



Application for Planning Permission in Principle 15/00113/PPP for the demolition of existing dwellinghouse, erection of hotel and residential development, formation of access roads, car parking and associated works at land at Calderstones, Biggar Road, Hillend, Midlothian.

The application is accompanied by an environmental statement prepared in terms of the Environmental Impact Assessment (Scotland) Regulations 2011.

Report by Head of Communities and Economy

1.0 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

1.1 The application is for planning permission in principle for the demolition of existing dwellinghouse, the erection of hotel and residential development and the formation of access roads, car parking and associated works at land at Calderstones, Biggar Road, Hillend. There have been three letters of representation and consultation responses from Damhead Community Council, the Scottish Wildlife Trust, the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage, Scottish Water, City of Edinburgh Council, The Friends of the Pentlands, Transport Scotland, Historic Scotland, the Coal Authority, the Council's Policy and Road Safety Manager, the Council's Archaeological Advisor and the Council's Head of Education. The relevant development plan policies are RP1, RP2, RP5, RP6, RP7, RP13, RP16, ECON7, ECON8, COMF7, TRAN1, IMP1, IMP2, DP1 and DP4 of the Midlothian Local Plan and policy 12 (Green Belts) of the Edinburgh and South East Scotland Strategic Development Plan. The recommendation is to grant planning permission in principle subject to conditions.

2.0 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is 4.95 hectares and occupied by a private dwelling set within extensive landscaped grounds which include a number of exotic trees and shrub species.
- 2.2** The site is located in the countryside approximately two kilometres west of Loanhead, on the lower part of the northern slope of the Pentland Hills and within the boundary of Hillend Country Park, the Pentland Hills Regional Park and in an area designated as an Area of

Great Landscape Value. Furthermore, the site is identified as being in the Pentland Hills Special Landscape Area (SLA) in the Proposed Midlothian Local Development Plan and assessed as being of high value in terms of scenic quality, enjoyment and naturalness.

- 2.3 The site is bounded by woodland with the access road to the Midlothian Ski and Snowboard Centre to the north, the A702 Trunk Road (Biggar Road) to the east and rough grassland on the lower slopes of the Pentland Hills to the south and west. The A702 Trunk Road runs through the settlement of Hillend.
- 2.4 The A720 Edinburgh City By-pass is located nearby to the north and northwest of the site. Nearby to the west of the site is the Midlothian Ski and Snowboard Centre.

3.0 PROPOSAL

- 3.1 The applicant is seeking planning permission in principle for:
- The demolition of the existing vacant dwellinghouse;
 - The erection of a three-storey hotel containing approximately 150 bedrooms;
 - The erection of a replacement dwellinghouse;
 - The formation of three additional house plots;
 - The provision of associated access road and car parking;
 - The formation of a new access junction off the A702 Trunk Road with an associated 'ghost island' priority junction giving queuing space for vehicles waiting to turn right into the site; and
 - The provision of surface water drainage through both a private drainage systems and SUDS utilising a combination of below ground treatment for roof run-off, accesses and driveways, filter trenches and permeable paved areas.
- 3.2 The proposed new access off the A702 Trunk Road is located at a point close to the northern end of the east boundary of the site and would link into the existing Midlothian Ski and Snowboard Centre access road, providing a new point of access to the Centre from the A702 Trunk Road. The existing Ski and Snowboard Centre access would be closed to motor vehicles. Vehicular access to the hotel and new residential plots would also be via the new junction and a dedicated spur off the new access road. Access to the replacement house would be via the same route, beyond the proposed hotel car parking area. The existing access to the site would be retained as a pedestrian access.
- 3.3 The applicant has submitted a supporting planning statement which sets out the policy context and other material considerations.
- 3.4 Although the application is for planning permission in principle the applicant has submitted an illustrative site layout plan and prospective

images that show how the proposed development could be accommodated on the site. It illustrates how (i) a three-storey 150 room hotel building comprising of a number of linked blocks with a gross floor area of 8,952 square metres might be accommodated on the site. In addition, the hotel building is shown as being 15 metres high to the ridgeline of its mono-pitched roof which would be finished in sedum; (ii) a car park comprising 150 car parking spaces might be formed to the rear (west) of the hotel building; (iii) a two-storey pitched roofed, L-plan replacement dwellinghouse with a footprint of some 675 square metres might be erected on the southern corner of the site; (iv) three house plots each containing a two-storey, pitched roofed, L-plan house with a footprint of some 400 square metres might be accommodated in the north west corner of the site; (v) a new site entrance will be formed off the A702 Trunk Road at a point close to the northern end of the east boundary of the site; and, (vi) internal roads including a road link to the existing access road to Midlothian Ski and Snowboard Centre.

- 3.5 The application is accompanied by an Environmental Statement (ES) prepared under the Environmental Impact Assessment (Scotland) Regulations 2011. The ES includes: (i) a description of the proposed development; (ii) assessment methodology; (iii) design evolution and alternatives; (iv) planning policy considerations; (v) assessment of noise and air quality impact; (vi) socio economic assessment; (vii) assessment of cultural heritage and archaeology; (viii) assessment of traffic and transportation and access; (ix) landscape and visual impact; (x) hydrology, soil and geology effects; (xi) summary of positive and negative residual impacts; and, (xii) conclusions.

