

Notice of Meeting and Agenda



Planning Committee

Venue: Virtual Meeting,

Date: Tuesday, 14 June 2022

Time: 14:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

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

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1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

No Previous Minutes submitted to this Meeting.

5 Public Reports

- | | | |
|------------|---|-----------|
| 5.1 | Planning Committee – Membership and Terms of Reference - Report by Executive Director Place | 5 - 8 |
| 5.2 | The Scottish Planning System: A Handbook - Report by Chief Officer Place. | 9 - 40 |
| 5.3 | The Council's Scheme of Delegation for the Determination of Planning Applications and Other Planning Decisions - Report by Chief Officer Place. | 41 - 48 |
| 5.4 | Development Plan Scheme for Midlothian - Number 14 - Report by Chief Officer Place. | 49 - 80 |
| 5.5 | Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan and Newtongrange Conservation Area Character Appraisal and Management Plan – Report by Chief Officer Place. | 81 - 142 |
| 5.6 | Supplementary Guidance: Low Density Rural Housing – Report by Chief Officer Place. | 143 - 182 |
| | Applications for Planning Permission Considered for the First Time – Reports by Chief Officer Place. | |
| 5.7 | 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. | 183 - 226 |

- 5.8** Application for Planning Permission 21/00338/DPP for Erection of Foodstore (Class 1); Formation of Access Roads and Car Parking and Associated Works at Land at the Junction of the A701 and Pentland Road, Old Pentland, Loanhead. 227 - 252

6 Private Reports

No private reports to be discussed at this meeting.

7 Date of Next Meeting

The next meeting will be held on Tuesday 30 August 2022 at 1.00pm.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

Planning Committee – Membership and Terms of Reference

Report by Kevin Anderson, Executive Director, Place

1 Recommendations

The Planning Committee is invited to:-

- (a) consider the appointment of a Chair; and
- (b) note its Membership and Terms of Reference.

2 Purpose of Report

This report sets out the Membership and Terms of Reference of the Planning Committee.

Date: 31 May 2022

Report Contact: Mike Broadway

Email: mike.broadway@midlothian.gov.uk

3 Background/Main Body of Report

3.1 Membership

At the Council meeting on 24 May 2022 it was agreed that the Planning Committee would comprise of all eighteen Members of the Council.

3.2 Terms of Reference

The terms of reference of the Planning Committee are stated in the Scheme of Administration (appended to Standing Orders). An extract is attached.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

There are no resource implications arising directly from this report.

4.2 Digital

Not applicable.

4.3 Risk

In accordance with the Scheme of Administration the Council is required to appoint Members to the various Committees, etc. Failure to do so could impede the discharge of business.

4.4 Ensuring Equalities (if required a separate IIA must be completed)

An equalities impact assessment has not been required in connection with this report.

4.4 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Terms of Reference of Planning Committee

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☐ Continuous Improvement
- ☐ One size fits one
- ☒ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☐ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☐ Efficient and Modern
- ☐ Innovative and Ambitious
- ☒ None of the above

A.4 Delivering Best Value

There are no direct implications related to this report

A.5 Involving Communities and Other Stakeholders

This report does not directly relate to involving communities

A.6 Impact on Performance and Outcomes

Not applicable.

A.7 Adopting a Preventative Approach

Not applicable.

A.8 Supporting Sustainable Development

Not applicable.

APPENDIX B – Terms of Reference of Planning Committee

Planning Committee

Business – The Planning Committee will be responsible for the following:-

The exercise of the powers and duties of the Council under the provisions of the Town and Country Planning (Scotland) Acts, the Building (Scotland) Acts and other relative Acts, Regulations and Orders regarding the control of development and related matters, and including:-

- a) disposal of applications for planning permission, listed building consent, conservation consent, advertisement consent and other applications, notifications and consultations, and arranging site visits requested in advance by a Member(s) prior to deliberation and determination of an application(s);
- b) enforcement of planning control;
- c) making and enforcing of orders relating to the control of development including tree preservation orders and building preservation orders;
- d) defending any decisions made by the Committee which become the subject of an appeal to the Scottish Ministers or of other review procedure;
- e) preparation of agreements regulating development or use of land;
- f) preparation of development briefs and other supplementary planning guidance relating to the detailed control of development; and
- g) making and enforcing of orders relating to building standards.

Meetings - The Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year holidays and school holidays).

The Council will decide on the schedule of meetings for the Planning Committee, usually on a rolling annual basis which will be published.

Quorum - The quorum for meetings of the Committee will be 6 Councillors.

Minutes - The Minutes of the Committee will be submitted to the next ordinary meeting of the Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them.



THE SCOTTISH PLANNING SYSTEM: A HANDBOOK

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an introduction to the planning system for elected members.

2 BACKGROUND

- 2.1 Elected members have an important role to play in the planning system through their duties as ward members and through their position on the Planning Committee and Local Review Body.
- 2.2 To assist the new Committee officers have prepared advice for elected members '*The Scottish Planning System: A Handbook*', a copy of which is attached to this report – the document will also be published on the Council's website and will hopefully be of use to Community Council's and other interested parties.

3 THE PLANNING SYSTEM IN SCOTLAND

- 3.1 The attached publication provides guidance with regard:
- Planning – purpose and significance;
 - The planning process – summary;
 - Development plans;
 - Development management;
 - Appeals and reviews;
 - Enforcement; and
 - Code of Conduct.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee notes the contents of the report.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022
Contact Person: Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

The Scottish Planning System: A Handbook

Midlothian Council
May 2022



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Introduction

“The planning system is concerned with the future development and use of land and buildings. It is about where development should happen, where it should not, and how it interacts with its surroundings.”

- PAS, February 2022

The Scottish Planning system has been through a process of review over the last three years. The reform has required substantial changes to legislation including the Planning (Scotland) Act 2019, which was passed by Scottish Parliament in June 2019, and makes some significant changes to the Town and Country Planning (Scotland) Act 1997.

The planning system raises complex issues and is an area of decision-making in which elected members must be impartial and balance competing demands.

This guide aims to help the reader to understand what the planning system seeks to achieve and introduces the processes involved in decision-making. It is not an exhaustive document, but rather intends to summarise the main areas which planning covers.

A page containing links to useful sources of information on the planning system is included at the end of the guide.

What is the purpose of planning?

“...to manage the development and use of land in the long-term public interest”

- Planning (Scotland) Act 2019

The planning system is established through legislation, which sets out certain actions and activities that planning authorities in Scotland are responsible for. The legislation gives the context for delivering new development in the right places. As such, planning can enable great places through managing change that impacts upon our environment, our communities and our health and wellbeing.

The [Town and Country Planning \(Scotland\) Act 1997](#) is the primary legislation for planning in Scotland. The [Planning \(Scotland\) Act 2019](#) is the most recent amendment to planning legislation. The changes in the system look to strengthen the influence and perception of planning to place it centrally in the service coordination and the decision making process required to deliver great places. At the same time, the changes seek to streamline procedures and reduce bureaucracy. The 2019 Act initiates a broad range of changes to be made across the planning system including:

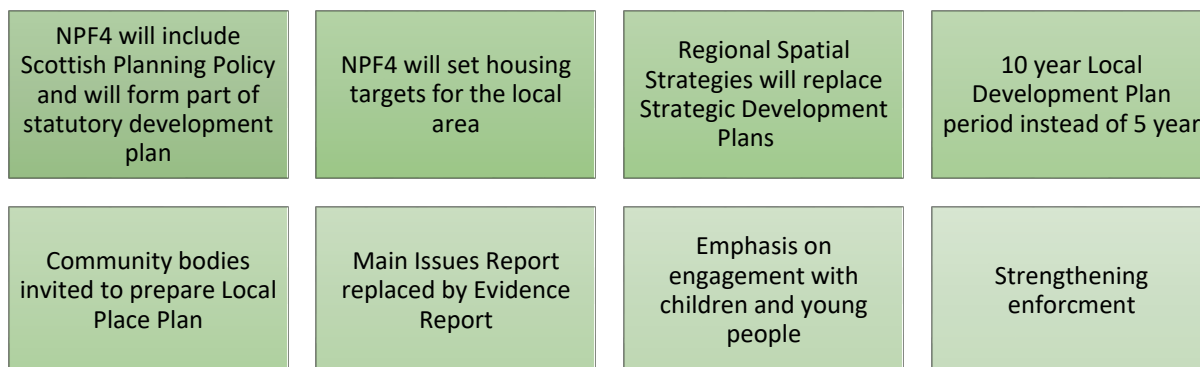


Figure 1: Examples of changes brought about by Planning (Scotland) Act 2019

The detail of how the above will work in practice is contained in secondary legislation and guidance. For further information and updates on the progress with implementing the act see the Scottish Government's [Transforming Planning website](#).

The National Planning Framework (NPF4) and Local Development Plan form the Development Plan by which planning applications must comply and are assessed. While the Regional Spatial Strategy and Local Place Plans are considered in the preparation of the Local Development Plan, they do not form part of the Development Plan. What's more, the 2019 Act removes the statutory weight of Supplementary Guidance once NPF4 is adopted. Councils may still prepare guidance, however it is no longer part of the Development Plan or a material consideration in determining planning applications.

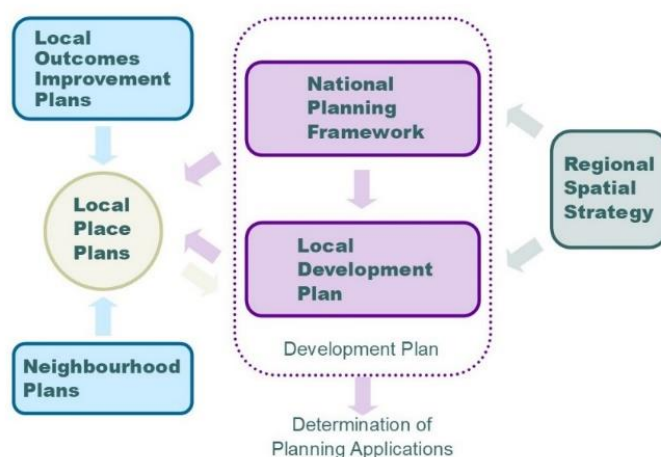


Figure 2: The Scottish Planning System

The planning system seeks to:

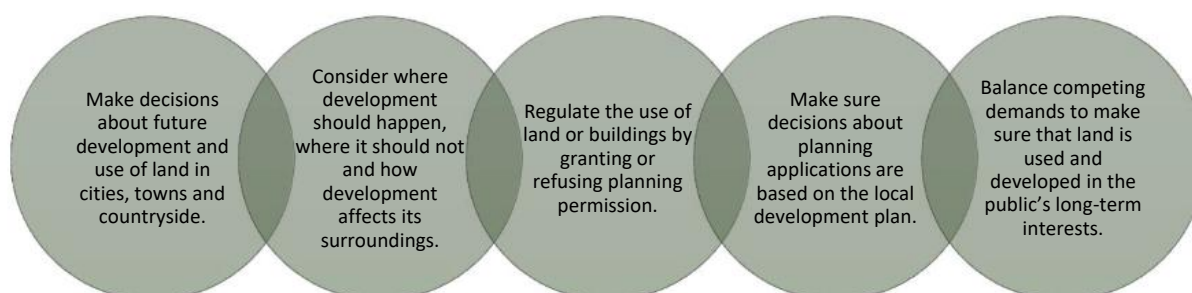


Figure 3 Aims of the planning system

Consequently the planning system has a significant impact on our quality of life, by shaping the environment in which we live, work, shop, learn, travel and spend our leisure time. Actions taken through the planning system can therefore make a major contribution to councils' corporate objectives and that of other public service partners.

Councils, and therefore elected members, must represent the wider public interest and help mediate such conflicts through the planning system. Partnership working, community involvement and meaningful negotiations with developers are essential to achieve a successful planning system.

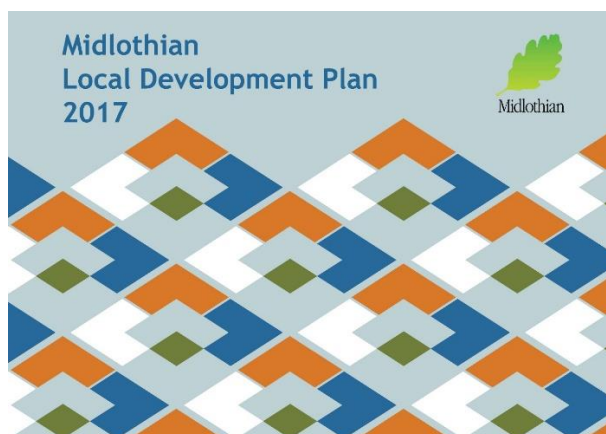
A Summary of the Planning Process

Planning is far more than simply deciding whether or not a development should be granted planning permission. The two primary elements of the Scottish planning system are development plans and development management.

In summary, **development plans** guide the future use and appearance of our surrounding environments. Development plans set out the long term vision for where development should and should not happen (e.g. housing and employment land allocations) and how development should interact with its surroundings.

All local authorities have a legal duty to prepare a Local Development Plan (LDP) for their area. The Planning (Scotland) Act 2019 introduces key changes to the LDP preparation process with the objective of making them more inclusive of local communities and with more focus on the delivery of the plan. The law also requires that planning applications are determined in accordance with the LDP, unless material considerations indicate otherwise.

The current [Midlothian Local Development Plan](#) (adopted in 2017) sets out the development strategy for Midlothian for the next 10 years, including the housing and economic land requirements identified in the Strategic Development Plan. It also sets out the detailed policies used to determine planning applications in Midlothian. The next LDP will be prepared under new Planning (Scotland) Act 2019 legislation and will take account of NPF4 which, together, will form the next Midlothian Local Development Plan.



Development management is the process of deciding whether to grant or refuse planning permission and other related activities including enforcement of planning controls.

The Scottish planning system categorises planning applications into three categories – national, major and local. Applications in each category are treated differently due to the size and complexity of the development and the likely arising issues.

The majority of planning applications dealt with are for local developments. These include changes to individual houses, small developments for new housing and retail. Major developments include applications for 50 or more dwellings, certain waste, water, transport, energy-related developments and larger retail developments. National developments are significant developments of national importance (ranging from single large scale projects to collections and networks of several smaller scale proposals) and are identified in the National Planning Framework.

The above being said, planning authorities deal with more than development planning and development management and are responsible for other duties including:

- Enforcement;
- Tree Preservation Orders;
- Identification of Public Rights of Way; and
- Designation of conservation areas.

The council's planning service also contributes to community planning, economic and regeneration initiatives and can promote improvements to the local environment by encouraging environmentally sustainable forms of development. The most recent significant role of planning is to ensure that development happens in such a way that the Scottish Government's Net-Zero Carbon target by 2045 and, more locally, Midlothian Council's target by 2030, are met.

Key Players in the Scottish Planning System

Aside from the local planning authority, there are a number of other key “players” in the Scottish planning system ranging from the Scottish Government which provides the main legislative framework for planning, to public bodies and agencies who have statutory responsibilities for certain topics. The main “players” in the Scottish planning system are:

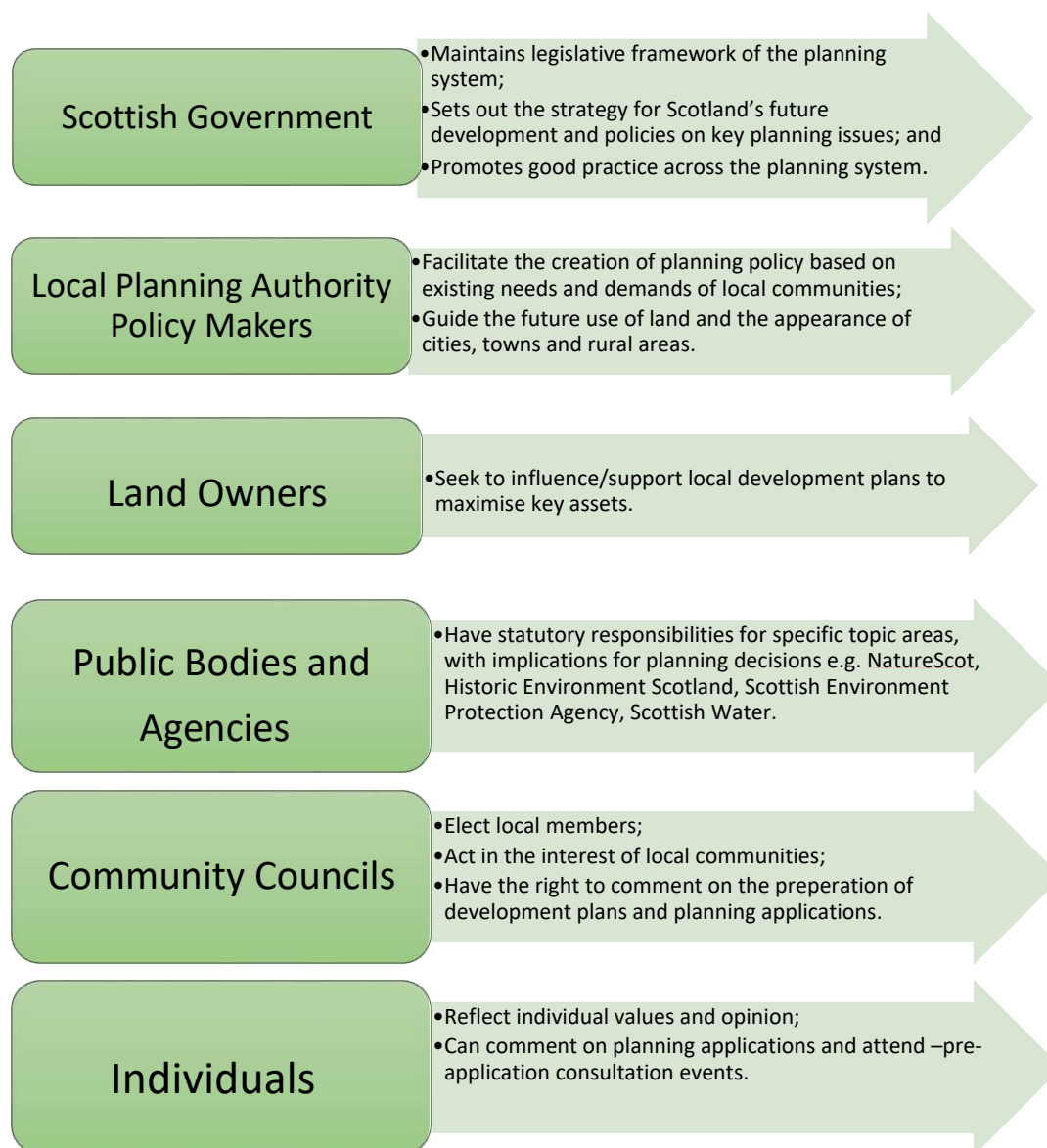


Figure 4 - Parties and organisations involved in the Scottish planning system

Development Plans

The development plan process is central to the planning system.

Development plans set out how places should change and what they could be like in the future. They set out the preferred locations for new homes, businesses and other land uses and protecting places of value to people or biodiversity. Plans may also describe how any new or improved facilities such as roads, schools and parks will be provided. Local authorities can enter into legal agreements with developers to secure financial contributions to such infrastructure. The Local Development Plan (LDP) is the primary document that is used to assess an application for development.

A key change in the Planning (Scotland) Act 2019 is that the National Planning Framework (NPF) will now be part of the statutory development plan for planning purposes. This means that national policies will have a stronger role in informing day to day decision making. The Draft NPF4 was published in November 2021 and is due to be adopted by Scottish Ministers in the summer of 2022.

Draft NPF4 is broken into five parts:

- Part 1 – A National Spatial Strategy for Scotland 2045
- Part 2 – National Developments
- Part 3 – National Planning Policy Handbook
- Part 4 – Delivering Our Spatial Strategy
- Part 5 – Annexes (including Housing Numbers)

The policies in Part 2 are split into four themes:

- Sustainable Places (universal policies)
- Liveable Places (including the concept of 20 minute neighbourhoods)
- Productive Places
- Distinctive Places



1

¹ Draft NPF4 Themes- [Draft NPF4 | Transforming Planning](#)

The current LDP for Midlothian was adopted in 2017. The next LDP will be prepared under new Planning (Scotland) Act 2019 legislation and will take account of NPF4 which, together, will form the Development Plan.

The new LDP will also take account of the Edinburgh and South East Scotland Regional Spatial Strategy (RSS) which replace the previous Strategic Development Plans (South East Scotland Strategic Plan or SESplan in the case of Midlothian).

The new LDP will also need to consider any Local Outcome Improvement Plans (LOIP) as well as any approved Local Place Plans which is one of the new requirements of the Planning (Scotland) Act 2019.

Local Place Plans

*“Local Place Plans are **community-led plans** setting out proposals for the development and use of land. Introduced by the 2019 Act, these plans will set out a community’s aspirations for its future development. Once completed and then registered by the planning authority, they are to be taken into account in the preparation of the relevant local development plan.”*

– Planning Circular 1/2022: Local Place Plans

Local Place Plans (LPPs) are a way for communities, working with local authorities and other public sector organisations, to bring forward proposals that reflect National and Local Outcomes.

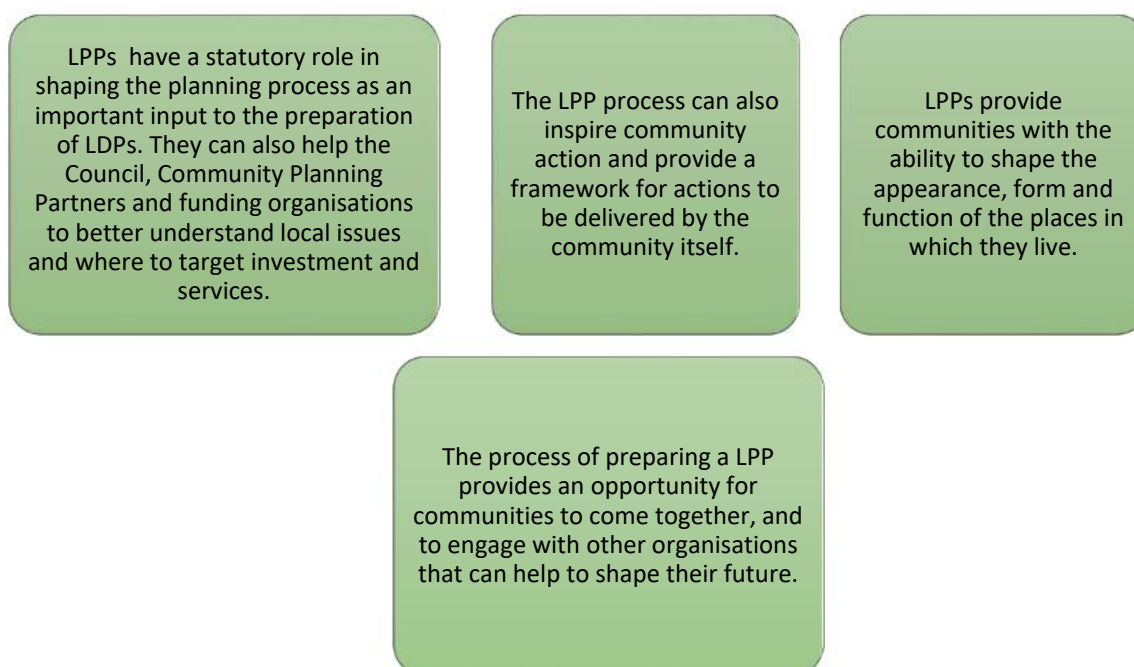


Figure 5: Benefits of preparing the Local Place Plan

LPPs are prepared by a Community Council or a 'community-controlled body' (as defined by the [Community Empowerment \(Scotland\) Act 2015](#)). The council will register valid LPPs and are required to maintain an up to date register of LPPs and have regard to approved LPPs when preparing the next Midlothian LDP.

A number of matters relating to the preparation, submission and registration of Local Place Plans have been set out in the [Town and Country Planning \(Local Place Plans\) \(Scotland\) Regulations 2021](#). More information on how these regulations are to be applied in a local context can be found in circular [1/2022: Local Place Plans](#).

Preparation of the Local Development Plan

The plan preparation process has changed with the introduction of the Planning (Scotland) Act 2019. The timeframe of the new style LDPs has been increased to ten years from the previous five with opportunity for interim reviews on certain matters such as housing and now has a streamlined, front-loaded preparation process. Below outlines the plan preparation process under the new Act. Transitional arrangements allow Planning authorities whose LDP review had reached, or will reach the Proposed Plan stage before NPF4 is approved and published, to continue preparing their replacement plan under the existing legislation. Midlothian will prepare its next LDP under the new legislation.

Also, under the Environmental Assessment (Scotland) Act 2005, development plans must be subjected to a strategic environmental assessment which monitors the likely impacts of the plan on the environment. When preparing an LDP, authorities must also have regard to matters including the resources available to implement the plan, the plans of neighbouring authorities, the regional transport strategy, river basin management plan and local housing strategy, the national waste management plan and issues linked to the Control of Major Accident Hazards regulations, Flood Risk Management (Scotland) Act 2009, and Climate Change (Scotland) Act 2009.

Every year the Planning Service prepares a Development Plan Scheme (DPS) which sets out the timetable for plan preparation and for how and when people can get involved in plan preparation. Midlothian Council's current [Development Plan Scheme 14 \(DPS14\)](#) to Planning Committee in March 2022.

Figure 6 provides an overview of the new LDP process as set out in the Planning (Scotland) Act 2019.

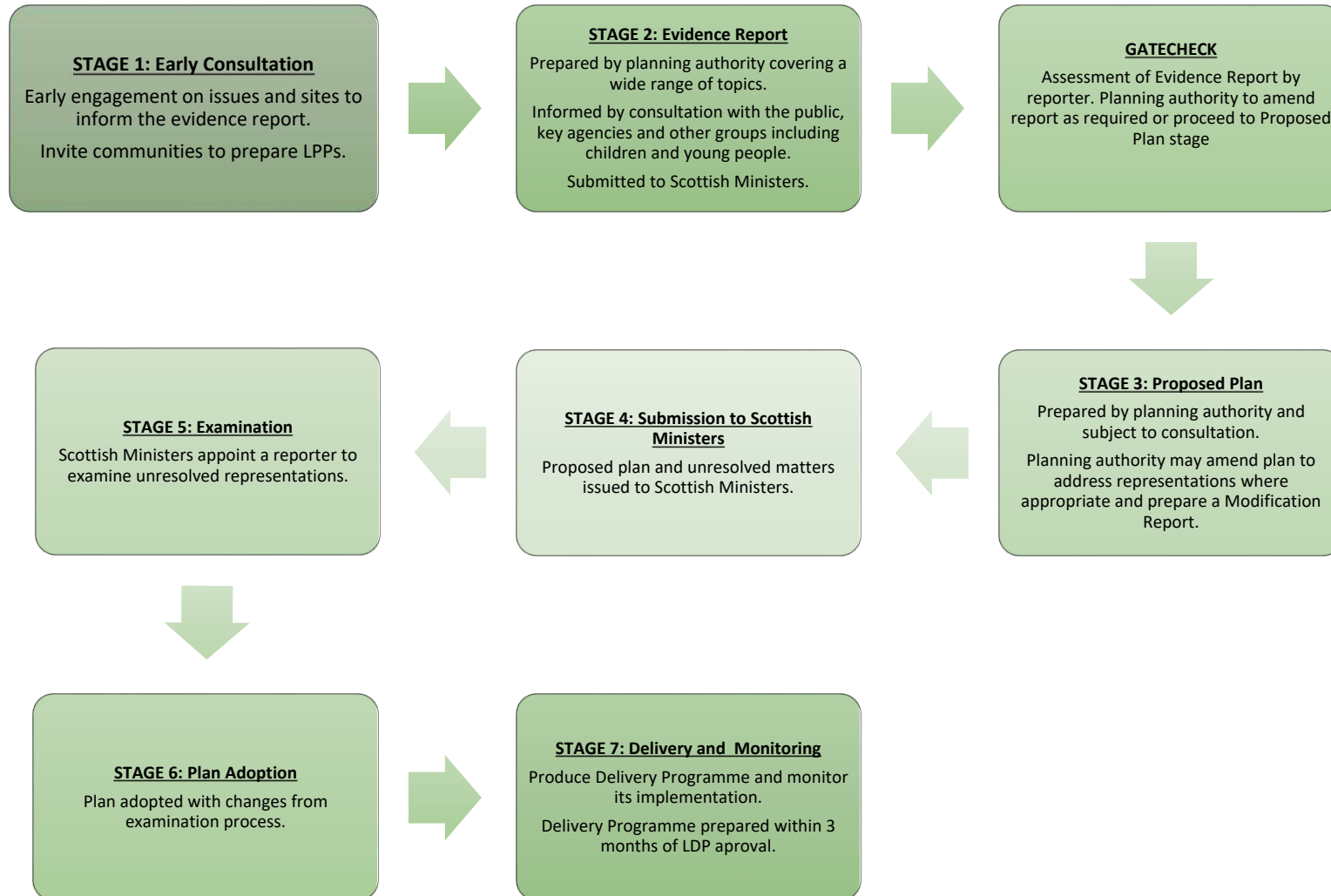


Figure 6 - LDP preparation process

The Role of Elected Members and Communities in Local Development Plan Preparation

Elected Members provide community leadership and guidance and facilitate communication between the community and the Council. Elected Members have an important role to play in policy making requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The Local Development Plan (LDP) plays a significant role in the planning system as it forms the policy basis for planning decisions on planning applications. When an adopted LDP allocates land for development, allocations is effectively establishing the principle of future development on particular sites.

As an elected member, key decisions on the content of the development plan will probably arise during the life of a council, and they will rank as some of the most important decisions they will make. The content of the LDP may have a profound effect on the future quality of life for the communities that they represent.

Engaging with Communities in Local Development Plan Preparation

There are minimum legal requirements for engaging people in the preparation of LDPs, but authorities are encouraged to go beyond these to promote wider public awareness and engagement.

Every year, authorities must publish a Development Plan Scheme. This includes a participation statement which sets out how and when people can get involved in plan preparation. Members of the public and Community groups should be encouraged to read the Development Plan Scheme and provide feedback on the proposed engagement strategy.

The main formal opportunities for public engagement and plan preparation are:

- The Local Place Plan process;
- The preparation of the Evidence Report. The council will engage with the public at large and specifically with children & young people, Gypsy/Travellers, disabled people and community councils as required by the Planning (Scotland) Act 2019; and
- Following the publishing of the proposed LDP.

Throughout all stages of LDP preparation, consultation and engagement activities are monitored and updated. A summary of these activities are included within the annual Development Planning Scheme. Occupiers and neighbours affected by specific proposal sites in the proposed Local Development Plan will be notified via the formal Neighbour Notification process.

Another way in which communities can get involved in development plan preparation, is through Local Place Plans (LPPs) (see Local Place Plan section above). These community-led plans present communities with the responsibility and opportunity to agree and manage their own consultation and engagement activities as part of the LPP preparation process.

The [Place Principle](#) promotes a shared understanding of place, and the need to take a more collaborative approach to a place's services and assets to achieve better outcomes for people and communities. The principle requests that all those responsible for providing services and looking after

assets in a place need to work and plan together, and with local communities, to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.

An example of a Place Principle tool designed to support communities, public, private and third sectors to work efficiently and effectively together to assess the quality of a place, is the Place Standard Tool. This simple tool is available for anyone to use and can be used to facilitate conversation about the quality and future of a place. It is expected that this tool will be utilised by community bodies to inform their Local Place Plans (LPPs) and may also be utilised by Midlothian Council's Development Planning Section to aid conversations with members of local communities during the consultation phases of the next LDP.



Figure 7: Example of a completed Plan Standard Tool ²



Figure 8: Themes of the Place Standard Tool ³

² <https://blogs.gov.scot/planning-architecture/2015/12/10/place-standard-launch>

³ <https://www.keepsotlandbeautiful.org/environmental-services/the-place-standard-tool/>

Key Agencies

Certain public bodies are designated as key agencies in planning legislation. These include NatureScot, Scottish Water, Scottish Environment Protection Agency (SEPA), Scottish Enterprise, NHS, Public Health Scotland, Scottish Forestry and regional transport partnerships (South East Scotland Transport Partnership (SEStran) in the instance of Midlothian Council). Although these key agencies have a duty to engage with local planning authorities during the development plan preparation stages, the likes of Historic Environment Scotland, Transport Scotland and Forestry and Land Scotland do not have the same obligation as they form part of the Scottish Government.

Key agencies are involved in all stages of the plan-making process. They provide information to inform environmental reports, help shape the vision and policies in a development plan and help the planners make decisions about where to allocate land for new development.

Delivery Programmes

Development plans are most directly implemented through the development management process. However, they should also have a significant influence on many decisions affecting the places in your authority area.

The preparation of a Delivery Programme is a statutory requirement for planning authorities. The Delivery Programme sets out the timescales and actions, responsible bodies and the necessary infrastructure requirements associated with implementing the development strategy of the plan. The Delivery Programme provides a baseline to assess the progress in implementing the plan and helps to coordinate public services and other key stakeholders in improving and investing in our future communities.

When preparing their Delivery Programme, authorities must consult the key agencies, Scottish Ministers and anyone the authority proposed to specify by name in the Delivery Programme. A planning authority must prepare their Delivery Programme within three months of plan approval or adoption and must be kept under review at least every two years. Midlothian Council's most recent Delivery Programme⁴ (2020) can be viewed [here](#).

⁴ Going forward, the Action Programme will be referred to as the Delivery Programme as per Planning (Scotland) Act 2019 stipulations.

Development Management

The most well-known part of the planning system is very likely to be that of development management. This is also the area of planning that most elected members will have exposure to.

The three main responsibilities of any planning authority's development management section are:

- Assessing planning applications and other related consents;
- Appeals and reviews;
- Enforcement.

When is a Planning Application Needed for Development?

Planning applications are required for works that constitute 'development'. Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Therefore, anyone wanting to carry out an activity which is covered by the definition will need to obtain planning permission prior to work beginning. It should be noted that in addition to the more obvious requirement to obtain planning permission for the construction of new buildings or alterations to existing buildings, the second half of the definition refers to changes of use which may not involve physical building work.

Permitted Development rights allow some development work to be undertaken without the need for planning permission. This means that in certain circumstances some developments have 'deemed permission' and there is no need for planning permission. [Regulations](#) established by the Scottish Government tell councils what constitutes development and what is permitted development and the council has no flexibility on this matter.

