

Notice of meeting and agenda



Planning Committee

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 01 March 2016

Time: 14:00

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Further Information:

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

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Order of Business

3 Declaration of Interest

Declarations of interest

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5.4 Pre-Application Report Regarding a Proposed Residential Development at Land between Deanburn and Mauricewood Road, Penicuik (15/00987/PAC) **47 - 50**

5.5 Application for Planning Permission in Principle (15/00364/PPP) for a Mixed Used Development Comprising; Film and TV Studio including Backlot Complex, Mixed Commercial Uses, Hotel, Gas and Heat Power Plant, Visitor Centre, Student Accommodation and Film School at Old Pentland, Loanhead **51 - 104**

5.6 Application for Planning Permission (15/00884/DPP) for the Formation of a New Railway Depot; including Train Maintenance, Cleaning and Stabling, the Laying of New Railway Lines, the Erection of Associated Offices and Staff Welfare Blocks, the Formation of Car Parking and Associated Works at the Form **105 - 114**

6 Private Reports

No private business to be discussed at this meeting

MINUTES of MEETING of the MIDLOTHIAN COUNCIL PLANNING COMMITTEE held

in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 12 January 2016 at 2.00 pm.

Present:- Councillors Bryant (Chair), Baxter, Beattie, Bennett, Constable, Coventry, de Vink, Imrie, Johnstone, Milligan, Montgomery, Muirhead, Parry, Pottinger, Rosie, Russell, Wallace and Young.

1. Declarations of Interest

Councillor Baxter declared a non-pecuniary interest in agenda item 10(e) - Application for Planning Permission (**14/00405/DPP**) for Residential Development at Land South West of Mayshade Garden Centre, Eskbank Road, Bonyrigg (paragraph 7 of the **Appendix** refers), on the grounds that whilst on the Community Council he had made his views known on the proposed development of this site. He indicated that it was his intention to leave the meeting for the duration of this particular item and not to contribute to any discussion thereof.

2. Minutes

The Minutes of Meeting of 17 November 2015 were submitted and approved as correct record.

3. Broadband and the Planning System

With reference to (i) paragraph 8 of the Minutes of 21 April 2015 and (ii) paragraph 1 of the Addendum of the Minutes of 17 November 2015, there was submitted report dated 5 January 2016, by the Head of Communities and Economy providing an update on the delivery of high speed fibre optic broadband, with regard new developments, and detailed proposed standard conditions to be used when planning permission was to be granted.

The Committee having heard from the Planning Manager acknowledged that the rollout of fibre optic services in Midlothian was progressing but not perhaps at the rates referred to in the report. Members remained concerned, however that in order to access the digital technology available, individual household would potentially require to replace the copper cabling provided by many developers with fibre optic. This was particularly frustrating as it was understood that the required fibre optic cabling to premises could in most instances be installed during construction instead of copper at very little extra cost to the developers.

Decision

- (a) To note the update; and
- (b) To agree that the template planning conditions be updated to include a requirement that fibre optic cabling rather than copper cabling be provided, when new premises were being constructed.

(Action: Head of Communities and Economy)

4. Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage

There was submitted report, dated 5 January 2016 by the Head of Communities and Economy, updating the Committee on 'major' planning applications, formal pre-application consultations by prospective applicants and the expected programme of applications due for reporting.

The Committee, having heard from the Planning Manager discussed whether in light of the Reporter's decision in the relation to the proposed development at Land North and South of Lasswade Road, Eskbank (14/00420/PPP), the position adopted by the Committee at its meeting on 25 August 2015 (paragraph 3, page 4-241) not to report premature planning applications received for sites not currently allocated for development to Committee until the proposed Midlothian Local Development Plan (MLDP) had progressed through the examination process and been formally adopted the Council, was sustainable.

The Head of Communities and Economy explained that the matter was being taken up with Scottish Government, Directorate for Planning and Environmental Appeals, as the Reporter had upheld the appeal after considering the proposed development accorded with the provisions of the development plan on the grounds that, based on the Council's 2014 Housing Land Audit, the Council did not have an effect five year land supply; which was clearly not the case.

The Committee, whilst acknowledging the reassurance offer by the Head of Communities and Economy, remained concerned that other applicants might on learning of the Reporter's decision, adopt a similar course of action.

Decision

- (a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2015/16;
- (b) To note the updates for each of the applications;
- (c) To note that the issue of the Council not having an effect five year land supply was being taken up with the Scottish Government, Directorate for Planning and Environmental Appeals;
- (d) To seek an update on the Council's current housing land supply; and
- (e) To agree that any other premature applications which were at risk of being appealed for none determination be reported to Committee as soon as practical.

(Action: Head of Communities and Economy)

5. Appeal and Local Review Body Decisions

There was submitted report, dated 5 January 2016, by the Head of Planning and Development, detailing the notices of review determined by the Local Review Body (LRB) at its meeting in November 2015, and four appeals decisions received from Scottish Ministers.

Appended to the report were copies of the following appeal decision notices from the Scottish Government, Directorate for Planning and Environmental Appeals:-

- dated 17 November 2015, dismissing an appeal by T & V Builders Ltd against refusal of planning permission for the erection of 13 flatted dwellings and 5 dwellinghouses, formation of car parking and access road, and associated works at land at the junction of Bryans Road and Morris Road, Newtongrange (15/00029/DPP) and refusing planning permission;
- dated 26 November 2015, dismissing an appeal by Wind Prospect Developments Limited against non determination of an application for the erection of 9 wind turbines (102 metres to tip) and associated infrastructure at Mount Lothian Moss, Penicuik (14/00044/DPP) and refusing planning permission;
- dated 8 December 2015, upholding an appeal by Springfield Energy Ltd against refusal of planning permission for the erection of two wind turbines of up to 35.5m height to tip and ancillary infrastructure, comprising foundations, crane hardstanding area, access track and underground cabling, and control box at Land at Springfield Farm, Springfield Road, Penicuik (15/00365/DPP) and granting planning permission subject to conditions; and
- dated 15 December 2015, advising that the Scottish Ministers were minded to uphold an appeal by Gladman Developments Limited against non determination of an application for planning permission in principle for residential development with open space, access roads, car parking and associated facilities at land North and South of Lasswade Road, Eskbank (14/00420/PPP) and grant planning permission subject to conditions and the satisfactory conclusion of a s75 agreement.

Decision

- (a) To note the decisions made by the Local Review Body at its meeting on 24 November 2015; and
- (b) To note the outcome of the appeals determined by Scottish Ministers.

6. Pre-Application Consultation - Proposed Residential Development at Land West of Corby Craig Terrace, Bilston (15/00936/PAC)

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy advising that a pre application consultation had been submitted regarding a proposed residential development on land west of Corby Craig Terrace, Bilston (western part of site HS16 Seafield Road, Bilston) (15/00936/PAC).

The report advised that in accordance with the pre application consultation procedures approved by the Committee at its meeting on 7 October 2014 (paragraph 3, Page 4-199 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Decision

Having heard from the Planning Manager, the Committee:-

- (i) Noted the provisional planning position set out in the report; and
- (ii) Noted that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

(Action: Head of Communities and Economy).

7. Applications for Planning Permission

Applications for planning permission were dealt with as shown in the **Appendix** hereto.

The meeting terminated at 4.43pm.

APPENDIX

(relative to paragraph 7)

1. Application for Planning Permission (15/00503/DPP) by The NWH Group, c/o William Booth, Dalgleish Associates Ltd, Dunblane for the Infilling of quarry at Middleton Limeworks, Gorebridge.

With reference to paragraph 2 of the Appendix to the Minutes of 17 November 2015, there was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application, which had been the subject of a site inspection visit on Monday 11 January 2016.

The Committee, having heard from the Planning Manager, discussed the proposed development in particular consideration was given to the ability of the local road network to accommodate the additional traffic movements, the importance of the public highway being kept free of any debris and the provision of a suitable bond to ensure the site was restored upon completion of the works. Support was also expressed for the proposed establishment of a local Community Liaison group.

Thereafter the Committee, having emphasised (i) the importance of the local Community Liaison group being established at an early stage, (ii) the impact of the additional traffic movements being carefully monitored, and (iii) adjustment of Condition 16 to include provision on site on an operational road sweeper, agreed that planning permission be granted for the following reason:

Subject to the recommended planning conditions the proposed development does not conflict with the relevant policies of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESPlan), adopted Midlothian Local Plan, the emerging Midlothian Local Development Plan or with Government Guidance on waste management including landfill and site restoration.

subject to the following conditions:

1. Planning permission for the infilling of the quarry with inert material is granted for a limited period of seven years from the date when work commences on the site (such date to be advised by the applicant or their successors), or until the 17th November 2021, whichever is the earlier date.
2. Except as subsequently amended, or as otherwise required by the terms of this permission, the development hereby approved shall be carried out in accordance with the application plans, and the details contained in the accompanying Environmental Statement, dated June 2015, including the implementation of all the measures contained in that document for the mitigation of the environmental impact of the operations.

Reason for 1 & 2: *To make clear the extent and specifications of the development for which planning permission is granted, and to ensure the full implementation of all the identified measures for mitigating its environmental impact.*

3. Only truly inert material, as specified in the table at Schedule 2, Paragraph 4 of the Landfill (Scotland) Regulations 2004, shall be used for infilling purposes and the material shall arrive at the site in a condition suitable for purpose.

Reason: *To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment.*

4. Prior to commencement of any works, a site surface water drainage strategy and plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. This shall include: (i) Full details of the drainage infrastructure serving the site entrance and haulage roads(s); ii) Design details of the temporary crossings to be installed within the working area; and, (iii) a copy of the wet weather working plan.

Reason: *to ensure adequate protection of the water environment.*

5. At the end of the month during which infilling commences and at the end of each month thereafter until the site is fully restored, the developer shall send to the Planning Authority a written record of where each load of material being used to infill the site has come from, the type of material and the tonnage.

Reason: *To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment and so that the Planning Authority can monitor progress with the infilling.*

6. Prior to works commencing on site the following shall be carried out/implemented in accordance with details to be approved in advance by the Planning Authority:
 - (a) A detailed working plan of the whole site, to a scale of 1:1250 or similar, showing the location and full extent of any plant, buildings, site offices, equipment compounds, the location and type of wheel washing equipment to be installed/erected, maintained and operated;
 - (b) Details of the location and type of advanced warning sign to be erected at points on the minor road on the eastern approach to the site access, directing vehicles to the site access;
 - (c) Details of the type, location on site and recycling of waste water of the wheel washing facility to be installed on site; which facility shall include shaker bars.

Reason: *To ensure that full details are submitted and approved of working methods and environmental mitigation measures, to enable the Planning Authority to retain effective control over all matters which may have an adverse impact on the environment and amenity of the area, and to ensure that the eventual restoration of the site is adequately safeguarded; and,*

7. Within one year from the date when work commences on the site (such date to be advised by the Planning Authority), the applicants or their successors shall submit for the approval of the Planning Authority a detailed restoration plan of the whole site, including the haul road, showing the final contours to be achieved in restoration, and the location of any hedges, fences, gates, walls and access points on the restored site, together with a written specification where such details are not shown on the plan; the plan shall also include proposals for the removal or other treatment of areas of hardstanding, areas occupied by plant or buildings, and the full length of the haul road, together with detailed landscaping proposals for the whole site, including the haul road, indicating the numbers, sizes, species, positions and planting densities of all trees and shrubs to be planted.
8. Notwithstanding the information contained within the Environmental Statement the restoration and landscaping of the site shall be completed in accordance with the restoration; including levels, approved under the terms of condition 7 by the 17th November 2022. The approved landscaping shall be maintained to the satisfaction of the Planning Authority for a period of five years from the time of any planting or construction. Maintenance shall include the replacement of any trees, shrubs or hedgerow plants which die, are removed, become seriously diseased or are severely damaged within that period, by others of a similar size and species to those originally required to be planted.

Reason for 7 & 8: *To ensure that all restored land is properly managed for a sufficient period to ensure its effective return to permanent agricultural/forestry use.*

9. Prior to the start of the development, the developer shall provide the Planning Authority with details of a bond or other financial provision from a bank or other financial institution to be put in place to cover decommissioning, site restoration and aftercare costs on the expiry of the permission. No works shall commence on site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained through the duration of the permission.

Reason: *To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site.*

10. Notwithstanding that specified in the Transportation Assessment, the first 40 metres (not 20 metres as stated in the TA) of private access road into the site; measured back from the site access, shall be surfaced in non-loose material.

Reason for conditions 10: To ensure that the public roads including the access road leading to the quarry and the A7 are kept free from loose material being deposited from vehicles entering or exiting the site in the interest of road safety.

11. The developer shall undertake a programme of works to repair the existing sections of the road carriageway/verge that has been damaged from the infilling of quarry No 2. The sections of the road carriageway/verge to be repaired shall be agreed in advance in writing by the Planning Authority. The agreed works shall be completed prior to the infilling of quarry No 1. Any identified damage to the highway during infilling and restoration works shall be repaired within 3 months of the operator being notified of the required works.

Reason: In the interests of road and pedestrian safety as various sections of the road carriageway / verge have suffered damage over the years

12. Notwithstanding that stated in docketed application documents operations; including the access and egress of vehicles into and out off the site shall only take place during the hours of 08.00 to 19.00 Mondays to Fridays and 08.00 to 12.00 Saturdays with no working on Sunday. In addition, no work on the construction of the access road, or initial site preparation works, shall take place out with the hours of 08.00 to 19.00 Mondays to Fridays and 08.00 to 12.00 Saturdays inclusive. There shall be no variation there from unless with the prior written approval of the Planning Authority.

Reason: In the interests of safeguarding the amenity of nearby noise sensitive properties and the character and amenity of the countryside.

13. Prior to works commencing on site a dust management plan shall be submitted to and approved in writing by the Planning Authority. Additionally, following any substantiated complaints about dust or where visual inspection indicates significant dust emissions or dust tracked out of the site onto public roads, a programme of monitoring at the sensitive receptor(s) shall be undertaken by the operator over a period of time agreed in writing by the Planning Authority (following the results of an initial representative period of monitoring).

Reason: To mitigate the potential impact of the development on air quality in the interest of safeguarding the amenity of neighbouring properties and the amenity of the area.

14. A daytime limit of 55 dB L_{Aeq, 1 h} (free field) shall be met at noise sensitive properties, with the exception of Sheilknowe at 10 Guildiehowes Road and Halkerston Farm Cottages where a daytime limit of 45 dB L_{Aeq, 1 h} (free field) shall be met.

Reason: *To mitigate the potential noise impact of the development in the interest of safeguarding the amenity of neighbouring noise sensitive properties.*

15. The bat protection measures detailed in Section 6 (Recommendations) of the document titled 'Bat Hibernaculum Monitoring 2013-2015 Report' prepared by David Dodds Associates Ltd, Ecological Consultancy; including the construction of a shaft to the bat hibernaculum surrounded by gabion baskets, shall be implemented in full. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *In the interests of safeguarding bats by allowing for the continued passage of them to the hibernaculum caves at the base of the former quarry faces.*

16. No mud, soil or debris shall be deposited on the public highway by vehicles entering or leaving the site. Any mud, soil or debris deposited on the public highway shall be removed and the highway cleaned. The applicant shall retain an operational road sweeper on site whilst infilling operations and restoration works are taking place to ensure the highway is cleaned within one hour of the operator being notified by the Local Authority, the Police or any other Government Agency or Public Body.

Reason: *In the interests of highway safety.*

(Action: Head of Communities and Economy).

2. Application for Planning Permission (15/00715/DPP) by Mr P Clark, 4 Manse Road, Roslin for the Formation of raised decking and installation of roof lights at that address.

With reference to paragraph 6 of the Appendix to the Minutes of 17 November 2015, there was submitted report, dated 10 November 2015, by the Head of Communities and Economy concerning the above application, which had been the subject of a site inspection visit on Monday 11 January 2016.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

The proposed alterations to the dwellinghouse by means of their form, scale and design are compatible to the host building and accord with Midlothian Local Plan policies RP20, RP22 and DP6.

subject to the following conditions:

1. Details of the design, materials and finish of the proposed screen to be erected along the north east side of the decking shall be submitted to the Planning Authority and no work shall start on the decking until this detail has been approved in writing by the Planning Authority.

Reason: *To safeguard the character of the building.*

2. Unless otherwise approved in writing by the Planning Authority the screen approved in terms of condition 1 shall be installed within two months of the deck being brought into use and thereafter shall not be removed.

Reason: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

(Action: Head of Communities and Economy).

3. **Application for Planning Permission (15/00684/DPP) by Midlothian Council, c/o AHR Architects Ltd for the Erection of Community Facilities incorporating Primary School, Nursery School, Early Years and After School Care, Library, Health Centre, Alterations to Existing Leisure Centre, Formation of Car Parking and Associated Works at Land at Loanhead Leisure Centre and King Georges Field, George Avenue, Loanhead.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

The site is situated within the settlement boundary of Loanhead and has an established leisure and associated sports and play use. The redevelopment of the site for the provision of a new school, health facilities and library and associated facilities which are currently located close to the site is compatible with its location and is supported in terms of development plan policies. Subject to conditions, the design and layout of the proposed development is acceptable and there are no material planning considerations which outweigh the presumption in favour of the development.

subject to the following conditions:

1. Notwithstanding that delineated on docketed drawings, development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space 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, including trees, shrubs, hedging, wildflowers and grass areas.
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures, this shall include provision of an appropriate fence to the northern side of the existing grass playing pitch;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the new building being completed or brought into use whichever is the earlier. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and SUDS (Sustainable Drainage Systems) to manage water runoff;
- viii proposed car park configuration and surfacing, including kerb details;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x details of existing and proposed services; water, gas, electric and telephone;
- xi details of the floodlighting system and any security lights to be installed within the site. The floodlights and security lights shall be designed and installed such that there is no direct illumination of any neighbouring residential property and the lamp design shall be such that the actual lamps and inner surface of the reflectors are not visible from neighbouring houses which have a garden boundary with the application site. In addition, the lighting shall be designed to minimise the spillage of light up into the sky. The floodlighting system shall be fitted with an automatic cut out to ensure that the system cannot operate after 9pm unless otherwise approved in writing by the Planning Authority. The design and construction of the lighting shall take account of the Guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008;
- xii the locations and design of security/CCTV cameras and mounting poles; and,
- xiii details, including the location of all street furniture.

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 policy RP20 of the Midlothian Local Plan and national planning guidance and advice.

Reason for 1(iii): To safeguard the privacy and residential amenity of the neighbouring residential from users of the southern-most proposed playground of the new school.

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

Reason: To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.

3. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.

4. The discharge of surface water to the water environment shall be in accordance with the principle of SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA and surface water drainage from the construction phases shall be dealt with by SUDS. Such drainage shall be in accordance with C648 and C649, both published by CIRIA.

Reason: To ensure the provision of an appropriate SUDS strategy to serve the proposed development in the interests of safeguarding the water environment.

5. Development shall not begin until details of 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 and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities), footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - v proposed construction traffic access and haulage routes;

- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
- vii proposed car parking arrangements;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi the permeable paving and car park drainage system.

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.*

6. Detailed drawing and a written specification and/or a manufacturers brochure of proposed air handling equipment and extract flues to be installed on the building/on the site shall be submitted for the prior approval of the Planning Authority.

Reason: *To ensure that air handling equipment and extract flues are not unduly intrusive or conspicuous on the building, in the interest of safeguarding the character and visual amenity of the area.*

7. The design and installation of all plant and machinery shall be such that the combined noise level shall not exceed NR 30 daytime (07:00 to 23:00 hrs) and NR 25 night time (23:00 to 07:00 hrs) as measured from within any living apartment in any neighbouring noise-sensitive premises. For the purposes of this condition the assessment position shall be as identified by BS 7445 in relation to internal noise measurements.

Reason: *To ensure noise from plant at the site does not cause an unacceptable level of nuisance to nearby noise sensitive dwellings.*

8. A scheme for the protection of the outdoor grass pitch shall be submitted to and approved in writing by the planning authority prior to the commencement of development on the site. Thereafter the approved protection scheme shall be implemented at the site.

Reason: *To ensure the outdoor grass pitch is protected from damage during the construction period.*

9. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

10. Unless otherwise approved in writing by the planning authority, any floodlights or security lighting on the site shall not be used between the hours of 9.00pm and 7am. The floodlights and security lighting shall be designed to minimise the spillage of light outwith the site boundaries or up into the sky.

Reason: To minimise any impact on amenity of floodlighting and security lighting on the surrounding area.

11. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority; or alternatively it has been confirmed in writing to the planning authority that there is no contamination/previous mineral working requiring mitigation. 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 the new school building, new MUGA and new grass 7 aside kick about pitch are occupied/first come into use, the measures to decontaminate/remediate 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.*

12. Any floodlighting system and security lights shall be designed and installed such that there is no direct illumination of any neighbouring sensitive property and the lamp design shall be such that the actual lamps and inner surface of the reflectors visible from the neighbouring sensitive receptors' properties. The design of the lighting shall take account of the Guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008.

Reason: *To ensure security lighting is designed and operated so that they do not cause unacceptable nuisance to neighbouring sensitive properties.*

13. The new school building hereby approved shall not come into use unless and until the car parking, cycle and scooter parking all delineated on docketed drawing No.LL(90)001 rev F, and the shelters over all of the cycle parking and scooter parking have been formed/erected and are made available for use. Thereafter, the car parking, cycle and scooter parking and shelters shall be retained unless otherwise approved by the Planning Authority.

Reason: *In the interests of road and pedestrian safety and to safeguard the amenity of the area.*

14. Acoustic design of the school in relation to internal and external levels shall be in accordance with Building Bulletin 93: Acoustic Design of Schools.

Reason: *To ensure the acoustic design of the school is acceptable in relation to nearby noise sensitive properties.*

15. Prior to the commencement of development on the site the following details shall be submitted to and approved in writing by the planning authority:
 - i. Details of the proposed cycle and scooter parking;
 - ii. Details of the SUDs proposals for the site;
 - iii. Details of the school Green Travel Plan;
 - iv. Details of the required road markings and signs to enable the disabled parking bays to be legally enforceable; and,
 - v. Details of the proposed Traffic Calming and pedestrian crossing facilities on George Avenue / Mayburn Avenue.
 Thereafter the details approved in relation to this condition shall be implemented at the site prior to any part of the development being completed or brought into use, whichever is the earlier date.

16. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority. The investigation shall include an archive assessment and an evaluation of 5% of the total site.

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

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

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

18. Development shall not begin until the applicant has secured appropriate and alternative accessible and secure equipped play provision within the local area. Plans showing the alternative play provision as well as the equipment to be provided and details of surfacing and boundary treatment shall be submitted to and approved in writing by the planning authority. Thereafter the approved provision shall be implemented within six months of the approval being given by the planning authority or such other timescale as is approved by the planning authority.

Reason: *To ensure appropriate alternative play provision is made for local children. The existing play provision on the site is good and appropriate alternative and local provision should be made to address the loss of the existing play provision.*

19. Development shall not begin until details of overflow car parking for 39 cars on the site of the current library and medical centre has been submitted to and approved in writing by the planning authority. Thereafter the approved overflow parking area shall be implemented in accordance with the approved details within six months of development commencing at the site, or such other timescale as is approved in writing by the Planning Authority.

Reason: *To ensure adequate and appropriate car parking provision is made for the development, in accordance with the Council's parking standards.*

20. The entrance area to the community facility on the proposed new building shall be redesigned to improve its visibility and scale, and the fenestration details. Before the development commences, revised plans and elevation details shall be submitted to and approved by the Planning Authority. The approved details shall include external finish materials. The approved plans shall be implemented at the site in full.

Reason: *To ensure the entrance to the community facilities on the new building is legible on the new building.*

21. All of the entrance areas to the building shall incorporate slate detailing in panels, the details of which shall be submitted to and approved by the planning authority in writing prior to the commencement of development on the site. The approved detailing shall be implemented in full on the building.

Reason: *To improve the design of the new building and to improve the legibility of the five entrances to the building.*

(Action: Head of Communities and Economy).

4. Application for Planning Permission in Principle (15/00712/PPP) by Midlothian Council, c/o AHR Architects Ltd for Residential Development at Land at Paradykes Primary School, Mayburn Walk, Loanhead.

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee agreed that planning permission be granted for the following reason:

The proposed development is in an established residential area and is considered to be an acceptable 'windfall site' in relation to the Midlothian Local Plan being compliant with Policy RP20. It is acceptable in this location in principle subject to appropriate conditions and the required developer contributions.

subject to

- (i) Securing the provision of affordable housing, children's play and open space, including maintenance provision and securing developer contributions towards education provision (non denominational primary and secondary school provision and denominational secondary school provision), community and leisure facilities and any identified roads/transportation or road traffic order requirements; and

- (ii) the following conditions:

1. The 'Proposed Housing Site Layout' (Drawing Number: L(00)200 1:500 HOUSING LAYOUT) submitted with the application is not approved.

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

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of open space, structural landscaping, the 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.*

3. Development shall not begin 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. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - 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);
 - x proposed play areas and equipment;
 - xi proposed cycle parking facilities; and
 - xii proposed area of improved quality (20% of the proposed dwellings).

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

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP8, RP20, RP31 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by

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

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin 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 and cycle ways in relation to a fixed datum;
 - ii. proposed vehicular, cycle and pedestrian accesses;
 - iii. proposed roads (including turning facilities), footpaths and cycle ways;
 - iv. proposed visibility splays, traffic calming measures, lighting and signage;
 - v. proposed construction traffic access and haulage routes;
 - vi. a green travel plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vii. proposed car parking arrangements;
 - viii. proposed bus stops/lay-bys and other public transport infrastructure;
 - ix. a programme for completion for the construction of access, roads, footpaths and cycle paths;
 - x. proposed on and off site mitigation measures identified by the traffic assessment submitted with the application;
 - xi. The existing signs, street furniture and road markings associated with the primary school shall be removed and the public footway made good; and,
 - xii. The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Vale where a pedestrian crossing point would be formed.

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.*

6. 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.*

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

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Metal Detector Survey and Evaluation) and scheme of investigation has been submitted to and approved in writing in 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 archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

9. The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Avenue where a pedestrian crossing point would be formed.
10. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

(Action: Head of Communities and Economy)

5. **Application for Planning Permission (15/00616/DPP) by Charles Letts and Co Ltd, c/o McLaren, Murdock and Hamilton, Edinburgh for the Erection of 60 Dwellinghouses and 22 Flatted Dwellings, Formation of Access Road and Car Parking and Associated Works at Land East of Charles Letts And Co Ltd, Salter's Road, Dalkeith.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

The Committee, in considering the proposed development, discussed the potential impact that construction traffic and noise might have on the nearby Dalkeith Schools Community Campus. Having heard from the Planning Manager in this regard, an offer to consult with the Dalkeith Ward Members regarding the hours of construction was welcomed and agreed.

Thereafter, the Committee agreed that, subject to the above, planning permission be granted for the following reason:

Although the site is not allocated for housing in the adopted local plan the provisions of the emerging local development plan and material planning considerations outweigh this policy position in favour of the development. The site is identified for housing in the Proposed Midlothian Local Development Plan and is within the settlement boundary of Dalkeith.

subject to

- (i) the prior signing of a legal agreement to secure the provision of affordable housing and developer contributions towards education provision, children's play provision, a contribution towards Borders Rail and a payment to the Council to secure a servitude to enable the construction of the cycleway/footway from the site to the public footway at Woodland View to the north; and
- (ii) the following conditions:
 - 1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS 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. a woodland management plan for the retained woodland belts including proposals for replacement tree planting for to compensate for trees that would be lost;
 - iv. proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - v. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - vi. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vii. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - viii. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;

- ix. proposed car park configuration and surfacing;
- x. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- xi. proposed cycle parking facilities; and
- xii. proposed area of improved quality.

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 policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space and structural landscaping, the 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.*

3. Prior to the first occupation of any dwelling on the site a 3m wide cycleway/ footpath shall be formed from the site from a point at the rear of Plot 43 to the public road at the end of the cul-de-sac at Woodland View to the north. This cycleway/footpath shall be constructed to an adoptable standard with street lighting. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the provision of adequate cycle and pedestrian links through the site including to and from the local primary school and neighbourhood children's play area in the interest of the residential amenity of the future occupants of the houses and flats built on the site.*

4. Prior to works commencing on site details of the construction vehicles route and access into and out of the site shall be submitted for the prior written approved of the Planning Authority. The construction vehicles route and access into and out of the site shall accord with the detail so approved.

Reason: *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

5. The hours of construction, including times when construction vehicles can access and egress the site shall be approved in writing in advance by the Planning Authority.

Reasons: *In the interests of road safety; and,*

In the interests of safeguarding the amenity of neighbouring noise sensitive properties, including the schools located at Dalkeith Schools Campus and neighbouring residential properties.

6. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

7. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

8. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved

in writing by the planning authority. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be used in the area of improved quality which shall include plots: 1-16 inclusive. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

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

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

10. Development shall not begin until the following has been submitted to and approved in writing by the planning authority:

- i. Existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii. Proposed lighting and signage;
- iii. A programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

11. Prior to any house or flat being occupied the following shall be formed/carried out and made available for use to the approval of the planning authority.
 - a. The vehicular, cycle and pedestrian access details and routes delineated on docketed drawings;
 - b. The street lighting and signage approved by condition 12ii;

- c. The driveway of the house or parking space of the flat associated with it;
- d. The visitor parking spaces;
- e. The cycleways/footways within the site; and
- f. The cycle parking for the 22 flats with internal lighting and drainage as required.

Reason: *To ensure the safely and convenient access to the site and from the site in the interest of road safety.*

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

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.*

13. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

14. Detailed drawings of the building and details of the external finishing materials and finishing colour of the substation shall be submitted for the prior written approval of the Planning Authority.

Reason: *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

15. Prior to the occupation of the houses on Plots 44 and 56 and the flats within the southern block (Plots 61 to 68), the noise mitigation requirements detailed in Section 5.0 (Mitigation Requirements) of the RMP Environmental Noise Assessment report dated 23 March 2015 shall be carried out in full. Thereafter the noise mitigation measures shall remain in place for the duration of the operations of the Charles Letts and Co factory.

Reason: *To mitigate the potential effects of noise nuisance to residences on the site which otherwise could be significantly adversely affected by noise owing to the close juxtaposition of them to the Charles Letts and Co Ltd factory.*

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

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

(Action: Head of Communities and Economy).

6. Application for Planning Permission (15/00692/DPP) by Aldi Stores Ltd, c/o GVA Grimley, Edinburgh for the Erection of retail unit and associated works at land at Mayshade Garden Centre, Eskbank Road, Bonnyrigg.

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

The Committee, having heard from the Planning Manager, discussed the potential impact of the proposed development and whether the proposals would have a detrimental effect on neighbouring town centres. Some Members felt that the development would be better suited to a town centre location, although it was noted that the garden centre building did have an unrestricted Class 1 retail use. The potential impacts on the adjoining road network were also discussed, with concerns being expressed about the possible effects that additional traffic activity might have on Eskbank Road and the nearby roundabout on the A7.

Thereafter, Councillor Milligan, seconded by Councillor Baxter, moved that planning permission be refused on the grounds that the development would have a detrimental impact on neighbouring town centres and the adjoining road network.

As an amendment, Councillor Constable, seconded by Councillor Beattie, moved that planning permission be granted subject to the conditions detailed in the report.

On a vote being taken, eight Members voted for the motion and nine for the amendment which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:

The development's non-compliance with policies RP1, RP2, SHOP1, SHOP5 and SHOP7 of the adopted Midlothian Local Plan is justified on account of the site benefiting from an unrestricted retail use which was established by the former garden centre business. The siting of the proposed retail unit, layout of the site and scheme of landscaping will protect against the coalescence of settlements. The design of the proposed retail unit will positively contribute to the appearance of the site, which is in a sensitive countryside location.

subject to:

- (i) The prior signing of a legal agreement to secure developer contributions towards the A7 Environmental Improvements scheme; and
- (ii) the following conditions:
 - 1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - ii. proposed new planting, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the car park and open spaces shall be completed prior to the retail unit being open for business. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);

- v. location and design of any proposed walls, fences and gates, including those surrounding ancillary structures; and,
- vi. drainage details and sustainable urban drainage systems to manage water runoff.

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

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and RP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP1 and RP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of 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 and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed visibility splays, traffic calming measures, lighting and signage;
 - iv proposed construction traffic access and haulage routes;
 - v a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vi proposed car parking arrangements; and,
 - vii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

(Action: Head of Communities and Economy).

Sederunt

With reference to paragraph 1 above Councillor Baxter, having declared a non-pecuniary interest in the following item of business, left the meeting at 4.28pm, taking no part in the discussion thereof.

7. **Application for Planning Permission (14/00405/DPP) by Cala Management Ltd, c/o EMA Architecture and Design Ltd, Edinburgh for the Erection of 56 Dwellinghouses, Associated Infrastructure and Landscaping at Land 160m South West of Mayshade Garden Centre, Eskbank Road, Bonnyrigg.**

There was submitted report, dated 5 January 2016, by the Head of Communities and Economy concerning the above application.

Having heard from the Planning Manager, the Committee in discussing the proposed development considered whether the proposals complied with development plan policies or if there were material planning considerations that indicated otherwise. It was noted that in the emerging development plan the site had been identified as a proposed housing site, and although the new local development plan still required to be examined and adopted, there was an argument that it was a material consideration. With regards the proposed development itself and in particular the potential access arrangements, the Committee were of the view that a signalised junction off Eskbank Road would be the best option.

Thereafter, Councillor Milligan, seconded by Councillor Imrie, moved that planning permission be granted subject to appropriate developer contributions and conditions, which should include a requirement that access to the development be by way of a traffic light controlled junction off Eskbank Road directly opposite the vehicular entrance to the Community Hospital.

As an amendment, Councillor Beattie, seconded by Councillor Johnstone, moved that planning permission be refused for the reasons detailed in the report.

On a vote being taken, two Members voted for the amendment and thirteen for the motion which accordingly became the decision of the meeting.

The Committee thereby agreed that planning permission be granted for the following reason:

Although the site is not allocated for housing in the adopted local plan the provisions of the emerging local development plan and material planning considerations outweigh this policy position in favour of the development. The site is identified for housing in the Proposed Midlothian Local Development Plan and is to be incorporated within the settlement boundary of Bonnyrigg. The development by means of its layout, form, design and means of access presents an attractive residential development that is sympathetic to nearby residential properties and other land users and as such complies with the design and implementation policies in the adopted local plan and the emerging local development plan.

subject to appropriate conditions, and developer contributions, to be determined by the Head of Communities and Economy, in consultation with the Chair.

(Action: Head of Communities and Economy).

Sederunt

Councillor Parry left the meeting during consideration of the foregoing item of business, at 4.40pm



MIDLOTHIAN LOCAL DEVELOPMENT PLAN: HOUSING LAND SUPPLY UPDATE

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee on the state of the housing land supply in Midlothian and to highlight the impact of the allocated housing sites in the Proposed Midlothian Local Development Plan (MLDP) will have on the established land supply.

2 BACKGROUND

- 2.1 House building makes an important contribution to the local economy and to creating well designed and successful places. Scottish Planning Policy (SPP) sets out the Government's policy position on enabling new housing development and its support for delivering new housing development across the country but particularly in the cities network where there is continuing pressure for growth. Planning has a key role to play by providing a positive land use planning and policy framework to support housing development.
- 2.2 The housing land requirement for Midlothian is informed by a Housing Need and Demand Assessment (HNDA) which is prepared as part of the strategic development plan process (SESplan) and covers the whole SESplan area; data is provided for each local authority area and each housing market area. A Housing Supply Target (HST) is then calculated based on the outcomes of the HNDA and a margin of flexibility of between 10 – 20% (a requirement introduced by SPP 2014) is added to this (to ensure a generous supply of housing land is provided) to make up the overall housing land requirement for the plan period. The HNDA represents an estimate of housing need over the strategic plan period and the HST represents a policy view of how much additional housing could be provided over that period. It takes account of the outcomes of the HNDA process but also considers other environmental, economic and planning factors including capacity within the construction sector, the scale and pace of delivery, committed development, recent development levels and the availability of resources.
- 2.3 The Strategic Development Plan (SDP) identifies the amount and broad locations of housing land to be identified in local development

plans to meet the strategic requirement up to year 12 from the expected year of plan approval as well as an indication of the possible scale and location of housing land beyond year 12 and up to year 20.

- 2.4 The Midlothian Local Development Plan allocates a range of sites which are effective or are expected to be effective in the plan period to meet the SESplan housing requirement up to year 10 from the expected year of adoption (usually with 2 years of the adoption of the SDP).
- 2.5 The housing land supply is monitored annually by the housing land audit process (prepared in consultation with Homes for Scotland) and is revised every 5 years in line with the development plan review timescales. Councils are required to maintain at least a 5-year supply of effective housing land at all times. An effective land supply is the part of the established housing land supply which is free of development constraint in the period under consideration and will therefore be available for the construction of housing. Where a shortfall in the supply emerges, the development plan policies relating to housing will not be considered up-to-date. In these cases SPP advises that the presumption in favour of development will be a significant material consideration in the determination of planning applications for housing.
- 2.6 The housing land requirement can be met from a number of sources including sites from the established supply (sites identified from previous plans) which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations and, in some cases, a proportion of windfall development.

3 DEVELOPMENT PLAN POSITION

- 3.1 The development plan for Midlothian comprises the SESplan strategic development plan (SDP) approved by Scottish Ministers in June 2013 and the Midlothian Local Plan adopted in 2008. SESplan Policy 5 (Housing Land) identifies a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area in the period 2009 to 2029, of which 74,835 houses are required for the period 2009 to 2019. Supplementary guidance was adopted in October 2014 to provide detailed further information for local development plans (LDPs) as to how much of that requirement should be met in each of the six SESplan Council areas. This states the housing land requirement for Midlothian for 2009-2019 as 8,080 units, with a further 4,410 units between 2019 and 2024.
- 3.2 The Midlothian Local Plan 2008 allocated sites to deliver an indicative 2,340 houses.
- 3.3 Sites allocated in the 2003 Midlothian Local Plan and Shawfair Local Plan which were not built prior to the adoption of the 2008 Midlothian Local Plan also contribute to Midlothian's housing land supply as committed sites. This includes sites such as Shawfair, Hopefield,

Wester Cowden/Thornybark, Kippielaw, the north west Penicuik sites (Greenlaw and Deanburn), the Gorebridge sites (Harvieston, Newbyres, North Gorebridge Vogrie Road and Stobhill) and South Mayfield. In total over 8,600 dwellinghouses.

- 3.4 The proposed Midlothian Local Development Plan (MLDP) seeks to deliver a further indicative 4,350 units (this figure includes potential additional development opportunities) and identifies sites for longer term safeguarding.
- 3.5 For the period 2009 – 2014 SESplan identifies a total of 12,490 dwellinghouse should be delivered in Midlothian. Midlothian's adopted plan and proposed MLDP seeks to deliver an indicative 15,290 dwellinghouses (excluding windfall opportunities), a figure in excess of the SESplan requirement. If the additional housing opportunities referenced in paragraph 3.4 do not come forward the housing supply figure will be an indicative 14,680 rather than 15,290. The housing land supply figure fluctuates over time as dwellings are built and new sites become available.

4 MIDLOTHIAN HOUSING LAND SUPPLY

- 4.1 The overall housing land supply consists of all the housing sites identified in the HLA that have been allocated through previous local plans, that are proposed through emerging local plans or are windfall developments (sites which were not known about at the time the plan was being prepared). The effective land supply consists of all the sites in the HLA that are deemed to be free of constraints and satisfy the criteria in Planning Advice Note 2/2010 (see appendix A). Sites affected by constraints which cannot be overcome in time to contribute to the housing land requirement (during the plan period) are not considered effective.
- 4.2 The effective housing land supply in Midlothian is currently 9,883 (as of 31 March 2015, draft HLA15). HLA 15 does not include the allocations identified in the Proposed MLDP as the publication date of the plan did not coincide with those of HLA 15. They will be incorporated into the 2016 audit. The Proposed MLDP allocations are identified to meet the SESplan SDP1 requirements set in 2013 and amended in 2014. They represent a higher supply of housing land than is required by the HNDA to meet Midlothian's own needs and by the SDP requirement, but reflects the expectation that Midlothian will seek to meet housing need across all tenures, as well as recognising the economic development benefits of a strong and sustained house building sector.
- 4.3 In the initial plan period from 2009 – 2019 the impact of the Proposed MLDP will be to increase the overall housing land supply in Midlothian from 9,883 to 13,598 dwellings.
- 4.4 The HLA provides a mechanism to monitor the progress of housing development and to review the effective five year housing land supply. Each housing land audit includes an estimated programme of house

completions for 5 years as well as an indication of likely completions in years 7 and 8 beyond for the remainder of the plan period. The programming is agreed with Homes for Scotland and/or the house builder associated with the particular site. Each year the audit moves the 5 year effective supply period forward by one year.

- 4.5 An appeal decision against non determination of a planning permission in principle application (14/00420/PPP) for residential development and associated infrastructure on land north and south of Lasswade Road, Eskbank was reported to the Committee at its meeting in January 2016. The appeal was upheld. The Scottish Government Reporter upheld the appeal after considering the proposed development accords with the provisions of the development plan on the basis that Midlothian Council does not have an effective five year land supply. This was based on the Council's 2014 HLA. However, it did not consider the stated supply of 9,883 dwellinghouses but instead considered the Council had the potential to deliver 4,351 dwellings, which was identified as the likely figure to be built in the coming 5 year period.
- 4.6 Since the appeal a draft 2015 HL A has been prepared which demonstrates that the Council has an effective housing land supply. The land supply is dependent on the house building industry building houses on the sites granted planning permission or allocated in the adopted 2008 Midlothian Plan. The sites in the proposed MLDP will be included in the 2016 HLA.

5 SUMMARY

- 5.1 The report outlines the position with regard Midlothian's housing land supply and demonstrates that through the Strategic and Local Plan process Midlothian is allocating sufficient sites to meet its housing demand. Furthermore, sufficient sites are becoming available 'free from constraint' to develop and that the rate of house construction in Midlothian is governed by the rate of build undertaken by the house building industry and the local housing market.

6 RECOMMENDATION

- 6.1 The Committee is recommended to note the contents of the report for its information.

Ian Johnson
Head of Communities and Economy

Date: 23 February 2016
Contact Person: Peter Arnsdorf, Planning Manager
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Background Papers:

Appendix A – Criteria for assessing the effectiveness of housing sites.

55. The effectiveness of individual sites should be determined by planning authorities in the light of consistent interpretation of the following criteria and through discussions with housing providers. The aim is to achieve a realistic picture of the available effective land supply which can contribute to the housing requirement so that the level of additional housing, and therefore land needed to meet the overall requirement, can be established. To assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;

physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;

contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;

deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;

marketability: the site, or a relevant part of it, can be developed in the period under consideration;

infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and

land use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

Extract from Planning Advice Note 2/2010 – Affordable Housing and Housing Land Audits



MAJOR DEVELOPMENTS: APPLICATIONS CURRENTLY BEING ASSESSED AND OTHER DEVELOPMENTS AT PRE-APPLICATION CONSULTATION STAGE

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report updates the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.

2 BACKGROUND

- 2.1 At its meeting of 8 June 2010 the Planning Committee instructed that it be provided with updated information on the procedural progress of major applications on a regular basis.
- 2.2 The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants is outlined in Appendices A and B attached to this report.

3 PREMATURE APPLICATIONS

- 3.1 A consequence of the Proposed Plan being at an advanced stage is premature planning applications being submitted by a number of applicants on a number of sites. These are identified in Appendix A by the statement "Subject to progress on Midlothian Local Development Plan" and relate to sites which are not currently allocated for development in the adopted 2008 Midlothian Local Plan but are proposed in the MLDP. These sites are subject to representations from local communities and interested parties and will be tested at examination by a Scottish Government Reporter (anticipated to be later in 2016).
- 3.2 In the interests of fairness and transparency it is proposed not normally to report these applications to Committee until the proposed MLDP has progressed through the examination process and the Council has adopted the plan, unless the Committee wish to consider an application in advance of the adoption of the MLDP or there are extenuating circumstances. At its meeting in January 2016 the Committee expressed a preference to determine those applications

where there is a risk that applicants may appeal against non determination, an option open to applicants if an application is not determined within the set timeframe (four months from the date of validation for a major application) or an agreed extended time period.

