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**APPLICATION FOR PLANNING PERMISSION 16/00618/DPP ERECTION OF RETAIL UNIT, FORMATION OF ACCESS AND CAR PARKING AT LAND SOUTH WEST OF TESCO SUPERSTORE, DALKEITH**

Report by Head of Communities and Economy

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of a retail unit and associated works at land to the south west of the Tesco Superstore in Dalkeith. There has been one representation and three consultation responses from the Coal Authority, the Council's Policy and Road Safety Manager and Network Rail. The relevant development plan policies are policy 3 of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and policies RP5, RP7, RP20, SHOP1, SHOP5, SHOP7, IMP1, IMP2, and DP2 of the adopted Midlothian Local Plan 2008 (MLP). The recommendation is to refuse planning permission as the site does not meet policy requirements for retail units and could have a significant detrimental impact on the vitality and viability of both Dalkeith and Bonnyrigg Town Centres, as well as a significant detrimental impact on the character and appearance of the surrounding area due to the design of the building and the lack of adequate landscaping.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site is located adjacent to a car park serving a Tesco store and associated petrol filling station at the south-western edge of Dalkeith. The site is currently vacant and is covered with trees and overgrown grass.
- 2.2 The site area is approximately 5,500 square metres (0.55 hectares). The site is relatively flat.
- 2.3 To the south-west of the site is the A7, which is at a lower level, with the community hospital at the eastern edge of Bonnyrigg beyond. A mixed hedge has been planted on the A7 boundary of the site.
- 2.5 To the east of the application site lies a collection of buildings used by a coachworks firm. There is a footway/cycleway to the south of the site, which traverses the A7.

### **3 PROPOSAL**

- 3.1 It is proposed to erect a retail unit with associated access and car parking. The operator has been identified as Home Bargains.
- 3.2 The proposed building will be located in the southern part of the site and will measure 5.4 metres in height to eaves and 7.7 metres to ridge, measuring 50 metres long by 35 metres wide. The walls are to be finished with timber effect cladding and light brown brick, with a dark grey brick basecourse. The roof is to be finished with grey cladding. The fire doors are to be dark grey. The entrance feature is to be mainly glazed but will also have grey cladding and blue shutters.
- 3.3 The building will have 1,141sqm of class 1 non-food retail floorspace and 489sqm of class 1 food retail floorspace, resulting in a class 1 retail store with a gross floorspace of 1,630sqm. 489sqm of the gross floorspace will be allocated for non-trading purposes. There is to be an external plant area to the south (rear) measuring 1.7 metres by 4.7 metres but no further details have been submitted. The plans have been amended to correct a discrepancy in the proposed building dimensions between different drawings.
- 3.4 Vehicular access to the site is to be taken via a new entrance opposite Tesco's recycling area. The application form proposes 74 parking spaces but the site plan shows 80 spaces, four of which are wheelchair accessible. Cycle parking is proposed. The parking is to be provided in the north part of the application site. A service yard area is to be located to the east of the retail unit. There is to be a low level retaining wall around the service yard and the unit to the south and west.
- 3.5 The site plan states that the existing landscaping along the A7 is to be maintained, along with the landscaping to the petrol station and roundabout to the north. The existing fencing to the A7 is also to be retained. The plan states that new landscaping is proposed at the site entrance but no details have been submitted.
- 3.6 The agent has submitted a supporting statement, transport assessment, flooding and drainage statement, Coal Mining Risk Assessment and retail statement. They have also provided additional comments in response to landscaping and policy concerns, which will be addressed in the Planning Issues section of this report.
- 3.7 The submitted plans show signage which will be subject to a separate application.

### **4 BACKGROUND**

- 4.1 Outline planning permission was previously granted at appeal for a licensed restaurant, bar and indoor play area (ref. no. 00/00516/OUT)

at this site. This development was not implemented and the planning permission has since expired.