4.0 BACKGROUND

- 4.1 Pre Application consultation 14/00417/PAC for development of hotel, demolition of dwellinghouse, erection of replacement dwellinghouse plots and associated access improvement works was received in June 2014.
- 4.2 Outline planning application 08/00723/OUT for the demolition of existing dwellinghouse, erection of a hotel incorporating conference facilities and leisure club, erection of fourteen hotel apartment units, erection of twenty two holiday lodges, erection of country club, formation of vehicular access from A702 Trunk Road, formation of associated car parks, associated roads and associated works was withdrawn in October 2010.
- 4.3 In close proximity to the site a further two hotels have been granted planning permission. The two applications are:
- Application 09/00614/PPP for planning permission in principle for the erection of a hotel and restaurant/bar and formation of associated works, car parking and access on land between the A720 Edinburgh City Bypass and the A702 was approved 19

June 2012. This application is subject to an undetermined application 15/00385/S42 to vary a planning condition and as a consequence extend the time period to implement the permission; and

- Application 10/00529/DPP, for erection of hotel and associated access road, refuse store, car parking and landscaping and boundary wall on land at the former Petrol Filling Station, Biggar Road was approved 15 February 2011. This permission has lapsed.

Neither of the two planning applications have been implemented.

5.0 CONSULTATIONS

5.1 **Transport Scotland** raises no objection to the application subject to the following recommended controls being secured by conditions on a grant of planning permission:

- (i) Prior to any part of the development commencing, a plan detailing the proposed junction with the trunk road shall be submitted and approved by the planning authority, in consultation with Transport Scotland as Trunk Roads Authority. The junction shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note RA 41/95 (Vehicular Access to All-Purpose Trunk Road) (as amended in Scotland) complying with Layout 5. This is to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished;
- (ii) Following completion of the new junction, the existing vehicular access to the Ski and Snowboard Centre shall be closed in accordance with details to be approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority. The detailed plan of the closure arrangements shall show the provision of a pedestrian link across the closure. This is to ensure that the use of the existing access is discontinued for vehicular movements and the safety of traffic on the trunk road is improved;
- (iii) Prior to the occupation of the hotel, the vehicular access to the Calderstone House shall be closed in accordance with details to be approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority. This is to ensure that the use of the existing access is discontinued for vehicular movements and the safety of traffic on the trunk road is improved;
- (iv) A two metre wide footway shall be provided adjacent to the Trunk Road along the frontage of the development site, to connect the existing footway at either end of the development site from the junction of the A703 to the bus turning area. This is to ensure facilities are provided for pedestrians generated by

- the development ensuring access to the existing footpath system without interfering with the safety and free flow of traffic on the trunk road;
- (v) Details of lighting within the development shall be submitted for approval of the Planning Authority in consultation with Transport Scotland, as Trunk Roads Authority. This is to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished;
 - (vi) A stock proof anti-climb fence shall be provided and maintained by the developer along the boundary of the site with the trunk road. The type and position of this fence shall be approved by the Planning Authority in consultation with Transport Scotland, as Trunk Roads Authority. This is to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; and
 - (vii) Prior to any alterations to the trunk road to create the development junction, the applicant shall demonstrate that the unaltered turning circle will continue to operate in a satisfactory and safe manner. This will require the submission of a drawing indicating the revised layout along with a method and operational statement which has been submitted to and approved by the bus operators using the existing bus turning area. This is to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

5.2 The **Scottish Environment Protection Agency (SEPA)** informs that two levels of surface water treatment will be required for the proposed development, with the exception of roof water run-off where one level of treatment will be sufficient. SEPA objects to the application on the grounds that no details of Sustainable Urban Drainage Systems (SUDS) have been submitted with the planning application or the Environmental Statement. As such the proposed surface water discharge point is unknown. SEPA confirm that they would withdraw their objection if it were made a condition of a grant of planning permission in principle that a detailed specification of the proposed SUDS be approved in advance by the Planning Authority in consultation with SEPA.

5.3 **Scottish Water** advises that due to the size of the proposed development it is necessary to assess the impact the resultant demand will have on the existing infrastructure. There is a requirement to submit a fully completed Development Impact Assessment form for consideration. Initial investigations have highlighted there may be a requirement for the developer to carry out works on the local network to ensure there is no loss of service to existing customers.

5.4 **Scottish Natural Heritage** offers no formal comment.