Information on what is permitted development can be found at: [Do I Need Planning Permission](#). It is always advised that this information is checked prior to the start of any works. Further information can be found of the [Scottish Government Householder Permitted Development pages](#).

A Duty Planning service is available at Midlothian Council and can be contacted via email ⁵ for any general planning application enquiries and if a member of the public is unsure if they require planning permission.

Midlothian Council also offer a free pre-application enquiry service to allow prospective applicants to obtain informal advice on the acceptability of a proposal. An officer will look into the proposal in further detail and offer comment on the relevant planning policies, any potential issues and the likelihood of an application being supported.

The pre application enquiry form can be found here:

https://www.midlothian.gov.uk/info/200167/planning_applications/118/planning_guidance

⁵ dutyplanningofficer@midlothian.gov.uk

What Types of Planning Permissions does the Council deal with?

There are two types of planning permission – planning permission in principle and detailed planning permission.

Other types of consent related to development include:

- Advertisement Consent;
- Conservation Area Consent;
- Listed Building Consent;
- Certificate of Lawfulness (retrospective, proposed and existing use);
- Prior Notification;
- Works to Trees Application; and
- Mineral Works.

Planning permission in principle is usually for larger and more complex proposals. Planning permission in principle looks to establish the principle of planning permission. This application type is usually submitted with minimal details and would be assessed on the principle basis. Should the principle be acceptable, then planning permission in principle would be granted subject to conditions; these condition would be required to be addressed by an application for Approval of Matters Specified in Condition Application.

Detailed planning applications are the most common type of planning application. These require details and plans of the proposal along with supporting documentation.

Planning permission can be granted, granted subject to conditions, or refused.

Where an application for planning permission is required, legislation divides development into three categories. This is known as the hierarchy of development. The three categories are national, major and local. There are different procedures in place for determining applications for the different categories of development.

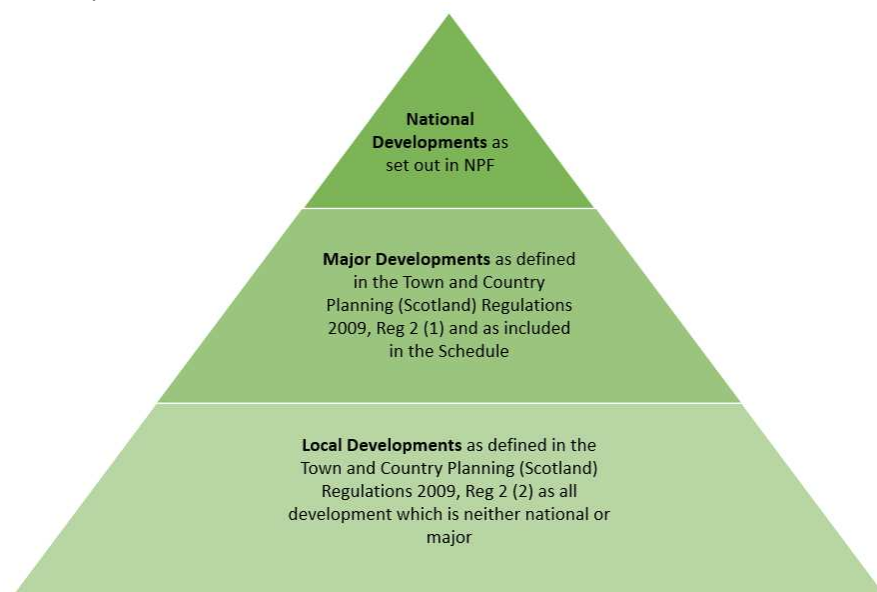


Figure 9: Hierarchy of Development

National developments are determined by the Scottish Government and are those that are needed to support the delivery of the spatial strategy. These are mainly large public works set out in the National Planning Framework. Examples of such developments contained within Draft NPF4 are High Speed Rail and the Central Scotland Green Network.

Major developments are defined in the [Town and Country Planning \(Hierarchy of Development\) \(Scotland\) Regulations 2009](#). There are nine classes of major development including developments of 50 or more houses, business space over 10,000m² and wind farms with a generating capacity of more than 50MW.

Local developments are all other types of development which do not fall within the national or major development thresholds.

How to Apply for Planning Permission

It is encouraged that planning applications and applications for other consents are submitted online, rather than on paper. Applications can be made through the [edevelopment portal](#). Applications can also be submitted via email or by post and access to PDF copies or paper copies of the application forms and guidance notes can be found on the [edevelopment portal](#). The Duty Planning Officer can also arrange for paper forms to be posted out if required.

A **major development planning application** will always require to be reported to the Planning Committee. Where a major development planning application is considered to be significantly contrary to the development plan, a pre-determination hearing shall be conducted by the Planning Committee prior to determination of the application by the Planning Authority.

Local Development planning applications are more often than not, determined under delegation by an appointed planning officer. However, it is noted that there are instances where elected members may call-in a local development or householder planning application to be determined by the Planning Committee. Members may call in any planning application within the first month or they can call-in a planning application that has been circulated around members; it is noted that only the Committee Chair or the Local Ward Member of the ward that an application is located can 'call-in' an application to Planning Committee. Reasons for a planning application to be circulated include:



Figure 10: Reasons that a local development planning application could be called to Planning Committee

The Decision-Making Process

If the proposal is for a major or national development the applicant will need to submit a Proposal of Application Notice to the local authority 12 weeks prior to the submission of any planning application. This will involve carrying out pre-application consultation (PAC) with the community and may include preparing a design and access statement (where required) setting out information about the design of the proposal and how the needs of disabled people have been considered. A report summarising the PAC process, feedback from local residents and how these have been taken into account the proposal is required to be submitted with the formal application.

In addition, applications for national and major development proposals may also be accompanied by more extensive documentation including:

- Planning Statements;
- Environmental Impact Assessments;
- Retail Impact Assessments for large retail projects;
- Transport Impact Assessments;
- Education Impact Assessments;
- Ecological Surveys; and
- Flood Risk Assessments.

The above assessments all provide additional information to facilitate better informed decision-making.

Certain developments may trigger obligations of European legislation, for example a requirement to undertake an Environmental Impact Assessment or Habitats Regulations Appraisal, may also apply to individual applications. These are legal requirements and may apply to local, major or national applications, depending on the likely environmental impact of the proposed development.

Planning application decisions require to be made based upon valid planning reasons. The first place to start in determining a planning application involves making an assessment as to whether the proposal complies with the Development Plan, or not. Where the Development Plan is up to date, this will usually be the central basis upon which a decision will be made.

As mentioned above, the way in which a decision is made also depends on the type of application

The statutory period for deciding valid planning applications is **two months for local developments** and **four months for national and major developments**, unless the applicant agrees to an extension of that time. An application will only be considered valid if it is accompanied by all the legally required documents and the fee charged for that category of development.

Information on planning applications is available on Midlothian Council's website and all key documents and plans or drawings are available online. Should there be any issues viewing or accessing planning applications online, they can contact the Duty Planning Officer or Planning Case Officer who will try and find a way for the relevant planning application to be viewed.

Once the application has been made valid, the application will appear on a list of planning applications and pre-application consultations received during that week, which is widely distributed and published in local newspapers and on council websites and the [public information notices for Scotland website](#). Legislation now requires elected members to be specifically notified of major planning applications. Further publicity for planning applications may be given for certain types of development through public notices published in local newspapers and neighbours are notified directly by the council about applications adjacent to their property.

The Planning, Sustainable Growth and Investment Service publishes a weekly list of planning applications registered in the previous week. This provides basic details relating to the application, including reference number, applicant, site location and description of the proposal. It also states whether the application is likely to be determined under the Scheme of Delegation, by Area Committee, Planning Committee or has the potential to go to the full Council. This list is sent to Council Members and Community Councils and is available through the Council's web site.

The way in which an application is assessed and determined depends on the type of application.

Generally, in assessing a planning application; the starting position is to establish whether the proposal complies with the adopted local, strategic, national planning policies and policies in the Development Plan as well as any emerging new plans which have already been through at least one stage of public consultation. Once the principle has been covered, all other material planning considerations are taken into consideration.

Material Considerations

A material consideration is a matter that is relevant to the planning application being assessed. There are no absolute definitions of what is a material consideration and it may vary from case to case, but include:

- Planning history and any pre-application advice;
- Statutory and non-statutory consultees;
- Written representations;
- Other Planning Guidance and legislation including circulars, orders, statutory instruments, guidance and advice;
- Previous appeal decisions;
- Principles of Case Law held through the Courts;
- Loss of sunlight/daylight;
- Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
- Overlooking and loss of privacy;
- Lack of amenity;
- Road/access issues: traffic generation, vehicular access, pedestrian safety;
- Noise or disturbance resulting from use, including proposed hours of operation;
- Smells and fumes;
- Capacity of physical infrastructure, e.g. in the public drainage or water systems;
- Deficiencies in social facilities, e.g. spaces in schools;
- Storage & handling of hazardous materials and development of contaminated land;
- Loss or effect on trees;
- Adverse impact on nature conservation interests & biodiversity opportunities;
- Effect on listed buildings and conservation areas;
- Incompatible or unacceptable uses;
- Local financial considerations offered as a contribution or grant;
- Layout and density of building design, visual appearance and finishing materials; and
- Inadequate or inappropriate landscaping or means of enclosure.

Arguably, the most difficult planning decisions are those where the planning merits of the case are in favour of granting permission, but there are large numbers of local public objections to the proposed development. This is when elected members are required to decide how important these material considerations are, bearing in mind the provisions of the local development plan.

Members of the public may make written representations to the planning authority outlining their views on proposed developments. Normally these should be made within 21 days of an application being registered by the council. In the case of objections, the reasons for objection must be clearly stated. Anonymous letters of representations will not be taken into account.

The council can undertake consultations on planning applications with other departments of the council and external bodies known as statutory consultees. The range of bodies consulted varies according to the nature of the development proposals. The statutory consultees are primarily those key agency bodies listed in the 'Development Plans: Key Agencies' section, above.

Consultations with other departments of the council can include Policy and Road Safety, Protective Services, Education, Housing, Communities Lifelong Learning and Education, Social Work and Lifelong Learning, depending on the nature of the development proposed. Such consultations have an important role within the authority in bringing together various functions or services to provide a single response.

A general overview of the planning application determination process is shown in Figure 11, below.



Figure 11: The planning application determination process

How to Comment on a Planning Application

Comments can be made on an undetermined planning application via the council's online planning pages at www.midlothian.gov.uk using the application reference number or other search criteria to locate the relevant planning application. Prior to making a comment online for the first time representors are required to 'register' following the guidance provided. This registration process takes less than five minutes to complete.

In order for concerns or comments to be considered in determining a planning application then they must be made in writing and be otherwise competent.

Comments made on an undecided planning application are treated as a representation and will be acknowledged and considered in the assessment of the application. However each representation cannot be responded to individually.

Petitions submitted in support or against an application will be treated as one representation with multiple signatories. The application's 'Report of Handling' will reference the submission of the petition. Only the lead signatory/person submitting the petition will receive an acknowledgement.

Comments made verbally over the phone or at the Council's reception will not be considered in the assessment of an application.

Comments made on one planning application cannot be transferred to another application; including an application for a similar/amended development proposal on the same site.

The council can only take into account material planning considerations when looking at comments made on an application.

Midlothian Council have adopted appraisals for six of Midlothian's conservation areas. The appraisals are a material consideration in the determination of planning applications and identify key characteristics of each individual conservation area. The appraisals can be found [here](#).

Historic Environment Scotland are a statutory consultee for some categories of listed building consent applications and have produced guidance notes on managing changes to historic buildings. This information can viewed [here](#).

Developer Contributions

Where development, either individually or cumulatively, is identified to give rise to an infrastructure requirement (which should usually be identified through the Local Development Plan) developers can be required to provide or make financial contributions towards the delivery of new or improved infrastructure. Such payments are known as developer contributions (also often referred to as 'Section 75 agreements') and are regularly required for facilities including schools, transportation infrastructure, community facilities and the provision of affordable housing.

Example

If a land owner was to build 100 new houses, then potentially those houses would accommodate 100 new families. If the local school has insufficient capacity, the school system would have to absorb the additional children arising from the development, and additional school accommodation would need to be built. A financial contribution by the developer to cover the cost of the additional school accommodation would be required.

The subject of developer contributions requires to be approached carefully as an obligation must meet all of the following five tests as set out in Circular 03/2012:

- necessary to make the proposed development acceptable in planning terms;
- serve a planning purpose 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; and
- fairly and reasonably relate in scale and kind to the proposed development be reasonable in all other respects.

Contributions are most usually secured through a formal legal agreement which binds the land (a Section 75 agreement). There is a formal process whereby a party to an agreement can seek to have it modified or discharged. There is an associated right of appeal to Scottish Ministers against the refusal of such a modification/discharge. Councils cannot just seek contributions which do not meet the above tests and equally should not refuse planning permissions where the developer is not willing to make contributions which do not meet the above tests or which cannot be justified.

Further information can be found in [Planning Circular 03/2012](#) on the Scottish Government website.

Officer Recommendations

For both major and local planning applications, planning officers will prepare a report with a recommended decision. The report to accompany a major planning application will be longer than a report for a local application and will appear on the Planning Committee Agenda.

The Planning Committee does not always accept the advice being offered by the planning officers and on these occasions, it is essential that the reasons for this are clearly stated and that these are explained in the decision notice which is issued to the applicant or may need to be defended at appeal.

Conditions

Many applications are granted permission subject to conditions. Conditions enable developments to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable and meets the terms of the use of the conditions circular. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Application of these criteria creates an effective basis for the control and regulation of development, which does not place unreasonable or unjustified burdens on applicants and the current or future owners of application sites. The sensitive use of conditions can also improve the effectiveness of development management and enhance public confidence in the planning system.

Further information can be found in [Circular 4/1998 The Use of Conditions in Planning Permissions](#) on the Scottish Government website.

Appeals and Reviews

If the applicant does not agree with the planning officer's or Planning Committee's decision or does not agree with a condition attached to the planning permission, they can ask for a review or appeal of the decision. They can also request a review or appeal if the council doesn't make a decision within the time period set by legislation. No one other than the applicant has the right to ask for a review or appeal.

Where a planning application for a local development is decided by officers under delegated powers, applicants have the right to have the decision to refuse permission, or impose conditions on a consent, reviewed by the Local Review Body. Applicants can also ask for a review where the application is not determined within the statutory time period. Only the applicant may request a review or appeal against the decision on a planning application.

Where a planning application is determined by the planning committee, applicants have the right to appeal against a refusal or conditions attached to the planning permission. These appeals are made to the Scottish Government and dealt with by the Directorate for Planning and Environmental Appeals (DPEA). This route of appeal also applies where an authority has not made a decision on a planning application within the statutory period or if a Local Review Body fails to give a decision on a review against the non-determination of a planning application by officers.

Local Review Bodies

Midlothian Council's Local Review Body (LRB) consists of a panel of elected council members supported by a Planning Advisor. The quorum of members is three. On occasion, the LRB may request advice from experts on particular subjects if required, e.g. transportation or environmental health.

It is important to note that there is no automatic right for the applicant, or others, to make oral representations at the public LRB meeting and the method of determination is at the LRB's discretion – i.e. this could be a written submission or a hearing.

If an elected member is selected to be a member of the LRB, they will receive specific training prior to their involvement in the determination of any case.

Where an application has not been determined within two months and a 'Notice of Review' is served by the applicant, but the review is not carried out within two months, the applicant may then appeal to the Scottish Ministers.

Key features of the review process are shown in Figure 12, below:

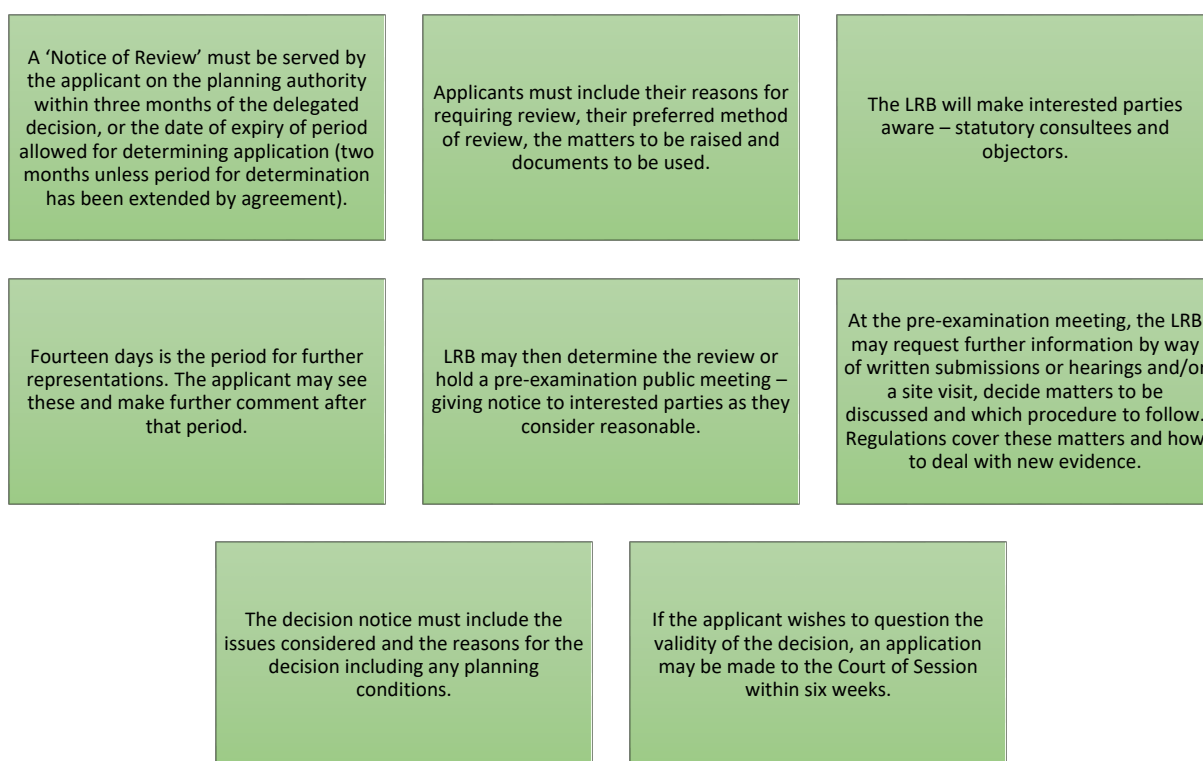


Figure 12 - Key features of the LRB review process

Appeals to Scottish Ministers

The Directorate for Planning and Environmental Appeals (DPEA) handles all planning appeals that are submitted to Scottish Ministers. For **appeals relating to planning permissions**, the time limit to submit is within three months of the planning authority's decision or, in the case of non-determination, within three months of the date by which the decision should have been made under the statutory timescales.

For **most other consent type appeals** (including listed building, conservation area and advertisement consents) the above three month time limit applies, but there is no option to seek a review by the Local Review Body, and an appeal cannot therefore be made on such a body's failure to reach a decision.

If you want to **appeal against a notice served by the council** (for example, an enforcement notice), an appeal will have to be made before the date that the decision notice is due to come into effect. This date will be clearly stated on the decision notice itself.

The decisions on most appeals are made by a Reporter from the DPEA. In a small number of cases Scottish Ministers make the final decision following the submission of the report and recommendation from a Reporter. The decision by the Reporter or Scottish Ministers is final, subject only to challenge in the Court of Session by an aggrieved party.

The format of how the appeal is made is determined by the Reporter. These formats can be:

- **Written representations** - It involves the person making the appeal and the council stating their cases in writing, with an opportunity to comment on each other's statements.
- **A Hearing** - An oral process, where those involved will state their case in person, in front of the reporter. A hearing takes the form of a structured discussion led by the reporter.
- **Public Inquiry** - A public local inquiry is normally a more formal event, where witnesses give evidence to the Reporter.

Awards of Expenses

Everybody who participates in an appeal process is normally expected to cover their own expenses. Expenses can sometimes be awarded against a party taking part in the appeal if they have behaved unreasonably, and this **unreasonable behaviour** has resulted in unnecessary expenditure. Scottish Ministers have the power to determine this. If the appellant feels that the other party has acted unreasonably which has incurred unnecessary expense for the appellant, they can put forward an expense claim for an award of expenses. Further guidance can be found on these matters in [Circular 6/1990: awards and expenses](#).

Examples of **unreasonable behaviour** can include:

On the part of the planning authority:

- failing to give complete, precise, and relevant reasons for refusal of an application reaching their decision, without reasonable planning grounds for doing so;
- refusing an application because of local opposition, where that opposition is not founded upon valid planning reasons;
- refusing an application for planning permission solely on the grounds that it does not accord with the provisions of the development plan and without having had regard to other material considerations; or
- imposing conditions on a grant of planning permission which clearly fail to meet the criteria set out in [Circular 4/1998](#) or which so limit an appellant's freedom to dispose of his property as to amount to an unreasonable restriction.

On the part of either party:

- introducing a new matter (e.g. a new reason for refusal or new ground of appeal) at a late stage in the proceedings;
- refusing to co-operate in setting a date for an inquiry or accompanied site inspection; or
- refusing to supply adequate grounds of appeal or to co-operate in settling agreed facts or supplying relevant information which unnecessarily prolongs the proceedings.

Elected members on planning committees and Local Review Bodies should always bear in mind the possibility of an appeal or legal challenge when considering planning applications and reviews, especially because the costs of an appeal can be awarded against any of the parties who are shown to have acted unreasonably.

Enforcement

Potential breaches of planning permission are often brought to the attention of the council by members of the public. Many cases are not straightforward and more often than not, are based on genuine misunderstandings, particularly relating to conditions attached to a planning permission.

In investigating a complaint, the council will need to establish whether there is a breach of planning control at all. If a breach is identified the council will choose what the appropriate steps would be. If something is built without permission, but would have been likely to have been granted permission, the council may ask the person responsible to make a 'retrospective' planning application. This will then be decided in the same way as all other planning applications. If the council grants planning permission, there may be conditions attached. In some instances whilst it may be identified that there is a breach and that planning permission would have been required, the council will take the view that taking further action would not be proportionate or expedient. Formal enforcement action is discretionary.

In some instances the council will serve a Planning Contravention Notice (PCN) asking for more information about and alleged breach of planning control. Conditions are frequently attached to planning permissions to regulate the development. If a condition is identified as being breached and it is considered expedient to enforce that condition the council can serve a Breach of Condition Notice (BCN). There is no right of appeal against such a notice. Failure to comply with a BCN is an offence and there is the option for the council to serve a Fixed Penalty Notice (FPN).

In instances where a use or building is unauthorised an enforcement action is considered expedient an enforcement notice will most usually be served to remedy the breach of planning control. There is a right of appeal to the Scottish Ministers against such a notice. In cases where particularly serious harm is identified the council may choose to serve a Stop Notice which would require immediate cessation of the use or works. A Stop Notice is served alongside an enforcement notice. There is no right of appeal against a stop notice although there are potential compensation liabilities for a council arising from a stop notice if the associated enforcement notice is quashed on appeal. In respect of unauthorised works to a listed building the council may serve a listed building enforcement notice and in respect of untidy land an Amenity Notice.

Midlothian Council has a published planning enforcement charter, setting out how the enforcement system works. The latest planning enforcement charter for Midlothian Council can be found [here](#). It is anticipated that a new updated Charter will be published in 2022.

Code of Conduct for Councillors

The **Councillors' Code of Conduct** explains the responsibilities of elected members. It provides a positive framework for a councillor's decision making, helping to navigate through a range of potential conflicts of interest. The Standards Commission was established under the terms of the Ethical Standards in Public Life etc (Scotland) Act 2000 and it publishes the Code.

The Code of Conduct is particularly relevant to planning, as consideration of planning matters can generate pressures for councillors from many directions, which will be much stronger than those encountered on most other council business. This section deals directly with issues, concerns and conflicts that may arise while dealing with planning matters.

Key Principles

The Code is underpinned by the nine key principles of public life in Scotland:

- Duty;
- Selflessness;
- Integrity;
- Objectivity;
- Accountability & Stewardship;
- Openness;
- Honesty;
- Leadership; and
- Respect.

It is the duty of a councillor to always have regard to and follow these principles. Members should not persuade others to act in a way that would be contrary to these key principles.

If one or more of the key principles are breached, this does not necessarily mean that the code itself has been breached. However, the key principles can be used by the Ethical Standards Commissioner's office and the Standards Commission to assist with interpretation of alleged breaches of the substantive sections of the Code.

Councillors have a personal responsibility to ensure they are complying with the provisions of the Code, regardless of whether they are a member of the planning committee, Local Review Body or full council. In doing so, councillors may need to exercise their judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard their actions or decision-making as a councillor. This is not equal to a member of the public disliking a councillor's decision or an opinion in the course of their work, rather, it is about whether the councillor has acted properly and in accordance with the Code.

There are a number of considerations that a councillor will need to make when attending a planning committee, Local Review Body or full council meeting. These are as follows:

- Does an interest need to be declared – either the councillor's or any other party's?
- If an interest has been declared, should that interest prevent the councillor from taking part in the discussion and/or the decision-making?

- Has the councillor pre-empted their involvement in the debate over a planning application by stating their position in support of/against a particular application or a Local Development Plan proposal in advance of formal consideration of that application or proposal?

This third point is also relevant to councillors who have publicly declared their support for, or opposition to, a particular project during their election campaign that may subsequently come before them at committee as a planning application or Local Development Plan proposal.

When deciding whether they should declare an interest and take part in a committee discussion or the wider consideration of a particular planning application or Local Development Plan proposal, a councillor must bear in mind that interests are also considered to be personal or social, not just financial or business.

For example, a conflict of interest could be as simple as the councillor's relative owning land that is the subject of a planning application, or is an objector to a controversial development. It is important therefore to recognise that potential conflicts might arise in circumstances that are not explicitly dealt with by the Code.

For more detailed information on the Code, please visit [The Standards Commission for Scotland website](#).

Useful Links

Scottish Government

www.gov.scot/policies/planning-architecture/
www.transformingplanning.scot/
[Planning circulars: index - gov.scot \(www.gov.scot\)](http://www.gov.scot/PlanningCirculars/index)

Architecture and Design Scotland (A+DS)

www.ads.org.uk

PAS (formerly known as Planning Aid Scotland)

www.pas.org.uk
<https://www.pas.org.uk/advice>

Scottish Parliament

<https://www.parliament.scot/parliamentarybusiness/research.aspx>

Heads of Planning Scotland

<https://hopscotland.org.uk/>

Key Agencies

[NatureScot](#)

[Historic Environment Scotland](#)

[The Scottish Environment Protection Agency](#)

[Scottish Water](#)

[Scottish Enterprise \(only in its area of jurisdiction\)](#)

[Transport Scotland](#)

[South-East of Scotland Transport Partnership \(SEStran\)](#)

[Health Boards](#)

[Public Health Scotland](#)

[Scottish Forestry](#)

[Forestry and Land Scotland](#)



THE COUNCIL'S SCHEME OF DELEGATION FOR THE DETERMINATION OF PLANNING APPLICATIONS AND OTHER PLANNING DECISIONS

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks Committee approval for a scheme of delegation for planning matters, under which specific types of planning applications are delegated to the appointed officer to determine. The proposed scheme is attached to this report as Appendix A.
- 1.2 The proposed scheme of delegation is comparable to the current scheme, but provides some additional clarity on the categories of applications and other planning matters elected members determine and those items delegate to officers to determine when compared to the scheme of delegation operating prior to the May 2022 local elections.

2 BACKGROUND

- 2.1 Planning authorities use powers of delegation so that certain decisions can be taken by officials instead of being considered by elected members. Delegation to officials is an important means of adding efficiency to administrative processes and the Scottish Government wants to encourage an appropriate level of delegation to officials to support the role of the planning system in increasing sustainable economic growth.
- 2.2 The scheme of delegation for the determination of planning applications is in accordance with The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. The 2013 regulations came into effect on 30 June 2013 and require the planning authority to prepare a scheme of delegation at intervals of no greater than every five years.

3 PROCEDURES

- 3.1 Prior to the adoption of a scheme, the scheme must be approved by the Scottish Ministers - until the approval of the proposed scheme of delegation by the Scottish Ministers the Council will continue to

operate the scheme agreed by the Council at its meeting of 24 September 2013.

- 3.2 The proposed scheme of delegation also reaffirms the procedure where a Member can 'call in' an application in their ward as outlined in Schedule 2 of the scheme of delegation.
- 3.3 If ultimately approved by the Scottish Ministers, there may need to be consequential amendments to the Council's Standing Orders and Scheme of Administration for approval by Council. Further amendments to the scheme can be made by the Committee at a later date as matters arise subject to the referral to Scottish Ministers.

4 RECOMMENDATION

- 4.1 It is recommended that Committee:
- i) approves the 'Scheme of Delegation for the Determination of Planning Applications for Planning Permission and Other Planning Decisions' as set out at Appendix A of this report; and
 - ii) agrees that the Scheme of Delegation is formally submitted to Scottish Ministers for approval.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022
Contact Person: Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: a) the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019, and b) Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Scheme of Delegation for the Determination of Planning Applications and Other Planning Decisions: Prepared in Accordance with the Provisions of the Planning Etc. (Scotland) Act 2006 and The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Schedule 1

The Planning Committee delegate the determination of: planning applications; other applications assessed under planning and associated legislation; and other planning decisions to the relevant appointed officers (within the Council's Planning, Sustainable Growth and Investment Service) subject to the exceptions set out in Schedule 2 which are determined by the Planning Committee. For information a sample of those decisions delegated to officers is set out in Schedule 4.

Schedule 2

The following planning applications and other planning decisions shall be determined by the Planning Committee of the Council:

- i. any application for planning permission in principle (PPP), for detailed planning permission (DPP) and a Section 42 application (S42) which comprises a 'National Development' or a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (or any subsequent or replacement regulations);

A copy of the schedule in those Regulations which lists those developments which are classed as major comprises Appendix 1 to this scheme of delegation.

- ii. any application that the appointed officer is minded to approve under the terms of this scheme of delegation but which is the subject of an extant objection from a statutory consultee that would result in referral of the application to Scottish Ministers under the provisions of Circular 3/2009, Notification of Planning Applications (or any subsequent or replacement guidance with regard the notification of planning applications);
- iii. any application that the appointed officer is minded to approve under the terms of this scheme of delegation but which would constitute a significant departure from the provision of the Council's Development Plan;
- iv. any application which would normally be determined by the appointed officer under the terms of this scheme of delegation but which has been the subject of notification ('Call in') that it is to be determined by the Planning Committee of the Council. Such notification shall be made in writing; 1) within 21 days of the date of validation of the application or 2) under the provisions of Schedule 3 (see below) and to be known as 'Notification of Member Referral': such notification shall only be valid if submitted by a Member in whose Ward the application site lies in whole or

in part, and includes a statement of the reasons in planning terms for the notification; and

- v. any application or other planning decision that the Chair of the Planning Committee considers to be of significance that it merits determination by the Committee rather than officers;
- vi. The adoption of Planning Policy either through the stages of the development plan process (the formal adoption of a local development plan will be a decision for 'Council' rather than its Planning Committee) or supplementary planning policy documents or guidance;
- vii. The confirmation of a Tree Preservation Order (TPO);
- viii. Under its Enforcement powers the authorising of 'Direct Action' or the referral of a case to the Procurator Fiscal for prosecution; and
- ix. Responses to Scottish Government consultations on Strategic Planning Policy matters.

Schedule 3: Information to Elected Members

Applications which fall to be determined under Schedule 1 of the Scheme of Delegation (i.e. are delegated for determination by officers), and to which any of the following criteria are relevant will be drawn to the attention of Elected Members:-

- i) the application has attracted representations, contrary to the officers recommendation, from 10 or more individual households or other premises (petitions are considered to be one representation from the coordinating premises); or
- ii) the application is the subject of a formal written representation, contrary to the officers recommendation, from a community council within whose area the application site lies either in whole or in part; or
- iii) the application materially seeks to vary the form of an application originally granted by the Planning Committee; or
- iv) where the appointed officer recommends that a planning application be approved, the application can only be approved subject to the requirement for a planning obligation*;
- v) a planning application for 20 or more residential units; or
- vi) an application submitted by an elected member or a member of staff (in the Planning, Sustainable Growth and Investment team or replacement thereof) and/or their spouse/partner (as confirmed on the application form).

Information will be provided to all elected members no later than five working days prior to the date of formal determination, thereby providing the opportunity for a local ward elected member to consider submission of a formal 'Notification of Member Referral' in accordance with Schedule 2 iv) of the Scheme of Delegation. For the avoidance of doubt the time limit period for notification specified in Schedule 2 iv) will not apply in cases notified under the provisions of Schedule 3.

Local ward elected members will be informed of any formal planning enforcement proceedings which have been undertaken within their respective Wards: such proceedings being the issuing of an Enforcement Notice, a Stop Notice, a Temporary Stop Notice, a Breach of Condition Notice, a Fixed Penalty Notice or a Section 179 (amenity) Notice.

Unless otherwise specified all communications to elected members shall be by email.

*a Planning Obligation includes a section 75 agreement, a section 69 agreement or any other financial transfer.

Note – definitions

For the purposes of this Scheme of Delegation the following definitions apply to Schedules 1 - 3:

1. Planning applications relate to planning permission in principle (PPP) applications, detailed planning permission (DPP) applications and section 42 (S42) applications;
2. Applications relate to those types stated above (PPP, DPP and S42), matters specified in conditions (MSC) applications, advertisement consent (ADV) applications, listed building consent (LBC) applications and conservation area consent (CAC) applications.
3. Other planning decisions relate to all other planning matters, requests and determinations not covered by definitions 1 and 2 above, the majority of which are identified in Schedule 4.

Schedule 4

The following applications and other planning decisions shall be delegated for determination by the appointed officer of the Council. The appointed officer of the Council is the officer appointed in terms of Part 3 Section 17 of the Planning etc (Scotland) Act 2006 (Section 43A (1) of the Town and Country Planning (Scotland) Act 1997).