- 3.3 If an appeal against non determination is submitted it would be determined by Scottish Ministers after consideration of relevant planning policies and other material considerations. Paramount in the consideration would be the potential for an application to undermine the development plan process if considered in advance of the adoption of the MLDP and whether Midlothian has a sufficient housing land supply as defined in Scottish Government Planning Policy.

4 RECOMMENDATION

- 4.1 The Committee is recommended to note the major planning application proposals which are likely to be considered by the Committee in 2016 and the updates for each of the applications.

Ian Johnson
Head of Communities and Economy

Date: 23 February 2016
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Background Papers: Planning Committee Report entitled 'Major Developments: Applications currently being assessed and other developments at Pre-Application Consultation stage' 8 June 2010.

APPENDIX A

MAJOR APPLICATIONS CURRENTLY BEING ASSESSED

Ref	Location	Proposal	Expected date of reporting to Committee	Comment
06/00474/OUT	Land adjacent to Rullion Road, Penicuik	Application for Planning Permission in Principle for residential development	Dependant upon receipt of amended plans from the applicant	The applicant is currently engaged in a pre application consultation process (15/00987/PAC) and has advised that an amended planning application will be submitted in Spring/Summer 2016.
06/00475/FUL	Land between Deanburn and Mauricewood Road, Penicuik	Erection of 300 dwellinghouses	Dependant upon receipt of amended plans from the applicant	The applicant is currently engaged in a pre application consultation process (15/00987/PAC) and has advised that an amended planning application will be submitted in Spring/Summer 2016.
14/00910/PPP	Land at Cauldcoats, Dalkeith	Application for Planning Permission in Principle for residential development, erection of a primary school and mixed use developments.	Subject to progress on Midlothian Local Development Plan	Pre-Application Consultation (14/00553/PAC) carried out by the applicants in October/November 2014.
15/00364/PPP	Land adjacent Old Pentland Road, Loanhead	Mixed-use development comprising; film and TV studio and backlot complex; mixed commercial uses; hotel; and gas heat and power plant.	Subject to determination by the Scottish Ministers	Pre-Application Consultation (14/00729/PAC) carried out by the applicants in October/November 2014. The applicants have appealed non determination. This application is reported to this meeting of the Committee.
15/00884/DPP	Millerhill Marshalling Yard Whitehill Road, Millerhill, Dalkeith	Train stabling and cleaning facilities; new railway lines; office; staff welfare facilities; car parking; access and landscaping	March 2016	A pre-Application report was reported to the August 2015 meeting of the Committee. This application is reported to this meeting of the Committee.

APPENDIX B

NOTICE OF PRE-APPLICATION CONSULTATIONS RECEIVED AND NO APPLICATION HAS BEEN SUBMITTED

Ref	Location	Proposal	Date of receipt of PAC	Earliest date for receipt of planning application and current position
13/00609/PAC	Housing Site B, land at Newbyres, River Gore Road, Gorebridge	Residential Development	19 August 2013	12/11/13 - no application yet received The applicants have started discussing possible layouts for this site and an application is anticipated in 2016.
14/00451/PAC	Land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith	Residential development and associated developments	10 June 2014	03/09/14 - no application yet received The applicants have started discussing possible layouts for this site and an application is anticipated in 2016.
14/00833/PAC	Land at Salter's Park, Dalkeith	Mixed-use development comprising residential and employment uses	12 November 2014	05/02/15 - no application yet received A pre-application report was reported to the January 2015 meeting of the Committee.
15/00774/PAC	Site Hs14, Rosewell North, Rosewell	Residential Development	22 September 2015	15/12/15 - no application yet received A pre-application report was reported to the November 2015 meeting of the Committee
15/00936/PAC	Land 470M West Of Corby Craig Terrace, Bilston	Residential Development	25 November 2015	17/02/16 - no application yet received A pre-application report was reported to the January 2016 meeting of the Committee
15/00987/PAC	Land Between Deanburn And Mauricewood Road Penicuik	Residential Development	17 December 2015	10/03/16 This pre-application is reported to this meeting of the Committee.
16/00072/PAC	Land to the south east of the Equine Hospital, Easter Bush Campus, Roslin	Animal research and imaging facility	05 February 2016	29/04/16



APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of notices of reviews determined by the Local Review Body (LRB) at its meeting in January 2016. There are no Scottish Government appeal decisions to report to the Committee.

2 BACKGROUND

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.

3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 19 January 2016 the LRB made the following decisions:

	Planning Application Reference	Site Address	Proposed Development	LRB Decision
1	15/00158/DPP	Land at Shewington, Rosewell	Formation of a temporary test piling facility	Review upheld The LRB were minded to grant permission subject to appropriate conditions and a financial bond being secured.

2	15/00591/DPP	Land at Camp Wood, Dalkeith	Erection of dwellinghouse, outbuildings, access road, car parking, ponds and fishery	Review upheld The LRB were minded to grant permission subject to the applicant addressing the Coal Authority's outstanding objection.
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4 RECOMMENDATION

- 4.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting on 19 January 2016.

Ian Johnson
Head of Communities and Economy

Date: 23 February 2016
Contact Person: Peter Arnsdorf, Planning Manager
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Background Papers: LRB procedures agreed on the 26 November 2013.



PRE - APPLICATION REPORT REGARDING A PROPOSED RESIDENTIAL DEVELOPMENT AT LAND BETWEEN DEANBURN AND MAURICEWOOD ROAD, PENICUIK (15/00987/PAC)

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding a proposed residential development at land between Deanburn and Mauricewood Road, Penicuik (15/00987/PAC).
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre application consultation for a residential development at land between Deanburn and Mauricewood Road, Penicuik was submitted on the 17 December 2015.
- 2.3 As part of the pre application consultation process the applicants are to hold a two day public event (exhibition/discussion forum) avoiding local school holidays at a suitable venue in Penicuik to be confirmed in late February/early March 2016. On the conclusion of the public event the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a public event without a Council planning officer being present, but the Member should (in accordance with the Commissioner's guidance) not offer

views, as the forum for doing so will be at this meeting of the Planning Committee.

- 2.4 Copies of the pre application notices have been sent by the applicant to Penicuik and District Community Council.

3 PLANNING CONSIDERATIONS

- 3.1 The proposed development is situated on land on both sides of Mauricewood Road, Penicuik and has a combined area of approximately 15.4 hectares.
- 3.3 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.4 The site is allocated in the adopted 2008 Midlothian Local Plan (MLP). The principle of a residential development on the site is therefore acceptable.
- 3.5 In addition, the following is also a significant material consideration to consider:
- a. At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to Local Plan Examination, the development strategy in the plan would be a material consideration which can be given significant weight. The proposed plan continues the commitment to the site for residential development.

4.□ PROCEDURES

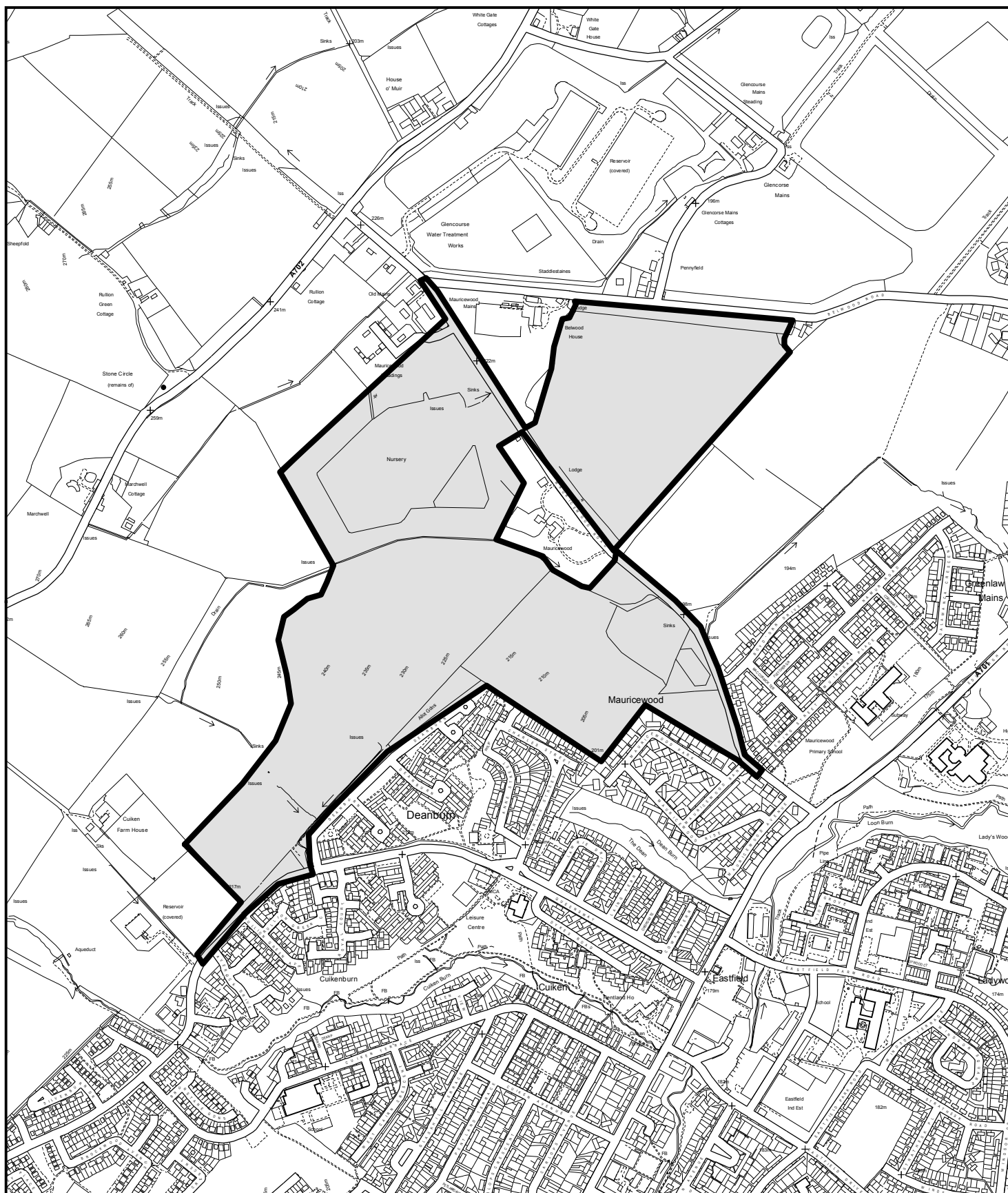
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

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

Ian Johnson
Head of Communities and Economy

Date: 29 February 2016
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**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
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Land between Deanburn and Mauricewood Road, Penicuik

18th February 2016

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File No. 15/00987/PAC

Scale: 1:10,000





**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
15/00364/PPP FOR A MIXED USED DEVELOPMENT COMPRISING; FILM
AND TV STUDIO INCLUDING BACKLOT COMPLEX, MIXED
COMMERCIAL USES, HOTEL, GAS AND HEAT POWER PLANT, VISITOR
CENTRE, STUDENT ACCOMMODATION AND FILM SCHOOL AT OLD
PENTLAND, LOANHEAD.**

Report by Head of Communities and Economy

**1 SUMMARY OF APPLICATION/APEAL AND RECOMMENDED
DECISION**

- 1.1** An appeal has been lodged against the non determination of the planning application within the statutory time period (4 months). The standard timescales set by the Department of Planning and Environmental Appeals (DPEA) required a submission from the Council prior to the matter being able to be considered by this Committee. Accordingly, the purpose of this report is to seek endorsement of the submission to the DPEA Reporter, which is that the appeal should be dismissed and planning permission should not be granted. The Scottish Ministers have determined to make the decision on the planning application following the completion of a report by the appointed Reporter.
- 1.2** The application is for planning permission in principle for a mixed use development comprising; film and television studios, associated backlot areas, studio tour facility, film school and accommodation, a data centre, an energy centre, a hotel site, gas and heat power plant and employment land. The development site includes land to the north and south of Pentland/Damhead Road, Loanhead. There have been 69 representations, 49 objecting to the application, 19 in support and one neutral comment. Consultation responses have been received from Damhead and District Community Council, Scottish Natural Heritage (SNH), the Scottish Environment Protection Agency (SEPA), Historic Environment Scotland (HES), Transport Scotland, The Coal Authority, Edinburgh Airport safeguarding and the National Air Traffic Services and the Councils Policy and Road Safety Manager, the Council's Archaeology Advisor, Environmental Health Manager, Economic Development Manager and Rights of Way Officer.

- 1.3** The relevant development plan policies are RP1, RP2, RP4, RP5, RP6, RP7, RP8, RP13, RP14, RP15, RP16, RP21, RP24, RP28, RP32, RP33, ECON5, ECON6, ECON7, TRAN4, DERL1, UTIL 2, IMP1, IMP2, DP1, DP3 and DP4 of the Midlothian Local Plan and policies 1A, 1B, 11, 12, 13 and 15 of the Edinburgh and South East Scotland Strategic Development Plan (SESplan). The proposed Midlothian Local Development Plan (MLDP) is a material consideration and includes policies regarding the safeguarding of the A701 Relief Road and the identification of Economic Land (Ec3) at Straiton for the provision of a gateway development. SESplan identifies the A701 corridor as being one of the strategic development areas for Midlothian and the A701 Strategic Development Corridor includes the provision of approximately 90ha of land for economic purposes and the identification of housing sites for approximately 1,490 units. The strategic development corridor requires the early provision of the A701 Relief Road as a key infrastructure requirement to address the planned growth in the A701 corridor.
- 1.4** This application is accompanied by an Environmental Statement (ES) submitted under the terms of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011.
- 1.5** The recommended submission to the appeal Reporter is that planning permission is refused and the appeal is dismissed.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The approximately 36 hectare site is to the west of Loanhead. It fronts onto the A701 and is adjacent to the Straiton Retail Park. The land is predominantly used for agriculture although part of the site to the north is vacant/derelict land and has signage identifying it as unstable. The site is divided by the Pentland/Damhead Road, which crosses it in a east/west direction. The site area to the north of Pentland/Damhead Road is 12.98 hectares and 23.64 hectares to the south of the road. The site is bounded by the Pentland Park Caravan Site to the east, the Old Pentland Sawmill and waste recycling facility and Tarmac Ltd cement works to the north, Cameron Wood to the west and countryside to the south. Two drive-through restaurants are located on the site of the former Callyr Inn to the north east of the application site. Adjacent to the restaurant site and to the north of the application site is Clippens Yard. This yard has had a number of historical uses including waste recycling, storage and kennels. Unauthorised dumping of waste materials has taken place on the site and it is subject to enforcement action. There are a number of residential properties adjacent to the site and within close proximity to it.
- 2.2** The northern part of the site (north of Pentland/Damhead Road) is considered to be unstable. This land was formally Oil Shale Workings, Clippens Landfill and the Loanhead Town Council Tip. There are areas

of historic lime workings and associated site stability issues. Clippens landfill site is still generating gas. The southern part of the site (to the south of Pentland/Damhead Road) is predominantly agricultural land and its topography undulates from south to north.

- 2.3 There is one existing dwellinghouse located centrally within the site, Jacaranda Cottage. There are associated steading buildings with this dwelling and it is a working farm. The house is to the south of Pentland/Damhead Road.
- 2.4 There are a number of dwellinghouses adjacent to the site located to the north of the site. There are residential properties on the other side of Cameron Wood from the site and more residential properties to the south and south west of the site, including Pentland House and Pentland Mains Farm. There are a number of residential properties at Tigh Na Geat House, including those within the associated converted steading buildings. Pentland Residential Caravan Site is located to the east of the site.

3 PROPOSAL

- 3.1 The application is for planning permission in principle. The proposed uses on the site comprise film and television studios, studio tour facility, film school and accommodation, a data centre, an energy centre, a hotel site, backlot areas and employment land. The development will comprise of a number of significantly large buildings, indicatively being up to 28 metres high. 'Fallow Land' has been identified for the proposed A701 relief road which runs through the site. All of these uses, apart from the 'Employment Land' and 'Larger Backlot' area are shown on the land to the south of the Pentland/Damhead Road. The identification of 'Fallow Land' formed part of an amended plan submitted on the 18 November 2015. The appeal was lodged on the 3 December 2015.
- 3.2 The application is accompanied by an Environmental Statement (ES) submitted under the terms of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011. This ES considers the potential environmental impact of the development in the following chapters:
 - Traffic and Transport;
 - Ground Conditions and Contamination;
 - Archaeology and Cultural Heritage;
 - Noise and Vibration;
 - Landscape and Visual;
 - Ecology and Nature Conservation;
 - Socioeconomic Impacts;
 - Cumulative Impacts;
- 3.3 The ES concludes by identifying a schedule of mitigation and residual effects of the development. The ES is contained within 3 chapters, the

Environmental Statement – text and figures, the Technical Appendices and the Non-Technical Summary. In addition the applicant submitted the following documents with the application which the applicant has advised informs the preparation of the ES. The documents are a Planning Statement, Transport Assessment, Draft Traffic Management Plan, Flood Risk Assessment, Drainage Strategy, Design and Access Statement (incorporating a Landscape Design Strategy), Illustrative Landscape Masterplan and Pre-application Consultation Report,

4 BACKGROUND

- 4.1 A Screening Opinion Request was received in relation to this planning application (14/00704/SCR). The Council concluded that an Environmental Assessment was required in relation to this proposal.
- 4.2 The applicant submitted a Pre Application Consultation Notice (14/00729/PAC) and undertook a public consultation in October/November 2014. This identified the public consultation exercise that was to be carried out by the developers.
- 4.3 An EIA Scoping opinion was received in relation to this planning application however the planning application was submitted prior to the scoping opinion being concluded.
- 4.4 If the Council had been in a position to consider the application it would have held a pre determination hearing in compliance with Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The proposal is a major development which is significantly contrary to the development plan. The hearing would have given interested parties the opportunity to make oral representations to the Planning Committee prior to determining the application.
- 4.5 The planning applicant was requested to submit further information to enable the Planning Authority to conclude its assessment of the application. Despite the submission of further information there was outstanding information required in relation to noise and protected species (Bats) at the time the appeal was lodged. The submission of further information had not been the subject of an advertisement as required by the relevant regulations. If the applicant had not lodged an appeal the Council would have advertised the receipt of the further information prior to the determination of the application.

5 CONSULTATIONS

- 5.1 **Damhead and District Community Council (DDCC)** object to the application. They describe the direct bearing that the proposal has on their vibrant and diverse community which has produced a Neighbourhood Action Plan. Residents consider that it is essential to retain the essential rural character of the area and that this is enhanced

through *appropriate* development. The objection is made on the following grounds:

- The inappropriateness of the proposed land use;
- The inappropriate siting, design, scale, and form of the proposed development;
- The negative impact the proposed development would have on the businesses, amenity or privacy of neighbouring properties;
- The deleterious effect the proposed development would have on the setting of a listed building and area of landscape value;
- The risks to the safety of residents and commuters due to the proposed access and parking provision;
- The potential increase in flooding;
- Compliance with EU Directives as implemented in UK legislation on biodiversity, soils, and water;
- Potential contamination through exposure of near-surface residue from old industrial activities;
- Possible subsidence due to past mining activities;
- The lack of clarity over provision of employment; and
- Light pollution.

5.2 **Scottish Natural Heritage (SNH)** advise that the development conflicts with the proposed MLDP and that this is relevant to their remit because further modification to the A701 realignment corridor could have significant impacts upon the natural heritage. These impacts may include additional and cumulative landscape and visual impacts; as well as impacts upon woodlands and other habitats. Furthermore each of these allocations/ developments will require removal of land from the current green belt.

5.3 In relation to landscape and visual impacts SNH have highlighted the following key issues.

- the significant and adverse impacts on landscape fabric and the distinctive local landscape character of the site and its immediate surroundings;
- the visual intrusion and scale dominance of the buildings when seen within the context of local views, particularly those towards the distinctive peaks of the Pentland Hills Regional Park;
- the nature of the adverse landscape and visual effects arising from the proposed buildings as would be experienced in the context of wider views, including from locations on the edge of Edinburgh and from the A702 where the large scale buildings will be seen prominently within their landscape context and on important local skylines;
- the potential cumulative impact of the proposal with sites set out in the proposed MLDP, with the potential loss or degradation of the landscape between the settlements of Bilston and Loanhead/Straiton; and

- Other adverse landscape and visual impacts will arise from this proposal, including, for example those that will be experienced by recreational users viewing the proposal from within the Pentland Hills Regional Park.
- 5.4 In relation to ecology SNH state that the applicant has not carried out sufficient survey work to assess potential impacts upon bats, a European Protected Species (EPS). Scottish Government guidance clearly states that the planning authority must either be confident that there will be no impacts upon EPS, or that a protected species licence will be obtainable, before determining an application. It is also possible that the development could cause disturbance to badgers, protected under UK law. If suitable buffer zones cannot be provided around active setts then a protected species licence may be necessary for the proposal to proceed.
- 5.5 SNH have commented in relation to soils and access to the countryside that there is a need to have a much clearer understanding of impacts upon access and proposals for removing statutory access rights from areas of the proposal. In addition they are concerned about the loss of prime agricultural land within the Green Belt, the ES does not properly address this issue. The loss of prime agricultural land is contrary to Scottish Planning Policy (SPP) (2014) (paragraph 80), the Midlothian Local Plan and the proposed MLDP.
- 5.6 The **Scottish Environment Protection Agency (SEPA)** originally objected to the planning application on the grounds that the surface water drainage addressed only the film studios (not the hotel, student accommodation, energy centre, film school, data centre and backlots). It was stated that while SEPA appreciate the application is for planning permission in principle, they object due to the lack of information. Further information was requested regarding the recycling area and gas/heat power energy centre. The SUDs proposals which have been submitted are acceptable in principle. Latterly SEPA confirmed that they would be happy for the matter of surface water drainage to be dealt with by way of planning condition and therefore withdrew their objection to the planning application.
- 5.7 SEPA is aware that previous historic activities at this site may have resulted in land contamination issues. SUDS must be used on all sites, including those with elevated levels of contaminants. SUDS which use infiltration will not be suitable where infiltration is through land containing contaminants which are likely to be mobilised into surface water or groundwater. This can be overcome by restricting infiltration to areas which are not affected by contamination, or constructing SUDS with an impermeable base layer to separate the surface water drainage system from the contaminated area. SUDS which do not use infiltration are still effective at treating and attenuating surface water. It is further advised that advice on land contamination issues should be sought from the local authority contaminated land

specialists as the local authority is the lead authority on these matters under Part IIA of the Environmental Protection Act 1990 (except for matters relating to radioactively contaminated land or special sites).

