



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 March 2017; and an appeal decision received from Scottish Ministers.

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.
- 2.4 In addition, this report includes a decision on appeal which has been considered by Scottish Ministers.

3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 7 March 2017 the LRB made the following decisions:

	Planning Application Reference	Site Address	Proposed Development	LRB Decision
1	16/00758/DPP	Land at Hardengreen House, Dalhousie Road, Dalkeith	Erection of nursery building and formation of car park	Permission granted at LRB meeting of 07.03.2017
2	16/00762/DPP	1D Dalhousie Avenue, Bonnyrigg	Erection of porch	Permission granted at LRB meeting of 07.03.2017

3	16/00460/PPP	Land south west of Wellington School, Penicuik	Planning permission in principle for the erection of a single dwellinghouse	Permission refused at LRB meeting of 07.03.2017
4	15/00952/DPP	Airybank House, Cousland Kilns Road, Cousland	Erection of 8 dwellinghouses	Permission refused at LRB meeting of 07.03.2017

4 APPEAL DECISION

- 4.1 An appeal against non determination for planning permission in principle for a mixed use development comprising film and TV studio including backlot complex, mixed employment uses retail/office/commercial, hotel, gas and heat power plant/energy centre, film school and student accommodation, studio tour building, earth station antenna and associated infrastructure (15/00364/PPP) has been upheld subject to securing developer contributions and conditions, most notable being the safeguarding of the proposed realignment of the A701 identified in the proposed Midlothian Local Development Plan. The Scottish Ministers reached their decision after considering the economic benefits of the proposed development would outweigh any development plan objections or environmental impacts. A copy of the appeal decision accompanies this report.

5 RECOMMENDATION

- 5.1 The Committee is recommended to note the decisions made by the Local Review Body at its meeting in March 2017 and the appeal decision by Scottish Ministers.

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Head of Communities and Economy

Date: 23 March 2017
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Background Papers: LRB procedures agreed on the 26 November 2013.

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Our ref: PPA-290-2032
3 April 2017

Dear Mr Glen

NOTICE OF INTENTION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING PERMISSION IN PRINCIPLE FOR A MIXED USE DEVELOPMENT
COMPRISING FILM AND TV STUDIO INCLUDING BACKLOT COMPLEX; MIXED
EMPLOYMENT USES RETAIL/OFFICE/COMMERCIAL; HOTEL; GAS AND HEAT
POWER PLANT/ENERGY CENTRE; FILM SCHOOL AND STUDENT
ACCOMMODATION; STUDIO TOUR BUILDING; EARTH STATION ANTENNA
and ASSOCIATED INFRASTRUCTURE INCLUDING CAR PARKING; SUDS
FEATURES AND LANDSCAPING ON LAND TO THE NORTH & SOUTH OF
PENTLAND/DAMHEAD ROAD, STRAITON, MIDLOTHIAN) (PLANNING
AUTHORITY REF: 15/00364/PPP)**

1. This letter contains Scottish Ministers' proposed decision on the application for planning permission in principle for the above-mentioned development. Scottish Ministers are minded to grant planning permission in principle for this proposed development, subject to conditions and the completion of a planning obligation.

2. The application for planning permission in principle was made to the planning authority, Midlothian Council, in May 2015. As a result of the planning authority not having given notice of their decision on the application an appeal was made to the Scottish Ministers under section 47(2) of the Town and Country Planning (Scotland) Act 1997 ("the Act") in December 2015. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010 the appeal came into a class to be determined by a person

appointed by Scottish Ministers, rather than by Scottish Ministers themselves. However, in exercise of the powers under paragraph 3(1) of Schedule 4 to the Act, Scottish Ministers directed, on 10 December 2015, that they would determine the case themselves. This was because Scottish Ministers recognised the potential economic and cultural benefits associated with the proposal to be an issue of national importance.

3. The application was considered by written submissions by reporter David Buylla BA(Hons) MRTPI appointed by Scottish Ministers for that purpose. The reporter sought further information via two procedure notices issued on 25 January 2016. On 5 April 2016, the reporter made a formal request for further environmental information under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The reporter conducted unaccompanied site inspections on 12 February and 20 June 2016. A copy of David Buylla's report to Scottish Ministers is enclosed for your information.