- 4.2 A subsequent detailed planning application for the erection of a restaurant, bar and children's play area with associated access, car parking and landscaping (ref. no. 01/00169/FUL) was refused and then upheld at appeal, but again was not implemented and the permission has therefore also expired.
- 4.3 A planning application for the erection of a residential care home, including formation of vehicle access and associated car parking, (ref. no. 04/00531/FUL) was approved in 2005 and was also not implemented and has since expired.
- 4.4 In late 2015, a planning application for the erection of retail unit and associated garden centre, formation of access and car parking (ref. no. 15/00921/DPP) was submitted to the Planning Authority for assessment. The application was refused as the Planning Authority considered that the site was not acceptable for retail development as it did not conform to the criteria specified in the sequential town centre first approach as detailed in Scottish Planning Policy or adopted Local Plan policy SHOP5. No sequential test had been submitted, nor was it demonstrated to the satisfaction of the Planning Authority that the site would be appropriate for the proposed use and that there are no other more sustainable sites which could accommodate the development more appropriately. It had also not been adequately demonstrated that the unit would not undermine the vitality and viability of Midlothian town centres or that there is a qualitative or quantitative deficiency which would be addressed through the approval of the application. The application was refused as it was contrary to the SPP, policy 3 of the SDP and SHOP5; of the adopted Local Plan. Also the site could not be considered to be in a neighbourhood shopping centre, therefore the proposal was contrary to adopted Local Plan policy SHOP7. There was also a concern that the size, design, materials and position of the building, and the lack of opportunities for landscaping of the development, would have a significant detrimental impact on the visual amenity of the area, contrary to adopted Local Plan policy RP20. In addition the applicant had not demonstrated that the development would not result in the loss of landscaping which is important in the definition of the settlement boundary where it abuts the A7. Also, the hedge and trees which provide screening of the nearby superstore and large area of car parking would be lost, having a detrimental impact on visual amenity, therefore contrary to adopted Local Plan policy RP5.
- 4.5 Since the refusal of the stated application, there have been discussions between the applicant's agent and the Planning team. The agent has stated that the current application has been amended to reflect these discussions.

- 4.6 The application has been called to Planning Committee by Councillor de Vink, for the following reasons;

*“The application site is in a well-established commercial area where the council has recently approved an Aldi at the former Mayshade Garden Centre, a hospital and residential development.*

*The development site is long term vacant land and needs to be used.*

*The council supports the upgrading of the A7 corridor and this development can contribute towards jobs and investment along this corridor and, importantly, will also retain spending in Midlothian which currently leaks to Edinburgh.*

*Given the amount of escaped expenditure we should not be turning away development, particularly where the policy officer does not suggest any impact on town centres.*

*There has been one objection to this application and none from the Local Community Council.*

*I suggest it is for the elected members to make this decision given its importance and relationship to the other recent major decisions in this area.”*

## 5 CONSULTATIONS

- 5.1 The **Council’s Policy and Road Safety Manager** has no objection to the proposal and has stated that if permission is granted details of the proposed SUDs scheme would be required. He has also identified a need for contributions to the A7 Environmental Improvements Scheme. This scheme is designed to improve walking, cycling and public transport access on this section of the A7 and its implementation will improve access by non-car users to the proposed retail unit.
- 5.2 **Network Rail** has no objection but makes the following comments: all surface or foul water from the development must be collected and diverted away from Network Rail property; in terms of boundary treatments appropriate planting in proximity to the railway boundary; and ensuring that there is no impact of construction works on the railway.
- 5.3 The **Coal Authority** agrees with the findings of the Coal Mining Risk Assessment in that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development taking place in order to establish the exact situation regarding coal mining legacy issues on the site. Should permission be granted, it will be necessary to impose planning conditions to secure further survey work and the necessary

mitigation measures. They do not object to this application subject to conditions being attached to any consent.

## **6 REPRESENTATIONS**

- 6.1 One letter of objection has been received from a representative of the Almondvale West Retail Park, Livingston on the following grounds:
- Permission was previously refused at the site for a smaller unit with no named operator;
  - The proposal would result in new retail floorspace in an out-of-centre location;
  - The application is contrary to the terms of policy SHOP5 of the adopted Midlothian local plan as:
    - Very little assessment has been provided in relation to alternative sites being available within, on the edge of, or sufficiently close to form an effective extension to Dalkeith Town Centre;
    - The site is not within, on the edge of, or sufficiently close to Dalkeith Town Centre to form an effective extension of the Town Centre;
    - The applicant has stated that the proposed operator has a unit in Straiton, therefore it is not considered that the development of a second store will address the qualitative or quantitative deficiency to which the applicant refers; and
    - The objector states that there is available retail space to accommodate the proposal in Livingston Town Centre and if the development is approved it would undermine the vitality and viability of Livingston Town Centre.
  - The proposal is contrary to policy TCR2 of the emerging Midlothian Local Development Plan.