The following planning applications and other planning decisions shall be determined by the Appointed Officer/s:

- i) any application which does not fall within any of the categories comprising Schedule 2 of this scheme of delegation;
- ii) any application for development not defined as a 'Major Development' in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (or any subsequent or replacement regulations);
- iii) any application to vary or amend a condition on an extant planning permission;
- iv) any application to vary an extant planning permission;
- v) the serving of a Provisional Tree Preservation Order;
- vi) the investigation of formal planning enforcement proceedings through the issuing of enforcement notices, stop notices, temporary stop notices, fixed penalty notices, planning contravention notices and Section 179 (amenity) notices;
- vii) determination of any application for a certificate of lawful development;
- viii) determination of any application for listed building consent;

- ix) determination of any application for conservation area consent;
- x) determination of any application for express advertisement consent;
- xi) determination of any application to carry out works to trees;
- xii) discharge and modifications to Planning Obligations;
- xiii) applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended;
- xiv) Environmental Impact Assessment (EIA) Screening and Scoping requests;
- xv) applications/consents made under Section 36 and 37 of the Electricity Act 1989;
- xvi) Matters Specified in Conditions applications;
- xvii) Planning Certificate applications made under Section 50 of the Licensing (Scotland) Act 2005;
- xviii) determination of prior notification applications;
- xix) determination of non-material variation requests to applications; and
- xx) the discharge of planning conditions.

Please note that the above list is set out to highlight the range of determinations made by the appointed officer/s – although it's a comprehensive list it is not designed to be a complete list and supplements Schedule 1 only.

SCHEDULE OF MAJOR DEVELOPMENTS

*Description of Development**Threshold or criterion***1. Schedule 1 development**

Development of a description mentioned in Schedule 1 to the Environmental Impact Assessment (Scotland) Regulations 1999 (3) (other than exempt development within the meaning of those Regulations).

All Development.

2. Housing

Construction of buildings, structures or erections for use as residential accommodation.

(a) The development comprises 50 or more dwellings; or
(b) The area of the site is or exceeds 2 hectares.

3. Business & General Industry, Storage and Distribution

Construction of a building, structure or other erection for use for any of the following purposes-

- (a) as an office;
- (b) for research and development of products or processes;
- (c) for any industrial process; or
- (d) for use for storage or as a distribution centre.

(a) The gross floor space of the building, structure or other erection is or exceeds 10,000 square metres; or

(b) The area of the site is or exceeds 2 hectares.

4. Electricity Generation

Construction of an electricity generating station.

The capacity of the generating station is or exceeds 20 megawatts.

5. Waste Management Facilities

Construction of facilities for use for the purpose of waste management or disposal.

The capacity of the facility is or exceeds 25,000 tonnes per annum.

In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.

6. Transport and Infrastructure Projects

Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines.

The length of the road, railway, tramway waterway, aqueduct or pipeline exceeds 8 kilometres.

7. Fish Farming

The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26(6) of the Act.

The surface of water covered is or exceeds 2 hectares.

8. Minerals

Extraction of minerals

The area of the site is or exceeds 2 hectares

9. Other Developments

Any development not falling wholly within any single class of development described in paragraphs 1 to 8 above

(a) The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or
(b) The area of the site is or exceeds 2 hectare

A representation on an application shall only be competent if it comprises a written submission in the form of either a letter, e-mail or online submission. In the case of a letter the correspondent will require to include their name, full address and signature.

Planning applications are determined in accordance with the Town and Country Planning (Scotland) Act 1997 as amended (*hereafter referred to as the Act*) and associated regulations and Scottish Government advice in particular the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (*hereafter referred to as the Regulations*).

The Act requires the planning authority to “take into account any representations relating to that application which are received by them before the expiry of any period prescribed” by the Act and Regulations (21 days for notifications and 14 days for consultations). Furthermore, the Act states “no such application shall be determined until after the expiry of any period which may be so prescribed”. (*The notification and consultation requirements vary for listed building consent applications, advertisement consent applications and applications to modify or discharge a planning obligation*).

It is Midlothian’s practice to consider any representations received prior to the final drafting of an applications ‘report of handling’ which is either the Committee report or the delegated officer’s report which sets out the planning assessment of the application. This in effect means that representations received after the prescribed period are considered if the officer’s assessment of the application has not been concluded. Representations received after the publication of the Committee agenda, but before the meeting of the Committee, are assessed and if appropriate the Committee are verbally updated at the meeting.

The Committee (the decision maker) has the discretion to decide if they wish to consider ‘late’ representations received after the prescribed period. It is expected that it will wish to do so where the representation is material and could affect the planning assessment of the application. This would be consistent with the planning authority’s statutory duty to take into account all considerations which are both material and relevant to the application known at the time. In exceptional circumstances, this may mean that officers recommend that an application be deferred to a future meeting pending further detailed assessment. If deadlines for the submission of late representations are strictly adhered to there is a risk that the planning authority would be failing in its duty to consider all relevant material considerations.



DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN - NUMBER 14

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report is to inform the Committee of the Development Plan Scheme for Midlothian number 14 (DPSM14).

2 BACKGROUND

- 2.1 Preparation of the Development Plan Scheme (DPS) is a statutory requirement. Each year local planning authorities are required to prepare, publish and submit a DPS to Scottish Ministers (usual in March of each year) setting out their intentions with respect to preparing, reviewing and consulting on the development plan for their area over the coming 12 months.
- 2.2 At its meeting of 15 March 2022 the Committee approved the DPSM14 and made a commitment to report the approved DPSM14 back to the June 2022 meeting of the Committee to ensure any newly elected members are informed of the status of the development plan as set out in the DPSM14. A copy of the 15 March 2022 report and the approved DPSM14 is attached to this report as Appendix A. Following its approval the DPSM14 was published online, circulated to registered consultees and Community Councils and distributed to Midlothian libraries. A copy was also sent to the Scottish Government.

3 RECOMMENDATION

- 3.1 It is recommended that the Committee note the Development Plan Scheme for Midlothian No.14 (appended to this report).

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022
Contact Person: Colin Davidson, Planning Officer
colin.davidson2@midlothian.gov.uk
Background Papers: Development Plan Scheme for Midlothian number 14 (DPSM14)



DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN - NUMBER 14

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian number 14 (DPSM14) and provides a short update on the implementation of the Planning (Scotland) Act 2019.

2 BACKGROUND

- 2.1 Preparation of the Development Plan Scheme (DPS) is a statutory requirement. Each year local planning authorities are required to prepare, publish and submit a DPS to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plan for their area over the coming 12 months.

3 DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN

- 3.1 A DPS is required to contain:
- the proposed development plan programme (including the proposed timetable and details of what is likely to be involved at each stage of preparation or review); and
 - the participation statement (including an account of when and with whom consultation is likely to take place, its format and the steps to be taken to involve the public at each stage).
- 3.2 Consultation on the DPS is not required at present, however the Planning (Scotland) Act 2019 (PSA19) will require formal consultation on participation statements in future. As in previous years, DPS14 includes a question seeking views on the Council's proposed engagement activities and welcomes comments from interested parties. After approving the DPS, the local planning authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (for information only, not for approval).
- 3.3 Last year's DPS13 proposed a major change: that the plan be prepared in accordance with the new PSA19 regulations, and using the National Planning Framework 4 (NPF4) to provide strategic guidance for the following reasons:

- The rejection of the proposed Strategic Development Plan 2 (SDP2) meant that SDP1 remains the approved SDP (June 2013) and the evidence base underpinning the plan was increasingly out of date;
 - There was no guidance in SDP1 as to how the housing land requirements for the period 2024 – 2032 should be aggregated and distributed across SESplan;
 - The declaration of a climate change emergency in Scotland (and by the Council) was likely to have land use planning policy implications and it would be advantageous to work with a strategic planning framework that takes this into account; and
 - There was insufficient time to progress the review to Proposed Plan stage before the transition arrangements end and new regulations come into effect.
- 3.4 At its meeting of 4 October 2021 the Edinburgh and South East of Scotland Development Plan Authority (SESplan) resolved that the authority be abolished, as a consequence of the PSA19 requirements and the strategic planning role being absorbed within the Edinburgh and South East Scotland City Region Deal governance structure.
- 3.5 The Scottish Government has published its new draft NPF4 and is undertaking a consultation until 31 March 2022. A formal response to this consultation is the subject of a separate report to the Committee.
- 3.6 The preparation of DPSM14 has taken place in the context of the ongoing Covid-19 Pandemic and associated emergency restrictions. Notwithstanding the recent announcement from the Government around easing restrictions from the end of March, the guidance is still to be cautious and to continue to wear face coverings in indoor settings – as a consequence here remains some uncertainty about the nature and extent of any in person engagement activities the Council can deliver over the next twelve months.
- 3.7 Key elements of the DPSM14 programme and participation statement include:
- a revised timetable for preparing MLDP2 which aligns with the Government's programme for implementing the PSA19;
 - a formal launch of the MLDP2 replacement process, commencing with a member briefing as soon as is practically possible following the local elections in 2022;
 - a commitment to developing online engagement techniques for duration of Covid-19 restrictions and a commitment to widening this out to other group/in person activities when safe to do so;
 - a commitment to develop engagement activities for the special groups identified in PSA19 (including children and young people, the disabled, and gypsy travellers). This will require the planning service to collaborate with other Council services to design and deliver these engagement activities;

- a commitment to support the Local Place Plan process in Midlothian;
 - publication of the Proposed MLDP2 in 2024; and
 - proposed adoption of MLDP2 in 2026.
- 3.8 The system of development planning introduced by the PSA19 envisages local development plans (LDPs) being updated every 10 years, with LDPs adopted within 5 years of NPF4 being approved. The timetable set out in DPS14 would see a new LDP for Midlothian adopted within less than 5 years of NPF4 approval (provided NPF4 is approved by the Scottish Parliament this summer as scheduled).
- 3.9 The adopted Midlothian Local Development Plan (MLDP) will be nearly nine years old by late 2026. The new policies of NPF4 will form part of the development plan for the area, and provide updated policy to determine planning applications in many respects. The Action Programme review process also provides an additional mechanism and opportunity to reassess the adequacy of the housing and economic land supply following publication of NPF4 as well as addressing any other emerging issues if required, using the measures described in paragraph 2.3.9 of the adopted MLDP.
- 3.10 A copy of the DPSM14 is attached to this report.

4 PLANNING (SCOTLAND) ACT 2019 UPDATE

- 4.1 The PSA19 received royal assent in July 2019. In November 2019, Members considered a report on the Government's programme for implementing the new legislation and the changes affecting the review of the MLDP. Progress has been made with secondary legislation and with the NPF4 which will also form part of Midlothian's development plan when adopted.
- 4.2 The draft NPF4 was published on 10 November 2022. A consultation is underway, and Scottish Ministers expect to place the NPF4 before Parliament in the summer (2022) to seek approval.
- 4.3 In tandem, the Government has also published draft regulations and guidance on the preparation of the new style LDPs along with Open Space Strategies and Play Sufficiency Statements for consultation. It is anticipated that these regulations will be adopted at the same time or shortly after NPF4 to facilitate early preparation of replacement LDPs.
- 4.4 The Scottish Government has issued regulations for Local Place Plans (LPPs). These LPPs will be prepared independently of the Council by community bodies. They will contain proposals for the use and development of land, and will have to take account of NPF4 and the LDP for the area. The emerging MLDP will in turn have to have regard for any valid LPPs in the Council area.

5 RECOMMENDATION

5.1 It is recommended that the Committee:

- (a) approves the Development Plan Scheme for Midlothian No.14 (appended to this report);
- (b) agrees to publish the DPSM14 and place copies in Midlothian's public libraries; and
- (c) formally submit a copy to Scottish Ministers.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 4 March 2022
Contact Person: Colin Davidson, Planning Officer
colin.davidson2@midlothian.gov.uk

Development Plan Scheme for Midlothian Number 14



April 2022



1. Introduction

1.1 This is the 14th **Development Plan Scheme** (DPS) for Midlothian. The previous Development Plan Scheme (number 13) was approved by Planning Committee in April 2021. DPS13 set a new course for delivering development plans in Midlothian, reflecting the reformed planning system brought about by the 2019 Act.

1.2 In the last year the Scottish Government has published National Planning Framework 4 (NPF4) which will form part of the development plan for Midlothian and set a housing requirement to be delivered by the next Midlothian Local Development Plan. Accompanying draft regulations and guidance on local development plans have also been published by the Scottish Government, and this DPS has sought to take the emerging framework for preparing development plans into account.

1.3 More information is available in the Scottish Government's Transforming Planning website [Transforming Planning link](#)

1.4 Covid-19. The landscape of engagement and consultation has been changed by the Covid 19 pandemic. In the last year there has been no in person contact between the planning service and interested parties. The overriding focus in DPS14 is to ensure public safety, but to allow for a wide range of engagement as the situation allows. Implementation of future engagement activity will depend on the health guidance operative at the time.

1.5 The DPS sets out the timetable for preparing the **Local Development Plan (LDP)**, and other related planning guidance. It also includes a **Participation Statement** which describes how and when you can get involved in the preparation of the plan. We will prepare a new Development Plan Scheme every year.

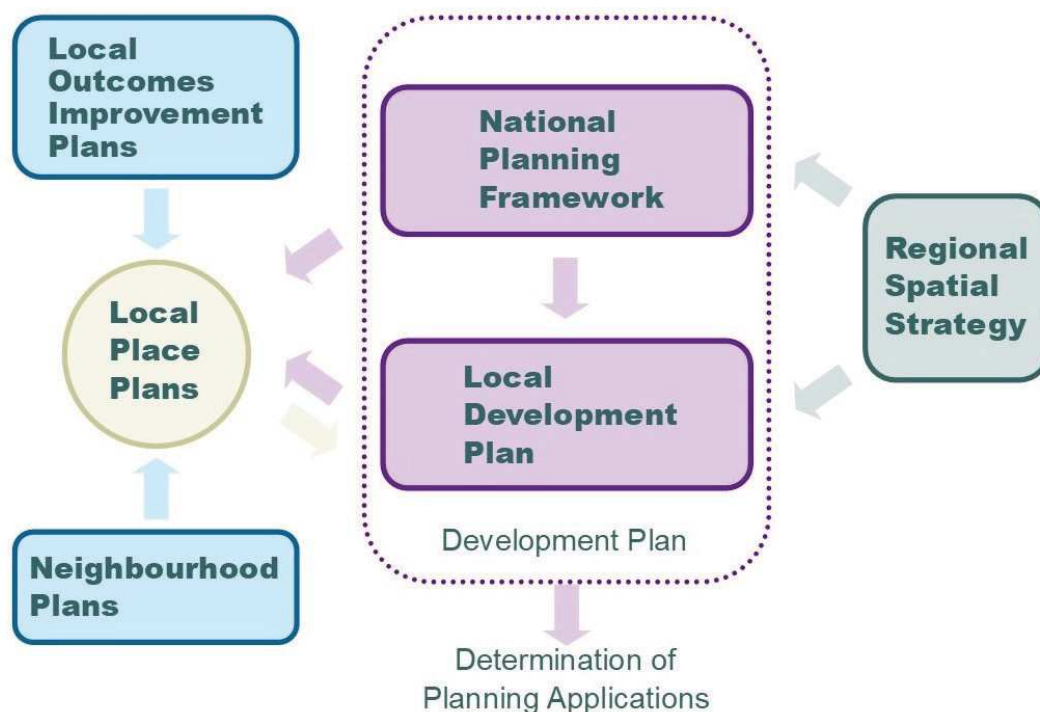
1.6 Status of Strategic Development Plan. In May 2019 the Scottish Ministers rejected the proposed Strategic Development Plan for South East Scotland (SDP2). The first Strategic Development Plan (SDP1) and its associated supplementary guidance on housing land remains in force until approval of National Planning Framework 4 (NPF4) which is expected in Summer 2022.

Changing Context for Development Planning

1.7 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. The Act changes many features of the current system of development plans, including:

- removing the requirement to prepare Strategic Development plans
- removing provisions which allowed Supplementary Guidance to form part of the development plan
- making the Scottish Government's National Planning Framework part of the Development Plan
- introducing Regional Spatial Strategies to provide long term spatial development frameworks at regional level
- replacing Main Issues Reports with a new requirement to prepare an Evidence Report
- Changing the regulations to allow the Proposed Plan to be more of a consultative document
- Introducing a longer 10 year review period for development plans, rather than 5 years at present
- Introducing potential for locally constituted community groups to prepare new Local Place Plans

1.8 The new development plan hierarchy is shown in the diagram below.



Relationship between new plans and strategies

1.9 More information on the main changes introduced by the 2019 Act may be found in the report to Midlothian Council on 27 August 2019 (available through this link [2019 Act Committee Report](#)). Further information about the programme to implement the Act can be found on the Scottish Government website (available through this link [Scottish Government planning reform](#)). The Scottish Government is consulting on Local Development Plan Regulations and Guidance until 31 March 2022.

1.10 The Scottish Government has published regulations for **local place plans** which came into force on 22 January 2022. These LPPs will be prepared by locally constituted community groups. Section 5 below contains more details about Local Place Plans. The accompanying Circular sets out the duties of the planning authority and how those plans are handled through the planning system [Local Place Plan Circular](#).

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1.11 Recognising that all planning authorities are at different stages of their plan preparation, transitional arrangements have been published [Transitional arrangements document](#), . As Midlothian will base its replacement LDP on NPF4 and the new regulations, the 'stop' provisions in the transition arrangements for old style plans 'started but not finished' will not apply.

1.12 The 2019 Act introduces new requirements to seek and have regard to any views expressed by the public as to the content of the participation statement in the Development Plan Scheme: the regulations that give effect to this change are expected to come into force later in 2022. In advance of this becoming a formal requirement, Midlothian Council would like to know what you think of its proposed consultation arrangements, see the question 'HAVE YOUR SAY' at the end of section 5.

1.13 Fourth National Planning Framework for Scotland (NPF4). The NPF4, once approved by the Scottish Parliament and approved by Scottish Ministers, will become part of the development plan for Midlothian. NPF4 will set a minimum all tenure housing requirement to be met by the LDP. NPF4 will also incorporate Scottish Planning Policy. This is a major change because not only will it have a direct influence on the form and content of the next Midlothian Local Development Plan (MLDP), but will be a primary consideration in the determination of planning applications (and any subsequent appeals).

1.14 NPF4 was published in November 2021. Alongside Parliamentary scrutiny a consultation is underway until 31 March 2022. The draft NPF4 may be viewed on the Scottish Government website [National Planning Framework 4 Consultation](#) The Scottish Government expect to lay NPF4 before Parliament in Summer 2022. The timetable for preparing the second Midlothian Local Development Plan (MLDP2) is based on Parliamentary approval in Summer 2022.

1.15 To inform the preparation of development plans, the planning authorities in the South East Scotland area have prepared an **interim Regional Spatial Strategy**. This is not a document of equivalent weight to the Strategic Development Plan but sets a framework for the future development of the region - [iRSS link](#)

2. The Development Plan for Midlothian

Current Development Plan

WHAT DEVELOPMENT PLANS EXIST AT PRESENT IN MIDLOTHIAN?

The adopted development plan for Midlothian is provided by the Strategic Development Plan (SDP) for Edinburgh and South East Scotland 2013, and the Midlothian Local Development Plan (MLDP) 2017. The development plans may be viewed online by clicking on this link [Development Plans and Policies](#). The SDP will cease to be operative when NPF4 is approved. As COVID-19 emergency regulations permit, these may also be viewed in paper copy at any Midlothian library or at the Council's office at Fairfield House, Dalkeith.

WHAT DOES A DEVELOPMENT PLAN DO?

Development Plans allocate land for development and contain policies which will be used to assess applications for planning permission. They are also accompanied by an Action Programme which sets out how the plan will be delivered.

2.1 There are a number of ongoing tasks associated with the adopted MLDP. A revision of the current Action Programme (AP) was adopted by the Council in June 2021. This represented a delay in the usual publication schedule (and reflected the impact of Coronavirus). The AP is a requirement of the Planning Act, and identifies the actions which will help implement the policies and proposals of the plan. The biennial Action Programme will resume, with the aim of approving the next one in June 2023.

2.2 Midlothian Council also carries out post adoption monitoring, looking at the performance of the plan, progress on implementing proposals, how policies are being interpreted and applied in determining planning applications, and the impact of the policies and proposals on a number of environmental factors.

Supplementary Guidance

2.3 The Midlothian Local Development Plan requires Supplementary Guidance (SG) and planning guidance (pg) to be prepared. The Supplementary Guidance, once adopted has the same status as a policy in the plan (this is changing, when the 2019 Act takes effect, see below). Planning guidance has a lesser status but is a useful aid to applicants and to

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decision making on development proposals. The table below shows the planned SG and pg, and progress at the start of 2022. Approved guidance and emerging guidance subject to consultation may be viewed online through the [Midlothian planning portal](#)

Midlothian Green Network (SG)	Adopted
Special Landscape Areas (SG)	Adopted
Resource Extraction (SG)	Adopted
Development in the Countryside and the Green Belt (SG)	Adopted
Food and Drink and Other non Retail Uses in Town Centres (SG)	Adopted
Community Heating (SG)	Under review
Low Density Rural Housing (SG)	Consultation concluded, review underway
Nature Conservation (pg)	Adopted
Dalkeith Shop Front Design Guide (pg)	Adopted
Dalkeith Townscape Heritage Initiative (THI) Homeowners Guide: 'Repair and Maintenance of Historic Buildings in Dalkeith, Home Owners Guide' (pg)	Adopted

Adopted and forthcoming Supplementary (SG) and planning guidance (pg)

2.4 The Planning (Scotland) Act 2019 repeals those provisions of the 1997 Town and Country (Planning) Scotland Act which allowed SG to form part of the development plan, although there are transitional arrangements relating to this change.

2.5 The Transitional Arrangements for the new planning Act envisage that a period of 24 months after the coming into force of the development plan regulations, will be allowed for the adoption of supplementary guidance associated with local development plans adopted under the 2006 Act. After this point, no further supplementary guidance will be allowed to come forward for adoption.

2.6 Consultation was recently concluded on the Low Density Rural Housing (SG), and Community Heating (SG) is under review. The planning guidance for Hillend Country Park may be superseded by the planning application process.

2.7 The Council will reflect on how the outstanding guidance is to be provided, in recognition of the fact that supplementary guidance will not be part of the new development plan system. Now that the NPF4 will form part of the development plan, it is appropriate for the Council to consider the new policies and decide if it is best to continue bringing forward supplementary guidance in all cases.

2.8 The outstanding Supplementary Guidance is comprised: Advertisements, Flooding and Water Environment, Planning Obligations and Affordable Housing, and Quality of Place; as well as planning guidance for Open Space Standards, Shop Front Design Guide and site masterplans (as well as the emerging guidance referred to in paragraph 2.6 above).

3. Production of the Second MLDP

3.1 Following the decision of Scottish Ministers to reject the second Strategic Development Plan for Edinburgh and South East Scotland, the local authorities that make up the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) decided not to prepare a revised SDP.

3.2 When NPF4 is approved by parliament it will form part of the development plan for Midlothian (and every other Scottish planning authority). The approved SDP is superseded at this point. The Midlothian Local Development Plan remains adopted but the most up to date plan (NPF4) will take precedence should there be any incompatibility between the two plans.

3.3 As described in the introduction, The Planning (Scotland) Act 2019 makes significant changes to the system of development plans. The planning authorities which constitute SESplan, the Strategic Development Planning Authority for South East Scotland, resolved to wind up SESplan at their meeting of 4 October 2021. The strategic planning function has been absorbed into the Edinburgh and South East Scotland City Region Deal governance structure. The City Deal partners prepared the first Regional Spatial Strategy for South East Scotland in 2020. This was approved by the SESplan joint committee on 21 September 2020 and submitted to Scottish Ministers following ratification by individual authorities. The Regional Spatial Strategy informed the preparation of the Fourth National Planning Framework.

3.4 Before preparing a LDP, Councils will be required to prepare an Evidence Report which will be the subject of a government 'gatecheck' procedure. The 2019 Act also introduces new Local Place Plans which are described in the box at the end of this section. Many of these features of the new system are the subject of additional guidance to give greater clarity as to how they will work.

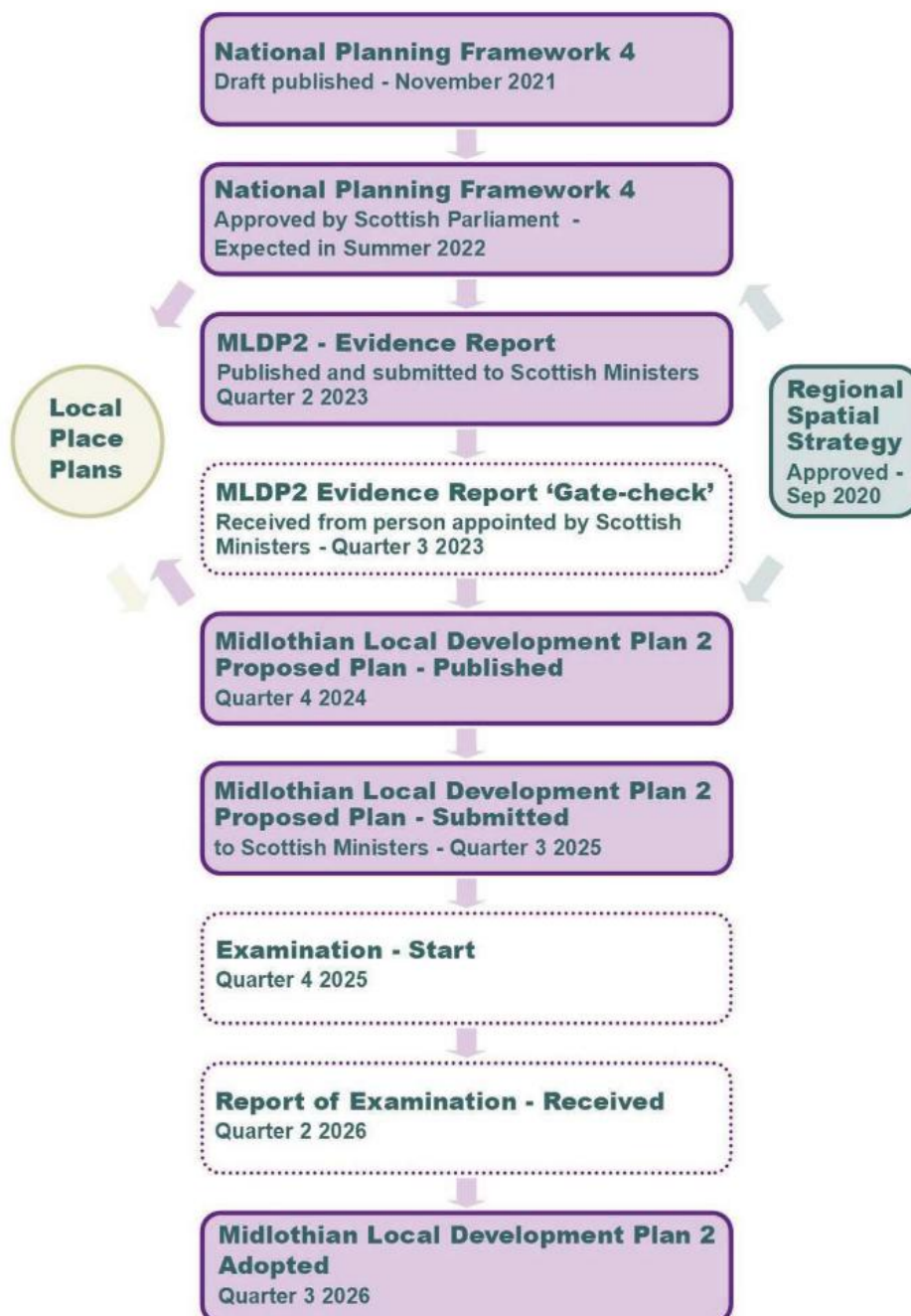
3.5 **Midlothian Council will carry forward its replacement LDP (MLDP2) under the new regulations established by the 2019 Act, and recognising that NPF4 will then form part of the development plan.**

3.6 **Under the new system LDPs will be replaced every 10 years and replacement LDPs should be prepared within 5 years of National Planning Framework approval.**

3.7 Midlothian Council is front loading work to inform the preparation of MLDP2. This will assist in bringing MLDP2 to adoption as soon as possible after NPF4 is adopted. The MLDP2 will still be less than 5 years old by December 2022. Midlothian Council will use the Action Programme process to review implementation of the plan and in particular to assess the adequacy of the housing land supply (as described in paragraph 2.3.9 of the MLDP).

3.8 The timetable in Section 4 below is Midlothian Council's best estimate of how long the new processes will take, starting with approval of NPF4 in 2022. We expect to adopt MLDP2 in 2026, so within 5 years of NPF4 being approved.

4. Timetable for LDP2



2022 Timetable for LDP2

5. Local Place Plans

5.1 Local Place Plans have been introduced by the 2019 Planning Act. Regulations on Local Place Plans (including the roles of local communities and the planning authority) came into force on 22 January 2022. LPPs are plans relating to the development and change of use of land in a community. A Local Place Plan is not produced in isolation - it must have regard to the Local Development Plan for the area and the National Planning Framework.

5.2 Key duties on planning authorities in relation to Local Place Plans are:

- Publish an invitation to local communities to prepare Local Place Plans.
- Publish information on the manner and date by which such Local Place Plans are to be prepared in order to be taken into account in the preparation of the Local Development Plan.
- Provide information on the assistance that the authority may offer to communities wishing to produce a Local Place Plan.
- Maintain a register of Local Place Plans
- As well as maintaining a register of LPPs, local authorities are also required to maintain a map, which shows the land where LPPs are registered.

5.3 The Council will work with its Community Planning Team and the Federation of Community Councils to raise awareness of LPPs and engage in a discussion about how LPPs may be progressed. It must be stressed that these will be the communities' plans, and the Council will not be leading this process. It is likely that in most cases it will be the Community Council that will lead preparation of the LPP, as these are established bodies with an existing interest in land use planning. However, other community based bodies that meet the definition in the Community Empowerment (Scotland) Act 2015 may come forward (for example a group concerned with the regeneration of a particular locality), or perhaps a group constituted solely for the purpose of preparing an LPP.

5.4 The Council will place information on the planning pages of its website to act as an information hub for parties interested in LPPs. Midlothian Council will set up a local place plan email address where any queries about LPPs may be sent.

5.5 Midlothian Council hopes to be in a position later this year to issue an invitation to community bodies to prepare LPPs. This will set out the assistance that the Council can give, and provide guidance to ensure that LPPs are prepared that meet the requirements of the legislation. Midlothian Council expects to issue its invitation to prepare LPPs shortly after the Council elections in May 2022. In the interim we would encourage any community body to get in touch, or to register an interest using the contact details at the end of this DPS.

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5.6 For an LPP to be taken into account in the preparation of the MLDP2, it is important that the Scottish Government regulations are observed. Reference should be made to the Circular and Regulations but the main requirements are:

- The LPP must be prepared by a community body as defined under the Community Empowerment (Scotland) Act 2015
- The LPP is focused on proposals for the development and change of use of land within a defined community boundary
- In preparing the Local Place Plan, the Community Body must have regard to other plans including the NPF, the LDP and any locality plan published for the area
- When submitting the LPP to the planning authority, a statement indicating the degree of community support for the proposals contained in the LPP together with the extent and outcome of engagement undertaken must be included

5.7 Midlothian Council will maintain a register of valid LPPs and will also list these in future editions of the DPS.

5.8 WHEN SHOULD LPPs BE PREPARED? The timing of an LPP is up to the community body that prepares it, but in order to be taken into account in the next LDP it is likely that Midlothian Council would need to receive and validate it around 6 months before the Proposed Plan is published. **This points to submission of LPPs being required around Spring 2024 so that they may be taken into account in the preparation of the LDP.**

6. Participation Statement

6.1 A Participation Statement sets out how, when and with whom the Council will consult and engage on its Development Plan. Independent planning Reporters will review the Council's engagement activities to see that they match what the Council said it would do in the Participation Statement. The timescale for activities may change depending on progress with NPF4 and secondary legislation associated with the Planning (Scotland) Act.

6.2 Engagement is at its most effective at the early stages of plan preparation. Within the framework of the new planning system, the Council will seek to maintain open channels of communication so that a wide range of ideas on policy can be exchanged in advance of publication of the Proposed Plan.

6.3 The new LDP should align with the work of the Community Planning Partnerships (CPPs) who have drawn together public, voluntary and private sector bodies, and local communities to develop a shared 'plan' to improve the lives of local people: the [Single Midlothian Plan](#)

6.4 The Climate Emergency Community Planning Group has identified as one of its priorities '*Place the Climate Emergency as the Central theme of the Midlothian Local Development Plan. 2*'. More generally the Council recognises that there is widespread interest and knowledge in the community on a variety of topic areas which can be used to improve the next LDP.

Aims

- To raise awareness of Local Development Planning in Midlothian
- To design an approach to engagement that is as open and inclusive as possible
- To provide meaningful opportunities to shape the next LDP, allowing input to the plan before it is written

Our Approach

- To seek to use best practice, looking at the approach of other organisations including Planning Aid for Scotland
- Produce information across a variety of formats, including our website, consultation portal and social media, alongside traditional written material
- To work closely with neighbourhood planning and community planning partnerships

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- To advise and assist communities in preparing Local Place Plans
- Collaborate with Key Agencies and other interested parties - we will explore the potential for co-production of parts of the second LDP
- Seek to continuously improve by carrying out annual review of our engagement activities
- Make information available as early as possible
- Use clear, plain language in all our material
- To ensure that events and materials are accessible as far as is practicable
- To consider all engagement activity in the context of the Councils public sector equality duty
- Use graphics and maps where appropriate
- Provide events in communities throughout Midlothian
- During the period where special arrangements for the Covid-19 pandemic are in place, to seek meaningful engagement opportunities which preserve public health.

6.5 A revised DPS may be brought out before the next planned update in April 2023 if the changing situation justifies it - for example through the relaxing of Covid-19 restrictions and/or any delays to the approval of NPF4 or publication of regulations in respect of the new LDP process. Online engagement will remain a key tool for communicating with stakeholders but parallel in person events and activities will be considered when public health concerns permit, so that those who do not have internet access or whose preference is not to use online engagement are not excluded from participating in the LDP process.

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).