4. Concerns have been raised that the appeal under section 47(2) of the Act was not properly made due to a discrepancy between the identities of the applicant and the appellant. It is not considered that any such discrepancy has undermined the substantive consideration of the application or has given rise to any unfairness to any parties to the process. In order to remove any doubt that Scottish Ministers do not have the necessary jurisdiction to consider the case, Scottish Ministers have given a direction under section 46 of the Act. A direction under section 46 operates to refer the case to Scottish Ministers for determination.

The Reporter's Report

The Report

5. Chapter 1 of the report provides relevant background, chapter 8 considers the proposed local development plan and chapter 10 sets out the reporter's overall conclusions and the recommendation that planning permission in principle be refused. Due to the presence of protected species within the ecological study area that are liable to persecution, certain parts of the reporter's report have been redacted in public copies of the report.

Scottish Ministers' Decision

6. Scottish Ministers have carefully considered all the evidence presented by the written submissions and the reporter's conclusions and recommendations and do not support the reporter's recommendation to refuse this application. For the reasons set out below, Scottish Ministers are minded to grant planning permission in principle for the proposed development, subject to:

(a) conditions as set out in the Annex to this notice, including conditions in relation to the proposed location of the A701 Relief Road; and

(b) the completion and registration of a planning obligation to make a financial contribution to the A701 relief road and to fund improvement of the A701 / B702 / A720 westbound off-slip / A720 eastbound on-slip junction.

Development plan

Midlothian Local Plan

7. The development plan comprises the Midlothian Local Plan (“MLP”) adopted in 2008, and the South East Scotland Strategic Development Plan (“SESplan”) approved in June 2013. The proposed Midlothian Local Development Plan (“Proposed LDP”) is currently at examination, submitted 9 September 2016, with a target date of 9 July 2017. SESPlan 2 (2016) was issued for formal consultation from 13 October to 24 November 2016. All representations made during this period are now being considered by the Strategic Development Planning Authority.

8. The MLP identifies the application site to be within the Green Belt in a countryside location, and partly on prime agricultural land, where restrictive policies apply in relation to new development. In terms of the loss of prime agricultural land, Ministers accept the reporter’s overall conclusion in paragraph 10.11 that the proposal’s socio-economic benefits and (from a developer’s point of view) the suitability of this site for the proposed development, outweigh the value of retaining this small area of prime agricultural land in productive agricultural use. The reporter does not regard this conflict with local plan policy as a significant concern and Ministers agree with this consideration.

9. The MLP identifies a safeguarded road scheme, the line of which is shown to pass through the middle of Site B. The report states in paragraph 10.5 that the safeguarded route has been abandoned in favour of revised proposals in the proposed LDP. As such, Ministers accept the reporter’s conclusion that the safeguarded route as identified in the MLP is not a constraint upon the proposed development.

10. Ministers accept that the proposal is contrary to the provisions of the MLP in terms of development in the greenbelt/countryside location in that it doesn’t meet the necessary criteria. However, Ministers note the reporter’s consideration in paragraph 10.12 of the report, that the fact that the MLP is out of date may increase the weight to be given to other material considerations, which could justify a decision that was contrary to the MLP. Ministers consider there are material considerations, relating to the socio economic benefits of the proposal on a local and national scale, that carry sufficient weight to justify a decision that is not in accordance with the MLP.

SESplan

11. The most up-to-date component of the development plan is SESplan. This identifies the A701 corridor as Strategic Development Area 10 (“SDA 10”). The spatial strategy in SESplan for SDA 10 requires 1,600 residential units and over 15 hectares of additional employment land within the A701 corridor. While the A701 relief road is not specifically referenced in SESplan, the reporter concludes in paragraph 8.33 of the report that the relief road is intended to form an integral part of the improved infrastructure investment that is referred to in SESplan, and that a significant element of the proposed LDP’s development strategy will be reliant upon

the relief road being delivered. The A701 Relief Road and A702 Link are identified as strategic projects in the proposed SESplan 2.