## **7 PLANNING 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. The following policies are relevant to the proposal:

### South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 3: Town centres and retail** requires Local Development Plans to:
- a) identify town centres and commercial centres clearly defining their roles;
  - b) support and promote the network of centres and identify measures necessary to protect these centres; and,
  - c) promote a sequential approach to the selection of locations for retail and commercial leisure proposals.

Midlothian Local Plan 2008

- 7.3 Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland or trees which have a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;
- 7.4 Policy **RP20: Development within the built-up area** states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;
- 7.5 Policy **RP7: Landscape Character** states that development will not be permitted where it may adversely affect the quality of the local landscape. Where it is acceptable, development will respect the local landscape character and contribute towards its maintenance and enhancement. New developments will incorporate proposals to maintain the local diversity and distinctiveness of the landscape character including natural and built heritage features such as woodland, hedges, ponds, stone walls and historical sites; and enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features;
- 7.6 Policy **SHOP1: Town centres** states that proposals that bring about an improvement to the range and quality of retail facilities in town centres will be considered favourably;
- 7.7 Policy **SHOP5: Major retail and commercial leisure development outwith strategic town centres and Straiton** states that major retail development will only be supported outwith town centres if all of the following criteria are met:
- A. There are no suitable alternative sites available within, on the edge of, or sufficiently close to form an effective extension to a strategic town centre, referred to in policy SHOP2, or Straiton Retail Park to accommodate the proposed development or meet the identified needs;
  - B. They are within, on the edge of, or sufficiently close to form an effective extension to other Midlothian town centres;
  - C. The proposals will satisfy a qualitative or quantitative deficiency which cannot be met within or on the edge of a strategic town centre;
  - D. The proposals will not, either individually or cumulatively with other developments, undermine the vitality and viability of existing town centres or major shopping centres of strategic importance, within the expected catchment area of the proposed development;
  - E. The development has, or will be provided with, satisfactory pedestrian, cycling and public transport links;
  - F. Transport impacts are offset by mitigation measures; and
  - G. The development accords with all relevant Local Plan policies and proposals;

- 7.8 Policy **SHOP7: New neighbourhood shopping facilities** states that new neighbourhood shopping facilities will be permitted where they are within the built-up area and they do not undermine the vitality and viability of any of Midlothian's town centres;
- 7.9 Policy **IMP1: New Development** 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, parking in accordance with approved standards, cycling access and facilities, pedestrian access, access for people with mobility issues, traffic and environmental management issues and 'percent for art' provision;
- 7.10 Policy **IMP2: Essential infrastructure required to enable new development to take place** requires developers to contribute funding where there is a requirement in terms of improving infrastructure and protecting valuable environmental assets; and
- 7.11 Policy **DP2: Development Guidelines** which provides guidance for all new developments, including details on landscaping related to development proposals. This states that where sites abut the countryside, tree belts of an average of 30 metres will be required.

#### Midlothian Local Development Plan (MLDP)

- 7.12 While the MLDP has not yet been adopted it does represent Midlothian Council's preferred strategy for the future development of the Local Authority area. As such it is a material consideration in the assessment of this application. Of particular relevance are the policies which cover Protecting Amenity within the Built-Up Area (DEV2), Layout and Design of New Development (DEV6), Landscaping in new development (DEV7), Transport Network Interventions (TRAN2), Location of New Retail and Commercial Leisure Facilities (TCR2), New Development (IMP1) and Essential Infrastructure Required to Enable New Development to Take Place (IMP2).
- 7.13 The policies mentioned in the preceding paragraph are generally reflective of the policies already set out in the section on Midlothian Local Plan. However, the MLDP sets out requirements for the environmental improvement work for the A7. Policy TCR2 states that major/significant out of town centre retail proposals will not be supported other than in the Gorebridge to Newtongrange corridor.

#### National Policy

- 7.14 **Scottish Planning Policy** sets out the Scottish Government's policies in respect to a number of planning related matters. The policy sets out the government's position with regards retail developments. In general this seeks to protect town centres from developments which may adversely impact on their vitality and viability.