- 5.5 The **Scottish Wildlife Trust (SWT)** makes the following comments/ recommendations: (a) the part of the site containing areas of woodland and scattered trees of native species should as much as possible be left intact in order to benefit biodiversity; (b) should additional tree planting be required that this should comprise woody species native to the Pentland Hills; (c) if possible, continuous strips of woodland should be retained or created to enable wildlife to move freely through the site; (d) other features of benefit to wildlife should be either retained or created on the site, including native flower-rich meadows, dead wood, wetland area and open water; (e) the strip of existing woodland should be retained along the southern edge of the development area to protect Erraid Wood SWT Wildlife Reserve from the negative impacts of this development e.g. light pollution; (f) a badger survey of the development site undertaken by a qualified surveyor must be undertaken before on site work commences; g) a bat survey of the building must be undertaken; and, (h) any tree felling or removal of scrub should be undertaken out with the bird breeding season to avoid disturbing and damaging nests and eggs of breeding birds.
- 5.6 The **Coal Authority** inform that notwithstanding that the site does not fall within the defined Development High Risk Area, if planning permission in principle is granted it will be necessary to include the Coal Authority's Standing Advice with the decision notice as an informative.
- 5.7 **City of Edinburgh Council** does not object to the planning application, but asks that the planning authority take into account the following cross-boundary landscape issues and attach appropriate conditions or conclude a legal agreement to secure them:
- It is not clear what range of alternative urban based sites for a hotel was assessed and discounted to justify the location of a hotel development on this sensitive Green Belt site. The supporting statement has not demonstrated how a hotel in this location would support a link to policy COMF7 'Midlothian Ski and Snowboard Centre' with the estimated demand of visitors to the Centre and the surrounding area unknown. Therefore, if the planning authority is minded to approve the application it will have to be on the basis of there being compelling reasons to do so, for example, that there is capacity for a hotel development in this location and that there are no suitable alternative urban sites elsewhere.
 - The proposal for four new housing plots is contrary to the development plan. The rationale for housing in the Green Belt should be based on a need for additional housing and the absence of suitable alternative non Green Belt sites elsewhere. However the Supporting Statement does not address this and instead justifies the need for housing to support the viability of the proposal which is not an acceptable justification.
 - No objections on transportation grounds are raised.

- The scale of development proposed and tree removal required to facilitate the proposed hotel, associated car parking, private dwellings, vehicular access and visibility splays will impact adversely on the character of the landscape, including the Area of Great Landscape Value in which the site is located.
- The site is prominent in roadside views leading to and from Edinburgh, including the City By-pass; from the residential suburbs of Swanston, Fairmilehead and Kaimes, and from locations within the Green Belt at Buckstone, Mortonhall and Morton Mains Conservation Area. Through the introduction of new, large scale buildings and tree removal on the flanks of the Pentlands, development will impact adversely on views towards Hillend from key approaches to and from the City, its residential suburbs and path routes within the Green Belt.
- Given the exposed nature of the site, sloping landform and scale of development, replacement tree cover is likely to be a long-term prospect, with short to medium term impacts on the landscape and visual interests of the Country Park, Regional Park and Green Belt. Should the application be approved, it is recommended that a comprehensive woodland management plan forms part of any legal agreement, specifying the location, extent and maintenance of any replanting. The impact of lighting from within the development should be fully considered to avoid change to the rural character of the hills.

5.8 **Damhead Community Council** objects to the planning application and make the following comments/observations:

- The proposed development is contrary to Midlothian Local Plan (MLP) Policy RP2 (Protection of the Green Belt).
- It is not clear what range of alternative urban sites for a hotel was assessed and discounted to justify this location.
- The proposed 4 new build houses are contrary to the MLP.
- The mature woodland is unique within the local area. The removal of a large number of trees (approximately two thirds of the wooded area of the site) in addition to many shrubs and vegetation will be a severe loss to the Pentland Hills, which is already devoid of woodland.
- The sycamore and lime trees on the site are an important source of food (nectar) for a large number of invertebrates and also provide pollination services. There is no mention of the invertebrates in the ES.
- The replacement trees will not be equivalent in biodiversity, amenity or landscape terms as the existing mature trees on the site that would be felled.
- The loss of trees would have a significant impact on associated biodiversity (birds, small mammals and insects). The biodiversity survey submitted with the application is flawed given the time of year it was carried out (late summer).

- The hotel building and replacement planting would not compensate for the loss of original habitat.
- Removal of mature woodland would be likely to disturb bats.
- The proposed development would destroy views of the Pentland Hills.
- The photomontages do not accurately show the development as it would appear as trees that would be felled to facilitate the development have not been omitted from the photomontages.
- The proposed development is contrary to MLP Policy RP16 (Regional and Country Parks).
The ES does not account for the potential impacts of additional street lighting associated with the proposed development.
- Artificial light associated with the proposed development would disrupt ecosystems and have a negative impact on invertebrates.
- The woodland at Calderstone performs an important function storing rainwater and holding back surface water run-off during extreme weather events. At Calderstone the large area of woodland, generally accepted as having a very high infiltration capacity, will be replaced by roads, car parks, pavements and walkways which will allow only minimal infiltration and will increase risk of flooding.
- No details of SUDS have been submitted. It is questionable whether there is space on site to build appropriately sized and effective SUDS to prevent the increased risk of flooding to the road and downstream areas.
- Risk of wind throw on trees has not been considered.
- The existing road infrastructure is not at a capacity to deal with the existing volume of traffic on it. The proposed development will add significantly to the traffic on the road network, exacerbating the problem.
- The additional traffic plus noise and pollution will reduce the health and amenity value of the Pentland Hills green space.

5.9 The Friends of The Pentlands object to the application on the following grounds:

- The applicant has not substantiated their claim that the proposed new build houses are essential for the furtherance of an established countryside activity and thereby this aspect of the proposed development is contrary to adopted Midlothian Local Plan Policy RP1.
- The proposed new build houses, at up to 600 square metres, are at least twice or three times the size of an average detached house and thus would be completely out of keeping with the other houses in the surrounding countryside.
- The proposed new build houses have little to do with furthering the countryside and more to do with maximising the Gross Development Value of the project.

