, Loanhead to the west, Poltonhall (Bonnyrigg) to the south and Kevoek (Lasswade) to the east. The village of Polton is the only settlement within the Conservation Area. The focal point for the Conservation Area is, however, the Mavisbank Estate.
5. The Mavisbank Estate was originally created by Sir John Clerk in collaboration with William Adam, in the early 18th Century. The Category A listed Mavisbank House is one of Scotland's earliest Palladian villas, and was one of Scotland's finest country houses for many years. It is still of significant architectural importance, despite being

derelict, and is considered to be of European importance. Mavisbank House is set within a designed landscape referred to as the Mavisbank Policies. Policies is a Scots word for “grounds” or “estates”.

6. Mavisbank Conservation Area was designated in 1977. The boundary was reviewed and enlarged in 1992 and 2014. There are four areas of distinct character – Mavisbank Policies, Polton (including the village, Polton Bank and Polton Road), Wadingburn Road and the southern slope of the North Esk valley. The Conservation Area boundary overlaps in parts with the following designations, shown in Figure 2:

- North Esk Valley Special Landscape Area;
- [Mavisbank Garden and Designed Landscape](#); and
- Mavisbank Local Biodiversity Site and River North Esk (Lasswade) Local Biodiversity Site.

Figure 1: Mavisbank Conservation Area Boundary

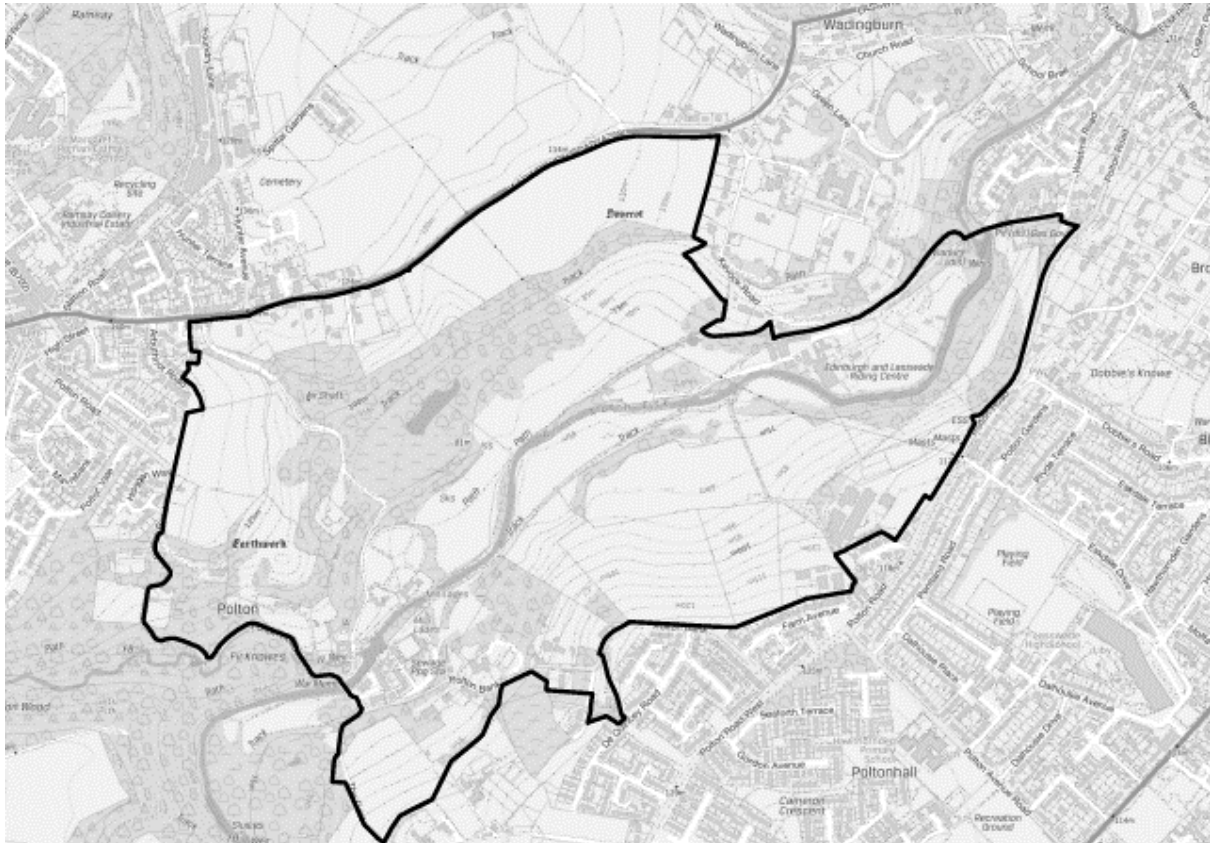
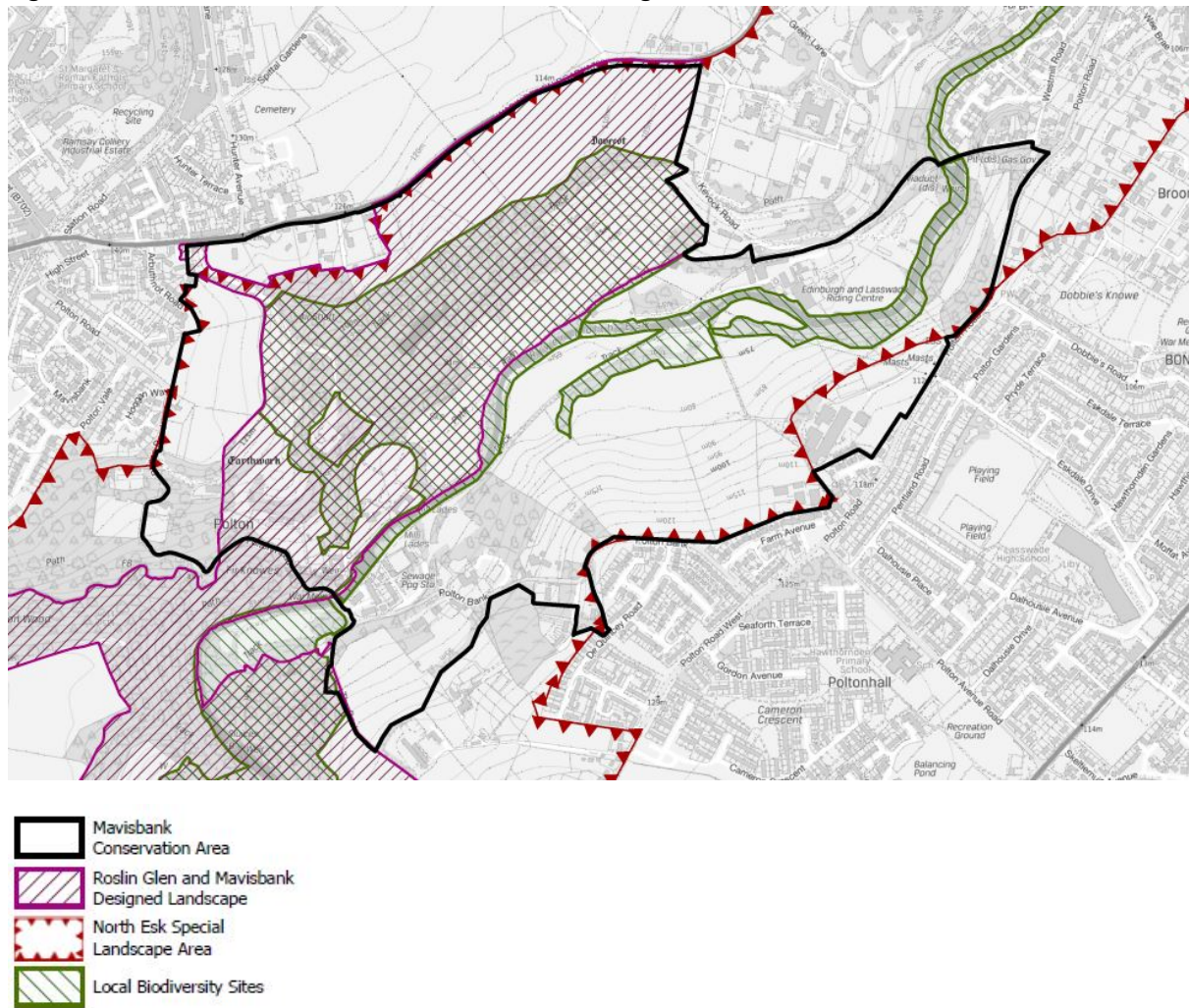


Figure 2: Mavisbank Conservation Area and Other Designations



Historical Development and Significance

Origins of the Area

7. Mavisbank Conservation Area spans the River North Esk between Polton and Lasswade. Much of the North Esk valley is narrow with steep and densely wooded sides, but it opens out a little around Polton, creating a broader but still steep sided and largely wooded valley. Along much of its length, including at Mavisbank, the River North Esk runs through or is bordered by large estates and former estate lands. The character of Mavisbank Conservation Area is largely influenced by the landform resulting from the river, and by the estates lining the banks of the river – Mavisbank Estate and Polton Estate.



John Adair Map (printed 1735)



Roy Lowland Map (1755)

8. The main focus of the Mavisbank Conservation Area is the Mavisbank Estate. The Estate was formed by Sir John Clerk (2nd Baronet of Penicuik) from land originally purchased by his father (Sir John Clerk, 1st Baronet) as part of Mavisbank Farm. The farm was purchased with the intention of building a small house from which the 1st Baronet could supervise his local coal mining operations more easily than from the family home in Penicuik.



Mavisbank Estate aerial view



Aerial view of Conservation Area

9. The former Polton Estate also lies within the Conservation Area. The estate was feued in 1500 by Sir David Ramsey from the Abbot of the hospital of St Leonard (Edinburgh). The estate was purchased by William Calderwood (later Lord Polton) in 1711. The now demolished Polton House was built in the 1700s on a small promontory over the valley, which was the site of an older house dating from the 16th century. The site of Polton House is now the Poltonhall Industrial Estate. The summerhouse has survived

and is Category B listed. It sits outwith the boundary of the Mavisbank Conservation Area.



Polton House (by Mrs Kenny Stuart 1864-65)



Polton House (Ordnance Survey 1852)

10. Polton village developed as a result of the establishment of the Springfield Paper Mill in 1742 and the Polton Paper Mill in 1750 which both utilised the power of the River North Esk. The site of the Polton Paper Mill lies within the Conservation Area. The site belongs to Midlothian Council, and following the demolition of the former mill buildings, has been re-naturalised. The site of Springfield Mill is not within the Conservation Area. The mill buildings were demolished and the site has been restored for wildlife, managed by the Midlothian Council Ranger Service. It is a designated Local Biodiversity Site. The paper mills were served by the Esk Valley Railway, which was a branch from the Edinburgh – Peebles railway, from the 1860s to the 1960s.



Polton Paper Mill 1974



Polton Bowling Green 2020

Archaeological & Historical Significance

11. The great estates, combined with the industrial development along the North Esk in the 18th and 19th centuries, has led to strong relationships between the buildings and landscapes of the valley and a rich and complex set of literary, artistic and architectural associations. During the mid-18th century there were claims that the River Esk was the most industrialised 17 miles in the whole of Europe. The water of the North Esk provided power for numerous industries along its bank for centuries, leading to the construction of more than 20 weirs along its length and leaving a significant legacy of industrial heritage and archaeology. This industrial development also had a significant effect on the pattern of built development and urban expansion along the river. The whole of the North Esk Valley has important historic and cultural

associations, which over time had significant influence on Scottish cultural life, and Mavisbank is a key part of this.

12. Sir John Clerk (2nd Baronet of Penicuik) was a lawyer and politician. He was instrumental in the Act of Union between England and Scotland in 1707, and served on the first joint Government of the United Kingdom. Alongside his role in early 18th Century British political and cultural history, he was a central figure in the Scottish Enlightenment (the period in the 18th and early 19th centuries characterised by an outpouring of intellectual and scientific accomplishments which exerted significant cultural influence). Sir John was Scotland's leading patron of the arts and "arbiter of taste" in the first half of the 18th Century. He was an enthusiastic antiquarian and improver of his estates. He was also an important patron of the architect William Adam, with whom he designed Mavisbank House and Policies.

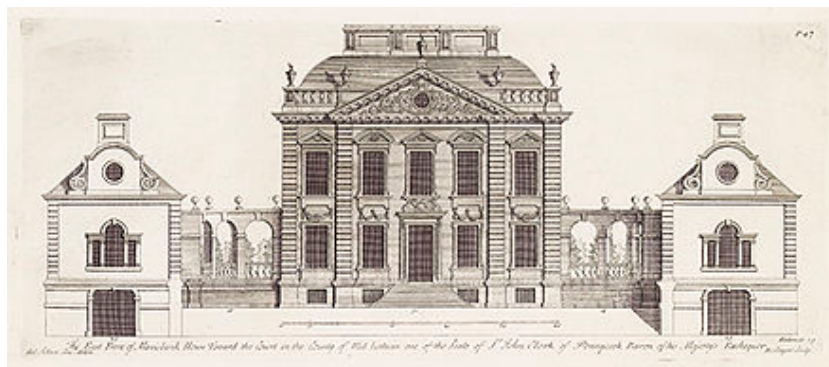


Sir John Clerk



William Adam

13. Mavisbank House was intended to be a summer pavilion rather than the family's principal residence, which remained at Penicuik House. Mavisbank House and the designed landscape of the Policies provided Sir John with the opportunity to put into practice the vision he set out in his poetic treatise on "The Country Seat", which was published in 1727. Mavisbank House was Scotland's first Palladian villa and is a prime example of a 'villa' built within commuting distance of a town or city. The design of the house is Palladian in form, sketched by Sir John Clerk on the basis of Dutch examples, and finalised by William Adam with added Baroque detail. It had a profound influence on Scottish architecture, inspiring a generation of country houses with symmetrical plans, curved wings and classical ornamentation. It is a Category A listed building.



Front elevation of Mavisbank House by William Adam, published in Vitruvius Scoticus

*"On Esca's flowry banks there is a Grove,
Where the harmonious Thrush repeats its love.
There He observes the precepts you indite,
But never any more attempt to write"*

From "The Country Seat" by Sir John Clerk, 1727

14. Polton Paper Mill was originally established in 1750, and by the 1780s was owned by William Simpson, who was responsible for a number of papermaking innovations in Scotland. These included introducing the use of chlorine bleach in whitening paper, the tub-sizing of writing paper to improve the absorption of ink, mechanical agitation of the stuff chest and steam heated vats. The Esk Valley Railway opened in 1867 to serve the Polton Paper Mill, the neighbouring Springfield Mill and Kevock Mill. It was a branch line off the Edinburgh to Peebles railway. One of the significant features of the Esk Valley Railway was the Lasswade Viaduct, a six arch viaduct with a gentle curve. The viaduct was designed by Thomas Bouch, designer of the first Tay Bridge which collapsed in 1879, and is a Category B listed structure.



Polton Station (circa 1910)

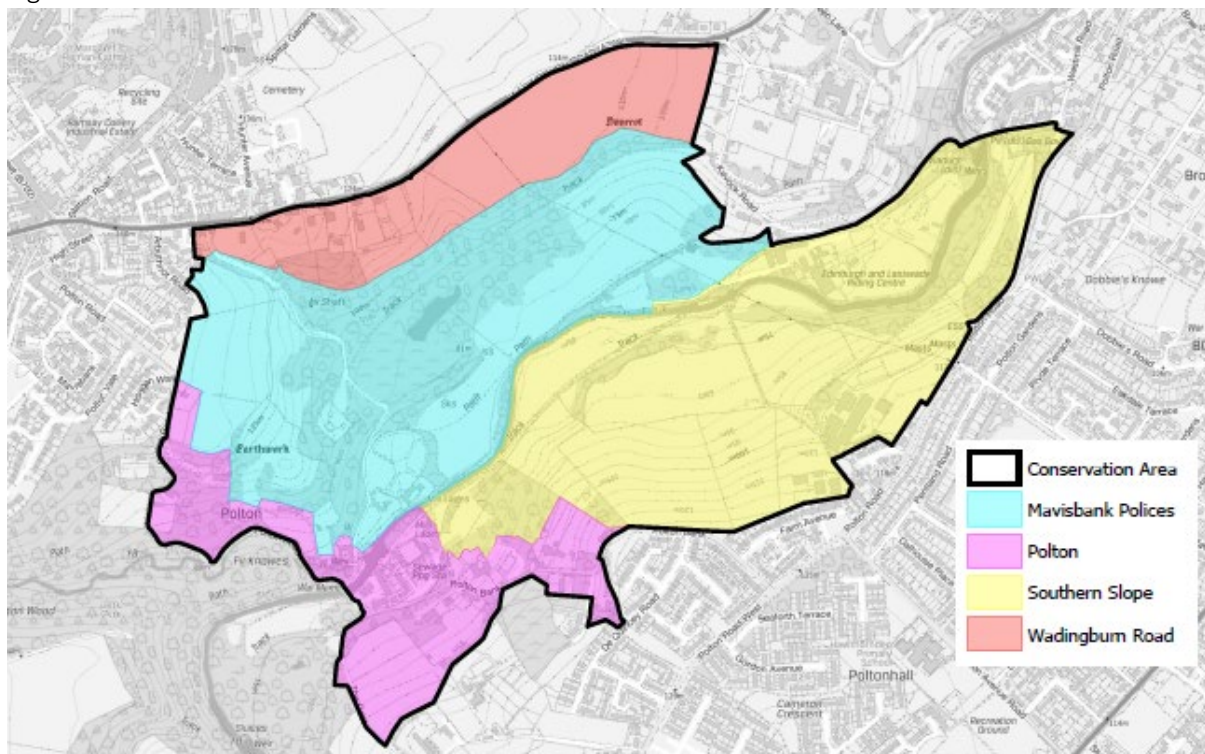


Lasswade Viaduct (aerial view)

Townscape and Landscape Setting Analysis

15. Four areas of distinct character can be identified in Mavisbank Conservation Area – Mavisbank Policies, Polton (including the village, Polton Bank and Polton Road), Wadingburn Road and the southern slope of the North Esk valley. These character areas are simply a means of describing areas of common characteristics (architectural, historical and layout) within this appraisal. They have no administrative, legal or other significance.

Figure 3: Character Areas in Mavisbank Conservation Area



Architectural Quality & Built Form

16. **Mavisbank Policies Character Area** - Mavisbank Policies is a designed landscape laid out in the early 18th century around Mavisbank House. The grounds comprised a loch, woodlands, a walled garden, walks, viewpoints, open pasture, fields and several structures which had ornamental and/or functional roles in the estate, including a doocot and a game larder. The location of the House was chosen in response to the “Roman Station” – a mound to the south-west of the house which was said to be Roman, but is more likely to have been an Iron Age site, although there is no archaeological evidence to indicate the nature of the mound. The relationship of this “fort” to the house was a major determinant of the central axis of the designed landscape, as was the natural topography of the valley and the setting it provides.
17. Key surviving features of the original designed landscape, that integrate the house and its policies, include the formal axis leading from the “fort”, through the house, along

the central avenue terminating in the Doocot; traces of the radiating “goose-feet” avenues; and the walled garden, drives and paths. The lochan (small loch) is a key feature of the landscape and was formed in 19th century from the original ornamental canal as part of wider changes to a more natural-style landscape in the estate.

18. The original Mavisbank landscape is chiefly important as the embodiment of the early 18th century intellectual and aesthetic concerns of its creator, Sir John Clerk. Both the house and the landscape were conceived as an integral whole to demonstrate all aspects of “the Roman Life” espoused by Clerk as the proper mode of living for gentlemen. The careful and artistic integration of the House and Policies is an important feature which has survived throughout the changes experienced by the Estate. It is the later phase of the landscape from the late 18th and early 19th centuries that is most evident today – drives, paths, plantations, parkland and lochan are all in this later form. The Policies are now an important publically accessible greenspace and designated as a Local Biodiversity Site.



Mavisbank & Polton (Ordnance Survey 1892)

19. The house was built between 1723 and 1727 and was designed by Sir John Clerk (2nd Baronet of Penicuik) in collaboration with William Adam, who was the foremost architect in Scotland at the time. The architectural style of the house was mainly influenced by the Palladian style of Sir John Clerk with Baroque influences from William Adam. Mavisbank is considered by many to be the first example of this style of country house, inspiring a new generation of villas, for example Arniston House near Gorebridge and Paxton House near Duns. The Clerk family sold the house in 1815 and substantial additions were made to the house between 1820 and 1840. In 1877 further extensions were added and the house, re-named New Saughton Hall, became an asylum. When the asylum closed in 1953, it was sold to a private owner and the house was taken back to its original external form. The house has been

derelict and abandoned since a fire gutted the interior of the house and destroyed the roof in 1973.

20. The House has a five by four bay square-plan corps de logis¹ with flanking quadrant links of a single arcaded storey over a basement, the screen walls curving forward and linking symmetrically placed pavilions. The gable ends of the two storey pavilions are flanked by banded pilasters and above the Venetian windows there are scrolled chimney stacks pierced by a central bulls eye, echoing the main house. Due to the change in ground level, the south pavilion has a second basement and service yard. The doors and windows in the house were arranged to control views of the landscape beyond from inside the building.

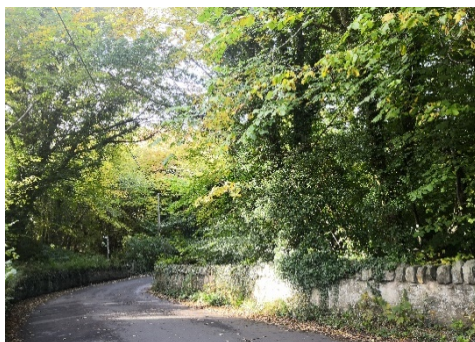


Mavisbank House 19th Century



Mavisbank House 2006

21. Polton Character Area – Polton Road is a narrow winding road leading from Loanhead to the bottom of the valley at Polton. It forms the western boundary of the Conservation Area. There are stone walls bounding the road along much of its journey down the steep valley side. The Category B listed Blairesk Hall is one of only three houses on Polton Road within the Conservation Area. Attributed to William Playfair, Blairesk Hall was constructed in 1819 and extended in the mid-1800s. It is a single storey picturesque Jacobethan villa with basement and attic. At the bottom of the valley is the former Mavisbank Dairy, a Category C listed buildings built around 1840 and now sub-divided into 3 dwellings.



Polton Road



Former Mavisbank Dairy

¹ The term **corps de logis** is the principal block of a large, usually classical, mansion. It contains the principal rooms and an entry. The grandest and finest rooms are often on the first floor above the ground level.

22. Polton village was the location of the Polton Paper Mill and Polton Station. The station was demolished in the 1970s and a small residential development constructed on the site. Polton Cottages and the Bowling Club survive from before the Mill closed. The site of the mill is now an informal semi-natural greenspace owned by Midlothian Council with only limited remnants of the previous use visible, mainly in the form of low walls. Polton Bank leads up the southern side of the valley to Poltonhall and Bonnyrigg. On either side of Polton Bank lie Victorian villas, largely set back from the road behind high walls and with substantial gardens with considerable tree cover. The walls, trees and gardens, permitting only glimpses of the large houses is the predominant character here, as with Polton Road.



Stevenson Place, Polton



Polton Bank



Villa on Polton Bank

23. Three of the villas on Polton Bank within the Conservation Area are listed – Priorwood House, De Quincey Cottage and St Ann's Mount. Priorwood House is a Category B listed early mid-19th Century five-bay classical house with later additions. De Quincey Cottage is a Category B listed early 19th Century three-bay rectangular plan house with later additions. It is named after Thomas de Quincey (writer) who lived there from 1840 to 1859. St Ann's Mount is an early 19th Century five-bay hillside villa with eclectic details.
24. Wadingburn Road Character Area – The houses along the Wadingburn Road edge of the Conservation Area are grouped at the western (Loanhead) end and are built at the top of the North Esk valley slope, with many having long views across the valley and are therefore visible from the opposite side of the valley. Four of the houses are listed. 79 & 81 High Street are earlier 18th century 2-storey houses. One is a single bay rubble sandstone house with later additions, the other is a two-bay house with timpani gable and harled and painted rubble. These houses were originally the Jointure House for Mavisbank and are two of the oldest inhabited dwellings in Loanhead. A former north drive gate lodge of Mavisbank at Linden Place is also a Category B listed building. The neighbouring Linden Lodge is a Category B listed early 19th century two-storey asymmetrical villa. Hillwood is a Category B listed building built around 1865 and extended around 1914. It belonged to the McTaggart family, including the renowned painter William McTaggart who grew up in the house and later had a studio and gallery there. The character area includes the open fields which lie to the south of Wadingburn Road between Loanhead and Kevock (Lasswade). The fields provide the visual separation of Loanhead and Lasswade.

25. Southern Slope Character Area – the part of the southern slope of the North Esk valley that lies within the Conservation Area is largely undeveloped, with the only buildings being at Poltonhall Industrial Estate, and at Lasswade Riding School and its neighbouring plant nursery (which are both on the north side of the North Esk but still sit within this character area). The banks of the North Esk are wooded, beyond which are open grass fields.



Southern slope (from Mavisbank Estate)



Southern slope (from Polton Bank)

Materials

26. The buildings in the Conservation Area are primarily of sandstone masonry construction. The main elevation of Mavisbank House is of cream sandstone ashlar, the remainder is rubble, once harled. Other buildings within the Mavisbank Estate are also sandstone ashlar on the principal façade with rubble to the sides and rear, with the exception of the Doocot which is random sandstone rubble with ashlar dressings to the doorways, and Game Larder, which is droved cream stone ashlar. Later buildings, such as the former Dairy and the Victorian villas in the Polton character area have grey sandstone ashlar frontages with random rubble sides and rear. Roofs are mainly slate. Surviving traditional windows are timber sash and case with varying pane numbers. Non-traditional buildings in the Conservation Area are built of a variety of materials, but many incorporate sandstone.



Mavisbank Doocot



Villa on Polton Bank

Setting and Views

27. The landscape setting for this Conservation Area is the steep sided valley of the River North Esk. As the river enters this Conservation Area, the valley opens up so the sides are not as steep as upriver in Roslin Glen. The existing landscape character is influenced heavily by the designed landscape at Mavisbank and the remnants of the designed landscape at Polton House, which frame the tree lined river. Both sides of the valley are heavily wooded in places, juxtaposing with the open fields which also line the sides of the valley. There is little evidence at a landscape scale of the industrial heritage of this part of the North Esk valley, but it has had a significant influence on the pattern of built development, particularly Polton village.
28. The topographical enclosure and extent of woodland on the steepest valley slopes provides containment and has limited the influence of development on the edge of the valley, creating a relatively tranquil and secluded landscape. The present landscape on the valley floor is generally inward looking, in parts intimate, enhanced by the woodlands, mature trees and elements of linear vegetation. Views within the valley are frequently drawn towards open ground on the valley sides or key features within the Mavisbank designed landscape, with the skyline above the valley edge often visible beyond. More extensive views of the wider landscape of hills and coastal plains beyond the valley can be gained from the upper slopes and valley crests.
29. From the top of both sides of the valley the views are expansive across the valley and beyond to the Pentland Hills (from the south side) and the Moorfoot Hills (from the north side). Views within the valley are largely uninterrupted by buildings due to the screening provided by trees surrounding the houses.

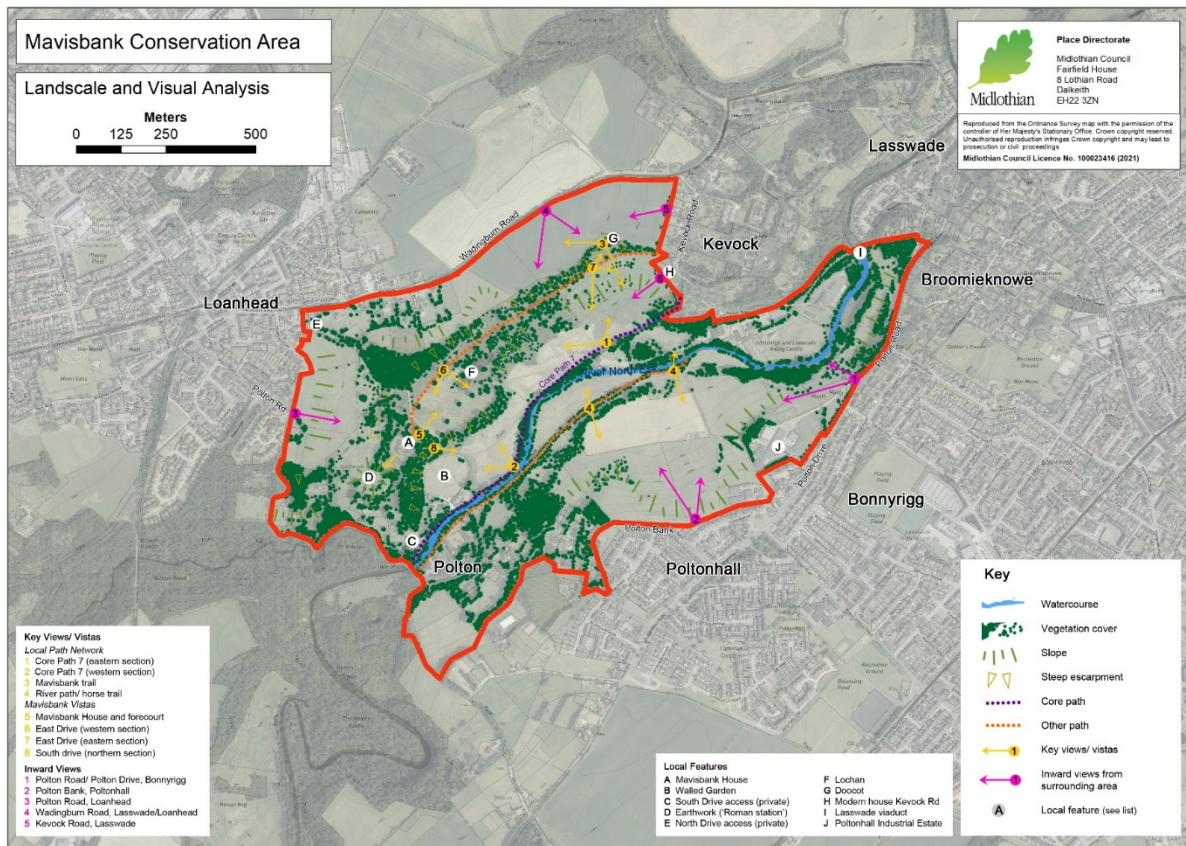


Panoramic view of Conservation Area from Polton Bank

30. Appendix 2 contains the report of a Landscape and Visual Analysis which was carried out for the Conservation Area. Figure 4 (labelled Figure B in Appendix 2) shows the key views and vistas in the Conservation Area, along with other key landscape features.

Mavisbank Conservation Area Character Appraisal & Management Plan

Figure 4: Landscape and Visual Analysis at Mavisbank (key views and vistas in the Conservation Area)



Public Realm, Open Space and Trees

31. With the exception of the greenspaces and public space within Polton village near the Bowling Green, there is limited public realm in this Conservation Area. There are some roadside footways, but not along all roads, particularly Polton Road. The two winding roads on either side of the valley (Polton Road and Polton Bank) with their high stone walls and gateways form part of the character of the Conservation Area. A narrow tarmac footway with kerbing runs along one side of Polton Bank.



View NW from Polton Bank



Mature trees on Polton Bank



Public realm on Polton Bank

32. Mavisbank Policies and the site of the Polton Paper Mill are both publicly owned semi-natural greenspaces which are open to the public. The Mavisbank Policies, and part of the river corridor, are also designated Local Biodiversity Sites. These greenspaces are important and valued locally, with Mavisbank Policies also being of Midlothian wide significance due to its character, biodiversity and the sense of solitude provided. The paths through these spaces are largely unmade, therefore are generally not accessible to those with mobility issues. The river corridor is also a key greenspace and wildlife corridor within the Conservation Area. The Conservation Area is rich in biodiversity and is highly valued for this by local residents and visitors.
33. The trees in this Conservation Area make a very significant contribution to its character. They provide shelter and screening to the houses, adding to the overall rural appearance of the Conservation Area. They also form a very significant part of the designed landscape at Mavisbank, and frame the banks of the River North Esk. Parts of the woodland within Mavisbank Policies are Ancient Woodland of Semi-natural Origin and Long Established Woodland of Plantation Origin.

Assessment

Significance

34. Mavisbank House and Policies are of national and European significance both architecturally and culturally due to the connection with Sir John Clerk and William Adam. The Conservation Area was designated in 1977, with changes to the boundaries confirmed in 1992 and 2014. It is centred on the designed landscape within which Mavisbank House is carefully set, but the Conservation Area extends beyond this to safeguard the wider setting. The Conservation Area also has local significance due to the landscape and the Victorian villas, which are partly a legacy of the industrialisation of the valley in the 18th and 19th centuries. The trees and woodland areas in this Conservation Area are of particular significance in the Midlothian context because they are a key characteristic of the river valley. They have remained throughout the industrialisation of the river valley, which drove the economy and development of Midlothian for centuries, and its subsequent deindustrialisation. Mavisbank Policies is an important greenspace and biodiversity resource, valued for its character and sense of solitude.

Condition

35. The overall condition of the Conservation Area outwith the Mavisbank Policies character area is good. Most of the buildings have retained original features, with some benefitting from recent restoration work. Where modern buildings have been introduced, or traditional buildings modernised, this has generally been achieved sensitively. Tree cover has been largely retained, although there is a significant need for more proactive woodland management within the Mavisbank Policies. The value of individual trees to the overall character of the area should not be underestimated.
36. Mavisbank Estate has not fared so well. Parts of the original estate were sold off in parcels by the owners when it was a hospital. This included the three main access points to the estate (parts of the North Drive, South Drive and East Drive). Although a right of access has been retained over the South Drive for the owners of the Policies (currently Scottish Ministers) and possibly the owners of the House (currently unknown), the effect of these land sales has created significant challenges for the estate now.
37. The House suffered from a devastating fire in 1973 which left it roofless and derelict. Action to address the dereliction has been pursued since the mid-1970s, but this has been made more challenging by uncertainties over the ownership of the House. The ownership of the House was separated from the Policies in the 1970s with the ownership of the Policies passing to (the then) Historic Scotland in 1995. Although some emergency safety works were carried out on the House, its condition is still perilous and this valuable part of Scottish cultural and architectural history could be irretrievably lost if significant action is not taken soon. Any action would be a significant undertaking, but could revitalise this heritage and greenspace asset of local, regional and national importance while bringing many benefits for local communities.

38. The Policies experienced neglect and decline for many decades. The landscape has suffered from coal mining related subsidence and has been badly affected by drainage problems as a result of the site's complex natural and manmade hydrology systems (e.g. culverts, mine drains and water supply infrastructure). These have caused waterlogging and subsidence. Woodland areas have been unmanaged resulting in self-seeded growth, some of which has damaged structures, blocked important view lines, obstructed access routes or over-shaded ground flora. Buildings and structures within the landscape have also deteriorated due to weathering, vegetation growth and other damage. Historic Environment Scotland (HES) has started to tackle these problems in recent years, and a Mavisbank Policies: Designed Landscape Conservation Management Plan (V3, December 2020) is available on HES' website - [Mavisbank House and Landscape | Hist Env Scotland \(historicenvironment.scot\)](https://www.historicenvironment.scot/mavisbank-house-and-landscape). The document states "this Conservation Management Plan (CMP) is a stand-alone document that develops a practical plan for the future development and management of the Mavisbank designed landscape, independently from plans from the house". The Policies are also a designated Local Biodiversity Site, therefore proactive management of its key biodiversity features and overall biodiversity value is essential.
39. Various proposals have been developed over the past few decades to restore Mavisbank House. The Mavisbank Trust has been instrumental in this effort. A project which sought the external restoration of the House, conversion of the House to holiday accommodation and community uses, and restoration of the landscape was recently led by The Landmark Trust and Historic Environment Scotland. The project applied in 2021 for grant money from the National Lottery Heritage Fund's Heritage Horizon Awards fund. The grant application to the National Lottery Heritage Fund was unsuccessful. This multi-million pound project would have been a significant investment in Midlothian, bringing a nationally important historic asset into beneficial use not just economically but more importantly for local communities. Midlothian Council had committed to supporting this project through use of its compulsory purchase powers to acquire the House once funding was secured and the project partners were able to take on ownership of the House immediately following the compulsory purchase. Historic Environment Scotland and partners will now need to consider what the next steps are for securing the future of Mavisbank House and Policies.

Opportunities

40. The main opportunity for the Mavisbank Conservation Area relates to Mavisbank House and Policies, and the potential for them to be a significant local social and economic resource which benefits local residents. There is the potential for Mavisbank to be a place where heritage is used to deliver learning, skills, economic development, wellbeing and nature conservation opportunities. The 2021 Landmark Trust and Historic Environment Scotland proposal to restore the House and provide holiday accommodation, a skills centre, and space for community use and visitor facilities, combined with improved management of the Policies to maximise its potential as a free to access public greenspace and nature conservation site, were fully

supported by the Council. An alternative option of consolidating the House as a ruin, with suitable interpretation resources, alongside proactive management of the Policies as a free to access public greenspace would also in principle be supported.

41. The landscape which is discernible today is the form achieved by the mid-19th century. While reversal by restoration to the original designed landscape associated with the House is possible, continued evolution to make best use of the historic and natural assets may be more practicable for a number of reasons, particularly that restoration to the “original” would largely destroy the current landscape which is valued by many, in spite of its relatively poor condition. Implementation of a pragmatic landscape conservation management plan is planned by Historic Environment Scotland (owner of the Policies). The plan will focus on the essential high priority remedial work and maintenance needed to conserve key features of the landscape and its biodiversity, and on the works necessary to make the landscape fully accessible and attractive as a visitor destination whilst maintaining its biodiversity value.
42. For the remainder of the Conservation Area, which is in overall good condition, the main opportunities relate to the ongoing preservation of its character and original building features. In particular for Mavisbank Conservation Area, this includes undertaking ongoing, proactive woodland management in the valley, ensuring that the provision of access for visitors to and around the area is sensitively managed, and maintaining the landscape character of the valley. Proactive management of individual trees and woodland areas is necessary, and any changes need to be clearly justified and carefully managed.

Challenges

43. The most significant challenge facing Mavisbank Conservation Area is the financial investment that will be required to restore Mavisbank House in a way which provides an economically viable and sustainable end use, and to restore the Policies in a way which protects its character and biodiversity whilst bringing the most benefits for local communities. To achieve and sustain this, long term, proactive management plans will need to be in place and implemented.
44. An additional challenge in relation to the Policies is finding a practical solution to the access issues. By the late 1800s, there were three accesses to the House and Policies – the North Drive, the East Drive and the South Drive. Whilst the North Drive and South Drive still exist, the ownership and access rights of the drives was fragmented during the period when the House was an asylum. The East Drive is no longer functional, although its route can still be traced through the landscape. For all three Drives, the ownership at the point at which they join the public road is separate to the ownership of House and Policies. The only legal right of access to the Policies, and therefore the House, that is suitable for vehicles is the South Drive. This is not a suitable access point for the Policies if public access is to be increased due to the right of access restrictions, and because its entrance is at the bottom of the valley and the roads leading to it (Polton Road and Polton Bank) are steep, narrow and winding. They

are unsuitable for some vehicles and high volumes of traffic. The most likely solution would be to create some form of new access from Wadingburn Road, but this would need to be carefully designed to ensure road safety and to protect the character of the Conservation Area and Designed Landscape.

