



APPLICATION FOR PLANNING PERMISSION 21/00982/PPP FOR DETAILED PLANNING PERMISSION FOR THE ERECTION OF BUSINESS (CLASS 4) UNITS AND DRIVE-THROUGH COFFEE SHOP (SUI GENERIS), WITH ASSOCIATED CAR PARKING, ACCESS, INFRASTRUCTURE, AND LANDSCAPING; AND PLANNING PERMISSION IN PRINCIPLE FOR BUSINESS (CLASS 4) USE AT LAND AT SHERIFFHALL SOUTH, MELVILLE GATE ROAD, DALKEITH

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is a hybrid application comprising a detailed application for the erection of 24 business (Class 4) units, spread across 5 blocks with a total floorspace of 4257 sqm; a drive-through coffee shop; with associated car parking, access roads and drainage infrastructure; and an application for planning permission in principle for a further three Class 4 plots all situated on land to the south of Sheriffhall roundabout.**
- 1.2 There have been 15 representations objecting to the application and one neutral representation and consultation responses from the Coal Authority, Network Rail, Scottish Water, SP Energy Networks, Transport Scotland, the Council's Archaeology Advisor, the Council's Biodiversity Advisor, the Council's Land and Countryside Manager, the Council's Policy and Road Safety Manager, the Council's Senior Manager Protective Services, the Bonnyrigg and Lasswade Community Council and the Eskbank and Newbattle Community Council.**
- 1.3 The relevant development plan policies are policies 2, 11 and 12 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT1, DEV5, DEV6, DEV7, ECON1, TRAN2 TRAN5, ENV1, ENV2, ENV4, ENV6, ENV9, ENV10, ENV11, ENV15, ENV20, ENV25, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 MLDP).**
- 1.4 The recommendation is to grant planning permission subject to conditions and securing developer contributions towards necessary infrastructure.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located to the north west of Dalkeith on agricultural land to the south of Sheriffhall roundabout. The site measures 8.5 hectares. The land within the site comprises an arable field and an area of woodland. A high voltage power line passes north to south across the western portion of the site.
- 2.2 The main part of the site is located at the southern side of the site with a northern spur extending along the eastern edge of the site. The site is bounded to the south west by Gilmerton Road (B6392) and by Melville Gate Road to the south east. The main site is bounded to the west by the A7 and to the north by a 70m wide belt of woodland. The northern spur is bounded to the west by a leftover portion of arable field and the eastern edge of the belt of woodland. The northern edge of the site is bounded by the embankment supporting Old Dalkeith Road (A6106).
- 2.3 The site is situated to the north east of the Dobbies roundabout on the A7 where Gilmerton Road crosses the A7. The immediate surroundings to the roundabout have accommodated various new developments over the past 40 years. To the south west of the roundabout is the Dobbies garden centre with associated plant nursery and offices; and the Melville Inn and its associated hotel. To the north west of the roundabout is the Elginhaugh Farm pub/restaurant. The land to the north west (including the Elginhaugh Farm), north east (including some of the application site) and to the south east of the roundabout are all included within an allocated economic land supply site (e32) with a combined area of 11.5 hectares. The site is allocated for Class 4 (Business) use. The Dobbies site does not form part of the allocation. The allocated land and the Dobbies site are all within the green belt.

3 PROPOSAL

- 3.1 The application is a hybrid application comprising an application for detailed planning permission, for which detailed site plans and building drawings have been submitted, and an application for planning permission in principle, for which masterplan drawings showing indicative uses have been submitted. The detailed application comprises a development of Class 4 (Business) build-to-let roller shutter door units, a drive through coffee shop, access roads and drainage infrastructure, including an attenuation basin at the northern edge of the northern spur. The planning permission in principle application comprises three further plots (totalling approximately 2.5 hectares) of Class 4 development.
- 3.2 The Class 4 development in the detailed application comprises 24 roller shutter door units spread across five blocks with a total floorspace of 4257 sqm. The individual units measure either 186 sqm

(2000 sqft) or 139.35 sqm (1500 sqft); the layout includes 12 units of each size. The blocks will have shallow pitched roofs behind parapet walls and will be clad with profiled metal cladding. The blocks will all be 8.25m tall.

- 3.3 The drive through coffee shop will be situated at the western edge of the site. The building will be single storey with a shallow pitched mono-pitch roof. The building will be 17.5m wide, 11m deep and 6m tall at its tallest point. The walls will be finished with rendered blockwork and timber cladding. The drawings and planning statement indicate that the occupant of the drive-through will be Costa Coffee.
- 3.4 Access to the site will be via a new junction onto Gilmerton Road which will provide access to an internal access road. The detailed application will be provided with 120 parking spaces of which 25 will be disabled spaces and 25 will be EV charging spaces. Surface water will be attenuated via a basin at the northern edge of the site which will discharged into the Dean Burn, which passes through the far northern corner of the site.
- 3.5 The application is accompanied by:
- Air Quality Impact Assessment;
 - Arboricultural Impact Assessment;
 - Badger Report;
 - Bat Report;
 - Ecology Report;
 - Design and Access Statement;
 - Economic Impact Assessment;
 - Energy and Carbon Strategy;
 - Flood, Drainage and Surface Water Strategy;
 - Invasive Species Report;
 - Noise Report;
 - Pre-Application Consultation (PAC) Report;
 - Planning Statement;
 - Site Investigation Report;
 - Transport Assessment;
 - Tree Survey.

4 BACKGROUND

- 4.1 The site has been the subject of three previous planning applications, all of which were submitted in 2017. Application 17/00508/DPP for the formation of access road, SUDS infrastructure, drainage and utilities connections; and associated enabling works was approved in June 2018. The permission has not been implemented.
- 4.2 Application 17/00537/DPP for the erection of a petrol filling station and shop; restaurant, café and drive through and associated works was

refused by the Planning Committee at its meeting of May 2018. A subsequent appeal was dismissed in April 2019.

- 4.3 Application 17/00587/DPP for the erection of a secure residential care home with associated access, car parking, landscaping and works was the subject of a notice of review (on the grounds of non-determination). The review was dismissed by the local review body in June 2018.
- 4.4 In preparation for the current application a Proposal of Application Notice (reference 21/00416/PAC) was submitted in May 2021. The notice was reported to Committee at its meeting of June 2021.
- 4.5 An Environmental Impact Assessment (EIA) screening opinion (reference 21/00513/SCR) for the current proposal was submitted in June 2021. The planning authority's adopted screening opinion is that an EIA is not required for the development.
- 4.6 The allocated site to the north west of the roundabout has been the subject of three planning applications that are of relevance to the current application. In early 2014 application 13/00848/DPP (erection of restaurant/public house with associated living accommodation; formation of car parking; and associated works) and application 13/00849/DPP (formation of access road and electricity sub-station) were granted planning permission and implemented in 2015.
- 4.7 Application 19/00486/DPP for the erection of a motor vehicle dealership; formation of access roads and car parking and associated works was submitted in May 2019. The application is pending consideration, but is held in abeyance due to uncertainty caused by the prospect of a potential compulsory purchase order to secure part of the site to implement the Sheriffhall roundabout upgrade.
- 4.8 The site to the south east of the roundabout (i.e. on the southern side of Gilmerton road opposite the application site) was the subject of an application in December 2020. Application 20/00869/PPP is an application for planning permission in principle for a business park (Class 4) and associated works. The site area is 1.97 hectares and the indicative layout shows a scheme with a floorspace of 9800sqm; the proposal is therefore a local development and is currently delegated to officers to determine. Council Members were notified of the application in October 2021 and the application was not called to committee - the planning authority is minded to grant the application subject to the prior signing and registration of a legal agreement to secure developer contributions.
- 4.9 The Dobbies site has been used for decades, initially as a plant nursery and then as a garden centre. The site has seen significant development over the last 40 years and it currently accommodates a large garden centre with associated café/restaurant and retail village; offices associated with the garden centre chain; and a pub/restaurant

with associated hotel. The plant nursery and tourist attraction (Butterfly World) are currently disused.

