

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 27 November 2012  
Item No 5(c)

## Local Review Body: Review of Planning Application Reg. No. 10/00573/PPP

Jamie MacFarlane  
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Edinburgh  
EH3 7QB

Midlothian Council, as Planning Authority, having considered the review of the application by Straiton Park Ltd, 4 Melville Street Lane, Edinburgh, EH3 7QB, which was registered on 18 February 2011 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

### **Application for Planning Permission in Principle for retail development at Former Callyr Inn, Straiton Road, Loanhead, Midlothian, EH20 9NS**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	AE L (--)0001 A1 1:500 A3 1:1000	24.11.2010
Site Plan	AEK (--) 0003	24.11.2010
Supporting statement		24.11.2010

Subject to the following conditions:

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such a refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal. The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is the later.

**Reason:** *To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Before any part of the development is begun an application for reserved matters specified in conditions has been submitted to and approved in writing by the planning authority. Details, and requisite plans, of the following shall be included:
  - a. detailed plans and elevations of each of the buildings, indicating the colour and type of materials proposed for all external surfaces;
  - b. details of the type and colour of all finishes for hard-surfaced areas;
  - c. details of traffic calming features and details of all road surfaces and kerbs;
  - d. details of the appearance of all walls, retaining walls and fences, together with a programme for when these are to be erected;
  - e. a landscape plan for the site, including proposals for all open spaces and to include details and specifications for tree, shrub, wildflower, grassland and other proposed habitats and features, indicating the number, sizes, species (which shall be native), positions and planting densities of all new trees and shrubs to be planted, and including details of any boundary walls and fences. This shall also indicate existing trees as well as providing enhanced planting of the site. Establishment and maintenance regimes shall be specified. Any trees or plants, removed, dying, becoming seriously diseased, or being severely damaged within five years of planting shall be replaced during the following planting season with others of the same size and species unless the Planning Authority agrees in writing to a variation;
  - f. a detailed statement on the sustainability of the proposed development with specific reference to Policy NRG3 BREEAM requirements;
  - g. A Transport Assessment for the proposal, the scope of which shall be agreed in writing with the Planning Authority in writing prior to the assessment being carried out.
  - h. A Green Travel Plan, designed to minimise the use of private transport by users of the facility and staff employed at the site, along with details for the implementation of the Green Travel Plan
  - i. a programme and phasing plan for the construction of the new buildings and associated external areas and the main infrastructure (roads, parking, other hardstandings, external lighting, drainage, water treatment, footpaths and cycleways).
  - j. Proposals showing how it is intended to accord with the Council Policy DP6 (Percent for Art), together with a programmes for providing art.

- k. a site layout plan at a scale no smaller than 1:500 showing the position of all proposed buildings and associated external storage areas and the position and surfacing of all internal access roads, footpaths, cycle paths, parking and other hardstandings, open spaces and landscaping;
- l. details of the proposed access;
- m. details of the means of treating and disposing of surface water from the site in accordance with Sustainable Urban Drainage principles;
- n. details of any night time lighting to be provided, including measures to minimise light spillage and glare;
- o. Details of all proposed levels and changes in ground level. The information to be provided shall include floor levels for all buildings, roads and finished ground levels. A contour plan of the site with contours drawn at intervals of 0.5 metres shall be provided showing, at a scale of no smaller than 1:500, both existing and proposed contours;

**Reasons:** *The application is for outline permission only and these details are required to ensure that the proposals are satisfactory.*

*To provide sufficient and appropriate information on the proposed development to ensure that, in its detailed form it will comply with the Council's policies for design, sustainability and landscape.*

3. 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:
  - a) the nature, extent and type(s) of contamination and/or previous mineral workings on the site;
  - b) measures to treat or remove contamination and/or previous mineral workings to ensure the site is fit for the new uses hereby approved, and that there is no risk to the wider environment from contamination and/or mineral workings originating within the site;;
  - c) measures to deal with contamination and/or previous mineral workings encountered during construction works; and
  - d) the condition of the site on completion of decontamination measures.

Before any part of the site comes into use, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

**Reason:** *To ensure that the site is clear of contamination prior to the*

*occupation of the extensions.*

4. The development shall be laid out such that the buildings erected on site are provided with adequate and appropriate parking provision in accordance with the Council's approved standards.