- 7.15 The SPP states that “where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable”.
- 7.16 The Scottish Government’s policy document on ‘**Creating Places**’ is relevant and sets out the government’s commitment to good quality places. The policy document sets out key qualities which are at the heart of good design.

## **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 Historic appeal and planning application decisions granted approval for a restaurant and, separately, a residential care home on this site. Furthermore, the site is identified as being within the built-up area of Dalkeith in the adopted MLP. As such the principle of an appropriate form of development on this site could be considered acceptable.

### Town centres first

- 8.3 The Scottish Planning Policy aims to promote town centres and support their vibrancy, vitality and viability. It states that where retail proposals are in edge of town centre, commercial centre or out of town centre locations it is necessary for applicants to demonstrate that more central sites have been investigated and that there will be no detrimental impact on town centres as a result of the development. The agent has submitted supporting information stating that this site complies with policy and should be supported.
- 8.4 The site is not within a town centre, nor can it reasonably be described as being on the edge of a town centre. It is a requirement of Government and Council policy to follow a sequential approach to the assessment of this type of proposal. Policy SHOP5 of the MLP requires proposals to be within, on the edge of, or sufficiently close to form an effective extension to a town centre. This proposal does not meet this criterion, and therefore does not comply with policy SHOP5. Once the sequential options are exhausted, there is no allowance in policy to insert a further tier in the sequence, regardless of the availability or otherwise of alternative sites in Dalkeith or the other towns in the development’s catchment area. It is therefore clear that the erection of

a retail unit at the proposed site does meet the sequential test for retail development. Therefore it does not comply with SHOP5 which is the relevant policy.

- 8.5 The applicant has made reference to the specific nature of the operation of the intended occupants, Home Bargains, within the initial supporting statement, claiming that the unit would create approximately 60 jobs. This number has fluctuated between 38 and 100 during discussions regarding the proposal, however the applicant has confirmed that there would be 38 full time equivalent positions created at the premises. The applicant's statements that the proposal complies with planning policy are based on the specific way that the retailer, Home Bargains, operates. The applicant emphasises that the retailer operates in such a way that customers would visit the store on an irregular basis and that it is imperative that the store is located close to a larger anchor store as the footfall for the proposed unit largely derives from customers of larger shops, in this instance Tesco.
- 8.6 The applicant does not define the necessary size of the anchor store but does discount Bonnyrigg town centre as a possible location for the retail unit on the basis of it not having any stores large enough to use as an anchor store. Meanwhile, Dalkeith town centre has been dismissed on account of there being no available land adjacent to Morrisons or Lidl.
- 8.7 The applicant's assertion that Home Bargains stores require to be sited in close proximity to an anchor store, and that there is insufficient land available in Dalkeith adjacent to such a store, appear to be the basis for their sequential assessment arriving at the application site as being the most suitable solution. While the Planning Authority appreciates the business model that Home Bargains works to, the applicant's desire to be located in close proximity to an anchor store does not provide sufficient justification to depart from policy. The applicant's sequential assessment should have taken in to account sites which were supported by Government and Council planning policies, in terms of the sequential hierarchy, in advance of the current application site being considered. In effect, the applicant argues that their business model should take precedence over central and local government policy in relation to the town centre first approach.
- 8.8 In addition, the business model operated by Home Bargains, where there is a requirement for the site to be attached to another anchor store, is reliant on the anchor store not falling in to difficulty. The requirement for the retail unit to be anchored to another store makes the viability of a retail unit at this site vulnerable as it would be fully reliant on the success of another store, completely outwith the control of the applicant or occupier of the proposed store.
- 8.9 In his submission for the Home Bargains application, the applicant draws on the Planning Committee report for the Aldi proposal

repeatedly, specifically in relation to the Council not questioning the sequential assessment submitted by Aldi. However, it is essential to note that the circumstances regarding the two sites and proposals are distinctly different. The Aldi proposal concerns a site which had already been used for an unrestricted retail operation and, as such, benefits from a deemed consent for class 1. The Home Bargains proposal relates to an edge of settlement site with no historic retail activity. Therefore, although the two applications are for similar developments, there is a material consideration which meant that the Aldi application was considered acceptable.