45. Access to the Policies via active travel from the surrounding area and other parts of Midlothian is also a challenge which needs to be addressed, as well as ensuring that residents within the Conservation Area have appropriate access to high quality and safe active travel routes which form a connected part of the wider Midlothian Green Network.
46. Overall, a major challenge for most conservation areas is the potential for small incremental changes to buildings and the public realm to have a cumulative negative impact on the area. This has been largely avoided to date in the Mavisbank Conservation Area, but care is needed to ensure negative incremental changes are avoided. Mavisbank Conservation Area has, so far, also avoided intrusive modern development which has had a negative impact on the character. The modern development which has occurred has in most cases been sensitively designed and sited, and therefore complements the character of the Conservation Area. Again, care is needed to ensure any future development is also sensitively designed and complements the character of the Conservation Area. The almost undeveloped character of the river valley requires careful protection.
47. The historic character, secluded nature and tranquil quality of the Conservation Area is recognised in its various designations and is treasured by many. Change affecting the area needs to be carefully managed to ensure it is suitably integrated within the landscape setting and relates well to existing development in and near to the Conservation Area.

Management Plan

48. The purpose of this Conservation Area Management Plan for Mavisbank Conservation Area is to set out the actions required to maintain and enhance the elements which contribute to the special architectural, landscape and historic interest of the Conservation Area, as described in the Conservation Area Character Appraisal above. This Management Plan is intended to inform the actions of Midlothian Council and other stakeholders, including property owners and occupiers, in relation to the built environment within Mavisbank Conservation Area. It explores the issues facing the Conservation Area, opportunities for enhancement and building repair and maintenance.

Issues Facing the Conservation Area

49. The key issues facing the Mavisbank Conservation Area relate to Mavisbank House and Policies. The uncertain ownership of the House, its dereliction and the significant financial investment that will be needed to undertake its restoration are the major issues relating to the House. For the Policies, the major issues are its current condition (including land stability), the financial investment that will be needed to restore it and enable greater public benefit from the greenspace, and problems of access to the House and the Policies.
50. The issues facing the wider Conservation Area include the need to avoid cumulative negative impact from incremental changes to individual buildings and open spaces, and maintaining the undeveloped character of the valley, including the southern slope character area. Other potential issues include the need for careful management of change relating to commercial operations within or immediately adjacent to the Conservation Area, for example at Poltonhall Industrial Estate, the Edinburgh & Lasswade Riding Centre, and Kevock Garden Plants, to ensure that businesses are supported whilst respecting the character and setting of the Conservation Area.
51. To guide development to the most appropriate places and minimise potential adverse effects on the landscape and key views, the following should be considered:
- Proposed development should be sited within the context of existing settlement on the edges of the valley and allow for suitable mitigation (e.g. establishment of screening woodland) where there is the potential for adverse effects on key views and sensitive skylines.
 - Small-scale development may potentially be accommodated within the existing woodland framework, where it relates well to existing settlement and/or historic properties, and makes a positive contribution to the landscape setting by means of locally appropriate woodland, hedgerow and/or tree planting.
 - Development on the valley sides should be discouraged where it has the potential to detract from the designed landscape and its components, or impinge upon key views.

- Particular care should be taken on the fringe of the agricultural land at the valley edge between the Mavisbank Policies and Wadingburn Road to avoid settlement coalescence, minimise intrusion on the Mavisbank designed landscape and safeguard characteristic views across the Conservation Area from and to this location.
- Dispersed built development should be discouraged to preserve the sense of seclusion and naturalness which is a key quality of this landscape.
- Care and attention should be taken to avoid disturbance and spread of Japanese Knotweed, which is frequently present along the river banks and associated areas nearby.

Opportunities for Enhancement

52. Full exterior restoration of Mavisbank House, combined with the creation of an interior which respects and reflects the original internal layout and design of this nationally significant 18th century Palladian villa as much as possible, would provide the opportunity for the House to combine a viable economic end use for the building with uses that provide direct community benefit. The proposal that was in development by The Landmark Trust and Historic Environment Scotland to provide holiday accommodation for let within the main house, with community uses and visitor facilities in the wings, would fit with this vision.
53. The significance of the Policies as a greenspace which benefits the neighbouring communities of Bonnyrigg, Lasswade and Loanhead is clear. Making best use of this resource will require investment in restoration of the designed landscape, management of the woodland and other nature conservation features and the upgrading of paths within and approaching the site to enable access for all. The management of the Policies, including the improvement of access, will need to carefully balance the biodiversity, historic and community value of the site.
54. Beyond the Policies, most of the traditional buildings in the Conservation Area are built of relatively thick, solid stone walls pointed in lime mortar. This traditional method of building enables the structure to 'breathe' as it is able to accommodate varying moisture levels by taking in and then evaporating moisture. These buildings usually have good ventilation under the floor and air movement is encouraged by open flues and through roof spaces. Breathing buildings are comfortable and healthy to live in. Repairing traditional buildings with modern materials such as cement mortar, gypsum plaster, modern formula paints and replacement windows will lead to problems with damp, stone decay and rot in timbers, and should be avoided.
55. The following sections provide information on construction methods and materials used locally, and expectations for the repair and restoration of traditional buildings in the Conservation Area.

Roofs and Chimneys

Original roof pitches and coverings should be preserved. Roof coverings are usually natural slate (most commonly Welsh or Scottish in Midlothian) which gives a distinctive character and texture to roofs that substitutes cannot easily replicate. When repairing or reroofing, the preferred option is to use matching slate.

The detailing of roof lights, dormers, copings and flashing is equally important to the overall appearance of the roof and any change of materials should be avoided. Roof lights tend to be of metal fixed flush to the slope of the roof. Where replacement is necessary, conservation style roof lights should be specified. Repair and restoration of dormer windows should match the original design, materials and profiles closely. Original chimney stacks (stalks) and pots should be maintained where possible. Lead should usually be used to repair or replace dormer window flashings, roof valley gutters and skew gutters.

Masonry Walls

Traditional masonry walls are built with two 'skins' of stone and lime mortar. The core between the skins is filled with broken stone, lime mortar waste and rubble. The outer layer or face is either random rubble (to take harl or smooth lime render) or ashlar (stone blocks with smoother or textured face built with fine joints). The inner skin is rubble with wider joints and lime mortar. Horizontal timber laths are fixed to the inner face to take two or three coats of lime plaster. The cavity between the laths and the stone face allow air movement and the evaporation of any moisture in the wall. Original masonry surface coverings such as harling should be kept. Pointing should use a lime mortar and should be correctly carried out.

Moisture in the base of walls can be reduced by lowering ground levels, improving drainage around the buildings, replacement of cement mortar with lime mortar and ensuring underfloor ventilation is functioning effectively. Stone repairs should be carried out using matching stone and lime mortar. Reconstituted stone is not an appropriate finishing material in the Conservation Area. Using a mortar analysis service, such as that offered by the Scottish Lime Centre, can help identify suitable mortar for repairs and maintenance.

Windows and Doors

Original door and window openings possess the correct proportions for a building and should be retained to preserve the architectural integrity of the buildings. Original mullions should also be retained.

Additional window openings should be of an appropriate size and proportion, and should not spoil symmetry.

Most original windows in traditional buildings are either sash and case or casements. Repair or restoration of traditional windows is preferred over replacement, and replacement with windows in other materials such as aluminium or uPVC is not

recommended or supported. Any replacement windows on the front and all sides of a traditional building in the Conservation Area which is visible to the public should match the original in every detail, including materials, design, opening method and paint finish.

Any original glazing should be investigated for its historic importance, and retained if merit is established (for example, Crown glass). Where existing glazing has no special merit, it may be possible to insert modern narrow section double glazing or vacuum double glazing into the existing frames and astragals with minimal effect on the original profile.

Traditional doors are normally timber and panelled. Rear doors are usually plainer in style. Original doors should be retained and restored wherever possible. Where replacement is unavoidable, new doors should be timber and traditional in style, with door hardware in keeping with the character of the building.

External Details

A wide range of details contribute to the character of a conservation area, and it is important that these are not lost. Important details include rainwater goods, external pipework, finials and stone details such as skews, cornices, balustrades, door and window surrounds and other ornamentation. Stone walls and metal railings should be retained.

Satellite dishes will not be permitted on principal or public elevations or above the ridge line of the roof unless there are technical reasons for such a location. Equipment should be placed in unobtrusive locations to minimise their impact.

Streetscape and Street Furniture

Any future works to the public realm in the Conservation Area should use traditional materials (for example yorkstone, granite setts and whinstone kerbing). Detailing should be in keeping with existing traditional styles. Street signage should be carefully located and kept to the minimum amount possible.

Trees

Under Section 172 of the Planning (listed Buildings and Conservation Areas) (Scotland) Act 1997, trees in conservation areas are given some protection. Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the planning authority six weeks' notice. The purpose of this requirement is to give the planning authority an opportunity to consider whether a Tree Preservation Order should be made in respect of a tree. Further information and a link to relevant application forms is available at www.midlothian.gov.uk.

Midlothian Local Development Plan 2017

56. Midlothian Local Development Plan Policy ENV 19 Conservation Areas will apply to development within or adjacent to a conservation area where planning consent is

required. Other policies within the Local Development Plan may also be relevant, including Policy ENV 20 Nationally Important Gardens and Designed Landscapes, and Policy ENV 14 Regionally and Locally Important Nature Conservation Sites.

Policy ENV 19 Conservation Areas

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance. In assessing proposals, regard will be had to any relevant Conservation Area Character Appraisal.

New buildings, extensions and alterations

In the selection of site, scale, choice of materials and design, new buildings, and extensions and alterations to existing buildings, must preserve or enhance the character and appearance of the Conservation Area. Materials appropriate to the locality or structure affected, will be used in new building, extensions or alterations. Care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

Demolition to facilitate new development of part or all of a building or structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:

- A. The structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and*
- B. The Conservation Area will be enhanced as a result of the redevelopment of the site; and*
- C. There is no alternative location physically capable of accommodating the proposed development.*

Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

For information on permitted development rights in Conservation Areas and other restrictions on development go to www.gov.scot or www.midlothian.gov.uk.

Appendix 1: Listed Buildings & Scheduled Monuments

Listed Buildings

Address	Description	Category	Ref No.
Mavisbank House	Classical country house or villa comprising 2-storey over basement, 5-bay square plan corps de logis, with flanking quadrant screen walls curving forward and linking to symmetrically disposed rectangular plan single storey over basement pavilions. Cream sandstone ashlar principal elevation and quadrants, rubble (formerly harled) walls to side and rear elevations, and pavilions, all with polished ashlar dressings and margins. Base course, eaves course, modillioned cornice at eaves, balustrade above with regularly spaced corniced and panelled dies surmounted by urns (now missing). Horizontally channelled strip pilasters framing centre 3 bays and clasping corners at principal and 1st floors, pilaster pedestals to outer left and right with Latin inscriptions. Margined window jambs with cill and lintel courses at forming grid pattern at principal floors to side and rear elevations of main block. Margined windows to screen walls and pavilions. The roofs (now missing) were of grey slate comprising a distinctive and unusual domical piended platform roof to the main block, piended and bell-cast roofs to pavilions with a monopitch to the service wing. A-group with Doocot, Gazebo, Walled Gardens, Ice House, Dairy, Game Larder, and East Lodge (Kevock Road, Lasswade).	A	LB7404
Mavisbank House Walled Gardens	1739. Large horseshoe-plan walled garden with smaller triangular-plan walled garden adjoining to SW; gates to NW, NE and SE and road access from former dairy to SW; lean-to potting sheds on S boundary of horseshoe-plan garden, now converted to house and garage. Ashlar sandstone with brick inner facing; flat ashlar cope. The walled gardens lie out of sight, to SE of the house, positioned in a sheltered area by the river, flanked along the W side by woodland, and a belt of trees to the E. The plan is particularly unusual, as	A	LB44166

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	gardens with curved walls were thought to cause the wind to eddy, retarding the ripening of fruit. The smaller garden contains the gazebo (see separate list entry). A-group with Mavisbank House, Doocot, Dairy, Gazebo, Ice House and Game Larder, East Lodge (Kevock Road, Lasswade).		
Mavisbank House Doocot	1738. Tall, circular doocot. Upper third partially missing; roofless. Random sandstone rubble with ashlar dressings to doorways. The building certainly formed an integral part of the designed landscape around Mavisbank. From the house ran three radial avenues and a canal, the central axis terminated by this circular eye-catcher doocot to the NE of the house. The oculus reflects similar features in the pediment and pavilion wings of the main house and the former Jointure House on Linden Place, Loanhead (see separate list entries). A-group with Mavisbank House, Doocot, Gazebo, Walled Gardens, Ice House, Game Larder and East Lodge (Kevock Road, Lasswade).	A	LB7386
Mavisbank House Gazebo	Dated 1731. Square-plan gazebo. Cream sandstone ashlar (rubble to sides and rear) with polished dressings. The gazebo lies opposite the Dairy in the walled garden to south of the main horseshoe-plan garden. A-group with Mavisbank House, Doocot, Dairy, Walled Gardens, Ice House, Game Larder and East Lodge (Lasswade).	A	LB7387
Mavisbank House Game Larder and Ice House	Game Larder - Later 19th century. Single storey, square plan game larder leading to associated brick and stone lined ice house below. Droved cream sandstone ashlar. Formerly grey slated roof with overhanging eaves (roof removed around 2011). Cast iron under floor ventilator grilles; chamfered angles swept to square at eaves; hood moulded openings; adjustable timber louvres. Formerly used for hanging game, the larder, which is	B	LB44164

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	located above the ice house, is situated on the wooded ridge between the main house and the dairy, for optimum shade and ventilation.		
79 & 81 High Street (former Mavisbank Jointure House)	Earlier 18th century. 2-storey single bay rubble sandstone house and 2-storey 2-bay terraced house with timpany gable, harled and painted rubble. Part of A Group with Mavisbank. Two of the oldest inhabited dwellings in Loanhead, it was built as a jointure house for Mavisbank.	B	LB47740
Linden Place (former Mavisbank Gate Lodge)	Circa 1830. Single storey bow end gate lodge with later rear extension. Coursed rubble and ashlar. Ashlar base band and long and short quoins. Thought to be a later gate lodge to Mavisbank (listed separately) and sited at the top of the north drive. This lodge was formerly used by the adjacent Linden Lodge and is partially hidden by its boundary wall.	B	LB47741
Linden Lodge	Earlier 19th century. 2-storey asymmetric villa with ancillary outbuildings. Coursed rubble, ashlar dressings. 1st floor cill band. Gates thought to be originally the entrance to Mavisbank House.	B	LB37510
Hillwood, Braeside Road	Circa 1865, extended circa 1914. Single and 2-storey, irregular-plan house with bowed end walls. Harled and painted walls; plain margins; polished ashlar base and band course, ashlar rybats. Overhanging eaves. This house was owned by the McTaggart family, of whom the most famous was Sir William MacTaggart (1903-1981), the renowned Scottish painter. The timber chalet in the garden was built in 1917 for the 14 year old William to use primarily as a studio. It is now used as a summerhouse.	B	LB47739

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Lasswade Viaduct	1867. 6-span viaduct with segmental arches on tapered, rectangular-plan pylons. Cream bull-faced sandstone with polished voussoirs; string course and curved ashlar cope. Light steel railings. Built in 1867 for the Esk Valley Railway by Thomas Bouch.	B	LB13621
St Ann's Mount, Polton Bank	Originally circa 1810, with mid-19th century additions. 2-storey, 5 bay picturesquely situated hillside villa with eclectic details. Stugged grey sandstone ashlar to front (W); pink sandstone rubble to remainder.	B	LB13206
De Quincey Cottage	Earlier 19th century with later alterations and additions. 2 storey, symmetrical 3-bay rectangular-plan house with later additions to W angle and SW (rear) wall. Grey ashlar sandstone to front (NE); sandstone rubble to other elevations; raised, droved margins and cills; polished ashlar doorpieces; chamfered doorpieces to side and rear elevations; base course; band course between ground and 1st floor to addition; eaves course; strip quoins. From 1840 until his death in 1859 the house was lived in by Thomas de Quincey and his family.	B	LB7388
Priorwood House	Earlier-mid 19th century with later alterations and additions. 2-storey, formerly symmetrical, 5-bay classical house with advanced 5-light bay to left of centre and single storey, addition to NE. Grey sandstone ashlar with polished ashlar dressings to NW; stugged sandstone to sides and rear elevation. The house was built for Mr Todd, a local mill owner. Apart from the bay window to the front elevation, probably added in the late 19th century, the house would have been symmetrical and classical.	B	LB44168
Blairesk Hall	Attributed to William Playfair, 1819; extended 1830-60. Single storey, basements and attic. Picturesque Jacobethan villa. Coursed squared rubble with ashlar quoins and dressings; band course; raised long and short quoins; overhanging eaves and mutuled cornice. Formerly known as Bilston Lodge, it was built for Dr Alexander Brunton, minister	B	LB37509

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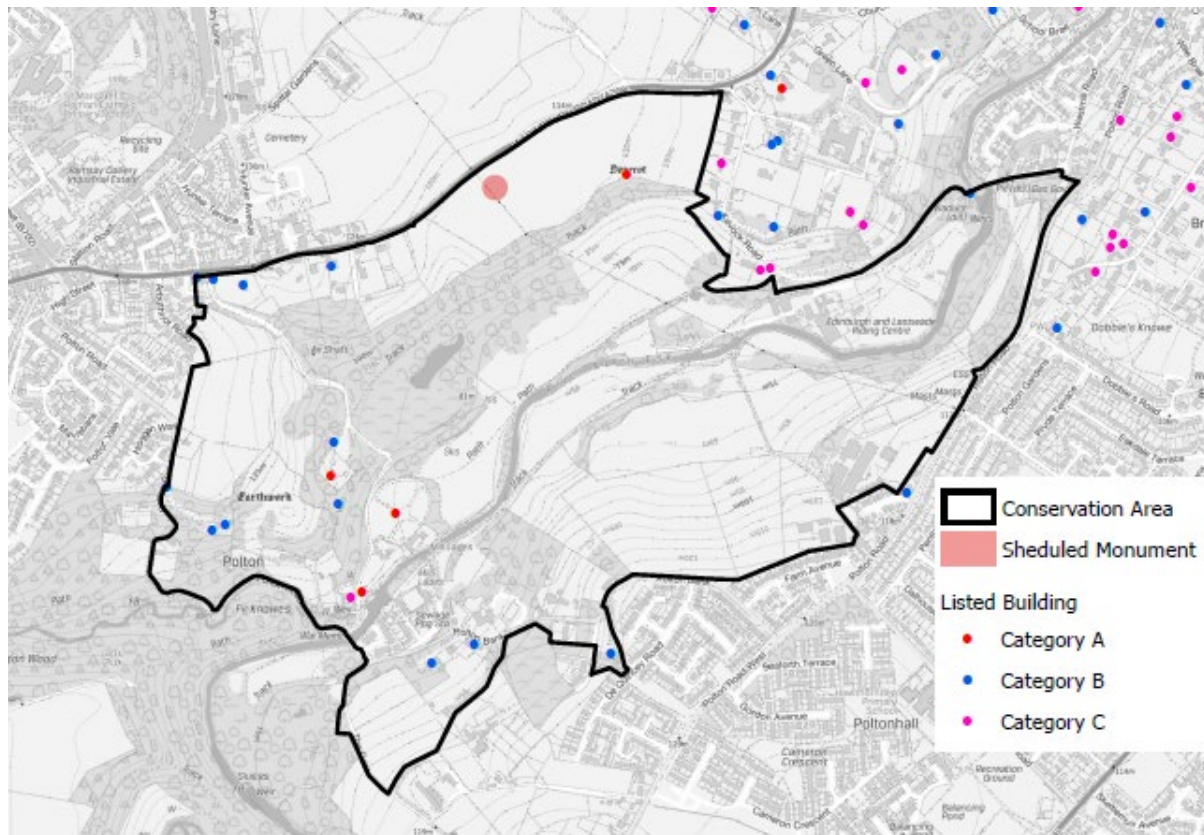
	of the Tron Kirk and Professor of Oriental Languages at Edinburgh University. The house also was used in 1888 for the first meeting of the Women's Guild of the Church of Scotland.		
Mavisbank House Dairy (comprising South Lodge, The Coach House and The Barn)	Circa 1840. Single storey with attic and 2-storey, gabled dairy complex incorporating coach house, cow shed and stable ranges around a square yard, left open to SW angle, with milking range to W (only rear wall remains) and semi-circular walled yard to N. Stugged and snecked grey sandstone with droved tails to openings. Originally a dairy complex with some stabling and storage, it has now been converted to three dwellings, each occupying an angle and part of a range. It is probable that the present structure was built in the mid-19th century on the site of a small 18th century farm. However, the present structure seems to be uniformly of the later date, and there seems to be no evidence left of an earlier build. The milking parlour to the W exists only in the form of the rear wall, with some iron tether rings still extant. A-group with Mavisbank House, Doocot, Gazebo, Walled Gardens, Ice House, Game Larder and East Lodge (Kevock Road, Lasswade).	C	LB44163

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Scheduled Monuments

Title	Description	Ref No
Glenkevock (enclosure 400m NW of)	<p>The monument comprises the remains of a prehistoric enclosed settlement represented as cropmarks on oblique aerial photographs.</p> <p>The monument lies on sloping ground in arable farmland north of the River North Esk. It comprises a clearly defined sub-circular enclosure of approximately 20m diameter, with a single ditch some 2m wide. There is an entrance in the SE. The monument may represent the remains of a single roofed building of a type known as a ring ditch house and dating to the later prehistoric period. However it is perhaps more likely to represent a small enclosure that would have contained a smaller domestic building or buildings.</p>	SM6263

Figure A: Listed Buildings and Scheduled Monuments within the Conservation Area



Appendix 2 Landscape & Visual Analysis Report

Introduction

1. This report contains a concise landscape and visual analysis of the Mavisbank Conservation Area. Its purpose is to identify notable landscape features and characteristics, as well as key views within the Conservation Area and surrounding landscape. The findings will aid the management of change within the Conservation Area by:
 - Safeguarding key landscape features and characteristics;
 - Minimising potential adverse effects on key views and visibility; and
 - Guiding development so that it can be suitably integrated within the wider landscape setting.

Landscape Features and Characteristics

Landform and Topography

2. The character of the landscape within the Conservation Area is greatly influenced by its location within the River North Esk valley. The incised valley landform comprises areas of level floodplain, with topography on the southern valley sides rising away relatively steeply from the river banks to the settlement edge at Poltonhall and Lasswade. On the northern valley side the topography appears more varied, with a series of sloping terraces broadly parallel to the course of the river, interspersed by steep wooded escarpments. A broad sweep of sloping fields separates the northernmost escarpment from Wadingburn Road and the settlement edge at Loanhead.
3. The topographical enclosure and extent of woodland on the steepest valley slopes provides containment and has limited the influence of development on the edge of the valley, creating a relatively tranquil and secluded landscape.

Land Cover and Land Use

4. The river banks are fringed by a ribbon of deciduous woodland, punctuated by historic buildings (e.g. Glenkevoch, Mavisbank South Lodge and Walled Garden), localised settlement (Polton) and remnants of the area's industrial heritage. The floodplain comprises mostly grazing fields and associated rural land uses, including a riding school and plant nursery. Invasive, non-native Japanese Knotweed is frequently present along the river banks.
5. Extending along the southern fringe of the floodplain is the route of the dismantled Polton branch of the Esk Valley Railway line. Marked by linear vegetation, it is now a well-used path for horse riders and walkers. The disused Lasswade viaduct, another remnant of the railway line, forms a distinct feature in the valley at the north eastern extent of the Conservation Area.

6. The southern valley side is largely under pasture, and provides a contrast to the built development at the adjoining settlement edges of Poltonhall and Lasswade. Roads on the edge of the valley allow panoramic views across the valley bottom, and beyond to the Pentland Hills and Arthur's Seat. Poltonhall Industrial Estate, at the site of former Polton House, forms a noticeable pocket of development at the valley fringe off Polton Road.
7. Vegetation cover on the southern valley side comprises extensive woodland and scrub around Polton and Lasswade. Frequent mature trees also contribute notably to the setting of numerous historic villas on the valley sides. Around Polton, in particular, woodland cover creates considerable containment and a notably sheltered character. A small cluster of contemporary residential housing sits on the southern river bank on the site of the former Polton Station. Nearby, a series of small grassland meadows set amongst woodland mark the site of the dismantled Polton Mill. Informal use has established a circuit of walking trails, with remnants of the mill reservoirs occasionally visible in the undergrowth.
8. The northern valley sides are largely occupied by the Policies of the 18th century Mavisbank House and include sweeping meadows on the gentler slopes above the river, and mature woodland (including designated ancient woodland) on the steeper escarpments. A fringe of pasture and arable fields extends along the upper valley side and adjoins Wadingburn Road and the south eastern settlement edge of Loanhead. This provides a buffer to the Designed Landscape at Mavisbank, and separation between settlements of Loanhead and Lasswade (Kevock). The rougher textures of scrub and woodland on valley floors and slopes contrast with the smooth fields on the upper slopes and fringes.

Landscape Character and Designations

9. The well-defined river valley landscape within the Conservation Area forms part of the distinctive *Lowland River Valleys – Lothians Landscape Character Type* (SNH National Landscape Character Assessment, LCT270). This extends across the valley landscapes of the Rivers North and South Esk.
10. The Conservation Area is largely covered by the *North Esk Valley Special Landscape Area*, which recognises the cultural, ecological, scenic and recreational interest of the valley. Of particular importance locally are:
 - The strong sense of naturalness and seclusion;
 - Extensive policy woodland and designed landscape features;
 - Pastures on valley sides, enclosed by hedgerows and shelterbelts; and
 - Rich cultural interest which includes mansion houses, historic buildings and industrial heritage sites.

11. The Mavisbank Policies contribute notably to the character of the Conservation Area. The Designed Landscape that surrounds Mavisbank House holds great historic and cultural interest, and have been the subject of a number of comprehensive studies and surveys. Although many of the its elements are in decline, key landscape features that are evident make a notable contribution to the local setting, including:

- The naturalised lochan (the lake in the grounds of Mavisbank House) and surrounding parkland that are the focus of views from the main house;
- The earthwork and Victorian shrubbery south west of the house;
- The distinct walled garden and adjoining grassland meadow (former cricket pitch);
- The prominent Doocot on the valley fringe;
- Numerous veteran trees that adorn the parkland and historic access drives; and
- Designated ancient woodland on steep slopes and escarpments (including elements of Ancient Woodland of Semi-natural Origin and of Long-established Plantation Origin).

12. The diversity of the landscape and vegetation within the Conservation Area, and its importance for wildlife is recognised in the designation of two Local Biodiversity Sites (LBS) – Mavisbank LBS and River North Esk (Lasswade) LBS.

Access Network

13. A network of paths provides access throughout the Conservation Area and includes a designated Core Path (route 7) along the northern river bank, connecting Polton and Kevoek. It forms part of the North Esk Way that extends along the length of the River North Esk between Dalkeith and Penicuik. This narrow riverside path is the primary visitor access route into the Mavisbank Policies. A wider network of informal paths and trails extends throughout the Policies, including along the former East Drive.

14. Along the southern river bank, the route of the dismantled Polton rail line supports a well-used path for horse riders and walkers, linking to the wider path network at Springfield Mill and the Esk Valley horse trail.

Views and Visibility

15. The valley topography and extent of vegetation cover within the Conservation Area provides notable containment to large parts of the Conservation Area with few outside detractors. The present landscape on the valley floor is generally inward-looking, in parts intimate, enhanced by the woodlands, mature trees and elements of linear vegetation.

16. Views within the valley are frequently drawn towards open ground on the valley sides or key features within the designed landscape, with the skyline above the valley edge often visible beyond. More extensive views of the wider landscape of hills and coastal plains beyond the valley can be gained from the upper slopes and valley crests. The views set

out below are of particular note, and are shown on Figure B: Mavisbank Conservation Area Landscape and Visual Analysis Plan.

Key Views/Vistas

17. Views are described in terms of the elements and features that form the focus of the view from selected routes/locations. These are frequently seen within the context of the wider landscape setting within the valley.

Views from the Local Path Network

1. Northern river bank (Core Path 7 eastern section): Views generally directed towards the Mavisbank Policies, across grassland meadows and up the valley sides towards the Doocot. The modern house on Kevock Road forms a key feature of views in the north eastern direction.
2. Northern river bank (Core Path 7 western section): Views from the westernmost section of the route near Polton, are notably contained by boundary walls and vegetation, and are mainly directed towards the river with its frequent elements of industrial archaeology. Where the view opens up towards the Mavisbank Policies, they are drawn across the grassland meadows and up wooded slopes, with the walled garden forming a key feature in views.
3. Mavisbank trail along upper escarpment and Doocot: Views from the trail allow localised panoramic views across the river valley in a southern and eastern direction. From an elevated position near the Doocot, the settlement edge of Poltonhall and Lasswade are visible on the skyline, with distant hills visible beyond. The Poltonhall Industrial Estate and associated parking are prominent. Views across fields in the north and eastern direction are foreshortened by housing along the settlement edge of Loanhead, linear vegetation along Wadingburn Road and wooded setting associated with the settlement at Kevock Road.
4. Path/horse trail along southern river bank: There are intermittent views towards the river and up the valley sides as a result of linear vegetation along the disused rail line and localised containment by dense woodland and valley topography. Notable features along the path include historic Glenkevock and open grazing land on the floodplain and southern valley sides, with elements of built development at Poltonhall visible on the skyline above the valley.

Mavisbank Vistas

Elements of the landscaped Policies of Mavisbank were designed to direct views to key features within the landscape. A number of these vistas are still evident, although some have become overgrown over time.

5. Mavisbank House and forecourt: Views framed by woodland and directed north-eastwards towards the lochan and parkland with veteran trees. Views from the rear of the House are directed towards the slopes of the earthwork immediately to the south west.

6. East Drive (western section): Glimpsed views of Mavisbank House in a south western direction along a short section of the route. Views are generally directed east across parkland and valley sides, with the settlement edge at Lasswade visible on the skyline beyond.
7. East Drive (eastern section): Views generally directed south across a natural 'amphitheatre' of meadow grassland that slopes down to the river valley, southern slop visible beyond with elements of the settlement at Poltonhall visible on the skyline above the valley.
8. South Drive (northern section): views across Walled Garden and adjoining grassland meadow with the Poltonhall/Lasswade settlement edge visible on the skyline above the valley.

Implementation of the Mavisbank Policies Conservation Management Plan being prepared by Historic Environment Scotland should see vegetation brought back into active management. This will contribute to the maintenance of vistas within the designed landscape.

Inward Views from the Surrounding Area

18. Views into the Conservation area can be gained from roads and edge of settlement locations on the valley crests. Panoramic views across the River North Esk valley and hills beyond are available from:
 1. Polton Road, Poltonhall Industrial Estate and Polton Drive: Panoramic views across the valley in north eastern direction to Kevock, Loanhead and Pentland Hills beyond.
 2. Polton Bank, Poltonhall: Panoramic views in north and north eastern direction from the settlement edge west of Polton Farm, across the valley landscape to Loanhead and Kevock, with the Pentland Hills, Arthur's Seat and Salisbury Crags featuring on the horizon beyond.
 3. Polton Road: Panoramic views at selected locations along the settlement edge in a broadly eastern direction, across sloping fields and river valley to Lasswade and Bonnyrigg, with the Mayfield ridge visible beyond.
 4. Wadingburn Road: Panoramic views in south and south eastern direction, across farmland fringe and river valley to Lasswade and Poltonhall, with the Mayfield ridge and distant Moorfoot Hills visible on the horizon beyond.
 5. Kevock Road: Open views in a west and south western direction across the farmland fringe, to the woodland covered escarpment and Doocot. Notable open views across the Mavisbank Policies from points on Kevock Road, with a modern house forming a feature in views from the designed landscape and core path along the river.

Landscape and Visual Considerations for Change Affecting the Conservation Area

19. The historic character, secluded nature and tranquil quality of the Conservation Area is recognised in its various designations and is treasured by many. Change effecting the area needs to be carefully managed to ensure it is suitably integrated within the

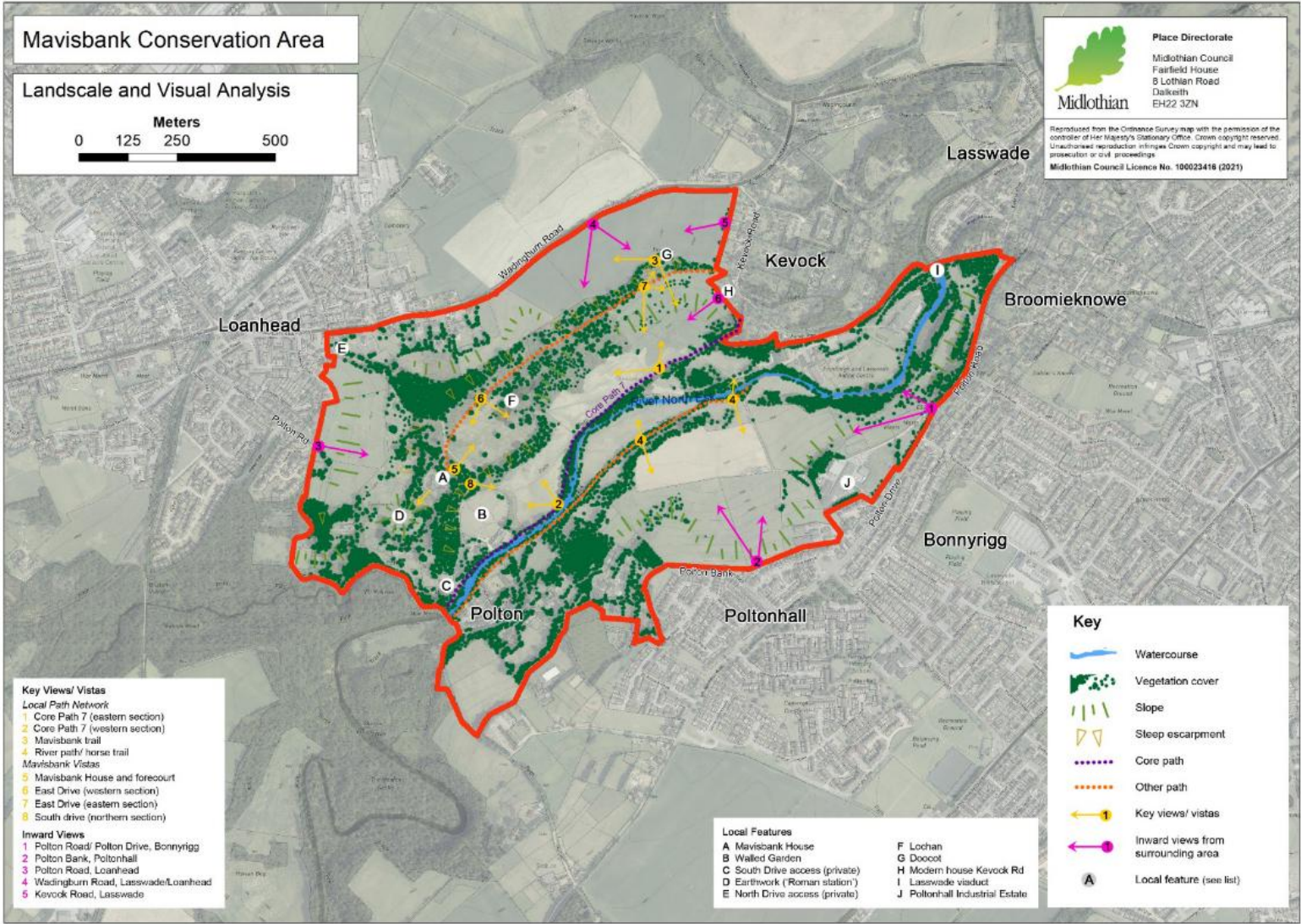
landscape setting and relates well to existing development in and near to the Conservation Area.

20. To guide development to the most appropriate places and minimise potential adverse effects on the landscape and key views, the following should be considered:

- Proposed development should be sited within the context of existing settlement on the edges of the valley and allow for suitable mitigation (e.g. establishment of screening woodland) where there is the potential for adverse effects on key views and sensitive skylines.
- Small-scale development may potentially be accommodated within the existing woodland framework, where it relates well to existing settlement and/or historic properties, and makes a positive contribution to the landscape setting by means of locally appropriate woodland, hedgerow and/or tree planting.
- Development on the valley sides should be discouraged where it has the potential to detract from the designed landscape and its components, or impinge upon key views.
- Particular care should be taken on the fringe of the agricultural land at the valley edge between the Mavisbank Policies and Wadingburn Road to avoid settlement coalescence, minimise intrusion on the Mavisbank designed landscape and safeguard characteristic views across the Conservation Area from and to this location.
- Dispersed built development should be discouraged to preserve the sense of seclusion and naturalness which is a key quality of this landscape.
- Care and attention should be taken to avoid disturbance and spread of Japanese Knotweed, which is frequently present along the river banks and associated areas nearby.

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Figure B: Mavisbank Conservation Area Landscape and Visual Analysis Plan



Responses to consultation on the Draft Mavisbank Conservation Area Character Appraisal & Management Plan (2020)

Consultee	Summary of Consultation Responses	Requested Change	Proposed Midlothian Council Response
Mavisbank Trust	The appraisal would be enhanced by more and larger photographs and illustrations with titles that explain location and purpose.	Increase size of, and add more, photographs, add illustrations and labels to the images.	Labels to be added to photographs. Size will be increased whilst avoiding disruption to the format.
	Historic maps showing the development of the area could be included, including Roy's Military Map of 1750, a map showing the location of Polton Estate and Mavisbank Policies, and the later New Saughton Hall	Include extracts from historic maps, starting with Roy's map, showing the development of the area and landscape	Include extracts of historic maps where relevant
	There should be reference to the importance of the Mavisbank area within the cultural landscape of the whole valley of the North Esk. The entire valley has almost unparalleled historical and cultural associations which have enormously influenced Scottish cultural life.	Add reference to the historical and cultural importance of the whole North Esk Valley, and the importance of the Mavisbank area within this	Add reference to paragraph 11
	The beautiful integration of the House and Policies should be highlighted	Highlight the integration of the House and Policies	Reflect this in paragraphs 17 and 18
	Management plan sections should refer to potential forces for change beyond the Policies, such as the commercial operations of the riding school, the plant nursery, the industrial estate and applications within the southern slope character area. These could all have a considerable effect on the setting of the conservation area unless carefully controlled. An analysis plan here to show	Refer to the commercial operations in the southern slope character area and the need for careful control to avoid considerable effect on the setting of the conservation area	Amend the Management Plan section of the document to reflect this

	how the setting could be affected by development and how inappropriate development can be avoided would be useful.		
	Insert a link to the Historic Environment Scotland Inventory of Designed Landscapes	Add web link to Inventory of Designed Landscapes	Insert web link (paragraph 6 of amended document)
	Paragraph 1 – change to Midlothian Council, and replace “their” with “its”.	Correct grammatical error	Amend text
	Paragraph 5 – replace “was” with “is” and refer to the House as being of European importance.	Change tense and insert reference to House being of European importance	Change tense
	Paragraph 5 – explain that the word “policies” is a Scots word for “grounds” or “estate”	Explain meaning of Policies in Scots	Add explanation in paragraph 5
	Paragraph 8 - John Clerk (1 st Baronet) undertook some planting at Mavisbank	Add reference to planting by 1 st Baronet	No change – not considered necessary for this summary
	Paragraph 11 – add industrial heritage to the list	Add industrial heritage to list	Include reference to a legacy of industrial heritage
	Paragraph 13 – add quote from Clerk’s poem “On Esca’s flowry Bank there is a Grove, Where the harmonious Thrush repeats its Love, There Ile observes the Precepts you indite, But never any more attempt to write.”	Add quote from Clerk’s poem	Add the quote from the poem
	Paragraph 13 – Mavisbank House is a highly original design. Much of its interest and importance derives from this. The design of the house is Palladian in form, sketched by Clerk on the basis of Dutch examples and finalised by William Adam with added Baroque detail	Adjust text on design of house by Clerk and Adam to show Palladian/baroque combination	Amend text

	Paragraph 16 – in choosing the site, the association of what Clerk believed to be a Roman Fort was on factor but there are likely to have been others, including the setting of the whole valley site	Insert reference to possible other factors influencing the location of the House	Amend final sentence of paragraph 16
	Paragraph 18 – Clerk’s aim was Palladian influence while the Baroque details came from Adam	Adjust text on design of house	Amend paragraph – now paragraph 19 in amended document
	Paragraph 19 – symmetrically placed pavilions	Adjust text on pavilions	Amend text – now paragraph 20 in amended document
	Paragraph 22 – St Ann’s Mount	Alter text	Amend text - – now paragraph 23 in amended document
	Paragraph 26 – significance is well described but the landscape setting could be more fully analysed. An analysis plan should accompany this paragraph showing the important views and vistas into and out of the conservation area. This would help understanding of issues such as the “skylining” of the more recent houses, especially on the south side of the Policies. The distinction between view and vista should be explained.	A landscape analysis plan showing vistas and views should be included	Amend document. A landscape and visual analysis of the conservation has been undertaken and a plan showing key views and vistas in the Conservation Area has been produced. These have been incorporated into the amended Mavisbank Conservation Area Character Appraisal & Management Plan (paragraphs 27-30 and the new Appendix 2).
	Paragraph 28 – this paragraph should be expanded to emphasise the hugely important contribution trees make to the setting of the whole conservation area. Important trees and tree groups should also be included in a landscape analysis plan as they are an integral part of the setting.	Emphasise the importance of the contribution made by trees to the setting of the conservation area. Trees should be included in the landscape analysis plan	Amend document to add additional emphasis on trees. This is done through paragraphs 27-35 of the amended Mavisbank Conservation Area Character Appraisal & Management Plan and its new Appendix 2.