- The proposed development is inappropriate in the Green Belt and conflicts with the objectives of adopted Midlothian Local Plan Policy RP2.
- No persuasive argument has been made by the applicant that a 150 bed hotel meets the needs of an expanding dry ski slope and adjacent enterprises.
- The development would destroy the landscape setting, especially when viewed from the north east and east.
- The development could result in the loss of mature trees, contrary to adopted Midlothian Local Plan Policy RP5.
- The destruction of trees and wildflower planting that would result from the proposed development would outbalance the combined efforts of the Friends of the Pentland and the Rangers Service in enhancing the countryside over a number of years.
- The proposed development would destroy iconic views of the Pentland Hills, especially when seen from the east i.e. the view from the Midlothian lowlands. It would impact on the view from the upper slopes of Caeketton Hill, and during the hours of darkness create a highly visible area of light pollution.
- The proposed development will not meet any of the first three specific policies (PHP1, PHP2, PHP3) of the Pentland Hills Regional Park and will directly conflict with all of the specific policies (PH1-PH9 inclusive). Thereby it conflict with adopted Midlothian Local Plan Policy DP4.
- The existing access to the existing Ski and Snowboard Centre is perfectly acceptable.
- The proposed development by virtue of its size, location and environmental impact should be refused.

5.10 **Sportscotland** has no comment to make on the planning application.

5.11 The **Forestry Commission** has not submitted any comment.

5.12 The **Pentland Hills Regional Park Authority** has not submitted any comment.

5.13 The **Council's Policy & Road Safety Manager** raises no objection to the application. However, they recommend that details of the internal access, vehicle manoeuvring and parking be secured by conditions imposed on a grant of planning permission in principle.

5.14 The **Council's Head of Education** estimates that a development of 3 private dwellings would give rise to the following number of pupils:

- Primary Non Denominational 1
- Primary Denominational 0
- Secondary Non Denominational 1
- Secondary Denominational 0

- 5.15 The site lies within the following school catchment areas:
- 5.16 Primary Non-Denominational: Loanhead Primary School has insufficient spare capacity for this site. Accordingly, a contribution would be required for additional capacity in the Loanhead area.
- 5.17 Secondary non-denominational provision will require additional capacity and, accordingly, developer contributions would be required towards the consequential costs of this augmented capacity.
- 5.18 The site is located within the Pentland Hills Regional Park overlooked by Caerketton Hillfort and Caerketton Crag Cairn, both Scheduled Monuments. There have been a number of archaeological finds recorded in the wider area, including prehistoric remains identified during the Edinburgh Drinking Water Pipeline construction. Accordingly the area is regarded as being of potential archaeological significance. The Council's **Archaeological Advisor** informs that the initial desk based assessment submitted with the application is not satisfactory. To address this concern the applicant's agent submitted to the planning authority a further archaeological study undertaken by an archaeologist. As a result of this study the Council's Archaeological Advisor has recommended a programme of archaeological works (Evaluation) be carried out at the site.

6.0 REPRESENTATIONS

- 6.1 There have been four letters of objection to the planning application, including one from Fairmilehead Community Council in Edinburgh. The following matters are raised in the letters of objection:
- The currently proposed development is not a material improvement to the development proposed in the previous planning application ref. 08/00723/OUT;
 - The proposed development is ill thought out;
 - The impact on the local community has been disregarded;
 - The principle of the number of new residential units proposed is unacceptable in this location on the edge of a regional park;
 - The development will result in road safety hazards on the section of the A702 Trunk Road adjacent to the site;
 - Neither the applicant nor agent reside in the locality of the application and thus do not have a vested interest in the community;
 - Title to the south eastern part of the site should be transferred to the Council and Bear Scotland so that the A702 Trunk Road can be redirected over it to improve the line of sight along that road;
 - The location of the proposed new access to the site poses a road safety hazard;
 - Concern about loss of Green Belt land;
 - The proposed development would spoil the scenic value of the Pentland Hills Regional Park;

- Concern about loss of established woodland and consequential harm to biodiversity;
- The alignment of the A702 Trunk Road adjacent to the site already poses roads safety hazards and is thus not of a standard to cope with the increase in traffic on it as a result of the development;
- There is a need for a pedestrian crossing on the A702 Trunk Road;
- The proposed development would have a detrimental impact on the character of the landscape;
- The onus is on the applicant to demonstrate that there are no suitable alternative sites for the proposed development in the urban envelope. No details of the search parameters or the results have been provided by the applicant;
- The proposed four new housing plots are contrary to Local Plan Policies DP1 and DP2 as the need for them in the countryside and Green Belt has not been established;
- Concern about loss of trees and wildlife habitat;
- If planning permission is granted then it should be subject to a planning condition requiring a woodland management plan to be put in place for the site;
- The development would spoil views of the Pentland Hills, particularly from the east, harmful to the area of great landscape value in which the site is located;
- The proposed development is contrary to the policy objectives, the integrated management strategy and the detailed development policies of the Pentland Hills Regional Park/the management strategies of the Country Park;
- There is no evidence that there is any demand or need for the proposed hotel in this location;
- The traffic generated by the development would result in increased road safety risks at the existing junction of the A702 Trunk Road/A703/Pentland Road;
- The existing access to the site could be upgraded to serve the proposed development and therefore the proposed new access is unnecessary;
- Lighting associated with the proposed development would make the development prominent in view at night and would spoil the rural character of the area;
- No account has been made of the cumulative impact of the proposed development and the proposed development by Swanston Farms Limited of a mountain bike trail, camping and overnight lodges and associated works at the former Lothianburn Golf Club;
- Insufficient parking has been provided for the development;
- Insufficient information has been provided by the applicant to allow the planning authority to make a decision on the application;
- The proposed development is significantly contrary to the development plan;