- 4.10 The application for planning permission constitutes a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and thereby it requires to be determined by the Planning Committee.
- 4.11 The Town and Country Planning (Use Classes) (Scotland) Order 1997 categorises different land uses into different classes to enable planning practitioners and decision makers to determine if a change of use of land or buildings is proposed or has occurred – Classes 4 and 6 have been referenced in this report as well as a drive-through coffee shop which is a sui generis (of its own kind/class) use. In defining if a material change of use between one class and another has occurred it enables planning authorities to assess the impact of different uses and enables decisions to be made with regard the right development in the right location. Different uses within the same class are seen to have similar impacts and characteristic and are therefore interchangeable in land use planning terms.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to any decision notice including conditions to secure a scheme of site investigations and, if required, remediation works to address issues associated with historic mine workings in the area.
- 5.2 The planning application site boundary is within 10m of land owned by **Network Rail** in association with the Borders Rail Line and as such triggered a statutory consultation. Network Rail does not object to the application and considers the proposal will not have any impact on railway infrastructure.
- 5.3 The **Scottish Environment Protection Agency (SEPA)** were consulted, by offered no comments on the application.
- 5.4 **Scottish Water** does not object to the application. The water supply will be fed from Rosebery Water Treatment Works. The foul water drainage will be dealt with by the Edinburgh PFI Waste Water Treatment Works. Both have sufficient capacity at present, however it is not possible to reserve capacity for future developments – this is secured by way of a separate procedure between the applicant and Scottish Water.
- 5.5 **SP Energy Networks** does not object to the application. There are overhead lines and an underground cable within the vicinity of the proposals. SP Distribution Plc reserves the right to protect and/or deviate the cable/apparatus at the applicant's expense.

- 5.6 **Transport Scotland** does not object to the application and do not propose any conditions. The response from Transport Scotland has identified possible areas of overlap of the application site with the land that is the subject of a Compulsory Purchase Order in relation to the planned improvements to the Sheriffhall roundabout – this is a matter to be resolved by the applicant and Transport Scotland.
- 5.7 The **Council's Archaeology Advisor** does not object to the application subject to any decision notice including a condition to secure a programme of archaeological (trial trench evaluation) work in accordance with a written scheme of investigation.
- 5.8 The **Council's Biodiversity Advisor (The Wildlife Information Centre – TWIC)** does not object to the application. The ecology report and the Bat and Badger survey submitted in support of the application are considered to be satisfactory and the recommendations and conclusions in the reports are supported.
- 5.9 The **Council's Land and Countryside Manager** does not object to the application and has confirmed that the development does not block any existing or proposed Core Paths.
- 5.10 The **Council's Policy and Road Safety Manager** does not object to the application, but recommends that new bus shelters should be provided at the nearby existing stops on Gilmerton Road, and that the applicant should provide developer contributions towards the A7 urbanisation scheme.
- 5.11 The **Council's Senior Manager Protective Services** does not object to the application - having considered the air quality impact assessment submitted in support of the application it is considered that there is a low risk of dust soiling impacts and a low risk of human health impacts as a result of the proposed earthworks.
- 5.12 Having considered the noise impact assessment submitted in support of the application it is considered that it is highly likely that there will be no noise impact on the nearest noise receptors. A noise limitation condition is recommended to safeguard the amenity of local residents.
- 5.13 The site investigation report has been assessed by the Council's contaminated land external peer reviewer and additional information is required, this can be secured via condition on any grant of planning permission.
- 5.14 **Bonnyrigg and Lasswade Community Council** objects to the proposal for the following reasons:
- The development will diminish the effectiveness of the green belt and lead to coalescence;
 - The lighting is excessive for a countryside location;

- The local road infrastructure cannot accommodate current traffic levels. The first phase of the development should be delayed until the improvements to the Sheriffhall junction are complete;
- The drive-through coffee shop is contrary to the allocated use for the site in the Midlothian Local Development Plan;
- The drive-through site has inadequate landscape screening;
- Class 6 (Storage or Distribution) units will provide insufficient employment opportunities;
- Class 6 units will be larger and will be harder to screen;
- Class 6 units will generate additional traffic that will increase congestion and diminish pedestrian/active travel safety;
- The proposal will result in a loss of amenity for local residents;
- A Core Path should be created to allow walkers and cyclists to traverse Dalkeith Palace grounds; and
- The community council recognises that there is local demand for Class 4 units but the other classes of development do not meet the requirements laid down in the MLDP.

5.15 Eskbank and Newbattle Community Council objects to the proposal for the following reasons:

- The site is designated for Class 4 business development only and the drive-through coffee shop does not fall within that designation and should not be permitted;
- There are already sufficient food and drink facilities, including drive-throughs, within easy reach of the site;
- Granting consent for a drive-through coffee shop would be contrary to the Reporter's decision on the appeal for application 17/00537/DPP. There has been no change of circumstances since the Reporter's decision was issued;
- Any decision on the principle of Class 6 development should wait until full details of that phase of the proposal are submitted;
- The felling of the woodland at the junction of Gilmerton Road and Melville Gate Road will have a significant detrimental impact on the landscape setting of the site;
- The felling of the woodland will damage the character of the green belt and harm the amenity of local residents;
- The woodland should be retained and managed with thinning and replacement planting where necessary; and
- The Class 4 blocks should be moved northwards to allow for the retention of the woodland.

6 REPRESENTATIONS

6.1 There have been 16 representations received, which can be viewed in full on the online planning application case file. The 15 objections are made on the following reasons:

- Brownfield sites should be used before this site is developed;

- The development will create traffic congestion and noise;
- The traffic congestion generated by the development will have a detrimental impact on air quality;
- The development will have a detrimental impact on local wildlife and biodiversity;
- The development will have a detrimental impact on the setting of Melville Castle;
- There are sufficient drive-throughs at Tesco; a further drive-through is not necessary;
- There are sufficient food and drink options in the surrounding area;
- The development will generate extra traffic and greenhouse gas emissions, and is therefore contrary to the Council's Climate Change Strategy;
- The Council should encourage the use of vacant town centre premises to accommodate business units and incubator spaces;
- Developing green fields and felling woodland is contrary to the Council's Climate Change Strategy;
- Development of the site will create coalescence with the Edinburgh;
- Developments that rely on car use should be discouraged;
- The development will not benefit local residents;
- The development does not support the 20 minute neighbourhood concept;
- The drive-through coffee shop will generate litter;
- The woodland should be retained in order to support biodiversity, maintain the landscape setting and provide an acoustic buffer;
- The development will create additional HGV traffic that will make local roads difficult to use for cyclists and pedestrians;
- Development other than Class 4 is contrary to MLDP policies;
- Granting consent for a drive-through coffee shop would be contrary to the Reporter's decision on the appeal for application 17/00537/DPP. There has been no change of circumstances since the Reporter's decision was issued;
- The felling of the woodland at the junction of Gilmerton Road and Melville Gate Road will have a detrimental impact on the setting of the North Esk Special Landscape Area;
- An additional access to the site from Melville Gate Road would be unacceptable;
- The site should be screened by mature trees and native hedging along the boundary with the A7 and with Gilmerton Road;
- The site is poorly served for pedestrian access;
- The proposal does not include the multi-user path identified in the MLDP 2017 Green Network Supplementary Guidance;
- Bus shelters should be provided at existing bus stops;
- In addition to A7 urbanisation the applicant should contribute towards improvements to pedestrian and cycle access from Dalkeith and Eskbank;
- Rather than developing arable land commercial development should be directed towards the Shawfair area as this would ensure

that development is close to population centres and reduce the need for car use; and

- The mature woodland at the site should be protected by a Tree Preservation Order (TPO).