Activity	Description	What we plan to do	Timescale
Development Plan Scheme 14	Sets out Midlothian Council's programme for reviewing its development plans.	Publish online and distribute to Community Councils. Seek views on participation statement. Place in libraries (provided not contrary to emergency guidance)	April 2022
Elected Councillors briefing to initiate MLDP2 project	To formally launch the MLDP2 replacement plan project. This will be an opportunity to inform members of new style of development planning and the issues for Midlothian	Meeting either through electronic medium or physical meeting	After May 2022 elections & when Council/Committee timetable agreed.
Evidence Report	The EvR is a new requirement of the 2019 Act. The planning authority are to set out its view on the principal characteristics of the area.	Engage with public at large as well as groups defined in legislation in preparing the EvR. As well as activities listed elsewhere in the Participation Statement, this will involve: (i) awareness raising through email 'mailshot' to customer database inviting comments/feedback;	Published early 2023. Engagement activities will seek views and information to inform the EvR, so between Cllr briefing and anticipated 2023 publication date.

DPS14

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).

Activity	Description	What we plan to do	Timescale
		(ii) local media releases; (iii) awareness raising among Council staff; (iv) publishing information online and using all Council channels to raise awareness; (v) meeting and discussing issues with stakeholder groups expressing interest/concern on request.	
Brief and involve elected members, including reporting to Planning Committee at key stages	Following on from the initial briefing, updates will set the context for MLDP2; outline requirements as they emerge from National Planning Framework and issues arising from adopted plan and committed development	Updates to elected members	Throughout period covered by DPS14 (2022/23)
Prepare Community Council briefing	Inform Federation of Community Councils of	Online meeting	After elected member briefing and launch of project.

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).

Activity	Description	What we plan to do	Timescale
	forthcoming LDP, and discuss issues		
Seek contacts for future engagement	Promote online engagement and promote & encourage registration on consultation database	Use all channels including the 'Register an Interest' page in this DPS to facilitate this process	Throughout period covered by DPS14 (2022/23)
Awareness raising with Community Planning Partnership (particularly through Climate Emergency Group of the Partnership)	Follow from project initiation briefing, to develop understanding of new plan and related LPP process and seek ideas/input.	Attend events with Community Planning partners regarding new LDP, and raise awareness of Local Plan Plans	After elected Cllr briefing in 2022, and launch of project
Action Programme	Action Programme is biennial review of adopted LDP implementation	Carry out information gathering for 2nd Action Programme review.	Throughout 2022 and to June 2023
Links with Key Agencies	Key Agencies are organisations defined in planning legislation; Planning authority is required to	Regular discussions with Key Agencies, Community Planning Partnership and other Council services.	Throughout period covered by DPS14 (2022/23)

DPS14

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).

Activity	Description	What we plan to do	Timescale
	engage with them and they in turn to engage with development plan preparation.		
Develop a programme of engagement using the place standard tool	Place Standard Tool is technique to understand communities views on the place they live - by this means we will seek to understand main deficiencies and problems in Midlothian Communities, as an input to the EvR	Likely to work best as an in person event (to be considered in light of evolving Covid situation)	After elected Cllr briefing in 2022, and launch of project
Understanding needs of Children and Young People, people with disabilities, and gypsies and travellers in respect of LDP2	PSA-19 requires planning authorities to seek to engage with these groups in preparation of the Evidence Report.	An engagement package focussed on these groups is to be developed, in conjunction with other Council services.	Nature of engagement to be developed in 2022 and used to inform preparation of Evidence Report

LOOKING AHEAD TO THE EVIDENCE REPORT

The programme diagram above envisages publication of the Evidence Report in the 1st quarter of 2023 (calendar year) and the Proposed Plan in the 4th quarter of 2024 (i.e. October to December).

The Evidence Report (EvR) will set out the Council's view on the characteristics of the area including the capacity of infrastructure and the need for additional development land. This is a key consultation stage under the 2019 Act.

It is a requirement of the Planning Act that the views of the key agencies, children and young people (in particular school pupils, youth councillors and youth parliament representatives), and the public at large are taken into account in its preparation.

After publishing the Evidence Report (EvR), the Council will submit the EvR to Scottish Ministers, who will appoint a person to determine whether it contains sufficient information to enable the authority to prepare the plan. This is known as the Gatecheck process.

Given the current changing situation with lifting of pandemic restrictions there is still uncertainty as to the range of engagement activities in respect of the Evidence Report and Proposed Plan but we will consider views received in response to this DPS.

There will be a statement in the EvR setting out how the Council sought views in preparing the EvR, and how they were taken into account.

6.6 Following the Evidence Report and 'Gatecheck', the draft Development Plan Regulations envisage a 'Call for Ideas' stage to inform the preparation of the Proposed Plan. This should be open to everyone to propose ideas for any aspect of the plan. The Council will consider this further as the Regulations are finalised.

6.7 The new system of development planning is very different and in some cases not fully known as the Regulations governing the system are not finalised, and the resource implications are not known.

THE PROPOSED PLAN

Under the new planning system introduced by the 2019 Act, it remains the case that the Proposed Plan represents the plan that the Council proposes to adopt. However, there is provision under the 2019 Act to make modifications after the representation period, before submitting to Scottish Ministers. Any unresolved representations will be

DPS14

considered by an independent planning reporter as part of an examination of the plan at a later date. A communications plan will be prepared to manage engagement activities throughout the key stages of the new LDP process.

MAKING SURE EVERYONE IS INVOLVED

2019 Planning (Scotland) Act introduces a particular requirement when preparing the Evidence Report to consult with:

- disabled persons
- gypsies and travellers
- children & young people on the Evidence Report.

A planning authority must also make arrangements that they consider appropriate to promote and facilitate participation by children and young people in the preparation of the LDP more generally.

FAIRER SCOTLAND DUTY

The Fairer Scotland Duty places a legal responsibility on public bodies to pay due regard to how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

Midlothian Council is a public body and the MLDP2 is a strategic decision making document, so it is covered by the duty.

Involving communities and facilitating participation are central to good policy making

The Council will measure progress on meeting the requirements of the duty at key stages, through its Integrated Assessment process.

PUBLIC SECTOR EQUALITY DUTY

The Public Sector Equality Duty was established in the Equality Act 2010.

There is a requirement for public authorities in the exercise of their functions to advance equality of opportunity between people who share a relevant protected characteristic and those who do not.

Protected characteristics includes age, disability and race - including gypsies and travellers.

In preparing the first MLDP the Council prepared an Equality Impact Assessment (EqIA), which assessed the impact of the plan on the identified protected characteristics groups (which include age, disability, and race -).

The EqIA approach was useful as it involved systematic assessment of the plan in respect of the protected groups to ensure there was no disadvantage and that opportunities were not missed. The EqIA also considered the approach to consultation and engagement. Midlothian Council will use the successor tool to EqIA, known as Integrated Assessment, to provide a similar assessment process for MLDP2. The participation statement requires tailored consultation for targeted groups: as we draw nearer to the Evidence Report in 2022 we will provide further detail on how this will be carried out.

Question 1

HAVE YOUR SAY

What is your view of our planned consultation activities? Please let us know if you have any suggestions to improve engagement

If you are viewing the DPS as a paper copy and you wish to respond to the question above, you can use the contact details below.

CONTACT US

If you have any questions about the Local Development Plan or this Development Plan Scheme, please get in touch.

by email: ldplan@midlothian.gov.uk

DPS14

by writing: Midlothian Council Planning, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3AA

During the period of the Covid-19 pandemic the planning office is not always continually staffed during office hours, so we advise that you email or write in this interim period. Once more normal circumstances return we will restore the option of phoning the planning office.

7. Register an interest

Are you interested in being involved in the second Midlothian Local Development Plan?

Follow this link to register as an interested party in the Second Midlothian Local Development Plan.

[Link to register as a consultee or agent with Midlothian Council](#)

Once we have your contact details we can send you information about events, documents for comment and keep you informed about progress with the MLDP.

COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੇਰਾ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪਾਂ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyuruz.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (ناپیدا افراد کے لیے) انجریس ہوئے حروف کی لکھائی میں، نیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔



ESKBANK AND IRONMILLS CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN

NEWTONGRANGE CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's agreement to adopt the 'Conservation Area Character Appraisal and Management Plans' (CACAMP) for the Eskbank and Ironmills Conservation Area, attached to this report as Appendix A and the Newtongrange Conservation Area, attached to this report as Appendix B.

2 BACKGROUND

- 2.1 At its meeting of 23 November 2021 the Committee agreed to undertake a formal consultation on the 'Conservation Area Character Appraisal and Management Plans' for the Eskbank and Ironmills Conservation Area and the Newtongrange Conservation Area which both ran from 2 December 2021 to 18 February 2022. The consultation was advertised via press release and social media. The relevant Community Councils, Historic Environment Scotland and other relevant local community groups were notified of the draft CACAMP and invited to make comment.
- 2.2 Conservation areas are areas of special architectural and/or historic interest. The character and/or appearance of which it is desirable to preserve and enhance. Conservation area appraisals are a non-statutory form of planning guidance recommended as part of the ongoing management of conservation areas.
- 2.3 The Eskbank and Ironmills Conservation Area was designated in 1981 and covers the Eskbank area of Dalkeith including Kings Park, and the Ironmills area between High Wood, Old Edinburgh Road and Eskbank Road.
- 2.4 The Newtongrange Conservation Area was also designated in 1981. It covers the site of the Lady Victoria Colliery and the pit houses on Lingerwood Road and First to Fourth Streets.

3 PURPOSE OF CONSERVATION AREA APPRAISAL AND MANAGEMENT PLANS

- 3.1 Conservation area appraisals are a non-statutory form of planning guidance recommended by the Scottish Government as part of the ongoing management of conservation areas. The purpose of these CACAMPs are to:
- Confirm the importance of the designation of the area and to consider the ongoing relevance of the current conservation area boundaries;
 - Highlight the significance of the area in terms of townscape, architecture and history; and
 - Provide a framework for conservation area management and for managing change within the conservation area.
- 3.2 The purpose of conservation area designation and of the appraisal is not to prevent change, but to identify the key characteristics of the historic environment and establish a context within which change can continue in a way which enhances the historic character of the area.
- 3.3 Midlothian Local Development Plan 2017 Policy ENV19 Conservation Areas states that in assessing proposals for development (by way of a planning application) in or adjacent to a conservation area, consideration will be given to any relevant Conservation Area Character Appraisal.

4 CONSULTATION RESPONSES

- 4.1 The consultations ran from 2 December 2021 to 18 February 2022.

Draft Eskbank & Ironmills CACAMP

- 4.2 No responses were received to the public consultation. A meeting was held with representatives of the Eskbank & Newbattle Community Council and the Dalkeith & District Community Council to discuss the draft CACAMP and in response a minor amendment to paragraph 9 of the CACAMP was made to highlight the significance of the Justinlees Inn building.

Draft Newtongrange CACAMP

- 4.3 No responses were received to the public consultation. An invitation to a meeting with Council officers was not taken up by the Newtongrange Community Council. However, following an officer review an additional paragraph has been added to the CACAMP to highlight the important characteristic of pedestrian permeability in the Conservation Area, and to clarify that the wall to the east of the path between Lingerwood Road and Eighth Street is not within the Conservation Area (although the path is).

5 RECOMMENDATION

- 5.1 The Committee is recommended to:
1. Adopt the Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan;
 2. Adopt the Newtongrange Conservation Area Character Appraisal and Management Plan; and
 3. Authorise the Planning, Sustainable Growth and Investment Manager to make any necessary minor editing and design changes to the Conservation Area Character Appraisal and Management Plans prior to publication.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022
Contact Person: Grant Ballantine, Lead Officer Conservation and Environment
grant.ballantine@midlothian.gov.uk

Background Papers:

1. Eskbank and Ironmills Conservation Area Character Appraisal and Management Plan as proposed for adoption by Midlothian Council June 2022 (Appendix A);
2. Newtongrange Conservation Area Character Appraisal and Management Plan as proposed for adoption by Midlothian Council June 2022 (Appendix B); and
3. Midlothian Local Development Plan 2017.



Eskbank & Ironmills

Conservation Area Character
Appraisal & Management Plan

MIDLOTHIAN COUNCIL
JUNE 2022 (As Proposed for Adoption)

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Introduction

1. Conservation areas are areas of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve and enhance. Under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Midlothian Council is required to determine which parts of its administrative area should be designated as conservation areas.
2. When a Conservation Area has been designated, it is the duty of Midlothian Council to pay special attention to the character or appearance of the Conservation Area when exercising powers under planning legislation. The character of a Conservation Area is not a simple matter of style, it is a combination of street layout, building density, scale and form, and landscape character.
3. Conservation area character appraisals are a non-statutory form of planning guidance recommended as part of the ongoing management of conservation areas. The purpose of this Conservation Area Character Appraisal and Management Plan (CACAMP) is to:
 - Highlight the significance of the Conservation Area in terms of townscape, landscape, architecture and history;
 - Provide a framework for conservation area management and for managing change within the conservation area; and
 - Confirm the importance of the designation of the area.

The CACAMP will define how change is managed within the Conservation Area, identifying specific opportunities for enhancement, and it will inform planning decisions in the Conservation Area. The purpose of conservation area designation and the CACAMP is not to prevent change. The aim is to identify the key characteristics of the historic environment and establish a context within which change can continue in a way which enhances historic character.

4. The Eskbank & Ironmills Conservation Area is located in Dalkeith, to the west of the town centre. Eskbank is a Victorian suburb of Dalkeith and Ironmills straddles the River North Esk valley to the north of Eskbank. The population within the Conservation Area is approximately 1,200 people. The Conservation Area is bounded by Ironmills Park and High Wood to the north, Old Edinburgh Road and King's Park to the east, Abbey Road and Ancrum Bank to the south and the Borders Railway and Melville Road to the west.
5. Eskbank & Ironmills Conservation Area was designated in 1981. The boundary was reviewed in 2014. The Conservation Area boundary overlaps in parts with the following designations:
 - North Esk Valley Special Landscape Area; and

- River North Esk - Eskbank Local Biodiversity Site.

Figure 1: Eskbank & Ironmills Conservation Area boundary

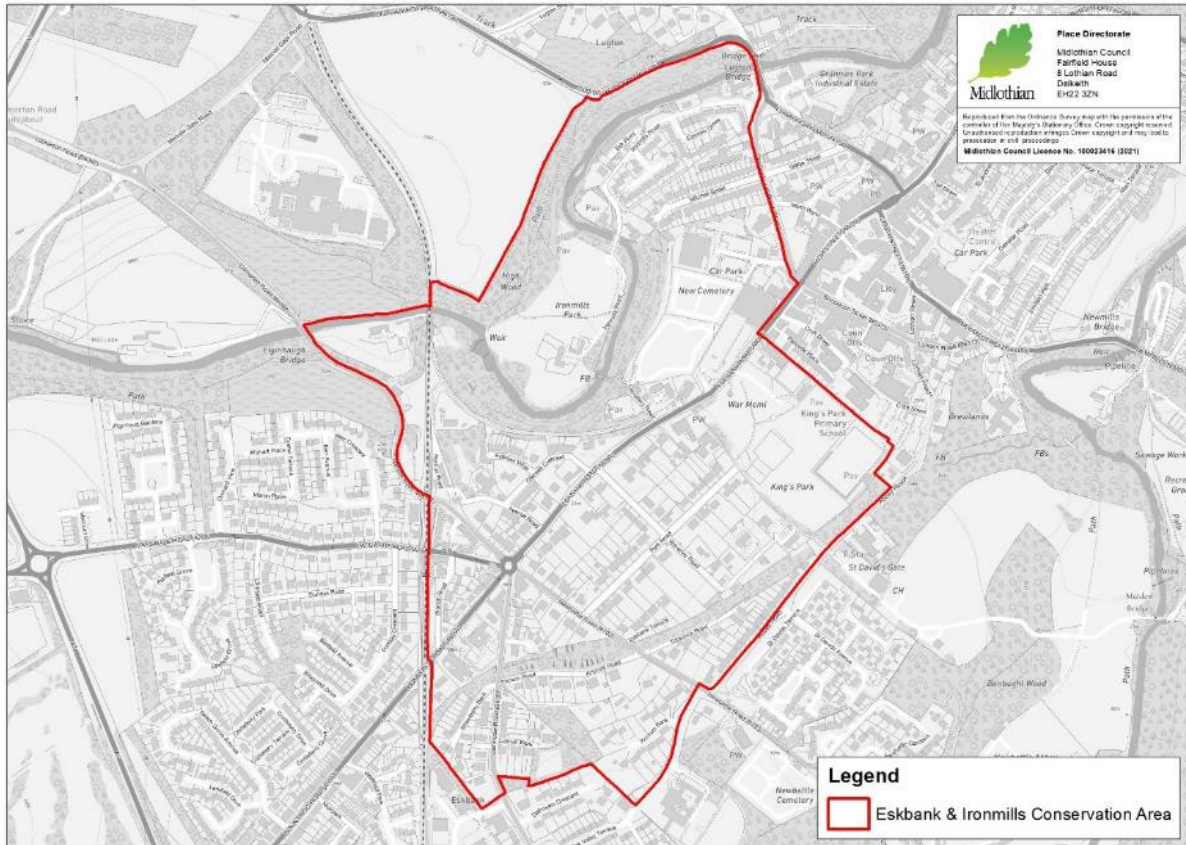
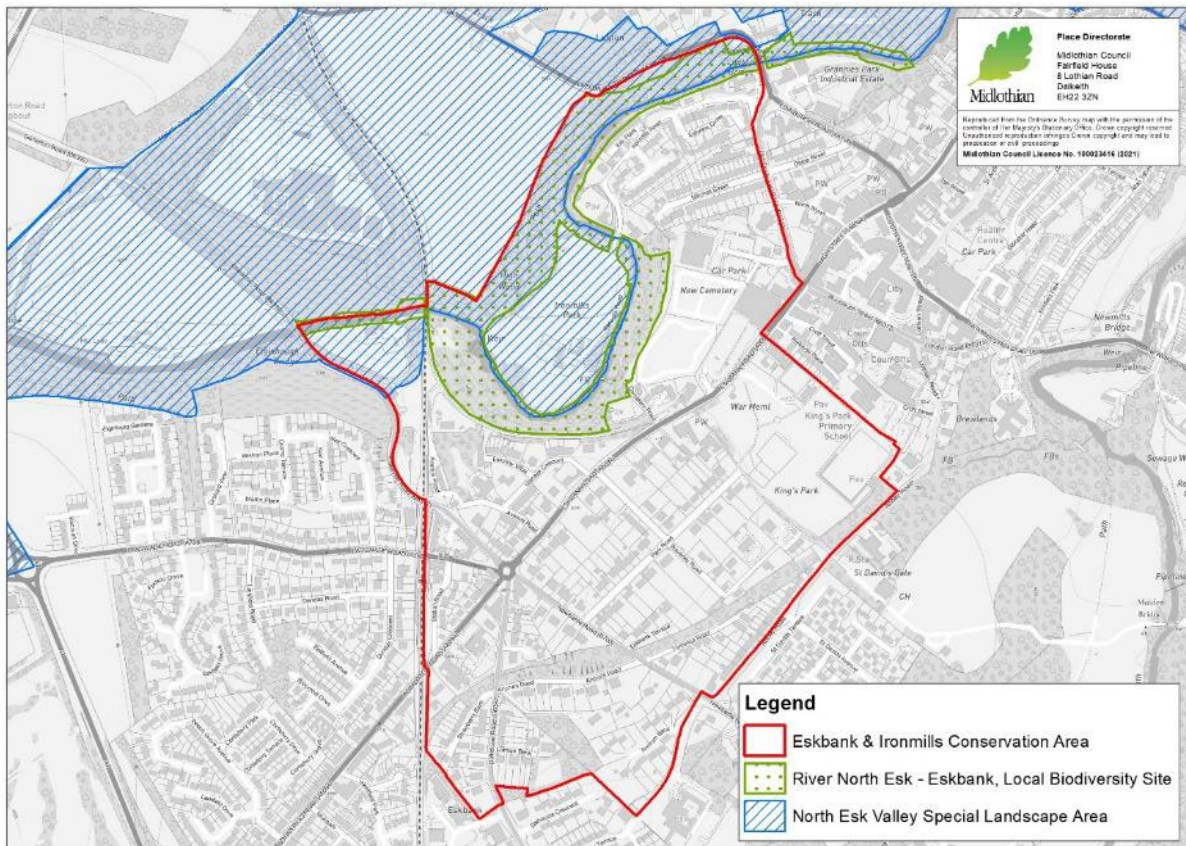


Figure 2 – Conservation Area, Local Biodiversity Site and Special Landscape Area boundaries



Historical Development and Significance

Origins of the Area

6. The Ironmills area was the location of mills as early as the 1540s because the sweeping bend in the River North Esk provided the opportunity to draw water to power the mills and return it to its original source. By 1587 there were four grain and cloth mills in the Ironmills area, and Dalkeith was an important market town. The area gets its name from the iron foundry which was established there in 1648. The iron mill was rebuilt in 1728, then towards the end of the 18th Century it was converted into a flour and barley mill. The mill buildings later served as a pumping station for the town's water supply, linked to the Water Tower via a pipe which was later incorporated into the Memorial Bridge. Other mills developed along this stretch of river, including textile mills, all powered from the single mill lade.



Ordnance Survey Map showing Mill Lade 1892



Ironmills 1735

7. Eskbank Toll formed around the Newbattle to Edinburgh road, where it was met by the Dalkeith to Bonnyrigg and Lasswade roads. The oldest remaining buildings are the Justinlees Inn, dating from the early 19th century, and Eskbank House (now on Glenesk Crescent) which was built in 1794 for the Minister of Newbattle. The development of Eskbank as a suburb is largely the result of the construction of the Edinburgh and Dalkeith Railway in the 1830s. Originally constructed to carry coal from Dalhousie to St Leonard's in Edinburgh, by 1834 the line was also carrying passengers. Eskbank was located on the main line, with a branch running into Dalkeith from Glenesk Junction. The railway brought Dalkeith within commuting distance of Edinburgh, and Eskbank quickly developed as an area of substantial villas with large gardens for merchants and professionals.



Justinlees Inn



Eskbank House



Eskbank Toll 1766



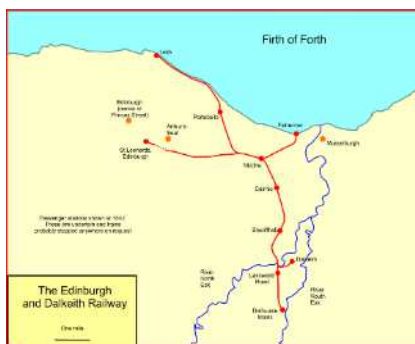
Eskbank Toll 1852



Eskbank Toll 1892

Archaeological & Historical Significance

8. The Edinburgh and Dalkeith Railway (also called the Innocent Railway) was the first railway to serve Edinburgh City Centre (an earlier line which ran from Newton to Little France is considered to be Edinburgh's first railway). Originally built as a horse-drawn tramway, it was purchased and upgraded by North British Railway in 1845. By 1847, Eskbank Station was reopened on the extended line (The Waverley Route) which would reach Hawick by 1849 and connect to Carlisle by 1862. The Dalkeith branch was also upgraded and reopened in 1847. Dalkeith Station closed to passengers in 1942 and to goods traffic in 1954. The Waverley Route closed in 1969, reopening in 2015 between Edinburgh and Tweedbank as the Borders Railway.



Edinburgh & Dalkeith Railway 1842



Eskbank 1836



Eskbank 1948

9. Eskbank is a high quality example of a Scottish Victorian suburb, which has survived largely intact. A key element of Victorian suburbs is "countryside in the city" with house styles influenced by a combination of manor houses and country cottages. In Eskbank, this translated into villas with large gardens and a significant amount of tree cover. One of the oldest surviving buildings in Eskbank is Westfield House on Bonnyrigg Road. This Category B Listed building was constructed in 1849 as the Dalkeith Union Poor House. It was the first Combination Poor House in Scotland, and initially served the parishes of Dalkeith, Newbattle, Newton and Cockpen. By 1871 it was serving 11 parishes. It later became a nursing home, which closed in the late 1950s, and is now offices. The Justinlees Inn is significant as both a local landmark and because it has been in operation since the 1820s.



Westfield Park



Sandstone Villa



38 Eskbank Road

10. The Ironmills area has a more varied history, linked directly to the river. Originally an industrial area, with mills being converted from one process to another as the economy dictated, the area is now mainly public greenspace (park, woodland, cemetery and bowling green) and residential, with the exception of the section which lies within the town centre. Some small remnants of this industrial heritage are visible, for example the mill buildings in Ironmills Park, the Water Tower, and the sluice and operational wheel from the mill lade. The weir which was linked to the mill lade remains in the river, and to the west of Ironmills Park the Category A listed Glenesk Railway Viaduct (constructed 1829-31) carries the Borders Railway over the River North Esk.



Weir on River North Esk



Glenesk Viaduct



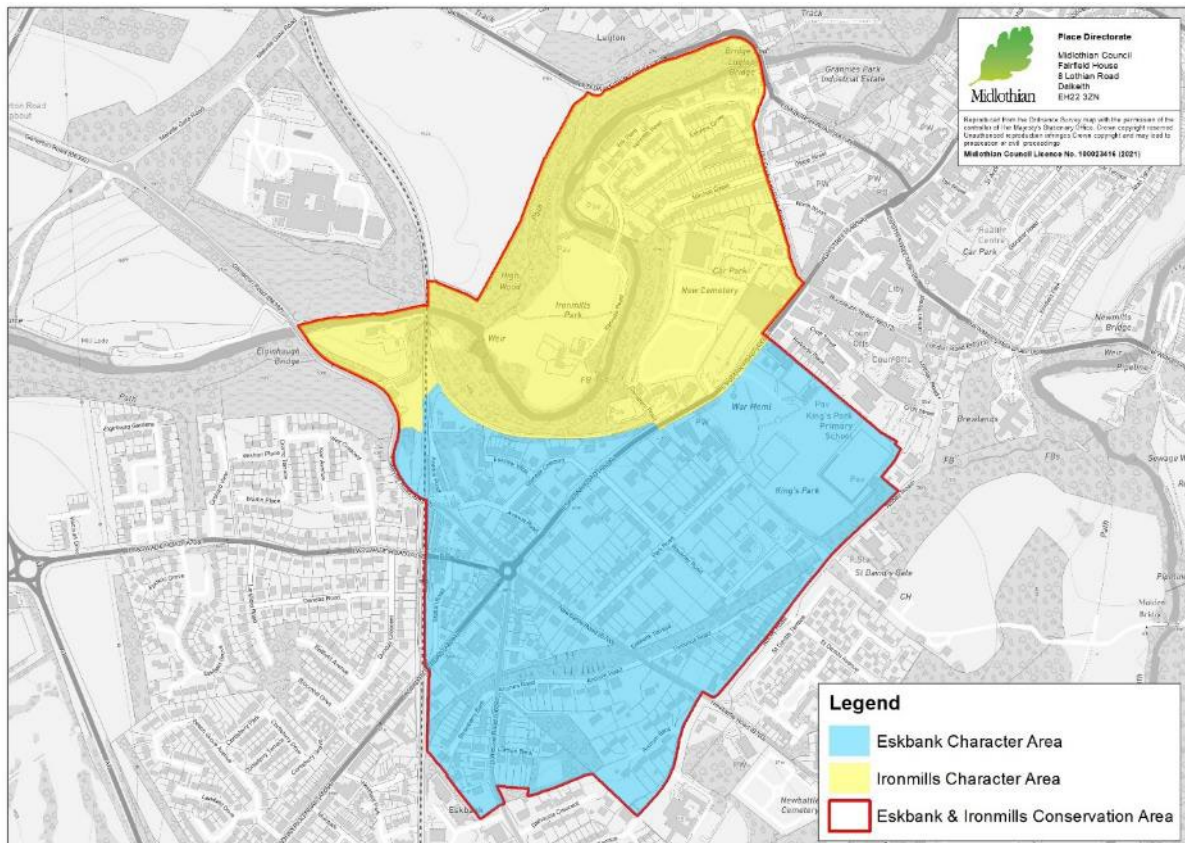
Former Ironmills mill buildings

11. A small corner of the Elginhaugh Roman Camp Scheduled Monument lies within the Conservation Area, in High Wood. It is the site of a Roman temporary camp, associated with the nearby 1st Century AD Roman Fort. The Elginhaugh Roman Fort Scheduled Monument lies across the River North Esk to the north west of the Conservation Area.

Townscape and Landscape Setting Analysis

12. The Eskbank and Ironmills areas have different architectural, historical and layout characteristics influenced by the origins of their development. These character areas are simply a means of describing areas of common characteristics within this appraisal. They have no administrative, legal or other significance.

Figure 3: Map of Conservation Area showing Character Areas



Architectural Quality & Built Form

13. **Ironmills Character Area** – this character area covers the banks north and south of the River North Esk as it flows through the Conservation Area. It also includes a small part of the town centre, which is located on a plateau south of the river. Although it has been more heavily developed in the past, when the valley was a focus for industry in Dalkeith, it is now characterised largely by greenspace and woodland. In the east of the Conservation Area, along the south bank of the River North Esk, there is an area of modern residential development which was formerly mills and associated development, and the cattle market. St David's RC Secondary School was also located here from 1948 until 1966. Remnants of industrial heritage remain, for example Lade Cottage on Ironmills Road, but it is mainly characterised by a mix in styles of late 20th and early 21st century housing.



Ironmills Park



Ironmills Road



Lade Cottage

14. Further up the valley side, heading towards the town centre and running parallel to the river is Mitchell Street, with its terraces of small sandstone late Victorian houses. The original Burgh School, opened in 1872, was located at the end of Mitchell Street, where there is now a small modern housing development. The 19th century houses on Mitchell Street are mainly cottage style with dormer windows and compact gardens, arranged mostly in terraces.



Mitchell Street



15. The former Buccleuch Church (also known as West Church) sits in a prominent position on Old Edinburgh Road overlooking the river valley. This Category B listed building was built in 1840 on a site gifted by the 5th Duke of Buccleuch to accommodate the expanding congregation at the old parish church (St Nicholas). The church was in use from 1851 until 1989, and the building now accommodates a woodwork business. The neighbouring Category B listed Manse was built in the late 1860s on land also gifted by the 5th Duke of Buccleuch. The Church Hall was located on the site between the Manse and Old Edinburgh Road. The hall was replaced by a traditional style cottage in the early 2000s.



West Church Manse



West Church



12 Old Edinburgh Road

16. The area between Old Edinburgh Road and Cemetery Road has seen a lot of change in its built form, and is characterised by the resulting variety of age, uses and architecture. The area was largely horticultural land until the Dalkeith branch of the Edinburgh and Dalkeith Railway was built in the 1830s and Dalkeith Station was built. The area now contains a blend of uses and

buildings, from the Morrisons supermarket, which opened on the site of the former railway station and bus depot in 2014, the late 20th century buildings accommodating the Royal Mail Delivery Office and Midlothian Indoor Bowling Club, surface car parks, Dalkeith Cemetery, Dalkeith Lawn Tennis Club, Dalkeith Rugby Club, residential properties (traditional and modern) and the Category C listed Harrow Hotel, which was remodelled in the early 20th century from an earlier building.



Morrisons Supermarket



Harrow Hotel



Dalkeith Cemetery

17. **Eskbank Character Area** – Eskbank is best described as a spacious, leafy, low density, 19th century suburb. However, within this there are small areas and group of buildings which differ in some ways from the predominant character. The main land use is residential, except around Eskbank Toll where there are a number of business premises including the historic Justinlees Inn. Kings Park is the main open greenspace in the area, but the area overall is characterised by its significant tree cover.



Abbey Road



Ancrum Road



Newbattle Road

18. The properties along Eskbank Road, Waverley Road, Park Road, Ancrum Road and Lothian Bank are predominately large 19th century sandstone villas with generous gardens and high stone boundary walls. The streets are spacious and uncluttered and there are a substantial number of mature trees. In places, original large housing plots had additional houses built on their back lands during the 19th century. Eskbank Terrace is a good example of this. The homes on Torsance Road, Abbey Road and along Dalhousie Road are from the same period, but are more mixed in size and character. A notable number of the houses in this area are listed.



Eskbank Terrace



Abbey Road



Waverley Road

19. The Avenue Road, Glenesk Crescent and Eskview Villas area (with the exception of Glenesk House and Eskbank House) is more densely developed than other parts of Eskbank and is characterised by the development of small parcels of land carried out around 1900. While the buildings have similar scale, form and materials, the individual terraces all have their own distinct architecture reflecting the style preference of the individual developers. Modern extensions have been accommodated successfully in this part of the Conservation Area where they have respected the scale and form of existing buildings while introducing contemporary details and finish materials. The 1980s building at 3 Eskview Villas (currently a children's nursery) is, however, an example of an unsuccessful modern intervention in the Conservation Area.



Glenesk Crescent



Avenue Road



Glenesk Crescent

20. The character of Station Road is also mixed. It runs between Lasswade Road and Bonnyrigg Road, parallel to the railway line, and is the location of the former Eskbank Station. The former station is a Category B listed building which opened in 1847 and closed in 1969. The building was converted into flats in the 1980s. The station building was the sole building on Station Road until the early 1900s. Two Edwardian villas (5 & 7 Station Road) were built by 1913, with 9 & 11 Station Road, the cottage on the corner with Bonnyrigg Road and the front part of the building which is now Eskbank Trading built by the late 1930s. Two additional residential properties were added in the 1990s. This street, and the area between it and Eskbank Toll, provides an interesting illustration of the evolution of local domestic architecture during the 20th century.



Former Eskbank Station Building



Station Road



Station Road/Bonnyrigg Road

21. There are pockets of more recent residential development, for example Ancrum Bank, Strawberry Bank, Dalhousie Bank, Bonnyrigg Road, Eskbank Court and around Glenesk House. These developments do not have any particular architectural merit or character, but do not detract from the overall quality of the Conservation Area.



Strawberry Bank



Bonnyrigg Road



Dalhousie Bank

Materials

22. The majority of buildings in the Conservation Area, particularly in the Eskbank character area, are sandstone - squared, coursed and dressed, with a variety of finishes including stugging and droving, often enhanced with fine ashlar dressings. The former industrial buildings in the Ironmills area are generally random rubble walls. Stone chimneys are a dominant feature, as are slate roofs. Roofs across the area take a variety of forms – corbie-stepped, skewed or barge boarded gables, and hipped. There are some pantile roofs around Ironmills and Eskbank but most are slate. Boundary walls are usually sandstone.