12. In assessing the merits of the proposal in paragraph 10.15 of the report, the reporter concludes that the fact that this general area (SDA 10) has been identified as one of the most suitable locations in the SESplan area for focussing significant levels of development provides a limited amount of support for the proposed development. This is on the basis that the proposal could undermine the proposed LDP's attempt to deliver the housing and employment sites in the A701 corridor, including bio-technology and knowledge-based industries, that are required by the SDA 10 designation. While Ministers accept the strategic importance of this area in SESplan, they do not accept the reporter's conclusions that the proposal would threaten the delivery of those SDA 10 requirements for the reasons set out in paragraphs 16-25 below.

13. The reporter's overall view that the proposal is contrary to the development plan is accepted by Ministers. However the MLP is over 5 years old and there is support in SESplan for a mixed use development of this nature within the A701 corridor. Ministers consider that, with the use of a Grampian condition to secure the delivery of the A701 relief road (see paragraphs 17-19 below), the potential for significant socio-economic benefits arising from the proposed development outweighs any dis-benefits of the development. Ministers therefore consider that planning permission should be granted notwithstanding that the proposed development is contrary to the development plan.

Proposed Midlothian Local Development Plan

14. Paragraph 8.43 of the report sets out that the proposed LDP's proposals map identifies six strategic housing land allocations, two strategic affordable housing allocations and six strategic employment land allocations in this area. This equates to approximately 1460 units and 90 hectares of employment land allocations (including three sites totalling 14.54 hectares for bio-technology / knowledge-based development).

15. Paragraph 10.17 of the report sets out that the proposed LDP allocates all of Site B for development, with approximately 80% of Site A designated countryside and prime agricultural land and the remainder staying within the green belt. Site A also contains two potential through routes for the proposed A701 relief road. At this stage, the reporter considers that in the proposed LDP only Site B could realistically be described as falling within and contributing to SDA 10. Ministers do not accept that only site B contributes to the aspirations of SESplan, for the reasons set out in paragraphs 16-25 below.

Prematurity in Relation to the Proposed Local Development Plan

16. The reporter gives significant weight to paragraph 34 of SPP and concludes in paragraph 8.50 of the report, that to grant planning permission for the proposed development would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new developments that are central to the proposed LDP. It is noted that the reporter's principle concerns relate firstly to the

proposal's potential impact on the delivery of A701 relief road (paragraph 8.41 of the report) and secondly, the potential for the proposed development to have unacceptable cumulative effects with the extensive level of development that the proposed LDP intends to allocate in the A701 corridor (paragraph 8.42). Ministers agree these are the main issues to consider.

A701 Relief Road

17. In paragraph 8.39 of the report, the reporter considered the option of granting planning permission in principle with no specific reservation provided for the relief road, but with a requirement that the development accommodate the road, once its existence and subsequently its alignment has been confirmed. However, due to uncertainty in that approach, and the concerns raised by the developer over the potential for a road through the site to render the land unsuitable for the proposed development, this was not considered as a feasible option by the reporter. The reporter also considered the planning authority's concerns (paragraph 8.35 of the report) that defining a narrow route corridor for the road at this stage would threaten the deliverability of the relief road due to the constraint it would impose on the remaining sections of the route, some of which would have to cross (or preferably avoid) challenging ground conditions.

18. The significance of the proposed A701 Relief Road for the proposed allocations in the emerging LDP is not disputed. Given the uncertainty around the precise location and land uptake required for the proposed A701 relief road, and to address the reporter's concern regarding the impacts of this proposal upon its delivery, Ministers determine that a Grampian (suspensive) condition be attached to the grant of consent. This condition would prevent the proposed development from commencing until an appropriate location for the A701 relief road has been approved in writing by the planning authority and safeguarded. This would ensure that the mixed use film studio proposal would not prejudice the aspirations for a relief road in the local development plan.