6.2 A neutral representation has been submitted by the development consultant for the site (20/00869/PPP) to the south of the application site and the points raised in the representation are as follows:

- The drawings in Appendix A of the transport assessment do not show the proposed access for the southern site;
- The traffic diagrams in Appendix C of the transport assessment do not show the correct location for the proposed access to the southern site; and
- The junction assessment in Appendix C does not consider the operation of the junction correctly.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SESplan) and the Midlothian Local Development Plan 2017 (MLDP).

7.2 SESplan June 2013 is older than five years. A replacement SESplan was prepared but rejected by Scottish Ministers in May 2019. The Planning etc. (Scotland) Act 2019 removed the duty to prepare Strategic Development Plans, placing strategic planning matters within a National Planning Framework 4 (NPF4) to be prepared by Scottish Ministers. Once approved, NPF4 (which was subject to consultation until 31 March 2022 and is expected to be adopted in summer 2022) will form part of the development plan alongside local development plans. Until NPF4 is approved, SESplan remains part of the development plan albeit increasing out of date.

7.3 The following policies are relevant to the proposal:

Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan)

7.4 **Policy 2 (SUPPLY AND LOCATION OF EMPLOYMENT LAND)** states that the Strategic Development Plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local Development Plans will support the delivery of the quantity of the established strategic employment land supply as identified. Local Development Plans should also ensure they provide a range and choice of marketable sites to meet anticipated requirements.

7.5 **Policy 11 (DELIVERING THE GREEN NETWORK)** seeks to ensure that major developments in the SESplan area have a positive

contribution to the creation, maintenance and enhancement of the green network.

- 7.6 **Policy 12 (GREEN BELTS)** requires Local Development Plans to define and maintain Green Belts around Edinburgh whilst ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated. Local Development Plans should define the types of development appropriate within Green Belts.

Midlothian Local Development Plan 2017 (MLDP)

- 7.7 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.8 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.9 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.10 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.11 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses against loss to non-business or industrial uses. Alternative uses for such sites will only be permitted if there is no net detriment to the overall supply of economic land.
- 7.12 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A720 Sheriffhall Junction Grade Separation.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.14 Policy **ENV1: 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. provide 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. provide for essential infrastructure; or
- E. form development that meets a national requirement or established need of no other site is available.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which is to maintain the identity and landscape setting of Edinburgh and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence.

- 7.15 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network
- 7.16 Policy **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.
- 7.17 Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.
- 7.18 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.19 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.20 Policy **ENV11: Woodland, Trees and Hedges** 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 (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated

landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.21 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.22 Policy **ENV20: Nationally Important Gardens and Designed Landscapes** states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape as identified in the *Inventory of historic Gardens and Designed Landscapes*.
- 7.23 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development 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 likely impact of the proposal on the archaeological resource.
- 7.24 Policies **IMP1: New Development** and **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** require the developer to deliver, or contribute to, the required infrastructure to mitigate the impact of the development.
- 7.25 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SuDS) to be incorporated into new development.

National Policy

- 7.26 The **SPP (Scottish Planning Policy)** sets out Government policy in relation to creating a successful sustainable place, supporting economic growth, regeneration and the creating of well-designed places. SPP promotes town centres identifying the 'town centre first principle'. Development plans should adopt a sequential town centre first approach for uses such as retail with the order of preference being town centres, edge of town centres, other commercial centres identified in the development plan, and out of centre locations that are or can be made easily accessible by a choice of transport modes.
- 7.27 In relation to supporting business and employment the planning system should:
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
 - allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing

circumstances and allow the realisation of new opportunities;
and,

- give due weight to net economic benefit of proposed development.

7.28 Plans should align with relevant local economic strategies to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector; and
- financial and business services.

7.29 SPP introduces a presumption in favour of development that contributes to sustainable development, but states:

The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

7.30 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.

7.31 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.

7.32 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

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

Application type

8.2 The application is a hybrid application that seeks both detailed planning permission and planning permission in principle. There is nothing in either primary legislation, secondary legislation or Scottish Government guidance that refers to hybrid applications, either by that name or

another name. Whilst there is no procedure set out for submitting hybrid applications there is also nothing that says that they can't be submitted. The generally accepted practice amongst the Scottish Government and planning authorities is that it is at the discretion of the planning authority as to whether or not to accept a hybrid application. In this instance the planning authority considers that such an approach could potentially assist the applicant in raising finance for a strategically important economic development site that has been stalled since allocation in 2008.

Principle of development

- 8.3 The majority of the application site forms part of the allocated economic land supply site e32 (Sheriffhall South). The identified use for this site, as identified in the MLDP, is for Class 4 (Business) use. The principle of Class 4 development on the areas identified for such development is acceptable.
- 8.4 The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) defines Class 4 (Business) as being for the use as:
- a) An office;
 - b) For research and development of products or processes; or
 - c) For any industrial process.

All such uses must be those which can be "carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". The design of the Class 4 units within the detailed application means that an industrial use would be most likely. Future phases of Class 4 development could also include office and/or research and development (R&D) uses.

- 8.5 As originally submitted the planning permission in principle element of the application included an area identified for Class 6 (Storage or Distribution) use. As is noted above the site is allocated for Class 4 use and the allocation does not provide any support for Class 6 use at this site. Following correspondence with the applicant's agent the applicant agreed to delete the Class 6 use from the proposal. The application description has been changed and revised plans have been submitted.
- 8.6 Whilst the majority of the application site is part of an allocated site the land at the northern edge of the site is not within the allocated site. The sustainable urban drainage system (SUDS) basin is situated on the green belt land that is outwith the allocated site. When allocating sites in a MLDP the planning authority expects that the site will be used to accommodate the allocated use and the necessary supporting infrastructure; accommodating supporting infrastructure on adjoining land is ordinarily discouraged. Notwithstanding this fact, in this

instance the SUDS basin would be a use of ground that would be compatible with the aims of green belt policy and would be in the same position as the previously consented drainage scheme (reference 17/00508/DPP). Given the nature of the use and the planning history of the site the principle of using land outwith the allocated site for delivery of the SUDS infrastructure is acceptable.

- 8.7 As is noted in paragraph 4.2 a previous application (reference 17/00537/DPP) which included a drive-through facility was refused in 2018 and an appeal was dismissed in 2019. One of the reasons for refusal of the application was:

The proposed land uses are not in accordance with the site's allocation for Class 4 business uses in the development plan and as such the development is contrary to policy 2 of the Strategic Development Plan for Edinburgh and South-East Scotland (approved in 2013), policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan 2017 and the Scottish Government's policy position set out in Scottish Planning Policy.