- 8.10 It was clear that the Aldi proposal did not comply with the relevant policies which seek to ensure that such retail development is located in the most appropriate place. However, a Certificate of Lawfulness application was granted in 2015 for the use of the site as an unrestricted Class 1 retail use, not just as a garden centre. This decision was a significant material consideration to the assessment of the Aldi application, with the Planning Committee Report stating: "The decision not to restrict the garden centre to that specific use or to restrict the range of goods sold from the unit, at the time of the original approval has opened up the potential for this site to be used as a Class 1 retail unit".
- 8.11 In the assessment of the Aldi application it was clear that while the Aldi development did not comply with policy, there was a material consideration which otherwise justified approval (the established use of the site).

#### Neighbourhood shopping centres

- 8.12 Policy SHOP7 of the local plan allows for new neighbourhood shopping facilities provided the vitality and viability of other centres are not compromised or undermined. This site, on the very edge of the settlement and adjacent to a major road does not constitute a neighbourhood shopping centre. In addition, the proposed floorspace of the retail unit is larger than would be expected of one shop in a neighbourhood facility. In general it is not envisaged that there will be a need for neighbourhood retail development in excess of 1000sqm gross floor area. While there are other retail operations nearby, this site does not meet the criteria for a neighbourhood shopping centre.

#### Impact on town centres

- 8.13 Throughout the submission documents, the applicant has made reference to the Aldi proposal for the erection of new retail unit, 15/00962/DPP, to the northwest of the Hardengreen roundabout at the former Mayshade Garden Centre site. While this application has not yet been approved the Council is minded to grant planning permission subject to securing developer contributions towards the A7 Environmental Improvements Scheme. The following is an extract from

the Planning Committee Report, considered by Planning Committee at its meeting of January 2016 in relation to the Aldi scheme:

*The current planning proposal is for a retail store of 1,804sqm gross floorspace. There is sufficient potential trade in the corridor to support the new store, but this would leave little potential surplus convenience trade to support further growth in town centres as sites become available (e.g. former Dalkeith High School site or Bonnyrigg depot) or for neighbourhood centres (e.g. Hopefield) or the new retail facility in the southern part of the (A7) corridor, all of which would be preferable and comply with planning policy better than the proposal. The proposed development is likely to impact on the deliverability of retail facilities at Redheugh and other less well served settlements along the corridor.*

- 8.14 The proposed Home Bargains store will draw trade away from town centres contrary to sustainable development principles and the Council's aspirations to support its town centres. The proposal is not considered to be the right development in the right place. Furthermore, the retail unit proposed through this application could undermine the attempt to create a sustainable and successful community at Redheugh or jeopardise aspirations to provide further retail provision in the Gorebridge/Newtongrange area.
- 8.15 Although the applicant has provided an assessment of retail impact issues, rather than a full Retail Impact Assessment (RIA), it has not demonstrated to the Planning Authority that, in providing 1,630sqm of out-of-town retail space, the proposed development will not have a significant adverse impact on the viability and vitality of Dalkeith and Bonnyrigg town centres.

#### Landscaping

- 8.16 The application site is readily visible from public views, which are from: the A7; Tesco's car park; the petrol filling station; the access road to the north-east and the pedestrian footway and cycleway to the south-east. At present, the whole of the A7 corridor between the Eskbank roundabout to the north and the Hardengreen roundabout to the south has a continuous belt of landscaping to either side. This is also true for the areas where the A7 bounds both Tesco and the Bonnyrigg Community Hospital. It is vital that any development here is well integrated into the landscape and respects the character and appearance of the surrounding area. This could be achieved through the use of appropriate landscaping, along with a high quality design and materials of the proposed building.
- 8.17 The applicant states that the existing landscaping would remain to the A7 and has submitted illustrations to show the proposed building set within this landscaping. There is a well established hedgerow and trees along the south west boundary of the site which bounds onto the

countryside, as well as a number of trees within the site. The layout of the site shows the proposed building, service yard and car parking very close to all boundaries with very little room to accommodate either the existing or any proposed landscaping. Therefore given the amount of works required to build the proposed unit, and the proximity to the site boundaries, the development would lead to the loss of almost all the existing vegetation within the site. This would also leave very little room for compensatory planting within the site. It is therefore highly unlikely that there would be any opportunity for the existing landscaping to be retained as per the submissions. The loss of landscaping within the site would create a large gap within this continuous and well established landscape corridor along the A7 between the built up area and the countryside which would be to the significant detriment of the character and appearance of the surrounding area.