Sandstone Walls



Pantile Roof



Stone wall

23. Many original doors have survived, which are timber with four or six panels and sometimes with bolection moulding. Fanlights frequently have astragals of varying pattern, sometimes with stained glass. Windows are usually timber sash and case with a varying number of panes (e.g. 12, 8 or 4), and relate to the architecture of the house. Most have stone mullions and

hood moulding. Cast iron rainwater goods predominate, and there are some good examples of decorative ironwork such as railings which survive.



Front Door



Door, windows and ironwork



Ironwork

Setting and Views

24. The landscape setting and topography of the area have had a significant influence on the built form and urban character of the Conservation Area. The Ironmills character area occupies the north and south banks of the River North Esk, with views limited by this gorge setting, the natural curves of the river, and by the extensive tree cover on both banks. The steep slope to the north largely contained the growth of Dalkeith in that direction. The retention and ongoing management of the woodland on both banks contributes significantly to the character of the Conservation Area.
25. Eskbank occupies the flat land above the south side of the valley of the River North Esk, and the north slope of the River South Esk valley. There are limited views beyond the Conservation Area due to the street pattern and tree cover. The major characteristic of the setting of the Eskbank character area is the mature tree cover, both in greenspaces and private gardens.



Newbattle Road



Waverley Road



Eskbank Road



River North Esk

Public Realm, Open Space and Trees

26. The public realm in the Conservation Area consists of standard public roads and roadside footways, plus some footpaths, mostly of modern materials. The only significant public realm issues within the Conservation Area relate to reinstating access from Eskbank Road to Ironmills Park, which was lost due to slope instability, and improving pedestrian and cyclist crossing of the Eskbank Toll roundabout.



Eskbank Toll



Eskbank Road



Entrance to Kings Park

27. The Eskbank and Ironmills Conservation Area benefits from two large areas of public open space – Kings Park and Ironmills Park. Both are Council owned and managed, and are major greenspace resources for the local community and for the wider Dalkeith and Midlothian communities. Kings Park was laid out as a public park by 1893, and was designated as a “Centenary Field” by Fields in Trust in 2019. The playing fields in Kings Park are used by Dalkeith Thistle FC and Dalkeith RFC, and by the neighbouring King’s Park Primary School.



Kings Park



Kings Park



Ironmills Park

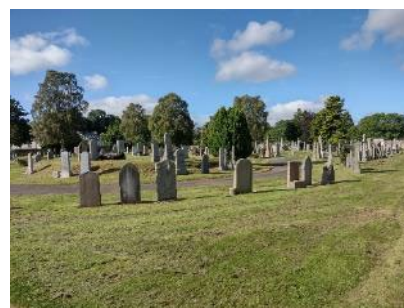
28. Additional notable areas of greenspace in the Conservation Area include the Cemetery, the woodlands surrounding Ironmills Park, the grounds of Glenesk House and the former Smeaton Branch of the North British Railway, which runs from Kings Park along the north side of Torsance Road and Ancrum Road to Strawberry Bank. This part of the rail line was built along the Benbught Burn, and is now largely covered with mature trees. The route is not accessible to the public, but it makes a significant contribution to the character of this part of the Conservation Area.



Trees on Ancrum Road



High Wood



Dalkeith Cemetery

29. The woods on the north and south slopes of the River North Esk gorge are ancient woodlands of semi natural origin. This means they are of significant cultural, historic and biodiversity value nationally as well as locally. Significant mature tree cover is an important and defining characteristic of the whole Conservation Area. Due to the built form of the Conservation

Area, particularly the Eskbank character area, many mature trees sit within private gardens. Mature trees of this age and scale require careful management to maintain their health and size, and long term planning in terms of potential replacement as they come to the end of their natural life.



Abbey Road



Ancrum Road



Eskbank Road

Assessment

Significance

30. Dalkeith became a Burgh in 1401, following the barony of Dalkeith being obtained by the Douglas family in 1341. As the location of some the earliest industrial development in Dalkeith, the Ironmills area contributed to the growth of the burgh into a market town. The land belonged to the Lords of Dalkeith until the estate was sold to the Earl of Buccleuch (later Duke of Buccleuch) in 1642, and remained part of the Buccleuch land holdings for centuries. The wealth generated in the Ironmills area had a significant influence on the fortunes of Dalkeith. The remnants of this industrial past are clear in the built form of the Ironmills character area, with the shift to predominately residential and greenspace land uses only occurring the latter half of the 20th century.
31. Eskbank is a classic, and relatively intact, example of a low density, Scottish Victorian suburb that developed as a result of the railway. The only other Victorian suburb of this nature and quality in Midlothian is Broomieknowe. Both are important examples of this era of urban development in the Lothians.

Condition

32. Overall, the Conservation Area is in good condition. The Eskbank character area in particular retains a strong sense of its original character, with only limited pockets of modern development (for example Ancrum Bank, Strawberry Bank and Eskbank Court). Furthermore, individual modern buildings and alterations/additions to traditional buildings have largely been controlled so they are sympathetic to the context, respect the scale and form of existing buildings and do not detract from the character of the Conservation Area.
33. The Ironmills character area has experienced more change, particularly the transition of Ironmills Road from predominately industrial to residential uses in the latter years of the 20th century, and the area between Old Edinburgh Road and Cemetery Road. Care will be required in the future to ensure that the condition of the Conservation Area is maintained and, if possible, improved.

Opportunities

34. For a conservation area in overall good condition such as Eskbank and Ironmills, the main opportunities relate to the ongoing preservation of its character and original building features. Modern development can be accommodated in appropriate locations within the Conservation Area if it is carefully designed to respect the scale and form of existing buildings and enhances the historic character of the area.

Challenges

35. A major challenge for most conservation areas is the potential for small incremental changes to buildings and the public realm to have a cumulative negative impact on the area. This has been avoided in many parts of the Eskbank & Ironmills Conservation area, particularly the Eskbank character area, but care is needed to ensure negative incremental changes are avoided.
36. Much of Eskbank and Ironmills Conservation Area has, so far, also avoided intrusive modern development which has had a negative impact on the character. However, there are examples of where this has not been achieved. Care is needed to ensure any future

development is sensitively designed, respects the scale and form of existing buildings and enhances the character of the Conservation Area. The almost undeveloped character of Ironmills Park and the surrounding woodland requires careful protection.

Management Plan

37. The purpose of this Conservation Area Management Plan for Eskbank & Ironmills Conservation Area is to set out the actions required to maintain and enhance the elements which contribute to the special architectural and historic interest of the Conservation Area, as described in the Conservation Area Character Appraisal. This Management Plan is intended to inform the actions of Midlothian Council and other stakeholders, including property owners and occupiers, in relation to the built environment within Eskbank & Ironmills Conservation Area. It explores the issues facing the Conservation Area, opportunities for enhancement and building repair and maintenance.

Issues Facing the Conservation Area

38. The main issues for the Conservation Area are avoiding the negative impact of small incremental changes or loss of historic features, and ensuring that new development is carefully designed to respect the scale and form of existing buildings and enhance the historic character of the area. Maintaining the mature tree cover in the Conservation Area through careful management and planned succession planting is an essential part of maintaining the character of the area. Maintaining and improving pedestrian and cycle access within and through the Conservation Area is also an important issue.

Opportunities for Enhancement

39. Most of the traditional buildings in the Conservation Area are built of relatively thick, solid stone walls pointed in lime mortar. This traditional method of building enables the structure to 'breathe' as it is able to accommodate varying moisture levels by taking in and then evaporating moisture. These buildings usually have good ventilation under the floor and air movement is encouraged by open flues and through roof spaces. Breathing buildings are comfortable and healthy to live in. Repairing traditional buildings with modern materials such as cement mortar, gypsum plaster, modern formula paints and replacement windows will lead to problems with damp, stone decay and rot in timbers.
40. The following sections provide information on construction methods and materials used locally, and expectations for the repair and restoration of traditional buildings in the Conservation Area.

Roofs and Chimneys

Original roof pitches and coverings should be preserved. Roof coverings are usually natural slate (most commonly Welsh or Scots in Midlothian) which gives a distinctive character and texture to roofs that substitutes cannot easily replicate. When repairing or reroofing, the preferred option is to use matching slate.

The detailing of roof lights, dormers, copings and flashing is equally important to the overall appearance of the roof and any change of materials should be avoided. Roof lights tend to be of metal fixed flush to the slope of the roof. Where replacement is necessary, conservation style roof lights should be specified. Repair and restoration of dormer windows should match the original design, materials and profiles closely. Original chimney stacks (stalks) and pots should be maintained where possible. Lead should usually be used to repair or replace dormer window flashings, roof valley gutters and skew gutters.

Masonry Walls

Traditional masonry walls are built with two 'skins' of stone and lime mortar. The core between the skins is filled with broken stone, lime mortar waste and rubble. The outer layer or face is either random rubble (to take harl or smooth lime render) or ashlar (stone blocks with smoother or textured face built with fine joints). The inner skin is rubble with wider joints and lime mortar. Horizontal timber laths are fixed to the inner face to take two or three coats of lime plaster. The cavity between the laths and the stone face allow air movement and the evaporation of any moisture in the wall. Original masonry surface coverings such as harling should be kept. Pointing should use a lime mortar and should be correctly carried out.

Moisture in the base of walls can be reduced by lowering ground levels, improving drainage around the buildings, replacement of cement mortar with lime mortar and ensuring underfloor ventilation is functioning effectively. Stone repairs should be carried out using matching stone and lime mortar. Reconstituted stone is not an appropriate finishing material in the Conservation Area. Using a mortar analysis service, such as that offered by the Scottish Lime Centre, can help identify suitable mortar for repairs and maintenance.

Windows and Doors

Original door and window openings possess the correct proportions for a building and should be retained to preserve the architectural integrity of the buildings. Original mullions should also be retained.

Additional window opening should be of an appropriate size and proportion, and should not spoil symmetry.

Most original windows in traditional buildings are either casements or sash and case. Repair or restoration of traditional windows is preferred over replacement, and replacement with windows in other materials such as aluminium or uPVC is not recommended. Any replacement windows on the front and all sides of a traditional building in the Conservation Area which is visible to the public should match the original in every detail, including materials, design, opening method and paint finish.

Any original glazing should be investigated for its historic importance, and retained if merit is established (for example, Crown glass). Where existing glazing has no special merit, it may be possible to insert modern "slim profile" double glazing into the existing frames and astragals with minimal effect on the original profile.

Traditional doors are normally timber and panelled. Rear doors are usually plainer in style. Original doors should be retained and restored wherever possible. Where replacement is unavoidable, new doors should be timber and traditional in style, with door hardware in keeping with the character of the building.

External Details

A wide range of details contribute to the character of a conservation area, and it is important that these are not lost. Important details include rainwater goods, external pipework, finials and stone details such as skewes, cornices, balustrades, door and window surrounds and other ornamentation. Stone walls and metal railings should be retained.

Satellite dishes will not be permitted on principal or public elevations or above the ridge line of the roof. Equipment should be placed in unobtrusive locations to minimise their impact.

Streetscape and Street Furniture

Any future works to the public realm in the Conservation Area should use traditional materials (for example yorkstone, granite setts and whinstone kerbing) wherever possible, or high quality modern materials where appropriate. Detailing should be in keeping with existing traditional styles. Street signage should be carefully located and kept to the minimum amount possible.

Trees

Under Section 172 of the Planning (listed Buildings and Conservation Areas) (Scotland) Act 1997, trees in conservation areas are given some protection. Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the planning authority six weeks notice. The purpose of this requirement is to give the planning authority an opportunity to consider whether a Tree Preservation Order should be made in respect of a tree. Further information and a link to relevant application forms is available at www.midlothian.gov.uk.

Midlothian Local Development Plan 2017

41. Midlothian Local Development Plan Policy ENV 17 Conservation Areas will apply to development within or adjacent to a conservation area where planning consent is required.

Policy ENV 19 Conservation Areas

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance. In assessing proposals, regard will be had to any relevant Conservation Area Character Appraisal.

New buildings, extensions and alterations

In the selection of site, scale, choice of materials and design, new buildings, and extensions and alterations to existing buildings, must preserve or enhance the character and appearance of the Conservation Area. Materials appropriate to the locality or structure affected, will be used in new building, extensions or alterations. Care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

Demolition to facilitate new development of part or all of a building or structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:

- A. The structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and*
- B. The Conservation Area will be enhanced as a result of the redevelopment of the site; and*
- C. There is no alternative location physically capable of accommodating the proposed development.*

Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that

demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

For information on permitted development rights in Conservation Areas and other restrictions on development, go to www.gov.scot or www.midlothian.gov.uk.

Appendix 1: Listed Buildings & Scheduled Monuments

Listed Buildings

Address	Description	Category	Ref No.
Lade Cottage, 22 Ironmills Road	Early 19th century with possible earlier fabric, asymmetrical 2-storey, 3-bay rectangular-plan traditional house with single storey wing to SW and late 1980s single storey and attic extension to rear (NW). Coursed rubble, brick to rear NW of single storey wing, dressed margins to openings. Pitched roof, raised ashlar skews and gable apex stacks to house, piended roof to single storey wing, mansard to rear extension, all with red pantiles. Door to principal (SE) elevation offset to right, small window above, regular fenestration to ground and 1st floor in outer bays, irregular fenestration to other elevations, modern conservatory to entire ground floor at rear (NW). Small flight hole with landing ledge set within SW gable. Modern door with 12-pane timber sash and case replacement windows to principal elevation, modern windows and doors elsewhere.	C	LB49659
Ironmills Park Pavilion	Earlier-mid 20th century. Single-storey sports pavilion. Painted render; deep brick base course to S, W and E elevations. Raised cills. Small-pane glazing pattern in metal casements, top-hopper and fixed windows. Shutter grilles to S elevation. Doors blocked with metal sheeting. Long piended roof; outer bays piended to S. Red tiles.	B	LB24430
Cartshed Range, Ironmills Park	Early 19th century. 2-storey Gothic detailed cart shed with dwelling on 1st floor to N of single storey and loft range abutting to S, further transverse single storey cottage range adjoining this to W. Rubble, stable and cottages squared and snecked. Chamfered margins. Droved quoins and rybats.	B	LB24426
Miller's House, Ironmills Park	Early-earlier 19th century. 2-storey, 3-bay house, with later 2-storey addition to N. Squared and snecked rubble; ashlar dressings. Eaves course. Chamfered margins. Droved rybats.	B	LB24428
Iron Mill, Ironmills Park	Early 19th century. Former iron mill, now converted to residential use, in Ironmills complex (other buildings listed separately). 3-storey and attic block, and block to S; single storey and attic wing to E; single storey wing to N, linked to Miller's House. Some modern additions to S. Rubble; ashlar dressings. Raised margins to 4-centred arched openings, many replaced. Moulded angle margins with corniced detail.	B	LB24427
Memorial Bridge, Ironmills Park	Charles Henry Greig, 1913. Footbridge, on E-W axis. Single span with segmental arch. Swept steps up from W; steps down to E. Harled concrete; ashlar coping. Hooped iron balustrade with ball and	B	LB24429

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	nailhead detailed newels to bridge and steps. Blocked plinths with raised concave coping. Lined and painted voussoirs. Keystones off-centre to left to N and to right to S.		
West Church, Old Edinburgh Road	William Burn, 1840. Early English gothic church. Cruciform plan; chancel to E, transepts to N and S and steeple to W. Polished ashlar. Moulded, coped base and cill course. String course, over-stepping openings hoodmoulds. String course below parapet. Coped gabletted set-off buttresses; angle buttresses and pinnacles to all corners, many of the latter now missing. Lancet windows. Moulded and hoodmoulded surrounds; chamfered cills. Nook-shafts to some surrounds. Panelled 2-leaf doors. Moulded gablet-coped skews. Grey slates. Original rainwater heads.	B	LB24457
West Church Manse, 12 Old Edinburgh Road	Later 19th century. 2-storey, asymmetric and gabled house. Squared and snecked rubble; ashlar dressings. Base course. Chamfered reveals, stopped before chamfered cill. Kingpost detail to gables; deep overhanging eaves.	B	LB24458
Harrow Hotel, 2 & 4 Old Edinburgh Road	Early 20th century; remodeled from earlier 2-storey and attic building, and with earlier 19th century wing to rear. 3-storey, with 2nd floor breaking eaves, 3-bay hotel. Harled; ashlar dressings. Base course. Painted margins. Moulded courses between floors. Overhanging eaves.	C	LB24365
St John's and King's Park Church, Eskbank Road	R Thornton Shiells, dated 1870. Early English gothic church. Rectangular plan; steeple to NW corner, octagonal stair tower to NE corner and former church hall to S. Stugged rubble; N and W elevations squared and coursed, E and S elevations squared and snecked. Ashlar dressings. Coped base course to N and W elevations. Eaves course to W and E elevations. Coped set-off buttresses. Chamfered margins. Droved margin drafts and angle margins. Lancet windows. Corinthian capitals to nook-shafts. Hoodmoulds to principal openings. Grey slates with contrasting bands to deeply pitched roof; red ridge tiles to nave. Coped skews; some gabletted skewputts. Original rainwater goods, rainwater heads dated "18 AD 70". Some moulded eaves gutter. Decorative iron door furniture to boarded doors.	B	LB24356
King's Park War Memorial	James P Alison, 1920. Square, substantial, symmetrical buttressed memorial surmounted by open crown; set on 3-tier plinth. Cream sandstone ashlar. Base course. Bold thistle-head crockets. Slightly set-off diagonal buttress, surmounted by squat crocketed pinnacles. Recessed and cusped depressed-arched panel with chamfered reveals on each elevation. Coped parapet, raised over each panel; dies, with squat crocketed pinnacles, on carved brackets at centre. Open crown, with solid octagonal crown at apex and hemispherical cap with thistle carvings, ribs and cross finial, rising from buttresses with pinnaced kneelers. Crests of the Royal Scots, Gordon Highlanders, Highland Light Infantry and a Maltese cross on buttresses.	C	LB24431

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Water Tower, Cemetery Road	James Leslie, dated 1879. Octagonal polychrome brick water tower, converted to a dwelling. 5-stage with jettied timber upper stage. Red brick; cream brick detailing and ashlar dressings. Ashlar margins and raised bracketed cills. Band cornice between 5th stage and bracketed balcony. Base of tower (1st stage), with clasping buttresses, corbelled at deep band course. Segmental-arched doorway to SW (Cemetery Road) elevation, with 2-leaf door; ashlar panel inscribed "1879" above. Full-height recessed panels to 2nd, 3rd, 4th and 5th stages, edged with cream bricks, to each elevation. Square, irregularly disposed plate glass windows; some elevations blank and some with evidence of blocked larger openings. Modern balcony with timber platform and decorative wrought-iron balustrade encircling replacement weather-boarded upper stage (former tank-house); square and vertical slit modern windows to some elevations. Deep eaves with timber eaves band. Octagonal roof with blind octagonal lantern and weathervane. Open-pedimented aediculed lucarnes to NW, NE, SE and SW. Grey slates.	B	LB24338
Cemetery Road Bridge	Mid-19th century. Narrow bridge, on N-S axis. Saddleback coped stugged ashlar piers; wrought-iron plate girder. Massive cast-iron parapets; 11-bay, with inverted nailhead panels divided by paneled pilasters and raised semicircular blocks.	B	LB24336
Glenesk Railway Viaduct	James Jardine, 1829-31. Railway bridge, on N-S axis. Single span with semicircular arch. Channelled bull-faced ashlar. Smooth ashlar channelled voussoirs.	A	LB1445
Glenarch Summerhouse, Gilmerton Road	Circa 1890. Picturesque, rustic single storey summerhouse, in Arts and Crafts style, built into garden wall to the river to E of Glenarch House. Four tree trunk columns support loggia with timber-framed central gable. Central open area below with window to river, flanked by 2 rooms each with canted fronts, leaded pane windows incorporating stained glass roundels. Complex roof structure, red tiles, leaded flats over loggia at either side, ashlar coped rear wall, large ball finials to end gables adjoining garden wall, with doorway to river at right.	C	LB1443
Glenarch Lodge, Gilmerton Road	Mid-late 19th century. Gateway to Glenarch House from Gilmerton Road, with lodge to SE. LODGE: single storey, 3-bay lodge. Rendered and lined. Consolated canopies to door and windows. Decorative cast-iron window boxes to windows.	C	LB1444
Linsandel House, 12 Melville Road	Knox and Hutton, dated 1884. 2-storey asymmetrical Italianate villa with Greek details, L-plan with 3-stage entrance tower in SW re-entrant angle. W and S elevations stugged squared and coursed	A	LB24443

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	masonry, N and E elevations stugged squared and snecked; polished ashlar dressings. Base course. Moulded timber eaves course. Cill courses to ground and 1st floors. Band course between floors, continuous around tower. Broad course below lintel level at eaves. Red column-mullions to bipartite windows at 1st floor to S and W. Moulded lintels. Tall narrow windows at ground. Elaborate segmental-arched barge boarding to gables and dormer heads.		
Langlands Lodge, 48 Eskbank Road	Earlier-mid 19th century. 2-storey, 3-bay villa. Rubble, squared and coursed on W elevation; ashlar dressings. Base course. Cill course at 1st floor. Eaves cornice and blocking course. Raised angle margins. B Group with Nos 40, 42, 44 and 46 Eskbank Road and Nos 1, and 2 Avenue Road. This villa was built sometime between 1835 and 1853.	B	LB24371
Beechmohr, 46 Eskbank Road & Dunmohr, 1 Avenue Road	Late 19th-early 20th century. 2-storey, mirrored pair of 2-bay houses. Cream squared and snecked bull-faced ashlar: W elevation rubble. Polished red sandstone dressings. Stop-chamfered reveals. Band course between floors to E. Moulded eaves course and eaves guttering in centre bays and on half-piend roofs on E elevation	C	LB24370
Strathesk, 2 Avenue Road	Earlier-mid 19th century. 2-storey, 3-bay villa. Ashlar E elevation, remaining elevations squared and snecked rubble. Base course. Cill course at 1st floor on E elevation; raised margins. Group with Nos 40, 42, 44, 46 and 48 Eskbank Road, and No 1 Avenue Road. The principal elevation of this building faces onto Eskbank Road. This villa was built sometime between 1835 and 1852. A much-altered former stable block is adjoined to the S of the later wing at rear	B	LB24325
Woodville, 44 Eskbank Road	Earlier-mid 19th century. 2-storey, 3-bay villa. E elevation stugged, squared and snecked rubble, remaining elevations random; ashlar dressings. Base course. Eaves cornice and blocking course. Raised margins and angle margins. Group with Nos 40, 42, 46 and 48 Eskbank Road, and Nos 1, and 2 Avenue Road. This villa was built sometime between 1835 and 1853. It was used as a commercial premises by the Bank of Scotland from circa 1897-1927.	B	LB24369
Mayfield Lodge, 42 Eskbank Road	Earlier-mid 19th century. 2-storey, 3-bay villa. E elevation stugged squared and coursed ashlar, remaining elevations squared and snecked rubble; ashlar dressings. Base course. Eaves cornice and blocking course, tablet over centre bay. Raised margins.	C	LB24368
Elm Lodge, 40 Eskbank Road	Earlier-mid 19th century. 2-storey, 3-bay L-plan villa. E elevation with unusual finely chiselled/textured ashlar, remaining elevations rubble; ashlar dressings. Base course. Band course	B	LB24367

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	between floors. Eaves course. Droved margin drafts and angle margins. Raised cills. Rusticated quoins to W elevation.		
38 Eskbank Road	Earlier-mid 19th century. 2-storey, 3-bay villa, made 4-bay and rectangular-plan by later, barely perceptible addition. E and N elevations stugged ashlar, S and W elevations squared and snecked rubble. Base course. Eaves course. Raised margins. Nook-shaft detail to angles of canted windows.	C	LB24336
Eskbank House, 14 Glenesk Crescent	1794. 2-storey and basement, 5-bay rectangular-plan Georgian villa. N elevation broadly droved ashlar, rusticated at ground; remaining elevations squared and coursed rubble, random at basement. Ashlar dressings. Band courses between basement and ground floors on N, W and E elevations, and between ground and 1st floors on N elevation. Eaves cornice. Rusticated quoins to ground and 1st floors. Raised cills on E elevation and at 1st floors of N elevation. Flush margins and droved tails on S, W and E elevations. Windows tallest at ground, smallest at basement. Eskbank House was built in 1794 by the Rev James Brown, Minister of Newbattle.	A	LB24375
St David's Church, Eskbank Road	Joseph Aloysious Hansom, 1853-54. Early English Gothic church with side aisles, chancel and chapels linked to later additions and modern presbytery. Cream sandstone, squared and snecked rubble; ashlar dressings. Base course. Coped set-off buttresses. Chamfered reveals. Hoodmoulds with block label stops to principal openings. Predominantly pointed-arched windows with plate tracery in 2-light cradling oculus form. Diamond-pane leaded windows. Steeply pitched grey slate roof with fish-scale bands. Decorative ridge tiles to nave. Bracketed coping skews with gablets. Variety of stone cross finials. Gabled bellcote at crossing with cross finial, cusped opening and bell (Gabrial, 1855). Some original rainwater goods.	A	LB24355
27 Park Road	Mid-later 19th century. 2-storey asymmetrical gabled villa. Squared and snecked rubble; ashlar dressings. Base course. Chamfered margins, stopped at cill, to ground floor windows. Raised cills. Painted margins to N and E elevations.	C	LB24462
Belmont, 47 Eskbank Road	Dated 1856. 2-storey, asymmetrical gabled villa. Stugged squared and snecked masonry; ashlar dressings. Eaves cornice. Moulded reveals and chamfered cills. Transoms to principal windows.	B	LB24361
The Birks, 49 Eskbank Road	Later 19th century. 2-storey, 3-bay villa. W and N elevations finely stugged ashlar, remaining elevations rubble; ashlar dressings. Base course. Eaves course, cornice and felted blocking course to W. Raised long and short quoins. Stop-chamfered reveals.	B	LB24362

Eskbank & Ironmills Conservation Area Character Appraisal & Management Plan

51 Eskbank Road	Mid-later 19th century. 2-storey, 3-bay gabled villa. Squared and snecked rubble; ashlar dressings. Base course. Stop-chamfered margins. Coped half-piend roofs to projecting window.	C	LB24363
Gilston Lodge, 53 Eskbank Road	Dated 1861. 2-storey, asymmetrical gabled villa. Squared and snecked rubble; ashlar dressings. Base course. Chamfered margins and cills.	C	LB24364
Former Eskbank and Dalkeith Station, footbridge, road bridge and platforms	Former Eskbank and Dalkeith Station, with platforms, foot bridge and road bridge in cutting to W. STATION: Thomas Grainger and John Miller, 1847. 2-storey, 3-bay symmetrical double-pile Tudor former station building with recessed single storey gabled wings, now converted into flats. Stugged cream sandstone masonry. Cill course at ground on E, N and S elevations. String course above 1st floor on E and W elevations. Coped parapet to E and W elevations. Finely droved margin drafts and rybats. Chamfered reveals including cills	B	LB24473
Bernafey, 9 Lasswade Road	1923. Two storey, with 1st floor as attic, rectangular-plan English vernacular style house. Harled. Engineering brick base course, carried up to cill at windows. Painted stone cills. Low pitched gambrel roof with large gableheads, and broad gabled dormers to long elevations, all mock timber-framed. Overhanging eaves and timber eaves band. Canopy fixtures to some windows.	B	LB24432
5 & 7 Station Road	Circa 1909. 2-storey, with 1st floor breaking eaves, mirrored pair of 2-bay houses (No 5 to left, No 7, Relugas to right). W elevation bull-faced squared and coursed masonry; remaining elevations pebble-dashed. Polished ashlar dressings. Chamfered reveals, stopped before cill, at ground to W. Raised ashlar cills to pebble-dashed elevations.	C	LB24474
Parkend, 10 Dalhousie Road	Earlier 19th century. 2-storey, 3-bay house with M-gabled block adjoined transversely at rear and further later additions (including former smiddy). E elevation ashlar, remaining elevation squared and snecked rubble. Base, eaves and dividing band courses. Raised margins and angle margins.	C	LB24346
Westfield Park, Bonnyrigg Road	1849. 2-storey, 7-bay (1-5-1) symmetrical former Poorhouse. Stugged squared and coursed masonry; ashlar dressings. Base and eaves courses. Band course between ground and 1st floors on all elevations. Raised cills. Square windows at 1st floor. Originally known as Dalkeith Union Poor House, this building was the first Combination Poor House in Scotland.	B	LB24326
Appin Lodge, 6 Newbattle Road	Dated 1871. 2-storey, 3-bay villa. N elevation stugged squared and coursed masonry, remaining elevations squared and snecked rubble; contrasting ashlar dressings. Base course. Stop-chamfered angle margins to N elevation. Chamfered margins. Curly barge boarding to porch and N elevation. Deep overhanging eaves.	B	LB24448

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Hazelbank, 8 Newbattle Road	Circa 1870. 2-storey, 3-bay villa. Stugged squared and coursed masonry; ashlar dressings. Base course. Chamfered reveals. Overhanging eaves.	B	LB24449
Greenend, 14 Newbattle Road	Dated 1869. 2-storey, with 1st floor breaking eaves, 3-bay villa. N and E elevations stugged squared and snecked rubble; ashlar dressings. Base course. Stop-chamfered margins. Chamfered cills. Overhanging eaves, exposed rafters.	C	LB24450
Roseneuk, 9 Park Road	Later 19th century. Semi-detached single-storey and attic, 3-bay house. E elevation stugged ashlar, remaining elevations rubble; ashlar dressings. Base course. Stop-chamfered margins. Stone mullions.	C	LB24459
Hollybush, 11 Park Road	Later 19th century. Semi-detached single-storey and attic, 3-bay house. E elevation stugged ashlar, remaining elevations rubble; ashlar dressings. Base and eaves courses. Stop-chamfered margins to windows. Stone mullions.	C	LB24460
The Lilacs, 13 Park Road & Ellon Cottage, 15 Park Road	Later 19th century. Single storey mirrored pair of 3-bay houses (No 13 to left, No 15 to right). E elevation ashlar, remaining elevations rubble; ashlar dressings. Base course. Moulded eaves course. Raised Margins. Chamfered margins, stopped before cill, to windows. Raised angle margins.	C	LB24461
Ardchattan, 12 Park Road	Symmetrical 2-storey, 3-bay villa built between circa 1840 and 1854. Centre-doored 3-bay front (SE elevation) with pilastered ashlar door piece; slightly advanced bipartite window to left; canted box window to right; all with cornice and connecting string course. Square and snecked rubble with ashlar dressings including raised eaves course. Piended slate roof; corniced wallhead ashlar stacks with circular clay cans. Timber sash and case windows; plate glass to lower sash, multi-pane above to front; 8-pane to rear including large stair window. Panelled timber door with decorative fanlight. Plain NE gable wall; 20th century single storey, flat-roofed addition to rear. Low, 2-storey, L-plan former servants' wing attached to SW, pitched and piended slate roofs, enlarged openings to front; doors and windows to rear; gable end stack.	C	LB49619

Eskbank & Ironmills Conservation Area Character Appraisal & Management Plan

Waverley Cottage, 14 Park Road	Single storey, symmetrical, villa-like cottage built between circa 1840 and 1854; centre-doored 3-bay front with projecting and barge-boarded outer bays, further flanking single bays set back. Centre porch and detailing all dressed ashlar; remainder tooled snecked sandstone. Piended slate roofs with overhanging eaves and corniced ashlar stacks. Plate glass timber framed sash and case windows. Advanced gabled entrance porch to principal (SE/garden) elevation; flanking gabled bays with hoodmoulded bipartite windows and scroll detail to bargeboards with drop pendants and finials. Central gabled 2-bay section slightly advanced at rear with 2 further flanking single bays set back.	C	LB49690
Tor Lodge, 1 Eskbank Terrace	Later 19th century. 2-storey and attic, 3-bay villa with L-plan frontage. S elevation stugged squared and snecked masonry, remaining elevations squared and snecked rubble. Base course. Chamfered margins to S. Droved angle margins and margin drafts.	C	LB24372
Glencairn, 13 Waverley Road	Later 19th century. 2-storey, attic and basement, 3-bay villa. Stugged, squared and snecked masonry, basement ashlar to S, ashlar dressings. Band course between ground and 1st floor to S; string course between ground floor and basement. Eaves course, overhanging eaves. Raised long and short quoins. Raised margins and chamfered reveals.	B	LB24475
Hobart House, 19 Abbey Road	Later 19th century. 2-storey, asymmetrical gabled villa. E elevation squared and snecked stugged ashlar, remaining elevations squared and snecked rubble; ashlar dressings. Chamfered reveals, stopped before cill; chamfered cills. Deep overhanging eaves; cusped kingpost barge boarding to dormer heads and gable heads to E, W and S.	B	LB24321
23 Newbattle Road	Dated 1877. 2-storey, 2-bay villa. Bull-faced squared and coursed masonry; ashlar dressings. Deep overhanging eaves. Base course. Band course between floors, returned on E elevation. Stop-chamfered raised margins.	C	LB24447
Orwell Bank, 21 Newbattle Road	Dated 1871. Single storey and attic, 3-bay House. S elevation stugged ashlar, remaining elevations squared and snecked rubble; ashlar dressings. Base course. Chamfered margins. Raised long and short quoins to S. Slate-hung wall head dormer windows.	C	LB24446
Dunallan, 24 Newbattle Road & 20 Ancrum Road	Circa 1884. Asymmetrical 2-storey and attic villa, with Renaissance details and gablet-crow stepped gables. Bull-faced snecked ashlar; polished dressings. Eaves cornice, with nailhead details. Base course. Chamfered reveals, stopped before cill. Windows corniced to S, transomed at 1st floor to S and E. Decoratively carved aprons to windows with pedimented dormer heads to S.	B	LB24322