- 8.8 The reporter who considered the appeal found that “the proposal would not be consistent with the specific employment allocation for Class 4 uses” and considered that the “immediately available site continues to make a valuable contribution to the current employment land supply”. Notwithstanding these comments, the planning authority is conscious that the Sheriffhall South site was first allocated in 2008 and that the detailed element of the current application is the first time that a detailed application for Class 4 development has been brought forward. The Elginhaugh Farm pub/restaurant was supported by the planning authority in the hope that it would provide an impetus to attract development to the allocated site; whilst there have been subsequent applications none of these, so far, have resulted in development on the ground.
- 8.9 There is a strong demand for Class 4 business units within Midlothian and a high occupancy level for such units on modern industrial estates such as Bilston Glen or Hardengreen. The MLDP includes allocated sites which would allow for further such developments however it has proven difficult for applicants to raise finance for such sites and the majority of such sites remain undeveloped.
- 8.10 The applicant’s planning statement submitted with the application references the difficulties of financing the infrastructure necessary to support a viable Class 4 development and states that a drive-through coffee shop could assist in delivering that finance. The planning statement states that the applicant would be willing to accept a condition to restrict the opening of the drive-through coffee shop until such time as the Class 4 units in phase 1 (i.e. the 24 units included in the detailed planning permission) have been completed (i.e. the buildings are complete even if not necessarily occupied). Given the

relatively small size of the drive-through, approximately 2% of the floorspace of the overall proposal, it could be considered to be ancillary to the main use site. Given the scale of development that could be facilitated by the development of a single storey drive-through coffee shop with a floorspace of 197 sqm and the importance of small to medium Class 4 roller shutter units to the development of Midlothian's economy, there are sufficient material considerations to support the principle of a drive-through coffee shop at this location subject to the occupancy of the unit being conditioned until after completion of the phase 1 Class 4 units.

Compulsory Purchase Order (CPO)

- 8.11 Transport Scotland published draft CPO, relating to land necessary to deliver the planned improvements to Sheriffhall roundabout, in December 2019. The draft orders include a strip of land (measuring approximately 3200 sqm) at the western side of the site, adjacent to the A7, and an area of land (measuring approximately 25 sqm) at the northern edge of the site, at the Dean Burn. The constraints plan submitted with the application identifies both areas of overlap.
- 8.12 The indicative drawings for the grade separation of the Sheriffhall junction show the land at the western side of the site being used for landscaping (grass and woodland) at the edge of the A7. The indicative masterplan layout for the application site does not propose any development within the CPO overlap.
- 8.13 The indicative drawings for the grade separation of the Sheriffhall junction show the land to the north of the application site being used to accommodate two SUDS ponds and a realignment of the Dean Burn. Due to the scale of the CPO plans it is difficult to determine the exact boundaries of the CPO area in the vicinity of the Dean Burn, however it appears likely that the applicant will retain access to an area of the south bank of the Dean Burn that would be large enough to accommodate the outfall from the application site's SUDS basin.

Transportation and access

- 8.14 The application is supported by a transport assessment which provides estimates for trip generation created using TRICS, which is a system that compiles the results of over 8000 directional transport surveys relating to more than 110 types of development. The system uses data from across the UK and Ireland and allows users to set various constraints in order to generate estimated figures based on surveys from similar sites. TRICS is a widely used by transport consultants and roads authorities.
- 8.15 TRICS data was used to estimate the trips generated by the development (both detailed and in principle) during AM and PM peaks. The transport assessment estimates that the development will generate

210 arrivals and 70 departures during a typical AM peak and 41 arrivals and 162 departures during a typical PM peak. As is noted above, TRICS is widely used by both transport consultants and roads authorities and its methodology is considered sound by transport engineering professions.

- 8.16 Using junction modelling software the results of the trip generation estimates have been used to calculate the existing and proposed capacities of the site access and existing assessed junctions in the area. The statement concludes that, with the exception of the A7/Gilmerton Road roundabout (which is already predicted to exceed capacity with committed development) the junctions are currently working within capacity and that they will continue to do so after the addition of the traffic estimated to be generated by the development. The statement and its conclusions have been assessed by Transport Scotland (the Roads Authority with responsibility for the A720 trunk road) and the Council's Policy and Road Safety Manager. Neither of the consultees has objected to the application and neither consultee has recommended improvements to the survey junctions. On the basis of the consultation responses from the expert transportation consultees the planning authority is satisfied that the surrounding road network can satisfactorily accommodate the additional traffic likely to be generated by the proposal.
- 8.17 The site is well served by existing bus services at the nearest stops on Gilmerton Road, with the service 3 running at 12 minute intervals on weekdays. In addition, the service 29 stops at Dobbies and runs at 20 minute intervals on weekdays. There are also bus services using Old Dalkeith Road to the north of the site, where the service 48 runs at 30 minutes intervals on weekdays and the service 49 runs at 20 minute intervals. The A7 urbanisation project will allow for provision of bus stops on the A7 which will increase the potential for further services to serve the Sheriffhall South area. Within Midlothian the communities of Bonnyrigg, Dalkeith, Danderhall, Easthouses, Eskbank, Gorebridge, Mayfield, Newtongrange and Rosewell are all currently served by bus services that stop within easy walking distance of the site. New bus shelters for the bus stops on Gilmerton Road can be secured via condition.

Scale and design

- 8.18 The Class 4 units in the detailed scheme will be situated in five terraces varying length from 38.5m to 86.8m. The units will be clad with profiled metal cladding and will be situated to allow for dual aspects, i.e. public facing elevation both front and rear. The buildings will be 8.25m tall. No details have been provided of the design of the future Class 4 units, these details will be assessed via future applications for the Approval of Matters Specified in Conditions (MSC applications); the drawings include maximum heights for the future Class 4 buildings of either 9m or 12m, these can be secured via condition. For the sake of

comparison the entrance ridge on the Dobbies building is 9.4m tall and the Innkeeper's Choice hotel is 11.5m tall at its highest point.

- 8.19 The drive-through unit will be a standard design of a type widely used by the end user throughout Scotland and the UK.

Landscape and Setting

- 8.20 The indicative landscaping scheme submitted with the application is broadly acceptable. The applicant has amended the scheme to include additional hedgerow planting to the west of the drive-through unit. The location of two of the Class 4 units has been moved northwards slightly to provide additional space for planting at the southern edge of the site. An additional tree survey will be secured via condition to survey the trees adjacent to the Gilmerton Road/Melville Gate Road junction in order to identify the potential for retention of some mature trees at that location.
- 8.21 The setting of the site is characterised by established woodland along the eastern side, which wraps round the south eastern corner of the site, and along the northern edge of the main part of the site. The majority of these areas of woodland are included on NatureScot's Ancient Woodland Inventory, there are no Tree Preservation Orders that apply to the trees within the site. An area of woodland at the south east corner is not included on the Ancient Woodland Inventory and consists of densely planted larch, beech, sweet chestnut and sycamore. This area was formerly a sand quarry that was used in the 1940's as a refuse tip. The area has very fine layer of topsoil which has created a poor root environment and unstable ground conditions; there are clear signs of multiple wind damaged trees within this area.

Developer contributions

- 8.22 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The Circular advises that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - Serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
 - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - Be reasonable in all other respects

- 8.23 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the MLDP and Midlothian Council's Developer Contributions Guidelines (Supplementary Planning Guidance).
- 8.24 This proposed development, of which the principal element is the provision of a Class 4 development, has been assessed in relation to the above guidance and it is considered that a planning obligation (Section 75 agreement) is required in respect of the following matters:
- The site adjoins the A7 where the A7 urbanisation scheme, as identified in the MLDP, will improve pedestrian connectivity, active travel and access to public transport (bus services). A proportionate contribution will be sought; and
 - The site is in the A7/A68 Borders Rail Line Corridor and is therefore required to contribute towards Borders Rail. A proportionate contribution will be sought.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The majority of the site is an allocated economic land supply site and the main proposed use complies with the allocated use. The Class 4 development complies with policies STRAT1 and ECON1 of the Midlothian Local Development Plan 2017. The drive-through coffee shop will help finance the development infrastructure that will aid the delivery of a stalled allocated site and this is a significant enough material consideration to support development that is contrary to policies STRAT1, ECON1 and ENV1 of the Midlothian Local Development Plan. The planning history of the site is a material consideration that supports the development of drainage infrastructure within the Green Belt that is contrary to policy ENV1 of the Midlothian Local Development Plan.