	Paragraph 29 – should be conservation area	Amend text from “Are” to “Area”	Amend text – line 5 in the now paragraph 34
	Paragraph 29 – change to “Victorian villas which are partly a legacy of the industrialisation of the valley”	Amend text	Amend text - now paragraph 34
	Paragraph 29 – add the following text “The trees and woodland areas in this conservation area are of particular significance in the Midlothian context because they are a key characteristic of the river valley. They have remained throughout the period of the industrialisation of the river which drove the economy and development of Midlothian for centuries.”	Add additional text on trees and woodland	Add suggested text - now paragraph 34
	Paragraph 30 – there is a significant need	Amend text	Amend text - now paragraph 34
	Paragraph 30 – end sentence at “Mavisbank Policies” and start a new sentence with “The value of ...”	Amend text	Amend text - now paragraph 35
	Paragraph 31 – it was only a small part of the east drive that was sold	Adjust text about the East Drive	Amend text - now paragraph 36
	Paragraph 33 – “Conservation Management Plan” should be “Landscape Management Plan”	Change name of management plan	Amend document (revised document paragraph 38) to include a weblink to the document “Mavisbank Policies:

			<p>Designed Landscape Conservation Management Plan” on Historic Environment Scotland’s website. The document was not available at the time of writing the draft Mavisbank Conservation Area Character Appraisal & Management Plan.</p> <p>The Mavisbank Policies: Designed Landscape Conservation Management Plan refers to a “Conservation Management Plan”.</p>
	Paragraph 39 – its not it’s	Amend text	Amend text - now paragraph 39
	Paragraph 40 – it would be more accurate to say “The modern development which has occurred has in most cases been sensitively designed and sited.”	Add “in most cases” to sentence	Amend text - now paragraph 46
	Paragraph 41 – change to “contribute to the special architectural, landscape architectural and historic interest ...”	Add reference to landscape architectural interest	Add landscape to 1 st sentence of the now paragraph 48
	Paragraph 46 – add “and should be avoided.” To the end of the paragraph	Add “and should be avoided” to sentence	Amend text - now paragraph 54
Professor David Sugden	Supports the recognition of the importance of Mavisbank Policies as a greenspace	Emphasise the importance of Policies as greenspace	Amend document to ensure current importance is clear
	Considers there is more than limited public realm in the Conservation Area – the Policies are of great community value	Change paragraph about public realm	Amend paragraphs (31 and 32 of the amended document).
	The development of accommodation, a skills centre, a café and a car park may result in	Add reference to alternative approach of consolidating the ruin	Insert reference to an alternative option based on consolidating

	the loss of what we are trying to preserve. The project could lead to the loss of the romance and significance of the house and its grounds. The car park in particular would be in a highly visible location. The alternative would be to have the ruin of the House stabilised and left. This would preserve the tranquillity of Mavisbank and achieve the goal of carefully balancing the biodiversity, historic and community value of the site.	and preserving the current tranquillity of the greenspace	the ruin of the current Mavisbank House (paragraph 40 of the revised document)
Peter Cain	Paragraph 44 – the restoration of the house should not be considered the only option. A second, less-invasive option to address what should happen if the current application funding application, should be included. Restoring the house as a façade would provide unfettered access to wildlife at night, would only have a short term impact on tranquillity during the works rather than for the long term. It would also allow anyone at any time to view the house, if a virtual experience is included, whilst full restoration would mean access would be restricted.	Add reference to alternative approach of consolidating the ruin and preserving the current tranquillity of the greenspace	Insert reference to an alternative option based on consolidating the ruin of the current Mavisbank House (paragraph 40 of the revised document)
	There is no reference to the biodiversity value of Mavisbank in the document	Refer to biodiversity value of Policies	Amend text to refer to the biodiversity value of the Policies
	Paragraph 35 – it should be clearer what is meant by “significant local social and economic resource” and “maximise its potential”. There should be an explanation of how holiday accommodation, a skills	Clarify what is meant by “significant local social and economic resource”, and “maximise its potential”	Comment noted. No change. Paragraph 40 of the revised document provides further information.

	centre and community space will provide these benefits.		
	Paragraph 40 – Building an access road from Wadingburn Road and rebuilding of the house will degrade the green space that the public already enjoys access to.	Refer to the landscape impact of a new access road	<p>Comment noted. No change.</p> <p>The impact of any new road would have to be considered through the planning process if a planning application were submitted. The issues associated with the impact of such a road are highlighted in paragraph 44 of the document. The document picks up on the importance of the integrity of the valley, including at paragraph 51.</p>
	Paragraph 40 – 14/16 Kevoek Road provides an example of insensitive design on the skyline	Refer to skyline impact of some development	Amend text – see paragraph 51 of the revised document
	Paragraph 39 – there needs to be some indication of the impact of allowing vehicles on the site. A clear focus on foot/bicycle only access would provide some protection for the current environment.	Add reference to improving foot/bicycle access rather than focusing on vehicle access.	<p>Comments noted.</p> <p>The impact of vehicles in the grounds would have to be considered through the planning process for any planning application submitted. It would be important that any vehicular access is achieved in a manner that is safe and minimises impact on the landscape and environment. Any access proposals would require to improve pedestrian and cycle</p>

			access to the grounds. Paragraph 45 of the amended document refers to active travel.
	Paragraph 45 – the Policies are already a greenspace of significance not potentially.	Remove “potentially”	Amend text – remove the word “potential” from the first line of the paragraph (now paragraph 53)
Joy Moore	Pictures should be labelled	Add labels to images	Amend document to incorporate labels for photographs
	The importance of the river as a wildlife corridor should be mentioned	Refer to biodiversity value of river corridor	Amend text to reflect biodiversity of the river corridor
	The management plan should include detailed actions showing how the Council intends to conserve the area and the benefits its offers to local people and tourists, including the maintenance to the riverside path	Add management plan should refer to actions the Council intends to take, including the maintenance of the riverside path	Comment noted. No Change The Midlothian Local Development Plan and the Mavisbank Conservation Area Character Appraisal & Management Plan (CACAMP) provide the policy framework and guidance the Council will apply to the assessment of development proposals. The CACAMP’s function is not to promote the area or set out detailed actions for how the Council would preserve the area.
	The development of the house into tourist accommodation will destroy the current peaceful atmosphere in the Policies	Add reference to the effect of the proposed changes on tranquillity	Refer to current tranquillity of the greenspace as an asset

Lasswade and District Civic Society	Photographs should be captioned with their location, including the location they were taken from for the landscape photos.	Add labels to images	Amend document to incorporate labels for photographs
	Historical maps should be included to show the development of the Designed Landscape and the setting of Mavisbank House. Roy's military map usefully shows the goose feet alleys radiating from the house. Other maps show the changes over time, including the relationship of the Polton House Estate and the change that New Saughton Hall brought to the landscape.	Include extracts from historic maps, starting with Roy's map, showing the development of the area and landscape	Amend to include historic map extracts
	More emphasis should be made of the importance of the Esk Valley in terms of its unique cultural history and influence on so many aspects of the period of the Enlightenment	Add reference to the historical and cultural importance of the whole North Esk Valley	Add reference to paragraph 11
	More analysis of the vistas and views in out of the conservation area is required. Skylining developments are of particular concern with pressure of development of the southern slope area, which can significantly impact on this more open vista.	A landscape analysis plan showing vistas and views should be included, and references to development pressures on the southern slope area	Amend document. A landscape and visual analysis of the conservation has been undertaken and a plan showing key views and vistas in the Conservation Area has been produced. These have been incorporated into the amended Mavisbank Conservation Area Character Appraisal & Management Plan (paragraphs 27-30 and the new Appendix 2).
	More detail of the grouping of important areas of trees and their impact on the setting of Mavisbank should be included.	Emphasise the importance of the contribution made by trees to the setting of the conservation area.	Amend document to add additional emphasis on trees. This is done through paragraphs

	This would give greater guidance as to where new tree planting and removal of inappropriately sited self-seeded trees might give greatest benefit in preserving the characteristics of the area.		27-35 of the amended Mavisbank Conservation Area Character Appraisal & Management Plan and its new Appendix 2.
	Paragraph 48 – should include reference to Midlothian Lasswade Local Development Plan policy ENV 20 Nationally Important Gardens and Designed Landscapes.	Insert text	Amend text (now paragraph 56 in amended document) to refer to Midlothian Local Development Plan policy ENV 20 Nationally Important Gardens and Designed Landscapes
	A web link to the HES “Designed Landscape Conservation Management Plan” for Mavisbank should be included.	Insert web link	Amend document (revised document paragraph 38) to include a weblink to the document “Mavisbank Policies: Designed Landscape Conservation Management Plan” on Historic Environment Scotland’s website. The document was not available at the time of writing the draft Mavisbank Conservation Area Character Appraisal & Management Plan.
	The publically owned space within Polton village near the Bowling Green should be included in the public realm section	Add reference to Polton village open space	Amend text (now paragraph 31 of the revised document)

MC/August 2021



PRE - APPLICATION CONSULTATION REPORT REGARDING MIXED USE DEVELOPMENT COMPRISING: CLASS 4 (BUSINESS), CLASS 5 (GENERAL INDUSTRY) AND CLASS 6 (STORAGE AND DISTRIBUTION) AT LAND EAST OF SALTERS ROAD, DALKEITH (21/00512/PAC).

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed use development comprising Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) at land east of Salters Road, Dalkeith (21/00512/PAC).
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 The pre-application consultation for a mixed use development comprising Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) at land east of Salters Road, Dalkeith was submitted on 16 June 2021.
- 2.3 As part of the pre-application consultation process, a public event would have been arranged in 'normal' times, however, this is no longer an option as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications)

(Coronavirus) (Scotland) Regulations 2020. The changes remove the requirement for a public event, but as an alternative require prospective developers to advertise where relevant consultation material can be viewed online. The legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations - which includes giving interested parties the opportunity to make comment. On the conclusion of the online event the applicant could submit a planning application for the proposal.

- 2.4 In terms of submission timescales, the applicant could submit a planning application for the proposal from 16 September 2021 if they have undertaken appropriate pre application consultation.
- 2.5 Copies of the Proposal of Application Notice have been sent by the prospective applicant to the local elected members for Dalkeith, the Leader of the Council, Dalkeith and District Community Council, the local Member of Parliament (MP), the local Member of Scottish Parliament (MSP), One Dalkeith Development Trust, The Rotary Club of Dalkeith, Midlothian and East Lothian Chamber of Commerce, Dalkeith Country Park and selected local residents located directly adjacent to the site.
- 2.6 On the conclusion of two virtual public events (Thursday 15 July 2021 between 15.00 and 19.00 and Thursday 12 August between 15.00 and 19.00) the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a virtual public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.
- 2.7 At its meeting of January 2019 the Committee considered a pre-application consultation for a film and TV studio and associated development on the site. Unfortunately, this development (which was supported in principle, without prejudice to any application, by the Council) has not lead to a planning application being submitted and as such the landowner is reasonably seeking to secure an alternative commercial development of the site.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application, the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).

- 3.3 The site comprises a parcel of land measuring approximately 30 hectares located on the north-eastern corner of Dalkeith. It currently contains a number of agricultural fields with field access to Salter's Road. The site is bounded by the A68 to the north, Dalkeith Community Schools Campus to the south, Dalkeith Country Park to the west and agricultural fields to the east. A number of existing residential properties, not associated with the proposed development also lie directly to the centre of the site.
- 3.4 The site is subject to multiple allocations within the Midlothian Local Development Plan 2017 (MLDP) focused around its allocation as an employment site. The western part of the site is identified as committed development (forming part of the established economic land supply) with the eastern part of the site is allocated for strategic employment land. An extremely small part of the site (measuring approximately 20m x 20m) is located within the green belt and subject to policies relating to prime agricultural land, river valleys and nationally important gardens and designated landscapes.
- 3.5 The key MLDP policies are as follows:
1. Site e14: Committed Development (Policy STRAT 1) - Forming part of the established economic land supply.
 2. Site Ec2: Strategic Employment Land Allocation (Policy STRAT 5).
- 3.6 Both parcels of land are located within the built up area and subject to protecting amenity within the built up area (Policy DEV 2).
- 3.7 Additionally, an extremely small parcel of land (measuring approximately 20m x 20m) is subject to the following MLDP policies:
3. West of Salter's Road: - Green Belt (Policy RD1), Prime Agricultural Land (Policy ENV 4), Country Parks (Policy RD4), Protection of River Valleys (Policy ENV 8), Nationally important gardens and designated landscapes (Policy ENV20).
- 3.8 There are various site-specific policy requirements associated with the future development of the site. This includes a requirement to prepare a comprehensive masterplan covering the future development of both allocated employment sites to ensure that the layout, development sequencing/timing and landscape measures are complementary. Cognisance of a gas pipeline consultation zone crossing both employment sites should also be undertaken with any future access required to respect the proximity of existing residential properties, Dalkeith Country Estate and the Dalkeith Schools Community Campus. Site-specific policies for Site e14 policies support Class 6 (storage and distribution) uses given improved access to the A68 Dalkeith Northern Bypass.
- 3.9 Site-specific requirement for Site Ec2 include a requirement to provide 30m wide woodland planting along the north-western, north-eastern and eastern edges to contain the site. In addition, existing vegetation along the railway walkway is required to be protected and enhanced to ensure a continuous green network, including a link across the site that

should include a tree avenue with swales, path and road. A flood risk assessment will also be required to accompany any future application to mitigate any potential flood risk within the site and the immediate area.

- 3.10 If an application is submitted for the proposed development, there is a presumption in favour of supporting a mixed use industrial development for Class 4 (business) and Class 5 (general industrial) uses within the site. Additional ancillary support activities would also be accepted. This position is subject to confirming that the site-specific policy requirements can be met, providing a comprehensive masterplan for both site allocations, providing an appropriate access solution and securing appropriate developer contributions towards infrastructure including strategic transport infrastructure, structure landscaping and open space, new green network links, water and drainage infrastructure.
- 3.11 If Class 6 (storage and distribution) uses are proposed, these would only comply with strategic policy aspirations within the western part of the site (Site e14) and are not supported by the corresponding MLDP policy objectives (Policy STRAT 5) for Site Ec2 within the eastern part of the site.
- 3.12 Clarity would also be sought on the nature of any future development proposals within the small parcel of land to the west of Salters Road given that this is subject to far more restrictive policy objectives than other parts of the site.
- 3.13 In addition to the above principle of development, consideration will also have to be given to design matters, particularly for any future application seeking detailed planning permission. This would include layout, siting, design, appearance, materials, landscaping, open space, parking for any future uses and any amenity requirements relating to noise/vibration, air quality and setbacks requirements etc. in order to ensure compliance with sustainable place-making policies within the MLDP. Consideration will also be given to any material considerations raised by consultees and representatives and to the employment and economic benefits of any proposal.

4 PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.

- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report;
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No. 21/00512/PAC
Applicant: Buccleuch Property Ltd
Validation Date: 16 June 2021
Contact Person: Hugh Shepherd
Email: Hugh.Shepherd@midlothian.gov.uk



**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
19/01039/PPP FOR RESIDENTIAL DEVELOPMENT; FORMATION OF
ACCESS ROADS AND ASSOCIATED WORKS AT LAND NORTH OF
SEAFIELD ROAD, BILSTON**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for planning permission in principle for residential development on land to the north of Seafield Road, Bilston. There have been four representations and consultation responses from the Coal Authority, the Scottish Environment Protection Agency (SEPA), Scottish Water, Transport Scotland, the Council's Archaeological Advisor, Damhead and District Community Council, Roslin and Bilston Community Council, the Council's Policy and Road Safety Manager, the Council's Flooding Officer, the Council's Education Resource Manager, the Council's Environmental Health Manager and the Council's Land and Countryside Manager.
- 1.2** The relevant development plan policies are Policy 5 and 7 of the South East of Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Plan 2017 (MLDP).
- 1.3** The recommendation is to grant planning permission in principle subject to conditions and securing developer contributions towards necessary infrastructure and affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is to the north of Bilston and forms the north-eastern part of allocated housing site, Hs16, identified in the Midlothian Local Development Plan (MLDP). Access is proposed through Phase 1 of the Hs16 site, which fronts onto Seafield Road to the south. Phase 2 of Hs16 is located to the immediate west of the application site. Phase 1 of Hs16 is currently under construction and planning permission for the second phase has been granted.

- 2.2 The site area is 12.9 hectares. The site is fairly level with gentle undulation, sloping down a little to the south east. The site is currently in agricultural use.
- 2.3 There are two modest watercourses one running north south to the site's western boundary and a second to the east.
- 2.4 There are footpath links around the site, in particular there is a core path to the south and east.
- 2.5 There are trees and planting in the main to the boundaries of the site, with an area of planting to the west of the site area, forming two rows of planting. There is some planting to the south of the site and between the fence line of existing housing and the fence line to the site.
- 2.6 Immediately to the east of the site is the access road serving Pentland Plants and other properties from the A701. Greenhouses/glasshouses associated with Pentland Plants are close to the boundary of the application site to the east.
- 2.7 To the north west of the site is the Pentland Biomass site, which produces woodchip. Wood stacks associated with the Biomass business are visible from the application site and the noise of machinery and vehicles on the site can be heard on the application site and from the adjacent residential area.

3 PROPOSAL

- 3.1 The proposal is for planning permission in principle. The applicant has submitted an indicative layout for the site which shows the majority of the housing located towards the south and eastern parts of the site, with the northern and to a more limited extent the western extent of the site forming open space with routes through the site linking west and east to the north and linking north south to the west of the site. The northern area includes formal play and an informal kick about area, outdoor gym equipment and an outdoor learning space as well as allotments. The indicative plan identifies an area of substantial tree/woodland planting to the northern boundary of the site. The western area of open space incorporates the main existing tree planting on the site and forms an extension of an area of existing private open space to the south.
- 3.2 Between this site and the Corby Craig housing development to the south is an area of planting. The western area of open space includes a swale and new planting. Formal footpath links on the edge of the development area link to informal paths within the northern and north-western part of the site. To the east the exiting watercourse forms part of an area of open space. There is a SUDS feature to the south eastern boundary of the site.

- 3.3 The main vehicular route through the site runs east west. The indicative layout shows tree planting through the site and a planted square area towards the east and close to the proposed SUDS feature. Both footpath and vehicular routes are shown linking the development to the un-named lane that links the A701 to Pentland Plants and other farms and properties.
- 3.4 The indicative built development appears to show mainly two storey housing with some flatted blocks along the main spine road and close to open space. The open space to the east has houses overlooking it, in the main. The open space to the north does not have housing facing onto it, with most properties having their gable elevations towards this open space.
- 3.5 The application is accompanied by:
- An indicative layout;
 - A pre-application consultation report (PAC);
 - A design and access statement (DAS);
 - A planning statement;
 - A transport assessment (TA);
 - A drainage layout;
 - A flood risk assessment (FRA), including amendments;
 - A preliminary ecological appraisal;
 - A statement on energy;
 - An archaeological evaluation written scheme of investigation;
 - A landscape strategy plan; and,
 - A site investigation report.

4 BACKGROUND

- 4.1 Planning permission was granted in September 2018 for the erection of 155 dwellinghouses and 36 flats as the first phase of Hs16 (17/00968/DPP) to the south west of this site. Construction has commenced on site.
- 4.2 In August 2019 the planning authority issued a screening opinion (19/00717/SCR) for the site advising that an Environmental Impact Assessment (EIA) Report is not required to be submitted with a planning application.
- 4.3 The applicants carried out a pre-application consultation (19/00641/PAC) for residential development and associated works in July – September 2019. The pre-application consultation was reported to the Planning Committee at its meeting in October 2019 and covered phases 2 and 3 of Hs16 (the current application is phase 3).
- 4.4 Planning permission was granted in April 2021 for the erection of 31 dwellinghouses as the second phase of Hs16 (19/01019/DPP) to the west of this site.

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application, but advises that the application site falls marginally within the defined Development High Risk Area; therefore within the site and surrounding area there are mining features and hazards which need to be considered in relation to the development of the site. The Coal Authority's information indicates that oil shale mining has taken place at shallow depth beneath the site. However, the site contains no recorded or suspected coal mining related legacy.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application (following the submission of additional information to address the concerns raised and an earlier SEPA objection).
- 5.3 In response to the applicants revised FRA (ref: 1702-207, Terrenus Consulting, 09 July 2021) has been submitted and SEPA make the following comments:
- It is noted in Section 3.6.4 (Contributing Catchment) that the catchment area has been revised to 0.142 km², from 0.27 km² in the previous iteration of the FRA which represents almost a 50% reduction in contributing catchment area. Terrenus has outlined that the reduction in catchment area, "was generated using the SCALGO Live software² terrain data analysis and was checked against the flow accumulation process of the QGIS software". SEPA have reviewed Figure 7 which demonstrates the spatial extent of the contributing catchment area which is slightly lower than the SEPA estimate. However, SEPA are satisfied that Terrenus has undertaken a site walkover and validated the revised catchment against other available mapping data;
 - As a result of catchment size reduction, SEPA also note that the design flow estimates have reduced accordingly (Table B). Based on the revised catchment descriptors, we note that the 1 in 200 year + 35% climate change flow is comparable with the previous 1 in 200 year flow estimate. Based on the results of the updated hydraulic model (Section 3.7 and Figure 16A), SEPA are satisfied that the information submitted demonstrates that the proposed engineering works to open up a further 90m of channel will be able to convey the 1 in 200 year + 35% climate change flow which represents flow associated with the larger catchment area derived in the previous FRA report;
 - A comparison of pre and post development flows at the culvert outlet have been presented (in Figures 16B and 16C). The query from SEPA was in regard to pre and post development flows at the culvert inlet, however the necessary information can be deduced from Figure 16A. The model outputs demonstrate a negligible effect on the flood peak and timing and a small reduction in blockage risk at the downstream area of the site in the post development scenario. The FRA therefore demonstrates that the

proposed channel engineering works will result in an overall reduction in floodplain extent without increasing flood risk to the site or to downstream receptors and therefore addresses the concern regarding pass forward flows. It is anticipated that the proposed surface water management measures will to attenuate a proportion run-off that would otherwise enter the small watercourse. However, surface water management is a matter for the Flood Risk Management Authority (Midlothian Council) to comment on;

- In line with the request for proposed channel cross sections and dimensions, we have reviewed drawing (ref: 21906/SK/01A) which demonstrates the proposed channel works on a plan view and at key cross sections. Based on the updated modelling (Figure 16A) we note that no out of bank flooding is predicted in the post development scenario under a 1 in 200 year plus climate change scenario. Therefore, we are satisfied that the proposed engineering works will not increase flood risk to development within the site;
- It is noted that watercourse crossings are proposed over the new open channel section for access purposes. We advise that all crossings are designed to have a neutral effect on flood risk and should be properly maintained to reduce the potential risk from structure blockage. Similarly, SEPA recommend adoption of appropriate buffer strip distances between proposed development and the open channel in order to allow for access and maintenance. We advise that these matters are discussed with the Flood Risk Management Team at Midlothian Council at the detailed design stage to ensure flood risk mitigation measures are appropriate on site;
- SEPA support the recommendation in the Terrenus FRA to set finished floor levels at or above the 1 in 200 year + 35% climate change + freeboard level. It is for Midlothian Council as Flood Risk Management Authority to comment on the acceptability of freeboard and access/egress measures;
- The drawing showing the western culvert diversion has been removed from the FRA. SEPA therefore assume this is no longer part of the proposed development plan in line with the discussions held with the applicant and consultant on the 22 June meeting. Confirmation that the western culvert diversion had been removed was received from the applicant; and
- On the basis of the information supplied, the post development scenario will result in a neutral effect on flood risk downstream. SEPA advise that all plans supplied as part of the planning application are reviewed to make sure none of them contain the western culvert diversion. If any plans do contain the western culvert these should be clearly identified as superseded and replaced with plans which do not contain the western culvert. This is necessary to ensure there will be no engineering works other than those which have been assessed in the FRA report. On the understanding that this will be done before the planning application is determined, SEPA remove their objection to the proposed development on flood risk grounds.

- 5.4 **Scottish Water** does not object to the application. However, this does not confirm that the proposed development can currently be serviced. Advice is given in relation to water and foul drainage. According to Scottish Water's records, the development proposals may impact on existing Scottish Water assets. The applicant should identify any potential conflicts with Scottish Water's assets and contact the Asset Impact Team directly. The applicant should be aware that any conflict with assets identified may be subject to restrictions on the proximity of construction. This is a matter between the applicant and Scottish Water and not for the planning authority.
- 5.5 **Transport Scotland** do not object to the application on condition that the development is limited to a maximum of 214 units as this is the limit of units identified in the submitted transport assessment.
- 5.6 The Council's **Archaeological Adviser** states that an initial desk-based appraisal of the above planning application has been undertaken in order to examine the possible historic environment implications of the proposed development. A Programme of Archaeological Works (Evaluation) is necessary with regard to the above planning application and can be secured by condition.
- 5.7 The **Damhead and District Community Council (DDCC)** made the following comments:
- There is concern about the stability of the land because of the history of shale mining;
 - There is concern about noise and dust from the Pentland Biomass wood chipping operation and safety concerns regarding the stacks of tree trunks on the site;
 - There is not the infrastructure to support the development - the local GP practices are at capacity; there isn't sufficient public transport; and other facilities such as community facilities and education need increased capacity because of increased demand;
 - The north-west boundary of the adjacent Cameron Gardens was represented as a defensible boundary, presumably against further housing development, success of this proposal will represent an abrupt change to this planning strategy – a new planting buffer will be required;
 - The A701 relief road will not help traffic flow but transfer bottlenecks on to the A720, as well as other routes to and from Edinburgh. Many of those routes including the A701 face increased traffic flow. The 214 units planned will only exacerbate these problems. The A701 relief road will not relieve traffic flows but create another 'defensible boundary', until the net expansion plan;
 - There is concern about the reduction in section 75 payments required (under 20/00246/LAA) and there is a concern that a similar reduction will be requested in relation to this development.

- 5.8 The **Roslin and Bilston Community Council (RDCC)** area is immediately to the south of the site and have made the following comments:
- RDCC support the DDCC comments;
 - The land is not suitable for housing development because of its past history of shale mining, subsidence and contamination from waste tips;
 - There is uncertainty about the route of the proposed A701 Relief Road;
 - The sites proximity to the Pentland Biomass operation;
 - The applicants need to undertake a programme of archaeological research, an audited transport assessment and a pre development enquiry with Scottish Water to give reassurance about surface water drainage;
 - There is concern regarding the three storey flats;
 - The houses must be designed so that they can be adapted for care at home and must be designed with high levels of sustainability;
 - Car parking, including electric vehicle charging, must be adequate and cycle parking provided;
 - This is a thoughtfully designed site, and it's good to see adequate growing space in the form of allotments - also the provision of play areas and a kickabout pitch. These features need to be maintained in the detailed design;
 - It is essential that the whole site is designed to suit the requirements of 'care in the community' – securing the essential principles of creating an accessible and inclusive environment. The development should also comply with The RTPi report on Dementia and Town Planning. The site should cater for the Equalities Act, be accessible to disabled people and those with less fluent movement;
 - All drives and road surfaces should be porous;
 - We would also like to see the use of common utilities service ducts, which allow minimal disruption of utilities during maintenance and future modification;
 - The two access routes need to be carefully considered given the congestion in roads locally. Concerns are expressed regarding the construction access for the development and the impact on the local road network. Wheel washing is suggested as a result of any mud on the roads;
 - Consideration should be given to enhancing travel by public transport, foot, and bicycle. Ideally all new residents should be provided with details of the public transport options that already exist, and those that are planned. In addition to the safe route to Bilston Primary School, there needs to be a safe route to the planned new secondary school on the A701. Bicycle routes to join the excellent Roslin Shawfair cycle track should be put in place before construction, and footways to the bus stops on the A701 and A703 be firmed up;

- RBCC state that the surgery at Roslin is at capacity, as is the one in Loanhead, which will be struggling to cater for all the development in the area. RBCC have a guarantee that space will be found somewhere in Midlothian, but somewhere off a direct bus route, or at the end of a long car journey, is simply not appropriate. This problem needs to be faced and tackled before any more development begins;
- As regards other utilities, the undertaking by the Developer at the very beginning of the planning process was that they would take responsibility for seeing that this would be provided. This undertaking needs to be honoured and enforced; and
- The RDCC question what mitigation measures have been put in place to remedy the problems of underlying shale mines, historic waste-tips and recent subsidence.

5.9 The Council's **Policy and Road Safety Manager** does not object to the application subject to the following matters being addressed by conditions:

- Details of the proposed internal road, footway and cycleway network;
- Details of the proposed residents and visitor parking arrangements;
- Details of the proposed electric vehicle charging points within the site; and
- Details of the proposed surface water management plan for the development.

5.10 The Council's **Flood Officer** indicates that following consideration of the information contained in the SEPA consultation response (dated 19th July 2021), there are no further comments on this application in relation to flooding matters.

5.11 The Council's **Education Resource Manager** does not object to the application, but advises that the proposed development of up to 214 dwellings would give rise to the following number of pupils:

Primary Pupils	66
Secondary Pupils	52

The site for this development lies within the following school catchment areas:

Non-denominational primary -	Bilston Primary School
Denominational primary -	St Margaret's RC Primary School
Non-denominational secondary -	Beeslack Community High School
Denominational secondary -	St David's RC High School

A significant amount of new housing has already been allocated to the Bilston area therefore additional primary and secondary school capacity will be required. A developer contribution will be required towards the cost of providing additional primary school capacity.

- 5.12 The Council's **Environmental Health Manager** advises that the proposed development (more so than phases 1 and 2) would bring proposed housing significantly closer to an existing 'noise generating' process, namely a wood chipping operation. Pentland Biomass currently operate a wood chipping facility to the north west of the site. Condition 3 attached to the planning consent for this operation (16/00879/S42) states:

No 15 minute "A weighted" equivalent noise level shall exceed 52 dB at any point 10 metres away from the façade or any reflecting surface of any noise sensitive property, and no less than 3.5 metres away where this is not possible.

- 5.13 Noise measurements taken during an investigation in January 2017 suggest that, while the chipper is operational, the 52dB limit would be substantially exceeded 10 metres from the facades of many of the proposed residential properties. The proposed residential properties along the northern edge of the development, that will have a clear line of sight to the wood chipping operation, will be worst affected, but it is also very likely to affect the amenity of other proposed residential properties. Extrapolating from the results of previous noise monitoring and using these to predict the equivalent noise levels at the location of the proposed residential properties indicates that a decision to develop the site, as proposed in this application, will likely result in noise complaints from the prospective residential properties and make it impossible for Pentland Biomass to operate without breaching their planning consent.
- 5.14 An additional potential source of noise is the planned re-alignment of the A701. The two potential routes for the new road run close to the northern edge of the proposed development and the possible impact of this on future residents should also be considered.
- 5.15 It is noted that there is also a historic domestic/commercial landfill site to the north west of the site along with an inert landfill site on most of the proposed site area. An intrusive site investigation report has been submitted with this application and an initial review of this has indicated that further work is required and the issues are detailed below:
- i) A number of the assessments hinge on the location, boundary and contents of the historical landfill site and the adjacent domestic landfill site. The report does not clearly demonstrate desk based research showing the location of the landfill. Following the completion of this further research we would recommend that the assessments are revised;
 - ii) The recommendation to locally remove asbestos is not considered to be acceptable as a single measure; a strategy for maintaining vigilance in terms of the potential presence of asbestos should be

presented (including for example the potential for supplementary investigation and mitigation measures);

- iii) The water environment risk assessment in general and should be further justified in the context of the on-site and off-site landfill sites;
- iv) We look forward to receiving a water supply pipe risk assessment, the assessment will also require the acceptance of Scottish Water;
- v) The ground gas assessment requires further justification based on the landfill areas and potential concerns over the landfill boundaries expressed above. Furthermore, we look forward to the revised assessment based on the worst case scenario as set out in CIRIA C665; and
- vi) The remediation methodology requires further justification, this could be undertaken via a revised report or via the completion of a Remediation Strategy (which will be required anyway).

5.16 In conclusion, the Environmental Health Manager has significant concerns relating to the site regards noise and contaminated land. It is recommended that planning permission be refused unless the applicant can demonstrate that either the 52dB limit (referenced above) can continue to be met in relation to the proposed residential properties or that necessary permanent mitigation measures can be implemented so that this level can be achieved.

5.17 Should the development be granted planning permission despite the above the Environmental Health Manager recommends the following conditions:

- 1) A noise impact assessment shall be submitted to demonstrate that the proposed site is suitable for residential development and in particular that the proposed residences will not be adversely affected by noise from either the wood chipping operations or from the realignment of the A701, or that acceptable acoustic standards can be achieved through suitable mitigation and building layout/ design measures;
- 2) The 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.

- 3) On completion of the decontamination/remediation works referred to in condition 2 above and prior to the first dwellinghouse 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 dwelling house shall not be occupied unless or until the Planning Authority have approved the required validation;
- 4) The hours of construction operations (including deliveries) should be restricted to:
 - Monday to Friday - 8am – 7pm
 - Saturday - 8am – 1pm
 - Sunday - No working

- 5.18 The Council's **Land and Countryside Manager** does not object to the application but notes the following issues to be addressed:
- It is not clear whether the route shown on the core paths plan and indicated on the developer's indicative layout plan is to be retained in full;
 - At the northern end of the existing route it appears there is no through route beyond the boundary of the site. The site is required to be permeable at this point so that the believed right of way is not blocked as a consequence of this development;
 - The right of way across the site must not be closed before or during the construction works without written consent from the Land and Countryside Service. It is also noted that the line of the indicative route varies from the line of the existing right of way and as such it shall be subject to agreement on the final design and may require a Diversion Order.

6 REPRESENTATIONS

- 6.1 There have been four representations received, which can be viewed in full on the online planning application case file. A summary of the main points raised are as follows:
- There is a lack of sustainable transport infrastructure to service the development;
 - Without significant improvement to the A701, the increase in traffic will be problematic;
 - The existing Taylor Wimpey development has significant drainage issues that are unresolved and this proposal will add an additional burden on the system;
 - The area is a local wildlife space, and the introduction of a 'major development' would destroy habitats and greenfield space;
 - The site has a long history of oil shale works and there is a history of subsidence locally - there is concern about the housing development in relation to the ground conditions;
 - There is concern about contaminated land (including ground gas and vapours) from previous infilling of land;

- The site is prime agricultural land and green belt and is in agricultural use - crop growing is essential as the population grows;
- The roads infrastructure cannot cope with the traffic resulting from the development considering all the new development which has already taken place, is under construction, or is planned nearby and along the A701 corridor. There does not appear to be an assessment reviewing the overall development in the area, which includes Loanhead, Bilston, Roslin and Penicuik, all of which will have a significant impact on the traffic volume using the A701 and on local services;
- The accuracy of the Transport Assessment is questioned in relation to the impact on the Seafield Moor Road;
- Noise and dust from the nearby Pentland Biomass will impact on the proposed new housing. Enforcement of the noise levels imposed on this use have proved difficult;
- SEPA objected to this application and to the phase 2 application (19/01019/DPP) on the grounds of uncertainty over the effects on the surrounding hydrology and recommends the cumulative impact of the two applications is taken into account;
- Concerns of flooding of the properties on Seafield Moor Road caused by the Bilston Burn being flooded as a result of the development of this site and the adjacent sites;
- Concern about the likely effect of run off from the site and those adjoining to the east of the A703 entering the Boghall Burn watercourse upstream or downstream of the culvert under Seafield Moor Road;
- The SEPA officer who assessed the site in February 2020 noted water draining from the site onto Seafield Moor Road. There are no SUDS plans associated with this specific application therefore it is likely to increase this drainage problem. In addition to the run off to the Boghall Burn there is likely to be an increase in the flood risk due to the undersized culvert under Seafield Moor Road (as noted by SEPA), and at other points on the burn. The applicants note that “Any overland flow along Seafield Moor Road will be contained within the road and is in excess of 1.5m below the site” but do not address the impact on the road, surrounding properties or associated drainage, and indeed the point of egress onto the road is not appropriately covered in the FRA;
- The updated FRA clearly shows the potential of water run-off from the site entering Boghall Burn upstream of the Seafield Moor Road culvert. The applicants note “A failure of the local Scottish Water drainage systems below Seafield Moor Road may lead to overland flow along the roadway from north to south”, but no SUDs are included in the site plans associated with 19/01019/DPP to ameliorate this potential issue. This is despite claims in this documents that “The proposed development will have an associated SUDS scheme”. Therefore there is concern at the lack of assessment of the overall development of this application in conjunction with phases 1 and 3 and the lack of modelling on the effect on Boghall Burn;

- Recent heavy rainfall (overnight 11th-12th August 2020) resulted in Boghall Burn overflowing its natural watercourse and resulting in immediate flood risk to two properties adjacent to Seafeld Mill. On this occasion there was limited ingress of water into the properties, but any potential increase in flow into Boghall Burn should be prevented. The Scottish Planning Policy notes that new developments should not: materially increase the probability of flooding elsewhere. We believe that there is insufficient evidence that this is the case for the development of these sites in the current application;
- Neighbour Notification letter has not been received; and
- A ditch shown to the west of the site on the Landscape Strategy Plan enters land owned by the Corby Craig Avenue residents and this is unacceptable.