- 5.8 SEPA note that section 7.5 of the Environmental Statement highlights that a mineral instability investigation will be required and consolidation works including the grouting of former mine workings may be necessary. The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2001 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of Pulverised Fuel Ash (PFA) grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations. SEPA recommend that an appropriate risk assessment for the proposed stabilisation of mine workings with PFA grout is produced prior to this activity being undertaken on site and that this be undertaken in line with the guidance document: *Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509*. In general, a detailed review of the assessment by SEPA is not considered necessary and the document should primarily serve the developer to ensure no pollution occurs as a result of the activity. However, in circumstances where the assessment identifies that a *complex risk assessment* is required due to the site being identified, through the *preliminary and simple risk assessments*, as higher risk and conceptually complex, it may be prudent for the developer to highlight this to SEPA through additional consultation.
- 5.9 SEPA have no objection to the proposed development on flood risk grounds. Notwithstanding this they would expect Midlothian Council to undertake their responsibilities as the Flood Prevention Authority.
- 5.10 SEPA note the applicant's intention to discharge foul drainage from the development to the public sewer vested in Scottish Water. With regard to the proposed pumping station to serve the rising main, the developer should design out the need for an Emergency Overflow by using storage capacity in the wet wells as well as a telemetry system. By doing this, an authorisation for a licence under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) would not be required for the pumping Station as there would be no overflow.
- 5.11 **Historic Environment Scotland (HES)** advise that they do not wish to object to the proposed development as submitted. It should be noted that the original plans do not indicate a safeguarded route for a road design and the impacts of the new road, including on the listed Pentland Cemetery. The Appeal Reporter has been advised that the Council would have re-consulted with HES in relation to this application, if the appeal had not been lodged.

- 5.12 **Transport Scotland** advise that conditions are required to be attached to any consent granted relating to works for the improvement of the A701/B702/A720 westbound off slip and the A720 eastbound on slip and the submission of a comprehensive Travel Plan.
- 5.13 **The Coal Authority** advise that the site layout appears to have been informed by the presence of the mine entries and the commitment to locate, investigate and treat them. On the basis that the site investigations are proposed to establish the exact situation with regard to possible shallow coal mine workings. The Coal Authority raises no objections to this planning application, subject to the LPA imposing a suitable condition. The Coal Authority concurs with the recommendations of the submitted Environmental Statement (April 2015, prepared by WSP Parsons Brinckerhoff); that two mine entries located within the application site and probable shallow mine workings potentially pose a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation with regard the mining legacy.
- 5.14 **Edinburgh Airport** advise that from an aerodrome safeguarding prospective they have no objection to the proposal. In addition **NATS Safeguarding** (responsible for the management of en route air traffic) advise that from a technical safeguarding aspect they have no safeguarding objection to the proposal. However they note that if any changes are proposed then as a statutory consultee it requires to be further consulted.
- 5.15 The Council's **Policy and Road Safety Manager** does not object in principle to development, but expresses concerns about the impact of the proposal on the safeguarded road alignment for the proposed A701 relief road. This safeguarded road corridor, with its two indicative road alignments, is clearly shown in the proposed MLDP and is considered to be deliverable. Various factors including ground conditions, listed buildings, minimising environmental and visual impact, proximity to the desire line and achieving an adequate design speed to attract strategic traffic have played a part in the design process to arrive at the current safeguarding. The purpose of the new road is not to provide access to new development but to free up road space on the existing A701 to allow increased active and more sustainable modes of travel. Failure to deliver the new relief road could jeopardise planned development along this corridor which represents a large proportion of the MLDP proposal. As the current planning application does not safeguard the proposed alignment of the A701 relief road it should be refused.
- 5.16 A future application could be considered if the master plan incorporated the road as proposed, or, an alternative route was proposed demonstrating that all the relevant factors investigated in the current safeguarded route had also been examined.

- 5.17 Any future application would require considering road safety measures, walking and cycling routes and additional infrastructure which may be a requirement of planning permissions both within the development and on the surrounding road network. With regard concerns over flooding, conditions can secure an appropriate Sustainable Urban Drainage System (SUDS).
- 5.18 With regard the late submission of an amended plan showing the fallow/safeguarded land for the A701, the plans appear to show two possible road alignments on land within the developer's site boundary, they do not demonstrate that these two isolated sections of road alignments could form part of a suitable, continuous road alignment from the A703 to the A720 as required by the proposed MLDP. The ground conditions under the proposed road alignment corridor are very challenging with considerable sections of limestone and historical underground workings in the area. The detailed design of the road alignment will require site investigation of the whole route to establish the actual locations and dimensions of the underground workings with the route alignment remaining as flexible as possible to minimise the areas of land which would require to be stabilised.
- 5.19 The two sections of road shown by the applicants within the site are also heavily constrained with an existing, established wooded area to the west and the proposed film studio buildings to the east. The two alignments also do not address the need for a design solution to the crossing of Pentland Road. Depending on the design selected (bridge over, underpass, roundabout etc) the elevation of the new road and therefore the land take required will be different, which may have an impact on the wooded area and the proposed location of some of the film studio buildings. The two alignments do not make an allowance for any additional landscaping which the new route may require and do not identify land which may be required for off-line road drainage (swales/SUDs ponds etc.).
- 5.20 The work presented by the developer does not give the reassurance that the sections of new road alignment shown would be suitable to form part of the final design solution for the new road alignment and as such could not be supported.
- 5.21 The Council's **Archaeological advisor** states that there are significant remains in proximity to the proposed development and as the site has been in agricultural use there is potential for further unknown remains to be impacted. It is recommended that a condition is attached to any consent granted requiring a Programme of Archaeological Works, to mitigate the impacts of the proposed development upon the Historic Environment. It should be noted that there may be a requirement for further work or mitigation depending on the results of the initial work.

- 5.22 The Council's **Environmental Health Manager** advises that it is important that the developer is aware of the presence of two old landfill sites – Clippens landfill and Loanhead Town Council tip located to the east of the site. There are also areas of historic lime workings and associated site stability issues to address. The Clippens landfill site is still generating gas. It is important that the developer is aware of these constraints and complies with the Council's standard contaminated land condition. In addition a further condition is required in relation to landfill gas.
- 5.23 In relation to noise the Environmental Health Manager requested further information regarding hours of operation and associated noise implications, open window noise reduction calculations for any noise sensitive properties and that noise and vibration standards for construction site operations and industrial/commercial operations would be complied with. The ES appears to concentrate on Pentland Park Residential Caravan Site as the most noise sensitive properties. Other sensitive receptors should be demonstrated as having appropriate mitigation in order to comply with standards and provide satisfactory noise levels in relation to all sensitive receptors. In addition it is noted that the ES suggests that the backlot areas will not cause a problem as the noise emission is generally not that high and the distance from noise-sensitive receptors is significant. It is then conceded that there may be occasional high levels of noise which can be mitigated by pre-notification of neighbouring properties. This is not a satisfactory level of information.
- 5.24 In response to the above the applicant submitted further information in relation to the application. The position regarding noise at the time the appeal was lodged was that an acceptable level of control can be achieved during the construction period through the imposition of conditions. The Environmental Health Service has additional and complementary statutory enforcement options available to control construction activity impact. In relation to plant noise the applicants have confirmed that plant noise from all sources will be controlled such that the 'Rating Level' at any noise sensitive receptor location will not exceed the low background levels established by a baseline noise survey. The target Rating Levels are given in Table 10.17 'Environmental Noise Criteria' of the Noise & Vibration chapter of the submitted ES. This will be acceptable and can be embodied within a required design condition format. The Council will want to attach a condition requiring compliance with NR25 or NR20, if there are noticeable acoustic features present. In relation to the workshops and operational site noise the applicant's noise consultant have confirmed that:
- (a) The current site layout and buildings orientation given are indicative, and
 - (b) These will be altered/amended as required to ensure breakout, emissions and propagation from such sources are mitigated to an acceptable level.

- 5.25 In relation to the backlot areas the environmental impact from the use of these areas is proposed to be controlled by means of a permission based (licensing) process being required on an event by event basis. It is advised within their submission that this approach is operating successfully elsewhere. This has been challenged in one of the objector's statements. Further evidence from the applicant was requested regarding the satisfactory control of emissions from the Backlot area by means of a licensing based system. This had not been submitted at the time of the appeal being lodged.
- 5.26 In relation to external lighting at the site there is concern that external lighting including filming in the backlot areas could create unacceptable light nuisance. Whilst it may be acceptable to deal with this issue by condition this is only the case where the developers can comply with the condition. The Council would have sought clarification on the compliance with such a condition, if the applicant had not lodged the appeal.
- 5.27 The Council's **Economic Development Manager** would be supportive of the application for the film studio on the basis of the direct employment benefits, the indirect employment benefits and the further indirect benefits to tourism in the area and its impact on raising the profile of Midlothian as a tourist and business location but only if it can be configured around the plans for the new relief road. If the road plans are jeopardised, the economy will suffer with the potential that many businesses may withdraw from Easter Bush and may move out of Midlothian; the University of Edinburgh could withdraw its investment plans if access cannot be improved as proposed in the MLDP via the new relief road. The beneficial economic impact of the road massively outweighs the beneficial impact of the film studios and ancillary uses.
- 5.28 The ideal solution would be to find a way to accommodate both the film studios and the relief road. If this cannot be done, then the relief road would take economic priority over the film studio.
- 5.29 The Council's **Rights of Way Officer** states that believed Right of Way 35 runs across the site in an east/west direction. It is to the south of the Pentland/Damhead Road. This route is also shown on Scotway's Catalogue of Rights of Way as LM119). It should be noted that it is not shown on the Core Paths plan but this is not a definitive list of access routes. In addition it is noted that there may be other paths on the site which are not listed on the Council's register of believed Rights of Way or any of the other registers or lists noted above.
- 5.30 It is recommended that a plan is submitted showing all access routes on the site along with opportunities for improving the current access arrangements and links to existing path network and the Midlothian Green Network. This plan should show how the right of way which crosses the site would be accommodated within the development. If

the route is to be changed, this will require a Diversion Order and the applicant would be required to meet the Council's expenses. In addition it is stated that there is a requirement to establish what arrangements will be put in place by the developer during the construction of the site to accommodate the existing right of way even if this means a temporary diversion that does not unreasonably inconvenience path users.

6 REPRESENTATIONS

- 6.1 49 letters of objection, 19 letters of support and 1 neutral letter have been received in relation to the planning application. The letters of representation have been summarised in Appendix A attached to this report.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

Midlothian Local Plan 2008 (MLP)

- 7.2 Policy **RP1 Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;
- 7.3 Policy **RP2 Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that;
- A.** are necessary to agriculture, horticulture or forestry; or
 - B.** are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
 - C.** are related to other uses appropriate to the rural character of the area; or
 - D.** are in accord with policy RP3, ECON1, 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;
- 7.4 Policy **RP4 Prime Agricultural Land** does not permit the permanent loss of prime agricultural land unless the site is allocated to meet the Structure Plan requirements or there is a locational justification for the development which outweighs the environmental or economic interests served by retaining the land in productive use. In either case the

development must accord with all other relevant Local Plan policies and proposals.

- 7.5 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;
- 7.6 Policy **RP6 Areas of Great Landscape Value** which 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 and this includes both developments within the AGLV or affecting the setting of areas designated as AGLVs;
- 7.7 Policy **RP7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;
- 7.8 Policy **RP8 Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs;
- 7.9 Policy **RP13 Species Protection** requires that any development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require: A. measures for mitigation; and B. measures for enhancement or sustainable habitat replacement, where appropriate;
- 7.10 Policy **RP14 Habitat Protection outwith formally Designated Areas** requires that where a development affects sites which contain habitat of some significance, effects on the habitat as well as mitigation measures will be taken into account;
- 7.11 Policy **RP15 Biodiversity Action Plan** requires that development proposals shall demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new habitats, and provide for the effective management of these habitats;
- 7.12 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;

- 7.13 Policy **RP21 Community identity and Coalescence** states that development will not be permitted which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are put forward which maintain visual separation and protect community identity such as buffer zones and other community woodland and shall be tailored to the particular circumstances of the location.
- 7.14 Policy **RP24 Listed Buildings** states that development will not be permitted where it would adversely affect the setting of a Listed Building;
- 7.15 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;
- 7.16 Policy **RP32 Public Rights of Way and other Access Routes** protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route;
- 7.17 Policy **RP33 Compensatory Measures for loss of Environmental Resources** Where, in exceptional cases, development is permitted in the public interest which will lead to unavoidable environmental loss or damage to the resources covered by the Resource Protection policies, the Council will require the developer to carry out appropriate compensatory measures for the loss by enhancing or creating other environmental assets in or close to the development site, or, where that is not practicable, more distant but similar to those which will be affected. Planning conditions will be used and legal agreements sought to secure these arrangements.
- 7.18 Policy **ECON 5 Industries with Potentially Damaging Impacts** states that proposals for industrial developments of a kind which may give rise to environmental problems which will be assessed with regard to relevant Local Plan policies and proposals, and to expected economic benefits and any benefits of locally harmful industrial operations to the wider environment. The Council will require to be satisfied that any such site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impact and not primarily because of the availability of the land to the intended developer or operator. Developments of this nature will require to be screened and operational conditions are likely to be imposed.
- 7.19 Policy **ECON 6 Offices** states that offices will be permitted on appropriate sites within the main communities of Midlothian, providing the proposal accords with all relevant Local Plan policies and proposals and there is satisfactory access to public transport.

7.20 Policy **ECON7 Tourist Accommodation** states that proposals for hotel developments which involve new build or conversion within the built-up areas will be supported, provided they accord with all relevant Local Plan policies and proposals, residential amenity is protected, the proposal is in scale with the local area, and subject to the following criteria:

- A. the proposal is in keeping with the character of the local area;
- B. the proposal is sited and designed to enhance its setting; and
- C. the proposal is well located in terms of the strategic road network and maximises public transport access.

Proposals for hotels in business areas, and at key gateway locations with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that there are no suitable alternative sites elsewhere within the urban envelope. Such proposals shall also satisfy criteria A-C above and 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.

7.21 Policy **TRAN 4 Safeguarding for Transportation Schemes** this policy safeguards land for specific transport proposals. And this includes the Strategic Road, A701 Straiton to Milton Bridge Improvement.

7.22 Policy **DERL1 Treatment of Vacant or Derelict Land** seeks the treatment of vacant and derelict sites, either in conjunction with redevelopment proposals, or as land restoration schemes in partnership with other agencies. The proposed afteruse should not conflict with other Local Plan policies and proposals. In any treatment, consideration will be given to the enhancement of the wildlife value of the site.

Priority will be given to:

- A. the rehabilitation and reuse of sites in the Green Belt;
- B. the treatment of sites which are visible from the strategic road network; and
- C. sites where treatment would complement other economic and environmental regeneration initiatives.

7.23 Policy **UTIL2 Telecommunications** seeks to ensure that telecommunications developments should be sited and designed to minimise environmental impact;

7.24 Policy **IMP1 New Development**, this policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are 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;

- 7.25 Policy **IMP2 Essential Infrastructure Required to enable New Development to Take Place**, states that new development will not take place until provision has been made for essential infrastructure and environmental 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;
- 7.26 Policy **DP1 Development in the Countryside** is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections: Single Houses (not related to Housing Groups/Farm Steadings); Housing Groups; Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside; and Rural Buildings of Value. These sections give guidance on acceptable housing proposals in the countryside;
- 7.27 Policy DP1 also advises that the appearance of all buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape, conform with the countryside policies, and incorporate sustainable building design.
- 7.28 Policy **DP3 Protection of the Water Environment** sets out development guidelines regarding flooding, treatment of water courses, drainage and Sustainable Urban Drainage Systems (SUDS);
- 7.29 Policy **DP4 Pentland Hills Regional Park** sets out the aims of the Pentland Hills Regional Park; which are: (i) To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside; (ii) Caring for the hills, so that the landscape and the habitat are protected and enhanced; (iii) Within this caring framework, to encourage responsible public enjoyment of the hills; and, (iv) Co-ordination of the aims so that they can co-exist with farming and other land uses within the Park. Policy DP4 also sets out a number of specific policies which relate only to proposals **within** the Regional Park boundary. They are not material to this planning application.

Proposed Midlothian Local Development Plan (MLDP)

- 7.30 The MLDP has been through the public consultation process and an interim report on the main issues raised in relation to the consultation process was considered by the Planning Committee at its meeting on 17 November 2015. Council Member Workshops took place in February 2016 and it is anticipated that the MLDP will be deposited in late Spring 2016 with an Examination to follow thereafter. It is anticipated that the MLDP will be adopted in late 2016/early 2017.
- 7.31 The main concern for the Council in relation to this application is the safeguarding of the new A701 Relief Road. This road connects the A703 to the west of the Bush to the roundabout to the south of the A720 at Straiton. This road is designed to take through traffic off the A701, allowing local traffic to continue to use the A701.
- 7.32 The safeguarded route runs through the west of the site, and that part of the site which is to the south of the Pentland/Damhead Road.
- 7.33 The MLDP identifies the site area to the north of the Pentland/Damhead Road for economic development. The land to the south of the road is not identified for development. This southern area is identified as countryside and in part as prime agricultural land (excluding the far eastern extent of the site). The furthest western extreme of land to the south of the Pentland/Damhead Road is identified as being within the Green Belt.

The Edinburgh and South East Scotland Strategic Development Plan (SESplan)

- 7.34 The Edinburgh and South East Scotland Strategic Development Plan (June 2013) identifies 13 sub-regional strategy areas including 2 in Midlothian. Sub regional strategy area 10 is the A701 Corridor. The growth and development of this area is stated as follows:

Emphasis on additional employment opportunities to reduce the need to commute, and implementation of transport infrastructure to accommodate further planned growth, primary development locations being the corridors of the A7/A68 Borders Rail Line and A701.

- 7.35 In relation to strategic infrastructure improvements, the A701 is identified for Midlothian in the Strategic Development Plan (SDP). The Spatial Strategy sets out locational priorities up to 2024 and a broad indication of the scale and direction of growth until 2032. In terms of the economy, the Scottish Government has set out that its central purpose is to increase sustainable economic growth, with the SDP taking a more pro-active role. The SDP identifies strategic business locations which are of high amenity value and which are accessible by all forms of transport. The Spatial Strategy therefore aims to respond to the diverse needs and locational requirements of different sectors and

sizes of businesses whilst being flexible to changing circumstances in order to accommodate new economic opportunities.

- 7.36 There will continue to be major challenges to the delivery of housing and other elements of the plan both in the short and medium terms, due to the limited resources available both for development and for the supporting infrastructure.
- 7.37 The Spatial Strategy steers housing growth to sustainable locations where there is infrastructure capacity or which minimise the requirement for additional investment.
- 7.38 In terms of infrastructure, Local Development Plans (LDPs) should make provision for the priority strategic interventions detailed in Figure 2 (Strategic Infrastructure) and identify additional local projects that will be necessary to facilitate the SDP. Investment in existing and new infrastructure at the right time and in the right locations will be a vital component of delivering sustainable economic growth.
- 7.39 The SDP has linked the Spatial Strategy to supporting infrastructure. Mechanisms to support infrastructure delivery, related to the investment programmes of infrastructure providers, are required to ensure delivery of development to support the Spatial Strategy.
- 7.40 The Spatial Strategy has therefore been guided by the ability to benefit from those locations that are, or will become, best served by infrastructure provision and capacity and as such it must also be used by others to inform investment decisions in the future.
- 7.41 The Strategic Development Areas (SDA) are complemented by a policy framework which sets out how development should be delivered. LDPs will promote a co-ordinated approach to development within the SDA and support the delivery of additional land for housing and employment and other development requirements. The following policies are relevant:
- 7.42 **Policy 1A The Spatial Strategy: Development Locations** states the Spatial Strategy of this Strategic Development Plan builds on existing committed development and, as shown in Figures 1 and 2 identifies five Sub Regional Areas including the A701 Corridor. Local Development Plans will then indicate the phasing and mix of uses as appropriate to secure the provision and delivery of infrastructure to accommodate development.
- 7.43 **Policy 1B The Spatial Strategy: Development Principles** states Local Development Plans will:
- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of

- Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in the Inventory of Gardens and Designed Landscapes;
- Have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live;
- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

7.44 To meet the Midlothian housing land requirement to for the A701 corridor SESplan Strategic Development Area in the proposed Local Development Plan provision is made for 1490 residential units (including 200 safeguarded for development beyond 2024). Provision is made for 15 hectares of employment land for business and industry at Oatslie Expansion, Roslin (4.5ha) and Ashgrove North, Loanhead (11.5ha). In relation to Biotechnology/Research uses land at Easter Bush North (6.4 ha), Easter Bush South (5.8 ha) and at Technopole North West (2.2 ha) have been identified. In addition 60 hectares of mixed use (principally commercial/employment uses) are proposed at West Straiton, which forms part of the application site. The Midlothian Campus of the Edinburgh Science Triangle at Bush Estate has a significant national/international presence; the relocation and expansion of the University of Edinburgh Royal (Dick) School of Veterinary Studies, and the establishment of the Easter Bush Research Consortium, provide the impetus for further growth in this SDA. There will also be enhancements of the 'gateway' to Midlothian at the northern end of the A701 Corridor.