Subject to developer contributions towards the A7 Urbanisation scheme and the Borders Rail Line.

Subject to the following conditions:

1. Detailed planning permission is hereby granted for the erection of the 5 blocks of Class 4 units, drive-through coffee shop, access roads, car parking and junction (with Gilmerton Road) shown on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-011 rev P02; the drainage infrastructure shown on drawing number 4536-300-001 Rev 0; and any associated groundworks.
2. Planning permission in principle is hereby granted for Class 4 development on the 3 areas of Class 4 development shown on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-003 rev P01.

Reason: *To define the scope of the permission.*

3. Development shall not commence on the detailed planning permission with any contamination of the site has been submitted to and approved by the Planning Authority. The scheme shall supplement the Report on Site Investigations Sheriffhall South submitted on 14 January 2022 and shall include:
 - i. The Preliminary Risk Assessment titled “Phase 1: Desk Top Study (DTS) Report” by Arc Environmental Limited (May 2017);
 - ii. Clarification on borehole decommissioning with regards to the deeper rotary boreholes advanced at the site;
 - iii. Further comment on the ground gas risk assessment with regards to the use of piles/vibro compaction as a foundation solution at the site;
 - iv. Further assessment for water supply pipes at the site; and,
 - v. A Remediation Strategy providing further definition to proposed remedial measures;
4. On completion of any decontamination/ remediation works required as a result of the scheme to deal with contamination, referred to in Condition 3, and prior to any building on the site being occupied or brought into use, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the approved scheme. No building on the site shall be occupied or brought into use unless, or until, the Planning Authority have approved the required validation.

Reason for conditions 3 and 4: *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.*

5. Development shall not commence on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions for a scheme to deal with any contamination of the planning permission in principle sites has been submitted to and approved 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.
6. On completion of any required decontamination/ remediation works, referred to in Condition 5, and prior to any building on the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the approved scheme. No building on the site shall be occupied unless or until the Planning Authority have approved the required validation.

Reason for conditions 5 and 6: 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 on the drainage infrastructure shown on drawing number 4536-300-001 Rev 0 until details of a scheme of investigation and remediation to deal with previous mineral workings has been submitted to and approved in writing by the Planning Authority. The scheme shall include:
- i. A remediation scheme to afford public safety and the stability of the proposed development from the risks posed by the coal mining legacy within the surrounding area;
 - ii. A scheme of intrusive site investigations;
 - iii. A report of findings arising from the intrusive site investigations; and,
 - iv. A scheme of remedial works for approval by the Coal Authority.
8. Prior to the drainage infrastructure referred to in condition 7 being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason for conditions 7 and 8: To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to further development commencing.

9. Development shall not commence on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions for a scheme of investigation and

remediation to deal with previous mineral workings has been submitted to and approved in writing by the Planning Authority. The scheme shall include:

- i. A remediation scheme to afford public safety and the stability of the proposed development from the risks posed by the coal mining legacy within the surrounding area;
- ii. A scheme of intrusive site investigations;
- iii. A report of findings arising from the intrusive site investigations; and,
- iv. A scheme of remedial works for approval by the Coal Authority.

10. Prior to the development referred to in condition 9 being occupied or taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason for conditions 9 and 10: To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to further development commencing.

11. Development shall not commence on the detailed planning permission until the applicant has undertaken and reported upon a programme of archaeological (Trial Trench Evaluation) work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

12. Development shall not commence on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions for a written scheme of investigation for a programme of archaeological (Trial Trench Evaluation) work has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason for conditions 11 and 12: To ensure the development does not result in the unnecessary loss of archaeological material.

13. Development shall not begin on the detailed planning permission until 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, roads, parking areas and paths in relation to a fixed datum;

- ii a tree survey of the area identified as Area C in the Arboricultural Impact Assessment submitted on 14 January 2022;
- iii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iv proposed new planting including trees, shrubs, hedging 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 shall be completed prior to the development being 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); unless a suitably qualified ecologist has carried out a walkover survey of the felling/removal area in the 48 hours prior to the commencement of felling/removal, and confirmed in writing that no breeding birds will be affected;
- viii proposed car park configuration and surfacing;
- ix details of the location, design, height and specification of proposed street lighting within the development;
- x proposed footpaths; and
- xi proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (13vii). 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.

14. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions for 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, roads, parking areas and paths in relation to a fixed datum;
- ii a tree survey of the area identified as Area C in the Arboricultural Impact Assessment submitted on 14 January 2022;

- iii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iv proposed new planting including trees, shrubs, hedging 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 shall be completed prior to the development being 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); unless a suitably qualified ecologist has carried out a walkover survey of the felling/removal area in the 48 hours prior to the commencement of felling/removal, and confirmed in writing that no breeding birds will be affected;
- viii proposed car park configuration and surfacing;
- ix details of the location, design, height and specification of proposed street lighting within the development;
- x proposed footpaths; and
- xi proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (14vii). 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.

15. No trees shall be felled to facilitate the construction of the development other than those trees identified for felling in the Arboricultural Impact Assessment submitted on 14 January 2022, the tree surveys required by conditions 13 ii or 14 ii, or any updates of said tree surveys.

Reason for conditions 13 to 15: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policy DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

16. Development shall not begin on the detailed planning permission until details and, if requested, 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.

17. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions for the siting, scale, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority. The applications shall include details and, if requested, samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason for conditions 16 and 17: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with local and national planning guidance and advice.

18. Development shall not begin on the detailed planning permission until details of the provision and use of electric vehicle charging stations have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.
19. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions including details of the provision and use of electric vehicle charging stations has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason for conditions 18 and 19: To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.

20. Development shall not begin on the detailed planning permission until details of a scheme to deal with surface water drainage has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.
21. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions including details of a scheme to deal with surface water drainage has been submitted to and approved in writing by

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

Reason for conditions 20 and 21: To ensure that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9 and ENV10 of the Midlothian Local Development Plan 2017.

22. Development shall not begin on the detailed planning permission 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;
- viii an internal road layout which facilitates HGVs entering and leaving the site in a forward facing direction;
- ix new 5 bay bus shelters for the existing bus stops on Gilmerton Road over the site frontage; and
- x 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.

23. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions including 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;
- viii an internal road layout which facilitates HGVs entering and leaving the site in a forward facing direction;
- ix new 5 bay bus shelters for the existing bus stops on Gilmerton Road over the site frontage; and
- x 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.

24. No buildings on the site shall be occupied until the junction with Gilmerton Road, shown on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-011 rev P02, is complete and operational.

Reason for conditions 22 to 24: 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.

25. Development shall not begin on the detailed planning permission until details of a sustainability/biodiversity scheme for the site, including the provision for bats and swifts and the provision of hedgehog friendly fencing throughout the development has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the Planning Authority.
26. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions including details of a sustainability/biodiversity scheme for the site, including the provision for bats and swifts and the provision of hedgehog friendly fencing throughout the development has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the Planning Authority.
27. Development shall comply with the recommendations contained in Section C.1 of the Protected Species (Badgers) Survey Report, dated 16 March 2022; Section C.1 of the Protected Species (Bats)

Survey Report, dated 16 March 2022; and Section C.1 of the Ecological Survey Report.

Reason for conditions 25 to 27: To safeguard protected species and to ensure the development accords with the requirements of policies ENV15 and DEV5 of the Midlothian Local Development Plan 2017.