- The effect of the removal of trees from the site on neighbouring property, including increased risk of windblown and storm damage has not been assessed;
- The scale of the development is out of keeping with the local landscape character;
- The scale and artificial lighting of the proposed development, plus associated tree removal will have a significant and detrimental landscape and visual impact, contrary to MLP policies RP1, RP2, RP6, R16 and COMF7;
- There is contradiction with the planning statement and the ES. It is stated in the planning statement that the change will be significant and the magnitude of change at the development site post-mitigation as “high” and the residual effect as “major”. However, all the viewpoints assess the residual effect as moderate or lower. No viewpoint was assessed from neighbouring houses;
- The proposed hotel development is likely to depend on the Ski and Snowsports Centre for its viability. There is no evidence that the Ski and Snowsports Centre users would benefit from the development. Its relationship to the Centre is coincidental rather than ancillary;
- The applicant seeks to justify the proposed four house plots on grounds that they comply with MLP policy HOUS5 (Low Density Rural Housing). However the site is not one of the sites identified in the supplementary planning guidance for low density rural housing. In any event, the supplementary planning guidance only permits a maximum of 2 houses at the identified sites; and
- The applicant argues a case that the proposed 150 bed hotel is unviable without the four house plots. It is undesirable for the Council to grant planning permission for the project where the developer themselves has concerns regarding viability.

7.0 Development Plan Provisions and National Policy

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and the Midlothian Local Plan (MLP), adopted in December 2008.

South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 Policy 12 Green Belts states that Local Development Plans will define and maintain Green Belts around Edinburgh for the purpose of: a) Maintaining the identity and character of Edinburgh and its neighbouring towns and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy; b) direct planned growth to the most appropriate locations and support regeneration; (c) maintain the landscape setting of these settlements; and d) provide opportunities for access to the open space and the countryside.

Midlothian Local Plan 2008

- 7.3 The adopted Midlothian Local Plan 2008 (MLP) contains the following policies which are relevant to the proposed development:
- 7.4 Policy **RP1 Protection of the Countryside** advises that development in the countryside will only be permitted if it is essential for the furtherance of agriculture, or other uses appropriate to the countryside. Development complying with the terms of Policy DP1 will also be permitted;
- 7.5 Policy **RP2 Protection of the Green Belt** states that development will not be permitted in the green belt except for proposals that: A) are necessary to agriculture, horticulture or forestry; or B) provide for opportunities for access to the open countryside, outdoor sports or outdoor recreation which reduce the need to travel further afield or, in the exceptional circumstances, community facilities (where no suitable alternative location exists); or C) are related to other uses appropriate to the rural character of the area; or D) accord with policy RP3, proposal ECON1, policy ECON7 or are permitted through policy DP1. Any development proposal will be required to show that it does not conflict with the overall objectives of the green belt to i) maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence; ii) provide countryside recreation and institutional purposes of various kinds; and iii) maintain the landscape setting of the City and Midlothian towns;
- 7.6 Policy **RP5 Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;
- 7.7 Policy **RP6 Areas of Great Landscape Value** advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;
- 7.8 Policy **RP7: Landscape Character** advises that development will not be permitted where it may adversely affect the quality of the local landscape;
- 7.9 Policy **RP13: Species Protection** requires environmental and biodiversity mitigation to protection those species covered by law;
- 7.10 Policy **RP16: Regional and Country Parks** states that development will not be permitted where it would be contrary to the policy aims, the Integrated Management Strategy, future Management Plan/s and policy DP4 relating to the Pentland Hills Regional Park, or management strategies of the Country Parks;

- 7.11 Policy **RP27: Other Important Archaeological or Historic Sites** states development will not be permitted if it adversely affects an identified important archaeological or historic site or its setting, unless there is appropriate mitigation and there is an overriding public interest;
- 7.12 Policy **RP28: Site Assessment, Evaluation and Recording** states that where any development proposal 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 impact of the proposal on the archaeological resource;
- 7.13 Policy **RP33: Compensatory Measures for loss of Environmental Resources** requires developers to compensate for the unavoidable environmental loss or damage of resources covered by the resource protection policies in the plan where development is permitted in the public interest overriding environmental concerns;
- 7.14 Policy **ECON7: Tourist Accommodation** supports hotel developments in business areas and at key gateway locations with good access to the Edinburgh City By-pass (A720). This is subject to there being no suitable alternative sites, and where the development is in keeping with the character of the area; is sited and designed to enhance its setting; and is well located in terms of the road network and public transport. This policy also states that proposals shall not undermine the objectives of the green belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence;
- 7.15 Policy **ECON8: Rural Development** states that development proposals that will enhance rural economic development opportunities will be permitted provided they accord with all relevant Local Plan policies and proposals and they meet the following criteria: a) the proposal is located adjacent to a smaller settlement unless there is a locational requirement for it to be in the countryside; b) the proposal is well located in terms of the strategic road network and access to a regular public transport service (minimum service frequency of 1 bus per hour weekdays and evenings); c) the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and it sited, designed and landscaped so as to enhance the rural environment; d) the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site; e) the proposal is capable of being served by an adequate and appropriate access; f) the proposal is capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses; and g) the proposal is not primarily of a retail nature;