7.45 In relation to employment land the SDP states that in addition to the strategic and general economic land supply, there is a supply of economic land safeguarded for specialist uses such as biosciences. LDPs should continue to provide support for these safeguarded sites especially where these support the key employment sectors. In addition it is noted that the following sectors are considered to be of strategic importance to the economy of the SESplan area: financial and business services, higher education and the commercialisation of research, energy, tourism, life sciences, creative industries, food and drink and enabling (digital) technologies (see the accompanying Economy Technical Note for further details).

7.46 The Local Planning Authorities in collaboration with Transport Scotland and SEStran will support and promote the development of a sustainable transport network. LDP will:

- a. Ensure that development likely to generate significant travel

demand is directed to locations that support travel by public transport, foot and cycle;

- b. Ensure that new development minimises the generation of additional car traffic, including through the application of mode share targets and car parking standards that relate to public transport accessibility;
- c. Relate density and type of development to public transport accessibility;
- d. Consider the need for additional rail freight facilities and when considering sites for development that would generate significant freight movements, require the potential for rail freight to be investigated;
- e. Consider the potential for expanded port capacity in the Firth of Forth and the cross-boundary implications this may have;
- f. Take account of the cross-boundary transport implications of all policies and proposals including implications for the transport network outwith the SESplan area;
- g. Ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and
- h. Consider the merits of protecting existing and potential traffic-free cycle and walking routes such as disused railways affected by any development proposal.

7.47 In relation to developer contributions and the Local Development Plan, the SDP states that developer contributions are important and will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments.

7.48 LDPs will set out the broad principles for planning obligations including the items for which contributions will be sought and the occasions on which they will be sought. Mechanisms for calculating levels of contributions should be included in supplementary guidance with standard charges and formulae set out in a way that assists landowners and developers.

7.49 **Policy 11: Delivering The Green Network** states the Strategic Development Plan supports the creation of a strategic Green Network including the Central Scotland Green Network and the Scottish Borders Green Network. Local Development Plans will identify opportunities to contribute to the development and extension of the Green Network and mechanisms through which they can be delivered. In addition, they should have regard to the following principles:

- The form, function, development and long term maintenance of the Green Network should be considered as an integral component of plan-making and place-making, and should be incorporated from the outset;
- Connectivity across boundaries at a variety of spatial scales should be secured: between local authority boundaries in Local Development Plans; between master plans and their surrounding areas; between proposed new strategic

development sites and existing communities and neighbourhoods; and between individual sites and neighbouring proposed and existing communities;

- Major developments in the SESplan area should contribute positively to the creation, maintenance and enhancement of the green network; and
- Multi-functional Green Networks should be developed that optimise the potential of components of the network to deliver a range the components of economic, social and environmental benefits.

7.50 **Policy 12: Green Belts** states Local Development Plans will define and maintain Green Belts around Edinburgh and to the south west of Dunfermline for the following purpose to:

- a. Maintain the identity and character of Edinburgh and Dunfermline and their 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 open space and the countryside. Local Development Plans will define Green Belt boundaries to conform to these purposes, ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated.

7.51 Local Development Plans should define the types of development appropriate within Green Belts. Opportunities for contributing to the Central Scotland Green Network proposals should also be identified in these areas.

7.52 **Policy 13: Other Countryside Designations** states Local Development Plans should review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the Green Belt as appropriate. Opportunities for contributing to the Green Network proposals should also be identified in these areas.

7.53 **Policy 15: Water and Flooding** states that Local Development Plans will make provision to prevent deterioration of the water environment resulting from new development and promote water efficiency in all new development proposals. Where appropriate they will promote enhancement of the water environment.

National Policy and Guidance

7.54 Paragraph 33 of Scottish Planning Policy (SPP) advises where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in

favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

- 7.55 Paragraph 34 of SPP advises where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.
- 7.56 Paragraph 35 of SPP advises that to support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of Development and the A701 Strategic Development Area

- 8.2 The South East Scotland Strategic Development Plan 2013 (SESplan) and the Midlothian Local Plan (2008) (MLP) comprise the development plan. SESplan contains relevant policies identifying sub-regional strategy areas including the A701 Corridor and that Local Development Plans are to direct strategic development within the Strategic Development Areas. Growth and development of the A701 Corridor is to have emphasis on additional employment opportunities and implementation of transport infrastructure to accommodate future planned growth.
- 8.3 The Midlothian Local Plan adopted in 2008 identifies the application site as being within the Green Belt and Countryside where restrictive policies apply in relation to new development. Land to the south of Pentland/ Damhead Road is identified as prime agricultural land, protected by development plan policy. The safeguarded re-alignment of the A701 identified in the MLP is located through the northern part of

the site. This safeguarded realignment was abandoned by the Council in December 2015 in anticipation of a new route being identified in the MLDP (which will be subject to Examination later in 2016).

- 8.4 The MLP is the statutory local plan for the area, having been adopted in December 2008. Scottish Planning Policy (SPP) states in paragraph 33 that where a development plan is more than 5 years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. It is also stated that decision makers should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the SPP.
- 8.5 The proposed A701 Strategic Development Area identified in SESplan 2013 includes the identification of this corridor for the development of almost 90 hectares of economic development land (business and industry, mixed use development and biotechnology/research development) and sites for approximately 1,490 residential units (including 200 longer term units). Of the 36 hectares identified as the application site, approximately 11.8 hectares would be in use for the film studios (excluding the backlot areas). The smaller of the two backlot areas is 1.75 hectares and the larger of the two is 8.2 hectares. The applicant advises that all of the uses other than the film studio are identified as being ancillary to the main use of the site as a film studio. The largest area of backlot has been described as 'lightly used'. It is likely that this back lot would remain, in the main, un-used because of the ground stability issues. If an appropriate safeguarded A701 Relief Road cannot be provided, because of the proposed indicative layouts and limited scope to use the northern part of the site because of ground conditions, the impact of approving this development would be significant and adverse in relation to the longer term planned aspirations of the Council, set in SESplan and the proposed MLDP. The negative implications on the planned growth for this corridor of not providing the A701 Relief Road outweigh the economic development aspirations stemming from the Film Studio proposal.
- 8.6 Paragraph 34 of the SPP states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. It is also stated that prematurity will be more relevant as a consideration the closer the plan is to adoption or approval. Approval of this planning application would undermine the plan making process.

Implications for the A701 Relief Road

- 8.7 This application is considered to be premature in relation to the safeguarding of suitable and sufficient land for the A701 Relief Road. The applicants resisted the identification of safeguarded land for the A701 Relief Road, giving reasons why the identification of this land could not be made in close proximity of the film studios and backlot areas. However prior to the appeal being lodged the applicants identified land as 'fallow land' for the road. The Council's Policy and Road Safety Manager has confirmed that the land identified is not sufficient to satisfy the Council that the A701 Relief Road can be provided at the site. In addition, further environmental effects are evident from the detailed plans submitted by the applicant both in relation to the trees in Cameron Wood and on the Listed Pentland Burial Ground. The cost of providing the linking roadway (forming the remainder of the A701) may be increased because of the challenging ground conditions locally. Failure to build a suitable link in this location, providing for the A701 Relief Road, would lead to the strategic development corridor having insufficient and inappropriate transportation provision to support the planned growth within the corridor. The planned growth is identified in both SESplan and in the MLDP. It should be noted that the MLDP is advanced in terms of its progress towards examination and adoption and the issue of prematurity is relevant given this position.
- 8.8 The A701 Corridor experiences significant traffic congestion which is likely to be exacerbated as a result of the development supported by the development strategy contained in SESplan and the proposed MLDP. To address this, the MLDP supports the delivery of an A701 Relief Road (to the west of the current A701) along with a link to the A702. This will support the development of housing and employment land in the corridor, enable the full potential of the bioscience sector to be achieved, and support the establishment of a 'Midlothian Gateway', providing services, jobs and homes in the longer term.
- 8.9 The A701 Relief Road is to be provided to take traffic off the existing A701 in order that the existing road can be better utilised by public transport, cyclists and pedestrians and to provide efficient access to business and service located in the corridor. The A701 Relief Road would be a 50mph road with a limited number of junctions providing an attractive route for through traffic.
- 8.10 The plans submitted by the applicants to the Council in support of the amended 'Land Use Plan', illustrating in more detail the indicative road alignment plans, do not demonstrate that isolated sections of roadway could form part of a suitable continuous road alignment from the A703 to the A720. The ground conditions under the proposed road alignment corridor are very challenging with considerable sections of limestone and historical underground workings in the area. The detailed design of the road alignment will require site investigation of

the whole route to establish the actual locations and dimensions of the underground workings with the route alignment remaining as flexible as possible to minimise the areas of land which would require to be stabilised. The two alignments (identified by the applicants) also do not address the need for a design solution to the crossing of Pentland Road. Depending on the design selected (bridge over, underpass, roundabout etc) the elevation of the new road and therefore the land take required will be different, which may have an impact on Cameron Wood contrary to MLP policies RP5 and RP14, the Pentland Cemetery contrary to MLP policy RP24 and the proposed location of some of the film studio buildings. The two alignments do not make an allowance for any additional landscaping and do not identify land which may be required for off-line road drainage (swales / SUDs ponds etc.).

- 8.11 The MLDP has an accompanying Action Programme which identifies in general terms under policy TRAN2 Transport Network Interventions. The A701 Relief Road is also referred to in relation to the allocated sites for housing and economic land within this development strategy corridor.
- 8.12 The Council is confident that the required funding for implementation of the new A701 Relief Road can be secured.

Midlothian Local Plan Policy Assessment

- 8.13 Policy RP1 Protection of the Countryside permits development in the countryside where it complies with specific criteria. None of these criteria apply in relation to this development. A footnote to this policy states that in certain locations new business development may be appropriate and reference is made to policies ECON1, ECON7, ECON8, HOUS5, MIN1 and NRG1. Of these policies only ECON7 Tourist Accommodation relates to part of the proposed mixed use development, that being the hotel. It should be noted that on the planning application form the developer describes the development as being class 5 and all other parts of the development as being ancillary to the main use of the site as a film studio. The Council have described the proposal as a mixed use development. The applicant has further confirmed that no retail development is proposed on the site.
- 8.14 Policy RP2 Protection of the Green Belt does not permit development in the Green Belt except where particular criteria are met. One of the criteria relates to compliance with Policy ECON7 Tourist Accommodation.
- 8.15 Policy ECON7 Tourist Accommodation states that there may be support for proposals for hotels in business areas and at 'key gateway locations' with ease of access to the major junctions of the A720 City bypass, where it can be demonstrated that there are no suitable alternative sites elsewhere within the urban envelope. Such proposals also require to satisfy three criteria; that the proposal is in keeping with

the character of the local area, it is sited and designed to enhance its setting and that it is well located in terms of the strategic road network and maximises public transport access. In this case no information or justification has been put forward in support of the hotel in isolation of the film studios. In addition there is concern about the ease of access from this site to the A720 given the need for the A701 Relief Road (identified in the MLDP), in order to alleviate concern about traffic on the A701. As the proposal is in principle only, design issues would have to be addressed at a detailed stage of the proposal if permission were forthcoming.

- 8.16 Policy RP4 Prime Agricultural Land does not permit the loss of such land unless there is a locational justification for the development, unless it outweighs the environmental or economic interests served by retaining the land in productive use, and there is compliance with all other relevant policies in the local plan. It should be noted that the applicant refers to an in-depth site assessment of 28 sites in the central belt of Scotland and that this was the most appropriate site for the film studios. No evidence of this assessment has been submitted with the application. The proposal does not comply with the other relevant policies in the local plan and is therefore contrary to policy RP4.
- 8.17 The MLP 2008, under policy TRAN4 Safeguarding for Transportation Schemes, identified the A701 Straiton to Milton Bridge Improvement as a safeguarded proposal. At its meeting on 15 December 2015, the Council formally abandoned the A701 realignment safeguarded road scheme.
- 8.18 Policy ECON5 identifies that industries with potentially damaging impacts require to satisfy the Council that the site chosen is uniquely suitable for technical reasons or has been selected to minimise environmental impact and not because of the availability of land to the intended developer or operator. The Council is not satisfied that this land has been chosen for the reasons identified in the policy that would make the proposal acceptable. Evidence of the consideration of the 28 sites noted in the Design and Access Statement have not been provided by the applicant.
- 8.19 Policy DERL1 Treatment of Vacant or Derelict Land, seeks the treatment of vacant or derelict sites in conjunction with redevelopment proposals. In this case the applicant has included the vacant land to the north of the Pentland/Damhead Road within the site boundary but has effectively identified the land as being un-used or lightly use. Outdoor filming and possible employment uses are identified on this part of the site as part of the second of two phases of the development. Priority should be given to developing this part of the site first, for a more effective purpose if any development were considered acceptable on the application site.

- 8.20 Policy RP 21 Community Identity and Coalescence seeks to prevent the coalescence of communities and the proposed development would lead to the coalescence of Bilston and Loanhead. The scale and location of the proposed development will result in coalescence between Bilston and Loanhead/Straiton

Economic Implications

- 8.21 The MLDP identifies that a key objective of the sustainable settlement strategy is to promote more local employment opportunities. This reflects the scale of further residential development in Midlothian along with concern about the continuing reliance on commuting to development elsewhere, in particular Edinburgh. Additional employment sites are identified in relation to this corridor at Ashgrove in Loanhead and, in accordance with SPP support for the identification of an appropriate range of locations for significant business clusters SESplan specifically identifies the Midlothian Campus of the Edinburgh Science Triangle at the Bush and its potential for further growth. The expansion of the Bush Biocentre Cluster has the potential to provide a significant increase in research and knowledge-based jobs. The proposed Local Development Plan highlights the strong employment focus in this corridor. The plan seeks to build on the success of the Straiton Commercial Centre in providing employment growth and retail services. The strategy also directs further growth to the west of the A701 with the creation of a mixed use development. This area can include retail development, but would likely focus on office, hotel and commercial leisure uses in a strong landscape framework, with the potential in the longer term for some housing development. This development of a Midlothian 'Gateway' is an ambitious plan but it would have associated benefits, including environmental and transportation improvements. Granting permission to this current application for the film studio would undermine this economic strategy.
- 8.22 The MLDP identifies in paragraph 2.4.7, that there are few brownfield opportunities to accommodate the growth identified in the strategy. To help mitigate this level of change the proposed Local Development Plan retains much of the Green Belt to the north of the Council's area, albeit that some of the Green Belt land is required for development. One of the brownfield sites that are identified for development is the land within the site boundary and to the north of the Pentland/Damhead Road. Utilising this land as the 'Midlothian Gateway' development will bring this under-utilised land back into productive use and will address the contamination and ground stability issues.
- 8.23 Where a significant departure from the development plan is being proposed it is reasonable to consider, as part of the overall assessment, the economic strength and viability of the proposed venture. In this case the applicants have not demonstrated to the Council any evidence of having secured financial backing for the proposal, or any operator to implement it. Therefore, this

development scheme could be regarded as somewhat speculative, and thereby reducing its justification for a significant departure from the development plan.

Impacts on Amenity and Landscape

- 8.24 The application is supported by the submission of an Environmental Statement. Some issues relating to the potential impacts remained unresolved at the time of the appeal being lodged. These relate to noise and lighting, biodiversity issues related to protected species and the potential impact of the large buildings proposed in the landscape.
- 8.25 In relation to noise and lighting the Council remains unclear as to the mechanism for ensuring the site does not cause noise nuisance to nearby noise sensitive receptors and to ensure that the development fits into the existing landscape setting. Supplementary information submitted during the processing of the application and in response to a request for further information, suggested that the introduction of the A701 Relief Road in proximity of the Backlot areas would not be acceptable because of the potential impact from the proposed new road on the backlot areas. However the appellant later submitted an amended landuse plan showing 'fallow land' for the new relief road.
- 8.26 The applicant suggests that the mechanism for dealing with potential noise impacts is through licensing arrangements with the local authority. This approach has been taken elsewhere at Pinewood Studios however there appears to be limited success with this approach and indeed complaints regarding noise generated by this site have been reported in the local press. It is for this reason that the Council sought further information regarding the use of the backlot. This had not been submitted at the time that the planning appeal was lodged.
- 8.27 Information regarding the external lighting at the site has not been detailed. Whilst it is appropriate to deal with this matter by condition the assurance has been sought from the developer regarding the time periods that lighting would be used on the site and the potential environmental impact associated with lighting. If the condition cannot practically be complied with in the operation of the site, any such condition would make the planning permission impossible for the developers to implement and would be a reason for the application to be refused.
- 8.28 The proposed buildings on the site are some 28m high. They are in close proximity to residential properties, both at the residential caravan site and neighbouring houses. In terms of their landscape setting the buildings will be imposing. This coupled with the potential external lighting at the site and the potential noise impacts from the backlot areas are of further concern to the Council. This is particularly the case in relation to the part of the site that lies to the south of

Pentland/Damhead Road. This land is not identified in the MLP or the proposed MLDP for development. The land to the north of the road is identified in the proposed MLDP as the 'Midlothian Gateway'.

- 8.29 The northern part of the site would be a better location for the student accommodation, the hotel and the film school. This is in part because of the proximity of public transport provision. The appellant has resisted moving the various elements of the development around on this large site and in particular utilising the northern element of the site which is identified for development in the proposed MLDP. This part of the site relates better to the neighbouring retail and commercial uses. It is a former tip/landfill area and as brownfield land, it should be developed in preference to the prime agricultural land and countryside to the south of the road. Developing this land would bring it back into productive use. Furthermore, development of this land in preference to the land to the south of Pentland/Damhead Road, would avoid the conflict of the development with the route for the A701 Relief Road. It may be the case that in relation to potential environmental impact the proposed development would remain of concern and a reason for refusing the planning application, however, in principle mixed use development on the northern area is more likely to be acceptable than on the southern part of the site, not least because it would avoid the route of the A701 Relief Road.
- 8.30 The site is located in an area which is highly visually sensitive located at the northern end of the North Esk Lowland River Valley Landscape Character Area (LCA) as identified in The Lothians Landscape Character Assessment (1998 Ash), thus contributing to the setting of Edinburgh as well as forming an important setting for the Pentland Hills Regional Park. The LCA defines amongst the positive attributes of this area that it has 'Good integration of settlement and industry within woodland and topography' whereas the Negative attributes list 'Urban expansion from Edinburgh Core', 'new industrial expansion' and 'cumulative impact of urban fringe development on northern margin area'. The landscape within the south-western part of the site (which is to accommodate the Film Studio) is intrinsically undulated and would need extensive ground engineering to make it suitable for the proposed large scale buildings (approximately 28m in height).
- 8.31 Section 5.7 of the ES states that 'the proposed scheme comprises new large scale buildings, not dissimilar to the existing retail park development, the nearby science parks and the industrial estates at Bilston and Loanhead'. This has to be strongly disputed as the proposed film studio buildings are shown as approximately 28m in height while the nearest retail store (ASDA) is only 9m high by comparison. Added to this is that the landform of the application site is higher than the nearby industrial and retail land and that the nearby Bush and Gowkley Moss developments are enclosed by substantial woodland.

- 8.32 The backlot areas should also be factored into the assessment. Backlot development associated with film studios are normally used for film sets and in connection with long running dramas and would be a near to permanent fixture in terms of the built form. Taking into consideration that the areas allocated for the backlot development are located on elevated ground would add to the visible impact of the proposals.
- 8.33 An additional concern over visual prominence sites is the lighting and other services required in connection with the proposed development. No night-time views have been submitted but it would be expected that the lighting and associated light spill would further erode the countryside and impact negatively on the setting of the Pentland Hills Regional Park.
- 8.34 The proposals could also impact on any future road realignment of the A701 and any associated mitigation measures by potentially pushing it further out into the open and fairly unspoilt agricultural landscape.
- 8.35 The proposed scale of development cannot be achieved on this site without significant landscape visual impact especially considering the visually prominent location of the application site in the open rolling landscape providing the setting for the Pentland Hills and green belt land. The proposed buildings are approximately 3 times as high as the nearby ASDA store and with only limited scope for any worthwhile mitigation. The submitted plans clearly demonstrate the negative visual impact of the proposals and also how they are of a scale which does not sit well in the landscape or relate to the surrounding developments. A large scale development such as this will impact in a highly negative manner on the integrity of the regional park as well as the entrance to and setting of both Midlothian and Edinburgh.

Representations

- 8.36 The matters raised by representors in relation to the application have been summarised in the appendix attached to this report. The planning matters raised in relation to the application have been referred to and considered in this report. The applicant has lodged an appeal in relation to the application and the Reporter and Scottish Ministers will assess and finally make the decision on this planning application taking into account these representations.

9 RECOMMENDATION

It is recommended that the Committee recommend to the Scottish Ministers that the planning permission be refused and the submitted appeal dismissed for the following reasons:

1. The proposal does not provide sufficient safeguarding for the proposed A701 Relief Road and as such is contrary to the

Edinburgh and South East Scotland Strategic Development Plan (SESplan) 2013 and proposed Midlothian Local Development Plan (MLDP). The A701 Relief Road is required to deliver the Spatial Strategy identified in SESplan, namely the A701 Corridor Strategic Development Area, and the major development strategy for the western part of Midlothian as set out in the Midlothian Local Development Plan (MLDP).

2. The failure to deliver the A701 Relief Road will undermine programmed and planned growth at the Midlothian Campus of the Edinburgh Science Triangle at the Bush Estate which has a significant national/international presence. Substantial committed and planned investment to expand the life, animal, agriculture and biosciences research, practice and development sectors at Easter Bush (as provided for in the existing and emerging statutory development plans), will be jeopardised if the proposed transportation connections are not improved as proposed in the proposed MLDP. This detrimental economic impact outweighs any potential economic advantages identified as part of the planning application.
3. The perceived economic benefits proposed by the applicants have not been substantiated and no substantive evidence of financial backing for the proposals has been demonstrated to the Council. Accordingly, the proposal does not constitute a sustainable economic development which can justify a significant departure from development as set by development plan policy.
4. The proposed development is considered to be premature in relation to the proposed A701 Relief Road identified in the MLDP which supports the A701 Strategic Development Area identified in SESplan. The proposed development does not identify sufficient or appropriate land to satisfy the Council that the route can be constructed through the application site. Consideration of this application in advance of the adoption of the MLDP would be so significant in relation to the Council's development strategy that it would undermine the development plan making process.
5. The proposed development is within the Green Belt, in a countryside location, where there is a presumption against inappropriate development. The proposed development is contrary to the following Midlothian Local Plan (2008) policies; RP1 Protection of the Countryside, RP2 Protection of the Green Belt, RP4 Prime Agricultural Land, RP5 Woodland, Trees and Hedges, RP6 Areas of Great Landscape Value (in relation to the Pentland Hills), RP7 Landscape Character, RP13 Species Protection, RP14 Habitat Protection outwith formally Designated Areas, RP16 Regional and Country Parks, RP21 Community Identity and Coalescence, RP24 Listed Buildings, ECON5 Industries with Potentially Damaging Impacts, ECON 6 Offices, ECON 7 Tourist

Accommodation, DERL1 Treatment of Vacant or Derelict Land, DP1 Development in the Countryside and DP4 Pentland Hills Regional Park. This policy position is not outweighed by any material considerations presented as part of this application.