28. Prior to development commencing a validation report demonstrating that the recommendations contained in the Invasive Species Report have been complied with and completed shall be submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the Planning Authority.

Reason: To ensure that invasive species are safely removed and that the development does not result in the spreading of invasive species.

29. Development shall not begin on the detailed planning permission until details of a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of construction access routes;
 - ii. signage for construction traffic, pedestrians and other users of the site;
 - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
 - iv. details of piling methods (if employed);
 - v. details of any earthworks;
 - vi. control of emissions strategy;
 - vii. a dust management plan strategy;
 - viii. waste management and disposal of material strategy;
 - ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
 - x. prevention of mud/debris being deposited on the public highway;
 - xi. material and hazardous material storage and removal; and
 - xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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

30. Development shall not begin on any of the planning permission in principle sites until an application for Approval of Matters Specified in Conditions including a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:

- i. Details of construction access routes;
- ii. signage for construction traffic, pedestrians and other users of the site;
- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and,
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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

Reason for conditions 29 and 30: In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.

31. The design and installation of any plant, machinery and equipment shall be such that the combined noise level shall not exceed NR30 daytime (07:00 to 23:00 hrs) or NR25 if the noise is tonal and NR25 night time (23:00 to 07:00 hrs) or NR20 if the noise is tonal as measured from within any apartment in any local 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.

32. The sound emitted by any tannoy/loudspeaker system serving the drive through coffee shop shall be controlled to ensure that no amplified speech is audible within any nearby living apartment.

Reason for conditions 31 and 32: To safeguard the amenity of local residents.

33. The drive through coffee shop shall not be brought into use until such time as all of the Class 4 units in the detailed planning permission, as shown on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-011 rev P02, have been completed. (For the sake of clarity the Class 4 units do not need to be occupied prior to the drive through coffee shop being brought into use.)

Reason: To ensure that the development that the drive through coffee shop is intended to enable is delivered prior to the drive through coffee shop being brought into use.

34. The drive through coffee shop hereby approved shall be used solely as a drive through coffee shop. Consent is granted for the sale of food and drink for consumption on the premises and off the premises. The use of the buildings is a sui generis use.

Reason: To ensure that the use of the buildings reflects the terms of the application; and to safeguard the vitality and viability of local town centres by ensuring that the buildings cannot be used for retail purposes.

35. The kitchen of the drive through coffee shop shall be ventilated by extraction ventilation system which shall:

- a) Be designed to achieve 30 air changes per hour;
- b) Provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
- c) Prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties; and
- d) Terminate at sufficient height to permit the free disposal of exhaust fumes.

Reason: To safeguard local residential amenity.

36. Prior to the drive through coffee shop opening to the public details of a litter collection plan for the surrounding area, including an agreed length of Gilmerton Road, shall be submitted to and approved in writing by the Planning Authority. All the measures identified in the approved plan shall be in place and fully operational for the opening of either of the restaurants to members of the public and shall continue in operation for the duration of the approved use, unless otherwise approved in writing by the Planning Authority.

Reason: *To protect the character and amenity of the surrounding area.*

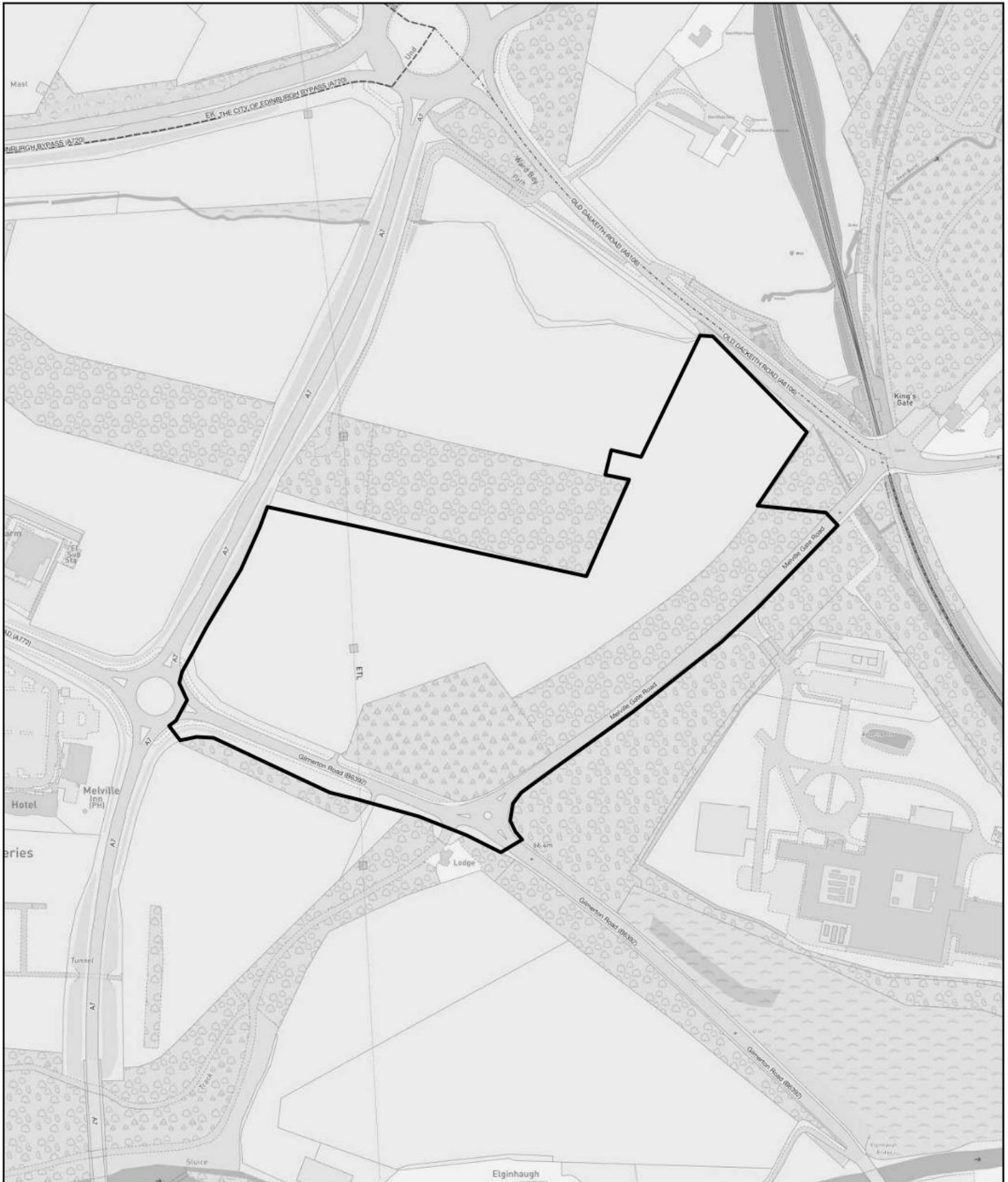
37. The building heights within the planning permission in principle sites shall not exceed the relevant maximum building heights specified on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-004 rev. P01.