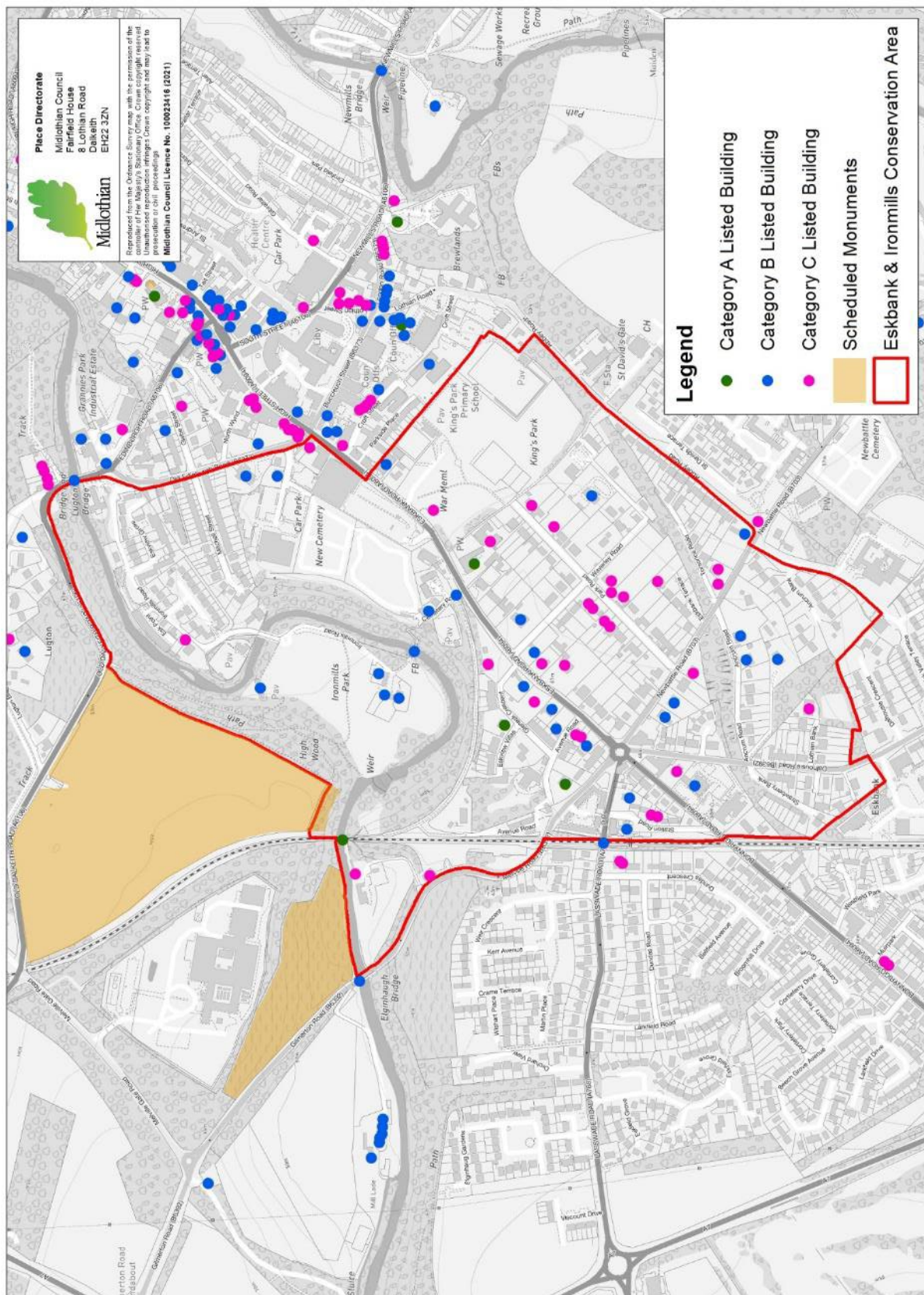
Eskbank & Ironmills Conservation Area Character Appraisal & Management Plan

Dalriada House, 18 Ancrum Road	Dated 1884. 2-storey asymmetrical villa. Stugged squared and snecked masonry; ashlar dressings. Base course. Chamfered reveals, stop- chamfered before chamfered cills.	B	LB24324
Greenore, 2 Ancrum Road	Dated 1913. 2-storey, with 1st floor in attic, asymmetrical house. Harled; red sandstone ashlar dressings. Red brick base course. Red sandstone cills. Steeply pitched roof and overhanging eaves.	B	LB24323
Mount Lothian, 9 Lothian Bank	Mid-later 19th century. 2-storey, 5-bay villa, with later (probably 1881) addition to principal elevation. S elevation stugged squared and snecked masonry, remaining elevations rubble; ashlar dressings. Eaves cornice and corniced blocking course.	C	LB24437

Scheduled Monuments

Title	Description	Ref No
Elginhaugh - Roman camp, native fort and palisaded enclosure	<p>The monument comprises the remains of a Roman temporary camp, a prehistoric fort and palisaded enclosure and associated features, all represented by cropmarks visible on oblique aerial photographs.</p> <p>The site lies above the N bank of the River North Esk immediately E of the excavated 1st Century AD Roman fort at Elginhaugh. The Roman temporary camp is represented by a rectangular cropmark with rounded corners measuring approximately 110m NNW-SSE by 70m. It occupies an area otherwise characterised by numerous ill-defined cropmarks. To the NW of the camp are a series of linear cropmarks which may represent other, larger camps or enclosures associated with the adjacent Roman fort.</p> <p>Some 40m N of the camp are the remains of an oval palisaded enclosure measuring some 40m E-W by 30m. In the extreme S of the site lies the remains of a multi-vallate promontory fort defined by a broad curving ditch with two concentric outer palisades and a slight, poorly-defined, external ditch. The fort and enclosure appear to represent native settlement of the later prehistoric period.</p> <p>The area to be scheduled encompasses the visible features and an area around them in which traces of associated activity may be expected to survive.</p>	SM6202

Figure 4: Listed Buildings and Scheduled Monuments within the Conservation Area





Newtongrange

Conservation Area Character
Appraisal & Management Plan

MIDLOTHIAN COUNCIL
JUNE 2022 (As Proposed for Adoption)

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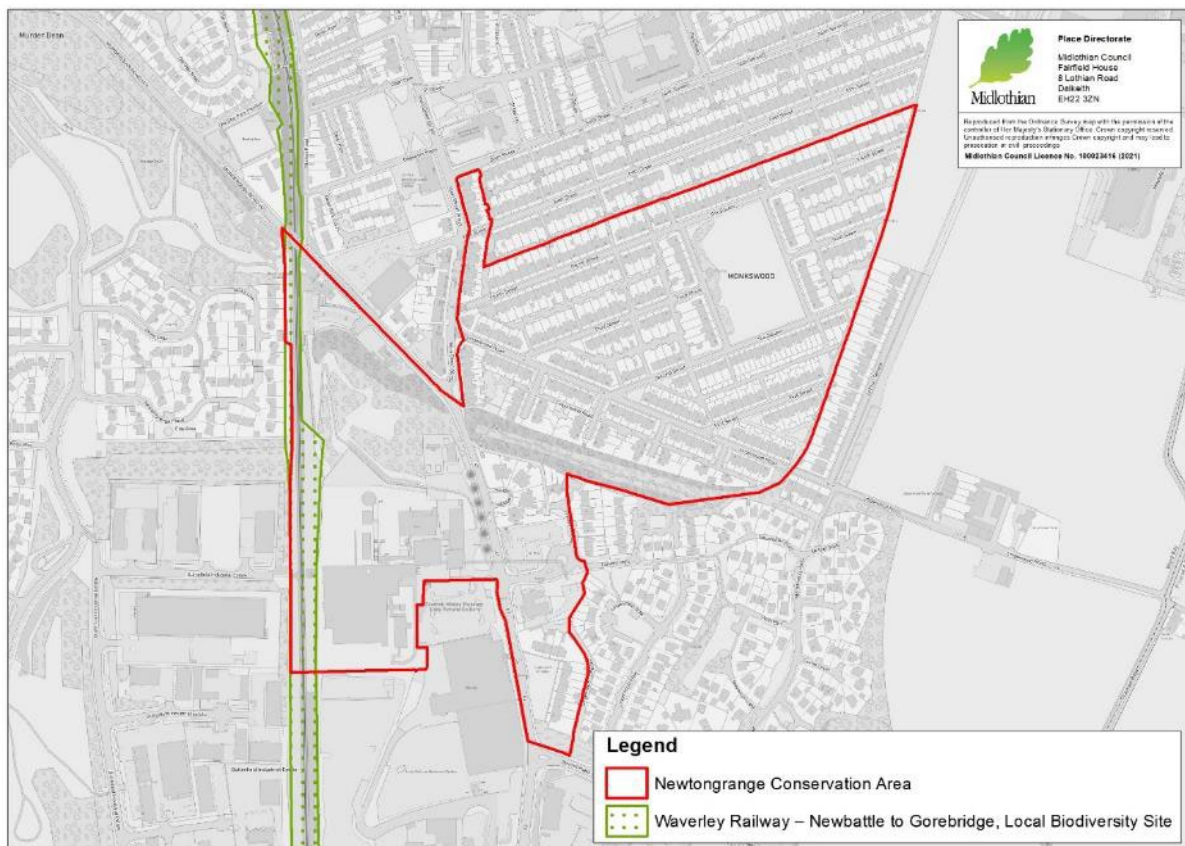
Introduction

1. Conservation areas are areas of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve and enhance. Under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Midlothian Council is required to determine which parts of its administrative area should be designated as conservation areas.
2. When a Conservation Area has been designated, it is the duty of Midlothian Council to pay special attention to the character or appearance of the Conservation Area when exercising powers under planning legislation. The character of a Conservation Area is not a simple matter of style, it is a combination of street layout, building density, scale and form, and landscape character.
3. Conservation area character appraisals are a non-statutory form of planning guidance recommended as part of the ongoing management of conservation areas. The purpose of this Conservation Area Character Appraisal and Management Plan (CACAMP) is to:
 - Highlight the significance of the Conservation Area in terms of townscape, landscape, architecture and history;
 - Provide a framework for conservation area management and for managing change within the conservation area; and
 - Confirm the importance of the designation of the area.

The CACAMP will define how change is managed within the Conservation Area, identifying specific opportunities for enhancement, and it will inform planning decisions in the Conservation Area. The purpose of conservation area designation and the CACAMP is not to prevent change. The aim is to identify the key characteristics of the historic environment and establish a context within which change can continue in a way which enhances historic character.

4. The Newtongrange Conservation Area is located in the village of Newtongrange, adjacent to the village centre. The village was once the largest mining village in Scotland and was purpose built to accommodate workers from the Lady Victoria Colliery. The population within the Conservation Area is approximately 1,200 people. The Conservation Area includes the Lady Victoria Colliery site (now the National Mining Museum) and some of the housing built for the colliery workers in the early 20th century.
5. Newtongrange Conservation Area was designated in 1981. The Conservation Area boundary overlaps in parts with the Waverley Railway – Newbattle to Gorebridge proposed Local Biodiversity Site (pLBS).

Figure 1: Conservation Area Boundary & Proposed Local Biodiversity Site Boundary



Historical Development and Significance

Origins of the Area

6. Newtongrange (originally Newton Grange) developed as a settlement in the 19th century, seemingly taking its name from a building labelled “Newton” on the Roy Lowland Map of 1752 which was located on land to the north of what is now the Newtongrange Star FC ground. Nothing remains of the original settlement, which was located at what is now the junction of Main Street, Newbattle Road and Bryans Road. The village was part of the Marquess of Lothian’s estate, and by the 1880s included workers housing, a post office, school and gas works which supplied the Newbattle Estate. The nearby Lingerwood Colliery formed part of a local network of collieries called the Newbattle Collieries, which were owned by the Marquess of Lothian.



Roy's Lowland Map 1752



Ordnance Survey 1893

7. In 1890 the Lothian Coal Company was formed by the amalgamation of the Marquess of Lothian’s coal company and Archibald Hood’s company. Archibald Hood became the Managing Director of the new Lothian Coal Company. A site at Newtongrange, adjacent to the Edinburgh to Carlisle Railway, was chosen for a new colliery (the Lady Victoria Colliery) which was to become the deepest mine in Scotland when it began producing coal in 1894. The connected existing pit at Lingerwood provided the statutorily required second shaft for the Lady Victoria Colliery.
8. Following the opening of the Lady Victoria Colliery, Newtongrange village was expanded to provide housing for the workers. The first phase of new pit cottages were built between 1890 and 1905 by the Newbattle and Whitehill Building Company, a subsidiary of the Lothian Coal Company. A second phase was built between 1906 and 1930 by the Newtongrange and Easthouses Building Company, also a subsidiary of the Lothian Coal Company. The new housing was laid out in a formal pattern of long parallel rows of brick built cottages in blocks of two, four or six houses, with front and rear gardens and back service lanes linked to the streets by narrow accesses at right angles to the main street pattern. The housing remained in the ownership of the Lothian Coal Company until nationalisation in 1947 when it passed to the National Coal Board. Following the closure of the Lady Victoria Colliery in 1981, over 1,000 former Coal Board houses in Newtongrange were saved by a partnership of

Midlothian District Council and Castle Rock Housing Association, some of which lie within the Conservation Area.



Ordnance Survey 1906



Ordnance Survey 1913



Ordnance Survey 1932

Archaeological & Historical Significance

9. The area of the village within the Conservation Area was planned development linked to the Lady Victoria Colliery. The Hood family, which co-owned the Lothian Coal Company, had similar ideological beliefs to philanthropic 19th century industrialists such as the Cadbury family. They believed that providing decent housing and certain social amenities produced a healthier and therefore more productive workforce. The plan for Newtongrange developed from this ideology and from the experience of Archibald Hood in improving the living conditions of workers at the Whitehill Colliery in Rosewell between 1860 and 1895.



Lingerwood Road



Rear Outshots on cottages

10. Alongside the rows of brick built cottages for workers, the village also had a post office, public gardens, and institute with a library and reading rooms, a Gothenburg public house, shops, schools and a Free Church. The housing was segregated by rank within the pit, with simpler, smaller dwellings for miners centrally located, better homes for overseers and larger residences for managers on the edge of the village. Cottages for miners were one storey, while houses for officials were two storey. The Royal Commission on Housing (Scotland) in 1912 reported that the Secretary of the Mid & East Lothian Miners' Association stated in his evidence that the houses at Newtongrange were "probably the best houses built for miners in Scotland". The

houses had two rooms and a scullery as a minimum, with new modern kitchens and bathrooms added in the 1930s.

11. The first phase of pit housing associated with the Lady Victoria Colliery included cottages along Lingerwood Road, and the creation of Second to Sixth Street. By 1913, these streets have been extended, and First Street created. As part of the extension of Second, Third and Fourth Street, a public park was formed within the grid, named The Square. This was the main public open space in the village until the Welfare Park opened in 1926. The housing in Newtongrange Conservation Area is one of the most intact surviving examples of miners' rows in Scotland. Seventh to Tenth Street were developed by 1932 in a similar style but, along with Fifth and Sixth Street, are not in the Conservation Area.



The Square (aerial photograph)



The Square

12. Lady Victoria Colliery was an outstanding example of a model colliery built at a time when the Scottish coal industry was at its peak. It utilised the most modern mining technology when it was constructed, and had the widest and deepest shaft in Scotland at the time. The winding engine which powered the lift carrying men and coal up and down the shaft was one of the most powerful in Scotland. Later additions to the colliery included the bathhouse and the still surviving gantry over the A7. At its peak in 1953, the labour force at the Lady Victoria Colliery was 1,765, including 1,360 people working underground. Most of the surface elements of the colliery survived after the pit closed in 1981, providing a clear illustration of the evolution of large colliery sites during the 20th century. It is for this reason that the colliery became the National Mining Museum in 1984.



Townscape and Landscape Setting Analysis

Architectural Quality & Built Form

13. The built form of Newtongrange Conservation Area is one of its key defining characteristics. The terraces of single storey brick cottages laid out along rectangular grids on First to Sixth Street are excellent examples of purpose built miners housing from the late 19th and early 20th centuries. As the new parallel set of streets were formed, cottages were also built along the existing streets – Main Street and Lingerwood Road. Key facilities provided by the Lothian Coal Company for workers, such as the institute and Dean Tavern (a Gothenburg tavern), and later phases of miners cottages lie outside the Conservation Area, but form an important part of the story of Newtongrange and the Lady Victoria Colliery.



Street pattern



Lingerwood Road



Second Street

14. The Conservation Area covers First to Fourth Street and parts of Main Street and Lingerwood Road. The integrity of the rows is intact, with the majority of cottages retaining original features such as sash and case timber frame windows, timber panel doors, front gardens bounded by low parapet walls topped with metal railings, timber bargeboards with exposed rafter ends, and slate roofs. The Conservation Area is on a slope, with the cottages arranged in short terraces which step down the hill. Many of the cottages retain the original rear extensions, added when kitchens and bathroom upgrades took place between WW1 and WW2. Around The Square, there are single storey cottages with bay windows, and rows of two storey cottages with bay windows and paired gable dormers. The doorways on these cottages include semi-circular brick arched doorway heads. There are also similar two storey cottages on Main Street. There are a small number of replacement modern cottages on Fourth Street and Lingerwood Road which were designed to replicate the form and style of the miners' rows, therefore blending successfully into the streetscape.



Single Storey Pit Cottage



Modern cottages on Lingerwood Road



Rear of Main Street Cottages

15. The site of the Lady Victoria Colliery, now the National Mining Museum, is also part of the Conservation Area. The complex has immense value as a model example of a late Victorian colliery which continued to develop over nearly nine decades. Most collieries in Scotland were demolished or radically altered following closure of the mines, but at Lady Victoria Colliery only small parts were lost including the canteen, baths and some of the Central Workshops. The Headgear, designed by Sir William Arrol & Co, is an important landmark in the local landscape. Due to its height of 26 metres and its location on the slope of the Mayfield Tranent ridge makes it visible from large parts of Midlothian and beyond. Another distinctive surviving feature of the colliery is the reinforced concrete gantry over the A7, which provided a walkway from the pithead to the baths and canteen. Designed by National Coal Board architect Egon Riss, it was built in 1954.



Colliery Headgear



Colliery Gantry



Colliery Pithead

16. There are four listed buildings in the Conservation Area. The Colliery, including the Engine House, Headgear, Pithead, Tipplers, Picking Tables, old Washer, Dross Hopper, New Washer, Workshops, Underground Haulage Motor House, Settling Tanks, Pulveriser Plant, Chimney Stalk, Boiler House, Power Station, Gantry, Time Office and Lamp Station, is a Category A listed building. The Lady Victoria Colliery Manager's Office is a Category B listed building. Originally built by the Marquess of Lothian as a school for children of the Lingerwood Pit miners in 1873, it was later extended and converted into the Manager's Office. It is now the office for the National Mining Museum. Adjacent to the Office are the Category C listed Lingerwood Cottages (1-12 inclusive). The cottages are built of sandstone, and are laid out around a communal

green to the front with private gardens to the rear. They were built for workers at the Lingerwood pit. Two brick cottages at 21 & 23 Murderdean Road are also Category C listed. These cottages were built to house the managers of the nearby Dean Oil Works, which was adjacent to the Lady Victoria Colliery.



Lingerwood Cottages



Lady Victoria Colliery



Colliery Manager's Office

Materials

17. Brick was the dominant material in pit housing of this era due to ease of supply from the brickworks commonly associated with collieries in central Scotland. The original cottages were built of bricks from the Lothian Coal Company's brickworks and are a fairly consistent texture and colour, mostly terracotta mellowed with a trace of black colouring on the facing bricks. Rear walls and some end walls of terraces are harled. Many front gardens have retained the original low brick walls topped with iron railings, which are a defining characteristic of the street scene. The majority of the surviving surface structures at the Colliery are composed of brick, steel and iron.



Brick colliery building



21-23 Murderdean Road



Cottage on Main Street

18. Roofs are consistently of grey Welsh slate, with a 40 degree pitch and lead finished ridges. A distinctive feature of the cottages is the use of exposed rafter ends, which give definition to the eaves line. Chimneys are plain brick with chamfered stone covings, and the cans are commonly terracotta or cream coloured clay. The paired gable dormers in the two storey cottages have slate roofs, wood panelling and cruciform decorative detailing.



Chimney on cottage



Exposed rafter ends



Roof pitch

19. Windows are timber sash and case with glazing bars and sash horns, and a relatively uniform across the Conservation Area. In the single storey cottages, the composition of the front façade is a narrow pair of windows with 8 panes of glazing, a central door and one wider window also with 8 panes of glazing on the other side. The narrow pair style is also seen on some of the two storey cottages, while others have bay windows with glazing bars in the upper sashes and in the central lower pane, and similar coupled windows above.



Cottage Window Styles in Conservation Area

20. A substantial number of original doors have survived. These doors are timber with bolection moulding 6 panel doors. The single storey cottages have transom windows above the doors, and the two-storey cottages have fanlights. Most original doors are painted in a distinctive red colour, which contributes to the character and distinctiveness of the Conservation Area.

Setting and Views

21. Main Street and Lingerwood Road pre-date the construction of the colliery and pit houses, however the straight parallel roads of First to Fourth Street were imposed onto the natural slope of the landform. From within the Conservation Area distant views are of the Pentland Hills to the west and to a limited extent the upper slope of the Mayfield-Tranent ridge that the village lies on. The street pattern limits views within the Conservation Area to the immediate environment of parallel rows and a regular pattern of buildings. One result of the strict formation of buildings on

Lingerwood Road and First to Fourth Streets is that from most points within this area attention is drawn through the narrow corridors formed by the buildings.



Back Lane with view



Stepped roofscape



View of Pentland Hills

22. This street and building pattern is a defining characteristic of the Conservation Area which should be protected. The modern additions to the rows on Lingerwood Road and Fourth Street demonstrate how new development can be sensitively accommodated whilst respecting the character of the Conservation Area. The short terraces produce a stepped roofscape, interrupted only around The Square by the two-storey cottages. This is another defining characteristic of this Conservation Area.

Public Realm, Open Space and Trees

23. The public realm in the Conservation Area consists of standard public roads and roadside footways, mostly surfaced with tarmac and concrete kerbs. Brick paviors have also been used during environmental improvement schemes in the 1980s and are now a notable feature of the public realm in the Conservation Area. The back lanes are a combination of tarmac and brick paviors. Along Main Street and Murderdean Road there are areas of concrete paving slabs. Street lighting is mostly standard modern poles, however there are some more decorative historic poles on Main Street.



Decorative street light



Brick paviors in back lanes



Public art on Main Street

24. A key feature of the public realm in the Conservation Area and an important local landmark is the Pithead Winding Wheel that has been incorporated as public art in an

area of landscaping at the junction of Main Street and Murderdean Road. There are two further Pithead Winding Wheels on display as public art in the village – one at the Leisure Centre (outwith the Conservation Area) and one at the National Mining Museum Office. These two smaller winding wheels were from the Lingerwood Colliery.



Pithead Winding Wheel



Pithead Winding Wheel Public Art



Wooded embankment

25. The high degree of pedestrian permeability is another key feature of the Conservation Area. This is largely thanks to the design of the miners rows with their back lanes. Some of these are accessible to vehicles but some are pedestrian only. There is also a pedestrian path running from Lingerwood Road to Eighth Street to the rear of Lothian Terrace and beyond. The path is bounded on its eastern side by a brick wall. While the path is within the Conservation Area, the wall is not considered to be part of the Conservation Area.
26. Open space in the Conservation Area includes The Square, which was the original public park for the pit workers and other villagers, the green in front of the Lingerwood Cottages and the wooded former railway embankment which runs parallel to Lingerwood Road. The Square is of significant importance due to the role it has in the streetscape, its historic importance within the village and the open space it provides in a relatively densely developed area of the village. The green in front of the Lingerwood Cottages are an integral part of the setting of these Category C listed buildings. The former railway embankment is an important resource for biodiversity and informal recreation in this part of the village.



Trees protected by TPO



Path to Station



Woodland on Museum site

27. There are numerous mature and semi-mature street trees throughout the Conservation Area. Many of these date from the environmental improvements carried out following the pit closure. Careful management of these trees will be required to maintain their health and size as they continue to mature. Two trees in the Lady Victoria Car Park (north of the gantry) are protected by a Tree Preservation Order (TPO). The northernmost part of the Museum site is now woodland with a pedestrian access path to the station.

Assessment

Significance

28. Newtongrange developed as a village as a result of the need to house workers from nearby coal mines and other related industries. The opening of the Lady Victoria Colliery resulted in the rapid expansion of the village, with rows of miners' cottages built to house the colliery works. The Lady Victoria Colliery was a model colliery incorporating the most up to date technology when it was developed in the 1890s. The pit housing was also considered to be of good quality, and a model for others. At one time the village became the largest mining village in Scotland.
29. The miners' rows within the Conservation Area are one of the largest and most intact examples of this style of housing in Scotland. The expansion of coal mining and associated industries in the 19th and early 20th centuries provided a lasting legacy for Scotland socially, economically and environmentally. In terms of urban development and the story of communities which can be told through the physical fabric of the towns and villages which grew up around these industries, Newtongrange Conservation Area is one of the most valuable surviving examples in the Lothians.
30. The importance of the Lady Victoria Colliery as the most intact surviving example of a late Victorian model colliery is demonstrated in its designation as the National Mining Museum. The four-acre site shows the developments in mining over generations. Highlights include the most powerful steam winding engine in Scotland, the most extensive preserved suite of Lancashire Boilers in the UK, and the only extant timber dredger in Europe. Many of the buildings and structures are Category A listed.

Condition

31. Overall, the Conservation Area is in good condition. The improvements to the pit housing and surrounding environment carried out in the 1980s made a significant impact on the condition of the Conservation Area, protecting the buildings while retained key characteristics of the buildings and streetscape. The small pockets of modern development and alterations/additions to traditional buildings have largely been controlled so they are sympathetic to the context, respect the scale and form of existing buildings and do not detract from the character of the Conservation Area.

Opportunities

32. For a conservation area in good overall condition such as Newtongrange, the main opportunities relate to the ongoing preservation of its character and original building features. Modern development can be accommodated in appropriate locations within the Conservation Area if carefully designed to respect the scale and form of existing buildings and the streetscape/layout.
33. There may be some value in reviewing the boundary of the Conservation Area at some point in the future to include more of the historic core of the village, for example Lothian Terrace, Fifth to Tenth Streets and further along Main Street. These areas are worth consideration for

their historic/architectural interest and for their contribution to the development of the village linked to the colliery.

Challenges

34. A major challenge for most conservation areas is the potential for small incremental changes to buildings and the public realm to have a cumulative negative impact on the area. This has been avoided so far in the Newtongrange Conservations Area, but care is needed to ensure negative incremental changes are avoided and that new development is sensitively designed, respects the scale and form of existing buildings and enhances the character of the Conservation Area.

Management Plan

35. The purpose of this Conservation Area Management Plan for Newtongrange Conservation Area is to set out the actions required to maintain and enhance the elements which contribute to the special architectural and historic interest of the Conservation Area, as described in the Conservation Area Character Appraisal. This Management Plan is intended to inform the actions of Midlothian Council and other stakeholders, including property owners and occupiers, in relation to the built environment within Newtongrange Conservation Area. It explores the issues facing the Conservation Area, opportunities for enhancement and building repair and maintenance.

Issues Facing the Conservation Area

36. The main issues for the Conservation Area are avoiding the negative impact of small incremental changes or loss of historic features, and ensuring that new development is carefully designed to respect the scale and form of existing buildings and enhance the historic character of the area.

Opportunities for Enhancement

37. Most of the traditional buildings in the Conservation Area are built of brick pointed in lime mortar. This traditional method of building enables the structure to 'breathe' as it is able to accommodate varying moisture levels by taking in and then evaporating moisture. These buildings usually have good ventilation under the floor and air movement is encouraged by open flues and through roof spaces. Breathing buildings are comfortable and healthy to live in. Repairing traditional buildings with modern materials such as cement mortar, gypsum plaster, modern formula paints and replacement windows will lead to problems with damp, brick decay and rot in timbers. Blocking air bricks and applying water repellent coatings will also cause problems with damp.
38. The following sections provide information on construction methods and materials used locally, and expectations for the repair and restoration of traditional buildings in the Conservation Area.

Roofs and Chimneys

Original roof pitches and coverings should be preserved. Roof coverings are usually natural slate which gives a distinctive character and texture to roofs that substitutes cannot easily replicate. When repairing or reroofing, the preferred option is to use matching slate.

The detailing of roof lights, dormers, copings and flashing is equally important to the overall appearance of the roof and any change of materials should be avoided. Roof lights tend to be of metal fixed flush to the slope of the roof. Where replacement is necessary, conservation style rooflights should be specified. Repair and restoration of dormer windows should match the original design, materials and profiles closely. Original chimney stacks (stalks) and pots should be maintained where possible. Lead should usually be used to repair or replace dormer window flashings, roof valley gutters and skew gutters.

Masonry Walls

Traditional brick walls are usually solid brickwork with two leaves with header bricks bonding the inner and outer leaves, but later examples can be a cavity wall construction. Original

masonry surface coverings such as harling should be kept. Pointing should use a lime mortar and should be correctly carried out. Using impermeable materials internally or externally will cause problems with damp. Examples of such materials include closed cell and extruded plastic insulation, plastic vapour barriers, cement or acrylic based renders, cement pointing, plastic based external wall paints and vinyl wallpaper.

Moisture in the base of walls can be reduced by lowering ground levels, improving drainage around the buildings, replacement of cement mortar with lime mortar and ensuring underfloor ventilation is functioning effectively. Brick repairs should be carried out using matching bricks and lime mortar. Replacement bricks should match existing bricks as closely as possible. Using a mortar analysis service, such as that offered by the Scottish Lime Centre, can help identify suitable mortar for repairs and maintenance.

Windows and Doors

Original door and window openings possess the correct proportions for a building and should be retained to preserve the architectural integrity of the buildings. Additional window openings are unlikely to be appropriate, but if necessary should be of an appropriate size and proportion, and should not spoil symmetry.

Most original windows in the Conservation Area are sash and case. Repair or restoration of traditional windows is preferred over replacement, and replacement with windows in other materials such as aluminium or uPVC is not recommended. Any replacement windows on the front and all sides of a traditional building in the Conservation Area which is visible to the public should match the original in every detail, including materials, design, opening method and paint finish.

Any original glazing should be investigated for its historic importance, and retained if merit is established (for example, Crown glass). Where existing glazing has no special merit, it may be possible to insert modern “slim profile” double glazing into the existing frames and astragals with minimal effect on the original profile.

Traditional doors are normally timber and panelled. Rear doors are usually plainer in style. Original doors should be retained and restored wherever possible. Where replacement is unavoidable, new doors should be timber and traditional in style, with door hardware in keeping with the character of the building.

External Details

A wide range of details contribute to the character of a conservation area, and it is important that these are not lost. Important details include exposed rafter ends, and door and window format and surrounds. Brick walls and metal railings should be retained.

Satellite dishes will not be permitted on principal or public elevations or above the ridge line of the roof. Equipment should be placed in unobtrusive locations to minimise their impact.

Streetscape and Street Furniture

Any future works to the public realm in the Conservation Area should use traditional materials (for example yorkstone, granite setts and whinstone kerbing) or high quality modern materials where appropriate. Detailing should be in keeping with existing traditional styles. Street signage should be carefully located and kept to the minimum amount possible.

Trees

Under Section 172 of the Planning (listed Buildings and Conservation Areas) (Scotland) Act 1997, trees in conservation areas are given some protection. Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the planning authority six weeks' notice. The purpose of this requirement is to give the planning authority an opportunity to consider whether a Tree Preservation Order should be made in respect of a tree. Further information and a link to relevant application forms is available at www.midlothian.gov.uk.

Midlothian Local Development Plan 2017

39. Midlothian Local Development Plan Policy ENV 17 Conservation Areas will apply to development within or adjacent to a conservation area where planning consent is required.

Policy ENV 19 Conservation Areas

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance. In assessing proposals, regard will be had to any relevant Conservation Area Character Appraisal.

New buildings, extensions and alterations

In the selection of site, scale, choice of materials and design, new buildings, and extensions and alterations to existing buildings, must preserve or enhance the character and appearance of the Conservation Area. Materials appropriate to the locality or structure affected, will be used in new building, extensions or alterations. Care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

Demolition to facilitate new development of part or all of a building or structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:

- A. The structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and*
- B. The Conservation Area will be enhanced as a result of the redevelopment of the site; and*
- C. There is no alternative location physically capable of accommodating the proposed development.*

Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

For information on permitted development rights in Conservation Areas and other restrictions on development, go to www.gov.scot or www.midlothian.gov.uk.