19. Ministers consider that the use of a Grampian condition could secure the route of the A701 relief road within the site, so that its planned delivery through the proposed LDP or the spatial strategy of SESPlan would not be compromised. Ministers recognise that the location of the route of the A701 relief road has potential to impact on the proposed development but consider that as the route is yet to be established this is not sufficient grounds to refuse to grant planning permission in principle.

Cumulative effects with proposed developments in LDP

20. The reporter's second principal concern with regard to the development plan, is the potential for the proposal to have unacceptable cumulative effects with the extensive level of development that the proposed LDP intends to allocate in the A701 corridor. In paragraph 8.42 of the report the reporter considers that even if the proposed development did not affect the delivery of the relief road, it is possible that there could be cumulative effects with this other development and is a separate issue that requires to be addressed. This is one of the grounds on which the reporter has recommended refusal of the application.

21. The reporter sets out in paragraph 8.44 of the report that the cumulative road and traffic effects of the proposal with the proposed allocations in the proposed LDP have not been quantified because the developer declined to model them. Ministers acknowledge that due to this lack of appropriate information on cumulative effects, there are uncertainties about the degree to which development that may emerge from the LDP process can be accommodated in addition to the proposed development. On this basis Ministers accept that there is a degree of prejudice to the proposed LDP process.

22. While the cumulative impacts of the proposal with the proposed allocations in the proposed LDP have not been quantified, Ministers have given significant consideration and weight to the strategic planning aims for the A701 corridor as a primary development location for growth and investment, together with the significant economic and tourism benefits on a national scale that this specialist use would bring to the area.

23. In terms of strategic aspirations, it is not considered that the proposed development's mix of uses, scale and location would run strongly counter to the delivery of the spatial strategy that the emerging plan is seeking to set out within the A701 corridor, as required by SESplan. In this particular circumstance, and in the context of the aspirations for significant growth in this area and the limited development potential of Site B (due to ground conditions), it is considered that the likelihood of substantial adverse impacts on the delivery of SESplan spatial strategy, as reflected in the proposed LDP, are not high. In addition to this, the report recommends a planning obligation to commit the developer to make a financial contribution to the A701 relief road and to fund improvement of the A701/B702/A720 westbound off-slip/A720 eastbound on-slip junction. Ministers agree this appears to be an appropriate means of mitigating the impact of this proposal on these roads and the proposed A701 relief road.

24. Ministers are aware that granting consent for the application while the Proposed LDP is at examination will alter the planning position and so require to be taken into account in the consideration of the proposed LDP through the examination process. Ministers have considered the potential for the grant of planning permission to prejudice the emerging LDP and whether to do so would undermine the plan-making process. On balance, Ministers do not consider that the granting of planning permission for the proposed development would significantly undermine the strategic aspirations of SESPlan. Ministers consider that the special nature of the development and socio-economic benefits of national scale arising would outweigh the prejudice to the plan making process.

25. Site B is identified for development in the proposed LDP. It is considered that the remaining proposals in Site A are not out of scale with other proposed employment sites and are consistent with the nature of development proposed along the A701 corridor. Site B is located within site Ec3 of the proposed LDP. The LDP states that site Ec3 cannot be developed before the A701 relief road has been provided. It is noted that the developer intends to build the proposal in two phases, Site A being the first phase and Site B the second phase. The use of the Grampian condition means the development cannot proceed until the route of the A701 relief

road is secured. For these reasons it is not considered that the proposal would detrimentally affect the phasing of any future development sites along the A701 corridor.

Material considerations

Socio-economic

26. Paragraphs 7.16-7.21 of the report set out predicted employment figures associated with the development. It is predicted that 600 staff would be employed at the peak of the construction period and 320 employed full time during the operational phase of the development. A further 580 staff are predicted to be employed by production companies carrying out individual productions at the site, a total of 900 full time equivalent staff. The developer indicates that if the operator also chose to operate the site as a tourism venue in its own right then it could be expected that additional socio-economic benefits would arise. Ministers accept the reporter's conclusions at paragraph 7.39 that the proposal's net economic effect would be significantly positive at both the local and national level.