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 2017. The following policies are relevant to the proposal:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for greenfield housing development proposals either within or outwith the identified strategic development areas may be allocated in local development plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) the development will be in keeping with the character of the settlement and local area; (b) the development will not undermine green belt objectives; and (c) any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 350 housing units on the site (Hs16) to 2024, with a further 200 units safeguarded for the longer term up (beyond 2024).

- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.9 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.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility).
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A701 realignment.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.

- 7.14 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.15 Policy **ENV2 Midlothian Green Networks** 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*.
- 7.16 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.
- 7.17 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's predeveloped condition, and to avoid any deterioration of water quality.
- 7.18 Policy **ENV10: 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 environmental.
- 7.19 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.
- 7.20 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.21 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.

- 7.22 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.23 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.24 Policy **IMP1: New Development**. This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection, management, compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.25 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.26 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.27 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.28 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP

are developed within the local plan and local development plan policies.

- 7.29 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.30 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.31 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that "*Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area*".
- 7.32 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places.
- 7.33 Designing Places, A Policy Statement for Scotland sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.34 The Scottish Government's Policy on Architecture for Scotland sets out a commitment to raising the quality of architecture and design.
- 7.35 In particular reference to the SEPA objection and comments made in objections the following contents of SPP are important. In relation to Flood Risk SPP states at paragraph 256 the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

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 representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The application site is part (phase 3 of 3 phases) of a site allocated for housing (site Hs16 – Seafield Road) as part of the Council's established housing land supply in the MLDP and is located within the built up area of Bilston where there is a presumption in favour of appropriate residential development. The indicative number of residential units allocated for site Hs16 in the MLDP is 350. The application is in principle, but with an indicative expectation of 214 dwellings being delivered as a phase 3 (phases 1 and 2 have secured 222 units) bringing the overall unit numbers up to 436 over the wider Hs16 site. An overall increase in unit numbers of approximately 25%. An increase in the number of houses could be acceptable subject to the layout, form and design of the proposed development being acceptable and the impact of the development on infrastructure, including education provision, being appropriately mitigated.

Indicative Layout

- 8.3 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions (MSC)) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application:
- layout, form and design of any proposed buildings – which will dictate the number of residential units;
 - proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
 - details of landscaping and boundary treatments;
 - provision of open space and play areas/facilities;
 - percent for art;
 - sustainable urban drainage systems (SUDS);
 - details of road, access and transportation infrastructure;
 - sustainability and biodiversity details;
 - archaeology mitigation details (if required);
 - the provision of broadband infrastructure;
 - ground conditions/mitigation of coal mining legacy; and
 - construction management, including hours of operation and haulage routes.
- 8.4 The site is accompanied by an indicative layout/masterplan, which indicates development to the southern part of the site with a large landscaped area to the north-west. Although the indicative layout is informative it is not recommended for approval.

- 8.5 The site is bounded immediately to the north by an area of land that is identified as long-term safeguarded land for housing. This land is not allocated for housing but is land that will be considered for residential development in MLDP2 once the final route of the realigned A701 is determined.
- 8.6 The site is to the south of the two indicative alignments of the A701 Relief Road. This road forms part of the infrastructure to support the development strategy in the MLDP. The relief road is the subject of a current Scoping Request. A planning application for the relief road is expected to be submitted (following public consultation) in late 2021/early 2022.

Access and Transport Issues

- 8.7 The applicant's Transport Assessment has been accepted by both Transport Scotland and the Council's Policy and Road Safety Manager, neither object to the application. The proposed access is through the first phase of Hs16 and a connection to the development to the south east.
- 8.8 The information submitted does not specifically detail cycle/pedestrian links, although these are shown indicatively on the development framework for the site, further clarity on these links through and beyond the boundary of the site will be sought in appropriate conditions on this application and then agreed as part of the MSC process.

Noise

- 8.9 The Environmental Health Manager has recommended that the application be refused in relation to two noise issues, unless the noise issues can be mitigated. The first relates to the Pentland Biomass business located to the north-west of the site and the second relates to the potential impact of noise from the A701 Relief Road planned for the location to the north of the site and beyond the area of land that is safeguarded for longer-term housing development.
- 8.10 The delivery of the realigned A701 may result in the Pentland Biomass being relocated – as part of the MSC applications there will be a need for a noise assessment and mitigation measures, such as earth bunding and noise barriers. The timing of the development and occupation of housing on the site and the development of the road will be critical in terms of noise mitigation. A condition requiring the submission of a Noise Impact Assessment to identify any necessary noise mitigation measures at the site and/or any design details that have to be considered in order for acceptable noise levels to be achieved for occupiers of this site will be required.

Landscape and Open Space

- 8.11 Maximum retention and protection of existing trees and hedgerows and associated areas of grassland is to be encouraged with the exception of trees that are identified as dangerous or diseased by a tree survey. The applicant has shown these habitats as being incorporated into the green network proposals and enhanced with additional planting. The indicative layout sets out an appropriate scheme in general terms. Conditions on a grant of planning permission can secure appropriate survey work and retention of existing planting.
- 8.12 The relationship between the open space to the north of the site and the potential sources of noise mean that the positioning of housing in this location, may lead to the developer wanting to avoid fronting housing onto this part of the site. It is easier to mitigate potential noise impacts if there are fewer bedroom/living room windows facing towards the noise source. In this case the potential noise sources are to the north and therefore using the gables to this boundary, makes this particular layout less likely to be impacted from either the Pentland Biomass business or from the proposed realigned A701. As development in the area progresses and further survey work is completed, it may be possible to turn some of the houses along this boundary to provide passive surveillance to the open space to the north, giving these houses a better outlook.
- 8.13 There are opportunities within the site to create ecological enhancements in line with policy DEV5 Sustainability in New Development and in order to support the reduction of CO2 emissions in relation to the planting of trees, in line with provisions to address the climate change emergency. The conditions can support the appropriate ecological enhancements by securing the submission of a scheme of biodiversity for the site.
- 8.14 The submitted Phase 1 Habitat Study identifies ponds and watercourses on the site which should be incorporated into the proposed site layout and greenblue network proposals. These are not clearly identified on the indicative layout but are shown on the constraints plan within the FRA. It is proposed to open the culvert to the east of the site to support wildlife.
- 8.15 The table within Appendix 4 of the MLDP outlines open space standards that future development proposals will be required to meet with respect to open space quality, quantity and accessibility. A comprehensive review of open space provision against these requirements shall be undertaken as part of an assessment of any future MSC or detailed planning application.

Flood Risk and Surface Water Drainage

- 8.16 Flooding matters at the site have been resolved, SEPA have withdrawn their earlier objection to the proposal following the submission of further information and clarification from the applicant. The Council's Flooding Officer does not raise any objections in relation to this proposal. Details of a Sustainable Urban Drainage System (SUDS) can be secured by condition. Clarification that the culvert diversion noted on a superseded version of the Flood Risk Assessment and still shown on a landscape drawing is not approved as further clarification is still required.

Other Environmental Matters

- 8.17 Mitigation against concerns regarding ground conditions and contamination of the site and/or previous mineral workings can be secured by a condition imposed on a grant of planning permission and by the Council's Building Standards Service as part of the building warrant process.
- 8.18 The archaeological survey work and assessment required by the Council's Archaeological Advisor can be secured by a condition imposed on a grant of planning permission.

District Heating

- 8.19 In order for the Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should "support the transitional change to a low carbon economy including deriving 11% of heat demand from renewable sources by 2020" and "support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks".
- 8.20 MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offer the potential for a new district heating network to be created within the site. Accordingly, a condition will be required on any grant of planning permission requiring that a feasibility study for the provision of a community heating system for any new development is undertaken by a suitably qualified engineer, commissioned by the applicant, and submitted for the approval of the planning authority.

Affordable Housing

- 8.21 There is no specific affordable housing mix identified within the indicative development framework, however, it is noted that the applicant agrees to the provision of 25% affordable housing. Accordingly a requirement to provide a minimum of 25% affordable housing will be required to be secured via a planning obligation. Further discussions with the Council's Housing Planning and Performance Manager will be required to confirm the optimum unit mix based on the Council's Housing List and/or to address any requisite demand within any chosen registered social landlord that would bring forward the affordable housing element within any future MSC application.

Other Matters

- 8.22 Concerns were raised by objectors regarding the existing capacity of general practice medical facilities within the immediate area, their accessibility, and the potential impacts of new housing on that capacity. This matter is required to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.
- 8.23 Regarding matters raised by representors and consultees and not already addressed in this report:
- The design and Access Statement does refer to three storey blocks of flats, mainly along the main route through the site and adjacent to open space. The height and location of three storey buildings will be considered in future applications however these blocks should not be omitted as a matter of principle at this stage in the process;
 - The Council's records show that neighbour notification was carried out early in 2020, shortly after the application was received; and
 - The cumulative impact of the growth proposed as part of the MLDP is assessed as part of that process.

Developer Contributions

- 8.24 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans

- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - be reasonable in all other respects
- 8.25 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the 2017 Midlothian Local Development Plan and Midlothian Council Developer Contributions Guidelines (Supplementary Planning Guidance) and Supplementary Planning Guidance on Affordable Housing both approved in March 2012.
- 8.26 The proposed development has been assessed in relation to the above guidance and it is considered that a planning obligation is required in respect of the following matters:
- A contribution towards education (including nursery) provision;
 - A contribution towards the realignment of the A701;
 - Maintenance of open space including children's play areas/open space, allotments and SUDS; and
 - Provision of affordable housing (25%).

9 RECOMMENDATION

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

The site is allocated for housing and forms part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 where there is a presumption in favour of residential development. This presumption in favour of development is not outweighed by any other material considerations.

Subject to:

- a. the prior signing of a legal agreement to secure the provision of; affordable housing and contributions towards education (including nursery) provision, the realignment of the A701; and maintenance of children's play areas/open space, allotments and SUDS.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- b. the following conditions:

1. The proposed indicative layout (Indicative layout Drawing No. 01A 1:1000) submitted with the application is not approved.

Reasons: *To ensure the development is implemented in a manner which mitigates the impact of the development on existing land users, future occupants and addresses potential landscape and visual impacts. This requires consideration of separate Matters Specified in Conditions Planning Application(s) once a detailed design has been progressed. Whilst the proposed layout is indicative, there are initial reservations regarding potential development the northern part of the site and the noise source and potential noise source to the north of the site. This conflicts with the planning authorities desire to have better overlooking of the open space to the north of the site. Allotments require to be provided, green networks considered in detail, along with the provision of open space and ground conditions further considered. Resolution of these matters could require an amendment/reduction to the indicative developable areas within the proposed indicative layout. Additionally, the impact on local infrastructure and additional mitigation measures that could be required and needs to be assessed.*

2. No more than 214 residential units shall be erected on the site unless otherwise agreed by way of a planning application. The housing mix, densities across the site and the detailed layout is not approved and is subject to matters specified in conditions application/s, which will determine the final number of dwellinghouses on the site.

Reason: *The application has been assessed on the basis of a maximum of 214 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision and local transport routes, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application. It should be noted that the application brings the total number of residential units on Hs16 to 436 units, which is some 25% higher than the indicative number for the site in the Midlothian Local Development Plan.*

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 each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, allotments and/or community growing space, structural landscaping, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reasons: *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.*

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 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, footways and turning facilities (designed to an adoptable standard) and cycle ways including suitable walking and cycling routes;
 - iv. proposed visibility splays, traffic calming measures, lighting and signage;
 - v. proposed car parking arrangements;
 - vi. proposed cycle parking/storage facilities;
 - vii. proposed connections to Core Paths and details of the provisions put in place to ensure their use during the construction period;
 - viii. proposed alignment, surface materials and widths (3m wide cycleway/footpaths) for Core Path upgrades;
 - ix. improvements to the existing bus stops and shelters; and
 - x. a programme for completion for the construction of access, roads, footpaths, cycle paths and associated works.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin 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. 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. a tree survey and related root protection plan showing existing trees, landscaping features and vegetation to be retained; removed, protected during development (including details of this protection) and in the case of damage, restored;
- iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied and the planting along the northern boundary shall be carried out in the first planting season following commencement of development on the site;
- vii. proposed car park configuration and surfacing;
- viii. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- ix. proposed play areas and equipment;
- x. allotments and/or community growing space;
- xi. proposed cycle parking facilities; and
- xii. proposed area of improved quality (minimum of 20% of the proposed dwellings).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of asimilar 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. Also to ensure planting is carried out timeously to improve the amenity and setting of the development and to help to reduce CO2 emissions as part of a response to the Climate Change Emergency.*

- 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 siting, design and external appearance of all residential units and other structures has been submitted to and approved in

writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

7. Development shall not begin until an application for approval of matters specified in conditions for a scheme of effective drainage and flood management for the site has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. drainage details and sustainable urban drainage systems to manage water runoff;
 - ii. existing and proposed levels across the site using at least 1m contours and cross sections, where applicable; and
 - iii. finished floor levels of dwellings.

Reason: *The planning application is in principle and the details required are to ensure the surface water from the whole site can be appropriately treated and to ensure that levels on the site are appropriate in relation to flood risk.*

8. 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; and
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work.
9. On completion of the decontamination/remediation works within Condition 8 above, a validation report confirming that the works have been carried out in accordance with the approved scheme.

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 for conditions 8 and 9: *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.*

10. Development shall not begin until an application for approval of matters specified, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

11. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure. The provision of appropriate digital infrastructure allows some residents to work from home more often. Homeworking helps to reduce travel, reducing CO2 emissions, important in terms of the Climate Change Emergency.*

12. Development shall not begin until an application for approval of matters specified in conditions for a scheme of biodiversity for the site, including the provision of house bricks and boxes for bats and birds throughout the development, a programme of ecological surveys (repeat survey work no more than 12 months in advance of the commencement of development on the site) and management proposals for any Invasive Non Native Species has been submitted to and approved in writing by the planning authority. The scheme shall incorporate the species mitigation and enhancements recommended within the Preliminary Ecological Appraisal Report prepared by RSK dated December 2019. 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.*

13. Development shall not begin until an application for approval of matters specified in conditions 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.*

14. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and, if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.
15. No dwellinghouse on the site shall be occupied until a community heating scheme for the site, and; if practicable, other neighbouring developments/sites, if this proves feasible, is approved in writing by the planning authority. An approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason for conditions 14 and 15: *To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

16. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
 - i. details of a construction access;
 - ii. signage for construction traffic, pedestrians and other users of the site;

- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and,
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

- 17. Development shall not begin until an application for approval of matters specified in conditions for a noise impact assessment demonstrating what mitigation measures will be put in place and/or how the development will be designed in order to achieve acceptable noise levels on the site for residents of the new dwellinghouses has been submitted to and approved in writing by the planning authority.

Reason: *There is concern that the wood chipping business and/or the new A701 Relief Road may impact negatively on the residents of the proposed development. In addition, there is concern that the wood chipping business maybe affected because of legitimate complaint from neighbouring residential units, contrary to the principle of 'agent of change'.*

- 18. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation has been submitted to and approved in writing by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.

19. Prior to the occupation of the first dwellinghouse the affordable housing mix in terms of; size of units (bedroom numbers), the type of units (dwellinghouses and/or flats) and the location of the units shall be approved in writing with the planning authority.

Reason: To ensure 25% of the units on the site are affordable housing units in accordance with policy DEV3 of the Midlothian Local Development Plan 2017 and that the units are appropriate in terms of their size and type to meet local need.

20. For the avoidance of doubt, there shall be no culvert diversion to the west of the site as indicated on drawing number 19-058-SK100 Revision C in the Flood Risk Assessment submitted in December 2019.

Reason: To define the terms of the consent and because the culvert diversion appears to be shown on the Landscape Strategy Plan ref. EH-LP-01 1:500. The applicant has confirmed that this culvert diversion is no longer proposed.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 19/01039/DPP
Applicant: Taylor Wimpey/Hallam Land
Agent: Barton Willmore
Validation Date: 19 December 2019
Contact Person: Joyce Learmonth
Email: Joyce.Learmonth@midlothian.gov.uk
Background Papers: 19/01039/PPP, 19/01019/DPP, 17/00968/DPP, 19/00717/SCR, 21/00516/SCO, 19/00641/PAC



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Application for planning permission in principle for residential access and associated works at Land North of Seafeld Road, Bilston, Roslin,

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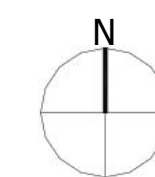
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File No: 19/01039/PPP

Scale: 1:6,000
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Legend



0m 50m 100m



Project
Bilston Phase 3

Drawing Title
Indicative Layout

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SECTION 42 APPLICATION 21/00101/S42 TO AMEND CONDITION 10 AND 11 (TO AMEND THE LANDFILL RESTORATION DETAILS) IMPOSED ON A GRANT OF PLANNING PERMISSION 13/00681/DPP FOR THE CONTINUATION OF LANDFILL OPERATIONS WITHOUT ERECTION OF WASTE MANAGEMENT COMPLEX AT DRUMMOND MOOR LANDFILL SITE, ROSEWELL

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 Planning permission 13/00681/DPP for the removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL, 10/00474/DPP) to allow continuation of landfill operations without erection of waste management complex was granted in November 2013 subject to conditions. This Section 42 application seeks to amend the wording of Conditions 10 and 11 attached to planning permission 13/00681/DPP to amend the approved landfill restoration masterplan. Specifically, amend the restoration masterplan contours to provide a development platform, amended surface water drainage management /sustainable urban drainage system (SUDS) approach and amended restoration planting. These amendments are sought to accommodate a proposal for tourist accommodation (planning application 20/00268/DPP) due to be determined by the Planning Committee at its meeting on 31 August 2021.**
- 1.2 There have been no representations received and consultation responses from; the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), the Council's Flooding Officer and the Council's Environmental Health Manager.**
- 1.3 The relevant development plan policies are DEV5, DEV7, ECON4, VIS2, RD1, MIN1, MIN2, ENV2, ENV7, ENV9, ENV10, ENV11, ENV14, ENV15, ENV16, ENV17, ENV18 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located approximately 2km north-east of Howgate within the Drummond Moor Landfill site in Rosewell.
- 2.2 Vehicular access to the site is provided via an existing access to the A6094 on the site's eastern boundary.
- 2.3 The site comprises an irregular shaped parcel of land measuring approximately 32.2 hectares and covering the full extent of the Drummond Moor Landfill site. The northern part of the site comprises previous putrescible landfill cells filled with municipal waste (now completed and within the 'restoration' stage) and surface water management SUDS ponds. It also includes existing plantation and coniferous woodland, including 'Badger Wood' within the centre of the landfill site. The southern part of the site is currently subject to ongoing filling with 'cleanfill' material. As such, there are substantial level changes within the site - reflecting the nature of previous mineral extraction/restoration and ongoing landfilling. Ground levels are therefore continually changing, particularly within the southern part of the site, to facilitate the creation of the approved landfill restoration masterplan landform approved by planning application 13/00681/DPP. Land within the south-western corner of the site includes the remainder of the capped putrescible/municipal landfilling cells.
- 2.4 To the west of the site lie agricultural fields whilst land to the south of the site contains Drummond Moor Wood. Further plantation and coniferous woodland is located to the east of the site, with a public right of way and agricultural fields located to the north. There are partial views from the site to the north towards the Pentland Hills.
- 2.5 The surrounding area is characterised by agricultural fields, individual farm holdings and single residential properties. A series of woodland copses are present within the wider area alongside other countryside/recreational uses. This includes a trout fishery located to the south-east of the site. Areas to the south of the A6094 also include other countryside uses and various land holdings subject to previous mining and quarrying activities.

3 PROPOSAL

- 3.1 This 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 conditions 10 and 11 on planning permission 13/00681/DPP to amend the approved landfill restoration masterplan to reflect changes sought by planning application 20/00268/DPP for tourist accommodation within the southern part of the site (elsewhere on the Committee agenda). Proposed amendments include amended restoration contours to create a development platform and updated surface water drainage

management/SUDS approach. Changes to the restoration masterplan planting area also proposed.

- 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 permission 13/00681/DPP 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 bold text below is the proposed amendment (additions) to conditions 10 and 11 of planning permission 13/00681/DPP and the strikethrough text is the original text (deletions).

10. *Unless otherwise approved in writing by the Planning Authority, the ~~progress of landfilling and site restoration shall be carried out strictly in accordance with the details contained in the approved drawings~~ **WR7360/05/03 Rev 2.** ~~and documents submitted with the application; and in particular the phasing shown on Drawing 451A123A.~~ Restoration of each phase shall be undertaken in accordance with approved proposals **on drawing WR7360/5/06 Rev B** on completion of the infilling ~~that phase to the approved levels.~~*
11. *At no time during the course of the operations shall the levels of waste material, including all capping and soil materials, exceed the **restoration levels shown on Drawing WR7360/05/03 Rev 2.** ~~pre-settlement levels shown on Drawing 451A123A;~~ Following the completion of **infilling Phase 2,** any part of the site which lies below the approved restoration contours, ~~as shown on Drawing 451A123A,~~ shall be upfilled with appropriate materials to **the Drummond Moor Landfill Site 10 levels** ~~the levels to be agreed in writing with the Planning Authority.~~ On completion of the restoration of the whole site, no part shall exceed the approved restoration levels.*

- 3.5 The application is accompanied by the following:
- Planning Statement;
 - Flood Risk Assessment;
 - Scheme of Surface Water Management

- Arboricultural Assessment;
- Landscape and Visual Appraisal;
- Proposed Restoration Contours;
- Proposed Restoration Masterplan; and
- Updated Site Sections.

4 BACKGROUND

- 4.1 The following provides a summary of the relevant planning history for the site.
- 4.2 The Drummond Moor landfill site has been in operation for a number of years. Midlothian Council operated the first phase of the landfill (Drummond Moor 1) which has now been completed and restored. In May 2000 planning permission 99/00509/FUL was granted for the disposal of 2.15 million cubic metres of waste material at land adjacent to Drummond Moor Wood, referred to as Drummond Moor 2 Landfill site. Operations were to cease by 31st December 2026. The permission included a condition requiring the provision of a waste management complex (WMC) that would facilitate pre-treatment of the incoming non-hazardous waste stream to encourage improvements in recycling and recovery rates. Subsequently, there have been a number of applications seeking to vary permission 99/00509/FUL. The most relevant (13/00681/DPP) which granted planning permission to remove Condition 1 of planning permission 99/00509/FUL to allow the continuation of the landfill operations without the erection of a WMC. Planning Application 16/00690/S42 was granted in February 2017 to amend Condition 6 of planning permission 13/00681/DPP, to extend the operational hours of the landfill to receive waste - this planning permission was not implemented.
- 4.3 A detailed review of the respective planning permissions covering the site is presented below.
- 4.4 99/00509/FUL - Construction of a WMC and extension of landfill site. (Accompanied by an Environmental Statement prepared under the Environmental Impact Assessment (Scotland) Regulations 1999). Planning permission was granted in May 2000.
- 4.5 01/00172/FUL - Amendment to conditions of Planning Permission 99/00509/FUL relating to the timescale of the development and associated operations. Planning permission was granted in August 2001 subject to the following relevant conditions: permission for the use of the former quarry and adjacent land at Drummond Moor Wood for the disposal of waste material, and for the erection of a WMC, was granted for a limited period expiring on 31 December 2026. It noted that the deposit of waste material on the existing landfill site shall cease by 31 December 2002 and no waste material shall be deposited in the new landfill site until construction has been commenced on the WMC; in the event that the WMC is not completed and operational by

31 December 2004, all depositing of waste on the site shall cease from that date, and the area of landfilling shall be restored within one year from that date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2005. Except as amended in accordance with this permission, it was noted in this planning permission that the development and operation of the landfill site and WMC shall be carried out strictly in accordance with the terms and conditions of planning permission no 99/00509/FUL, dated 11 May 2000.

- 4.6 03/00802/FUL - Removal of Condition 6 of planning permission 01/00172/FUL, to allow the continuation of landfill in the event of the WMC not being constructed. Planning permission was granted in January 2004 subject to: requiring that in the event that work had not commenced on the construction of the WMC by 31 December 2007, all depositing of waste on the site shall cease from that date; and the area of land filling shall be restored within one year from that date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2008. Except as amended in accordance with that permission, the development and operation of the landfill site shall be carried out strictly in accordance with the terms and conditions of planning permission 99/00509/FUL, as amended.
- 4.7 04/00811/FUL - Amendment to existing planning permission 99/00509/FUL to alter the location of gas flaring equipment and to install electricity generating equipment. This application was granted in December 2004.
- 4.8 07/00895/FUL - Amendment of condition 1 of planning permission 03/00802/FUL, to allow continuation of landfill in the event of the WMC not being constructed. This application was granted planning permission in February 2008 subject to: requiring that, in the event that work had not commenced on the construction of the WMC at Drummond Moor, (for which planning permission was granted 11 May 2000), by 31 December 2010, all depositing of waste on the site shall cease from that date; and the area of landfilling shall be restored within one year from the date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2011.
- 4.9 10/00474/DPP - Amendment to Condition 1 of planning permission 07/00895/FUL to allow continuation of landfill operations in the event of the WMC not being completed. This application was granted in June 2011.
- 4.10 13/00513/SCR – Environmental Impact Assessment (EIA) screening opinion for infilling of land. A screening decision was issued on 17 July 2013 concluding that the application did not require to be the subject of a further EIA.

- 4.11 13/00681/DPP - Removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL and 10/00474/DPP) to allow continuation of landfill operations without erection of WMC. This application was granted in November 2013. This is the application subject to this S42 amendment application (21/00101/S42).
- 4.12 16/00690/S42 - Section 42 Application to amend condition 6 of planning permission 13/00681/DPP. This application was granted in Feb 2017 but not implemented.
- 4.13 19/00437/SCR - EIA screening opinion for amendment to the approved scheme of restoration/masterplan of the landfill site. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.
- 4.14 20/00268/DPP - Application for up the Erection of up to 64 holiday lodges and associated reception and amenity building; formation of access roads, footpaths, SUDS features and associated works. This application is an agenda item proposed to be determined by the Planning Committee's August 2021 meeting.
- 4.15 20/00269/S42 - Section 42 application to amend conditions 2, 9 and 10 of planning permission 16/00690/S42 to allow for a revision to the approved restoration contours to create a development platform. This application was withdrawn and replaced with 21/00101/S42.

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application as the restoration works are to take place entirely outside the Development High Risk area and do not relate to coal mining legacy matters. They advise that whilst a small part of the site's eastern access road is located within a Development High Risk Area, the proposed restoration works would not impact this nor result in risk to this area.
- 5.2 **Scottish Water** does not object to the application. However, it is advised that water nor waste water infrastructure is within the vicinity of the site and as such the applicant should explore private options for private water provision and waste water treatment. There are no records of drinking catchments nor water abstraction sources within the nearby area that could be affected by the proposed development.
- 5.3 **The Scottish Environment Protection Agency (SEPA)** does not object to the application on flooding grounds. They advise that their previous position on the previous S42 application (20/00268/S42 - now withdrawn) still apply. Specifically, that the proposed amendments result in minimal changes to the approved restoration contours and final site levels. SEPA also outline that an amendment to the

restoration controls would not compromise the Pollution Prevention Control Regulations (PPC) Permit on the site and that environmental controls within the site's PPC permit would be retained. They note that surfacewater run-off from the site to the existing permitted surface water discharge point would be acceptable. SEPA also outline that surface water management approaches should be agreed with Midlothian Council as Flood Prevention Authority. In addition SEPA note that authorisation will be required under the Water Environment (Controlled Activities) Scotland Regulations 2011 (CAR) to carry out engineering works in the vicinity of inland surface water and that this can be undertake via separate regulatory approval.

5.4 The **Council's Flooding Officer** does not object to the application.

5.5 The **Council's Environmental Health Manager** does not object to the application.

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 (SESPlan 1) and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

7.2 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

7.3 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.

7.4 **Policy ECON4: Economic Development Outwith Established Business and Industrial Sites** states that business and industrial proposals (class 4 and 5) within the defined urban area but outwith existing or allocated business and industrial sites will be supported if:

- a. it is demonstrated that there is no suitable alternative site available within established economic sites;
- b. the site is not identified for alternative use;
- c. the proposed development would be compatible with surrounding uses and there would be no adverse impact on local and, in particular, residential amenity as a result of development;

- d. the layout and design of buildings would be appropriate to the character of the site and surrounding area; and
- e. the transport impact of the proposal would be acceptable.

The Council will give support to proposals that reuse brownfield or vacant or derelict land as opposed to greenfield locations.

7.5 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.

7.6 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.

7.7 Policy **MIN1: Areas of Search for Surface Extraction** identifies Upper Dalhousie as being an area for the extraction of sand and gravel where surface mineral extraction may be acceptable in principle. The policy states that the identification of an area of search does not indicate the Council's acceptance of any particular proposal for the winning and

working of a surface mineral resource within any or all of that area of search. Outwith the areas of search there is a presumption against surface mineral extraction. In addition the policy safeguards mineral resources from sterilisation, in specific circumstances.

7.8 Policy **MIN2: Surface Mineral Extraction** requires proposals for mineral extraction to meet the criteria set out in the Supplementary Guidance on Resource Extraction. They will not be permitted where they would have a significant adverse effect on communities, sensitive uses or the environment and will only be supported if the Council is satisfied that they are acceptable in relation to the following matters:

- effect on the health and amenity of settlements, communities and housing groups or other sensitive uses;
- effect on the landscape, in particular that of the Green Belt, Pentland Hills Regional Park, and Special Landscape Areas;
- effect on soils, in particular prime agricultural land, and peatland;
- effect on the water environment;
- effect on nature conservation and biodiversity, in particular sites of international, national or local nature conservation value;
- effect on the historic environment, in particular: Conservation areas, scheduled monuments, listed buildings, historic gardens and designed landscapes, historic battlefields, significant archaeological sites (and, where relevant, the settings of the aforementioned designated areas or buildings)
- effect on the road network, particularly local roads;
- cumulative effects of the proposal when combined with other consented or operational mineral extraction or landfill activities;
- effect on the local economy in terms of tourism, leisure or recreation; and,
- robustness and suitability of proposals for restoration and aftercare.

7.9 In determining applications for surface coal extraction, the Council will also consider any beneficial impacts from extraction in terms of site remediation and stabilisation and/or other permanent physical benefits to the community.

7.10 Policy **ENV2: Midlothian Green Networks** 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.

7.11 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.

- 7.12 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.13 Policy **ENV10: 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.
- 7.14 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.
- 7.15 Policy **ENV14: Regionally and Locally Important Nature Conservation Sites** states that development will not be permitted where it could adversely affect the nature conservation interest of such sites, unless it can be demonstrated that appropriate mitigation measures are in place.
- 7.16 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.17 Policy **ENV16: Vacant, Derelict and Contaminated Land** states that the Council requires to be satisfied that any proposed use of land is suitable in relation to any potential risks from prior contamination and land instability.
- 7.18 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.19 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.

- 7.20 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.21 **SPP (Scottish Planning Policy)** sets out Government guidance for development proposals. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality.
- 7.22 A presumption in favour of development that contributes to sustainable development is introduced as a policy principle and paragraph 29 outlines principles required to achieve sustainable development. SPP also states that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*.
- 7.23 Paragraph 79, outlines that plans should *‘promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry..... while ensuring that the distinctive character of the area’*. Moreover, SPP paragraph 93 also outlines that the planning system should *‘give due weight to net economic benefit of proposed development’*.
- 7.24 Paragraph 192 outlines that planning authorities should: *‘secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities. It also seeks to ensure that: ‘landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.’*
- 7.25 Paragraph 235 outlines *‘the planning system should not only safeguard workable (minerals) resources and ensure that an adequate and steady supply’* but also *‘minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after-use after working has ceased.’*
- 7.26 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.27 The Scottish Government publishes various Planning Advice Notes to provide guidance and good practice on various planning matters. In this instance, **PAN 64** - Reclamation of surface mineral workings is

relevant. It outlines that sufficient reclamation and restoration of previous workings is undertaken and that this process is integrated into the planning process.

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 representations and consultation responses received are material considerations.

The Principle of Development

- 8.2 The land is allocated as 'countryside' land within the MLDP under Policy RD1 - Development in the Countryside, with a small linear strip of prime agricultural land within the southern corner of the site. Proposals for landfilling (including restoration) within the site are not specifically contemplated by Policy RD1 as the proposed development is not located within a Minerals 'Areas of search to surface material extraction' within MLDP Policy MIN1. Despite this, the principle of development for restoration of the former landfill is established by the various historic planning permissions for material extraction, landfilling and restoration of the site. The most relevant being Planning Permission 13/00681/DPP - which currently approves the existing landfill restoration masterplan for the site. Accordingly, the key determining factor in the assessing the proposed development is does not relate to the principle of development, which is established and acceptable, but the extent to which the proposed amendments to the landfill restoration contours/masterplan are acceptable. This is discussed within the following sections.

Siting, Design, Layout and Form

- 8.3 Planning Permission 13/00681/DPP allows for landfill operations within the site to continue until the 31 December 2025. The approved masterplan identifies the creation of a series of suitably contoured mounds for over the putrescible/municipal landfill cells with adjacent areas suitably graded to minimise visual impacts and facilitate overland flows. The south-eastern part of the site, not subject to putrescible waste, is proposed to be filled with cleanfill, graded to create a development platform and SUDS lagoons.
- 8.4 The proposed restoration contours generally follow a similar approach for the existing putrescible landfill cells within the northern and western parts of the site. A contour height of up to approximately 250m AOD is proposed within the north of the site (the same as approved) and 234m AOD in the south west of the site (1m higher than the approved masterplan). The amended landscaping scheme seeks to retain 'Badger Wood' and other landscaping copses within the site alongside the repositioning of proposed planting around different parts of the

landfill cells. Some of the plantation and coniferous woodland within the south-eastern corner of the site is now proposed to be removed, with new planting proposed within north of the site to compensate for this loss.

- 8.5 Accordingly, the amended restoration contours create a slightly higher landform, primarily within the central and southern parts of the site (by up to a maximum of 3.4m), however, the final contours are significantly lower than this within some parts of the site. This translates into an additional infilling requirement of approximately 147,000m³ of cleanfill material within the site. To achieve this, suitable re-grading is proposed to create a 'level' development platform in areas that were previously sloped. It also creates suitable landforms to direct amended overland flows within the site.
- 8.6 The accompany Site Sections show the extent of the proposed changes in level – comparing approved versus proposed restoration contours and showing areas that would be both 'higher' and 'lower'. It shows that the marginal height increases would be relatively modest in comparison the overall heights associated with the approved restoration scheme. Cumulatively, this results in an appropriate landform that takes cognisance of existing site constraints (including landscape and visual impacts and contamination requirements) and environmental requirements relating to drainage, landscaping and ecology. The proposed development therefore facilitates the creation of an appropriate, graded, and well-contained landform that should not result in unacceptable environmental or amenity impacts to the surrounding areas - as presented within the following assessment of technical requirements below.

Existing Landfill and Environmental Requirements

- 8.7 MLDP Policy MIN 2: Surface Mineral Extraction and Midlothian Council's Resource Extraction Supplementary Guidance seek to ensure appropriate environmental mitigation and landfill restoration requirements for operational landfills. The existing planning permission (13/00681/DPP) includes provisions to secure the delivery of these respective controls for both the operation and restoration of the approved landfill. This includes a series of conditions controlling emissions (noise and dust), construction management, ecology/protected species, landfill capping amongst other issues. An Environmental Impact Assessment and other documentation also form part of the approved planning permission. Following receipt of an EIA Screening Opinion (19/00437/SCR) it was confirmed that an amendment to the approved restoration masterplan would not be classified as 'EIA Development' (and would therefore not require to be accompanied by an EIA Report). Accordingly, the applicant has submitted a series of standalone environmental/technical documents to consider potential environmental impacts including an Arboricultural Assessment, Flood Risk Assessment and Landscape and Visual Appraisal. The appropriateness of the above documentation is

considered within the sections below. It is considered that the remaining/approved environmental and landfill restoration requirements are sufficient to ensure sufficient environmental mitigation and landfill restoration within the site. In this regard, the majority of controls already in place (via conditions/approved documentation associated with Planning Permission 13/00681/DPP) to would ensure compliance with the Policy MIN 2 and the corresponding Resource Extraction SG.

- 8.8 The aftercare requirements within the above SG (Section 10 page 22-23) seek to ensure that environmental and other important features are restored to the previous or better condition and that safety is promoted to avoid dangerous voids or drowning hazards. The amended restoration plans include graded slopes to avoid drowning hazards (noting that a future use may also include tourist accommodation that would include natural surveillance of the corresponding SUDS lagoons). Remediation and capping specifications are required to be provided under Conditions 26 to 29 of Planning Permission 13/00681/DPP and the proposed amendment does not seek to change this. Moreover, amended woodland/landscape planting will be required to be planted within a suitable topical depth or avoid any respective capping layers. Corresponding monitoring requirements are already in place and separate permitting from SEPA also provide additional Regulatory controls for existing and amended landfill restoration within the site. A guarantee has already been required via Condition 5.g of Planning Permission 13/00681/DPP to ensure the appropriate provision of restoration requirements should the land owner go into liquidation or not be able to undertake these requirements. Additionally, the amended landfill contours do not change the approved mechanisms to secure the delivery of the restoration requirements. A requirement to ensure best practice water quality outcomes would be addressed and the amended surface water scheme has been supported by both the Council's Flooding Officer and SEPA in this regard. Overall, the above approach would ensure sufficient environmental mitigation and landfill restoration/aftercare within the site in accordance with MLDP Policy MIN 2 and Midlothian's Resource Extraction SG.

Landscape and Visual Impact

- 8.9 The potential landscape and visual impacts associated with the proposed development are assessed within the accompanying Landscape and Visual Appraisal (LVA). The assessment methodology for the LVA accords with the Guidelines for LVIA's, Third edition (Landscape Institute and IEMA 2013). The conclusions of the LVA outline that the proposed development could be successfully integrated into the surrounding landscape without any significant adverse impacts on the existing landscape character and visual amenity. It outlines that sensitive receptors within 500m of the site would not have visibility of the proposed development, given that they would generally be restricted by the elevated landfill and the mature perimeter woodland. Moreover, landform features have been suitably profiled to avoid

excessive slopes that may appear unnatural in the wider landscape. The steepest slopes relate to the boundaries of the proposed SUDS lagoons which would be suitably screened and contained by corresponding landscaping/woodland.

- 8.10 The primary changes to the potential visual appearance of the site is restricted to views from Viewpoint 3 (elevated road corridor) and Viewpoint 4 (public footpath to the north-west of the site). Despite this, due to the scale of the proposed development, the separation distance involved and the angle of view, the visual effects at each viewpoint is not found to be significant. As such, following the residential receptor and viewpoint assessment, the overall degree of potential landscape impact would be minor to moderate impact. Accordingly, there would be no significant impacts on landscape character nor visual amenity to the surrounding area. The proposed development would not introduce any significantly visible character elements within long views to/from the site, with any perceptibility limited to selected localised views (i.e. viewpoints 3 and 4).
- 8.11 In this regard, to ensure enhancement of the existing perimeter planting around the site's southern/south-eastern boundary, a 15m wide structure planting buffer would be planted. This will ensure provide further screening opportunities and further containment of the site from this direction. This additional planting, combined within the existing landscape offer within/surrounding the site, would ensure that the proposed development is suitably integrated into the established landscape character and would not result in any unacceptable landscape and visual impacts.