Appendix 1: Listed Buildings

Listed Buildings

Address	Description	Category	Ref No.
1-12 (inclusive numbers) Lingerwood Cottages	Mid-late 19 th century. Two terraces of cottages in L-plan. Single storey, 3-bay cottages built in symmetrical mirrored pairs with 2 central canted windows. Contemporary outshots to rear. Sandstone rubble, some squared dressing, harling to rear. Sandstone rubble wall to front of cottages with rubble ridged coping stones	C	LB14602
Manager's Office, Lady Victoria Colliery	1873 2-storey, 4 bay U-plan former school with rear wings. Central crenelated porch. Coursed, tooled sandstone, stugged dressings. Interior includes geometric pattern floor tiles to porch, corniced arch and central staircase in hall, timber panelling, panelled shutters, panelled doors and cornices	B	LB14603
Lady Victoria Colliery	<p>Complete model colliery with chimney, engine house, power station, and pithead (tub circuit, tipplers and picking tables) built 1890-94. Washer and hopper added circa 1906-14, boiler house and power station extended circa 1924, picking tables extended in 1930s, gantry to baths added circa 1954. Most of plant, with various modernisations, in situ. Structures brick-built and steel-framed with sheet-metal-clad roofs.</p> <p>ENGINE HOUSE: 1890-91 tall single storey and basement red and yellow brick with cornice and angle pilasters. Cross windows with ashlar mullions and transoms, original glazing pattern. 3-bay front with centre door approached by modern concrete steps. Segmental-arched basement door flanked by oculi. Louvred ventilator in tympanum. 4-bay sides. Sheet metal roof (renewed) with curved ridge ventilator.</p> <p>HEADGEAR by Sir William Arrol & Co, 1893-4. Steel box girders 85' high with back stays and latticed braces. T-shaped supports to platform and 19' diam wheels. Light super-structure for maintenance.</p> <p>TUB CIRCUIT originally 3-storey, 9-bay gabled N elevation, each gable over 2 tall ground floor railway arches, 1st floor blocked oculi and 2nd floor twin blocked arched windows. Buttresses and finialled NW angle. Interior: ground floor brick arcades, some arches remarkably wide. Upper floors</p>	A	LB14604

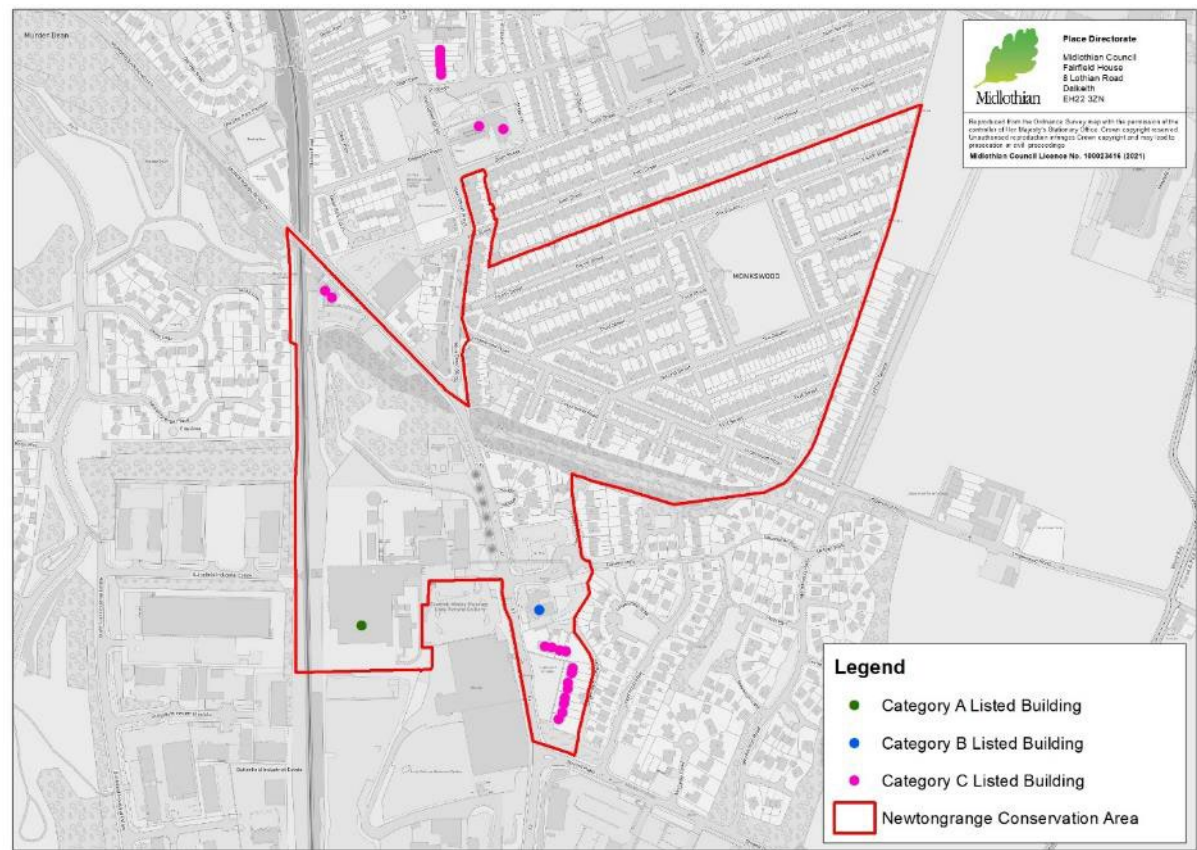
	<p>originally double decked (as was the lift cage), altered to 1, but with original floor surviving beneath it. Steel Polonceau trussed roofs on segmentally arched steel links between I-section stanchions, extended by about 8' due to lowering of steel plate floor. Post-war tub circuit restored to working order, 1986.</p> <p>TIPPLERS tall 2-storey 7 by 7-bay range with ground floor brick arcades. Buttressed W elevation with ground floor arcade and blind 1st floor windows. Interior: steel Polonceau trussed roofs on segmentally arched steel links between I-section stanchions. Steel plate floor. Contains tipplers and "plough".</p> <p>PICKING TABLES: lower 2-storey 7-bay block, originally 4-bays deep with arcaded brick ground floor, 1891-4, extended by 4-bays to S circa 1933-46 and entirely re-equipped and re-roofed with standard steel trusses at this period.</p> <p>E ELEVATION of pithead extended circa 1906-14 to house 1st floor smithy and switch house. Narrow 3-storey gabled bay with arched opening for steps to pithead, projects from wider gabled bay on tall arcade. Smith's hearth at 1st floor. Post-1932 steel-framed infill to S. Small 2-storey 4-bay buttressed motor house, circa 1906-14 with later flat concrete roof. Elevator chute to washer (probably originally to transfer coal by conveyor belt to washer).</p> <p>OLD WASHER circa 1906-14 tall 6-bay brick building, blind except 2 tiers of small arched windows in recessed panels. Lower 4-storey 2-by 3-bay re-washer added to S circa 1914-32. Gabled ends, the taller block having oculi. 2-bay motor house projects to E with round headed window and sheet metal clad belt drive powered by Peebles (Edinburgh) electric motor. Interior: important survival - 2 felspar Baum washers (cast-iron, with jiggers) driven by belt pulleys on line shafts. Probably disused since 1960s. Re-washer now empty.</p> <p>DROSS HOPPER: remarkable brick-built gabled and vaulted hopper with each elevation of arched concave recessed panels between battered buttresses. 4-bay S gable with contemporary 2-storey flat-roofed projection. Twin barrel vaulted railway tracks run beneath, fed by hydraulically-opened</p>		
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	<p>flaps. Tall steel-framed metal clad elevator. 1960s hoppers to either side, fed from W by conveyor belts.</p> <p>NEW WASHER ("Drew Boy") added circa 1963-4 to picking table block, steel-framed with brick infill. Asbestos M-roof.</p> <p>WORKSHOPS, UNDERGROUND HAULAGE MOTOR HOUSE AND SETTLING TANKS. Single storey, arched windows within 6 recessed arched bays. Cornice, angle finials (cut down circa 1987) and decorative swept-roofed ventilators. Part of roof rebuilt flat. Demolished link to pithead may have held sinking engine. Prop department to N replaced circa 1960 by tall brick building and circular concrete settling tank on pilotis. Dredger tank parallel.</p> <p>PULVERISER PLANT tall timber-framed elevator, with struts similar to headgear located over end of original boiler range. Supplied coal dust to drier and thence by gravity to boilers. Adjoining platform carried on re-used old 19th century cast iron pipes, adapted to meet reinforced concrete gantry of circa 1954.</p> <p>CHIMNEY STALK: circular section brick with steel tie bands. Originally circa 150' tall with oversailer. Twice reduced, last in 1986, to circa 100'. Adjacent cast-iron cylinder, purpose uncertain.</p> <p>BOILER HOUSE: built circa 1915-17 Steel-framed, M-roofed and brick clad with arched openings to E elevation, remaining elevations open. Contains 7 Lancashire boilers, by Tinker Shenton Ltd, Hyde, economisers by Green & Co Ltd, Wakefield and superheaters by Cooper & Greig, Dundee.</p> <p>POWER STATION: circa 1891-94, enlarged 1924. Rectangular single storey and basement gabled turbine hall brought forward by about 6' by 1914-34, masking part of engine house. Triple round-headed openings to S and oculi in each gable. Curved ridge ventilator. Slightly later infill, heightened circa 1954, links to larger 3-by 5-bay power station: tall single storey and basement, altered to 3-storey circa 1954. Altered arched windows within arched recessed panels between pilaster piers. Cornice and gable oculi. Interior, turbine hall travelling crane on brick pilaster piers. Blocked windows to E within wide alliptical arches. Steel trussed roof. E block altered 1954 with reinforced</p>		
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Newtongrange Conservation Area Character Appraisal & Management Plan

	<p>concrete floors inserted. Top floor tiled area (for distribution of lamps and tokens, and searches for contraband).</p> <p>GANTRY, circa 1954, reinforced concrete overhead passage from pithead to baths (latter demolished 1985) on T-shaped stanchions, H-shaped beyond power station. Small unglazed rectangular windows.</p> <p>TIME OFFICE AND LAMP STATION, circa 1914-32, bypassed by overhead gantry circa 1954. Single storey panelled brick-built with piended M-roof. Post-war engineering workshop (now British Coal archives) windows blocked, to N. Tubular steel gates forming the letters 'NCB' to S.</p>		
21 & 23 Murderdean Road	<p>Late 19th century. Single storey and basement, mirrored pair of 3-bay, rectangular-plan cottages. Red brick with long and short yellow brick dressings. Projecting cills; segmental-arched bipartite windows; corbelled eaves course. 10-pane timber sash and case windows. Piended grey slate roof with terracotta ridge with terracotta finials to apex. Cast-iron rainwater goods.</p>	C	LB46137

Figure 2: Listed Buildings within the Conservation Area





SUPPLEMENTARY GUIDANCE: LOW DENSITY RURAL HOUSING

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek agreement to the adoption of the Low Density Rural Housing Supplementary Guidance (a copy of which is attached to this report).

2 BACKGROUND

- 2.1 At its meeting of 7 November 2017 the Council adopted the Midlothian Local Development Plan 2017 (MLDP). The MLDP included a commitment to prepare Supplementary Guidance and Planning Guidance on a number of topic areas (Section 7.2, pages 81 and 82 of the MLDP). Additional guidance is required to provide further detail and interpretation of the policies and strategy set out in its development plan. One of the topic areas that needs further clarification is with regard to low density rural housing.
- 2.2 At its meeting on 23 November 2021, the Committee approved the draft Low Density Rural Housing Supplementary Guidance for consultation and agreed to consider a further report on the Supplementary Guidance following the proposed consultation.
- 2.3 The consultation period ran for four weeks from 9 December 2021 to 5 January 2022.
- 2.4 A copy of the draft Supplementary Guidance was available on the Council's website and also made available at Penicuik Library and on-board the Mobile Library service. Active consultees on the MLDP Consultee Database including Community Councils, the Scottish Environment Protection Agency (SEPA), NatureScot, Historic Environment Scotland, Forestry and Land Scotland (formally the Forestry Commission) and Scottish Water were notified and invited to make comment.

3 REPRESENTATIONS

- 3.1 As part of the consultation process one response was received from NatureScot during the consultation process. A summary of the

consultation comments received with the proposed officer response is attached to this report as Appendix A and a track change copy of the draft Low Density Rural Housing Supplementary Guidance document showing proposed deletions and additions to the document arising from the consultation is attached to this report as Appendix B. New text within the guidance is shown in red (this will be returned to black text if approved).

4 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This is known as a Strategic Environmental Assessment (SEA) process.
- 4.2 As required by the Environmental Assessment (Scotland) Act 2005, screening for likely significant environmental effects from the Supplementary Guidance was undertaken with the Consultation Authorities - SEPA, NatureScot and Historic Environment Scotland. The Consultation Authorities agree with the Council's opinion that the guidance does not trigger a requirement for a SEA.
- 4.2 The Council is now in a position to make a formal determination that no detrimental environmental effects are likely because of the guidance, thereby exempting the Supplementary Guidance from any requirement for a SEA. The adoption of the Supplementary Guidance cannot take place until; the SEA determination has taken place; and, 14 days have lapsed from advertising the SEA decision in a local paper and copying it to the consultation authorities.

5 LOW DENSITY RURAL HOUSING SUPPLEMENTARY GUIDANCE

- 5.1 The Supplementary Guidance is appended to this report and sets out additional guidance to support developers in preparing planning applications for housing development on the designated sites allocated under MLDP policy RD2: Low Density Rural Housing. The overarching aim of Policy RD2 is to allow some housing in the area while ensuring that environmental improvements are realised in the process.
- 5.2 The MLDP sets out four areas where proposals for Low Density Rural Housing will be permissible. These are located within the vicinity of Wellington School and Springfield off the A701 with two sites located to the west of the A701 (Netherton and Wellington) and two to the east (Springfield and Leadburn).
- 5.3 MLDP policy RD2 sets broad requirements for developments of this type, with no more than two units to be permitted at each site and that a high proportion of each site be given over to retention and creation of areas of nature conservation interest and landscape enhancement,

such as through the planting of native woodlands or the formation of ponds. This is a continuation of provisions made under policy HOUS5 of the superseded Midlothian Local Plan 2008.

- 5.4 It has been long standing established planning practice that there is a presumption against development in the countryside that does not relate to an established countryside use, particularly with regard to housing. Changes made to Scottish Government policy sought to provide for growing communities and new employment opportunities in rural areas by allowing for more flexibility in the types of permissible development in the countryside. The inclusion of the policy on Low Density Rural Housing in the MLDP was one of the measures taken to reflect this policy change at the time.
- 5.5 The sites identified in the MLDP were identified on the basis that they avoided areas of landscape and nature protection in the countryside and that they had access to a regular bus service of one per hour. Since their identification, many of the sites have been slow to progress with only the Netherton site on the east side of the A701 having an approved scheme for the entirety of the site. Of the two sites to the west of the A701, the Springfield site has had consent granted for one unit and has been constrained by having two land owners. No planning applications have been lodged on the Leadburn site, further south, thus far. The remaining site is located to the east of the A701 and north of the former Wellington School, where the MLDP allows for the possibility for a higher density of housing.
- 5.6 The Supplementary Guidance is appended to this report and includes:
- Detail on the layout and design sought for the development of the sites;
 - Details on the landscape and biodiversity requirements, including a list of acceptable plant species to be utilised and features of biodiversity interest to be retained or enhanced;
 - Details on public access arrangements;
 - The nature of associated business uses and longer-term management matters in relation to Low Density Rural Housing; and
 - Information on the provision of water and drainage at the sites and any potential flooding matters.
- 5.7 With regard to the Wellington site, the guidance makes clear that the reference in the MLDP to a higher density of housing is only applicable where the site is required to secure appropriate and safe access for the redevelopment of the Wellington School site. In the event that this is not required (for example through an alternative access solution becoming available), the provisions of policy RD2 will be applicable, including the restriction for the site to accommodate no more than two units.

6 RECOMMENDATION

6.1 The Committee is recommended to:

- a. Agree to the adoption of the Low Density Rural Housing Supplementary Guidance (as amended following the consultation process);
- b. determine that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so does not trigger the need for a formal Strategic Environmental Assessment;
- c. instruct the Planning, Sustainable Growth and Investment Manager to undertake the required notification/advertisement advising that the Low Density Rural Housing Supplementary Guidance will not have a significant environmental impact and so will not be carrying out Strategic Environmental Assessment;
- d. instruct the Planning, Sustainable Growth and Investment Manager to notify the Scottish Ministers of the Council's intention to adopt the Low Density Rural Housing Supplementary Guidance; and
- e. be advised of the outcome of the notification of the Scottish Ministers procedure.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 2 June 2022

Report Contact: Alison Challis, Planning Officer
alison.challis@midlothian.gov.uk

Attached: Summary of representations and Low Density Rural Housing Supplementary Guidance showing amendments

Summary of responses received to consultation on the Low Density Rural Housing Supplementary Guidance and the Council's Officer response.

Name of respondent	Consultation question	Summary of comments	Proposed amendment to SG arising from submission?	Midlothian Council response
NatureScot	1-Do you agree/disagree with the general provisions for 'Layout and Design' or have any additional comments?	Welcome principles for layout and design. In context of sites in an area of nationally important carbon-rich soils, and soils with potential for peatland restoration, it was suggested that the second principle should include potential for enhancement of biodiversity - <i>"avoid existing areas of biodiversity or landscape importance, or areas with potential for enhancement and restoration, or areas in proximity to these which may compromise their essential characteristics"</i> .	Yes	Suggested text has been added to the second bullet point in paragraph 3.2.
NatureScot	2 -Do you agree/disagree with the general provisions for 'Landscape and Nature Conservation' or have additional comments?	Generally agree with provisions for landscape and nature. Suggested that at paragraph 3.15 rather than "established for either landscape enhancement or nature conservation" it should read <i>"established for landscape enhancement and nature conservation."</i> Suggested that the first principle at paragraph 3.19 could be amended to <i>"Planting should not be used to screen proposed buildings, which should be of a design quality to ensure that screening is not required."</i>	Yes	Paragraphs 3.15 and 3.19 have been amended to contain suggested text.
NatureScot	3 -Do you agree/disagree with the mandatory landscape and biodiversity details required to support a planning	Agree with the mandatory landscape and biodiversity details. It may be useful to expand on the planting plan and planting schedule requirements to refer to the results of the requirement for ecological surveys as a means of directing	Yes	Planting plan and schedule have been amended and now refer to results of ecological

	application or have any additional comments?	planting type, management, enhancement, etc.		surveys as suggested.
NatureScot	4 - Do you agree/disagree with the general provisions for 'Public Access' or have additional comments?	Agree with the general provisions for public access.	No	-
NatureScot	5 -Do you agree/disagree with the general provisions for 'Flooding, Drainage and Water Services' or have additional comments?	Agree and particularly welcome the requirement that SuDS should be designed as an integral part of the green blue network.	No	-
NatureScot	6 - Do you agree/disagree with the general provisions for 'Rural Businesses and Diversification' or have additional comments?	-	-	-
NatureScot	7 -Do you agree/disagree with the general provisions for 'Implementation and Phasing of Development' or have additional comments?	Agree with the general provisions for implementation and phasing of development and particularly welcome the provision that consents will require phasing that prevents housing being delivered without landscape and habitat improvements.	-	-
NatureScot	8- Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Leadburn?	Paragraph 4.1 describes the eastern part of the site as "more boggy and unsuitable for development". While this is a reasonable focus for site specifics we suggest that to tie in with the general provisions it may be useful to describe this area as also being <i>"more suitable for biodiversity"</i>	Yes	Paragraph 4.1 has been amended to include suggested text.

		<i>enhancement, particularly to wetland habitat".</i>		
NatureScot	9-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Netherton?	Agree that this site could provide a positive example and suggest that it should be used as a model for the remaining sites.	No	-
NatureScot	10-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Wellington?	Welcome the requirements set out at paragraph 4.11 but suggest that this paragraph could perhaps provide more direction on how existing features could be integrated and enhanced. For example, in addition to no damage to the trees and watercourse in the site it may be useful to set an aspiration for how these could fit into habitat restoration and planting proposals at the site, including how existing features could form a mosaic of habitats to create a high quality, biodiverse site that also provides a welcoming setting for development.	Yes	Changes have been made to paragraph 4.11.
NatureScot	11-Do you have any additional comments or observations to make in regard to the Low Density Rural Housing site at Springfield?	Paragraph 4.17 focuses on the southern plot and there is no discussion of the northern plot. Unclear on what may happen here and highlight that if the northern plot is still considered developable in relation to the general provisions of the supplementary guidance, it should be directed by existing habitats on this part of the site which appear to include extensive wet areas that may contribute towards restoration of wetland habitat networks in the area. These areas should remain free of development and proposals should include plans for their enhancement and opportunities to make wider links with the other sites.	Yes	Clarification has been added to paragraph 4.17.
NatureScot	12-Do you agree/disagree with the	Generally agree with the contents of Appendix A and take this opportunity to highlight our	Yes	Guidance has been added to

	contents of Appendix A: Suitable Shrub and Tree Species or have any additional comments?	Developing with Nature guidance, which has been prepared in support of Policy 3e) of the draft NPF4. This guidance would be a useful addition to the list of codes and recommendations		Appendix A.
NatureScot	13- Are there any further comments or observations that you wish to make about any part of the Low Density Rural Housing Supplementary Guidance?	Suggestion that a useful addition to the information sources on biodiversity would be our guidance on Pollinators in Planning and Construction, which is available here: https://www.nature.scot/guidance-pollinators-planning-and-construction-guide .	Yes	Guidance has been added to Appendix A.

Low Density Rural Housing Supplementary Guidance

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Low Density Rural Housing Supplementary Guidance

1. Introduction

1.1 Low Density Rural Housing was an initiative introduced to Midlothian by the 2008 Midlothian Local Plan, which applies to the Leadburn and Wellington areas in the vicinity of the A701 and close to the Scottish Borders. The Midlothian Local Development Plan (MLDP), which was adopted in 2017, continues this initiative through Policy RD2.

1.2 There are four sites in total; Leadburn, Netherton, Springfield and Wellington, as shown on Map 1, below.



Map 1: Low Density Rural Housing Sites as allocated by Policy RD2 of Midlothian Local Plan (2017)

1.3 The aim of Policy RD2 is to ensure that there are benefits to the area through environmental improvements while allowing some housing provision where it would not otherwise be permissible. The Council considers that this policy, in addition to other provisions in the plan, will assist in promoting rural diversification, promote a pattern of rural

Low Density Rural Housing Supplementary Guidance

development appropriate to the area and encourage rural development while protecting and enhancing the environment. This is in line with the principles set out in the Scottish Planning Policy (SPP).

Low Density Rural Housing Supplementary Guidance

Policy RD2: Low Density Rural Housing

New low density housing linked to landscape enhancement is supported at four sites (Springfield, Wellington, Netherton and Leadburn). Under this policy no more than two units will be permitted at each site, including any units developed under the previous Local Plan policy HOUS5 before the adoption of this Plan.

A high proportion of each site is required to be given over to the retention and creation of areas of nature conservation interest and landscape enhancement, through the planting of native woodlands or the formation of other features such as ponds. The Council encourages the provision of public access, particularly in situations where a connection with core paths or the green network can be made.

The suitability of low density rural housing proposals in the identified areas will be assessed against the following criteria:

- A. proposals should demonstrate that the landscape and biodiversity value of the site is enhanced by the development;
- B. the design and layout of the development should be appropriate to the rural setting; and
- C. proposals should demonstrate that they can be served by safe access arrangements, and a public sewerage and water supply (or acceptable private arrangements if public provision is not available).

The establishment of small-scale rural business in association with the low density housing is supported in principle, subject to the proposals satisfying policy RD1 Development in the Countryside.

Supplementary Guidance on *Low Density Rural Housing* provides advice on site layout and design, the formation of features of landscape and biodiversity interest, public access, the nature of associated business uses, and other implementation and longer-term management matters. Conditions for the use of private water and sewerage arrangements are specified in the Guidance. The Guidance also provides further advice on alternative options at the Wellington site (see below).

In the event that proposals are submitted to Midlothian Council for the redevelopment of Wellington School, consideration will be given to the inclusion of adjacent land at the Wellington low density rural housing site (site indicated on the Proposals Map). An acceptable alternative housing development will be permitted to facilitate the creation of a new access to serve the Wellington School site (also shown on the Proposals Map). This should be low rise, of lower density than in urban housing

Low Density Rural Housing Supplementary Guidance

allocations to reflect its rural location, avoid built development on the higher eastern part of the site, have a safe entrance on to the A701 and provide an adoptable standard road connection with the Wellington School housing site. If this option proceeds, further enhancements to road safety along the A701 in the locality will be required. Reference should be made to the Penicuik/ Auchendinny Settlement Statement (site AHs5).

2. Context and Aims

2.1 Similar initiatives, often under the 'Lowland Crofting' banner, have been tried with some success elsewhere though it has divided opinion. In previous years, disputes have been raised with regard to whether landscape, biodiversity and access improvements can be realised and whether these improvements justify development in remote rural areas.

2.2 Given the controversial history of similar initiatives, the policy came under close scrutiny at Public Local Inquiry. Clarification was sought over the number of units permitted on each site as well as the requirements that are to be applied when approving such proposals. The MLDP retained the principles of these findings while simplifying the original policy.

2.3 The areas to which the policy applies were selected on the basis of the quality of the agricultural land, the avoidance of biodiversity and landscape designations and access to a regular bus service. To date, there has been limited delivery on these sites, with two units completed (as of July 2021) of the potential eight units the policy allows for. The Council will continue to monitor progress and consider the scope of the policy in the next Local Development Plan (LDP2).

2.4 In the first instance, reference should be made to Policy RD2 of the MLDP when considering proposals in these areas. The policy establishes that no more than two units will be permitted on each site and that a high proportion of each site should be given over to nature conservation interest and landscape improvement. While the policy provides the context and general principles for development and delivery, the role of this Supplementary Guidance is to provide advice on the layout and design, the formation of features of landscape and biodiversity interest, public access, the nature of associated business uses as well as other implementation and longer-term management matters.

3. General Provisions

3.1 Although the implementation of each site will be different with varying requirements and challenges, there will be matters which are applicable to all sites. These are outlined in the following sections.

Low Density Rural Housing Supplementary Guidance

Layout and Design

3.2 This Supplementary Guidance specifies which sites are preferred for development further on in the 'Site Specific' section. The sites were selected on the basis of the following principles:

- A preference for locating units in close proximity to the A701 for the purposes of reducing the walking distance to public transport and minimising the visual impact of ancillary driveways or access roads; and
- To avoid existing areas of biodiversity or landscape importance or **areas with potential for enhancement and restoration, or** areas in proximity to these which may compromise their essential characteristics.

3.3 The identification of preferred plots does not preclude alternative sites being considered. Should applicants seek to develop an alternative plot, they should be mindful of the above principles and provide justification.

3.4 Policy RD2 specifies that no more than two units will be permitted on each site including those developed under the previous Local Plan Policy HOUS5 ⁽¹⁾. The design of the scheme approved under the policy will be considered to be final and not a starting point for further rural development. Applications for any additional dwellings within the areas covered by the policy will not be permitted.

3.5 The approach of interpreting traditional shapes and sizes into a modern context is recommended. The use of natural materials is welcomed but not required. New houses should not have a floorplan larger than 150 square metres. Nor should they be higher than one storey with a further storey of inhabited roofspace unless it can be demonstrated that larger dwellings can be developed which reflect the scale of surrounding development within the locality.

3.6 Given the remote location of the preferred sites, the design of any units will be expected to be of the highest sustainability standard. Proposals for low density rural housing will have to demonstrate at least a 'Very Good' BREEAM (Building Research Establishment's Environmental Assessment Method) rating or equivalent standard. This is the same standard as set out in MLDP Policy RD1 which provides for flexibility by using a points-based system looking at the building at its totality and allows developers to exercise choice in how to create a sustainable building. Certification that this standard has been achieved will need to be demonstrated through the planning application process.

1 Midlothian Local Plan, (2008)

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3.7 The layout, orientation and overall design of the buildings will reflect the requirements of meeting the BREEAM rating and zero carbon space heating requirements. Aside from these practical design provisions, the Council also requires that the approach to design set out in the Scottish Government's advice *PAN72: Housing in the Countryside* is considered.

3.8 The design of the buildings and quality of the finish should mean that they contribute to their landscape setting; whilst associated landscape designs should respond to green network features in the locality, and not merely comprise of screen planting. Existing trees and hedges should be retained where possible. New planting should create a structure to the sites, by defining boundaries, flanking access routes, and providing new points of interest. The planting should have regard to the maintenance of important vistas; the retention of sunlight and daylight in new and existing housing around the sites; the creation of sheltered microclimates, and the location and potential impacts of shading or shelter on any proposed renewables.

3.9 The location of new planting should consider mature size of species, allowing sufficient space for full canopy size without conflict and allowing sufficient rooting volume for species to reach their full potential without conflicting with built form, foundations or underground utilities or drainage. The appropriateness of species on the sites is considered further in the section on 'Landscape and Nature Conservation'.

3.10 Proposals must be supported by a Tree Survey and Arboricultural Impact Assessment where existing vegetation is present on or adjacent to the site and likely to be affected by the proposed development.

3.11 Access roads and driveways will not be adopted by the Council. An appropriate specification of access should be used, taking account of the nature and types of vehicles that will use them, particularly where rural business or diversification is proposed. Where possible, it is preferred that a shared driveway is used for both units on the site in order to minimise the visual impact. Choices relating to the use of materials and design should take cognisance of the rural setting as many of the details which may be common in an urban area can appear overbearing and out of place in the countryside. For example, it is not necessary or desirable for access roads to have kerbs or street-lighting. Alternative materials for surfacing access roads to tarmac should also be considered. In addition, should a temporary access be required during the construction phase which differs to permanent access arrangements, the applicant will be required to provide a management plan detailing how any environmental impacts will be managed and remediated post-construction.

3.12 Proposals should also consider potential impacts for any adjacent trees or vegetation where root protection areas may be located within the vicinity of any driveway, access road or surfaced area. The presumption should be that access roads, driveways and surfaces are aligned to minimise adverse impacts on trees on site or adjacent, by avoiding their root protection areas (see BS5837:2012) and canopy spread. Where this is not possible, a

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construction detail will require to be approved, demonstrating that the road/driveway can be achieved without damage to root protection areas by complying with BS5837:2012. This will usually require a load bearing cellular system designed for use within tree root protection areas, permeable to water and air and achievable without excavation, fill or compaction within the Root Protection Areas.

3.13 As waste collection vehicles will not enter private driveways, there may be a need for unobtrusive bin stores near the main access in order to avoid the appearance of clutter that can be caused by multiple recycling bins.

3.14 The principle of development on these sites is predicated on there being a high quality of design and landscape treatment. It is unlikely that the Council could determine applications without a significant level of detail on the design with a positive outcome. Applications for Planning Permission in Principle (PPP) are therefore not advised.

Landscape and Nature Conservation

3.15 Policy RD2 states that a high proportion of each site should be given over to the retention and creation of areas of nature conservation interest and landscape enhancement. Proposals will be considered in compliance with the policy requirements where at least 50% of the site is established for either landscape enhancement ~~or~~ and nature conservation, which can include the retention and management of existing habitats.

3.16 This Supplementary Guidance is not prescriptive about the manner in which landscape and biodiversity enhancements should be carried out. However, proposals are required to demonstrate that they enhance the landscape value and biodiversity of the sites. The Council particularly encourages proposals that link to surrounding Green Networks and Integrated Habitat Networks. Midlothian Green Network Supplementary Guidance (2017) outlines the minimum expectations for the enhancement of biodiversity through new development in Midlothian and should be referred to for further guidance.

3.17 In general, the plants to be used for landscaping should consist of native broadleaved species, although native conifers will also be considered. Larger species of plants take longer to grow, but are generally longer lived and more robust. Examples of these include beech, European larch, lime, oak and Scots Pine. The use of smaller native plants such as alder, rowan, birch, gean, hawthorn and willow should be considered as they provide potential to enhance the landscape and provide new habitats. The introduction of species-rich lawn and meadow mixes and undercover species will also be key to adopt a move away from ornamental shrub planting towards vegetation which will better integrate with the local landscape and enhance Green Networks and biodiversity. A full list of appropriate species can be found in Appendix A.

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3.18 Planting mixes should contain a range of species to suit individual site conditions (see Appendix A for suggested species). The Council recommends that each species should comprise not less than 5% of the mix and not more than 25% of the mix. Although not native, sycamore has advantages as a quick grower with good resilience in poor and exposed growing conditions, and, along with faster growing species like alder and willow, might be planted to create early benefits at the sites. Planting consisting wholly or predominantly of sycamore would however be contrary to Policy RD2. Hedgerows can be enhanced, restored and created, and have great biodiversity potential; hawthorn is a robust species which will grow quickly in demanding conditions, and could be supplemented with blackthorn and dog rose.

3.19 Although this guidance advises on appropriate planting species, it does not specify a planting scheme or layout for the sites. Developers should prepare planting proposals which should include setting out the arrangement of woodlands and shelterbelts. The following principles should be considered when designing this layout:

- Planting should not be used to screen proposed buildings, which should be of a design quality to ensure that screening is ~~undesirable~~ **not required**. Furthermore, screening can reduce daylight and sunlight for the properties concerned;
- Consideration should be given to planting small groups of trees to create a setting or shelter for new houses. This is a traditional arrangement that is commonly found in the Midlothian countryside, though care should be taken in avoiding screening as mentioned above;
- The existing field pattern and field boundaries should be respected in designing a planting scheme, with consideration being given to thicken up or link existing woodlands and hedgerows;
- Account should be taken of important or sensitive views;
- Large scale forestry will be unacceptable though bio-mass crops may be acceptable provided that it forms part of the mix on the site (see Rural Businesses below);
- Use of garden features (such a leylandii hedges) are not acceptable; and
- Consideration should be given to protecting the amenity of existing and future residents.

3.20 Biodiversity assessments were undertaken in 2006; the results of which are outlined in the 'Site Specific Considerations' section below. These assessments showed that some of the sites have extensive poorly drained areas of grass and rush/sedge and other wetland species. As these are valuable habitats they should not be drained and extensive planting in their vicinity should be avoided. Where existing areas of biodiversity, such as these, are

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retained and management regimes established for them, such areas will contribute towards the 50% requirement mentioned above. All applications should be accompanied by an ecological survey.

3.21 Where there are existing trees on the site it is recommended that a Tree Survey and Arboricultural Assessment be undertaken in line with British Standard (BS5837: 2012), which identifies (i) the exact location of trees, shrubs and hedges; (ii) the species, trunk girth, height and canopy spread; (iii) condition of the trees, noting defects, remedial action and safe life expectancy; (iv) the amenity value of the tree in respect of the development site and the wider environment; (vi) location of existing buildings and infrastructure; and (vii) existing and proposed ground levels.

3.22 It should be noted that where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers should note that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended). Developers should note that any pruning or felling of trees covered by a Tree Preservation Order requires permission by way of a [Works to Trees Application](#).

3.23 The Local Biodiversity Action Plan and Nature Conservation Planning Guidance are recommended as sources of good practice. Guidance on farming in a sustainable manner is available from Scotland's Rural College (SRUC).

3.24 New planting should be used to create new habitats. The formation of new ponds within the sites is encouraged and supported. Clean water ponds have the best potential to support wildlife. Groups of individual ponds are better at doing this than one big pond. Low angled banks are useful as this maintains shallows, even as the depth of the pond varies over the seasons. Shallow banks are also preferable from a safety perspective. Water features created to attenuate the run-off of surface water might also have nature conservation benefits, although caution should be exercised when planting trees, bushes or shrubs in the vicinity of sustainable drainage systems (SuDS) and sewers due to the risk of root incursion.

3.25 The formation of bird and bat boxes on new houses and buildings are encouraged.

3.26 A Landscape Layout and Planting Plan for the site should be prepared, preferably, by a qualified landscape architect and should show elements of hard and soft landscaping. A legal agreement will require to be drawn up to ensure adherence to a scheme of planting and biodiversity enhancement and to ensure that such features are maintained by future owners of the property.