Ecology & Noise, Vibration and Air Quality Effects

27. Ministers accept the reporter's consideration that noise issues, concerns over ground conditions within the site and effects on ecological interests could be adequately controlled by conditions. It is noted that no objections were received relating to air quality effects.

Landscape and Visual Effects

28 It is noted that while the reporter considers the proposal would cause significant adverse effects on the character of the local landscape and on the visual amenity of those who live, work and travel nearby, he states these would be confined to a small radius around the site and would not involve any landscape that is recognised as having particular value. Scottish Ministers accept the reporters consideration that visual effects beyond the immediate environs of the site would be insignificant.

Transport

29. It is noted that no objections were received from either the Council's Roads Authority or Transport Scotland. Scottish Ministers agree with the reporter's conclusion that the additional traffic generated by the proposal could be accommodated within the road network without unacceptable delay or safety effects. However, the reporter still has concerns regarding potential cumulative effects with the substantial level of development that the proposed LDP intends to allocate along the A701 corridor.

Energy

30. The proposed development includes a gas powered CHP plant/energy centre. The report notes that there has been some confusion from parties over the size and

generating capacity of the proposed energy centre. The reporter sought further environmental information on this matter which confirmed that the proposed energy centre would have a power output well below the 50 megawatt threshold (the point at which such proposals require consent under the Electricity Act). The report advises that should Ministers be minded to grant planning permission in principle, it would be possible to use conditions to restrict the details of the energy centre to those specified in the further environmental information provided by the developer. Ministers have noted this advice and a condition has been attached to the proposed permission.

Summary

31. Ministers consider that use of a Grampian condition, to require prior agreement of the route of the A701 relief road before development can commence, would secure the prospect of both the proposal and the relief road being appropriately delivered. It is considered that the proposal is in line with the spatial strategy of SESplan and the aspirations that the Proposed LDP is seeking to set out within the A701 corridor. On this basis Ministers do not consider that the proposal would significantly prejudice the delivery of housing and employment sites identified in the proposed LDP. While it is accepted that the proposal is not in accordance with the development plan overall, it is considered that the anticipated significant socio-economic benefits of this specialist mixed use proposal, on a local and national scale outweigh any potential negative consequences to the development plan including loss of greenbelt, localised impacts on amenity and uncertainty around cumulative road and traffic impacts.

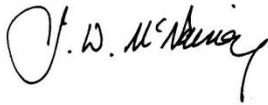
32. For the reasons given above, Scottish Ministers hereby give notice that they are minded to grant planning permission in principle for a mixed use development comprising: film and television studio including backlot complex; mixed employment uses; hotel; gas and heat power/energy centre; film school and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; SUDS features and landscaping on land to the north and south of Pentland / Damhead Road, Straiton, Midlothian.

33. Section 59 of the Act provides for a 3 year time limit for the submission of applications for approval of certain matters where approval of the planning authority is required by a condition before the development in question may be begun. Ministers consider that in this case this period be extended to 5 years to allow the necessary requirements of the permission to be agreed and met.

34. Ministers consider that a planning obligation should be completed to secure payment of contributions towards the financing of the A701 relief road and to fund improvement of the A701 / B702 / A720 westbound off-slip / A720 eastbound on-slip junction. Scottish Ministers, therefore, propose to defer their decision on the planning application, in the first instance for a period of 6 months to enable the relevant planning obligation to be completed and registered or recorded, as the case may be. If, by the end of the that period, a copy of the relevant planning obligation with evidence of registration or recording has not been submitted to Ministers, they will consider whether planning permission should be refused or granted without such a planning obligation.

35. A copy of this letter and the reporter's report has been sent to Midlothian Council and parties who participated in written submissions. Other interested parties have been sent a copy of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. W. McNairney". The signature is written in a cursive style with a large initial 'J'.

John McNairney
CHIEF PLANNER

ANNEX: REVISED CONDITIONS AND PLANNING OBLIGATION

Planning obligation

A planning obligation should commit the developer to make a financial contribution to the A701 relief road and to fund improvement of the A701 / B702 / A720 westbound off-slip / A720 eastbound on-slip junction.