Reason: *To safeguard the character of the surrounding area.*

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022

Application No: 21/00982/PPP
Applicant: Buccleuch Property
Agent: Chris Gardner, Progress Planning Consultancy
Validation Date: 14 January 2022
Contact Person: Graeme King
Email: graeme.king@midlothian.gov.uk
Background Papers: 21/00416/PAC, 21/00513/SCR



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Detailed planning permission for business (class 4) and drive-through coffee shop (sui generis), with associated car parking, access, infrastructure, and landscaping; and an application for planning permission in principle for business (Class 4) | Land At Sheriffhall South

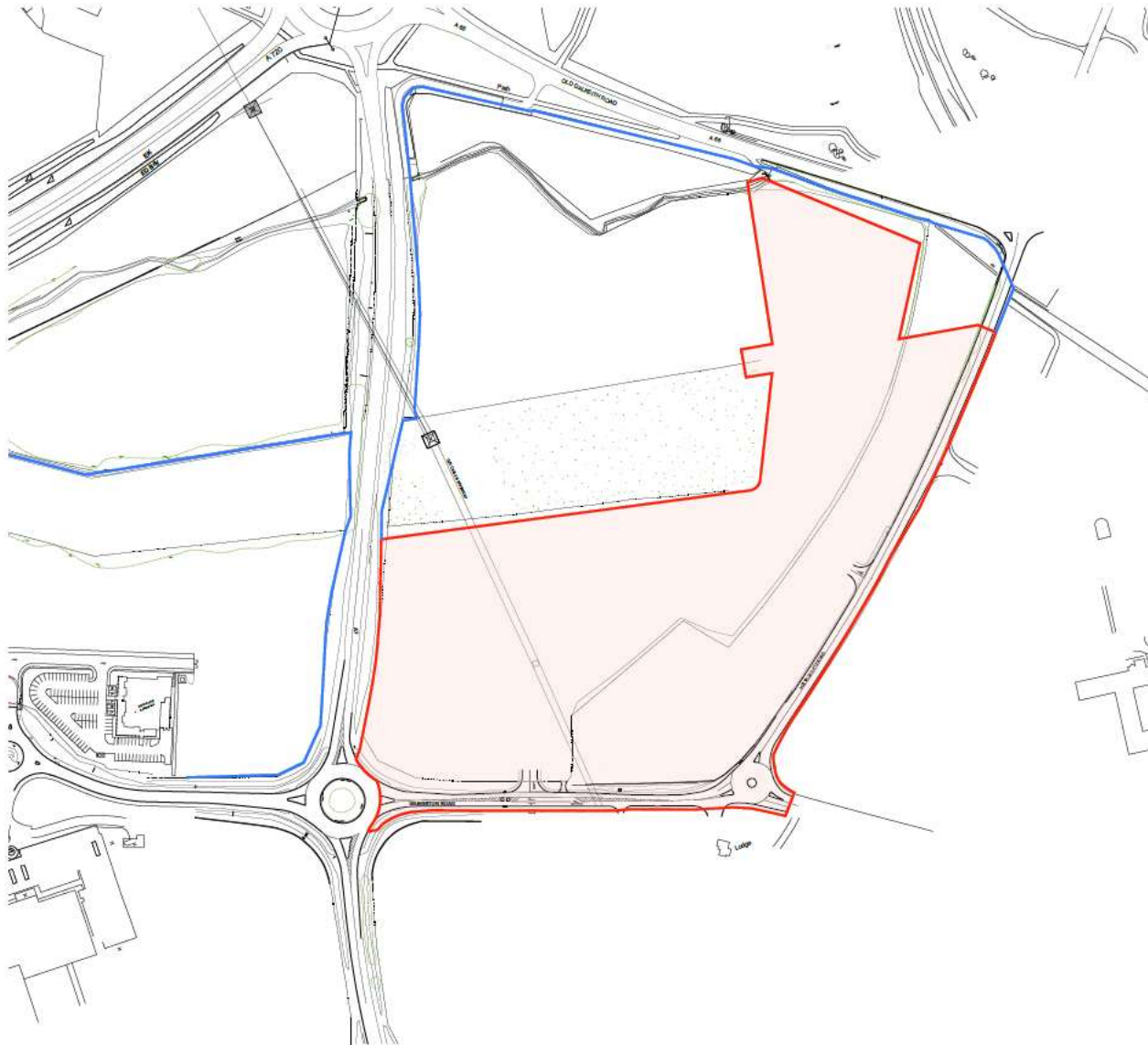
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File No: 21/00982/PPP

Scale: 1:4,000





Application Boundary
Area = 8.51 ha / 21 acres (or thereby)

Not to scale



HALLIDAY FRASER MUNRO
ON ARTHEID ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Sherriff South East

Client:
Bunzlough Property
Site:
Location Plan

Document Reference	
Reference	Revision
11055 - Initial	22 - 08 - A - 7000 - 001

Drawing Status	Review
Planning	
Scale	Date
1:1250 @ A1	Oct 2021

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Project
Proposed Mixed Use Development
Sherfield South East

Client
Bucknall Property
Site
Parameter Plan 01
Full and PP1P Application Boundaries

Document Reference	Author	Checker	Reviewer	Date	Version
11000	HF/M	ZZ	DR	A	P1000

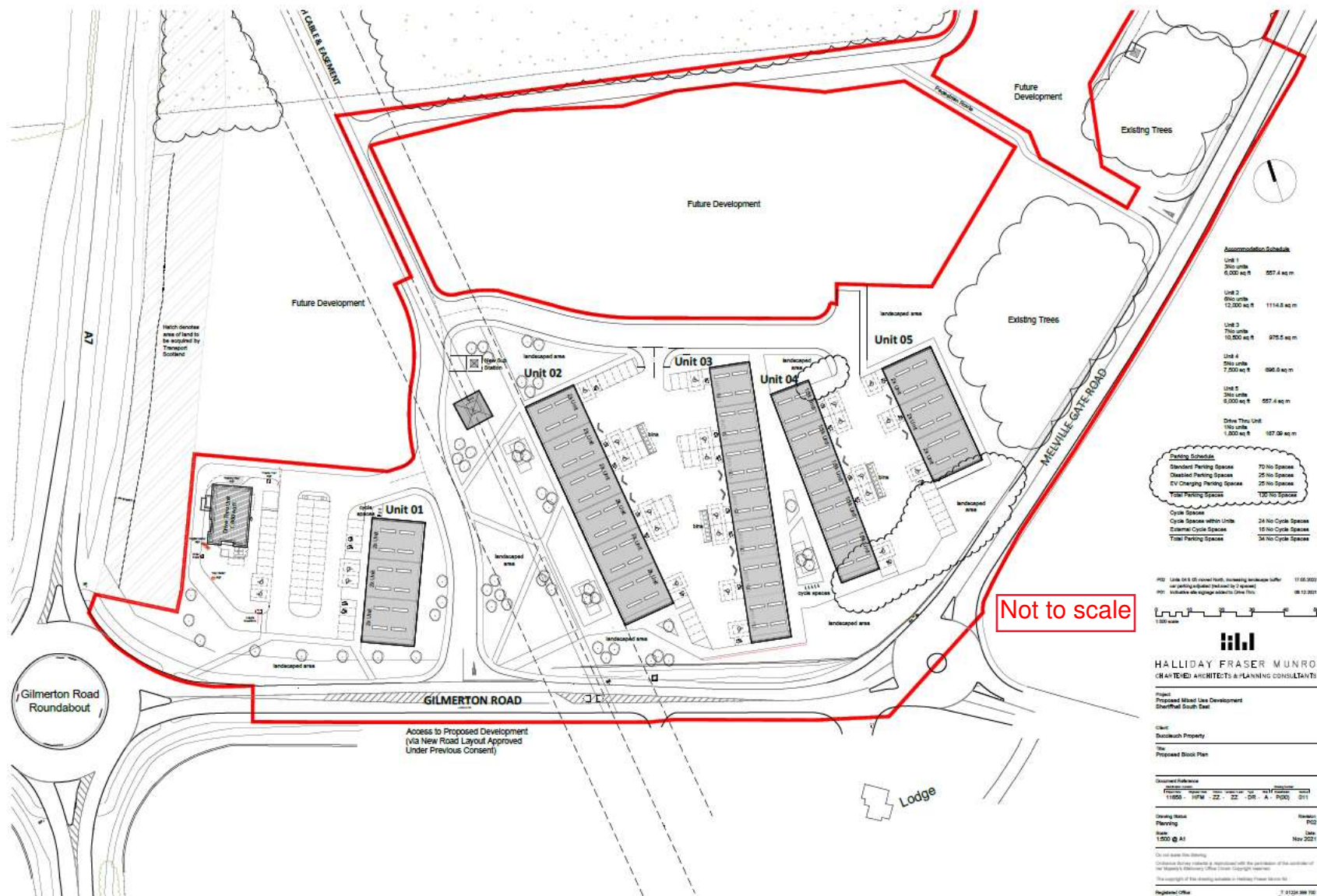
Drawing Name	Revision
Planning	
Date	Date
1/12/20 @ A1	Oct 2021