- 7.16 Policy **TRAN1: Sustainable Modes of Transport** only permits major travel generating uses which are well located in terms of public transport, with safe and direct access for pedestrians and cyclists. All major travel generating uses will be required to submit a transport assessment and green travel plan;
- 7.17 Policy **COMF7: Midlothian Ski and Snowboard Centre** supports the upgrading and enhancement of the centre and the provision of ancillary facilities in order to secure its future.
- 7.18 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 transport infrastructure, 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;
- 7.19 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 requirements, related to the scale and impact of the proposal. This includes essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments;
- 7.20 Policy **DP1: Development in the Countryside** states that all new buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials, blend with the landscape, conform with the countryside policies and incorporate sustainable building design;
- 7.21 Policy **DP4: Pentland Hills Regional Park** sets out the aims of the Pentland Hills Regional Park and the specific policies which relate to it. The aims of the Pentland Hills Regional Park are as follows: (1) To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside; (2) Caring for the hills, so that the landscape and the habitat are protected and enhanced; (3) Within this caring framework, to encourage responsible public enjoyment of the hills; (4) Co-ordination of these aims so that they can co-exist with farming and other land uses within the Park.

There are a number of specific policies which relate only to proposals within the Pentland Hills Regional Park boundary, and relevant criteria are as follows:

PHP1 - The AGLV designation for the Pentland Hills Regional Park will be the overriding factor when considering proposals which may be acceptable under other Local Plan policies.

PHP2 - Development, redevelopment and the conversion of existing buildings within the Regional Park will not be permitted unless essential for the purposes of agriculture (including farm-related diversification), forestry, outdoor recreation, tourism or other rural activities compatible with the aims of the Regional Park. Any such development proposal will be considered against the following criteria:

- a) it should make a positive contribution to the amenity of the Park in terms of design and landscaping;
- b) it should not be visually obtrusive or necessitate visually obtrusive constructions;
- c) it should be compatible with existing adjoining and neighbouring developments and uses;
- d) it should be capable of being served by an adequate and appropriate access;
- e) it can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses;
- f) where conversion is proposed, this should be possible without substantial rebuilding and with the retention of original character and attractiveness.

PHP6 - The conservation of the hill landscape and wildlife interests will be sought in all proposals involving the installation of the public service utilities.

PHP7 - Intrusive tourist developments, including static and transit caravan and camping sites, will not be permitted within the Regional Park.

7.22 In respect of rural development the Scottish Government's **Scottish Planning Policy (SPP)** states that planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which support prosperous and sustainable communities whilst protecting and enhancing environmental quality. With regards to prime agricultural land it states that development should not be permitted unless the proposals are an essential component of the settlement strategy or are necessary to meet an established need where no other suitable site is available. In respect of retail, leisure and related developments it states that the sequential approach should be taken when selecting locations for these uses unless the development plan indicates otherwise.

7.23 With regards to landscape and natural heritage the **SPP** states that landscape in both the countryside and urban areas is constantly

changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. The European Landscape Convention defines landscape as an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors, and makes it clear that all landscapes require consideration and care. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscaped, particularly those affecting communities, should be promoted through the development plan where relevant. Landscapes and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications. While the protection of the landscape and natural heritage may sometimes imposed constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However there will be occasions where the development should not be permitted. Statutory natural heritage designations are important considerations where they are directly or indirectly affected by a development proposal. However, designation does not necessarily imply a prohibition on development. Planning Authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

- 7.24 With regards to Green Belts the **SPP** identifies certain types and scales of development that may be appropriate within a green belt. It goes on to state that development in a designated green belt should be of high design quality and suitable scale and form.

8.0 PLANNING ISSUES

Principle of Hotel Development

- 8.1 SESPlan policy 12 and MLP policy RP2 presume against development in the Green Belt except for proposals that accord with MLP policy ECON7, or are permitted through MLP policy DP1. Policy ECON7 supports proposals for hotel developments at key gateway locations with ease of access to the major junctions on the A720 City By-pass, where it can be demonstrated that there are no suitable alternative sites elsewhere within the urban envelope. Such proposals shall

satisfy a number of criteria and also 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.

- 8.2 The site is clearly a key gateway location with ease of access to the major junctions on the A720 City By-pass. The supporting planning statement submitted with the application states that a search was undertaken in respect of the identification of potential urban sites local to the Ski and Snowboard Centre, including areas at Straiton, the western part of Loanhead, as well as the Fairmilehead area of Edinburgh. However, no suitable and available sites were identified. In the absence of an alternative site, the proposed hotel development accords with the objectives of policy ECON7.

Housing Plots

- 8.3 Policy RP2 presumes against new build houses in the Green Belt unless permitted through policy DP1. Policy DP1 states that new houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity. Policy RP2 defines acceptable countryside activities as agriculture, horticulture and forestry. The site is not currently in use for an established countryside activity.
- 8.4 A new house erected on the site as a replacement for the existing one would not undermine the objectives of the MLP policy RP2 and is thus acceptable in principle in planning terms. The size, positioning, scale, height, form and appearance, including finishing materials of the replacement house and details of its associated access, parking and drainage shall all be for consideration in a further application for matters specified in conditions imposed on a grant of planning permission in principle.
- 8.5 The applicant seeks to justify the proposed three new house plots on the grounds that they would support the viability of the proposed development. The argument put forward is that the costs of forming a new access into the site is a burden which the hotel and one replacement house cannot support and that the three additional house plots would mitigate a proportion of the cost of the new access. However, there is no policy support for the additional houses in the Green Belt as enabling development for tourist development, including hotels. This position is not outweighed by any material considerations.
- 8.6 Notwithstanding, if the proposed three new plots were occupied solely as self-catering tourist lodges ancillary to the principal hotel use on the site or as staff accommodation incidental to the operation of the hotel, then they would be acceptable in principle in planning terms. This restriction on the use of these buildings can be secured by a condition of a grant of planning permission in principle in order to safeguard the character and amenity of the Green Belt.