Contamination, Remediation & Previous Mining Activity

- 8.12 With respect to mining, whilst a small part of the site falls marginally within the Development High Risk Area this relates to the eastern extent of the existing site access. As such, the proposed amendment to the restoration contours falls entirely outside the mining high risk area and would not result in any unacceptable impacts to previous mining activity. The Coal Authority agree with this position and do not object to the proposed development.
- 8.13 Amendments to the revised restoration contours would also be located outwith the approved existing putrescible/municipal landfill cells. This would avoid potential intrusion into landfill cells and avoid any potential unacceptable gas migration and/or or other contamination risks to employees/future visitors. In this regard, Council's Group Manager Environmental Health does not object to the proposed development. They assert that control over potential assessment and remediation of any potential contamination is not relevant to this application and could be controlled by conditions on any grant of planning permission associated with the corresponding holiday lodge application (20/00268/DPP). As such, overall, the proposed development should not result in unacceptable risk from previous mining nor contamination.

Landscape and Arboriculture

- 8.14 The site benefits from an extensive mature landscape setting which includes a series of existing plantation and coniferous perimeter woodland. Other coniferous woodland copses are also located within the site itself. The accompanying Arboricultural Implications Assessment outlines the proposed removal of a small part of the coniferous and plantation woodland (Woodland 1B) within the south-eastern corner of the site. The majority of this woodland has already been removed as part of existing, authorised, landfill operations or its removal has been approved via the approved landfill restoration masterplan for this part of the site. This woodland has been identified as having limited biodiversity and landscape value within the ecology report accompany the holiday lodge application (20/00268/DPP).
- 8.15 The remainder of the existing trees, and the majority of the existing plantation woodland within this location, to the eastern and south-eastern boundary of the site, would be retained. This woodland provides suitable screening around this part of the site. Additional compensatory planting is also proposed within the site on land controlled by the applicant. This would ensure that the approved landscaping framework for the landfill restoration masterplan is suitably compensated, commensurate with the scale of the proposed restoration approach and the anticipated tree removal. A 15m wide landscaping buffer is also included along the site's south-eastern boundary to complement the existing planting in this location. Moreover, the restoration landscape strategy also includes the retention of the 'Established Scots Pine Copse' referenced within Condition 13 of 13/00681/DPP (i.e. Badger Wood). Accordingly, the amended restoration landscaping scheme is considered to be acceptable in this instance.

Ecological Matters

- 8.16 The proposed development considers the existing ecological habitats within/nearby the site to minimise potential significance adverse impacts and/or harm to protected species. The varied restoration contours are based on a development platform that required to appropriately site the proposed holiday lodges, road and drainage infrastructure. The holiday lodge application was, itself, guided by a series of ecological reports and protected species surveys that dictated their location. As such, the revised restoration masterplan approach appropriately responds to and takes cognisance of these ecological requirements in order to avoid potential unacceptable adverse impacts to protected species. The amended landscaping restoration scheme includes additional native broadleaf planting within the northern part of the site which will result in additional habitat creation and enhancement in this location. The loss of the plantation and coniferous woodland within the south-eastern corner of the site relates to densely planted spruce which have limited botanical interest and low habitat value. As

such, their loss is not considered to be significant in ecological terms. Moreover, the loss of this woodland is proposed to be offset by compensatory planting of new native woodland with a similar area to the woodland 'lost' by the proposed development. This would result in an overall biodiversity gain within the site given the biodiversity enhancement opportunities associated with the provision of the proposed native compensatory woodland within the site.

Flood Risk and Surface Water Drainage

- 8.17 The accompanying FRA outlines that the site is not located with areas at high risk of flooding. It also notes that the revised restoration contours would result in minimal risk to flooding within the site and elsewhere. It notes that the development platform would facilitate holiday accommodation which is considered to be the 'most vulnerable' use in flood risk terms, with a requirement to avoid a 1 in 1,000 risk of flooding. These requirements would be met. Additionally, the site is not located within the 1 in 200 year functional floodplain. The proposed Scheme of Surface Water Management includes various SUDS treatment levels (including swales and grit drains) to attenuate surface water discharge within the site. The proposed restoration contours are suitably graded to maximise surface water flows within the site into three connected SUDs lagoons. Staged discharge at pre-development run-off rates (including allowances for climate change) is proposed into the existing approved discharge point at the north-western corner of the site. A separate Pollution Prevention Control Permit will be undertaken with SEPA to consider this arrangement, if applicable. The Council's Flooding Officer does not object to the proposed development on flooding grounds and supports the proposed drainage arrangements. Moreover, SEPA do not object to the proposed development. Accordingly, the proposed development is not considered to be at high risk of flooding and the proposed Surface Water Management Scheme for the amended restoration masterplan would result in the effective management of surface water within the site without detriment/risk to the nearby area.

Transportation

- 8.18 The proposed increase in clean fill material to accommodate the revised restoration contours would result in a relatively small number additional daily HGV movements (i.e. up to eight per day) based on the expiry of the extant planning permission expiry of 31 December 2025. The applicant has correctly identified that the existing planning permission does not restrict the number of HGV movements to/from the site but that Condition 6 of 13/00681/DPP does restrict the timing of deliveries (7.30am to 6pm Monday to Friday and 07.30am to 2pm on Saturday and Sunday). The applicant has outlined that any additional deliveries would accord with this requirement. The proposed increase in HGV trip generation is not considered to result in significant adverse impacts to the surrounding road network, particularly as the applicant

could already undertake these trips under the remit of the current planning permission if they decided to increase their existing filling rate.

9 RECOMMENDATION

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

The proposed development accords with the Midlothian Local Development Plan (2017). The proposed development does not have significant adverse environmental impacts subject to detailed/technical matters being agreed via condition. This presumption in favour of development is not outweighed by any other material considerations.

Subject to the following conditions:

1. Permission for the use of the land at Drummond Moor Wood (as outlined in red on Drawing 451A123A) for the disposal of inert non-biodegradable material is granted for a limited period expiring on 31 December 2025, and all landfilling operations and use of the land hereby approved shall cease at that date.
2. The final restoration of the whole site shall be completed in accordance with the terms and conditions of this permission and no later than 31 December 2026, or within one year of the disposal operations being completed, whichever is the earlier date, unless otherwise agreed in writing by the planning authority.

Reason for conditions 1 & 2: to enable the planning authority to retain control over the life of the waste disposal operations at this site, and to ensure that its final restoration is completed within a reasonable timescale.

3. Before any further infilling of material on any part of the site, the following shall be submitted to and approved by the planning authority:
 - a. A revised restoration plan showing the final restoration proposals including levels and a detailed schedule of all planting, and this plan shall show detailed contour levels of the site and this topographical information shall extend at least 200 metres beyond the boundary of the site to show the existing topography of surrounding land to be designed in consultation with Scottish Natural Heritage (SNH), and including details of the numbers, sizes, species, positions and planting densities of all new trees and shrubs to be planted, and a detailed cross-section of the capping of the landfill;
 - b. a detailed management plan for all the restored land, drawn up in association with SNH, indicating the programme of maintenance and management of the land in order to enable the establishment and retention of the habitats created;

- c. detailed proposals for the formation and landscaping of ponds on the existing landfill site, together with details of the timing and method for the translocation of newts from the existing flooded quarry, as previously agreed with SNH;
- d. details of the results of a full badger survey and bait marking exercise, to be designed and carried out to the satisfaction of SNH;
- e. details of the location and design of an artificial sett for the badgers, and the programme and method of exclusion of the badgers from their existing setts, as agreed with SNH;
- f. a formal legal agreement between the applicants, or their successors, and the owners of the areas of woodland outlined in yellow on the plan referred to as Figure 1, and attached to this permission, requiring the retention of these areas of woodland until the restoration of the application site has been completed in accordance with condition 2. This agreement must be legally binding on the owners of the identified woodland areas, and their successors;
- g. the provision of a guarantee, including a bond, that the site operators will make adequate financial resources available to ensure the full implementation of the site restoration in accordance with the approved proposals. In the event of the current applicants ceasing to operate the site before the restoration work has been completed, the bond shall make provision for the transfer of the necessary financial resources to the planning authority in order to enable completion of the restoration work, unless the site is transferred to another operator, in which case that operator will need to comply with the requirements of this condition;
- h. details of a noise monitoring protocol to be followed by the applicants or their successors throughout the life of the operations on the site, including details of proposed measurement locations, instrumentation, measurement parameters, duration of sampling and reporting of results
- i. details of a dust monitoring protocol to be followed by the applicants or their successors throughout the life of the operations on the site, including details of dust sampling, collection, analysis and reporting of results; and
- j. details of an emergency action plan to be followed by the applicants or their successors throughout the life of the operations on the site, including details of the procedures proposed to prevent or minimise the probability of plant failure, and details of the procedures for responding to any failure of the extraction, odour abatement, dust abatement or noise suppression systems.

Reason: 3(a) & 3(b) - to ensure that the whole site is restored to an adequate standard, and that the land is then managed in such a manner as to allow the establishment and retention of the habitats created; 3(c) - to ensure that the ponds are designed to

provide appropriate habitats for the newts to be translocated from the existing flooded quarry, and that the translocation of the newts is carried out at an appropriate time and in an acceptable manner; 3(d) & 3(e) - to ensure that adequate information is available about the existing feeding areas of the badgers within the site, that an appropriate location and design is used for the new sett, and that acceptable measures are used to relocate the badgers; 3(f) - to ensure that the identified areas of woodland, which provide essential screening of operations on the site from surrounding viewpoints, are fully retained throughout the whole lifetime of those operations; 3(g) - to ensure that adequate financial resources are always available to complete the restoration of the whole site in accordance with the approved proposals; 3(h), 3(i) & 3(j) - to ensure that adequate measures are in place throughout the lifetime of the operations for the monitoring of noise and dust emissions from the site, and for responding to any problems arising from noise, dust or odour emissions.

4. The landfill site shall be open for the receipt of waste only between 07.30-18.00 hours on Mondays to Fridays inclusive and 7.30-14.00 hours on Saturdays and Sundays.

Reason: *to minimise the impact of the operation on the amenity of local residents.*

5. No work shall be commenced on the construction of the landfill site, as identified on Drawing 451A123A, dated 17 April 2013, until the following steps have been taken to the satisfaction of the planning authority:
 - a. the issuing of a Badger Licence by Scottish Natural Heritage (SNH) to exclude badgers from the existing setts, and the implementation of the approved programme for the relocation of the badgers to the new sett;
 - b. the fencing off and protection of the mature trees along the southern and western boundaries of the site in accordance with the guidance contained in BS5837 Trees in Relation to Construction; and
 - c. the submission and approval of a site management plan; and,
 - d. the carrying out of a minimum period of three months dust monitoring in accordance with the approved dust monitoring protocol.

Reason: 5(a) - to ensure that the measures for the relocation of the badgers have been approved by SNH, and that the work proceeds in accordance with the agreed timescale, in order to ensure minimum disturbance to the badgers and their successful relocation; 5(b) - to ensure that the trees which are to be retained around the edge of the landfill site, in order to provide visual screening, are protected from damage during both the

construction of the landfill site and subsequent waste disposal operations; 5(c) - to ensure that the construction of the landfill site is carried out in a manner which minimises any adverse impact on residents living in the vicinity of the site; 5(d) - to establish baseline conditions for dust monitoring.

6. Noise attributable to landfill site activity shall not exceed 50dB LAeq 1hour at Newbigging Hill and Reservoir Cottage and 45 dB LAeq 1 hour at all other sensitive receptors. These limits shall apply at all times between 07:30 and 18:00 hours.
7. All limits specified by this permission which relate to external noise levels are free field, measured at least 3m from any vertical reflecting surface of a noise sensitive property.

Reason: for conditions 6 and 7: to minimise the impact of operations on the new landfill site on the amenity of residents living in the vicinity of the application site.

8. Unless otherwise approved in writing by the Planning Authority, the landfilling and site restoration shall be carried out strictly in accordance with the details contained in the approved drawings WR7360/05/03 Rev 2. Restoration shall be undertaken in accordance with approved proposals on drawing WR7360/5/06 Rev B on completion of the infilling to the approved levels.

Reason: To ensure the progressive working and restoration of the site, in the interests of minimising its overall visual impact at any point in time.

9. At no time during the course of the operations shall the levels of waste material, including all capping and soil materials, exceed the restoration levels shown on Drawing WR7360/05/03 Rev 2. Following the completion of infilling any part of the site which lies below the approved restoration contours shall be upfilled with appropriate materials to the Drummond Moor Landfill Site 10 levels to be agreed in writing with the planning authority. On completion of the restoration of the whole site, no part shall exceed the approved restoration levels.

Reason: to ensure that the agreed levels, both prior to and after settlement of the waste materials, are not exceeded in order to avoid any excessive visual impact.

10. Any new ponds shall be constructed on the existing landfill site in accordance with the details approved under the terms of condition 5(c) above at such time as will allow them to be established for two years prior to the translocation of the newts from the existing flooded quarry, in accordance with the approved programme; the

translocation of the newts shall take place before any work is carried out on that part of the site containing the flooded quarry.

Reason: *to ensure that the newts are translocated from the existing flooded quarry to the new ponds at the necessary time to prevent undue disturbance and to maximise the likelihood of the successful establishment of a new colony.*

11. The area designated as 'Established Scots Pine Copse' on Drawing 451A123A (Drummond Moor Wood) shall not be subject to any felling, and shall be protected at all times during the operation by appropriate fencing to accord with the provisions of BS5837: Trees in relation to design, demolition and construction.

Reason: *to preserve these trees which are sited on an area of ground that is no longer intended to be excavated as part of the landfill operation, and in order to retain their screening effect and contribution to the landscape of the area.*

12. All materials excavated from within the area of the landfill site shall continue to be stored in the locations, and to the maximum heights shown on the drawings AM3635/PA5 - AM3635/PA8 approved under 99/00509/FUL, and shall be used for the restoration of the existing landfill site, the lining and restoration of the new landfill site, and as daily cover material; none of this material shall be removed from the application site without the prior written consent of the planning authority.

Reason: *to ensure that the excavated material is used to the best advantage within the application site, and is not exported from the site without prior approval.*

13. The operator shall ensure that all the existing perimeter fences remain stock-proof and are maintained and protected from damage until the restoration is complete.
14. All weeds on the site, including those on the storage dumps for excavated materials and soils, shall be treated as often as necessary and as determined by the planning authority throughout the life of the site, at an early stage of growth to prevent spreading within the site or to adjoining agricultural land.
15. Throughout the period of the approved operations, restoration and aftercare, the operator shall protect and maintain any ditch, stream, watercourse or culvert passing through or adjoining the site and shall not impair the flow nor render less effective drainage on to and from adjoining land.
16. Alternative arrangements shall be made, where necessary, for any interruption of adjacent drainage systems. New interceptor

leaders shall be laid, or ditches cut where required around the perimeter of the site and bleed-in existing lateral drains from adjoining undisturbed land.

Reason: for conditions 13 - 16: to ensure that the development does not have an adverse impact on the continued productive agricultural or forestry use of the land adjoining the site.

17. The operator shall carry out at the direction of the planning authority any temporary drainage works, e.g. ditches, watercourses, settling lagoons, etc which are necessary to control ground and surface water and/or prevent erosion, after consultation with SEPA on measures to minimise the risk of water pollution.
18. The discharge and disposal of surface run-off from the site, including from buildings, hardstandings, roadways and from the wheel-cleaning facility shall be carried out in accordance with the advice in The SUDS Manual, CIRIA C697 (Scottish Environment Protection Agency, 2007).
19. Any fuel oils or lubricants stored on the site shall be stored in tanks with a bunded capacity of 110% of the storage tank volume, and with all equipment for filling and discharging from the tank contained within the bunded enclosure.

Reason: for conditions 17 - 19: to prevent the pollution of any watercourse from sediments washed from the site, and the pollution of groundwater resources or any surface watercourse from the spillage of fuels.

20. At all times during the operation of the site the existing wheel cleaning facilities shall be operational and shall be used by all road going HGV's leaving the site; and at all times the access road into the site from the public highway shall be kept sufficiently clean to ensure that no mud or other dirt is carried from the site onto the highway.

Reason: in the interests of the safety of road users on the A6094.

21. The applicants or their successors shall keep a formal record of all complaints received concerning emissions or alleged emissions to the environment from the landfill site and Waste Management Complex, including emissions of dust and odour. The record shall contain:
 - a) The time and date the complaint was received
 - b) If given, the time and date to which the complaint refers;
 - c) If given, the name and contact details of the complainant;
 - d) The name of the person receiving the complaint

- e) The medium by which the complaint was received (e.g. letter or telephone);
- f) The details of the complaint;
- g) The results of any investigation undertaken following the complaint; and
- h) A list of any actions undertaken following the investigation.

This record shall be made available for the inspection of the planning authority at its request.

- 22. As and when requested by the planning authority, the operator, or at their default the owners of the site, shall provide an accurate survey to a scale of 1:1,000 of the site showing contours of ground levels existing at the time, the extent of infilling, and the extent of restoration carried out.
- 23. The local planning authority shall, on request, be given copies of all monitoring results as a required by the Waste Management Licence.

Reason: for conditions 21 - 23: to enable the planning authority to be aware of the progress of operations on the site, any problems occurring, and any proposed changes to the methods or programming of operations, and to provide for a regular liaison mechanism, in order to resolve any difficulties in the most expedient manner.

- 24. The capping specification for all areas of landfill relating to domestic landfill carried out under planning permission 99/00509/FUL shall be as follows:
 - a. capping of the landfill shall be carried out on a phased basis for each cell within the four major phases;
 - b. temporary capping will be provided by compacted materials processed from within the site;
 - c. permanent capping will be provided by similar materials as employed for temporary capping, augmented, if necessary, by imported low permeability inert materials or lapped HDPE sheets;
 - d. above the low permeability layer, the capping shall consist of subsoil and topsoil, if necessary, imported onto the site for this purpose; and
 - e. the total depth of the capping layer shall be at least 1 metre beneath areas to be restored to grassland, and 1.5 metres where trees are to be planted, and of this depth, a minimum of 750 - 1250 mm shall consist of subsoil or soil-forming material, and 250 mm of topsoil or equivalent quality materials.
- 25. All operations to relocate soil materials from storage locations onto the the landfill site in accordance with the above specification

shall be carried out when the ground and soils are dry and conditions are favourable. Earth-moving machinery shall travel to and from storage dumps along clearly defined routes. These routes shall subsequently be rooted such that vehicles do not compromise the stability of newly relocated soils. On sloping land, the direction of travel of machines should, as far as is possible, be parallel to the contours to minimise soil erosion.

26. Compacted soils shall be rooted and cross-rooted to a depth of 750 mm with a heavy-duty winged ripper. Any large stones, boulders or other items which are encountered which might impede the subsequent cultivation or drainage of the land for its approved after-use shall be removed. The exposed surface of all soil layers shall be left in a roughened state to prevent subsequent compaction.

Reason: for conditions 24 - 26: to ensure that the waste material is covered with a sufficient depth of capping material, spread and prepared in an appropriate manner, to enable its cultivation and use for the purposes agreed in the approved restoration plan.

27. After replacement of soils in accordance with conditions 24 - 26, chemical analysis of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major nutrients required to promote the establishment and growth of appropriate plants for the agreed land use. These analyses shall be repeated at annual intervals throughout the aftercare period and a copy of the results submitted to the planning authority. The land shall then be cultivated in accordance with the approved restoration specification, including the application of the necessary fertilisers, lime and other plant nutrients as necessary for the agreed after-use.

28. Restoration shall not be considered to have been completed until all the operations referred to in conditions 24 - 27 above have been carried out and agreed in writing the planning authority.

Reason: for conditions 27 and 28: to ensure that restoration of the site is completed successfully and to the approved specifications.

29. Details of an aftercare scheme for the development shall be approved in writing by the planning authority within six months of completion of landfilling, and the aftercare scheme shall be ongoing for period of no less than five years from the date of completion of restoration.

Reason: to ensure that the land is adequately managed during the aftercare period to allow the successful establishment of the approved land uses for the restored areas.

30. In the event that the applicant or site operator requires to erect any additional plant, hardstanding or building for the treatment of waste prior to it being deposited into the landfill site, then detailed drawings of these shall be submitted to and approved in writing by the planning authority, and the location shall be chosen so as to have no impact upon existing trees or upon the completed restoration landscaping on the original landfill site to the north (restored area).

Reason: to enable the planning authority to consider these matters in detail and to ensure any additions are sensitively located within the development site.

31. Following the completion of the last phase of landfilling, all associated plant, buildings, facilities, hardstandings, roadways and foundations shall be demolished and removed from the site, and the land shall then be restored in accordance with the approved restoration plans and the conditions of this permission.

Reason: to ensure the complete cessation of waste management operations at this site once the approved capacity of the landfill site has been reached, and the complete restoration of the site to a rural condition.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 21/00101/S42

Applicant: FCC Environment

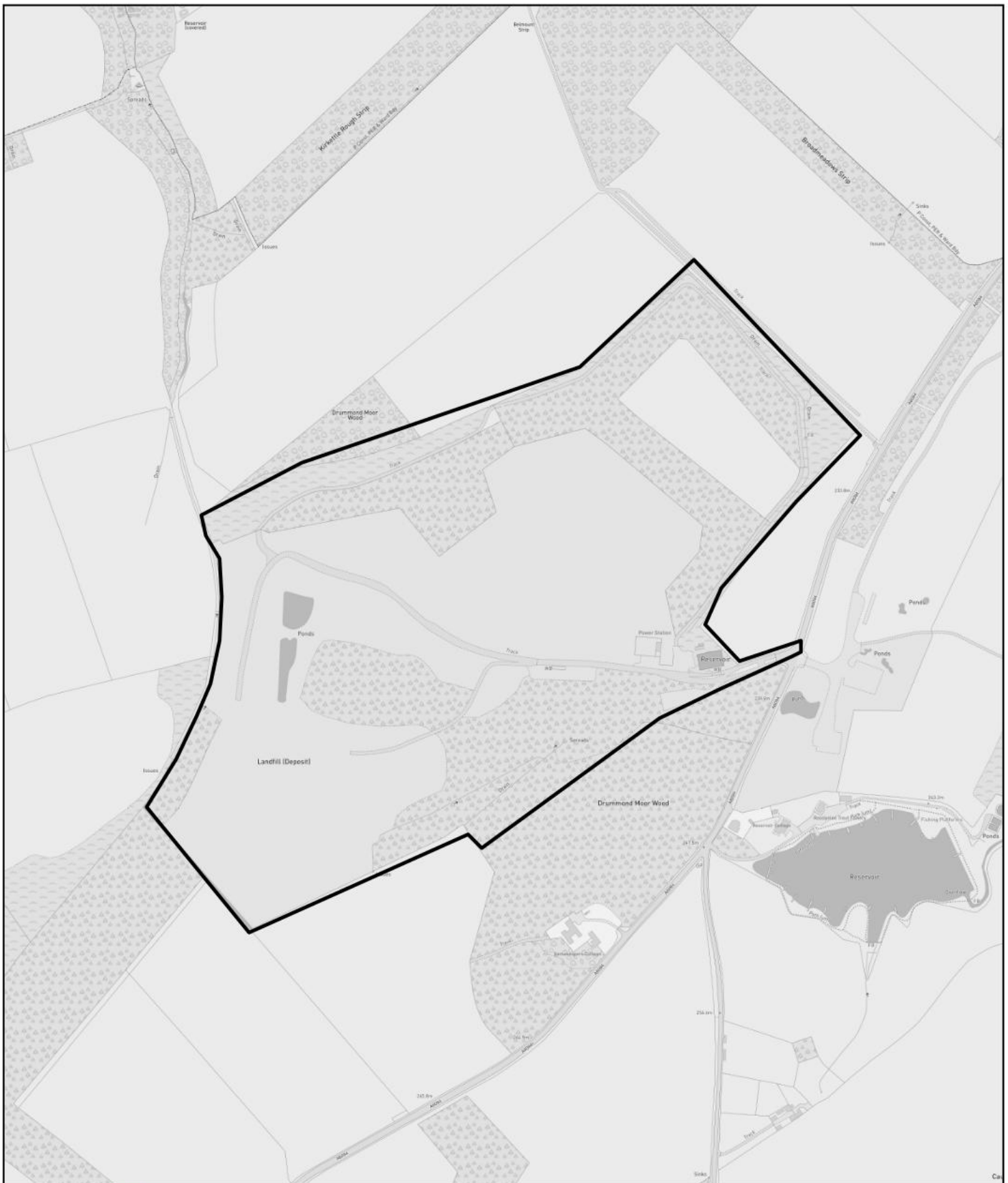
Agent: Stephenson Halliday

Validation Date: 1 March 2021

Contact Person: Steve Iannarelli

Email: Stephen.Iannarelli@midlothian.gov.uk

Background Papers: 13/00681/DPP, 19/00437/SCR, 19/00438/SCR, 19/00626/PAC, 20/00268/DPP, 20/00269/DPP.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Section 42 application to amend conditions 10 and 11 of
planning permission 13/00681/DPP at Drummond Moor
Landfill Site, Rosewell,

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File No: 21/00101/S42

Scale: 1:6,000
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NOTES

1. SEE DRAWING WR7360/01/08 FOR SECTIONS

KEY

- SITE BOUNDARY
- PROPOSED RESTORATION CONTOURS
- EXISTING WOODLAND (RESTORED LANDFILL)
- PROPOSED WOODLAND PLANTING (RESTORED LANDFILL)
- COMMON OAK FOCUS SPECIES
- SCOTS PINE FOCUS SPECIES
- RIPARIAN WOODLAND FOCUS SPECIES
- MEADOW GRASSLAND
- WATER BODIES
- SURFACE WATER DITCH
- PERMANENT ACCESS TRACK
- PROPOSED STOCK FENCE

REV	DESCRIPTION	DATE	BY
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CLIENT



Russell House, Mill Road, Langley Moor, Durham. DH7 8HJ. 0191 378 9972

JOB TITLE
AMENDED RESTORATION
PROFILE, DRUMMOND MOOR

DRAWING TITLE
RESTORATION
MASTERPLAN

DRAWN	DATE	APPROVED	DATE
S.T	4/2/2021	J.C	4/2/2021

SCALE	SHEET	DRAWING NUMBER	REVISION
1:4000	A2L	WR7360 5 06	B

Riparian Woodland Mix				
Species	Common Name	Specification	Density	% mix
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	20
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	2m centres	10
Cornus sanguinea	Dogwood	1+1, 60-80, BR, Branched	2m centres	5
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	15
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	10
Ilex aquifolium	Holly	2L, Branched	2m centres	5
Salix caprea	Goat Willow	1+1, 60-80, BR, Branched	2m centres	20

Oak Woodland Mix				
Species	Common Name	Specification	Density	% mix
Quercus robur	Oak	1+1, 60-80, BR, Branched	2m centres	35
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	15
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	10
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	10
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	10
Pinus sylvestris	Scots Pine	2L, 40-60, Branched	2m centres	5
Ilex aquifolium	Holly	2L, Branched	2m centres	5
Sorbus aucuparia	Rowan	1+1, 60-80, BR, Branched	2m centres	10

Pine Woodland Mix				
Species	Common Name	Specification	Density	% mix
Pinus sylvestris	Scots Pine	2L, 40-60, Branched	2m centres	40
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	10
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	10
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	10
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	2m centres	5
Sorbus aucuparia	Rowan	1+1, 60-80, BR, Branched	2m centres	10

Native Scrub Mix				
Species	Common Name	Specification	Density	% mix
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	1m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	1m centres	10
Ilex aquifolium	Holly	30-40, P9, Branched	1m centres	20
Rosa Canina	Dog Rose	1+1, 60-80, BR, Branched	1m centres	5
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	1m centres	10
Ulex europaeus	Gorse	30-40, P9, Branched	1m centres	20
Juniperus communis	Juniper	30-40, P9, Branched	1m centres	20

Standard Tree Mix				
Species	Common Name	Specification	Density	% mix
Pinus sylvestris	Scots Pine	RB, 125-150	as shown	40
Quercus robur	Oak	Select Standard, BR	as shown	30
Sorbus aucuparia	Rowan	Select Standard, BR	as shown	30



**APPLICATION FOR PLANNING PERMISSION 20/00268/DPP FOR
ERECTION OF UP TO 64 HOLIDAY LODGES AND ASSOCIATED
RECEPTION AND AMENITY BUILDING; FORMATION OF ACCESS
ROADS, FOOTPATHS, SUDS FEATURES AND ASSOCIATED WORKS AT
LAND AT DRUMMOND MOOR, ROSEWELL**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for detailed planning permission for up to 64 holiday lodges and associated reception and amenity building, formation of access roads, footpaths, sustainable urban drainage system (SUDS) and associated works at land at Drummond Moor Landfill, Rosewell. There have been no letters of representation and consultation responses from the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), Historic Environment Scotland (HES), Nature Scotland, the Council's Flooding Officer, the Council's Policy and Road Safety Manager, the Council's Environmental Health Manager, the Council's Land Resources Manager, the Council's Economic Development Manager, the Howgate Community Council and the Rosewell & District Community Council.
- 1.2** The relevant development plan policies are DEV5, DEV6, DEV7, ECON4, TRAN1, TRAN2, TRAN5, IT1, VIS2, RD1, MIN1, MIN2, ENV2, ENV4, ENV7, ENV9, ENV10, ENV11, ENV14, ENV15, ENV16, ENV17, ENV18, ENV24, ENV25, NRG4, NRG5, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.3** The recommendation is to grant planning permission subject to conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is located approximately 2km north-east of Howgate within land at the Drummond Moor Landfill site.
- 2.2** Vehicular access to the site is provided via an existing access to the A6094 on the site's eastern boundary.

- 2.3 The site comprises an irregular shaped parcel of land measuring approximately 10 hectares within the southern part of the Drummond Moor Landfill site. There are substantial level changes within the site which reflect the nature of previous mineral extraction and existing landfill operations within the site. Specifically, the site is currently subject to ongoing filling with 'cleanfill' material. Consequently, ground levels are continually changing to facilitate the creation of a landform reflecting the approved landfill restoration masterplan.
- 2.4 Land to the north comprises previous putrescible landfill cells filled with municipal waste (now completed and within the 'restoration' stage). Land to the west includes the remainder of the putrescible landfilling cells and other areas being infilled with 'clean' material. Beyond this lies agricultural fields. Land to the south contains the Drummond Moor Wood.
- 2.5 There are partial views from the site to the north towards the Pentland Hills. No core paths bisect the site, however, multiple rights of way are located close to the site, along the site's north-eastern boundary and to the south.
- 2.6 The surrounding area is characterised by agricultural fields, individual farm holdings and single residential properties. A series of woodland copses are present within the wider area alongside other countryside/recreational uses. This includes a trout fishery located to the south-east of the site. Areas to the south of the A6094 also include other countryside uses and various land holdings subject to previous mining and quarrying activities.

3 PROPOSAL

- 3.1 Planning permission is sought for 62 holiday lodges with associated engineering works, open space and landscaping. This represents a reduction of two holiday lodges from the original submission for 64 lodges (to address SEPA requirements).
- 3.2 A site plan (Masterplan Proposed Layout Ref: WR7360/05/07 Rev 2) has been submitted showing following development components:
- 62 holiday lodges within a landscape and woodland setting including:
 - 14 x 1-bed lodges (68.6m²);
 - 16 x 2-bed lodges - Type A (98m²);
 - 10 x 2-bed lodges - Type B (83.73m²);
 - 22 x 3-bed lodges (92.3m²); and
 - Associated parking provision for each lodge.
 - A reception/amenities building with associated car parking area. This building includes a reception area, games room, small

‘workout’ area, treatment rooms and a resident’s bar/restaurant with raised patio area.

- Utilisation of the existing landfill vehicular access, including visibility splays to the A6094.
- Upgrading of the existing access road and provision of a new internal access road providing access to secondary ‘streets’ linking to groups of lodges.
- Provision of three SUDS ponds at various locations through the site (with associated surface water drainage management approaches) interconnecting with the proposed surface water management plan for the remainder of the site and for the approaches proposed within the amended surface water management plan for the existing landfill to the north of the site.
- Retention of existing woodland (including ‘Badger Wood’ within the centre of the site).
- Partial removal of existing woodland within the south-eastern corner of the site, replaced with compensatory planting within the site and the wider site controlled by the applicant.
- Provision of an additional landscape structure planting (approx. 15m) buffer along the full extent of the southern boundary to complement the existing landscape buffer within this location
- Provision of a series of interlinked footpaths connecting the lodges to the reception/amenities building and to other parts of the site. Also, the provision of new footpaths into/through the existing woodland and footpaths within the adjacent landfill site to allow for enhance recreational opportunities within the restored landfill site.

3.3 The application is accompanied by the following:

- Pre-Application Consultation Report (PAC);
- Design and Access Statement (DAS);
- Planning Statement;
- Transport Statement (TS);
- Ground Gas Risk Technical Note;
- Flood Risk Assessment;
- Landscape and Visual Appraisal (including addendum);
- Ecology Report (including addendum);
- Bat Survey Report; Breeding Bird Survey Report;
- Reptile Survey Report;
- Great Crested Newt Species Protection Plan;
- Badger Species Protection Plan; and
- Coal Mining Risk Assessment.

4 BACKGROUND

4.1 The following summarises relevant planning history for the site.

- 03/00802/FUL - Removal of Condition 6 of planning permission no 01/00172/FUL, dated 20 August 2001, to allow the continuation of landfill in the event of the waste management complex (at Millerhill) not being constructed. This application was granted in January 2004.
- 07/00895/FUL - Amendment of condition 1 of Planning Permission 03/00802/FUL, to allow continuation of landfill in the event of the waste management complex (at Millerhill) not being constructed. This application was granted in February 2008.
- 10/00474/DPP - Amendment to Condition 1 of Planning Permission 07/00895/FUL to allow continuation of landfill operations in the event of the waste management complex (at Millerhill) not being completed. This application was granted in June 2011.
- 13/00681/DPP - Removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL and 10/00474/DPP) to allow continuation of landfill operations without erection of waste management complex (at Millerhill). This application was granted in November 2013. A S42 application to amend this planning permission is included as an agenda item to be determined by the Planning Committee. This seeks approve of an updated landfill restoration masterplan scheme that reflects the proposed amendments to the landform/surface water management sought by this application for the 62 holiday lodge proposal (i.e. 20/00268/DPP).
- 16/00690/S42 - Section 42 Application to amend condition 6 of planning permission 13/00681/DPP. This application was granted in Feb 2017.
- 19/00437/SCR – Environmental Impact Assessment (EIA) screening opinion for amendment to the approved scheme of restoration of the landfill site. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.
- 19/00438/SCR - Environmental Impact Assessment (EIA) screening opinion for proposed holiday resort. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.

- 19/00626/PAC - Proposal of Application Notice (PAN) for proposed holiday resort development. This PAN was submitted in July 2019, outlining the proposed pre-application approach the applicant sought to undertake in association with the proposed development. This pre-application consultation took place in October 2019 and complied with the regulatory requirements within the Town and Country Planning (Development Management Procedures (Scotland) Regulations 2013.
- 20/00269/S42 - Section 42 application to amend conditions 2, 9 and 10 of planning permission 16/00690/S42 to allow for a revision to the approved restoration contours to create a development platform. This application was withdrawn - replaced with 21/00101/S42.
- 21/00101/S42 - Section 42 application to amend conditions 10 and 11 of planning permission 13/00681/DPP relating to the restoration masterplan. This application is being concurrently determined by the Committee to consider amendments to the restoration masterplan approved by 13/00681/DPP and to introduce more graded development platforms and amended surface water drainage proposals related to the works set out with the application for 62 holiday lodges (20/00268/DPP).

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application as the proposed lodges, associated buildings and new infrastructure would be located entirely outside the Development High Risk area. It is noted that coal mining activity has taken place in this area and requests an informative on any grant of planning permission requiring that the Coal Authority be notified if a coal mining feature is encountered.
- 5.2 **Scottish Water** does not object to the application. However, it is advised that water nor waste water infrastructure is within the vicinity of the site and as such the applicant should explore private options for private water provision and waste water treatment. There are no records of drinking catchments nor water abstraction sources within the nearby area that could be affected by the proposed development.
- 5.3 **The Scottish Environment Protection Agency (SEPA)** does not object to the application subject to the inclusion of a condition on any grant of planning permission requiring details of foul drainage be approved, in consultation with SEPA. Surface water management approaches should be agreed with Midlothian Council, as the Flood Prevention Authority.
- 5.4 **Historic Environment Scotland** does not object to the application.

- 5.5 **Nature Scot** does not object to the application subject to the proposed mitigation set out in the ecology and species reports – the applicant will however require an ecological license from Nature Scot to undertake work impacting/mitigating protected species.
- 5.6 The **Council's Flooding Officer** does not object to the application.
- 5.7 The **Council's Policy & Road Safety Manager** does not object to the application subject to the following conditions:
1. The existing vehicle access should be updated to reflect its new use and new 'give way' road markings and sign(s) introduced where the private access joins the public road.
 2. In line with the Councils view of providing publicly available electric vehicle charging points within new developments at least two of the public parking spaces should be constructed as formal EV charging points.
- 5.8 The **Council's Environmental Health Manager** does not object to the application but identify a number of matters that would be required to be addressed. A gas venting trench or similar barrier is a mandatory requirement alongside other gas mitigation requirements. Also, they query the location of the previous landfill and require detailed, intrusive site investigations to confirm no lodges, or the amenities building would be located on previous landfill or that mitigation would be put in place accordingly. Accordingly, they recommend that the following conditions:
1. Details of the gas venting trench (or similar barrier) shall be submitted to and approved prior to the development of any building or lodge. On completion of the work to construct this venting trench, a report shall be submitted to and approved by the local planning authority demonstrating that the trench has been installed to the agreed specification.
 2. The 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.

3. On completion of the decontamination/remediation works referred to in condition 2 above and prior to any of the lodges, reception or amenity buildings being occupied, a validation report or reports shall be submitted to the local planning authority confirming that the works have been carried out in accordance with the approved scheme. No lodge, reception or amenity building shall be occupied unless or until the local planning authority have approved the required validation for that unit.
 4. A suitably designed alarm system shall be installed at the site to protect the buildings and lodges from landfill gas should there be a failure in the gas venting trench. This system could either be perimeter monitoring or building specific. A maintenance programme to ensure regular servicing, testing and maintenance of the alarm system must be submitted to and approved by the local planning authority.
 5. It is noted that the lodge design has not been finalised but the units selected should either not include decorative kickboards or if these or similar are to be used, then sufficient air vents to allow the dispersion of any ground gases must be installed and maintained in an operational capacity. To that regard the Applicant shall submit the final design selected to, and have the design approved by the local planning authority to ensure that this issue is adequately addressed.
 6. Depending on the type of lodge unit selected the site may need to be licensed as a caravan site prior to occupation along with obtaining the necessary planning consent.
 7. The hours of construction operations (including deliveries) should being restricted to:
Monday to Friday - 8am – 7pm;
Saturday - 8am – 1pm;
Sunday - No working
- 5.9 The **Council's Land Resources Manager** does not object to the application subject to the pedestrian footpaths within land controlled by the applicant connecting to existing footpaths to the north of the site.
- 5.10 The **Council's Economic Development Manager** supports the application as an efficient re-use of the restored landfill site and would create a welcome tourist offering within Midlothian. The development would have wider economic benefits for the surrounding area, enabling enhanced trade with local supply chains to support the local economy. Also states that the proposed development would specifically address the issue of a lack or large scale self-serviced accommodation for

business and leisure tourism groups within the Midlothian's Tourism Action Plan 2016-2020.

5.11 Howgate Community Council (HCC) advise:

- In principle, HCC does not object to the proposed development, however, request that the planning authority consider the following matters in their assessment of the application and secure any relevant developer contributions;
- Consideration of increased traffic generation by this development, including during the construction phase;
- Cognisance of the existing road conditions, noting that this is a 'dangerous' part of the A6094 with lying water and existing tree line;
- Overcome existing water pressure and waste water problems within the local area; and
- Ensure the provision of secure and adequate fencing to avoid livestock accidentally roaming into the site.