Planning conditions

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. If phasing of the development is proposed, then these matters may be approved individually in respect of each phase.

Approval of Matters:

- (a) siting, design, slab levels and the height of all built structures, including the design of all external features and glazing specifications and acoustic capabilities;
- (b) detailed site layout including the layout of all buildings, roads, footpaths and cycle routes;
- (c) design and configuration of open spaces, including all levels, materials and finishes;
- (d) car and cycle parking,
- (e) waste management and recycling facilities;
- (f) surface water and drainage arrangements including SuDS;
- (g) existing and finished ground levels in relation to Ordnance Datum for the entire development;
- (h) full details of sustainability measures;
- (i) hard and soft landscaping details, including:
 - 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 in communal areas and open space, including trees, shrubs, hedging and grassed areas;

- iii) location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- iv) schedule of plants to comprise species, plant sizes and proposed numbers/density;
- v) 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;
- vi) drainage details and sustainable urban drainage systems to manage water runoff;
- vii) proposed car park configuration and surfacing;
- viii) proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- ix.) areas of the site that will provide habitats that are recognised as important in the Midlothian Local Biodiversity Action Plan; and
- x) proposed cycle parking facilities;

(Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

2. All hard and soft landscaping proposals approved pursuant to condition 1 shall be carried out in accordance with a scheme that has been approved in writing by the planning authority as the programme for completion and subsequent maintenance. Thereafter, any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. (Reason: to ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 of the Midlothian Local Plan and national planning guidance and advice.)

3. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and around any trees outwith the site boundary where the canopy of the tree overhangs the site boundary. 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 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.)

4. 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.)

5. No development shall take place on any phase of the development until a ground contamination survey and associated remediation strategy for that phase has been submitted to, and approved in writing by, the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

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

Any works of remediation and any other requirements that are identified in the approved remediation strategy shall be completed to the written satisfaction of the planning authority in accordance with a timetable that has also been agreed in writing with that authority.

(Reason: to ensure that construction workers and future users of the site are not at risk from ground contamination).

6. Development shall not begin until details of the access arrangements and haulage routes for construction traffic accessing and leaving the site have been submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accords with the approved details.

(Reason: to ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.)

7. No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the developer and approved in writing by the planning authority.

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

8. No construction, engineering or other works or the operation of machinery shall take place outwith the hours of 8.00 am to 7.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays unless otherwise agreed in writing with the planning authority.

(Reason: to minimise disturbance to nearby residential properties from noise, construction traffic and other pollution.)

9. Prior to the commencement of any phase of this development, the physical suitability of the ground on which that phase would be built shall be investigated and a report submitted to and approved in writing by the planning authority. This report will deal with issues including ground stability, former mine workings and the risk to the development from ground gas. Development shall not proceed except in accordance with any approved mitigation measures.
(Reason: to ensure that the development pays proper regard to ground conditions.)

10. The development hereby approved shall not include any element of retail or office accommodation unless such accommodation has been confirmed in writing by the planning authority to be of a scale and form that is incidental to the studio use.
(Reason: the effect on the vitality and viability of town centres of incorporating town centre uses within this out of centre development has not been assessed.)

11. The generating capacity, fuel source and other details of the energy centre hereby approved shall be in accordance with the details set out in the Energy Strategy Summary Revision A, dated 20 May 2016 by Hoare Lea.
(Reason: to ensure that the development accords with the environmental that informed the decision to grant planning permission in principle.)

12. No building or other site structure shall exceed 28.6 metres in height above its slab level or above the level of the existing ground in the location where that building or structure would be built.
(Reason: to ensure that the development accords with the environmental information that informed the decision to grant planning permission in principle.)

13. (1) No development shall be commenced unless and until a reserved area map has been submitted to and approved by the planning authority.

(2) No development shall be carried out on the area of land shown on the approved reserved area map.