- 8.7 The applicant's agent makes reference in the ES to MLP policy HOUS5 (Low Density Rural Housing) being relevant to the assessment of this planning application. However, the application site is not one of the low density rural housing sites identified in the Council's Supplementary Planning Guidance on Low Density Rural Housing, adopted by the Council in October 2009. Therefore MLP policy HOUS5 is not applicable to the application site.

Access

- 8.8 The existing access serving the Midlothian Ski and Snowboard Centre also serves a car park used by visitors to Hillend Country Park, the Pentland Hills Regional Park and the zorbing facility the subject of planning permission ref.12/00355/DPP, granted by the Committee at its meeting in August 2012. The access is owned by the Council. The Council's Policy and Road Safety Manager confirms that that access is operating satisfactorily with the volume of traffic that is currently using it. Transport Scotland has not advised the planning authority that the existing access to the Ski and Snowboard Centre is substandard or that there cannot be any intensification of use of it.
- 8.9 Subject to the controls outlined by Transport Scotland in their consultation response the proposed new access to the site off the A702 Trunk Road will be acceptable in transportation terms. Transport Scotland's recommended provisions relating to the access and lighting, could be secured by a condition(s) on a grant of planning permission in principle. The implementation of the new access will not restrict or disadvantage the Ski and Snowboard Centre.

Midlothian Ski and Snowboard Centre

- 8.10 Midlothian Council is committed to maintaining the presence of the neighbouring Ski and Snowboard Centre in Midlothian and seeks to maintain and enhance the success of the Centre and the Country Park as leisure and visitor attractions. It recognises the need to upgrade and enhance the Centre to secure its future as a centre of excellence. It acknowledges the Centre's importance as a recreational and educational resource and supports, in principle, development that is complementary and ancillary to the Centre's function, and necessary for its continued viable operation.
- 8.11 Policy COMF7 supports development proposals for the upgrading and enhancement of the Midlothian Ski and Snowboard Centre and ancillary facilities in order to secure its future as a centre of excellence for artificial skiing and snowboarding.
- 8.12 In that context, the Council will expect development in the Country Park to contribute, including financially where it considers appropriate, to the upgrading of the Centre and the facility as a whole.

- 8.13 The planning statement submitted with the application states that the proposed development will contribute significantly towards Midlothian Council's aspirations to enhance the Centre by: a) the improved facilities delivered by the proposed development would bring visitors to the area; and, b) the junction and access road will contribute to improving the venue as an outdoor sport and leisure venue for the Lothians.
- 8.14 If the proposed hotel were built it is a reasonable assumption to make that the hotel would benefit economically from the close juxtaposition of it to the Midlothian Ski and Snowboard Centre and conversely, the Centre will become a more attractive destination if associated facilities such as a hotel are in the immediate vicinity.

Assessment of Landscape Impact

- 8.15 The proposed development requires to be assessed against the policies in the adopted Midlothian Local Plan which seek to ensure that development in the Edinburgh Green Belt, Hillend Country Park, the Pentland Hills Regional Park and the designated Area of Great Landscape Value is acceptable in design and landscape terms.
- 8.16 In the planning statement it is stated that in recognising the sensitivity of the site and to enhance the area and to contribute to Midlothian Council's wider aspirations for the area around Midlothian Ski and Snowboard Centre a 'landscape-led' approach has been adopted. It is explained that this approach is where development will fit around the landscape, rather than the landscape being significantly altered to facilitate the development. It states that an extensive tree survey was carried out prior to the siting of buildings, ensuring that the 'landscape-led' approach was delivered.
- 8.17 The site is located in an area which is highly visually sensitive, located at the northern end of the Pentland Hills Regional Park and thus contributing to the setting of Edinburgh. The ground slopes steeply down from south west to north east with extensive views out from the south east through east to north. The current use is that of a private dwelling set within extensive landscape grounds which includes a number of exotic tree and shrub species. In considering the scale and nature of any new development it would be essential for those to have been a fully competent tree survey undertaken.
- 8.18 At the pre-application stage the applicant was advised by the planning authority that the site could potentially be capable of accommodating a hotel and leisure development on a modest scale. Any development on this site would have to take into consideration the highly sensitive nature of the location and be designed in a manner which would incorporate it into the area.