5.12 Rosewell & District Community Council (HCC) advise:

- That suggesting a beneficial use is only brought by the proposal is misleading and that the previous grant of planning permission included conditions resulting in an alternative beneficial use that would create a positive ecological, landscape and woodland enhancements;
- Clarity is sought on whether the stated figures for economic benefits relate to spending in Midlothian alone or the wider Edinburgh area;
- Concerns that the proposed development will not be served by public transport and accessible safe routes for pedestrians and cyclists;
- Concerns that guests would be wholly car-dependent, resulting in increased air pollution and CO2 emissions;
- Concerns that employees would need to attend work by private car exacerbating the above issue;
- Requirement for electric vehicle charging points to be included within any approved development;
- Concerns that landfill gas could have detrimental impacts on human health alongside potential odour issues;
- The proposals should demonstrate that they can be served by a public sewerage and water supply (or acceptable private arrangements if public provision is not available); and
- Support is also provided by a number of residents within the Community Council encouraging employment opportunities and prosperity to the area.

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 (SESPlan 1) and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.3 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.4 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.
- 7.5 **Policy ECON4: Economic Development Outwith Established Business and Industrial Sites** states that business and industrial proposals (class 4 and 5) within the defined urban area but outwith existing or allocated business and industrial sites will be supported if:
- a. it is demonstrated that there is no suitable alternative site available within established economic sites;
 - b. the site is not identified for alternative use;
 - c. the proposed development would be compatible with surrounding uses and there would be no adverse impact on local and, in particular, residential amenity as a result of development;
 - d. the layout and design of buildings would be appropriate to the character of the site and surrounding area; and
 - e. the transport impact of the proposal would be acceptable.

The Council will give support to proposals that reuse brownfield or vacant or derelict land as opposed to greenfield locations.

- 7.6 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.7 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area.

- 7.8 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.
- 7.9 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.
- 7.10 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.

- 7.11 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.
- 7.12 Policy **MIN1: Areas of Search for Surface Extraction** identifies Upper Dalhousie as being an area for the extraction of sand and gravel where surface mineral extraction may be acceptable in principle. The policy states that the identification of an area of search does not indicate the

Council's acceptance of any particular proposal for the winning and working of a surface mineral resource within any or all of that area of search. Outwith the areas of search there is a presumption against surface mineral extraction. In addition the policy safeguards mineral resources from sterilisation, in specific circumstances.

- 7.13 Policy **MIN2: Surface Mineral Extraction** requires proposals for mineral extraction to meet the criteria set out in the Supplementary Guidance on Resource Extraction. They will not be permitted where they would have a significant adverse effect on communities, sensitive uses or the environment and will only be supported if the Council is satisfied that they are acceptable in relation to the following matters:
- effect on the health and amenity of settlements, communities and housing groups or other sensitive uses;
 - effect on the landscape, in particular that of the Green Belt, Pentland Hills Regional Park, and Special Landscape Areas;
 - effect on soils, in particular prime agricultural land, and peatland;
 - effect on the water environment;
 - effect on nature conservation and biodiversity, in particular sites of international, national or local nature conservation value;
 - effect on the historic environment, in particular: Conservation areas, scheduled monuments, listed buildings, historic gardens and designed landscapes, historic battlefields, significant archaeological sites (and, where relevant, the settings of the aforementioned designated areas or buildings)
 - effect on the road network, particularly local roads;
 - cumulative effects of the proposal when combined with other consented or operational mineral extraction or landfill activities;
 - effect on the local economy in terms of tourism, leisure or recreation; and,
 - robustness and suitability of proposals for restoration and aftercare.
- 7.14 In determining applications for surface coal extraction, the Council will also consider any beneficial impacts from extraction in terms of site remediation and stabilisation and/or other permanent physical benefits to the community.
- 7.15 Policy **ENV2: Midlothian Green Networks** 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.
- 7.16 Policy **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.
- 7.17 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.

- 7.18 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.19 Policy **ENV10: 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.
- 7.20 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.
- 7.21 Policy **ENV14: Regionally and Locally Important Nature Conservation Sites** states that development will not be permitted where it could adversely affect the nature conservation interest of such sites, unless it can be demonstrated that appropriate mitigation measures are in place.
- 7.22 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.23 Policy **ENV16: Vacant, Derelict and Contaminated Land** states that the Council requires to be satisfied that any proposed use of land is suitable in relation to any potential risks from prior contamination and land instability.
- 7.24 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.

- 7.25 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.26 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.27 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.28 Policy **NRG5: Heat Supply Sources and Development with High Heat Demand** encourages the co-location of developments with high heat demand next to sources of heat, in order to reduce the carbon footprint of building performance.
- 7.29 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.30 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.31 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.32 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.33 **SPP (Scottish Planning Policy)** sets out Government guidance for development proposals, including tourist-related development, where is outlined that should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality.
- 7.34 SPP also encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of SPP are developed within the local plan and local development plan policies. It also states that *“design is a material consideration in determining planning applications and that planning permission may be refused and the refusal defended at appeal or local review solely on design grounds”*.
- 7.35 A presumption in favour of development that contributes to sustainable development is introduced as a policy principle within SPP and Paragraph 29 outlines principles required to achieve sustainable development. SPP also states that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*.
- 7.36 Paragraph 40 also outlines requires the consideration and *“re-use or re-development of brownfield land before new development takes place on greenfield sites”*
- 7.37 At paragraph 79, it outlines that Plans should *‘promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry..... while ensuring that the distinctive character of the area’*. Moreover, SPP Paragraph 93 also outlines that the Planning System should *‘give due weight to net economic benefit of proposed development’*.
- 7.38 With respect to tourism, SPP Paragraph 105 outlines that *‘Planning Authorities should consider the potential opportunities for tourism and recreation facilities in their development plans’*.
- 7.39 Paragraph 235 outlines *‘the planning system should not only safeguard workable (minerals) resources and ensure that an adequate and steady supply’* but also *‘minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after-use after working has ceased.’*

- 7.40 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.41 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.42 The Scottish Government policy statement **Designing Streets** emphasises that street design must consider place before movement, that street design guidance (as set out on the document) can be a material consideration in determining planning applications and that street design should be based on balanced decision-making.
- 7.43 The Scottish Government publishes various Planning Advice Notes to provide guidance and good practice on various planning matters. In this instance, **PAN 64** - Reclamation of surface mineral workings is relevant. It outlines that sufficient reclamation and restoration of previous workings is undertaken and that this process is integrated into the planning process.

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.

The Principle of Development

- 8.2 The site is allocated as countryside within the MLDP. A linear, 10m wide section, containing an existing woodland strip around the site's south-eastern boundary is also allocated as prime agricultural land.
- 8.3 Policy RD1 - Development in the Countryside specifically supports the principle of tourist accommodation within the countywide. Other tests identified within this policy are not applicable as they relate to development proposal for low density housing, mineral extraction and/or windfarm or energy proposals. The adopted Housing Development in the Countryside and Green Belt Supplementary Guidance is also not material to the consideration of the proposed development as its purpose is to provide assistance in defining housing associated with the furtherance of a 'countryside activity'. It is therefore accepted that the proposed development fully accords with Policy RD1.
- 8.4 The proposed development would also result in the beneficial re-use of a previous mining/contaminated site for tourist related development.

This would result in the development of a previously developed land rather than putting pressure on other, potentially more sensitive, allocated countryside areas with more competing constraints. This approach aligns with not only the principles sought by Policy RD1 but also the sustainable development principles within SPP and the objectives advocating the reuse of brownfield land over greenfield sites.

- 8.5 Policy RD1 also outlines that other business proposals that will enhance rural economic development opportunities subject to meeting prescribed criteria will be supported. It reiterates the strategic intent to support activities that can generate economic activity. In this regard, the applicant has included economic analysis within the Planning Statement setting out that the proposed development could result in an annual tourism expenditure of approx. £4.1M to the local economy and up to 22 full-time equivalent employees. This tourist expenditure and economic development opportunities is welcomed, adding further weight in favour of supporting the principle of development.
- 8.6 With respect to prime agricultural land, this land is proposed to be retained and complemented by a 15m wide structure planting strip retaining its existing function as a woodland tree belt. As such, there would be no 'loss' of prime agricultural land and MLDP policy ENV4 would be met.
- 8.7 MLDP Policy VIS2: Tourist Accommodation supports the development of hotels or self-catering tourist accommodation provided the proposal accords with the four key policy test below. The proposed development complies with the respective policy tests as evidenced by the following:

(1) scale and in keeping with the character of the local area: The proposed development includes single storey holiday lodges set within a mature woodland and landscaped setting. It would not result in any significant adverse landscape and visual impacts (as outlined within the corresponding assessment below). It results in a built form that would be well contained from long-views and would complement the landscape character of the surrounding area. The landforms associated with the existing restored landfill, and the existing perimeter trees belts around the majority of the site, further prevent visual intrusion. Where the proposed development is visible, it is well screened and below the ridge of the landforms/woodland 'behind'. This is evidenced within the accompanying LVA.

(2) is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape: As outlined above, the LVA outlines that the form, scale and height of the proposed lodges would be modest, and significantly lower than the existing woodland and proposed tree line, where applicable. The extensive landscape and woodland planting associated with the proposed

landscaping scheme creates a strong landscape framework that enhances the surrounding rural character within the nearby area without overly impacting the established rural setting.

(3) is well located in terms of the strategic road network and maximises public transport access: The site is located to the north-east of Howgate, within a relatively rural setting. However, the site connects directly to the A6094 which provides a strategic east-west route running through this part of Midlothian. This strategic route links the site to other strategic road networks to the east, including the A7 at Gorebridge/Newtongrange/Bonnyrigg etc. It also provides connectivity to the A701 at Penicuik, allowing for connectivity to the north/south.

- 8.8 It is acknowledged that there is no public transport accessibility directly accessible from the site. As such, the applicant will be required to provide a shuttle service for visitors to enable connectivity to existing public transport hubs. Opportunities to extend this to staff will also be required. This is discussed in more detail within the transportation section below. Accordingly, subject to approval of the detailed measures required, and implementation of the approved shuttle service, it is considered that sufficient access could be provided to sustainable public transport connections. This would address the above policy objectives.

(4) is in accordance with one of the sections below including whereby self-catering tourist accommodation is permitted where it meets the following:

- *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.*

- 8.9 The proposed development is not located within the green belt, complying with this requirement. Additionally, as outlined above and within the landscape and visual assessment section of this report below, the proposed development would not result in significant adverse impacts to the existing rural setting within the nearby area. The proposed development platforms and holiday lodges would be suitably screened with existing/proposed landscaping and existing landforms or be of a scale proportionate to the existing landscape setting. The SUDS lagoons would have a natural appearance, avoiding significant gradients, and would be complemented by appropriate aquatic landscaping to soften their appearance. Cumulatively, this accords with the above requirement.

- 8.10 Finally, the applicant has provided sufficient evidence that the proposed development could demonstrate the future operation would

result in a viable long-term business. The applicant is one of the largest waste and resources recovery operators within the UK, with over 1,000 employees, managing over 100 contacts with over 1.8m tonnes of waste a year. They also outline that they form part of the FCC World Group with 55,000 employees and a revenue over £6.5 billion. Building on this, they outlined that they have diversified restoration approaches to incorporate complementary tourism and other development proposals with a dedicated Real Estate division, set up to delivery these development proposals. The applicant has outlines that they will retain control of the site, and undertake this approach for other similar sites, overseeing the restoration requirements for previous landfills whilst also managing the corresponding tourist operator. Moreover, based on FCC's development strategy, the provision of tourism on the site is proposed to create an additional revenue stream to facilitate additional capital re-investment from this former landfill. This is proposed to assist the delivery of both restoration requirements (which are already covered by a bond should they not be delivered) and potential profits. They have a track record progressing development proposals within similar landfill/quarry sites within their portfolio (in England), demonstrating sound strategic development and investment principles for the redevelopment of such sites. The applicant has also undertaken an indicative projected revenue calculation for the future development of the site for tourist accommodation and they are confident that the potential revenues, less respective costs, would allow for a sustainable long-term business operation. They assert that given the recent pandemic, and demand for Scottish/UK tourist's accommodation, occupation and potential revenue streams could potentially be higher than initially envisaged. This level of capital resources; the development/delivery strategy proposed; the retention of the site within the applicant's control; and the management of future leisure operators should ensure the sustainable use and long-term provision and maintenance of the proposed tourist accommodation within the site in accordance with MLDP policy VIS 2.

- 8.11 Finally, the proposed reception/amenities building is of a suitable scale. This includes a reception area with seating, games room, staff areas, a small single-room gym with approximately 10 multi-use gym machines, associated treatment rooms and toilets. An associated restaurant with terrace is also proposed. This amenities building is acceptable and includes an appropriate floorspace and types of uses typically associated with tourist accommodation of this nature and proportionate to the demand from the 62 holiday lodges proposed.
- 8.12 Cumulatively, this outcome accords with the policy requirements above and, on balance, the proposed development generally complies with MLDP Policy VIS 2 Tourist Accommodation.

Layout, Form and Density

- 8.13 The site layout includes a single vehicular access using the existing access to the A6094. A primary internal access road runs east-west connecting the site access to the reception/amenities building, before running south-west towards the holiday lodges. Secondary access links are provided perpendicular to the primary access road creating internal 'streets' or cul-de-sacs, generally in rows of 6-8 lodges. Selected holiday lodges are also positioned around the three SUDS lagoons creating a pleasant outlook for future visitors.
- 8.14 Lodges have been carefully sited and orientated carefully to ensure sufficient setbacks to prevent unreasonable overlooking between lodges. Of the four types of holiday lodges proposed, each would comprise a single storey built form with pitched roofs and a maximum ridge height of 4.88m. The four lodge-types provide a series of different floorspaces to suit a range of visitors, each with individual private decks. The lodges would be positioned on floating foundations, with finished floor levels raised to accommodate airflow below each lodge (see gas migration section below). The scale, massing and heights of the proposed holiday lodges is therefore acceptable. High quality external finishes are proposed including timber cladding. No specific materials have been provided and therefore material samples will be required for approval, via condition.
- 8.15 The layout includes sufficient opportunities for landscaping between holiday lodges and the internal access roads which complements the more substantial woodland areas within the site. Additionally, a 15m woodland structure planting strip in the site's south-eastern corner would be introduced to enable sufficient woodland cover along this boundary. Provision of an updated species mix for the proposed landscaping will be required and can be sought via a condition on a grant of planning permission.
- 8.16 The site layout carefully avoids development within the existing capped landfill cells. This is complemented by design principles that include the retention of the existing woodland copses to the north and west of the site to soften the holiday lodges from these directions. Partial removal of existing woodland within the eastern corner of the site complemented by retention of the adjacent woodland and the above structure planting strip – which combined, affording suitable screening opportunities along these boundaries.
- 8.17 The proposed level development platforms have been designed to avoid substantial increases in levels from the original restoration masterplan levels, where possible. Those parts of the development platform higher than the approved restoration levels are generally contained within more central parts of the site or within less visible areas - where vegetation/woodland or the restored landfill ridges minimise opportunities for direct views.

- 8.18 Cumulatively, the above approach takes cognisance of existing site constraints and opportunities and results in a well-coordinated, comprehensive design solution for the site's future development.

Access and Transportation Issues

- 8.19 The existing single vehicular access to the A6094 is proposed to be retained and used for vehicular access. This currently allows for two-way entry/egress of HGVs associated with the existing landfill operations. In terms of road safety, the accompanying Transport Statement analyses existing crash data for the nearby road network and outlines that there have been four personal injury collisions within the last five years (two of which were serious/fatal). However, it outlines that since the road speed was reduced to 50mph there have been no further collisions on this section of the A6094. Visibility splays of at least 2.4m x 160m in both direction are provided according with the Design Manual for Roads and Bridges – which ensures suitability visibility for existing vehicles based on the existing 50mph speed limit. This results in safe, efficient vehicular access to/from the site. The Council's Policy and Road Safety Manager raises no objection on road safety grounds nor the visibility splay. Accordingly, the proposed development is considered to be acceptable in road safety terms.
- 8.20 An internal access road is provided within the site from the A6094 to the reception/amenities building and connecting to the lodges via a series of secondary link-roads. Two parking spaces are also provided to each lodge and a large car park (with 54 parking spaces including eight accessible parking spaces) at the reception/amenities building. There is also scope for electric vehicle charging points, which the applicant has agreed to install and would be secured by a condition on a grant of planning permission. This would create legible, safe vehicular manoeuvrability within the site and suitable parking to accommodate demand. This arrangement has also been supported by the Council's Policy & Road Safety Manager.
- 8.21 Suitable control of construction traffic accessing the site can be secured via condition, restricting construction activities within the site to Midlothian Council's requirements, as required by the Council's Environmental Health Manager.
- 8.22 Given its location, the site is not within close proximity to a range of sustainable modes of transport. Despite the applicant outlining that they anticipate many visitors to arrive by private car, they would encourage travel to the site via public transport. Without appropriate bus connections to/from the site, developer contributions and a condition on a grant of planning permission will be required to enable the approval and subsequent implementation of a shuttle bus service to nearby public transport interchanges (including Penicuik town centre and the Borders Rail Line (i.e. Eskbank train station). This should ensure suitable connectivity to/from the site via sustainable transport

choices and facilitate sustainable day trips by visitors to nearby attractions within Midlothian and beyond. It should also provide an opportunity to encourage staff members to use this shuttle service to connect them to/from the site to public transport interchanges.

- 8.23 A series of footpath/links would be provided within the site, including through the woodland and within land controlled by the applicant to the north, allowing for enhanced recreational opportunities for future visitors. To address the Council's Land Resources Manager comments recommending that these footpaths connect to the existing footpath network - a new footpath connection to the existing footpath network will be required within land to the north of the site (under the applicant's control).

Landscape and Visual Impact

- 8.24 The potential landscape and visual impacts associated with the proposed development are assessed within the accompanying Landscape and Visual Appraisal (LVA). The assessment methodology for the LVA accords with the Guidelines for LVIAs, Third edition (Landscape Institute and IEMA 2013). The conclusions of the LVA outline that the proposed development could be successfully integrated into the surrounding landscape without any significant adverse impacts on the existing landscape character and visual amenity. It outlines that sensitive receptors within 500m of the site would not have visibility of the proposed development, given that they would generally be restricted by the elevated landfill and the mature perimeter woodland.
- 8.25 The primary changes to the potential visual appearance of the site is restricted to views from Viewpoint 3 (elevated road corridor) and Viewpoint 4 (public footpath to the north-west of the site). Despite this, due to the scale of the proposed development, the separation distance involved and the angle of view, the visual effects at each viewpoint is not found to be significant. As such, following the residential receptor and viewpoint assessment, the overall degree of potential landscape impact would be minor to moderate impact. Accordingly, there would be no significant impacts on landscape character nor visual amenity to the surrounding area. The proposed development would not introduce any significantly visible character elements within long views to/from the site, with any perceptibility limited to selected localised views (i.e. viewpoints 3 and 4).
- 8.26 In this regard, to ensure enhancement of the existing perimeter planting around the site's southern/south-eastern boundary, the aforementioned 15m wide structure planting buffer would be planted. This will ensure further screening and further containment of the site from this direction. This additional planting, combined within the existing landscape offer within/surrounding the site, would ensure that the proposed development is suitably integrated into the established landscape

character and would not result in any unacceptable landscape and visual impacts.

Contamination and Remediation

- 8.27 The application accompanied by a Coal Mining Risk Assessment outlining that coal mining legacy features do not pose a risk to the proposed development. The Coal Authority have reviewed this report and do object to the proposed development. They outline that whilst a small part of the site falls marginally within the Development High Risk Area (i.e. eastern extent of the existing site access) the proposed new buildings and new infrastructure would be located entirely outside the high risk area (and any former mining or municipal landfill areas). As such, there should be no unacceptable mining impacts.
- 8.28 The presence of the capped municipal landfill areas (now in restoration mode) to the north and west results in a requirement to consider potential risks associated with the potential landfill ground gas mitigation. Importantly, no lodges or new infrastructure works are proposed within any previously putrescible/municipal landfill cells. Moreover, the applicant currently undertakes ongoing gas monitoring as part of the approved restoration scheme for the former landfill. These consider levels of ground gas around the perimeter monitoring wells closest to the proposed development area and generally indicate that significant migration of hazardous gas from the landfill cells into the site is not occurring. Despite this, the majority of gas monitoring wells are located to the south of the proposed development and there is an absence of data along the boundary between the former landfilled cells and the proposed development area.
- 8.29 In this regard, the Council's Group Manager Environmental Health outlined initial concerns with potential risks associated with landfill gas migration within this location and another area to the south of the existing internal road. It was considered that this area could have been subject to previously filling with putrescible/municipal landfill waste. The applicant disagrees with this position, providing various information to support this assertion. Irrespective of this position, the applicant has committed to undertaking detailed intrusive investigations within these areas to an agreed scope. This would confirm any underlying materials within this part of the site and the types of mitigation required. On balance, the above approach is considered to be acceptable and would ensure that comprehensive ground investigations are undertaken to the satisfaction of the Environmental Health Manager's satisfaction. An indicative layout has been provided showing how the reception/amenities building could be removed from this area and replaced with a far smaller reception outwith any 'at risk' area should this be required. This would avoid any ground gas risk to proposed buildings whilst resulting in an acceptable built form. This requirement could be addressed via condition.

- 8.30 The applicant has also committed to the provision of a remediation strategy and validation report - to confirm how mitigation measures would be implemented to avoid future risks to human health. In addition, and most critically, the Council's Environmental Health Manager requires details of a gas venting trench (or similar barrier) between the landfill cells and the boundary of the proposed development to prevent risks from any potential escape of landfill ground gas. An alarm system on each lodge is also required as a back up to any potential gas venting trench failure. Additionally, the underbuild design of the proposed lodges will be required to be approved to allow for constant airflow beneath all lodges. These requirements are entirely appropriate and will be included as conditions on a grant of planning permission.
- 8.31 Overall, subject to receipt of the detailed intrusive ground investigations and implementation of the remediation mitigation measures outline above, the proposed development should not result in unacceptable risk to contamination from previous mining/contamination.

Landscape and Arboriculture

- 8.32 The site benefits from an extensive mature landscape setting which includes a series of existing plantation and coniferous perimeter woodland. Other coniferous woodland copses are also located within the site itself. The accompanying Arboricultural Implications Assessment outlines the proposed removal of a small part of the coniferous and plantation woodland (Woodland 1B) within the south-eastern corner of the site. The majority of this woodland has already been removed as part of existing, authorised, landfill operations or its removal has been approved via the approved landfill restoration masterplan for this part of the site. The remainder, and the majority of the existing plantation woodland within this location, to the eastern and south-eastern boundary of the site, would be retained. This woodland provides suitable screening around this part of the site. Additional compensatory planting is also proposed within the site on land controlled by the applicant to ensure that the approved landscaping framework for the landfill restoration masterplan is suitably compensated commensurate with the scale of the proposed development and anticipated removal.
- 8.33 The principle of the proposed landscaping approach is accepted, however, a series of amendments would be required relating to: increased trees planting along the primary access road and SUDS lagoons; amended woodland planting mixes; additional hedgerow planting along the proposed woodland buffer; and tree growing specifications/standards. Provision of updated tree protection measures and construction exclusion zones, particularly for the proposed 15m wide woodland planting strip, would be required alongside an Arboricultural Method Statement via a condition on a grant of planning permission. Subject to conditions addressing these

requirements, the proposed development is acceptable and arboricultural terms.

Ecological Matters

- 8.34 Various ecological reports accompany this application including an Ecological Appraisal and various protected species surveys and protection plans (for bats, great crested newts (GCNs), badgers and reptiles). The Ecological Appraisal confirms additional habitat creation (varying from the previously approved scheme) to allow for a higher proportion of native tree species (i.e. broadleaf) to increase opportunities for biodiversity enhancement. It notes that the loss of woodland does not contain ancient woodland indicator species and therefore loss of other trees (i.e. densely planted spruce) with limited botanical interest would not result in the loss of woodland with increased habitat value. As such, its loss is not considered to be significant in ecological terms. Moreover, over 2.4 hectares of new native woodland is proposed to be planted, providing significant biodiversity gain and almost one hectare additional new woodland than the previously consented landfill restoration planting scheme.
- 8.35 A Biodiversity Management Plan will be required to confirm habitat creation and biodiversity enhancement requirements and for the ongoing sustainable and proportionate management of ecological matters within the site. A lighting strategy will also be required to confirm the proposed approach minimises impacts on bat corridors but also to minimise light emissions to the nearby area. This will be required via a condition on a grant of planning permission.
- 8.36 GCN were found within the site during previous activity surveys. As such, a GCN Species Protection Plan accompanies the application outlining the various mitigation approach required to be implemented (and the timescales for their implementation) to avoid adverse harm to this species in line with the Conservation (Natural Habitats) Regulations 1994, as amended.
- 8.37 Bat activity surveys were undertaken to confirm the presence of bats within the site. Low levels of bat activity was found within the site (mainly using the site for foraging/commuting) with the majority of activity concentrating along the western and north-western boundary. The survey results have influenced the proposed layout and the majority of existing habitats for foraging/commuting have been retained. A Bat Report and Protection Plan accompanies the application and outlined various measures required to avoid any significant adverse impact on bats. This, alongside a requirement for the approval of a sensitive lighting strategy, should avoid any potential significant adverse impacts to bats. Irrespective of the above findings, separate licensing requirements from Nature Scot will be required, and protected species license applications submitted to ensure that any regulatory requirements are met. A confidential Species Protection

Plan for badgers also accompanies this application outlining mitigation to protect species within and/or surrounding the site. Whilst not afforded the same protection status as the protected species above, the applicant has also identified potential mitigation to avoid unnecessary harm to existing reptiles within the site. Moreover, Nature Scot have not objected to the proposed development and have outlined that ecological matters on the site can be addressed via separate species licensing permits.

- 8.38 Overall, suitable mitigation is proposed within the corresponding ecology reports/species protection plans to avoid harm to protected species. A condition will be required on a grant of planning permission requiring implementation of the mitigation measures proposed within these documents. Moreover, a condition will require provision of updated protected species surveys within one year of the proposed commencement of development to ensure an appropriate baseline for any approved mitigation.

Flood Risk and Surface Water Drainage

- 8.39 The accompanying Flood Risk Assessment (FRA) outlines that the site is not located within areas at high risk of coastal, fluvial, groundwater or overland flooding. Whilst holiday accommodation is defined as a 'most vulnerable' use in flood risk terms, the site's location within a 1 in 1,000 risk of flooding (i.e. low) and is acceptable. As such, the proposed development is not located within the 1 in 200 year functional floodplain and potential risk associated with future surface water management can be addressed via the accompanying Surface Water Management Scheme for the site. This Scheme includes the provision of various SUDS treatment levels (including swales and grit drains) to attenuate surface water discharge within the site and direct flows to three SUDs lagoons within the site. Staged discharge at pre-development run-off rates are also proposed to accommodate the 1:200 year floor event plus a 35% allowance for climate change impacts. This discharge is proposed to the north-western corner of the site, which will be subject to a separate Pollution Prevention Control Permit process with SEPA. The Council's Flooding Officer does not object to the proposed development on drainage nor flooding grounds and supports the proposed drainage arrangements. Following an initial SEPA objection on flood risk, 3 holiday lodges were removed from the southern part of the site, which resulted in SEPA removing their objection. Accordingly, the proposed development is not considered to be at high risk of flooding and the proposed surface water management scheme would result in the effective management of surface water within the site without detriment/risk to the nearby area.
- 8.40 With respect to the proposed development platforms, they would be approximately 10m higher than the height of the existing watercourse and the corresponding 1 in 200 year floor risk. As such, potential water

ingress to proposed holiday lodges would be avoided and no minimum finished floor levels have been set.

- 8.41 In terms of foul water connection, Scottish Water have outlined that there is no waste water infrastructure within the immediate area and suggest that private waste water arrangements are considered. In this regard, SEPA have requested further details on the proposed foul waste water arrangements – seeking to explore the feasibility of public sewer connectivity. If this cannot be achieved, private arrangements could then be agreed. This requirement can be secured via a condition on a grant of planning permission.

Feasibility of Communal Heating System

- 8.42 In order for the Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should support the transitional change to a low carbon economy including deriving "11% of heat demand from renewable sources by 2020" and supporting "the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks".
- 8.43 MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offer the potential for a new district heating network to be created within the site. Accordingly, a condition will be required on a grant of planning permission requiring that a feasibility study for the provision of a community heating system for any new development is undertaken by a suitably qualified engineer, commissioned by the applicant, and submitted for the approval of the planning authority. Should this study show a community heating system can be introduced, this should be undertaken within an agreed timescales. If it shows it is not feasible to install a community heating network, this requirement would not be relevant.

Developer Contributions

- 8.44 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a planning obligation in respect of the following matters:
- A contribution towards the Borders Rail.
- 8.45 This requirement stems from the site's proximity to the Borders Rail stations. Specifically, that the Council consider that it lies within the Borders Rail Corridor and corresponding Strategic Development Area. Given the scale and nature of the proposed development and the potential demand on existing services, appropriate infrastructure

provision is required to be provided to accommodate, and encourage, travel by means of other than the private car.

- 8.46 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15);
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
 - be reasonable in all other respects.
- 8.47 The requirements as set out above for any proposed planning obligation would meet the above tests.

Other Matters

- 8.48 Regarding matters raised by the community councils and consultees not already addressed in this report:
- Concerns about overcome existing water pressure and waste water problems within the local area will be addressed via separate Scottish Water technical approval process.
 - Addressing misleading comments that a beneficial use is only introduced by the proposed development and that alternative beneficial uses, such as positive ecological, landscape and woodland enhancements, as restored should be noted. The benefits of both potentially competing outcomes is acknowledged and balancing the weight attributed to each outcome has been undertaken by the planning authority in this regard (within the principle of development section of this report).
 - Clarity sought on whether the stated figures for economic benefits relate to spending in Midlothian alone or the wider Edinburgh area. The applicant confirmed that these figures related to both Midlothian and Edinburgh but it is envisaged that visitors are likely to undertake a 'day trip', at most, to Edinburgh with the rest of their time (and expenditure) spent within the local area. This would seem reasonable but irrespective of the specific quantum of economic expenditure it is agreed that there would be a net positive economic benefits within Midlothian from associated with increased visitor expenditure.

- Support is also provided by a number of residents within the Community Council encouraging employment opportunities and prosperity to the area. This point is noted.

8.49 Moreover, the following matters have been raised in representations which are not material considerations in the determination of the application:

- Protection of secure and adequately fencing to avoid livestock accidentally roaming into the site is not a matter specifically addressed via the planning process. Provision of fencing is a civil matter required to be agreed between corresponding landowners.

Direction

8.50 The applicant has also requested a 'direction' to amend the expiry timescales for any issued planning permission from 3 years to 5 years to reflect the complex programme of ground investigation and potential remediation for the proposed development. This timescale is considered to be acceptable, in this instance, given the complexities outlined above.

9 RECOMMENDATION

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

The proposed development accords with the Midlothian Local Development Plan (2017), in particular, policy VIS 2 which gives the policy framework to support the development of tourist accommodation in rural locations. The proposed development does not have significant adverse environmental impacts subject to detailed/technical matters being agreed via condition. This presumption in favour of development is not outweighed by any other material considerations.

And:

That a direction be applied to the planning permission to increase the expiry timescale from 3 years to 5 years.

Subject to:

- i) the prior signing of a legal agreement to secure developer contributions towards the Borders Rail Line and Sheriffhall Roundabout improvements. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- ii) the following conditions:
 1. The holiday lodge buildings within the site shall be used solely for the purposes of self-contained tourist accommodation and shall

not be occupied as single dwellinghouses being a tenant's primary residential address.

Reason: To prevent any potential unauthorised use for permanent residential use within the development.

2. Development shall not begin until scheme covering phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each tourist accommodation phase of the development, the provision of all buildings, access, open space, structural landscaping, SUDS/drainage, footpaths (including offsite), transportation infrastructure and contamination/ground gas remediation. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an updated scheme for vehicle access, roads, footpaths/cyclepaths and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. updated vehicular access including new 'give way' road markings and sign(s) where the private access joins the public road;
 - ii. pedestrian footpath connection(s) from the restored landfill site, within the applicant's control, to the existing public footpath to the north of the site.

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.

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an updated scheme for hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. additional individual tree planting (native medium growing species with increased canopy cover) along the main access roads using a heavy standard (12-14cm girth and 11.83m³ rooting volume);
- ii. additional tree planting around the SUDS lagoons and the area to the west of the main parking area, outwith any capped areas using extra heavy standard (14-16cm girth with 30m² rooting volume).
- iii. the pine wood mix within the proposed woodland buffer amended to include feathered tree stock at intervals;
- iv. the specification for the proposed mixed native hedgerow;
- v. recommendations from the Ecological Management Plan;
- vi. drainage details and sustainable urban drainage systems to manage water runoff;
- vii. existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- viii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- ix. proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- x. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- xi. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- xii. programme for completion and subsequent maintenance of all soft and hard landscaping;
- xiii. car park configuration and surfacing;
- xiv. proposed roads, footpaths and cycle paths and surfacing;
- xv. any proposed cycle parking facilities;
- xvi. A Woodland Management Plan outlining sustainable management, motoring, maintenance and replanting requirements for existing woodland; and
- xvii. An Arboricultural Method Statement outlining proposed planting works and corresponding tree protection measures and construction exclusion zones to protect trees/woodland to be retained.

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.

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies

DEV5, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) 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.
6. On completion of the decontamination/remediation works referred to in the condition above, and prior to any of the lodges, reception or amenity buildings 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 lodge, reception or amenity building shall be occupied unless or until the planning authority have approved the required validation for that unit.
7. Development shall not begin on the phase of development (identified in compliance with condition 2) related to the construction of the holiday lodges and reception/amenities building until a suitably designed ground mitigation measures, including maintenance programme and implementation timescale, is submitted to and approved by the planning authority. Thereafter, and prior to occupation of the holiday lodges and reception/amenities building, the approved alarm system shall be installed. 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.
8. Development shall not begin on the phase of development (identified in compliance with condition 2) related to the construction of the holiday lodges and reception/amenities building until details of a gas venting trench, or suitable alternative, is submitted to and approved by the planning authority. Upon completion of the approved gas venting trench, or suitable alternative, a validation report shall be submitted to and approved by the planning authority demonstrating that the

trench has been installed to the agreed specification.
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.

9. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings, until the detailed design of the holiday lodges is submitted to and approved by the planning authority. This shall include:
 - i. air vents below each lodge enabling the dispersion of any potential ground gas.

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 and maintained in operational capacity.

Reasons for Condition 5 to 9: 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.

10. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until a scheme showing external materials and finishes for all buildings and any other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

11. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings until a scheme setting out details, of a public transport travel plan providing a comprehensive shuttle service to/from the site to agreed public transport interchanges. This shall include Penicuik Town Centre and Eskbank Railway Station (or suitable alternative stations on the Borders Rail line). This shall include a compressive timetable to accommodate visitor's initial arrival/departures and separate

on-demand services that include opportunities to accommodate staff travel. The approved shuttle bus service shall be implemented in full prior to occupation of any holiday lodge. Shuttle services shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority and maintained in operational capacity.

Reason: *To ensure suitable connectivity to sustainable public transport services for future visitors and staff.*

12. Development shall not begin until a scheme of biodiversity for the site including a programme of ecological surveys (repeat survey work no more than 12 months in advance of the commencement of development on the site) and an Ecological Management Plan has been submitted to and approved in writing by the planning authority. The scheme shall incorporate the species mitigation and enhancements recommended within the Bat Report, Great Crested Newt Species Protection Plan, Badger Protection Plan prepared by FPCR Environmental & Design. 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.*

13. Development shall not begin on the individual phase of development (identified in compliance with condition 2) relating to the holiday lodges and reception/amenities building until a lighting strategy is submitted to and approved by the planning authority. The details shall include:
- i. low lux level lighting units;
 - ii. low level lighting units, directionally controlled to minimise glare and lightspill;
 - iii. lighting restricted for health and safety purposes;
 - iv. no lighting within woodland walkways;
 - v. ecological response lighting that includes mitigation within the Ecological Management Plan; and
 - vi. lighting and other utility service trench locations identified on detailed landscape plans, avoiding conflict with tree planting.

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 that acceptable lighting proposals are provided that avoid unacceptable impacts to protected species and minimises landscape and visual impacts to the character of the surrounding area.*

14. Development shall not begin until a scheme dealing with the provision and use of electric vehicle charging stations within 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.

15. Development shall not begin on the individual phase of development (identified in compliance with condition 2) related to the construction of the holiday lodge buildings until a scheme setting out the scope and feasibility of a community heating scheme for the development and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority to assess technical feasibility and financial viability of a community heating scheme within the development. Thereafter, only if it is found that a community heating scheme is technically and financially viable, no holiday lodge shall be occupied, until a community heating scheme for the site is approved in writing by the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason: To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.