(3) In this condition-

“reserved area map” means a map showing the reserved A701 relief road area;

“reserved A701 relief road area” means the area of land which is to be reserved for the construction of the proposed A701 relief road and associated works and upon which there is to be no development in accordance with this planning permission;
and

“proposed A701 relief road” means a relief road, between the A720 Straiton Junction and the A703 road, and linking to the A702.

(Reason: to ensure that the development makes adequate provision for the A701 relief road.)

14. Prior to development commencing a Construction Noise and Vibration Management Plan shall be submitted to and approved in writing by the planning

authority. Construction work shall not proceed except in accordance with the approved plan.

(Reason: to ensure that construction activity has an acceptable impact in terms of noise and vibration.)

15. Prior to development commencing a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the planning authority. The CEMP shall include the following details:

- Signage for the construction traffic, pedestrians and other users of the site,
- Controls on the arrival and departure times for the construction vehicles and for site workers;
- Piling methods (if employed)
- Earthworks;
- Control of emissions,
- Waste management and disposal and material re use,
- Prevention of mud / debris being deposited on public highway;
- Materials storage; and hazardous material storage and removal.

Construction work shall not proceed except in accordance with the approved plan. (Reason: to ensure that construction activity has an acceptable impact in terms of noise and vibration.)

16. During the operational phase of all parts of the development, plant noise from all sources will be controlled such that the 'Rating Level' at any noise sensitive receptor location shall not exceed the low background levels established by baseline noise survey*. **Note: The target Rating Levels are given in Table 10.17 'Environmental Noise Criteria' of the Noise & Vibration chapter Environmental Statement (WSP/BP).* The design and installation of all plant and machinery shall be such that any associated noise complies with NR25, or NR20 if there are noticeable acoustic features present.

(Reason: to ensure that plant noise has an acceptable effect on sensitive receptors.)

17. Prior to commencement of works, the detailed site layout, buildings orientation and design shall be submitted for approval, along with an acoustic report demonstrating that breakout, emissions and propagation from such sources are mitigated to an acceptable level.

(Reason: to ensure that noise from buildings has an acceptable effect on sensitive receptors.)

18. No filming activity shall be undertaken until a Noise Management Plan has been submitted to and approved by the planning authority. This Noise Management Plan shall include sections to address the following matters:

- Identifying appropriate hours of operation restrictions in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary;

- Identifying appropriate noise level criteria in relation to the full range of operational activities resulting in sound which can be heard beyond the site boundary, having regard to their associated hours of operation;
- Processes and procedures for internal and external lines of communication, identifying personnel roles, responsibilities and appropriate levels of decision making;
- The implementation and regular review of a policy to ensure a high standard of community engagement, neighbour liaison and dissemination of information;
- The Implementation and regular review of a complaint management policy.
(Reason: to ensure that noise from filming has an acceptable effect on sensitive receptors.)

19. Prior to the commencement of development a remediation scheme, including a scheme of intrusive site investigations, to afford public safety and the stability of the proposed dwellings from the risks posed by the recorded mine entries (adits) shall be submitted to and approved in writing by the planning authority. Once approved, the scheme of intrusive site investigations shall be completed and the report of its findings shall be submitted to and approved in writing by the planning authority before any works commence on site.
(Reason: to ensure public safety in regard to former mine workings.)

20. Prior to works commencing, a mitigation scheme for effects on bats and barn owls shall be submitted to and approved in writing by the planning authority. The approved mitigation measures shall be followed in full as part of the site redevelopment.
(Reason: to ensure that predicted effects on these protected species are adequately mitigated.)

21. Prior to development commencing, a scheme setting out maximum scale parameters for any temporary built development on the backlot areas of the site shall be submitted to and approved in writing by the planning authority. Once approved, temporary built development may take place within the backlot areas without further approval from the planning authority, provided that this development is removed within 12 months of erection. No temporary built development shall take place within the backlot areas that would exceed the agreed scale parameters or would be retained for more than 12 months shall take place unless it has been approved in writing by the planning authority.
(Reason: to provide an appropriate balance between regulatory freedom and the control of adverse effects on those parts of the site where regular changes in built form are to be expected.)