- 8.19 Given that the site plan submitted with the application and the size and scale of the hotel development is indicative only, it is not possible for the planning authority to fully assess the landscape and visual impact of the proposed development. However, the applicant has confirmed to the Planning Authority that the site plan submitted with the application is solely for illustrative purposes only and demonstrates potential layout and scale and density only. Therefore the site plan is not to be given consideration in the assessment of this application. It is on this basis that the application stands to be determined. If the Council were minded to grant planning permission in principle, permission should not be granted for the details shown/illustrated on the masterplan including the scale of development indicated. The size, positioning, scale, proportion, height, architectural form and style, external finishes of the hotel and replacement and new dwellings and details of the position and layout of road infrastructure, sustainable urban drainage (SUDS), open spaces, visual effects of lighting and landscaping shall all be for consideration in a further application(s) for matters specified in conditions imposed on a grant of planning permission in principle.
- 8.20 On a site of such acknowledged landscape sensitivity it may be beneficial for detailed proposals, once received, to be referred to Architecture and Design Scotland for comment.

Archaeology

- 8.21 The controls outlined by the Council's Archaeological Advisor could be secured by a condition imposed on a grant of planning permission in principle. Subject to this the proposed development would protect archaeological remains/mitigate any loss of archaeology. A hotel and replacement dwellinghouse of sensitive design and the sites separation from Caerketton Hillfort and Caerketton Crags Cairn means that development could take place without distracting from these ancient monuments.

Biodiversity

- 8.22 The natural heritage section of the ES does not recommend against granting planning permission in principle on grounds of any potential adverse impact on ecology. Instead, it makes a number of recommendations to mitigate the impact of the development on ecology, including the impact on bats, a European protected species. With regards to badgers the ES concludes that there would be no adverse impact on badgers and thus it does not recommend mitigation. With regards to breeding birds the ES advises that site clearance work is undertaken out with the bird breeding season. With regards to plant species and habitats the ES recommends that a Tree Protection Plan be produced prior to works on the ground. The ES additionally identifies opportunities to create new habitats. The recommended mitigation controls referred to in the ES could be

secured by conditions imposed on a grant of planning permission in principle.

Developer Contributions

- 8.23 No developer contribution is required for the proposed replacement dwelling or for self catering lodges operated ancillary to the principal hotel use. However, if the Committee are minded to support the principle of the three additional house plots, developer contributions will need to be secured for one unit (the first two units are exempt as outlined in the Supplementary Guidance on Developer Contributions).

Other Matters

- 8.23 The following matters raised in letters of objection are not planning matters and thus are not material considerations in the determination of this application:
- Whether there is any demand or need for the proposed hotel;
 - Any increased risk of wind-blow and storm damage to neighbouring properties as a consequence of trees on the site being felled;
 - If the City of Edinburgh Council grant planning permission for a mountain bike trail, camping and overnight lodges and associated works at the nearby former Lothianburn Golf Club in Edinburgh.

9.0 Recommendation

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

The proposed hotel and replacement dwellinghosue are sited at a gateway location which complements the Midlothian Ski and Snowboard Centre in accordance with Midlothian Local Plan policies ECON7 and COMF7. The presumption in favour of appropriate development is not outweighed by any material considerations. The proposal will not unduly harm the landscape character and amenity of the area, including the Pentland Hills Regional Park and the Area of Great Landscape Value if designed to be sensitive to its setting.

Subject to the following conditions:

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

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

2. Notwithstanding that delineated on application drawings/stated in documents submitted with the application the three new `house` plots are not approved; but instead, each of these three plots shall

only contain a building occupied solely as self-catering tourist accommodation ancillary to the principal hotel use on the site; or alternatively, as staff accommodation incidental to the operation of the hotel.

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

3. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of the hotel and the replacement dwelling and the three plots to accommodate three self catering units, the provision of landscaping, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development and in the interest of safeguarding the character and amenity of the area.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping;
 - vii drainage details and sustainable urban drainage systems to manage water runoff;

- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and,
- xi proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. No building shall have an under-building that exceeds 0.5 metres in height above ground level. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

6. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads, footways and cycle ways in relation to a fixed datum;
- ii the proposed vehicular, cycle and pedestrian accesses into the site;
- iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the development with the local public transportation network;

- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vii proposed car parking arrangements;
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths; and

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

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

7. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
 - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

8. Development shall not begin until an application for approval of matters specified in conditions for proposed lighting within the site including of the car parking areas, service areas, roads and footpaths have been submitted to and approved in writing by the planning authority in consultation with Transport Scotland, as Trunk

Roads Authority. The scheme shall be designed to minimise the spread of light in the night sky. Development shall therefore be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

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

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

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

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

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

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

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

12. Prior to any alterations to the trunk road to create the development junction, a detailed annotated drawing of a revised junction layout which shall delineate/demonstrate the existing bus turning circle unaltered and continuing to operate in a satisfactory and safe manner, shall be submitted to and approved in writing by the Planning Authority in consultation with the bus operators using the existing bus turning area:

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

13. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Evaluation) of no less than 5% of the total site area focussing on those areas unaffected by woodland and existing buildings, has been submitted to and approved in writing by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place unless otherwise agreed in writing by the planning authority.

Reason: *To ensure this development does not result in the unnecessary loss of buried archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan.*

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

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

Ian Johnson
Head of Communities and Economy

18 August 2015

Application No: 15/00113/PPP

**Applicant: Mr and Mrs Omar Almubarak, c/o Mike Towers,
McLaren Murdoch and Hamilton, Edinburgh**

Agent: Scott Hobbs Planning Limited, Edinburgh

Report Contact: Adam Thomson, Senior Planning Officer,

Tel No: 0131 271 3346

adam.thomson@midlothian.gov.uk

Background Papers: 14/00417/PAC & 08/00723/OUT