16. Development shall not begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of a construction access;
 - ii. signage for construction traffic, pedestrians and other users of the site;
 - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
 - iv. details of piling methods (if employed);
 - v. details of any earthworks;
 - vi. control of emissions strategy;
 - vii. a dust management plan strategy;
 - viii. waste management and disposal of material strategy;

- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering and any other operations (to take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

Informative

- a. *The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority*

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 20/00268/DPP

Applicant: FCC Environment

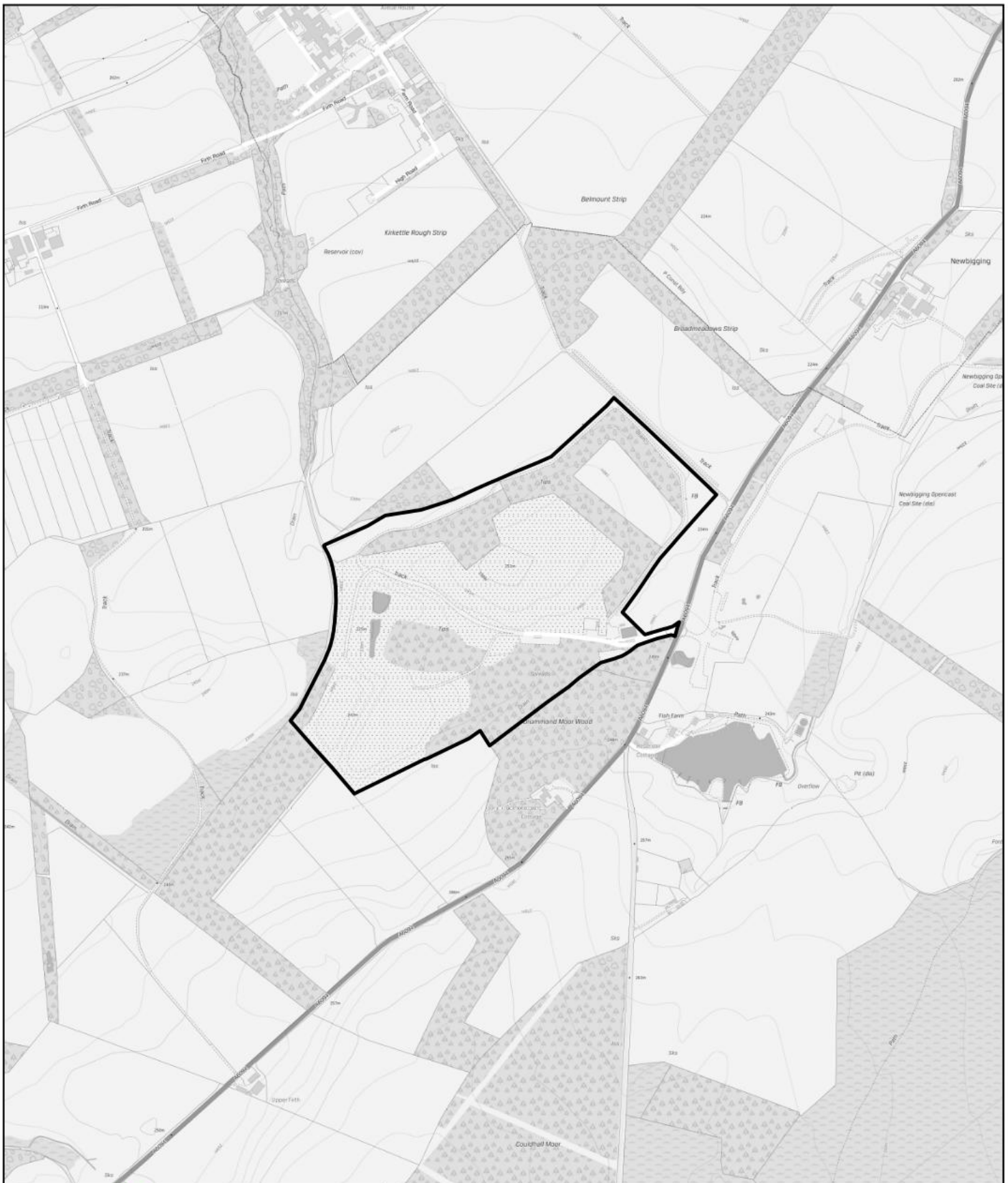
Agent: Stephenson Halliday

Validation Date: 22 April 2020

Contact Person: Steve Iannarelli

Email: Stephen.Iannarelli@midlothian.gov.uk

Background Papers: 13/00681/DPP, 19/00437/SCR, 19/00438/SCR, 19/00626/PAC, 21/00101/S42



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of up to 64 holiday lodges and associated reception and amenity building; formation of access roads, footpaths, SUDS features and associated works at Land at Drummond Moor, Rosewell

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File No: 20/00268/DPP

Scale: 1:10,000
Page 168 of 192





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NOTES

- RECEPTION AND AMENITIES BUILDING
- 1 BED RETREAT LODGE
- 2 BED LODGES
- 3 BED LODGES
- EXISTING WOODLAND
- PROPOSED WOODLAND
- PROPOSED SHRUB PLANTING
- PROPOSED PONDS
- PROPOSED PATHS
- PROPOSED NATURAL PLAY ZONE
- LAND UNDER OWNERSHIP OF THE APPLICANT
- PLANNING APPLICATION BOUNDARY (94,830m²)

REV	DESCRIPTION	DATE	BY
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CLIENT



Russel House, Mill Road, Langley Moor, Durham. DH7 8HJ. 0191 378 9972

JOB TITLE
DRUMMOND MOOR HOLIDAY RESORT DEVELOPMENT

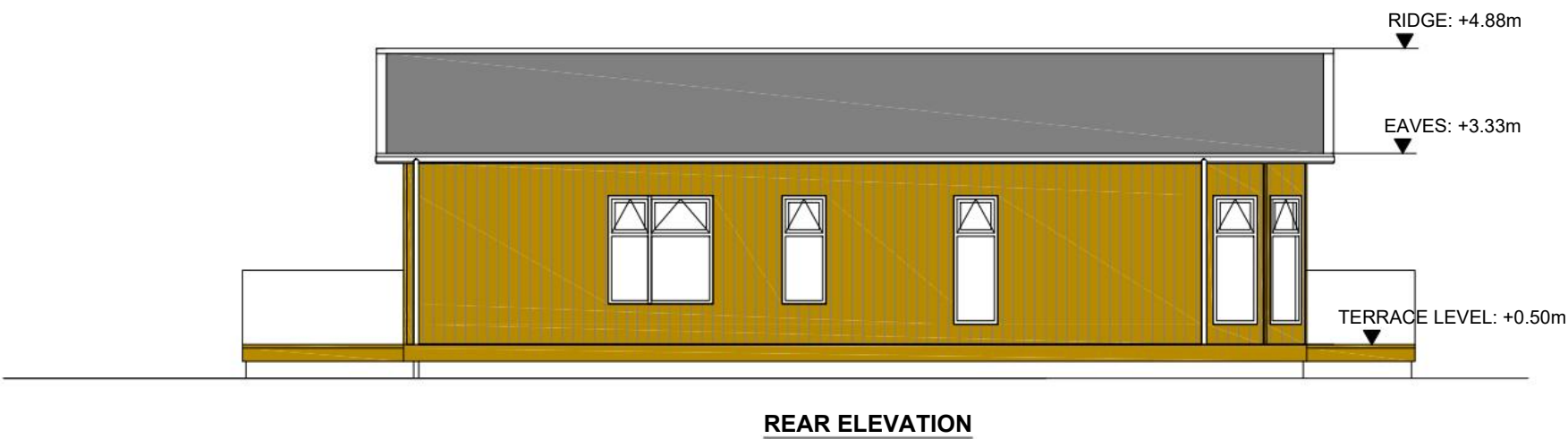
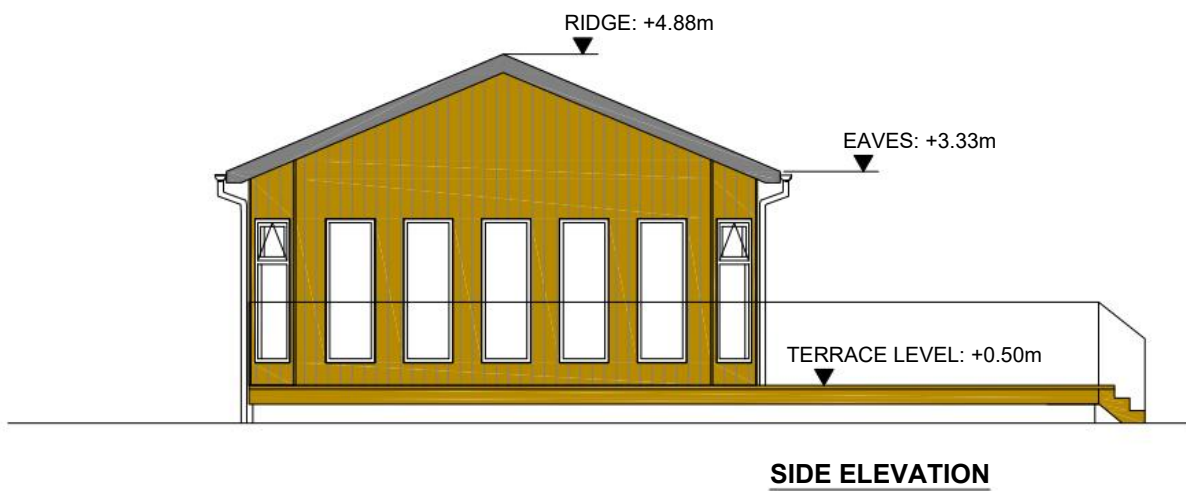
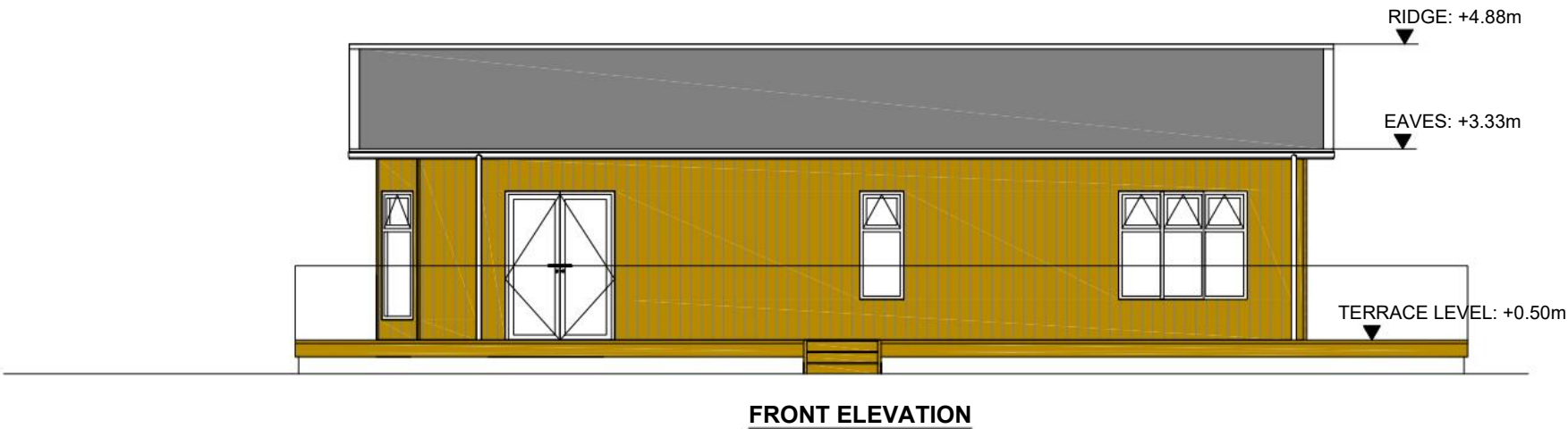
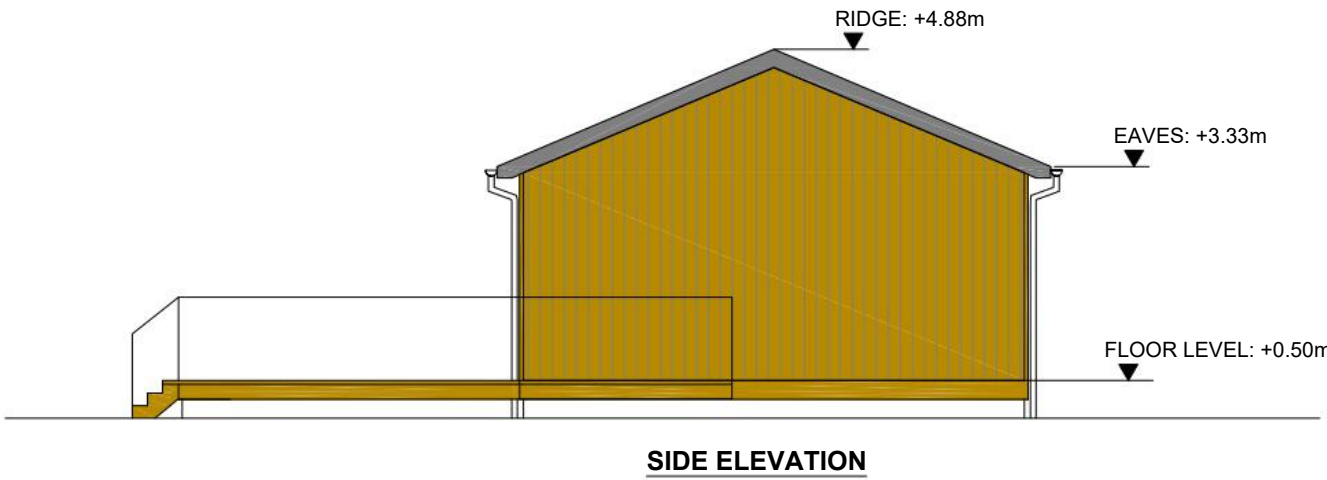
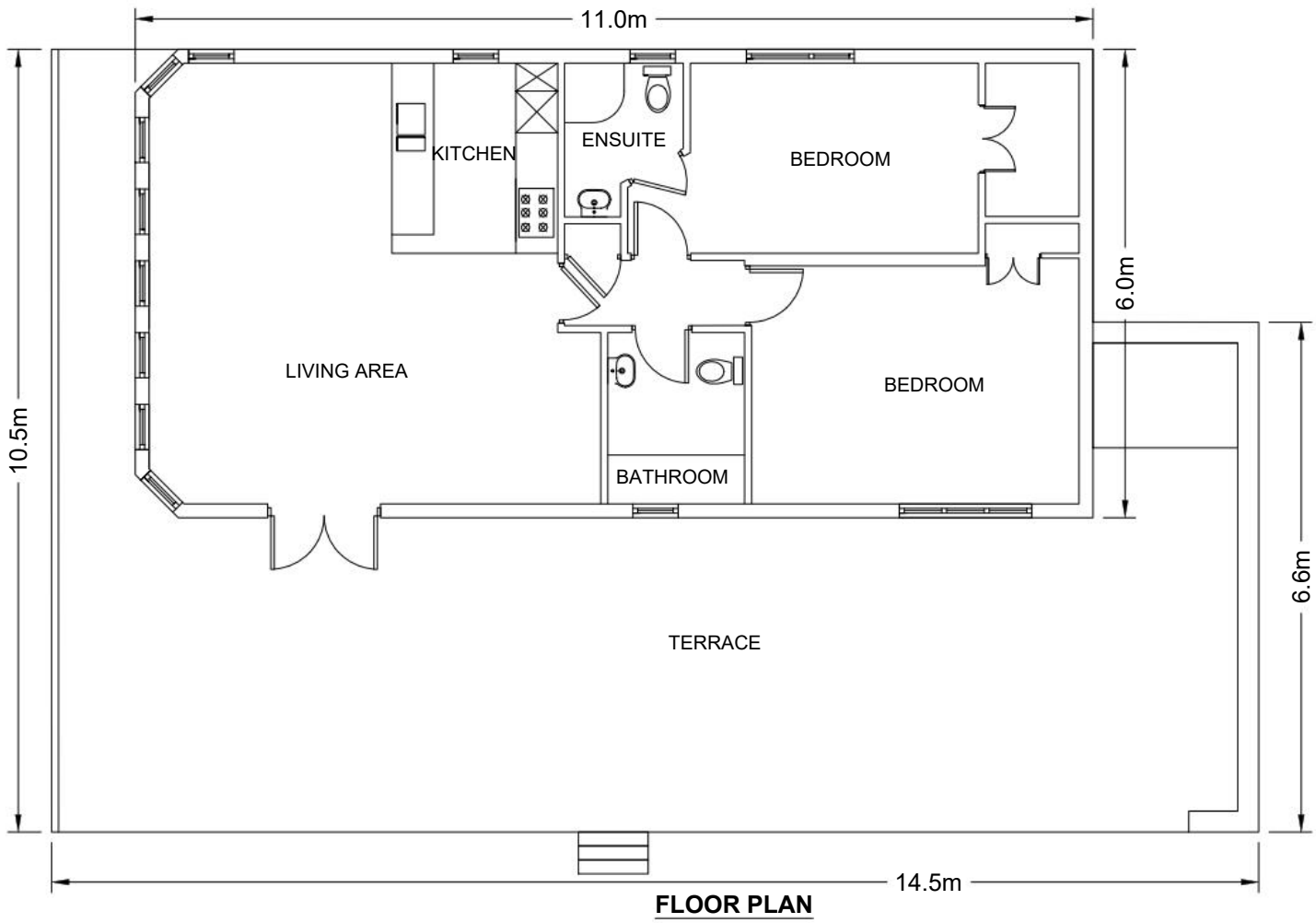
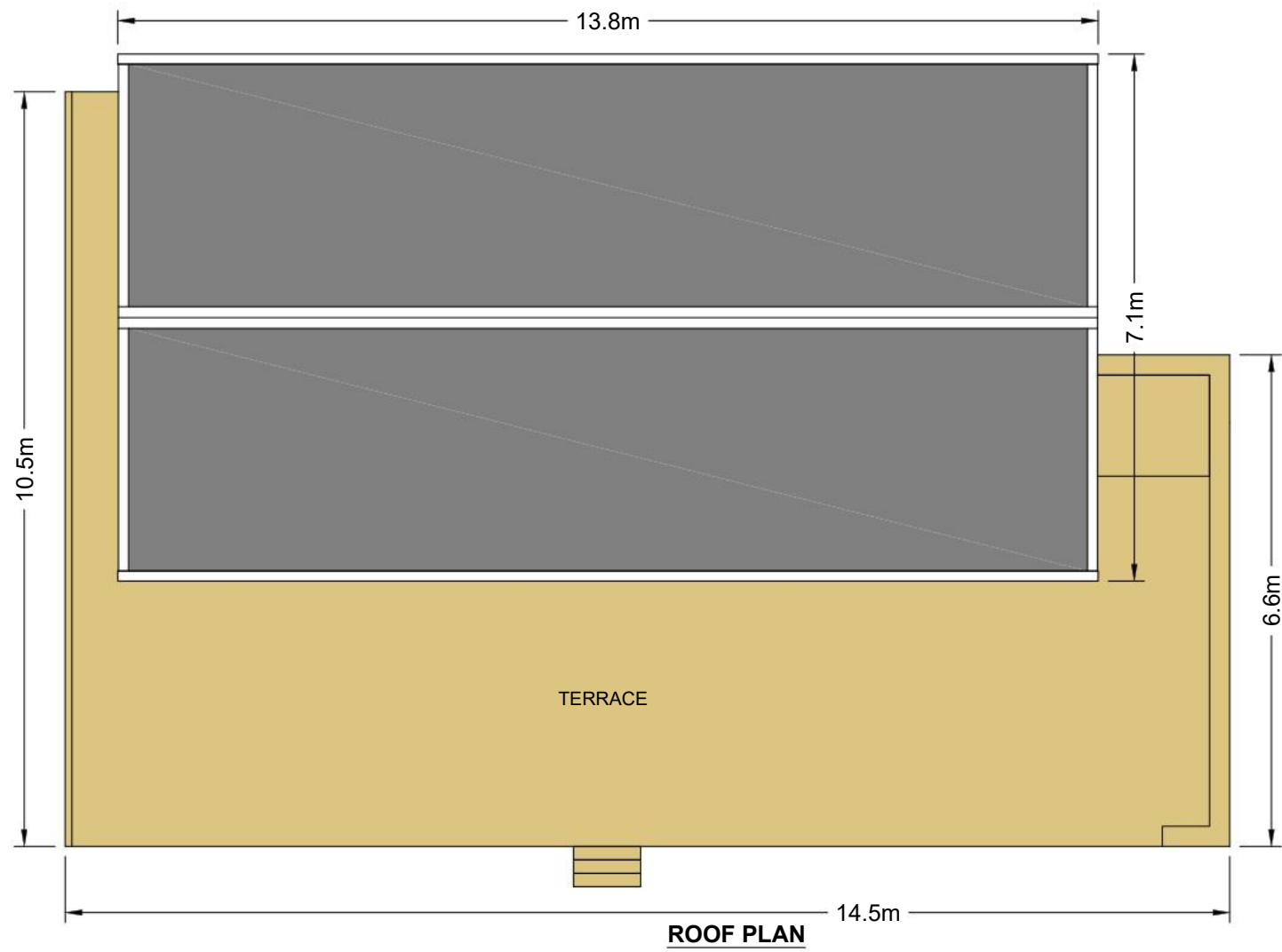
DRAWING TITLE
MASTERPLAN
PROPOSED LAYOUT

DRAWN	DATE	APPROVED	DATE
S.T	16/10/2020	J.C	16/10/2020

SCALE	SHEET	DRAWING NUMBER	REVISION
1:2500 @A2	ut1	WR7360/05/07	2

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NOTES



REV	DESCRIPTION	DATE	BY
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CLIENT



Russel House, Mill Road, Langley Moor, Durham, DH7 8HJ. 0191 378 9972



JOB TITLE
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

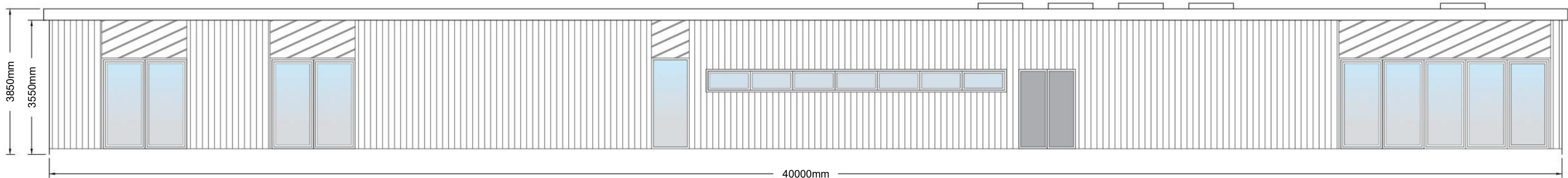
DRAWING TITLE
LODGE ELEVATIONS,
ROOF PLAN AND FLOOR PLAN
2 BEDROOM, OPTION B

DRAWN	DATE	APPROVED	DATE
S.T	25/3/2020	J.C	25/3/2020
SCALE	SHEET	DRAWING NUMBER	REVISION
1:10	A2L	WR7360/05/12	0

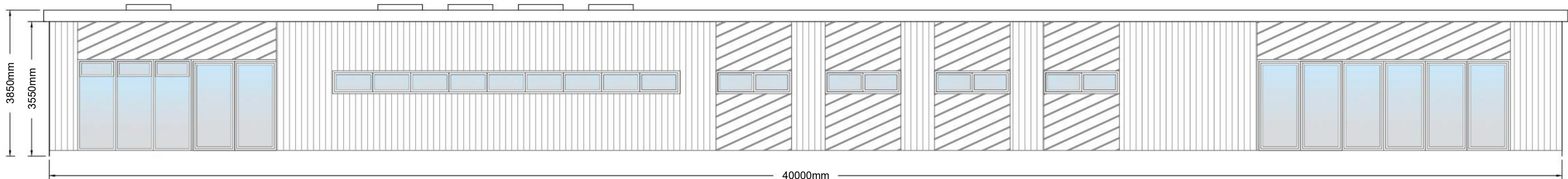
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KEY

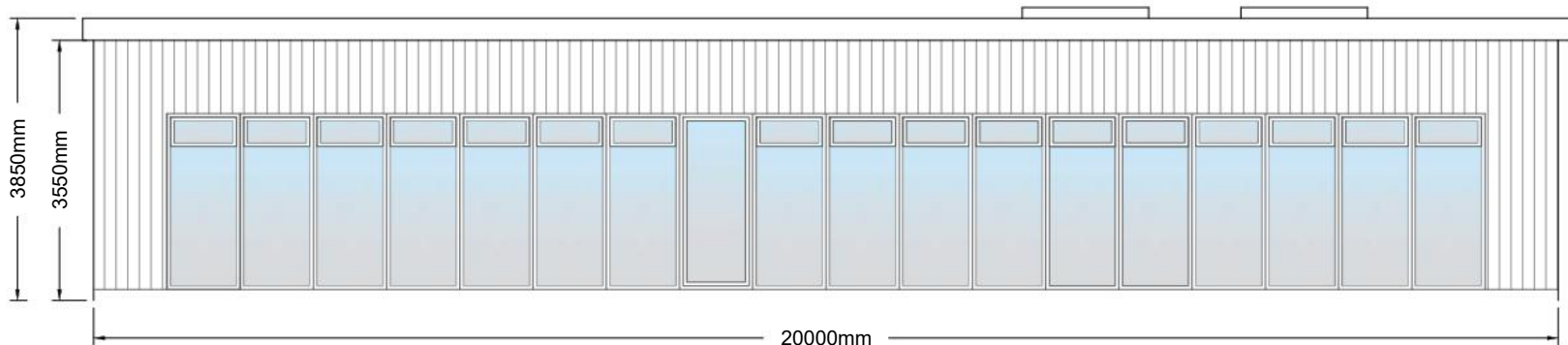
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- TIMBER CLADDING LAID AT 30° ANGLE



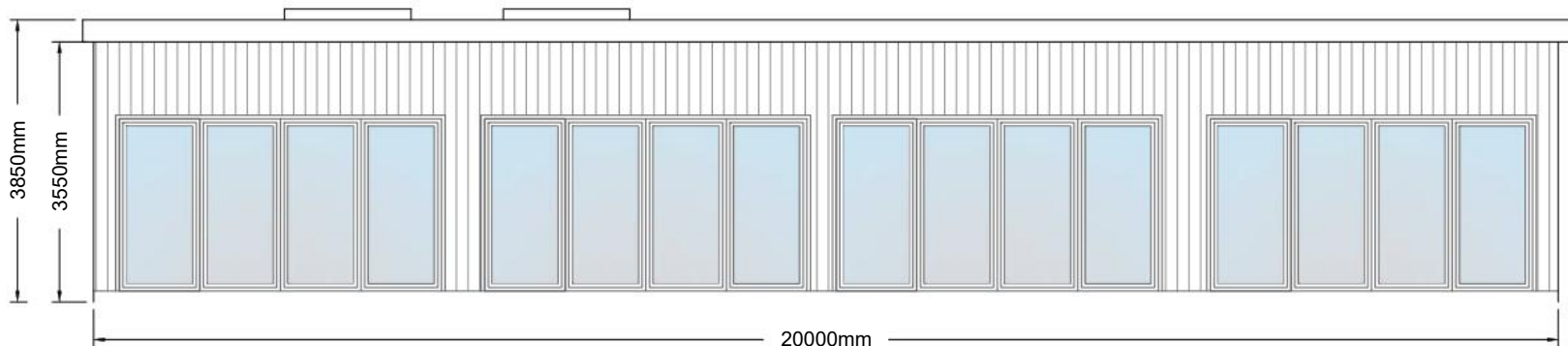
WESTERN ELEVATION



EASTERN ELEVATION



SOUTHERN ELEVATION



NORTHERN ELEVATION

1	WALL FINISHES ADDED	21/7/2020	S.T
REV	DESCRIPTION	DATE	BY

CLIENT



Russel House, Mill Road, Langley Moor, Durham, DH7 8HJ. 0191 378 9972

JOB TITLE

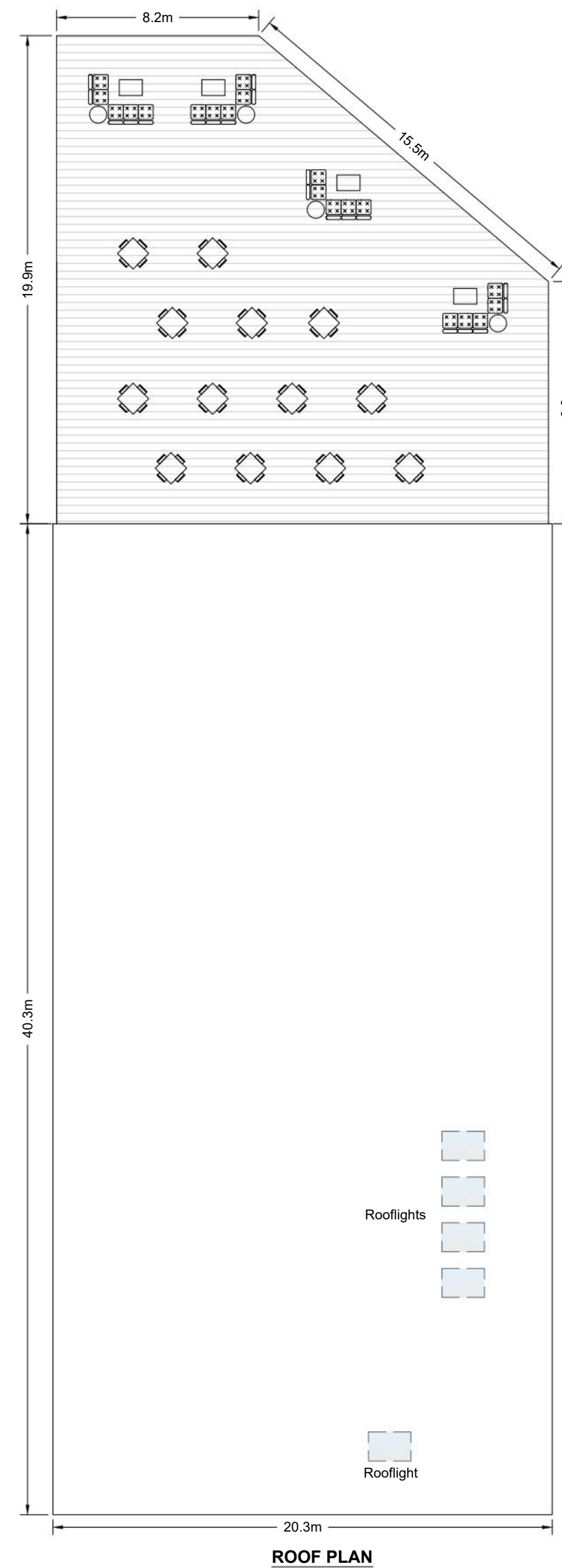
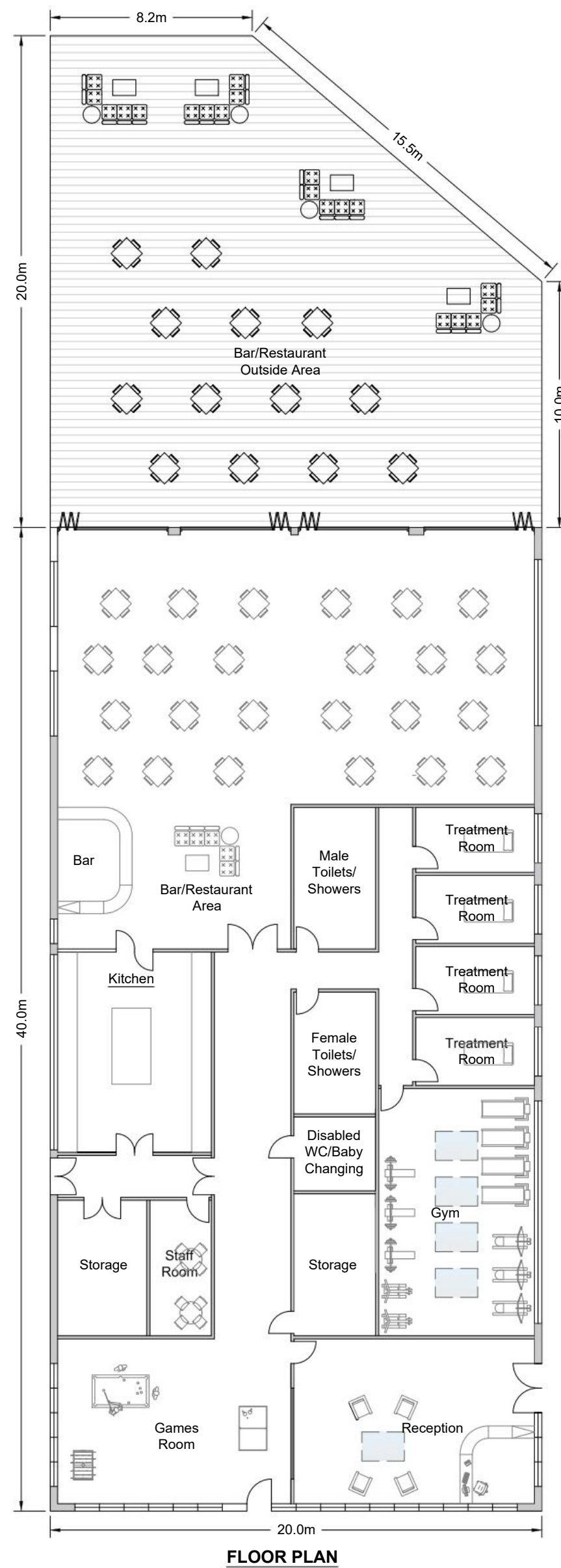
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

DRAWING TITLE

AMENITY FACILITY ELEVATIONS

DRAWN	DATE	APPROVED	DATE
S.T	15/10/2020	J.C	15/10/2020

SCALE	SHEET	DRAWING NUMBER	REVISION
1:200	A2L	WR7360/05/09	1



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NOTES

1	CHANGING ROOM REMOVED TREATMENT ROOM AND SHOWERS ADDED	27/7/2020	S.T
REV	DESCRIPTION	DATE	BY

CLIENT



Russel House, Mill Road, Langley Moor, Durham, DH7 8HJ. 0191 378 9972

JOB TITLE
DRUMMOND MOOR HOLIDAY
RESORT DEVELOPMENT

DRAWING TITLE
AMENITY FACILITY FLOOR AND
ROOF PLANS

DRAWN	DATE	APPROVED	DATE
S.T	15/10/2020	J.C	15/10/2020

SCALE	SHEET	DRAWING NUMBER	REVISION
1:200	A2L	WR7360/05/08	1



Midlothian

APPLICATION FOR PLANNING PERMISSION 21/00188/DPP, FOR SUBDIVISION OF EXISTING DWELLINGHOUSE TO FORM TWO DWELLINGHOUSES AND ASSOCIATED DEMOLITION OF EXISTING EXTENSIONS, ERECTION OF NEW EXTENSION AND EXTERNAL ALTERATIONS; FORMATION OF ACCESS; CAR PARKING AND AREAS OF HARDSTANDING; AND ASSOCIATED WORKS AT 172 MAIN STREET, PATHHEAD

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the subdivision of an existing dwellinghouse, to form two dwellinghouses; the demolition of an existing extension; and erection of a new extension and associated works at a residential property at 172 Main Street, Pathhead. 172 Main Street, Pathhead is a listed building and within a conservation area.**
- 1.2 There have been six letters of representation and consultation responses from Scottish Water, Transport Scotland, Tynewater Community Council, the Council's Archaeological Advisor, The Wildlife Information Centre and the Council's Policy and Road Safety Manager.**
- 1.3 The relevant development plan policies are STRAT2, DEV2, DEV5, DEV6, TRAN5, IT1, ENV9, ENV10, ENV15, ENV19, ENV22 and ENV25 of the Midlothian Local Plan.**
- 1.4 The recommendation is to grant planning permission subject to conditions. The application has been called to committee for determination by Councillor Smail.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is a residential property on Main Street, Pathhead. The building is a single storey dwellinghouse linked to the neighbouring property to the south by a flat roofed garage (belonging to the applicant). The walls are finished with stone, the roof is finished with clay pantiles and the doors and windows are timber framed.**

- 2.2 There is a modern (1970s) extension on the rear elevation which covers the rear of the garage and two thirds of the width of the house. There are 3 elements to the extension: a flat roofed extension at the rear of the garage; a central hipped roof extension; and a flat roofed extension with a balcony on the roof which is accessed from a 5.2m wide dormer within the roofspace. Both the extension and the rear elevation of the house are finished with white painted wet dash render.
- 2.3 The site area is 739sqm of which 550sqm is garden area. The garden is 21m wide and 25m in length at its mid-points, and is on two levels with the area closest to the house being approximately 1m lower than the rearmost 20m of the garden. The property is situated within Pathhead and Ford Conservation Area, the boundary of the conservation area follows the line of the rear boundary of the garden.
- 2.4 The house fronts directly on to Main Street, which forms part of the A68 trunk road. There are traditional two storey dwellinghouses on the opposite side of the street. To the south of the plot there is a traditional two storey dwellinghouse behind which is a single storey cottage. To the north of the site there is a traditional single storey dwellinghouse. To the west (rear) of the plot is a modern single storey dwellinghouse with additional accommodation in the roofspace.

3 PROPOSAL

- 3.1 It is proposed to subdivide the house to create two separate dwellinghouses. The existing rear extension will be demolished as will the garage at the southern side of the house. The space formerly occupied by the garage will provide access to five off street parking spaces located at the rear of the plot.
- 3.2 At the front of the building an existing window opening will be altered to create a new door opening and a new timber panelled door, to match the existing, will be installed. The windows, stonework and chimney stacks will be refurbished. The pantiles will be replaced with new pantiles. The existing gable walls at the north and south elevations will be re-pointed.
- 3.3 The garden will be subdivided to create a shared access and parking area; and gardens for each house (one of 146sqm and one of 106sqm). A two storey mansard extension will be formed at the rear of the building. The extension will be 12.4m wide, 5.3m deep at ground level and 5.9m high. The side elevations of the extension will be rendered. The ground floor of the rear elevation will be rendered and each house will have a 4.5m wide glazed screen formed from 6 bi-fold doors. The upper floor of the rear elevation and the roof will be clad with zinc. Each house will have a 4.4m wide box dormer projecting from the rear elevation with 2 sets of full height windows and glass balustrades.

4 BACKGROUND

- 4.1 Listed building consent 08/00586/LBC (retrospective) for the installation of replacement windows and replacement chimney was refused in March 2009. An enforcement notice was issued in December 2009 requiring the replacement of the unacceptable uPVC windows in the front elevation with timber sash and case windows – the notice was complied with.
- 4.2 Planning application 08/00587/FUL (retrospective) for the installation of replacement windows was refused in March 2009. An enforcement notice was issued in December 2009 requiring the replacement of the unacceptable uPVC windows in the front elevation with timber sash and case windows – the notice was complied with.
- 4.3 Planning application 12/00648/DPP (retrospective) for the erection of a fence and retaining wall was granted in March 2013. This application and the previous two were submitted by the previous owner of the property.
- 4.4 A Work to Trees application for the felling of a tree in the rear garden was submitted in November 2019. The tree did not merit a Tree Preservation Order.
- 4.5 Planning application 20/00293/DPP for the subdivision of existing dwellinghouse to form two dwellinghouses and associated demolition of existing extensions, erection of new extension and external alterations; erection of new dwellinghouse; formation of access; car parking and areas of hardstanding and associated works was submitted in May 2020. The applicant was advised that the application would not be supported and the application was withdrawn in July 2020.
- 4.6 Listed building consent application 21/00187/LBC for works associated with the current planning application is currently being held in abeyance pending the Committee's decision.
- 4.7 The application has been called to committee by Councillor Smaill. The reasons for the call-in are as follows:
 1. conservation area policies;
 2. appearance of rear elevation not congruent with village nor with front elevation; and
 3. materials, glazing areas and roof pitches not in character with conservation area

5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application. The water supply will be fed from Rosebery Water Treatment Works; there is sufficient

capacity at present, however it is not possible to reserve capacity for future developments. The foul water drainage will be dealt with by the Pathhead Waste Water Treatment Works; Scottish Water is unable to confirm capacity currently and advises the applicant submit a Pre-Development Enquiry. Water supply and foul water drainage matters are regulated by Scottish Water.

5.2 **Transport Scotland** does not object to the application, but recommend a grant of planning permission include a condition to secure a Construction Method Statement with details of the management of deliveries during construction.

5.3 **Tynewater Community Council** objects to the application for the following reasons:

1. The central chimney should not be demolished;
2. Demolition of the existing garage gives rise to serious concerns about the stability of the gable wall of no. 176;
3. No details have been provided for the finish of the newly exposed southern gable. If it is to be rendered it should not be a white colours;
4. The scale and finish of the upper floor windows are not in keeping with the listed building or its neighbours;
5. The layout includes excessive space for car parking;
6. As a consequence of the car parking arrangements the garden sizes are small and the loss of green space will have a detrimental impact on the character of the village; and
7. Neighbouring residents are concerned about the level of overlooking.

5.4 The Council's **Archaeological Advisor** does not object to the application, but recommend that historic building recording and a monitored soil strip are secured via condition on a grant of planning permission.

5.5 **The Wildlife Information Centre** (the Council's biodiversity consultee) does not object to the application. The submitted Preliminary Roost Assessment and Bat Survey Report have been prepared by a suitable qualified individual and the conclusions and recommendations are acceptable.

5.6 The Council's **Policy and Road Safety Manager** does not object to the application. Details of the surfacing of the access road and parking/manoeuvring area should be secured via condition. As these areas will operate as a soakaway for surface water drainage the surface materials should be porous.