6. A number of unresolved issues remain and as such the proposed development has a potential detrimental impact on nearby residential properties, other land users and on the local landscape and environment. The outstanding issues are in relation to:
- a) Noise, in particular from the backlot areas;
 - b) External lighting and the additional impact this would have on the very large buildings and backlot areas on the site's landscape setting;
 - c) Insufficient survey work had been carried out in relation to protected species at the site;
 - d) The submission of detailed plans showing the road layout on the site would have had some further impact on Cameron Wood and on Old Pentland Cemetery which is a listed building. Further investigation would have been requested on these matters had the appeal not been lodged.

Ian Johnson
Head of Communities and Economy

Date: 23 February 2016

Application No: 15/00364/PPP (Available online)

Applicant: Pentland Studios Ltd

Agent: Keppie Design Ltd

Validation Date: 5 May 2015

Contact Person: Joyce Learmonth
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Tel No: 0131 271 3311

Background Papers: 15/00364/PPP, 14/00704/SCR, 14/00729/PAC,
15/00230/SCO

Appendix A - Representations

The letters of objection can be summarised as follows:

- The proposal is not appropriate to the situation and landscape
- The site is in the Green Belt and this proposal is not appropriate or unwanted in the precious Green Belt. The proposed development is not necessary for agriculture, horticulture or forestry, nor will it provide opportunities for access to outdoor recreation. Given the planning restrictions that have been imposed on local residents by virtue of their property being located on the Green belt, these rules should also apply to small, private land owners and to developers and large businesses, and as such, it is difficult to see how this proposed development could be granted planning permission.
- The development of the brownfield site, earmarked for 'employment land' is the final stage of development and will be the last to be developed. As there is a brownfield site that is both available and identified by the developer as viable for development, that this site should be developed first and certainly before that of prime, agricultural, green belt land.
- The proposal is contrary to policy. It is contrary to Local Development Plan policies notably: RP4, ENV4, RP7, ENV7 and ENV18 which exist to protect prime agricultural land and the Green Belt and to help shape and influence appropriate sustainable development in the Region.
- The proposed development is against guidelines set out in the National Planning Framework for rural land use.
- Believes that under the European Convention on Human Rights the proposed development, which will destroy the last working family farm in Damhead, has threatened to remove farmer Jim Telfer and his family's human right to the peaceful enjoyment of his family home.
- The proposal is contrary to Policies RP2 and RP4 of the 2008 Midlothian Local Plan and Policies RD1 and ENV4 of the Midlothian Local Development Plan Proposed Plan, in that it is (a) in the Green Belt and (b) on prime agricultural land.
- The planning application directly breaches Policy RP7 (MLDP 2008), which states that development will not be permitted where it may adversely affect the quality of the local landscape. It also directly breaches section C and D of Policy ECON 8 (MLDP 2008) which states that the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment. In particular, the height of some buildings within the application is proposed to be over 28m? These would have an extremely adverse impact on the local area, being a dominant feature of the local skyline and thereby negatively impacting residents and visitors (including those to the Pentland Hills) alike.
- The plan has large areas designated for commercial development without any additional destruction of prime agricultural land.

- It is an eyesore and an unacceptable encroachment into an area of beautiful scenery adversely affecting views and the tranquillity of the area.
- There are important walking routes through the site and the green space should be retained.
- It would adversely affect property prices.
- One of the purposes of the Green Belt is to prevent coalescence but this proposal will cause coalescence between the communities of Damhead, Loanhead and Bilston.
- It will also visually impact on a small rural community which are keen to retain and make good productive use of the land. The planning application directly breaches Policy RP7 (MLDP 2008), which states that development will not be permitted where it may adversely affect the quality of the local landscape.
- The proposal directly breaches section C of Policy ECON 8 (MLDP 2008) which states that the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment.
- The proposal does not adhere to the Damhead Neighbourhood Action Plan 2015. Members of the Damhead Community worked hard to produce a very relevant, and comprehensive, neighbourhood plan earlier this year. The Damhead and District neighbourhood plan highlights this unique green gateway and the wide range of current and potential uses that can be achieved by the local community. Good quality farmland, food growing initiatives, equine opportunities, recreational uses of green space are just some examples of what makes Damhead a thriving rural community. Aspirations to continue in this vein were highlighted in the Neighbourhood Plan and the residents made it very clear that this is what they desired during the Neighbourhood Plan consultation activities. At present, Damhead and District has the capacity and vision to contribute to the Scottish Governments' Rural Development Programme' to aid the delivery of key outcomes including; adaptations to mitigate climate change, biodiversity and landscapes and thriving rural communities. A development, such as the one outlined, will make these outcomes virtually impossible to achieve and also negatively impact the ability of local, rural, businesses to be viable and competitive.
- The developers assert in their application that their proposed development will bring socioeconomic benefits to the local area. It is impossible to see how this will be the case. Construction jobs during the development of the site will be both temporary and recruitment will be from out with the local area. The nature of film making means that a number of the onsite jobs will be temporary and it is likely to be the case that many of those employed to work on the development of film will be based out with Scotland or the UK.
- It is well known that the Scottish film and TV industry is predominately based in the west of Scotland and so the critical

mass of skilled employees required to staff this considerable development will either be required to commute or move to the local area, putting further pressure on what we are regularly told is a Midlothian housing shortage. Likewise, the vast majority of Scottish university and college courses relating to film and TV are not based in Edinburgh. A development of this nature would be of greater benefit to the West of Scotland, where there is current infrastructure, a skilled employment pool and existing educational opportunities. Rural Damhead with its potential for achieving real outputs in line with Scottish Government rural policies is not the right place for a film studio development.

- Film and TV studios could be better placed in other parts of Scotland such as Glasgow or Dundee, where Abertay University runs relevant courses.
- The area as a green gateway to Midlothian and the Pentland Hills, maintaining the rural aspect of the area, open spaces, native woodland and good quality agricultural land, promoting and supporting a cohesive community which thrives and has a very strong and vibrant community spirit. Our community Action Plan, as a 25 year vision has been hailed as long term, engaging, dealing with national and global issues such as climate change, land use and sustainable development.
- Economic returns are unproven and insufficient to counter-balance the damage to environmental and cultural assets.
- Concerned that a considerable number of the proposed full time jobs to be created by this development will be created by the ambiguous 'employment land'. What will constitute the employment land? There is no defined development timescale and plan in place and as such, it is difficult to understand how the developer can assert that so many jobs will be created.
- The developers have concerned themselves with the jobs that will be created, but there is no consideration to local jobs lost. What about those with surrounding farm land? Those with thriving equine businesses? These businesses will be negatively impacted by this development and it will, in some cases, be untenable to continue.
- The application indicates the creation of a large number (600) of jobs, primarily for the local community, during the construction period and goes on to argue that this represents a 7.9% increase in employment for two major groups in Midlothian. However, this exaggerates the benefit to the local community since (1) 600 is the maximum employment figure which will arise only at the peak of construction; (2) 20-30% of construction workers are expected to come from outside a 20 mile radius. Of the remaining 70-80%, many of these will presumably not be 'local' in the sense of coming from Midlothian
- The scale of employment once the Development is operational is difficult to reconcile. Section 4.2 of the Non-Technical Summary indicates a figure of 900, although Chapter 4 section 4.4.2 of the ES indicates 298-318 full-time employees.

- Concerned about the effects of light pollution. A development of this size and scale will surely require significant lighting (for operation and security) and would likely be lit up throughout the night, especially during late filming activities. This will impact local residences that enjoy the relatively dark skies that come with living in a rural area. Believe the area is classed as a dark skies district. The opportunity to star gaze will be lost for residents and visitors to the area and the will inevitably impact on many of the birds and wildlife that live in Damhead. The developers fail to provide any evidence of what the levels of light pollution would be and what mitigation they would impose to reduce its effects on the community.
- The proposed studio will constitute a significant blight on the local landscape. The sheer height of the proposed buildings will create an unattractive, industrial looking environment and whilst developers acknowledge that their reception area will benefit from vast scenic views from their development, they will be taking away these views from the majority of residents of Damhead. Whilst I understand that the guidance on planning application objections stipulates that concerns should not be raised with regards to views, feels in this circumstance, there MUST be consideration as to what this proposed development will do to the landscape of Damhead, and ultimately to the views enjoyed, not just by local residents but also for tourists visiting the area, walkers on the Pentland Hills, those enjoying recreational walking and riding opportunities in the area and for those simply just passing through. For residents, we are aware that from time to time development can impede once enjoyed views and whilst most will make do with an extension to a neighbour's house or a shed blocking a view from a window, this development will constitute industrial looking buildings, almost the size of the Kelpies, impacting a considerable proportion of the views enjoyed by many of the properties in Damhead. The proposed film studio and associated developments will, quite literally, cast a shadow over the community.
- The site will cause habitat fragmentation and habitat loss
- The proposed development is completely out of character and scale with the surrounding landscape. It will detract from views of and to the Pentland Hills Park. This brings economic value to the area.
- The residential amenity and privacy of neighbouring properties will be adversely affected.
- It will affect everyone who lives in Damhead. But it will also affect others in neighbouring areas through increased traffic, pollution, noise, urbanisation and contribution to green house gas emissions on a huge scale totally out of proportion with this district.
- The proposed development has outlined to 'retain the character and integrity of the local area and its natural beauty.' (Jim O'Donnell, PSL Development Director) I would challenge how a development of this nature and scale could ever achieve this, particularly given the very poor demonstration in the plan of mitigation: indeed the actual location for said development (Damhead and Old Pentland)

is not even mentioned in section 5.4.8 'areas and neighbouring settlement effected by the development'. This fails to meet their own target of retaining the character and integrity of the local area and its natural beauty and to conclude that the impact would be of 'potentially insignificant effects' on further afield settlement based on this report is inappropriate.

- Proposal seems out of line with proposals at Asda where care was taken to improve the visual amenity of the development.
- Hours of operation are given as between 900hrs and 1700 hrs but student accommodation and the gas fire CHP power plant suggest activity on the site 24 hours a day and 7 days a week and the impact assessment does not reflect this.
- It is totally inadequate for planning to mitigate traffic, noise and light by limiting production times. No production, particularly of this scale would or has ever worked to this time table.
- Operational noise in the backlot areas is likely to be a high noise area but no mitigation is offered for this.
- Where impact mitigation is offered it is 'too little too late' and for some impacts no mitigation is even offered.
- Comments are made on the accuracy and content of the ES. There is seriously insufficient or omitted information to an outstanding number of the 'investigations' and 'assessments' that inform this proposal and therefore find that it should be impossible to make any assessment of the impact for realistic mitigation or for any informed permission to be granted. The developers may have paid lip service to a number of planning policy and mitigation strategies in their proposals but they have failed to back their claims with sufficient evidence and have failed to provide meaningful, realistic, sustainable and enforceable solutions to the many problems that this development will inevitably create for the local community. In particular reference is made to the naming of roads and the number of traffic trips generated by the film school and that this seems unrealistically low.
- Crucial parts of the habitats and ecology studies have not been carried out.
- Consideration of cumulative effects from more than one impact have not appropriately been considered.
- Cameron Wood is not considered to be a sensitive receptor, despite being on the boundary of the site and the ES does not consider any impacts of this development on the Wood.
- Ecological survey work is inadequate and brief and cursory at best. Old Pentland Road/Damhead Road is to have an increase of rush hour traffic of approximately 40% and there are no footpaths and it is in a poor state of repair, the combination of these two factors could be lethal.
- The accuracy of the transport assessment is questioned and this alone, it is suggested means that the application should be refused.
- The noise assessment does not take account all elements of the development and the proximity of the CHP and the student

accommodation. This should be accurately assessed and submitted.

- This development is that it is within a SEPA WWD Consultation Zone. The drainage assessment is inadequate and inappropriate.
- The mitigation for residual effects is inadequate especially during the construction period. Summary of Mitigation Measures and Residual Effects list no significant effect on Ecology and Nature Conservation, despite the clear loss of habitat for foraging for barn owl, bats and badgers, and species not yet surveyed.
- In the case that the suggested times are adhered to then the additional 40% as outlined in section 8.4 - 8.6 would be precisely when traffic on the already congested roads would be at its maximum and is therefore unacceptable. It is totally ludicrous to say that this 40% increase to current levels of traffic would not be significant or of impact and I therefore challenge the integrity of this assessment which outline 1. 40% increase to current traffic levels. 2. estimated 900 people on peak film production and 3. the studios have provided up to 600 car parking spaces so it is reasonable to assume and predict that this would mean an additional 600 cars can be expected on the A702/ A703 junctions at peak traffic time according to their proposed studio hours and discharge from the site.
- The conclusion of the developer that this site remains the most advantageous out of the 28 across Scotland based on this report is utterly inappropriate.
- The proposal fails to take into account the proposed new safeguarded road in the Council's proposed Local Development Plan. Concerned about the developers proposal to realign the A701 realignment to the West side of the Cameron Wood. Not only do I think that the best, appropriate, location of this road should not be decided upon by this development, also has concerns that moving the road further into Damhead will further damage this community. Thoroughly opposed to the realignment of the A701 coming through Damhead at all, but I am particularly opposed to what has been proposed by the developer.
- This proposal will also necessitate the destruction of two houses at Pentland Bridge, impact local businesses and render a number of homes unliveable.
- It would destroy the beautiful and historic Cameron Wood and all the wildlife that call it home.
- This would be unsuitable for the proposed development because the current road infrastructure would not support the added traffic, and it would not be possible or desirable to upgrade the roads to support such traffic. Road junctions in the Old Pentland area are already dangerous.
- During the construction phase it is anticipated by the developers that there will be approximately 50 movements of HGVs per day (25 HGVs and commercial vehicles per day). This will generate noise, pollution, damage road verges and pose further risk to the pedestrians and cyclists that are already at risk on this dangerous

road. Once again, the developers fail to assert realistic solutions to these problems. Simply asking HGV drivers to avoid certain roads and promoting sustainable modes of transport by 'informing staff and visitors' is inadequate to sufficiently address the problems of congestion and dangers on Damhead roads. The developers assertion that the development will result in 'negligible' effects upon driver delay and only 'moderate' effects upon safety does not strike me as an accurate depiction of reality and I fail to see how the development, in both construction and operation phases, can be consistent with local, regional and national transport policies.

- Apart from the existing development around Straiton, this area is at present relatively unspoilt and should be allowed to retain its rural character in order to preserve the green belt between Edinburgh and Midlothian.
- The proposal significantly increases the risk of flooding at the site. During periods of heavy rainfall the Pentland Burn waters run high and the residents at no.29, 30 and 31 Damhead are at risk of flooding. In times of extreme weather, this has caused flooding of fields in the past (narrowly avoiding flooding of properties) and on one occasion I understand that the river bank has eroded, causing near collapse of the adjacent private access road that serves no.29,30 and 31 Damhead. The developers stipulate in section 6 conclusions that no-one involved in the proposed development can be responsible for consequences during times of exceptional rainfall, however, the developers do not adequately address the issue of drainage in their proposal and this poses a considerable and direct risk to my property. The drainage plans outlined in Appendix D are limited and do not provide details for the whole site. The plans do not include details of how drainage for the data centre, film school, energy centre, studio tour building, hotel and student accommodation will be managed this is a considerable proportion of the site and constitutes development which will require significant ground working and will increase drainage into Pentland Burn, presenting a potential for flooding. Has no confidence in the drainage proposals submitted by the developer as they are incomplete, inaccurate and unrealistic.
- Deduces from the application that for this development to connect drainage, planning permission would be required, as access would have to be gained through neighbouring properties. This represents further upheaval and disruption to local residents and businesses.
- Concern about the developers assertion that this development will be on 'urban land'. It is not urban land. It is rural land. Rural land that consists of prime (grade 2) agricultural land which in itself is a rare commodity in Scotland. Damhead, it's prime agricultural land and its capacity to achieve many of the outcomes outlined in the Scottish Governments' Rural Development Programme, make it an extremely valuable asset to Midlothian and Midlothian Council.
- In section 5.7.9 states that the development 'in context of the surrounding landscape, pasture is not a particularly scarce landscape resource'. I would argue that this is prime agricultural

land and in a national context this is extremely rare. Only 8% of Scotland's land is prime agricultural land. In the context of the current state of the Edinburgh/ Damhead greenbelt a small proportion still remains as green space and in Damhead this development would consume a significant proportion of Damhead as an area, grossly out of scale and appropriateness of this region.

- I would seriously question how the proposed development will manage to 'retain the character and integrity of the local area and its natural beauty' when it states in section 5.7.11 (Landscape and Visual planning) that 'AS A RESULT OF THE CONSTRUCTION ON THE SITE', there will be a loss or reduction in landscape resources in the area. The existing residential properties, farm steadings and associated storage will be demolished. Areas of the existing fields will be built upon and permanently lost as productive farmland and some of the internal hedgerows will be removed. The existing gently sloping site will be re-profiled to accommodate level building platforms (building height of 28.6m) through cut and fill."
- This prime agricultural land has enabled and supported land based industry such as the expansion of the Bush Estate, The Edinburgh University Dick Veterinary School as well as the Scottish Agricultural College
- Damhead and Old Pentland is one of the few remaining green areas close to Edinburgh and offers easy access to city residents to pursue rural pursuits, whether it is to horse ride, ramble, cycle or visit our historic graveyard.
- The proposed development will add to already existing road traffic problems on the Old Pentland Road. It is claimed that during the construction phase of the development 900 people will be employed. Given that these 900 people will require/use transport as well as construction traffic, peak time traffic will increase dramatically. In addition to this the new landfill site on the Pentland Road is already generating a significant increase in HGV traffic. The Old Pentland Road is already struggling to cope with the increase in traffic; HGVs are already causing damage to the verges and private property caused by them trying to pass each other. The Old Pentland Road is used by all types of traffic as a short cut from the Hillend Junction (A702, A703) connecting to A701. The road is in a very poor state of repair and is prone to flooding.
- A major contributory factor to the road flooding is the rainwater runoff from land included in the proposed development and building on that land or rearranging the topography will only exacerbate this problem.
- Midlothian Council have been approached on a number of occasions regarding the drainage and collapsed gulleys on the Old Pentland Road and are well aware of the existing drainage/flooding problems.
- The pavements on Old Pentland Road are in a disgraceful state of repair; it is impossible to use the footpath on some stretches of the road which then necessitates walking on the roadway. Given the size and speed of the vehicles currently using the road there is a

serious threat to life and limb. In addition it is impossible (not difficult) for anyone who is wheelchair bound or indeed anyone pushing a pram, to safely use Old Pentland Road.

- Increase in noise pollution. The moving of heavy plant, night filming, special effects filming (including pyrotechnics), the use of PA systems, the coming and goings of 600 vehicles, and the construction of sets are examples of the day to day operational activities which will significantly increase noise levels. The developers propose a mitigation strategy which includes limiting operational hours. This is unrealistic given the demands of filming schedules and the inevitable need for night filming. The proposed 'no idling' policy and the proposal that equipment be moved 'quietly' are unenforceable and unrealistic. The noise levels during operation will not only be disruptive to local private properties and residents (including disturbing sleep), but will also pose a threat to local businesses and wildlife. Noise from this development, at any time of the day, will negatively affect the many farming and equine businesses surrounding the development site making them largely untenable.
- The local area boasts a wide range of wildlife and habitats, including bats, badgers, stoats, owls and a wide array of birds. It will be impossible to sustain wildlife diversity with such noise. Animals will have difficulty communicate with each other and will leave their habitats in search of safer, quieter environments.
- The proposed development simply cannot comply with Midlothian's 2015 Local Plan Policy ENV18 which states that the council will seek to prevent noisy development from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or require to be modified so that no unacceptable impact at sensitive receptors is generated.
- Light Pollution - there is little to no street lighting other than the A702/ A703 junctions and the edge of the retail park. Consequently residents enjoys relatively 'dark skies' with all the health and recreational benefits that this brings, Damhead currently meets the criteria to be classified as a 'one star site'. Additional light pollution from the proposed development would jeopardise this, whilst the buildings would impact on sightlines to the horizon due to their massive size (28.6 meters tall). Developers have not considered the potential impact of light pollution from the proposed development. A development of this sort will require lighting through the night, and this will have impacts both for health of residents and wildlife. The development's strategy for mitigating light pollution in 5.5.2 is incompetent given the scale and nature of this development listing shields and timers- this is not someone's living room but essentially an operation of factory or warehouse in scale and nature. Overall lighting mitigation is vague and unclear as to what this entails in development plan which I find severely lacking giving the development is within a 'dark skies' district. Can we assume that if

production does continue into the night that there will be no lighting?