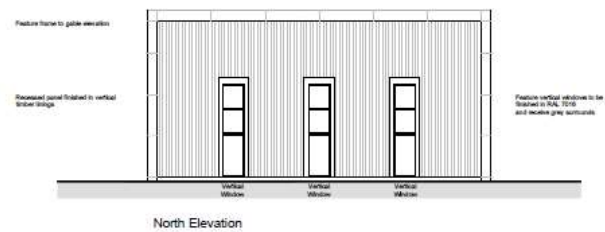
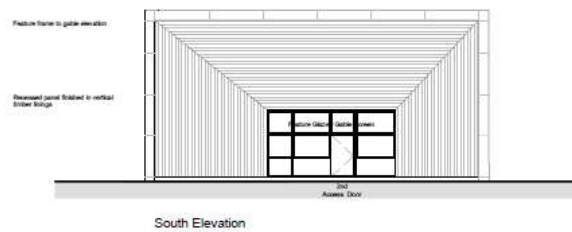
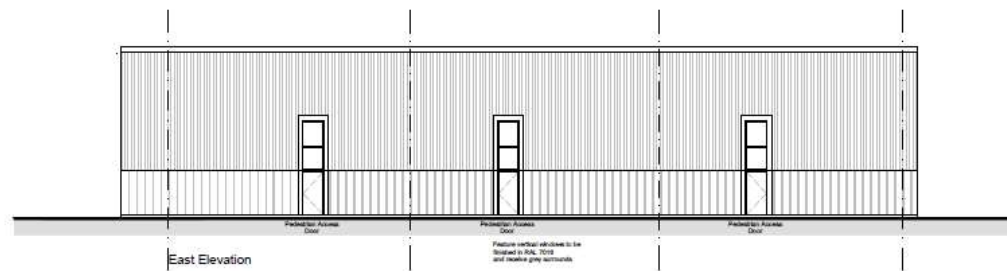
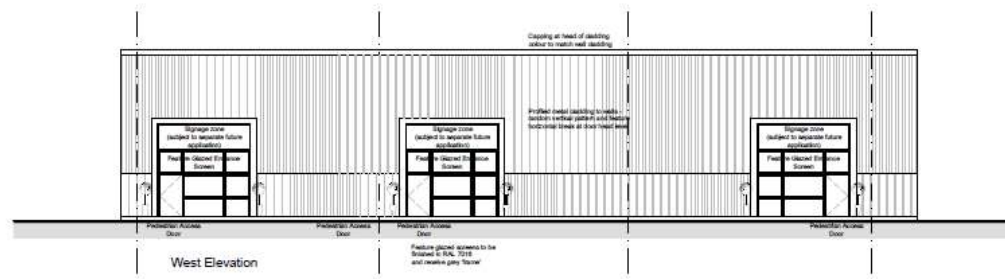
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Project:
Proposed Mixed Use Development
Sheriff Hill South East

Client: _____
Burdick Property

Unit 00
Eleventh

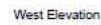
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Accession	Accession	Accession	Accession	Type	Size	Accession	Accession
11000	HTM	22	22	DR	A	P(20)	202

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Project:
Proposed Mixed Use Development
Sheriff Hill South East

Client: **Duckworth Property**

Unit Of Elevations

Document Reference

Identification		Revision		Revision	
Part Number	Revision	Change	Reason	Date	By
10000	1	HPM	HPM	01/01/00	DR

Drawing Status: Rev: 1/01/00

Planning

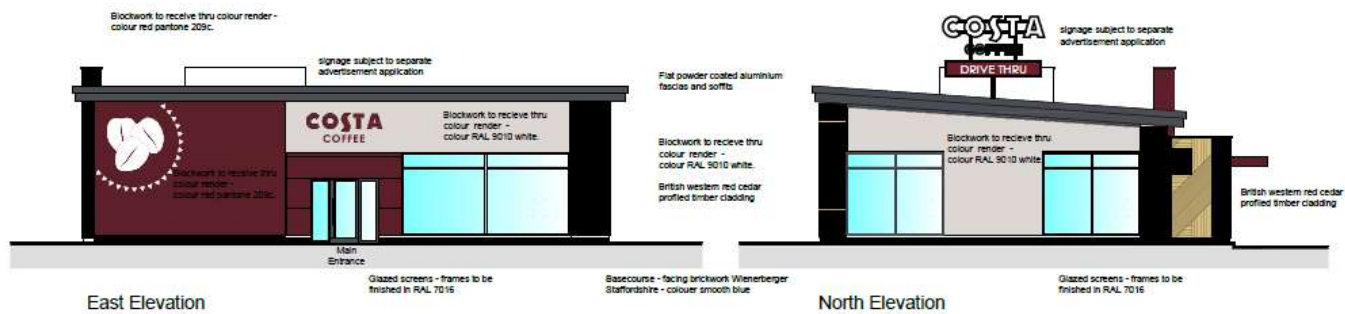
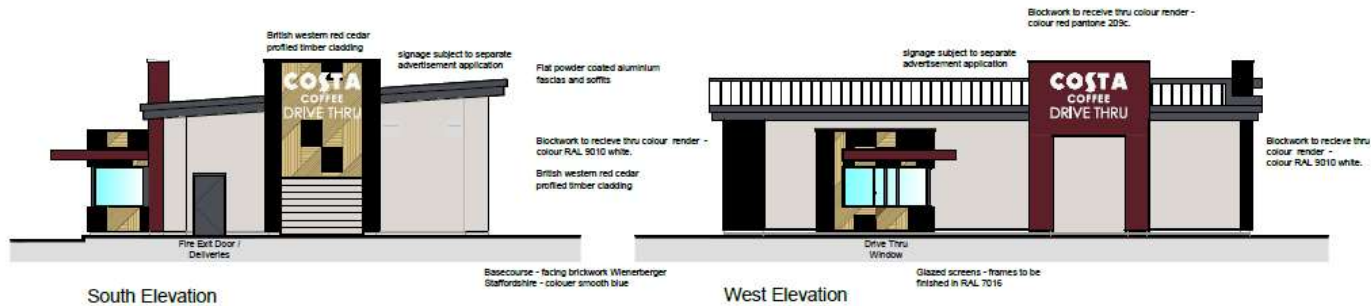
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Scale: 1:100 @ A1
Date: Sept 2001

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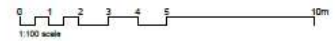
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Project:
Proposed Mixed Use Development
Shermaltown South East

Client:
Bucoleuch Property

Title:
Drive Thru Unit
Elevations

Document Reference									
Revision	Number	Date	By	Check	Drawn	Scale	Unit	Notes	Author
1	11655	HFM	-	ZZ	ZZ	-	DR	-	A - P(20)
702									

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Planning

Scale:
1:100 @ A2

Revision
Date
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