***Reason:*** *To ensure that the uses on the site are provided with adequate number of parking spaces for the convenience of their occupants and visitors and in the interests of safeguarding the amenity of the area.*

5. No wall or fence shall be erected within the site unless details of its position and appearance have been approved in terms of condition 2(d) above.

***Reason:*** *To ensure that all walls and fences are positioned, designed and finished in keeping with the design of the development as a whole.*

6. The scheme of landscaping approved in accordance with condition 2(e) shall be carried out and completed within nine months of the date on which work on the development is commenced; thereafter any trees or shrubs removed, dying, becoming severely diseased or being severely damaged within five years of planting shall be replaced in the following planting season by trees or shrubs of a similar size and species to those originally required. There shall be no variation there from unless with the prior approval of the Planning Authority

***Reason:*** *To ensure that the landscaping is carried out as quickly as possible and has an adequate opportunity to become successfully established.*

7. No tree, hedgerow or shrubs on site shall be felled/removed, lopped or topped unless approved in writing by the Planning Authority. Existing trees, hedgerows and shrubs to be retained shall be protected during periods of construction in accordance with BS5387 "Trees in Relation to Construction - Recommendations" (2005).

***Reason:*** *To ensure the retention of trees, hedgerows and shrubs on the site in the interests of safeguarding the character and visual amenity of the area.*

8. There shall be no external storage or equipment, packaging, waste or other items on the site, or skips or other receptacles placed within the site, unless otherwise approved by the Planning Authority.

***Reason:*** *To avoid any unsightly clutter, in the interests of the visual amenity of the area.*

9. Before any buildings are brought into use, the provisions for the disposal of surface water runoff, including any effluent, shall be installed in accordance with the details approved under the terms of condition 2(m) and any requirements of the Scottish Environment Protection Agency.

***Reason:*** *to ensure that the necessary facilities are in place to prevent water*

*pollution as a result of runoff associated with the development.*

10. Before any of the buildings within the development are occupied it shall be served by a road and footpath connected to or forming part of the public highway and have access to parking spaces constructed and provided in accordance with details approved in terms of this permission.

***Reason:*** *To ensure that at all times the future occupants of the buildings have safe and convenient access to the buildings and to the parking spaces provided for them.*

11. Without the prior written permission of the Planning Authority, no overhead wires, cables or telecommunications masts shall be introduced onto the site, or retained on the site.

***Reason:*** *To ensure that the appearance of the development is not spoiled by inappropriately located telecommunications masts, overhead wires or cables and support poles.*

12. Construction of the development hereby permitted shall not take place out with the hours of 8.00am to 7.00pm on Mondays to Fridays and 8.00am to 1.00pm on Saturdays. In addition outwith these hours there shall be no delivery of plant, machinery or materials.

***Reason:*** *To minimise disturbance to nearby residential properties from noise and traffic.*

13. The design and installation of any plant, machinery or equipment shall be such that any noise complies with NR25 when measured within any nearby living apartment.

***Reason:*** *To ensure noise from plant, machinery or equipment does not cause noise nuisance to nearby residential properties.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 19 April 2011. The LRB carried out an accompanied site visit on the 18 April 2011.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP5 Midlothian Local Plan – Woodland Trees and Hedges
4. RP7 Midlothian Local Plan – Landscape Character
5. ECON8 Midlothian Local Plan – Rural Development
6. NRG3 Midlothian Local Plan – Energy for Buildings
7. IMP Midlothian Local Plan – New Development

8. DP1 Midlothian Local Plan – Development in the Countryside
9. RET1 Edinburgh and Lothians Structure Plan 2015 – Retail (Sequential Approach)
10. RET2 Edinburgh and Lothians Structure Plan 2015 - Retail

Material Considerations:

1. The individual circumstances of the sites location.
2. The individual circumstances of the building on the site
3. The planning history of the site.

In determining the review the LRB concluded:

Although the site is outwith the identified retail centre at Straiton, its immediate proximity to it and the sites previous commercial use, which means it has a '*brown field*' land designation make it an appropriate site for redevelopment for a retail use; subject to conditions, the conclusion of a bat survey and the prior signing of a legal agreement to secure contributions towards highway infrastructure improvements.

The applicant carried out a bat survey to the satisfaction of the Local Planning Authority prior to this formal decision notice being issued.

Dated 16/11/2012

Councillor J Bryant  
Chair of the Local Review Body  
Midlothian Council

**NOTICE TO ACCOMPANY REFUSAL ETC.****TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997*****Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A (8)***

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.  
*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*