- 8.18 In addition, the building is to be within 1 metre of the hedgerow along the A7, with a retaining wall between the two. The close proximity of the building to the landscaping outwith the site would severely undermine the root-plate of the existing vegetation and lead to the failure of this very important planting. Therefore it is likely that the development of the site would result in the loss of the landscaping outwith the site that the applicant has sort to rely on to help screen the building and integrate it into the landscape.
- 8.19 The loss of landscaping both within the site and along the very important A7 boundary, as well as the lack of consideration for a suitable replacement landscape solution, would have a significant adverse impact on the visual amenity of the area, therefore the proposal is contrary to policies RP5 and RP7.
- 8.20 For a development of the site to be acceptable at this location, in landscape terms, the landscaping should mirror that at the adjacent petrol station. This would require countryside boundary planting along the A7 boundary of no less than 8-10 metres consisting of native hedgerow species, including trees. Additional planting would also be required along the other site boundaries. Such planting would require a significant redesign of the proposed layout. Although this is less than the 30 metre wide tree belt prescribed by policy DP2, this amount of landscaping would be appropriate given the existing landscaping in the surrounding area.
- 8.21 The applicant has stated that there is no environmental designation covering the landscaping at the site and that the trees have not been recognised in any Council policy documents as having any value for nature conservation, amenity or any other environmental reasons. They state that as the landscaping could be removed at any time, policy RP5 is not relevant. They also state that they are willing to enter into a legal agreement to support the environmental improvements along the A7 corridor and there is no reason why this contribution could not be put towards enhancing the landscape treatment adjacent to the

site, which they feel would partially comply with RP7. The applicant also disagrees with the suitability of a landscaping buffer to match the petrol station to the north, stating that the petrol station is located at a prominent position at a roundabout and that the proposed building is well designed and will sit lower than the petrol station. They state that it is not the intention of the applicant to screen the building with landscaping given that the design and location of the building are appropriate. The applicant is willing to provide enhanced landscape features which can be incorporated into and on top of any proposed retaining structures.

- 8.22 The planning officer's assessment does not concur with the applicant's statements. It is clear from the paragraphs above that the existing landscaping forms a buffer between the built up area and the countryside, positively contributing to the landscape character of the area. Therefore this group of trees has particular amenity and landscape character value and so RP5 is considered applicable. Also such a buffer is required as per policy DP2, where these are required to make development adjacent to the countryside acceptable. As noted above, the A7 corridor is well landscaped and it would be the expectation of the Planning Authority that this be continued as part of any appropriate development in this area. The cumulative loss of these trees and landscaping without an opportunity for replacement planting is contrary to RP5. Also, the lack of any adequate landscape buffer between the built up area and countryside is contrary to DP2.
- 8.23 The applicant refers to developer contributions being required towards the A7 Environmental Scheme. Should permission be granted, the applicant would be required to contribute an amount to this scheme. This relates to improvements designed to improve walking, cycling and public transport access on this section of the A7. This contribution would not be towards any additional landscaping that would be required to mitigate for the extensive loss of landscaping which would result from the proposed development.
- 8.24 The comments on the screening of and design of the building are addressed below. Although it is acknowledged that the applicant is willing to provide enhanced landscape features into and on top of any proposed retaining structures, these will not address the concerns raised above or provide adequate landscaping at this site.

#### Design and Materials

- 8.25 The application is for a single storey hipped roof retail unit with a rectangular footprint. The applicant has amended the design and size of the proposed unit after discussion with the Planning team, including reducing the height of the roof and hipping it and amending the materials and treatment. In these discussions, it was emphasised, the requirement for good quality design should a further application be submitted, referring to the Aldi application which presented a standard

building with the use of a non-standard palette of materials including large areas of glazing and timber cladding to the principal public elevations. This higher quality design was required given the sensitive location within the countryside and Green Belt. It was noted in the Committee Report for the Aldi proposal that architectural interest was created through the treatment of specific elevations. It was also stated that it would not have been appropriate to have proposed a building which took no account of its setting.