6 REPRESENTATIONS

6.1 There have been six representations received objecting to the application, these representations can be viewed in full on the online case file. Five of the objections are from local residents and one is from the Architectural Heritage Society of Scotland. The local residents' grounds for objection are as follows:

- The proposal will result in a loss of daylight to neighbouring properties;
- There will be a loss of views from neighbouring properties;
- The car parking will disrupt the amenity of neighbouring residents due to noise, light and air pollution;
- The removal of the garage will damage the neighbouring gable wall;
- The design is out of character with the historic character of the village;
- The proposal will result in a loss of green space within the garden;
- The proposal will increase surface water run-off;
- Increase traffic will damage stone boundary walls;
- There is adequate car parking on Main Street;
- A new access will create additional risk for pedestrians and cyclists;
- The upper floor windows will result in an increase in overlooking of neighbouring properties and gardens;
- The removal of the central chimney will have a detrimental impact on the character of the building;
- The finish of the south gable has not been specified; and
- The new step at the new entrance on the front elevation should match the character of the building.

6.2 The grounds of objection from the Architectural Heritage Society of Scotland are as follows:

1. The loss of the rear wall and internal walls will have significant detrimental impact on the historic character of the building;
2. The existing extensions are subservient to the house. The proposed extension is not subservient and detracts from the character of the listed building;
3. The central chimney should be retained or recreated with a facsimile. All work to chimneys and stonework should use appropriate lime mortar and render; and
4. The scale of the car parking will have a detrimental impact on the setting of the listed building and the conservation area.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SESplan1) and the Midlothian Local Development Plan 2017 (MLDP). The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **STRAT2: Windfall Housing Sites** supports housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.3 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.4 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.5 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.6 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.7 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.
- 7.8 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.

- 7.9 Policy **ENV10: 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.
- 7.10 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.11 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.
- 7.12 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.13 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.

National Policy

- 7.14 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.15 Historic Environment Scotland Policy Statement 2019 and Scottish Planning Policy (SPP) provide guidance with regard the protection and management of the historic environment. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does not harm the conservation area) should be treated as one which preserves that character or appearance. The Policy Statement and SPP also indicate that the planning authority should consider the design, materials, scale and sitting of any development, and its impact on the character of a conservation area and its setting.

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 representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The application site is situated within the built-up area of Pathhead where there is a presumption in favour of appropriate development in accordance with policy DEV2 of the MLDP. The application site is situated within a predominantly residential area where the proposed residential development would be compatible to the neighbouring land uses subject to the details of the proposed development complementing the character of the area and protecting the amenity of existing neighbouring properties. Policy STRAT2 of the MLDP supports the provision of windfall housing development.
- 8.3 Historic Environment Scotland Policy Statement 2019, Scottish Planning Policy (SPP) and MLDP policy ENV19: Conservation Areas provide guidance with regard the protection and management of the historic environment – the protection and management of conservation areas does not equate to saying no to appropriate sustainable development or good quality contemporary design. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does not harm the conservation area) should be treated as one which preserves that character or appearance and one that can be supported in principle.

Design and Layout – Impact on the Listed Building

- 8.4 The building is a Category C listed building which was listed in 2001. The listing description describes the building as being a “good example of a traditional stone cottage”. The description provides details of the front and gable elevations of the building and notes that the rear elevation was not viewed at the time of listing. The proposal will ensure that the traditional cottage character of the building will be retained when viewed from Main Street. The front elevation will remain broadly the same as existing, with the exception of the new door. It should be noted that the layout of the cottage suggests that it was previously two cottages and was consolidated into a single dwelling at a later date in its history. Having considered the points raised in the objections the applicant’s agent has revised the scheme in order to retain the central chimney stack that was originally proposed for removal.
- 8.5 The gable walls will be retained and will be re-pointed using traditional methods. In response to the objections the applicant’s agent has confirmed that there is no intention of rendering the south gable. The existing garage is constructed using an internal brick supporting wall and does not have any structural links to the neighbouring house to the south. Any damage caused to a neighbouring house by construction works is a private legal matter between the parties involved and is not a

material consideration in the assessment of a planning application. The applicant is aware of his responsibilities with regard ensuring the safety of neighbouring properties.

- 8.6 The most obvious alterations to the building will be on the rear elevation. The existing extension obscures the majority of the rear elevation, a large portion of the roof and has required the removal of approximately two thirds of the original rear elevation wall. The proposed extension will create a modern symmetrical addition to the building that will be centred on the rear elevation. The ground floor makes use of large areas of glazing to create an airy welcoming appearance. The two dormers were added to the design, following discussions with the case officer, in order to reduce the bulk of the roofspace when viewed from the rear and to differentiate the two properties. The full height glazing and glass balustrades create variety on the upper floor and help lighten the appearance of the upper floor. The rear elevation will appear as a unified contemporary addition that will not detract from the features and character for which the building is listed, and will not impact on the public character of the conservation area.
- 8.7 The character of Pathhead has evolved and adapted to changing demands and needs through its history. Whilst the ribbon pattern of development is still clearly visible and there are many examples of later backland development, such as the neighbouring single storey cottage at 180 Main Street, and of large extensions in a variety of styles. The proposed layout will create additional hard surface, in the form of the access and car parking, but these areas will still be open and will respect the character of the village in views from Main Street and form more distant views. The garden sizes will be smaller than the existing garden and smaller than some gardens in Pathhead, however they are large enough to provide usable amenity for the occupants and are larger than a number of properties in Pathhead, including the neighbouring house at 176 Main Street.

Finish Materials

- 8.8 Traditional materials are to be used on the key public facing elevations. The rear elevation will use contemporary render and zinc cladding materials that complement the design. The use of zinc for the roof, dormers and the upper floor of the rear elevation is an appropriate design solution for a mansard roof and balances aesthetic qualities with the practicalities of maintenance.

Amenity

- 8.9 The proposed building and plot layout will provide separation distances between the house and neighbouring properties that comfortably exceed the minimum standards expected by Midlothian Council. The rear extension will be at least 35m from the rear elevations of the

neighbouring properties at Roman Camp. Whilst there will be some increase in overlooking when compared to the existing situation the privacy levels will be similar to that experienced to most residents of Midlothian who have two storey properties as neighbours.

- 8.10 The orientation and layout of the plot will ensure that there will be no significant overshadowing of neighbouring properties. The extension is sufficiently distant from neighbouring properties to ensure that there will be no significant loss of daylight. Any noise, light or air pollution caused by the five car parking spaces which will serve the two houses be of a similar level to the majority of properties within Midlothian's towns and villages.

Access and Parking

- 8.11 Pathhead Main Street forms part of the A68 trunk road and therefore Transport Scotland are the Roads Authority rather than Midlothian Council. Transport Scotland are satisfied with the access arrangements and have not raised any road safety concerns about the principle of the parking arrangements. The parking provision complies with Council standards and will provide two allocated spaces for each house along with one shared visitor space; the layout has been amended to remove one extra space originally shown on the site plan, this will provide additional landscaping/garden space. Off street parking will reduce demand for on street parking on Main Street which will increase road safety and improve the amenity of local residents.

Biodiversity

- 8.12 The Council screens all planning applications against a range of biodiversity constraints such as Nature Conservation Sites, areas of Ancient Woodland and areas with recorded sightings of protected species. If the screening process identifies constraints within an application site the Council may ask an applicant to submit reports demonstrating that the constraints have been considered and, if necessary, mitigation measures prepared. In this instance the consultee recommended that a bat survey be submitted.
- 8.13 Both a Preliminary Roost Assessment and a full Bat Survey Report have been submitted. The survey has identified a single non-breeding Common Pipistrelle roost on the building and as such the works affecting the roost will require a licence from NatureScot. The Council's biodiversity consultee (TWIC) has examined both reports and is satisfied with their conclusions and recommendations. It would be appropriate to use a condition to secure compliance with the mitigation measures outlined in the Bat Survey Report.
- 8.14 The roost will need to be removed under licence from NatureScot. The licence application to NatureScot will need to include a detailed mitigation plan. The Bat Survey Report includes a Method Statement which sets out the mitigation measures including the timing of the

works; the need for an ecologist with a bat licence to be on site at time of removal; procedures to be followed during the removal works; post mitigation monitoring; and installation of a replacement artificial roosting feature such as a bat slate or bat brick.

Archaeology

- 8.15 The Council's archaeology consultee has identified that the building is a historic building that merits historic building recording and that archaeological finds in the Pathhead area mean that the site merits a monitored soil strip. The recommended measures can be secured via condition.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The site is within the built-up area of Pathhead where there is a presumption in favour of appropriate development, this presumption has not been outweighed by any material considerations. The proposal will not have a detrimental impact on the character of the listed building or the conservation area; and will not have a significant detrimental impact on the amenity of local residents. The proposal complies with policies STRAT2, DEV2, ENV15, ENV19, ENV22 and ENV25 of the Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Development shall not begin until the applicant has undertaken and reported upon a programme of archaeological (Trial Trench Evaluation) work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason: *To ensure that the development does not result in the unnecessary loss of archaeological material.*

2. Development shall not begin until a 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, roads, parking areas and paths in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;

- iii proposed new planting including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the development being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August); unless a suitably qualified ecologist has carried out a walkover survey of the felling/removal area in the 48 hours prior to the commencement of felling/removal, and confirmed in writing that no breeding birds will be affected;

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 safeguard the character of the conservation area.

3. 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 safeguard the character of the conservation area.

4. Development shall not begin until details of the provision and use of electric vehicle charging stations have 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.

5. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of the building. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure; and to comply with policy IT1 of the Midlothian Local Development Plan 2017.

6. Development shall not begin until details of a scheme to deal with surface water drainage 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 that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9 and ENV10 of the Midlothian Local Development Plan 2017.

7. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts 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 by the planning authority.

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

8. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
 - i. details of how materials deliveries will be made to the site so as to prevent delivery vehicles reversing out onto the A68 trunk road across the footway or obstructing Northbound through traffic on the A68 trunk road;
 - ii. signage for construction traffic, pedestrians and other users of the site;

- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

9. Development shall comply with the Method Statement detailed in Chapter 8 of the approved Bat Survey Report.

Reason: *To safeguard a protected species.*

Peter Arnsdorf
Planning Manager

Date:	20 August 2021
Application No:	21/00188/DPP
Applicant:	Phil Davies
Agent:	Jane Paterson, Paterson Architects
Validation Date:	16 March 2021
Contact Person:	Graeme King
Email:	graeme.king@midlothian.gov.uk
Background Papers:	None



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Subdivision of existing dwellinghouse to form two dwellinghouses and associated demolition of existing extensions, erection of new extension and external alterations; formation of access; car parking and areas of hardstanding; and associated works at 172 Main Street,

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File No: 21/00188/DPP

Scale: 1:500

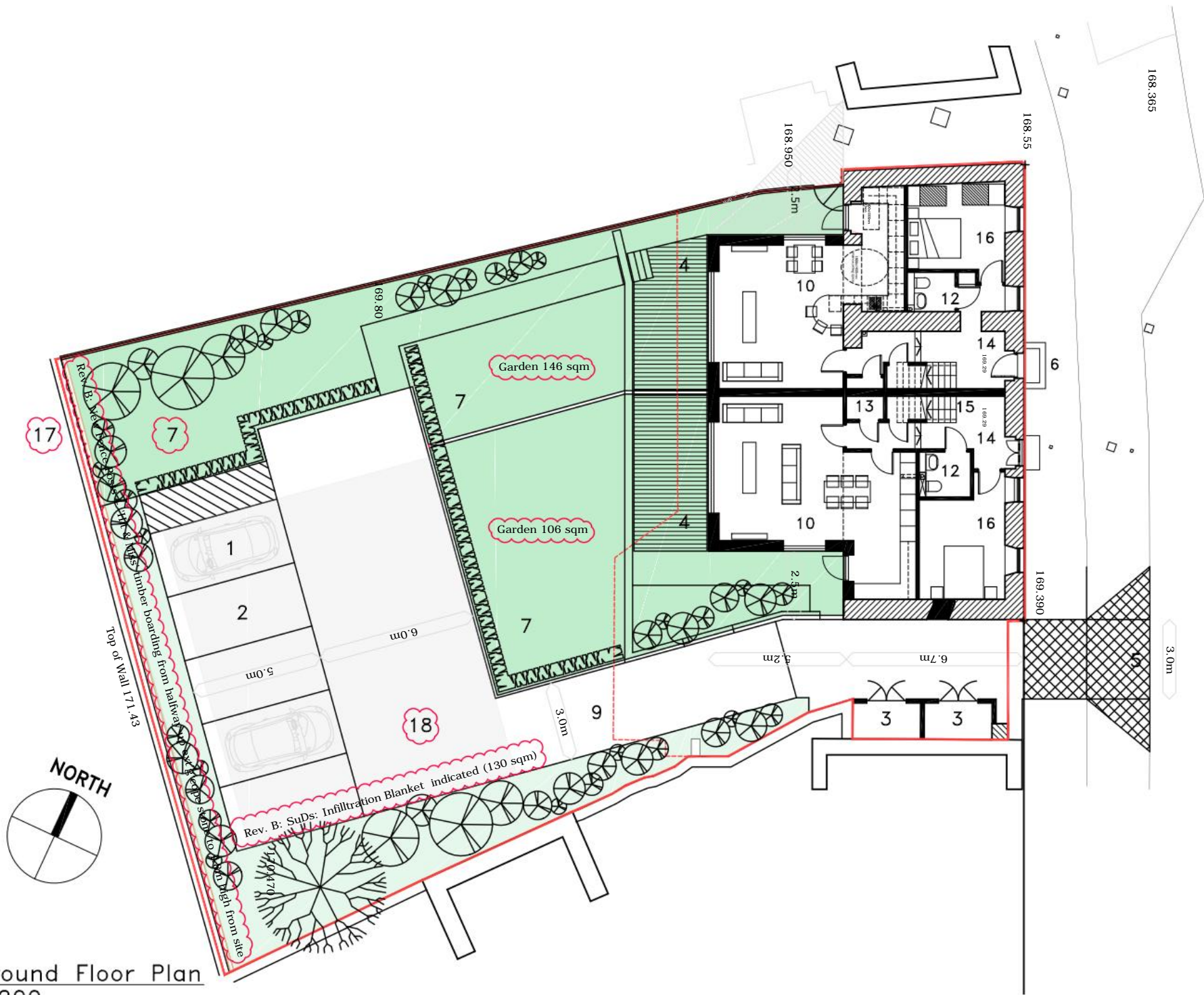
Page 187 of 192



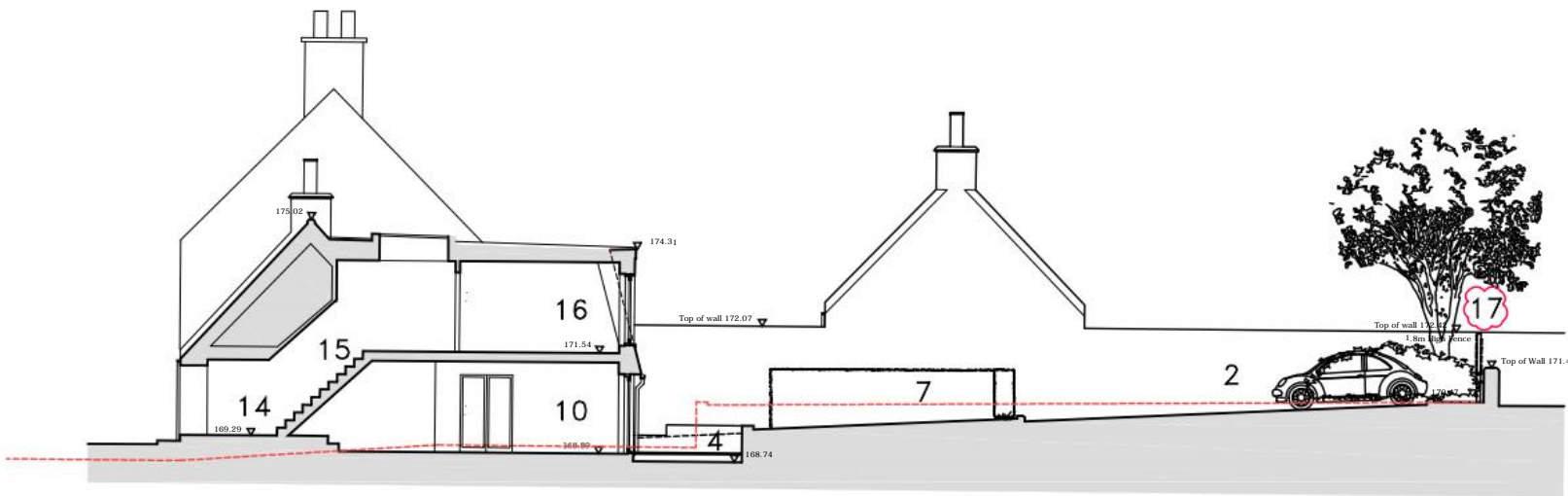
KEY

- 1. 1 No. Visitor parking space
- 2. 4 No. Resident parking spaces per dwelling. (2 spaces per dwelling)
- 3. Refuse/recycling/storage
- 4. Terrace
- 5. New vehicle access crossover
- 6. New entrance to house A
- 7. Garden (Rev. B: Larger Areas)
- 8. Existing slope across site
- 9. New private access road
- 10. Living/dining/kitchen
- 11. Utility
- 12. Accessible WC
- 13. Storage
- 14. Hall
- 15. Stair up
- 16. Bedroom (Enhanced Apartment)
- 17. New Timber Fence to SW Boundary
- 18. Infiltration Blanket (SuDs)

01 Ground Floor Plan
1:200

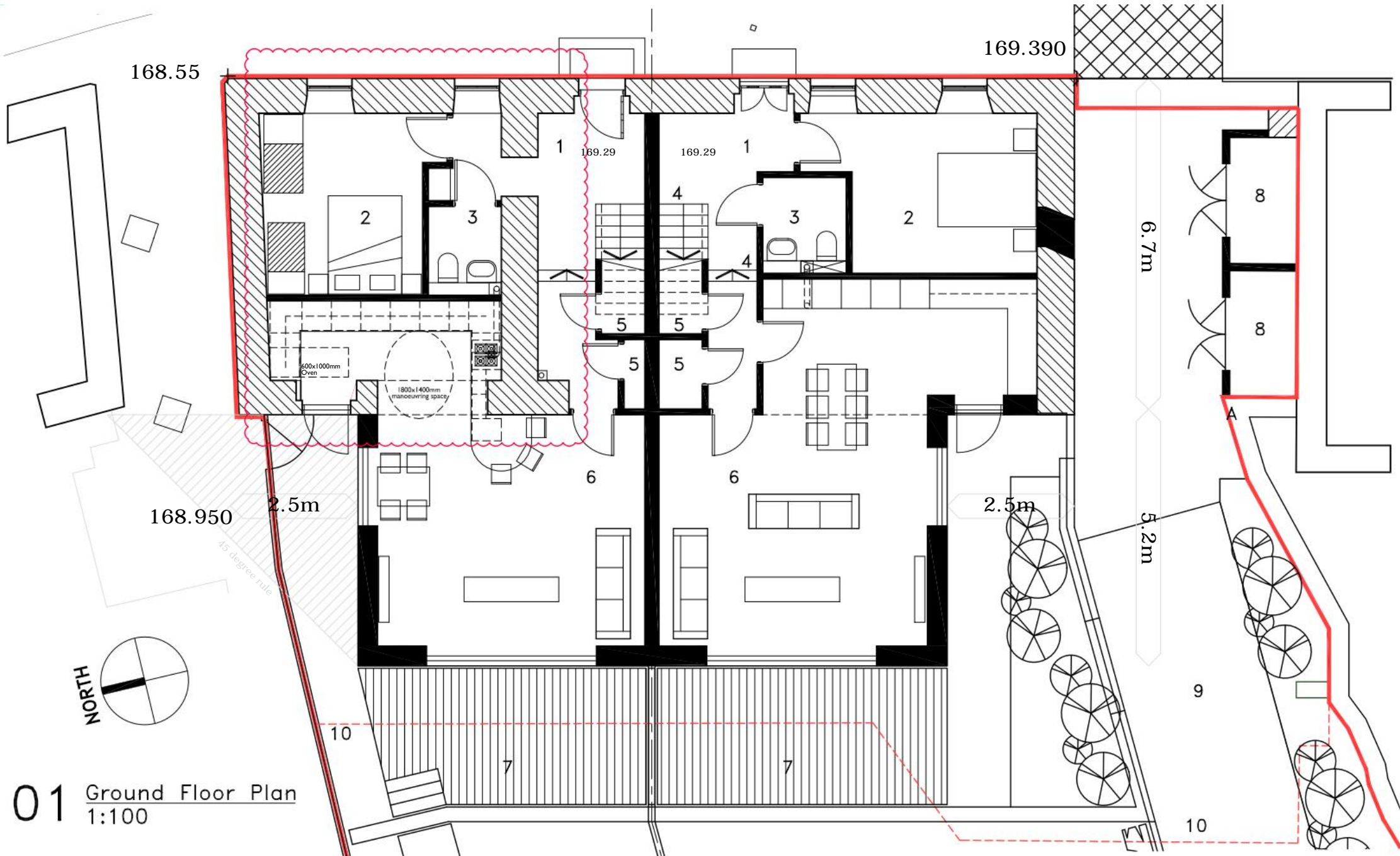


02 Section AA
1:200



LISTED BUILDING + PLANNING CONSENT
REV. B: 27.05.21: 1 CAR SPACE OMITTED; GARDENS RECONFIGURED; FENCE ADDED (JP)
REV. A: 14.03.21: 'PLOT' WINDOW UPDATED & SCALE BAR NOW CORRECT (JP)

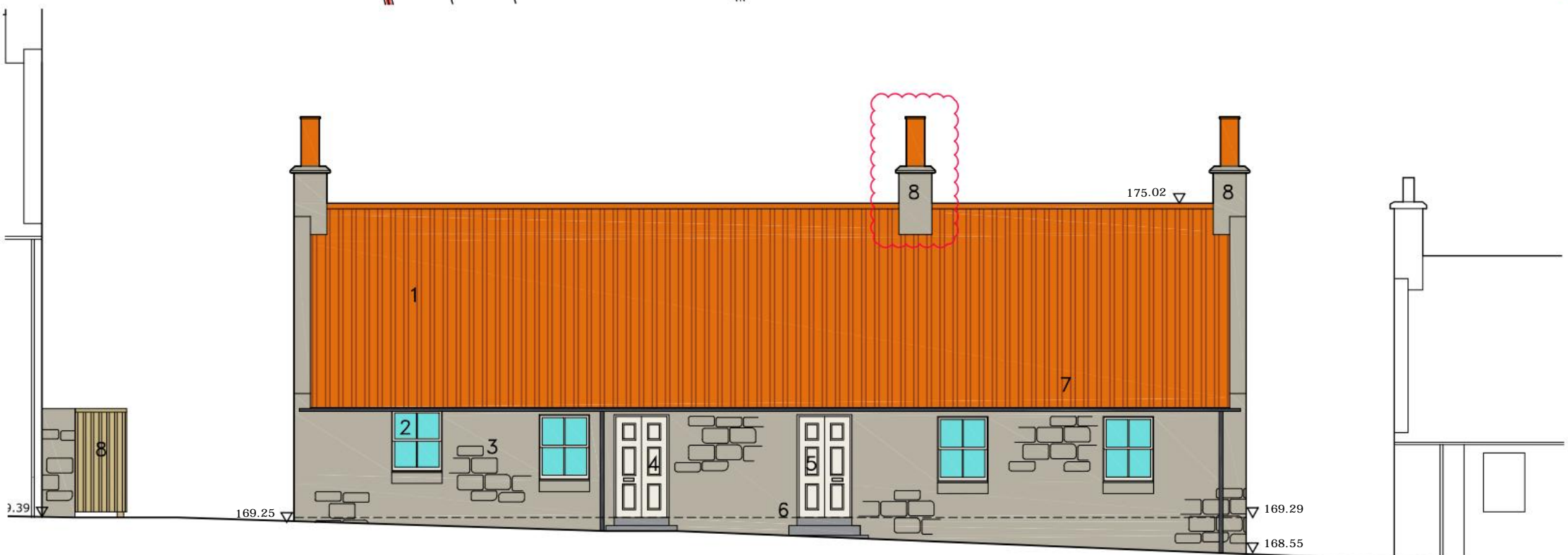
PATERSON ARCHITECTS			
THREE SETON MAINS, LONGNIDDRY, EH32 0PG TEL. 01875 852211			
studio@patersonarchitects.com		www.patersonarchitects.com	
DATE	MAR 21	SCALE	1:200@A3
JOB	144	DWG	004B
172 Main St Pathead			
Proposed: Site plan + Section			



KEY 01

- 1. Hall
- 2. Bedroom (Rev. B: GF Bedroom to be an 'Enhanced' Apartment - Min 12m2)
- 3. Accessible WC
- 4. Stair up
- 5. Storage
- 6. Kitchen, living, dining room
- 7. Terrace
- 8. Binstore
- 9. New access road
- 10. Red dotted line shows existing retaining wall removed.

01 Ground Floor Plan 1:100



KEY 02

- 1. New clay pantiles with mortar haunching
- 2. Timber sash windows refurbished
- 3. Existing damaged stone pointing raked and made good
- 4. Existing paneled door refurbished
- 5. New timber paneled door to match existing
- 6. New steps (Rev. B: To match ext'g steps)
- 7. New cast iron rainwater goods
- 8. Chimney stacks made good and re-pointed
- 9. Retained stone wall extended with new Larch screen to form full height enclosure to bin store.

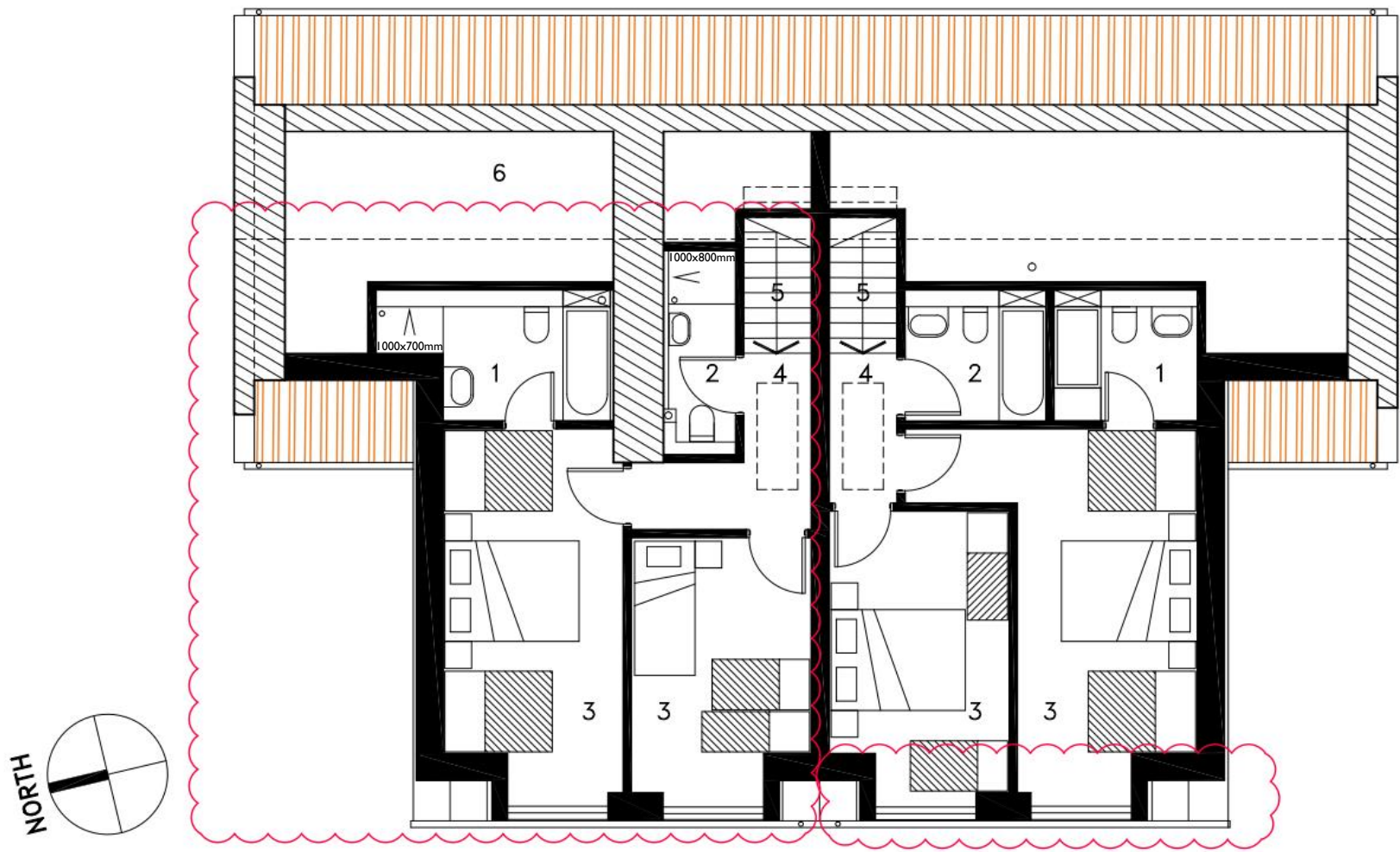
02 East Elevation 1:100

LISTED BUILDING + PLANNING CONSENT
REV. B: 27.05.21: MID CHIMNEY RE-INSTATED & PLAN RECONFIGURED TO SUIT (JP)
REV. A: 14.03.21: 'PLOT' WINDOW UPDATED & SCALE BAR NOW CORRECT (JP)

PATERSON ARCHITECTS			
THREE SETON MAINS, LONGNIDDRY, EH32 0PG TEL. 01875 852211			
studio@patersonarchitects.com		www.patersonarchitects.com	
DATE	MAR 21	SCALE	1:100@A3
JOB	144	DWG	
172 Main St Pathead			005B
Proposed: Ground floor + East elevation			

KEY 01

- 1. Ensuite WC
- 2. Shower or Bathroom
- 3. Bedroom
- 4. Hall
- 5. Stair
- 6. Attic space



01 First floor plan
1:100

KEY 02

- 1. Render
- 2. Zinc cladding (Flat/Mansard Roof + Dormers)
- 3. Dark grey timber sliding windows
- 4. External glass balustrade
- 5. Dark grey aluminium bi-fold doors
- 6. Dark grey timber glazed door
- 7. Dark grey aluminium rainwater goods
- 8. Clay pantiles



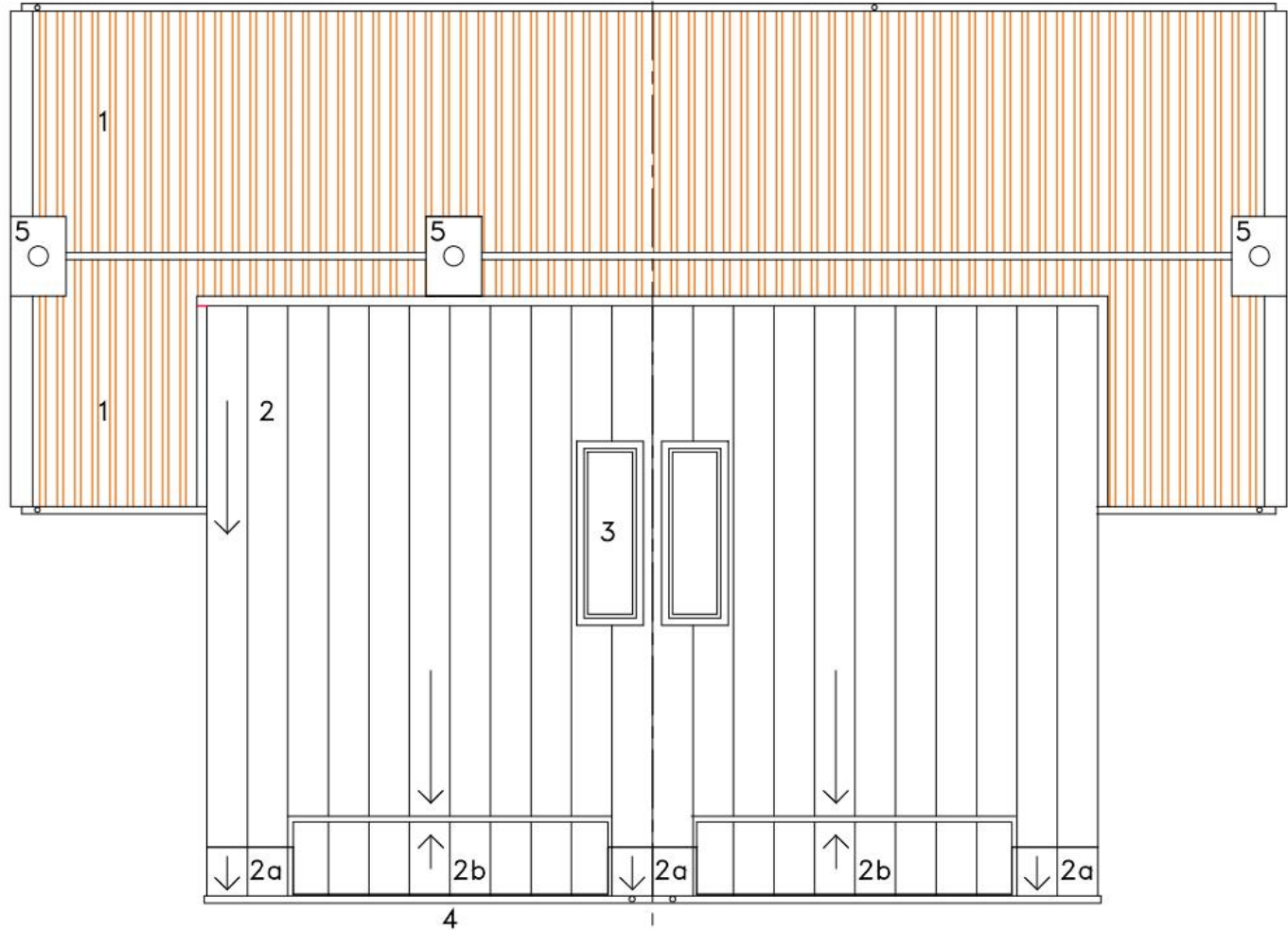
02 West Elevation
1:100

LISTED BUILDING + PLANNING CONSENT
REV. B: 27.05.21: CHIMNEY RE-INSTATED; PLAN RECONFIGURED; ZINC ADDED (JP)
REV. A: 14.03.21: 'PLOT' WINDOW UPDATED & SCALE BAR NOW CORRECT (JP)

PATERSON ARCHITECTS			
THREE SETON MAINS, LONGNIDDRY, EH32 0PG TEL. 01875 852211			
studio@patersonarchitects.com www.patersonarchitects.com			
DATE	MAR 21	SCALE	1:100@A3
JOB	144	DWG	
172 Main St Pathead			006B
Proposed: First floor + West elevation			

KEY 01

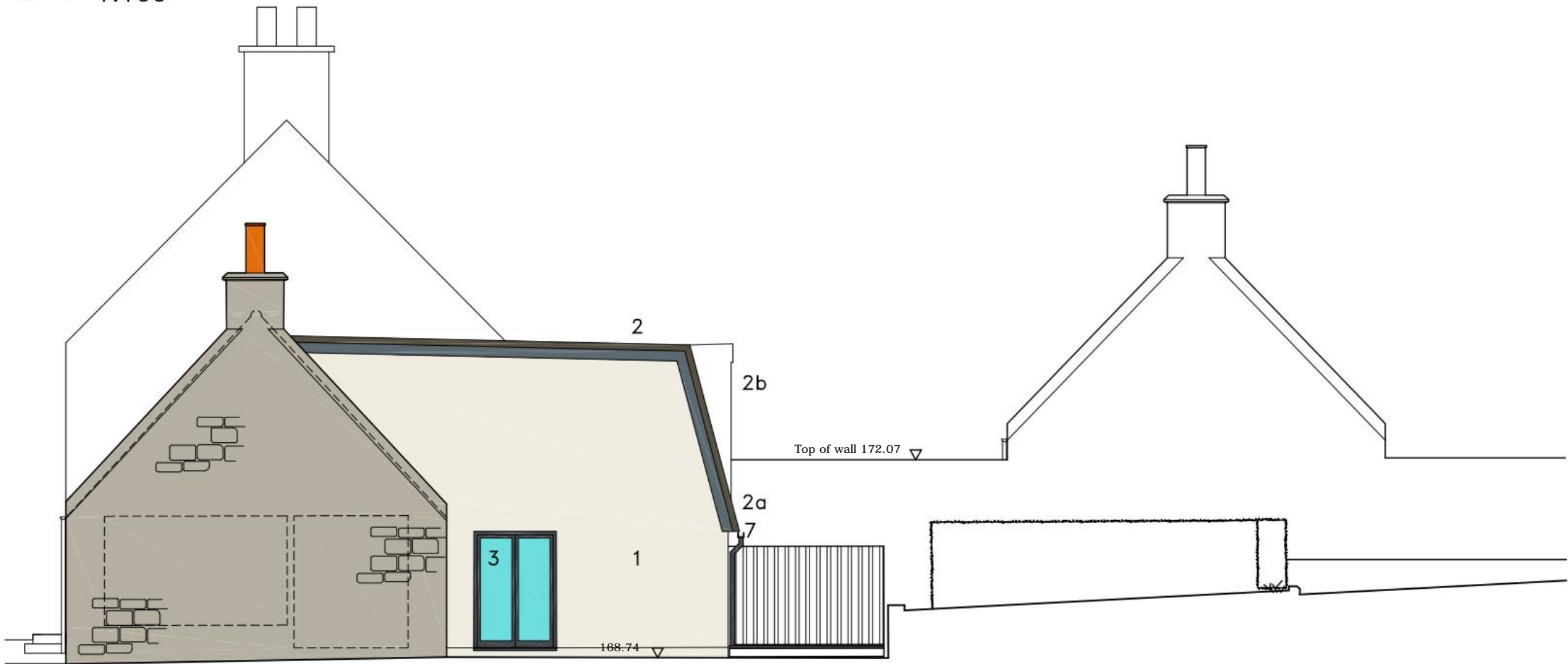
- 1. New clay pantile roof
- 2. Zinc cladding to Flat Roof to 3 degree fall
- 2a. Zinc cladding to Mansard Roof
- 2b. Zinc cladding to Dormers
- 3. Rooflight
- 4. Dark gray aluminum rainwater goods
- 5. Existing Chimneys – All 3No to be retained and repointed



01 Roof Plan
1:100

KEY 02

- 1. Render
- 2. Zinc cladding to Flat Roof
- 2a. Zinc cladding to Mansard Roof
- 2b. Zinc cladding to Dormers
- 3. Dark gray timber sliding windows
- 4. Dark gray aluminum rainwater goods
- 5. Existing damaged stone pointing raked and made good
- 6. Chimney stacks made good and repointed
- 7. PPC Aluminium rainwater goods



02 North Elevation
1:100

LISTED BUILDING + PLANNING CONSENT
REV. B: 27.05.21: ROOF/WALL FORM/MATERIALS REVISED; MID CHIMNEY RETAINED (JP)
REV. A: 14.03.21: 'PLOT' WINDOW UPDATED & SCALE BAR NOW CORRECT (JP)

PATERSON ARCHITECTS			
THREE SETON MAINS, LONGNIDDRY, EH32 0PG TEL. 01875 852211			
studio@patersonarchitects.com		www.patersonarchitects.com	
DATE	MAR 21	SCALE	1:100@A3
JOB	144	DWG	
172 Main St Pathead			007B
Proposed: Roof plan + North elevation			

Existing rear elevation 172 Main Street, Pathhead