- The height of the proposed buildings is unacceptable.
- The size and scale of the proposals are completely unacceptable in this rural and agricultural landscape. In particular, the height of some buildings within the application is proposed to be over 70 feet these would have an extremely adverse impact on the local area, being a dominant feature of the local skyline and thereby negatively impacting residents and visitors (including those to the Pentland Hills) alike. It threatens to seriously damage the character and sustainability of the rural community of Old Pentland and Damhead, with permanent loss of prime agricultural land. Proposals are at odds with local distinctiveness and cultural identity, and takes away from the uniqueness of the landscape, which is irreplaceable
- Whilst Edinburgh streets and skyline may be used for many films this particular area for a film studio and backlot seems totally unsuitable and very ill conceived. With many reservations being made by Creative Scotland.
- Concerns regarding archaeological factors.
- Its location near a historical burial ground
- The proposed development is completely at odds with the commitments made when signing up to the Central Scotland Green Network.
- No objection to a development of this nature if created in a suitable alternative location, which doesn't destroy the 'protected Green Belt landscape' or have an impact on the community and farm holdings.
- Given there a number of unused units in Straiton and surrounding area already, we have no proof that there is sufficient demand for additional mixed commercial use properties.
- Mature hedge lines currently border many roads, these are part of the local ecosystems and the affects of the mixed development plan would cause the loss of much fauna from the area.
- The majority of local residents do not support the development, however, several alternative sites across Scotland have expressed an interest in such facilities as proposed in this mixed development plan.
- The applicant or their agent should have informed neighbouring landowners of the development – this has not been done and reference is made to PAN 81. The proposal is large scale, contrary to the Local Development Plan and is a bad neighbour development.
- The consultation process has 'been farcical' – instead of a weeklong consultation it was a 5 hour drop in session. The people present could not answer questions put to them and there was no technical information pack provided. There was no detailed information about the IT Centre, Backlots, Campus, Hotel or Employment land or how impacts were to be minimised.
- Some of the site is a disused landfill site and the land is unstable and liable to sudden subsidence. No information has been

forthcoming re how it is intended to stabilise the land for use or the implications this may have on the local residents, businesses, wildlife, hydrology or the environment.

- There is no detailed information regarding either the construction on site or the operation of the site and how the potential impacts will be dealt with.
- It is hard to believe that of 86 sites considered across Scotland that this was the best site, was it just Keppie's preferred choice.
- There are many brownfield sites in Edinburgh or Glasgow that would accommodate this development.
- The number and significance of the planning policies discarded by this application, fail to be justified by the estimated economic and social benefits referred to in Chapter 4 of the ES.
- Due the noise and visual impact expected to be generated by the development during the construction and operational phases, it will be impossible for the horses to graze, and be managed and exercised safely due to the proximity of the development.
- Noise from construction and sound effects from productions from the backlots, which could include controlled explosions etc., will not be tolerated by the horses. Restrictions on working hours, types of machinery used and construction methods are insufficient mitigation for this. High levels of sound are also expected to be generated from the backlot areas due to filming requirements for special effects. The proposed mitigation is continual communication with surrounding residents. However, merely informing residents it is going to happen is insufficient mitigation for those with horses, livestock and other animals in the area including local wildlife, who are unable to temporarily relocate, or soundproof fields and outbuildings.
- The horses will not tolerate the sight of construction movements associated with high cranes and the assembly of over-sized warehouse buildings. Nor will the horses tolerate the visual effects from productions in the backlots. I am also objecting as Pentland House will also be untenable on the same basis, and the Pentland House livery business could not co-exist.
- At this stage specific details of types of plant and mitigation measures are unknown. Until these are clearly determined, analysed and communicated as part of the ES, planning permission in principle should not certainly not be granted.
- The road safety risk of the Hillend junction would significantly increase during the construction and operational phases of this development. This junction is already congested during rush hour and has very limited capacity to deal with additional traffic.
- Although the applicant argues that the emerging MLDP (2015) supports the proposed development in line with the SDP, east of the realigned A701, this planning application significantly exceeds this and proposes that Midlothian Council moves the A701 realignment further into the greenbelt, to the West of Cameron Wood. It would therefore result in the consumption of more

countryside, prime agricultural land and green belt land than the emerging MLDP proposes.

- The siting, design, scale, form and materials of the proposed development are unsuitable for this area.
- Large buildings and over-sized steel portal framed warehouses, a gas power plant, waste disposal and student accommodation blocks are not in keeping with the rural area, nor are the materials typically used to construct them.
- Cameron Wood and deer should also be considered as sensitive receptors as part of the study.
- The proposed mitigation measures will only be put in place during the final landscaping phases of the development, which will be too late for the wildlife.
- No planning permission should be granted before appropriate and complete studies are conducted and communicated as part of the ES, as previously requested by the Damhead Community Council including hydrology, flooding and water resources, lighting, microclimate.
- The in-combination effect of the A701 realignment and the proposed film studio and mixed use development should also be incorporated throughout the ES, in terms of the development and operational phases. Particularly attention should be given to air, noise (including the collection of additional noise data) and light pollution.
- The applicant suggests that the proposed A701 realignment included in the emerging MLDP 2015, be realigned to the west of Cameron Wood. However, Scottish Planning Policy (2014), section 34 under “Development Management” identifies that this proposal is premature.
- the construction of a realigned A701 to the West of Cameron Woods, would destroy two houses at Pentland bridge, negatively impact the business of the Secret Herb Garden, destroy the Pentland House Livery business as it would run straight through it, and it would render my home untenable due to the impact on the from the noise and visual impact of the construction. Again, it would be unsafe for the horses to graze, and be managed and exercised during this time. Furthermore, if Midlothian Council were to move the A701 realignment to the west of Cameron Wood, it would destroy a section of the wood which is privately owned and dates back to at least the 18th Century and it is difficult to foresee how such trees would be replaced with equivalent. Cameron Wood would become an island between the proposal and the A701. This would also breach policy RP5 (MLDP 2008) which states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance. It

would also similarly breach policy ENV11 of the emerging MLDP (2015).

- The reasons given by the developer that the realignment of the A701 Relief Road was not acceptable in terms of the viability of the project, lack credibility and include contradictions which challenge their validity.
- As it currently stands, all of the proposed buildings are located on Site A. If these buildings were moved to Site B and used additional brownfield land adjacent to it, this could facilitate the proposed development.
- No evidence has been submitted to demonstrate that the development could not be located on more suitable alternative sites.
- Edinburgh Council (in 2013) A701 have suggested that the expansion of Straiton Retail Park to the west of the A701 is of major concern and that it should remain in the Green Belt.
- It is concerning that the Coal Mining Report was not considered as an integral part of the ES and in this regard the competency of the ES must be drawn into question together with the transparency in the planning process.
- The local planning authority should request a revised ES that fully integrates the findings of the Coal Report with a review of the overall ES. Failure to request and have submitted a competent ES and associated Technical Summary would be in conflict with the EIA Regulations and would open up any planning decision to a risk of judicial review.
- The possible environment impact on the health, safety and wellbeing of the local residents should be of paramount importance. The uncapping and development of contaminated land at the now redundant Old Pentland tip should be prohibited due to the unknown risks associated with escaping gasses and contaminants which could have a detrimental impact on the health, safety and wellbeing of local residents, land, environment and animals.
- Hours of construction 2.4.15 - Working times stated fall outwith Midlothian Council noise pollution restriction
- It is noted that a Coal Mining Report was submitted late and only placed upon the Council's website on/around 11 June 2015 and we have received no formal notification of this submission or been given any opportunity to comment. It is requested in accordance with the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011) all neighbours and the general public are consulted on the submission of this document and afforded a further 21 days in which to submit comments for consideration prior to the determination of this application.
- The ES is inadequate and insufficient.
- The proposed development has been classified as Class 5 whereas this is not accurate for the whole of the development. We should be grateful if the use classes could be amended accordingly.

- The submission includes retail development however the submitted Masterplan does not detail the location of the retail uses. Further a retail impact assessment has not been submitted.
- The application submission does not appear to consider the existing over ground electricity lines travelling the length of the site and it is unclear whether the electricity board has been consulted.
- In terms of justification to depart from the Proposed Plan it is considered that the applicant has not made a planning and economic case for the proposed development; and there is insufficient evidence that the development would result in economic benefits in terms of inward investment and job creation.
- In terms of the 'unique' nature of the proposed film/TV studio, this only represents a portion of the proposed development, and no evidence has been submitted to demonstrate that the development could not be located on more suitable alternative sites including satisfying a strategic test for retail/leisure uses.
- The proposed development ought to be considered as a non-conforming use under Paras 26 and 28 of SPP21 which state:
 - 26. Where a proposed use would not normally be consistent with green belt designation, exceptionally it may still be considered appropriate, either as a national priority or to meet an established need, and only if no other suitable site is available. These exceptions to the policy should be highlighted in the development plan to allow for wide publicity and engagement.
 - 28. Proposals for non-conforming uses will also need to be sympathetic in scale and form and to link with walking, cycling and public transport provision, as noted in paragraph 23.
- In terms of Para 26 of SPP21 it is considered that the proposed use is not a national priority, does not meet an established need and even if the former were complied with the non-availability of other suitable sites has not been demonstrated.
- The proposed development conflicts with Policy SHOP5 Major Retail and Commercial Leisure Development Outwith Strategic Town Centres and Straiton.
- The ES submissions are insufficient and fail to fulfil the requirements of the EIA Regulations.
- Questions raised by objectors regarding the nature of the Waste Centre, working practices in the Backlots (including working hours and pyrotechnics), time period for making comment following the publication of advertisement re the application, the heights and materials of boundary treatments and questions the application being lodged by the applicant as Class 5 when that class relates only to part of the development. .
- Coal Authority Risk Assessment was not lodged and request for further opportunity to comment on and Environmental study referred to in the ES.
- People should come before profit.

- Approval of the scheme would set a precedent for other developers and the area will be subsumed into the city and its surrounding areas.
- Drainage Issues on land to the west of the Cemetery and road adjacent. Also culvers on Pentland Burn have caused the burn to overflow and eroded the banks causing access road in danger of collapse.
- No clear description of how silt and other substances might be controlled during the construction period. It states in the ES (Section 6) that no-one involved in the proposed development can be responsible for the consequences during times of exceptional rainfall.
- Approval from Scottish Water is awaited re the sewage system.
- Children's Petition attached to letter with 20 signatories.
- Concern regarding the potential extension of Straiton Retail Park and the Potential impact on Edinburgh City Centre and that retail uses would not be compliant with SESplan policy. The proposals do not comply with the Midlothian Local Plan Policy SHOP 5 or the proposed Local Development Plan. No retail impact assessment has been submitted in relation to this planning application, as required by SPP. Conditions could be attached to any consent granted to control the scale and form of the commercial floorspace.
- Several instances of subsidence and complete surface collapses have occurred in or near the area of application. The applicant's representatives have claimed that much of their potential usage represents "light loading" of the ground and consequently that subsidence is unlikely to be an issue. (Verbal communication, Public Consultation held at ASDA, Straiton. Jan. 2015). Any suggestion that light loading of the ground (eg backlots, parking areas) would mitigate this hazard is unduly optimistic; especially since a large surface collapse occurred spontaneously in a field within Area B of the application about 12 years ago. No surface loading was involved here. Another incident of subsidence took place in Straiton static caravan park in November 1986, when a residential caravan fell into a 20m sink hole about 17m deep. Subsequent infilling with spoil only resulted in further increase of the slump up to 30m across because of the complexity of the limestone workings underneath. This site lies about 300m to the NE of the centre of the application site. A static caravan must surely be classed as "light loading." The location of the incident in Area B is still marked as an area at risk of subsidence. Reports on the Straiton caravan incident indicated that the mitigation of that site could be expected to be very expensive, whether employing piling, mine stabilisation, infilling, or grouting. The area at risk in the application is much greater than involved in the above accident.
- The Pentland Oil-Shale Company worked this Clippens area for the production of their oil product throughout the late 1800's, closing their operations about 1900. There are potential sources of

contamination from the activity. The applicants do admit to the possibility of contaminant “hotspots” and the presence of landfill gases. (Scoping Report 7.4) But the absence of recognition of the possible extent of contamination and subsidence, in view of the extent of intrusion of mine workings into the area as evidenced by mine abandonment plans, make it likely that this will be an impractical project.

- Concern re the pre application process in relation to this planning application. Also in relation to the scoping request not being completed.
- The application should be re-advertised when further information is required; if this is not done it opens up the risk of Judicial Review.
- Unwillingness to surrender the land for development.
- The proposed plan seeks to remove the land from the Green Belt for the purposes of allocating the land to the north of Old Pentland Road as an area of potential retail and commercial leisure use however this is subject to objections. It is clear that the proposed development falls outwith this stated land uses. In terms of justification to depart from the Proposed Plan it is considered that the applicant has not made a planning and economic case for the proposed development; and there is insufficient evidence that the development would result in economic benefits in terms of inward investment and job creation.
- The proposal to remove the land from the Green Belt and the allocation of Ec3 is inextricably linked to the route of the proposed A701 realignment and in this regard the application is premature pending the determination and development of the precise route. Para 2.3.4 of the Draft Plan confirms: ‘The development of the ‘Gateway’ can only come forward if a realigned route for the A701, between the A720 Straiton Junction and the A703, is delivered ... must be constructed before development of site Ec3 can proceed....’ It would hence be inappropriate to approve this application.
- The A701 route shown in the submitted scheme does not accord with the Council's intended route or development allocations. This unauthorised realignment of the A701 results in the creation of a larger area for development than was proposed in the emerging Local Development Plan; it increases the loss of agricultural land and further erodes the green belt. This proposal effectively seeks to undermine the local plan process and the whole democratic local development plan process.
- This proposal seeks to blatantly undermine the whole local plan process to the detriment of local democracy and fails to address the identified needs of the area.
- In terms of accessibility the site does not link with walking, cycling and public transport provision.
- there no material considerations that would justify a departure to the development plan.

- Failure to properly consider the impact of the development upon the retained land farmed would constitute maladministration.
- The competency of the ES is called into question.
- Question why the developer of the Clippens Office site has been allowed to deposit the soils from the site on top of contaminated waste at the former Beaver Yard. No planning permission should be granted for the use of Pentland Estate Land until the matter of this contaminated waste has been resolved.
- The proposal would not reduce CO2 emissions and is not sustainable.
- The applicant's agents have suggested that matters related to protected species can be dealt with by condition. This is not appropriate as Local Authorities need to establish whether protected species are on site and what the implications may be before considering whether to grant planning permission or not.
- The Supporting Planning Statement GMC/P14-086 under local planning gain, 'Pentland Studio's agree to: maintain and manage the (Cameron) wood properly. Objector is of the opinion that it is not theirs to manage.
- Inaccurate information in the application form in relation to rights of way – there is a right of way across the site.
- The Coal Mining report should be part of the ES.
- The backlot fields are elevated above the surrounding homes. Fires on these backlots would cause nuisance to surrounding land users
- The impact of noise on the mobile homes would be unacceptable and this may cause damage (which occurred during the Asda construction).
- In the Leavesden studios they were using loud-hailers into the early hours of the morning despite constant complaints from people living nearby. They said it was the only way they could communicate on the backlot during filming and had no care whatsoever for the sleepless nights of local residents, particularly those whose health is impacted by such things.
- Concern re the impact on Old Pentland Cemetery.
- Pressure on the A720 City Bypass which is already over capacity.

The representations in support of the application can be summarised as follows:

- It sounds like a very worthwhile project that can only enhance the local and wider area.
- A film studio is long overdue.
- This is an appropriate location for the film studio because of the International and Fringe Festival. Edinburgh is already an historic and cultural hub, the beauty of the Pentlands and the proximity of the Highlands.
- Edinburgh has a very sizeable film making community which has scant resources which this studio would remedy. Essential to grow and

support the Scottish film industry. A key creator of jobs, but the wider communities will greatly benefit from trade and hospitality.

- The revenues that this studio could bring to the city and local businesses would be very significant.
- Film studios have the potential to be hugely successful, and very profitable. There could be tie-ins with local schools and colleges - from tours, workshops and training programmes to apprenticeships and jobs.
- In Midlothian there's plenty opportunities for location shooting as well - e.g. the Pentlands, the North Esk river valley, Dalkeith Country Park - which would spread profitable benefits wider. A great opportunity for our region.
- Major film companies from all over the world feel that Scotland is perfect for many of their films, so why not take advantage of this? Imagine the £M's income that can be brought into Scotland with these film companies using a studio here! The amount of employment that would be created!
- If Creative Scotland and the Scottish Enterprise had been on the ball, Pinewood would have built a studio here with a promise of bringing a potential £90M to Scotland.
- As someone born and bred in Midlothian who is now working in film production and education I cannot stress how much of an opportunity this is for the local economy, the nation as a whole but for the representor more important for young people in Midlothian. With access to this kind of facility, training and development, young people in Midlothian will have incredible hope for the future and the ability to work in the creative industries. This would be a game changer for the life chances and aspirations of Midlothian's young people.
- Support this bid and support the future sustainability of the region.
- Let's just get this film studio built. We need it! Stop talking about it and put it into action!
- With the success of international series such as Outlander, more and more film productions are looking to come to Scotland to shoot but there are no permanent professional facilities to accommodate them. As one of many Lothian-based professional film crews we would love to have the opportunity to work in our own back yard. As it stands, to sustain a full-time professional career we have to relocate to London or Manchester.
- With excellent air, rail and road links, Edinburgh could become not just the new hub for A-list film production in the UK but also the world.
- We already have a world-class film festival in the city, let's back it up with films being made in this city and in this country.
- The creative industries sector is one of seven sectors of the economy that the Scottish Government has identified as offering particular growth potential. It is one of the few industries which has seen continued growth over the last decade and one which, with the right kind of structural support, shall be a lasting legacy of the current stewardship.

- In Scotland, we are far behind our neighbours domestically and abroad in terms of the level at which we are competing when it comes to film and television. It's not due to a lack of home grown talent, it's a lack of planning and infrastructure. Recently key industry figures have made the case very clearly to the Scottish Government and their agencies. These disparate and self-serving agencies have done little to pave the way for successful producers to compete in this ever-expanding market and this studio is an easy win for all involved at no cost to the taxpayer.
- The team behind the project have a proven track record internationally and need no support other than the planning permission requested for what is a relatively small studio complex. To put it into perspective locally, 90 acres is less than a fifth the size of Holyrood Park.
- Whilst there are undoubtedly environmental issues at stake the representor believes these can be mitigated by granting permission with caveats that all undertakings be completed within strict guidelines. Light pollution can be controlled, sound pollution is only temporary. To say that there would be no impact to local communities would be untrue of course and the representor empathises with their situation but also believes that the benefit to Scotland and the UK far outweighs these temporary concerns and that a new community spirit would be borne with the creation of jobs and long term investment in the area.
- 'the research shows that this is clearly the best place to build it' (a film studio). Hopefully other sites will follow as a result not just in film but television also and rather than looking inward to local issues, asks that the planning committee and local residents choose to look at the bigger picture and the benefit to the country as a whole.
- Have been reading some of the objections, some valid concerns however much is of the ilk "it'll spoil the view".
- This would be an amazing asset to Edinburgh and to Scotland in terms of the positive impact it would have on the local economy, the Scottish Creative Industries and on the international film and tourist industries. Our country needs this sort of facility and our city should be spearheading this sort of enterprising scheme, embracing this idea like Belfast has created a new dynamic creative hub in the Titanic quarter.
- It will bring enormous benefits to Midlothian and the local area, firstly in terms of employment, and subsequently by tourism. Many local jobs will be created, especially for carpenters, joiners, painters and electricians. I'm sure that they will look favourably upon local apprentices, especially if the council asks them to do so.
- Many complaints have been made about the loss of agricultural land. This is not prime agricultural land. It is unfortunate one farmer will have to relocate, but it should be remembered that it is not a viable unit as it is, and the land is far too uneven to cultivate properly.
- There is no significant loss of amenity or of landscape. The area will become known internationally, which will result in future growth in tourism.

The neutral representation is as follows:

- The present application has brought to light a number of concerns, not least that the redundant tips at Old Pentland and Seafield Moor Road may contain toxic and other dangerous materials. As such requests that Midlothian Council, the land owner and other relevant agencies carry out an extensive investigation to find out what is contained within these tips and make their findings known to the public before any future development is considered.

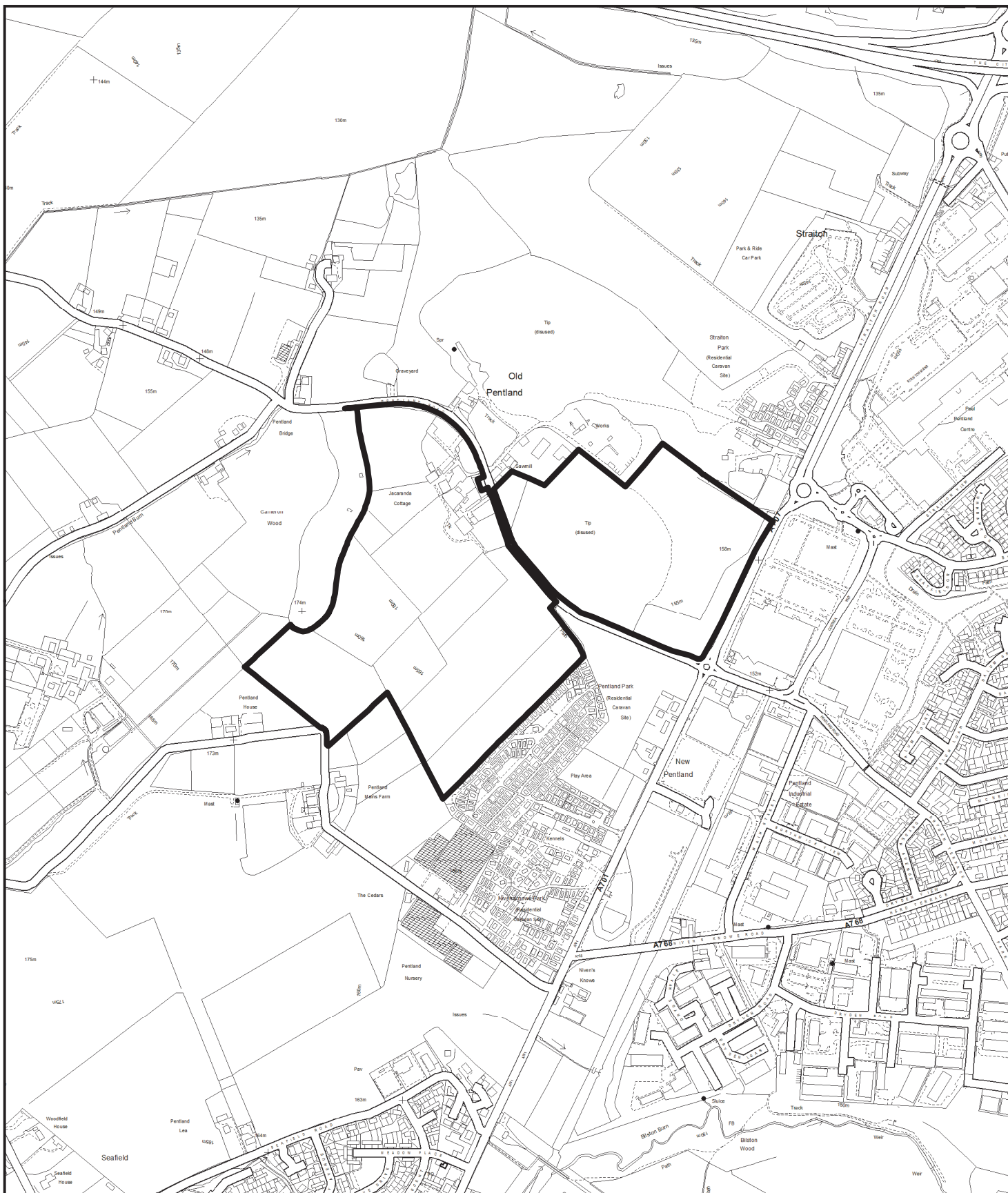
The City of Edinburgh Council's Economic Development Service expresses support for the proposal and makes the following comments:

The Edinburgh city region is a highly popular filming location. In 2014, over 350 productions spent a total of over 1,000 filming days filming in the region, with a value to the local economy of more than £4.5 million. The city region's unique architecture and landscapes, coupled with proximity to the urban amenities offered by Edinburgh, are formidable assets. In 2008, Edinburgh was ranked the world's sixth most cinematic city in a poll commissioned by Sky Movies HD.