- 8.26 The same principles of an improved standard of design should be applied in this application given its potentially prominent location which abuts the countryside. The building is a standard rectangular warehouse style unit with the only area of glazing being a small section around the entrance, resulting in a large, bulky building. The scale and form of the building has a standard and unimaginative appearance which would not relate well to its surroundings. Although the Aldi building is of standard design, it is evident that careful consideration has been given to improve its appearance through the use of higher quality materials and the creation of visual interest through architectural treatment and detailing. This is not the case with the current application, where the proposed materials are brick and timber effect rain screen cladding, along with a metal clad roof. The use of such standard materials, exacerbated by the lack of timber cladding but timber effect cladding, further emphasises the standard, unimaginative design of the building which poorly relates to the surrounding area. The design, is poor and does not take any reference to the attributes of the site or its surroundings. It consequently does not meet national or local policy aspirations with regards to design.
- 8.27 By virtue of its size, design, materials and position, along with the removal of existing landscaping with inadequate replacement landscaping, the proposed building would appear an unduly dominant and intrusive feature when viewed from public area. This would be particularly the case from the A7, which is situated in close proximity to the long axis of the proposed building, is at a lower level than the application site and from where the main bulk of the building would be readily visible. It is not the case that developments should be hidden from view by landscaping but that there should be a combination of high quality design and landscaping to integrate the development into the site. The quality of design of the proposed development is not sufficient to justify such a small landscaped area. The development of this site requires a strong vegetation strip along the A7 to ensure that development will be well integrated to and respect the character and appearance of this sensitive surrounding landscape.

#### Developer Contributions

- 8.28 As mentioned above, should permission be granted it will be necessary for the developer to provide a financial contribution towards the A7

Environmental Improvements. This developer contribution can be secured through a planning legal agreement.

### Summary

- 8.29 This proposed development is contrary to the relevant provisions of the Strategic Development Plan, the Midlothian Local Plan, the Midlothian Local Development Plan and National Planning Policy. The specific matters are:
- the location of the proposed store is out-of-town, contrary with the sequential town centre first approach to retail development and in conflict with national and local planning policy;
  - the applicant has not demonstrated that the proposed store would not undermine the vitality and viability of Dalkeith or Bonnyrigg town centre;
  - the site cannot be classed as a neighbourhood centre;
  - the poor design of the building in terms of its size, form and materials is detrimental to the visual amenity of the area; and
  - the loss of landscaping along the sites boundary would be detrimental to the visual amenity of the area.

## **9 RECOMMENDATION**

- 9.1 That planning permission be refused for the following reasons:
1. The application site is not one of the acceptable types of locations for retail development, as specified in the sequential town centre first approach identified in the Scottish Planning Policy and policy SHOP5 of the adopted Midlothian Local Plan. It has not been demonstrated, to the satisfaction of the Planning Authority, that the site is appropriate for the proposed use, in that the site complies with the sequential town centre first approach, and that there are no other more sustainable or suitable sites which could accommodate the development more appropriately.
  2. It has not been demonstrated, to the satisfaction of the Planning Authority, that the operation of the proposed retail unit would not undermine the vitality and viability of either Dalkeith or Bonnyrigg town centres.
  3. For the above reasons the proposal is contrary to Scottish Planning Policy, policy 3 of the Strategic Development Plan and policy SHOP5 of the adopted Midlothian Local Plan.
  4. The application site is not located within a neighbourhood shopping centre and, therefore, the development is contrary to policy SHOP7 of the adopted Midlothian Local Plan.

5. As a result of its size and design, finishing materials, position on the site and lack of opportunities for landscaping the proposed development will have a significant detrimental impact on the visual amenity of the area, contrary to the terms of Scottish Government policy on Creating Places and policy RP20 of the adopted Midlothian Local Plan.
6. The proposed development would result in the loss of landscaping, which is important in the definition of the settlement boundary where it abuts the A7 road. The hedge and trees also provide effective screening of the nearby superstore and the large area of associated car parking. There is inadequate room within the site to accommodate sufficient landscaping to mitigate for this loss. The impact on the hedge and trees and lack of replacement planting will have a detrimental impact on visual amenity and as such the proposed development is contrary to policies RP5, RP7 and DP2 of the adopted Midlothian Local Plan.