The UK has a number of attributes that make it attractive to film productions, including a skilled, flexible workforce; generous tax incentives; a large number of historical buildings and structures from a broad range of time periods; and good international connectivity. While London is firmly established as the epicentre of filming in the UK, there is scope for secondary markets to capture more productions. The main barrier to the Edinburgh city region making this transition is an acute shortage of large-scale, purpose-built studio facilities. In the absence of these facilities, major productions are generally unable to select the Edinburgh city region as a principal filming location, with film productions in the city region typically lasting just a few days. There are no facilities of this nature anywhere in Scotland, with the Scottish Government establishing a Film Studio Delivery Group in May 2013 to address this issue. The establishment of a large-scale film studio complex at Old Pentland therefore has the potential to deliver a step change in the performance of the film industry of the Edinburgh city region by enabling the city region to move from hosting short-term location filming to being a principal filming location.

An assessment of the potential economic impact of the development in the ES states that the development has the potential to directly support up to 600 temporary jobs during the most intense period of construction and 320 full-time equivalent jobs upon completion, rising to 900 full-time equivalent jobs during film productions. This would represent a major boost to the construction and creative industries of the Edinburgh city region. In addition to direct jobs, an operation of the scale of the proposed film studio complex has the potential to support a substantial local supply chain, as seen with the range of businesses serving the Pinewood studios on the outskirts of London. This has the potential to create an entirely new industry for Midlothian delivering a steady stream of high value jobs, which in turn would bolster local businesses providing goods and services to residents.

The capital costs of the development represent an investment in Midlothian by the private sector of approximately £138 million. A private sector investment of this scale is a major expression of confidence that will raise the profile of Midlothian as an investment destination, potentially helping bring forward the development of major opportunities such as Sheriffhall South, Salter's Park, and Shawfair Park.



**Education, Economy
& Communities**
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Application for planning permission in principle for a mixed use development comprising; film and tv studio including blacklot complex; mixed employment uses retail/office/commercial); hotel; gas and heat power plant/energy centre; film school and student ccommodation; studio tour building; earth station antenna and associated infrastructure including car parking; SUDS features and landscaping at Old Pentland Loanhead

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File No. 15/00364/PPP

Scale: 1:10,000





APPLICATION FOR PLANNING PERMISSION (15/00884/DPP) FOR THE FORMATION OF A NEW RAILWAY DEPOT; INCLUDING TRAIN MAINTENANCE, CLEANING AND STABLING, THE LAYING OF NEW RAILWAY LINES, THE ERECTION OF ASSOCIATED OFFICES AND STAFF WELFARE BLOCKS, THE FORMATION OF CAR PARKING AND ASSOCIATED WORKS AT THE FORMER MILLERHILL MARSHALLING YARDS, WHITEHILL ROAD, DALKEITH.

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the formation of a new railway depot; including train maintenance, cleaning and stabling, the laying of new railway lines, the erection of associated offices and staff welfare blocks, the formation of car parking and associated works at the former Millerhill Marshalling Yards, Whitehill Road, Dalkeith. There have been consultation responses from Transport Scotland, The Coal Authority and the Scottish Environment Protection Agency (SEPA). The relevant development plan policies are RP20 and COMD1 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is a former rail marshalling yard and former railway cutting which has been filled in with soil and railway ballast. There is a line of mature poplar trees along the east boundary of the site. The site is located to the north east of Millerhill and to the east of the former Monktonhall Colliery.**
- 2.2 The site is bound by Whitehill Road to the north, a wooded area with the A1 beyond to the east and to the west is a large area of vacant land which is the site for the approved waste recycling facility. Beyond the proposed new waste facility, the new Borders Rail link runs north to south.**
- 2.3 Access to the site is proposed from Whitehill Mains Road to the north of the site. This road serves the existing railway sidings which are to the east of the application site. The road crosses a railway line immediately to the east of the proposed access road. The A1 Trunk**

Road is located to the east and north of the application site and access from the A1 is via Newcraighall Retail Park.

- 2.4 The site extends to some 5.5 hectares. The land is elongated and generally flat. It comprises railway lines running north to south linking to the East Coast Mainline, associated sidings and storage areas. It is currently operated by DB Shenker for freight purposes who also occupy the small collection of buildings on the site.
- 2.5 The site is part of the original Millerhill Marshalling Yard which came into operation in 1962 and closed in 1983. Since 1994 the southern part of the site has been used for a number of operations in relation to stabling and maintenance of freight trains and for ballast storage.
- 2.6 The proposed new settlement, Shawfair, is located nearby to the south west of the site. This major development area has planning consent and is the subject of an approved Masterplan and Design Guide.

3 PROPOSAL

- 3.1 It is proposed to redevelop the site to provide a new railway depot; including train maintenance, cleaning and stabling, the laying of new railway lines, the erection of associated offices and staff welfare blocks, the formation of car parking and associated works. Vehicular access will be taken from the existing site access off Whitehill Road. A new permanent rail track into the new depot will be taken from the adjacent railway to the north. Overhead lines will be installed along the railway lines to allow for the movement of electric trains. The applicant informs that the proposed works are part of the Edinburgh and Glasgow Improvement Programme (EGIP), which is a comprehensive package of improvements to Scotland's railway infrastructure including widespread electrification of the Scottish rail network. The proposed development will provide stabling facilities which are required to accommodate electric rolling stock.
- 3.2 The following is proposed on the northern part of the site:
 - The erection of a train carriage wash plant room;
 - The erection of a flat roofed carriage wash plant building measuring 5 metres high by 6.5 metres wide by 45 metres long. Its external walls and roof will be clad in profiled steel;
 - The erection of a concrete retaining wall up to 4.6 metres high running in a north to south orientation;
 - Engineering works to lower the ground level in part by some 3.8 metres; and,
 - The formation of a SUDS pond on the southern extremity of the site. It is proposed that this will capture and treat run-off from the road, building roofs and rail sidings before discharging to the adjacent Cairnie Burn. It is intended that the carriage wash,

including detergents will be held separately and discharged into the Scottish Water sewer network.

3.3 The following is proposed on the southern part of the site:

- The erection of a heavy maintenance depot building measuring 11.8 metres high to the top of its shallow pitched roof, 21 metres wide and 190 metres long. It has a floor area of approximately 2,745 square metres. Its external walls will be clad in a mixture of blockwork and profiled steel cladding with a metallic silver finish. Its roof will be clad in profiled metal with a metallic finish;
- The erection of a train wash shed, measuring 9.2 metres high by 10.1 metres wide by 190 metres long. It has a floor area of approximately 738 square metres. It integrally attaches to the heavy maintenance depot building. Its external walls will be clad in a mixture of blockwork and profiled steel cladding with a metallic silver finish. Its roof will be clad in profiled metal with a metallic silver finish;
- The erection of single-storey staff accommodation block measuring 48 metres long, 28 metres wide and 4.6 metres high to the top of its barrel roof;
- The erection of plant rooms;
- The siting of an oil storage tank;
- The siting of a waste storage tank;
- The formation of a car park with space for 51 cars to the east of the proposed staff accommodation block; and,
- The formation of a SUDS pond with an area of some 3,199 square metres on the southern extremity of the site.

3.4 In addition, a proposed 2.4 metre high palisade fence is to be erected on the site running in a north to south orientation.

3.5 The application is accompanied by a design and access statement, a surface water strategy, an ecology survey report, a ground investigation report, a sustainable urban drainage (SUDS) report, a transport assessment, a Noise Impact Assessment (NIA) and a mining report.

3.6 The proposed works are an amendment to the development approved in a previous grant of planning permission (see paragraph 4.2 of this report). The changes relate to the configuration of the uses within the site. The overall scale, form and design of buildings and structures is comparable to the previous grant of permission.

4 BACKGROUND

4.1 Pre-application consultation 15/00420/PAC for a new railway depot; including stabling and cleaning facilities, associated new railway lines, office and staff welfare block and associated car parking and access

was received in May 2015 and reported to the Planning Committee at its meeting of 25 August 2015.

- 4.2 Planning permission 12/00837/DPP was granted in April 2013 for the formation of train maintenance, cleaning and stabling depot; erection of retaining wall and alterations to ground levels; formation of new railway lines; erection of boundary fencing; and formation of associated car parking and access on the site. This permission has not been implemented.
- 4.3 Pre-application consultation 12/00514/PAC for a new railway depot; including stabling and cleaning facilities, train maintenance facilities, associated new railway lines, office and staff welfare block and associated car parking and access was received in August 2012.

5 CONSULTATIONS

- 5.1 **Transport Scotland** raises no objection.
- 5.2 **The Coal Authority** initially raised concerns as the site falls within a defined Development High Risk Area with identified coal mining features and hazards which need to be considered in relation to the determination of the planning application. They objected to the application as they did not consider that adequate information had been submitted to address the coal mining legacy issues on the site. In response to the objection the applicant submitted additional information including a Geotechnical Report and a Mining Study. The Coal Authority concurs with the recommendations for further intrusive site investigations set out in the submission. They recommend the imposition of a condition on a grant of planning permission requiring the following: (i) the submission of a scheme of intrusive site investigations for approval; (ii) the undertaking of the scheme of intrusive investigations; (iii) the submission of a report of findings arising from the intrusive site investigations, including identification of any required 'no-build' zones for the mine entries; (iv) the submission of a scheme of remedial works for approval; and, (v) implementation of those remedial works. Subject to these recommended controls the Coal Authority withdraws its objection to the application.
- 5.3 **Scottish Environment Protection Agency (SEPA)** states that the applicant has demonstrated that there is adequate space within the site for a Sustainable Urban Drainage System (SUDS) but note there are no details submitted. They therefore request that a condition is attached to any grant of planning permission requiring full details of the finalised surface water management scheme to be submitted for the prior approval of the Planning Authority. SEPA raise no objection to the proposed development on flood risk grounds.

6 REPRESENTATIONS

- 6.1 No representations have been received in connection with this application.

7 PLANNING POLICY

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

Midlothian Local Plan

- 7.2 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.3 Midlothian Local Plan Policy **COMD1: Committed Development** advises that Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure and facilities including sites in the established economic land supply.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The consultation responses received are material considerations.

The Principle of Development

- 8.2 The application site has been in railway use for approximately 60 years and is therefore a well established development in the landscape. The railway use has influenced the elongated and flat characteristics of the site. The currently proposed development by its nature is not significantly different in land use planning terms.
- 8.3 The site is part of the Council's established economic land supply for business/general industry/storage and distribution and benefits from a previous grant of planning permission for a comparable use. The proposed stabling of railway carriages with associated maintenance and cleaning depot is a use tantamount to storage and distribution and general industry and thus complies with adopted Midlothian Local Plan (MLP) Policy COMD1.
- 8.4 The recommended control by SEPA; required full details of a SUDS scheme for the site to be submitted for the prior written approval of the

Planning Authority in consultation with SEPA, can be secured by a condition imposed on a grant of planning permission.

Landscape and Visual Impact

- 8.5 The railway buildings and infrastructure are integral to the landscape. In terms of their size, height, proportions, positioning and appearance the proposed buildings and other structures would not appear intrusive or out of place in the landscape. The nature of the former and proposed use means that the site will be relatively open. However, the existing mature poplar trees demarcating the eastern boundary of the site are very prominent in the landscape and will provide some visual screening.
- 8.6 A proposed hedgerow is delineated on the inside (western site) of the proposed palisade fence demarcating the working part of the site. However, the new hedge would better placed alongside the poplar trees growing along the full eastern boundary of the site as this would safeguard the planting in the long term as well as provide replacement planting for when the poplar trees eventually need to be felled. Alternatively, the hedge should be planted on the east side of the palisade fence in order to soften its visual impact and to ensure that the planting will help mitigate views into the site. A new tree lined hedgerow should preferably be at least 5m wide but no less than 3m wide to have a chance to become established and have a positive long-term impact. This can be secured by a condition on a grant of planning permission.
- 8.7 It should also be noted that the applicant should have a strategy in place to eradicate the Giant Hogweed, Himalayan Balsam and Japanese Knotweed within the site to ensure these invasive species are controlled in accordance with legislative requirements.

Building Design

- 8.8 The proposed buildings are of an industrial design and scale and will reflect their intended use; their positioning within the site will be dictated by the operational needs of the site. The scale, form and design of the buildings are acceptable and compatible to their location within an active industrial site, and adjoining the site for the 'Zero Waste' development.

Lighting and Noise

- 8.9 Attention to the visual impact of the site relates to the potential light pollution and therefore the lighting shall be designed in a manner which prevents or reduces to a minimum any light spill. This can be controlled by a condition imposed on a grant of planning permission.

- 8.10 The noise report submitted with the application concludes that noise emissions from the proposed heavy maintenance shed and the carriage wash facility would be unlikely to give rise to noise nuisance. Furthermore, it concludes that the use of the heavy maintenance shed and carriage wash facility will not impact on the World Health Organisation's Guidelines on noise limits at nearby residential properties.

Ecology

- 8.11 The Ecological Assessment accompanying the application concludes that no protected species will be affected by the proposed development.

9 RECOMMENDATION

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

The site is an established industrial site and forms part of the Council's economic land supply. Furthermore, the built form of the currently proposed development can be satisfactorily integrated into the landscape and the presumption in favour of the development is not outweighed by any other material consideration. The proposed development complies with adopted Midlothian Local Plan Policies RP20 and COMD1.

and subject to the following conditions:

1. The mature trees on the eastern boundary of the site; which trees are mostly poplar, shall be retained unless otherwise approved in writing by the planning authority and shall be protected during construction in accordance with the BS5837 2005 "Trees in Relation to Design, Demolition and Construction".

Reason: *The existing mature poplar trees demarcating the east boundary of the site will largely screen the operations on the site and will therefore mitigate the visual impact of the development, particularly in views from the (north and north-east of the site, including the A1.*

2. Notwithstanding that delineated on docketed drawings the hedge to be planted along the west side of the proposed palisade fence shall not be planted. Instead, within the planting season when the works commence on site; or if works commence out with the planting season, within the next planting season after works commence, a hedgerow shall be planted alongside to the west of the existing poplar trees growing along the full eastern boundary of the site. Details of the hedgerow shall be submitted for the prior written approved of the planning authority. The hedgerow shall be no less

than 3 metres wide along its length. If within a period of 5 years from planting any part of the hedgerow dies, is diseased or is seriously damaged or removed, it shall be replaced in the next planning season with a hedge of the same species. There shall be no variation there from unless with the prior approval of the planning authority.

Reason: *The poplar trees have a limited life and will eventually have to be felled, which would expose the site to views from the east. A hedgerow is required along the east boundary of the site to satisfactorily mitigate the visual impact of the development when the poplar trees are eventually felled, in the interest of safeguarding the landscape character and amenity of the area.*

3. Prior to the commencement of any works on site, full details of the finalised SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

Reason: *to ensure adequate protection of the water environment from surface water run-off.*

4. Notwithstanding that delineated on docketed drawings/documents the external lighting installed within the site shall be designed to minimise light spill. They shall have luminaires that direct light downwards thus reducing upward illumination.

Reason: *To minimise light spill and upward illumination in the interests of safeguarding the amenity of the area, including the amenity of nearby residential properties.*

5. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

6. All of the recommendations made in the Phase 1 habitat survey report dated January 2013 and the Winter Bird Survey dated 12th December 2012 shall be carried out, including the recommended breeding bird survey, bird checking surveys and reptile surveys. A copy of the report on these surveys shall be submitted for the prior approval of the planning authority prior to works commencing on the site.

Reason: *In the interests of safeguarding protected species.*

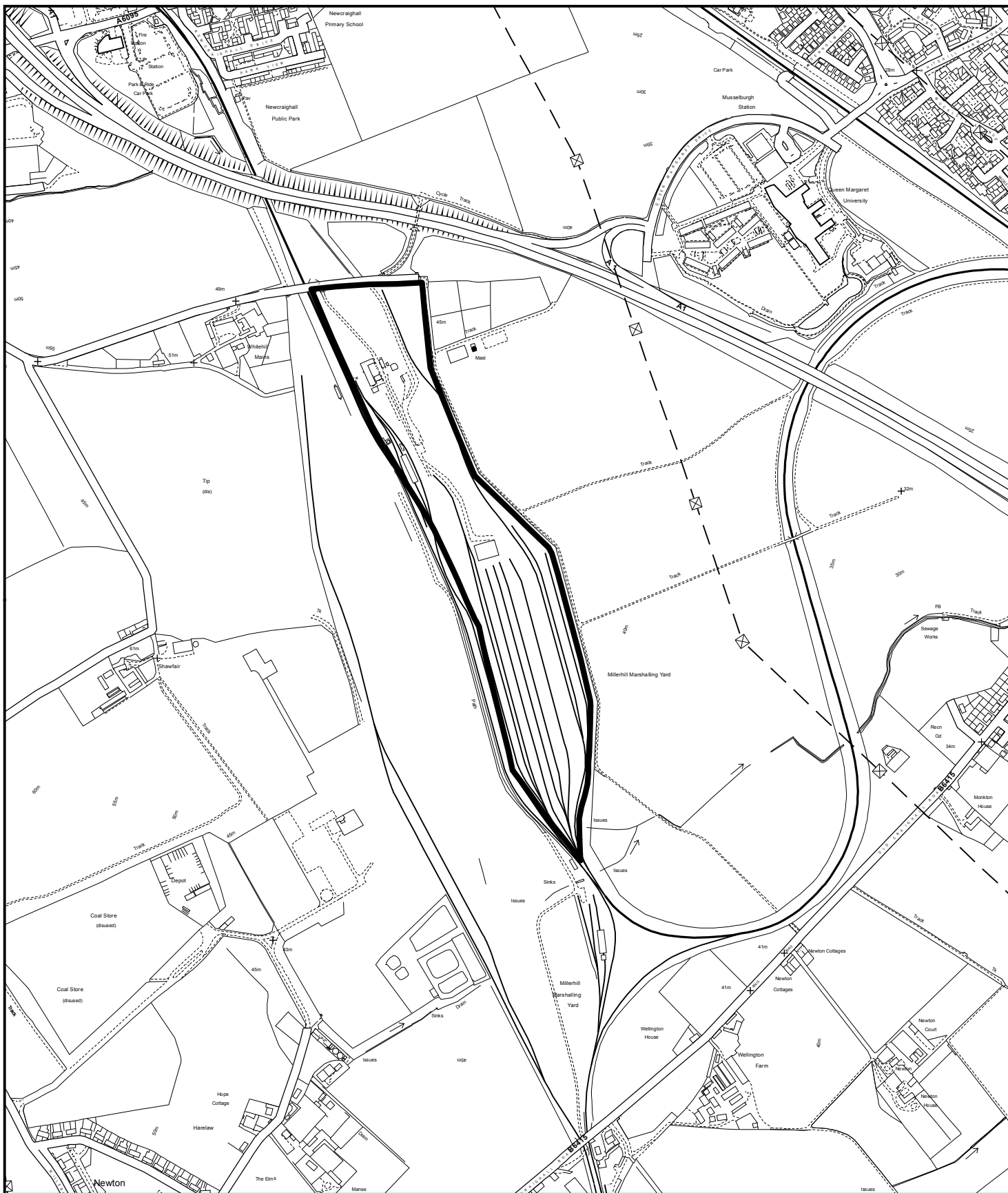
7. Development shall not begin until a scheme to deal with ground conditions and contamination of the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of the proposals to deal with ground conditions and any contamination and include:
- i. the submission of a scheme of intrusive site investigation;
 - ii. the submission of a report of findings arising from the intrusive site investigations, including identification of any required 'no-build' zones for the mine entries;
 - iii. a detailed schedule of any remedial and/or protective measures including their programming;

Before any part of the site comes into use, the measures to mitigate ground conditions and decontaminate the site shall be fully implemented in accordance with the approved scheme approved by the planning authority.

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

Ian Johnson
Head of Communities and Economy

Date:	23 February 2016
Application No:	15/00884/DPP
Applicant:	Mrs Nicola Slaven, Network Rail, 1st Floor, George House, 36 North Hanover Street, Glasgow
Agent:	N/A
Validation Date:	18 th November 2015
Contact Person:	Adam Thomson adam.thomson@midlothian.gov.uk
Tel No:	0131 271 3346
Background Papers:	12/00514/PAC, 12/00837/DPP and 15/00420/PAC



**Education, Economy
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Millerhill Marshalling Yard, Whitehill Road, Millerhill,
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18th February 2016

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