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 21 December 2017

**Application No:** 16/00618/DPP (Available online)

**Applicant:** Bryan Wilson, SC Dalkeith Limited, London and Scottish Developments, 8 Elmbank Gardens, Glasgow, G2 4NQ

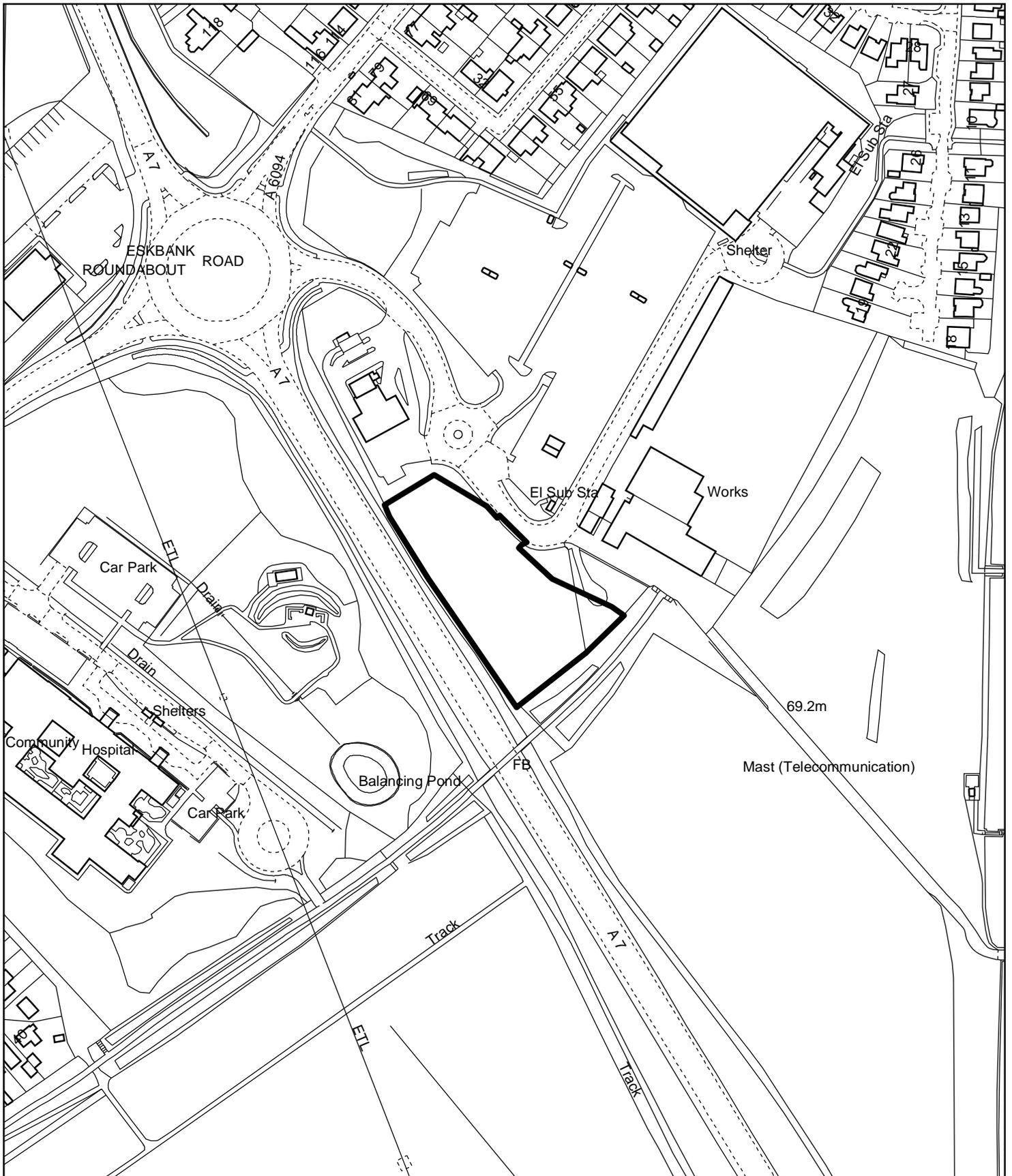
**Agent:** Phil Pritchett, Pritchett Planning Consultancy, PO Box 8052, 1 Wilton Road, Edinburgh, EH16 5ZF

**Validation Date:** 9<sup>th</sup> September 2016

**Contact Person:** Mhairi-Anne Cowie

**Tel No:** 0131 271 3308

**Background Papers:**



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

**Erection of retail unit, formation of access and car parking at  
Land South West Of Tesco Superstore, Dalkeith**

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**File No. 16/00618/DPP**

**Scale: 1:2,500**

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