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Mandatory Landscape and Biodiversity Details Required to Support a Planning Application

Ecological surveys (at least a Phase 1 Ecology Survey)

Full Tree Survey and Arboricultural Impact Assessment (AIA)

Landscape Layout Plan (This should show all elements of hard and soft landscape within the site; including existing vegetation to be retained and/ or removed. Landscape proposals should reflect the recommendations of any ecological surveys in terms of species, habitat and biodiversity enhancements.)

Planting Plan (as above) **which should also be directed by the results of ecological surveys with regards to directing planting types, management and enhancement.**

Planting Schedule (including number, size and planting density) **which should also be directed by the results of ecological surveys with regards to directing planting types, management and enhancement.**

Landscape Specification (including details of proposed landscape materials; methods of soil preparation, seeding/ planting etc.; tree protection measures)

Construction Details (including temporary site access arrangements and remediation plan)

Landscape establishment maintenance and long term maintenance specification document and programme/ schedule

Woodland management plan for existing and proposed woodland

Public Access

3.27 The Land Reform (Scotland) Act 2003 grants a general right of responsible public access over the countryside in Scotland. Proposals under MLDP Policy ENV2 provide the opportunity to expand opportunity for public access in the countryside through good design and the provision of paths.

3.28 Development should be designed so that it is welcoming and avoids the perception that the wider landscaped areas are in any way 'private' or that accessing or crossing them will result in conflict. Paths providing barrier free access can assist in this and will be

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encouraged by the Council. Advice on the design of paths can be provided by the Council's Landscape and Country Service and additional sources of advice have been produced by Sustrans Scotland, Transport Scotland, Paths for All and the British Horse Society Scotland.

3.29 The Council's Core Path Plan (adopted in 2009 and currently under review) identifies the principal paths and active travel routes, which includes an aspirational route linking Roslin to Peebles. Proposals at the Netherton and Wellington sites will be encouraged to assist in making this link. Developers should not solely rely on the Core Path Plan to identify paths on or near each site and are encouraged to survey each site for any informal paths at the design stage of proposals.

Flooding, Drainage and Water Services

3.30 The Council recognises that field drainage in the locality is poor and that burns run along or through a number of the sites. Flood risk assessments will need to be commissioned to provide assurance that the sites can be developed without undue flood risk. Residential properties should not be exposed to a greater than 1 in 200 risk of flooding in any one year.

3.31 MLDP Policy ENV 10 Water Environment requires that all new development should pass surface water through a SuDS which ameliorates the water to an acceptable quality prior to release to the wider water environment. SuDS should be designed as an integral part of the Green Network, incorporating recreational access and biodiversity enhancement, both within the scheme and through wider connectivity. Midlothian Council expects the design of systems to meet best current practice and to maximise the potential of SuDS components as amenity and/or biodiversity features.

3.32 Scottish Water (SW) operates a reasonable cost of connection service, where they will contribute a sum to the provision of new water supply and waste water systems. In July 2019, this was set at £1,630 for a water supply connection and £1,892 for waste water.

3.33 SW's publication 'Sewers for Scotland' (4th Edition) provides guidance to developers for all standards and specifications required when designing new drainage infrastructure, and it (or any replacement guidance) should therefore be referred to. The SEPA document 'Planning advice on waste water drainage' is also recommended for guidance on surface and foul water drainage.

Rural Business and Diversification

3.34 MLDP Policy RD2 provides the opportunity for rural businesses to be developed and operated in association with the rural housing, although proposed schemes are not required to make provision for this for them to be deemed acceptable. Any business proposals will be required to meet the provisions of MLDP Policy RD1, which states that developments are of the scale and character appropriate to the rural area, be well integrated into the rural

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landscape, be capable of being serviced by an adequate and appropriate access, be capable of being serviced by drainage and public water supply at reasonable cost and be accessed by public transport. Furthermore, business proposals cannot be primarily of retail nature.

3.35 Where equestrian related uses are proposed, there may be a conflict between providing sufficient stabling for any horses to move without difficulty, providing land for exercise and grazing of horses while meeting the 50% landscape and biodiversity improvement requirement of the policy. The British Horse Society provides guidance of 1-1.15 acres as a minimum area for grazing, though this is subject to numerous variables such as management practices and the size of animals. Proposals which include equestrian uses should take cognisance of these guidelines.

Implementation and Phasing of Development

3.36 The order in which the site is developed will need to be considered in developing a scheme. Applications should include a proposed phasing programme outlining the order that different aspects of the proposal will be undertaken. Applicants should expect that consents will include a planning condition which ensures that the development is phased in a manner which prevents the houses from being developed in the absence of measures that make the proposal acceptable under the policy, such as landscape and habitat improvements. Such conditions are likely to prohibit work on developing any dwellings until such measures are substantially started.

3.37 When considering the design of proposals for low density rural housing, prospective applicants should consider that their proposed phasing programme could be affected by planning conditions attached to an approval. The Council's expectation of how sites are to be developed is as follows:

- Prior to work on any dwellings or other buildings, details of any paths work, planting or tree/woodland maintenance should be submitted to and approved by the Council;
- Prior to work on any dwellings or other buildings, trees and areas of woodland should be fenced off with stockproof fencing and be planted in accordance with the consented scheme;
- Prior to occupation of any dwelling, the Council should have written confirmation that arrangements for adequate sewerage disposal/treatment is operational.

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4. Site Specific Matters

Leadburn

4.1 This site is located to the west of the A701 and the land slopes gently upwards from east to west. The eastern part is ~~more boggy and unsuitable for development~~ **more suitable for biodiversity enhancement, particularly to wetland habitat**, while the western part consists of a raised terrace which is on firmer ground. Therefore, it is considered that this western part is more suitable for built development. While a flood risk assessment was prepared at the time of the 2006 Public Local Inquiry, which demonstrated that the site could be developed without unacceptable risk of flooding, an update to this work will be required.



Map 2: Low Density Rural Housing RD2 Site at Leadburn

4.2 A possible access point to the site is to the north east, which avoids areas of biodiversity value. It will need to be demonstrated at the time of the planning application that sightlines in accordance with the Council's roads standards can be provided. A shared access driveway should suffice to serve two houses. Alternative access options will be considered should this option prove impossible.

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4.3 The biodiversity assessment (2006) identified the tree corridor and burn running through the site as features of value which should not be damaged or interfered with. The boggy areas is dominated by grasses, sedges and rushes, which should be left undeveloped for their biodiversity value. The tree corridor at the north and western edges of the site should be retained (the avenue of Beech Trees is covered by Tree Preservation 1 of 2014 (079)). Drainage of these areas will not be supported and details of any large scale planting in the vicinity of them should be submitted to ensure that they will not become dried out. The provision of ponds within the site will be supported as a means of supporting biodiversity, as will the provision of bat boxes on any buildings.

4.4 Scottish Water's (SW) distribution network stops at Wellington, 500m to the north. Should the cost of extending SW's infrastructure be in excess of reasonable cost contribution, and would likely impose a large and impracticable burden on developers of the site, a private water supply may be acceptable. Surface water drainage should utilise sustainable principles to ensure that run-off flows are attenuated and water is cleaned of contaminants. The density of these sites is such that drainage by septic tank should be acceptable, although the design chosen may have to reflect the poor drainage conditions in the area. The SW foul drainage system does not enter this area.

4.5 No planning applications or other interest in development of the site have been forthcoming since 2006. If this remains the case during the production of the next Local Development Plan, the Council will have to review whether to retain this site under the auspices of Policy RD2.

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Netherton

4.6 The site covers an area to the east of the A701.



Map 3 : Low Density Rural Housing RD2 Site at Netherton

4.7 Planning permission was granted for a dwelling in 2015 and has since been implemented, via the formation of an access track; no further development has occurred. Planning permission was then approved for a café with an attached dwelling and a small cluster of yurts in 2018. Associated schemes of landscape and biodiversity management have also been agreed. Initial biodiversity enhancement works have been carried out involving the planting of 16,535 trees. It is hoped that this site provides a positive example of what can be achieved with the necessary commitment and forethought.

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Wellington

4.8 The site covers an area to the east of the A701, immediately north of the Wellington-Howgate link road and to the south of the Netherton site.



Map 4 : Low Density Rural Housing RD2 Site at Wellington

4.9 It is proposed to split the site in two, with access off the Wellington-Howgate link road. An additional passing place is to be provided in connection with another consented application in the locality, and a further passing place may be required depending on the intensity of use of the site. The higher ground to the north and north-east should be avoided for any built development.

4.10 The site covers three fields, and it is considered that these should form the basis of two plots (the most easterly of the fields should not form a plot in its own right as it is steeply graded and, being further along the unsuitable Wellington-Howgate link road, is more difficult to access). The site should be accessed from the western part of the Wellington-Howgate link road, from a point as close to the A701 as reasonably practicable.

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4.11 The earlier biodiversity assessment identified the trees and water course running through the site as features of value which should not be damaged or interfered with. **There is also opportunity for these existing features to be incorporated into habitat and restoration proposals as part of development. The existing features could form a mosaic of habitats to create a high quality, biodiverse site that would provide a welcome setting for development.**

4.12 The areas dominated by grasses and sedges/rushes should be left undeveloped. Planting on the grass and sedge/rush should be avoided in case they dry out. The formation of a pond designed purposefully for the stimulation of biodiversity is supported, as are the inclusion of bat boxes within the new houses.

4.13 SW's distribution network serves the area, and a public water supply should be installed. The sites should be able to take advantage of mains sewerage but, if not, a private drainage solution, adapted to the local conditions, should be adopted. The SEPA document 'Planning advice on waste water drainage' should be consulted for further guidance on surface and foul water drainage.

4.14 The Council is of the opinion that redeveloping Wellington School is desirable for improving the local landscape, given the prominence of this site. Providing adequate access to this site is the main impediment to such a redevelopment and a number of options have been examined to overcome this, including the possibility of providing an access route across the Low Density Rural Housing site at Wellington. Policy RD2 states that development of a higher density than normally permitted under this policy would be acceptable to facilitate such an access, provided that development is of a lower density than for the urban housing allocations identified in the plan, be low rise and avoid development on the higher ground in the east of the site. A safe entrance onto the A701 will need to be provided that can service both of the sites.

4.15 A planning application was lodged in March 2020 on the Wellington School site under the provisions of LDP Policy AHs5. Access is proposed by way of a new junction onto the A701 to the south of the site. Access would serve the school site only, and not the RD2 site to the north-east.

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Springfield

4.16 The site covers an area to the east of the A701 and north of Springfield Road.



Map 5 : Low Density Rural Housing RD2 Site at Springfield

4.17 The site was originally allocated under the 2008 Local Plan Policy HOUS5. It was suggested in the HOUS5 Supplementary Planning Guidance that the site could be divided into two sections in order to accommodate two dwellings.

4.18 The site is in two separate ownerships. One dwelling was consented on the southern portion of the site in 2012 and has since been implemented via the erection of fencing to demarcate the housing plot. The land associated with the southern portion of the site has been brought back into agricultural use; this has involved drainage improvements and biodiversity enhancements at the field edges.

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4.19 At the time this Guidance was written, the remaining land to the north of the site had not been subject to any planning applications and was used for keeping sheep. The northern section of the site contains extensive wet areas which may contribute towards the restoration of wetland habitat networks in the area.

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Appendix A: Suitable Shrub and Tree Species

The following provides an indicative list of plant species and mixes that are considered locally appropriate to the area of Midlothian described in this Supplementary Guidance. Plant specifications should comprise mostly native species of local provenance. Sourcing of Scottish grown plant material is preferred to ensure hardiness to local conditions.

Landscape Standards

To ensure appropriate standards of workmanship, landscape operations should comply with the recommendations set out in the following codes and recommendations:

- General landscape operations - to BS 4428:1989;
- Trees in relation to design, demolition and construction - to BS 5837:2012; and
- BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.

Mixed Species Hedgerows

- *Double staggered row; 9 plants per linear metre (min. 40-60cm bare root stock*
- *Plant in groups of no less than 5 of each species*
- *Percentage of each species to reflect local conditions/ prevalence*

Latin Species Name	Common Species Name
Acer campestre	Field Maple
Crataegus monnogyna	Hawthorn
Prunus spinosa	Blackthorn
Rosa canina	Dog Rose
Ilex aquifolium	Holly

Single Species Hedgerows

Latin Species Name	Common Species Name	Planting Specification
Crataegus monogyna	Hawthorn	40-60; bare root; 9 per linear metre

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Latin Species Name	Common Species Name	Planting Specification
Fagus sylvatica	Beech	40-60; bare root; 9 per linear metre
Ilex aquifolium	Holly	30-40; 1L pot; 9 per linear metre

Structure Planting Trees

- All trees to be planted in groups of no less than 5 of each species (whips/ feather size)
- Plant on a matrix; 1 plant every 3m/ 1.5m staggered centres

Latin Species Name	Common Species Name
Acer campestre	Field Maple
Alnus glutinosa	Common Alder
Betula pendula	Common Silver Birch
Fagus sylvatica	Scots Pine
Prunus Avium	Gean or Wild Cherry
Quercus petraea	Sessile Oak
Sorbus aucuparia	Rowan

Shrubs

- Plant on a matrix at 1m staggered centres
- All shrubs to be planted in groups of no less than 9 of each species (1+1 transplant)

Latin Species Name	Common Species Name
Crataegus monogyna	Hawthorn
Ilex aquifolium	Holly
Prunus spinosa	Blackthorn

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Latin Species Name	Common Species Name
Sambucus nigra	Elderberry
Viburnum opulus	Guelder Rose

Species rich flowering lawn

To be specified suitable for relaxed mowing (to 10cm in the growing season) but allowed to flower between July and August. Suitable for low foot traffic grassed areas in place of amenity grass mix (e.g.: for service strips or non-intensive amenity grass areas rather than private gardens. Species composition and proportions to seed supplier's specification and recommendations based on individual sites but may include:

Latin Species Name	Common Species Name
Wild Flowers	
Galium verum	Lady's Bedstraw
Leontodon hispidus	Rough hawkbit
Scorzoneroide autumnalis	Autumn Hawkbit
Silene vulgaris	Bladder Campion
Leucanthemum vulgare	Oxeye Daisy
Lotus corniculatus	Birdsfoot Trefoil
Primula veris	Cowslip
Prunella vulgaris	Selfheal
Ranunculus acris	Meadow Buttercup
Trifolium pratense	Wild Red Clover
Achillea millefolium	Yarrow
Anthyllis vulneraria	Kidney Vetch
Dianthus deltoids	Maiden pink
Fragaria vesca	Wild Strawberry

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Latin Species Name	Common Species Name
<i>Helianthemum nummularium</i>	Rock Rose
<i>Hypochaeris radicata</i>	Cat's Ear
<i>Lotus corniculatus</i>	Birdsfoot Trefoil
<i>Origanum vulgare</i>	Wild marjoram
<i>Pimpinella saxifrage</i>	Burnet Saxifrage
<i>Rumex acetosella</i>	Sheep's Sorrel
<i>Succisa pratensis</i>	Devil's Bit Scabious
<i>Thymus polytrichus</i>	Wild Thyme
<i>Trifolium repens</i>	White Clover
<i>Veronica chamaedrys</i>	Germander Speedwell
<i>Veronica officinalis</i>	Common Speedwell
<i>Viola riviniana</i>	Common Dog Violet
Grasses	
<i>Agrostis capillaris</i>	Common Bent
<i>Cynosurus cristatus</i>	Crested Dogstail
<i>Festuca rubra</i>	Red Fescue
<i>Phleum bertolonii</i>	Smaller Cat's Tail
<i>Agrostis capillaris</i>	Common Bent
<i>Festuca brevipolia</i>	Hard Fescue
<i>Festuca rubra ssp commutata</i>	Chewings Fescue
<i>Poa pratense</i>	Smooth-stalked Meadow Grass

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Example Meadow Seed Mixes: For transition from more managed areas to more naturalised areas. NB: final species lists, percentages and sowing rates to seed suppliers recommendations and to be suited to specific site conditions.

Urban Pollinator Mix: including annuals, biennials and perennials:

Latin Species Name	Common Species Name
Wildflowers	
Achillea millefolium	Yarrow
Centaurea cyanus	Cornflower
Centaurea nigra	Common Knapweed
Daucus carota	Wild Carrot
Echium vulgare	Vipers Bugloss
Glebionis segetum	Corn Marigold
Hypochaeris radicata	Cats-ear
Knautia arvensis	Field Scabious
Leontodon hispidus	Rough Hawkbit
Leucanthemum vulgare	Ox-eye Daisy
Papaver rhoeas	Corn Poppy
Primula veris	Cowslip
Primula vulgaris	Primrose
Prunella vulgaris	Selfheal
Ranunculus acris	Meadow Buttercup
Rhinanthus minor	Yellow Rattle
Stachys sylvatica	Hedge Woundwort
Succisa pratensis	Devils-bit Scabious

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Latin Species Name	Common Species Name
Taraxacum officinalis	Dandelion
Tripleurospermum inodorum	Mayweed
Vicia cracca	Tufted vetch
Grasses	
Alopecurius pratensis	Meadow Foxtail
Anthoxanthum odoratum	Sweet Vernal Grass
Agrostis capillaris	Common Bent
Cynosurus cristatus	Crested-dogs Tail
Poa pratensis	Smooth Stalked Meadow Grass
Festuca rubra commutata	Chewings Fescue

Hedgerow Meadow Mix

Latin Species Name	Common Species Name
Alliaria petiolata	Garlic Mustard
Campanula latifolia	Giant Bellflower
Centaurea nigra	Common Knapweed
Cruciata laevipes	Crosswort
Digitalis purpurea	Foxglove
Geum urbanum	Herb Bennet
Geranium sylvaticum	Wood Cranesbill
<u>Hypericum perforatum</u>	St John's Wort
<u>Knautia arvensis</u>	Field Scabious

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Latin Species Name	Common Species Name
<u>Leucanthemum vulgare</u>	Ox eye Daisy
<u>Primula vulgaris</u>	Primrose
<u>Rhinanthus minor</u>	Yellow Rattle
<u>Silene dioica</u>	Red Campion
<u>Silene flos-cuculi</u>	Ragged Robin
Stachys sylvatica	Hedge Woundwort
Stellaria holostea	Greater Stitchwort
Teucrium scorodonia	Wood Sage
Torilis japonica	Upright Hedge Parsley
Vicia sepium	Bush Vetch
Grasses	
Agrostis capillaris	Common Bent
Cynosurus cristatus	Crested Dog's Tail
Festuca rubra ssp commutata	Chewings Fescue
Poa nemoralis	Wood Meadow Grass
Poa pratensis	Smooth-stalked Meadow Grass

General Purpose Meadow Mix(species to be adjusted to suit local conditions):

Latin Species Name	Common Species Name
<u>Achillea millefolium</u>	Yarrow
Centaurea nigra	Common Knapweed
<u>Galium verum</u>	Ladys Bedstraw

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Latin Species Name	Common Species Name
<i>Hypochaeris radicata</i>	Cat's Ear
<i>Lathyrus pratensis</i>	Meadow Vetchling
<u><i>Leucanthemum vulgare</i></u>	Ox-eye Daisy
<i>Pimpinella saxifraga</i>	Burnet Saxifrage
<i>Plantago lanceolata</i>	Ribwort Plantain
<u><i>Primula veris</i></u>	Cowslip
<u><i>Prunella vulgaris</i></u>	Selfheal
<i>Ranunculus acris</i>	Meadow Buttercup
<u><i>Rhinanthus minor</i></u>	Yellow Rattle
<i>Rumex acetosa</i>	Common Sorrel
<i>Scorzoneroide autumnalis</i>	Autumn Hawkbit
<u><i>Succisa pratensis</i></u>	Devils-bit Scabious
<i>Vicia cracca</i>	Tufted Vetch
Grasses	
<i>Agrostis capillaris</i>	Common Bent
<i>Alopecurus pratensis</i>	Meadow Foxtail
<i>Anthoxanthum odoratum</i>	Sweet Vernal Grass
<i>Cynosurus cristatus</i>	Crested Dogs Tail
<i>Festuca rubra commutata</i>	Chewings Fescue
<i>Poa pratensis</i>	Smooth Stalked Meadow Grass

Low Density Rural Housing Supplementary Guidance

Appendix B: Useful Information

BREEAM Guidance for Developers

Scottish Government Planning Advice Note (PAN) 72 - [Planning Advice Note 72: Housing in the countryside - gov.scot \(www.gov.scot\)](#)

Nature Conservation Planning Guidance (Midlothian Council) - [Nature conservation and sustainable development | Nature conservation planning guidance, 2021 \(midlothian.gov.uk\)](#)

Midlothian Council Local Biodiversity Action Plan Midlothian Council site landscape assessments (held by Midlothian Council)

Midlothian Council site biodiversity assessments (held by Midlothian Council)

Midlothian Council Core Paths Plan (2009) - [Midlothian Core Paths | Midlothian Council](#)

Midlothian Council Green Network Supplementary Guidance - [MLDP Approved Supplementary Guidance | Green Network Supplementary Guidance \(adopted 02/08/18\) 6.45MB \(midlothian.gov.uk\)](#)

Pollinators in Planning and Construction, Scottish Natural Heritage (2021) - [Scottish Natural Heritage - Pollinators in Planning and Construction](#)

Developing with Nature Guidance, Scottish Natural Heritage (2021) [Developing with Nature Guidance](#)

Scottish Water Customer Guide Scottish Water 'Sewers for Scotland 4'

Planning Guidance on Waste Water Drainage (SEPA)

British Standard 5837 (2012)

British Standard 3998 Tree Work Recommendations

Susdrain for good practice SUDS examples - www.susdrain.org

Scottish Forest Strategy, 2019-2029 - [Scottish Forestry - Forestry Strategy](#)

COMMUNICATING CLEARLY

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如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyuyoruz.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (تایپا افراد کے لیے) بھرے ہوئے حروف کی لکھائی میں، ٹیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔



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.*

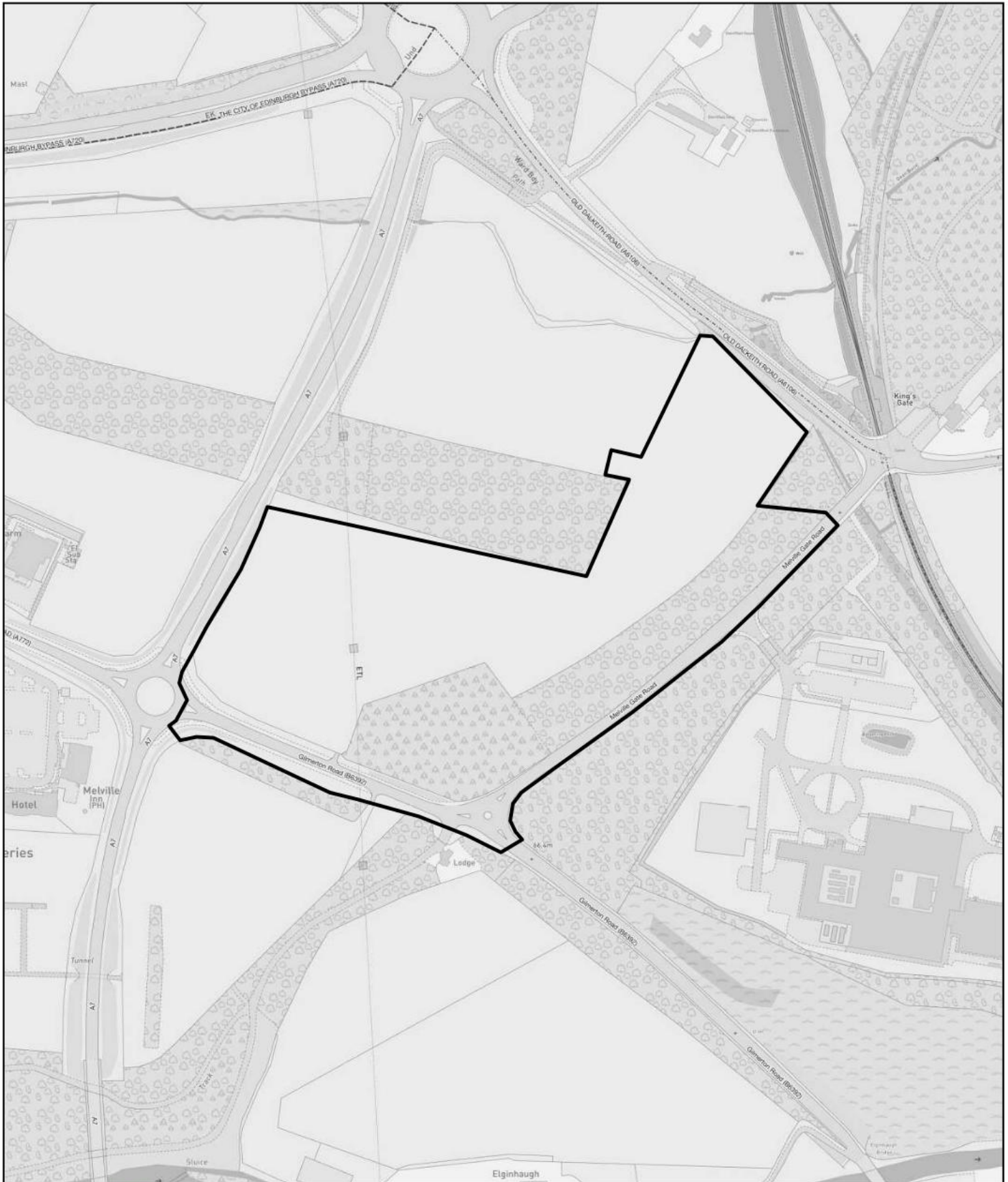
37. The building heights within the planning permission in principle sites shall not exceed the relevant maximum building heights specified on drawing number 11658-HFM-ZZ-ZZ-DR-A-P(00)-004 rev. P01.

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

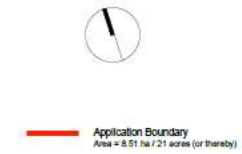
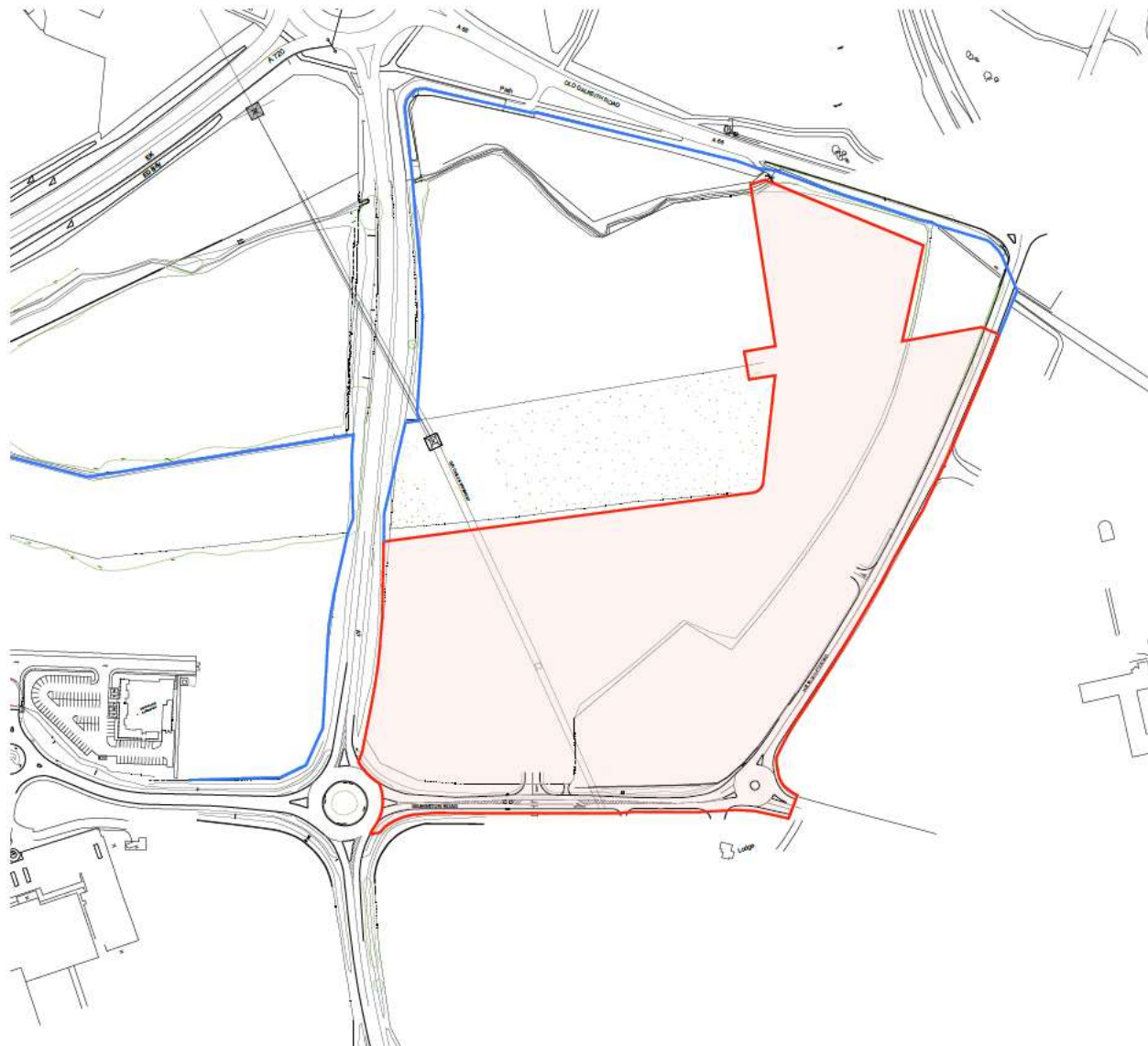
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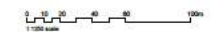
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Scale: 1:4,000
Page 214 of 252





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HALLIDAY FRASER MUNRO
ON SITE ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Sherriff South East

Client:
Bunzl Property

Site:
Location Plan

Document Reference:
Drawing No. 11055 - 01/21 - 22 - 01 - A - 7000 - 001

Drawing Status:
Planning

Scale:
1:1250 @ A1

Date:
Oct 2021

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1:1000 scale



HALLIDAY FRASER MUNRO
CRAYFED ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Sheffield South East

Client:
Surrendale Property
Site:
Parameter Plan 01
Full and PPIP Application Boundaries

Document Reference:
Project Name: Parameter Plan 01
Drawing No: 11000
Revision: 22
Date: 22
Author: DR
Check: A
Approved: P1000
Date: 002

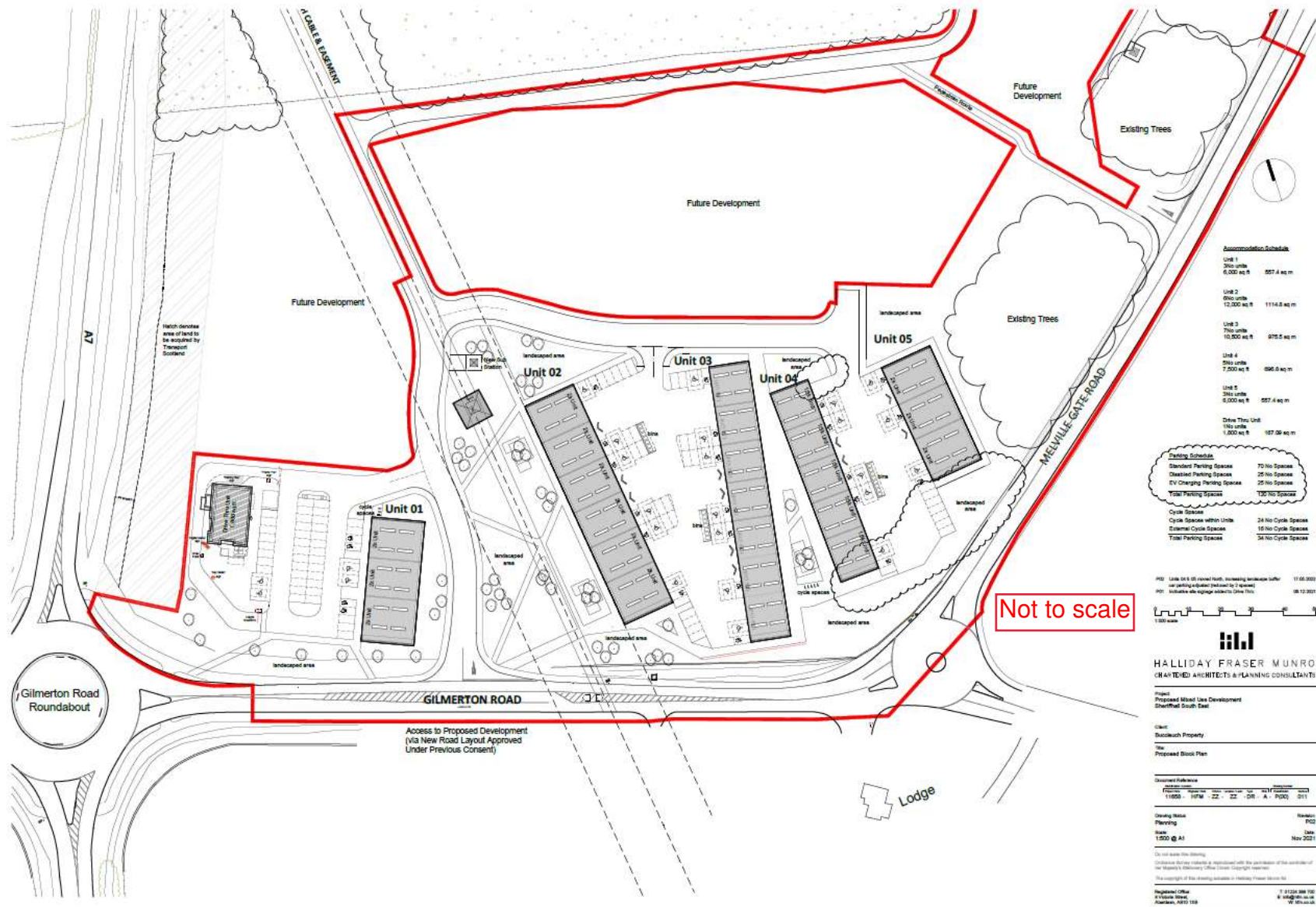
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Revision:
Date:
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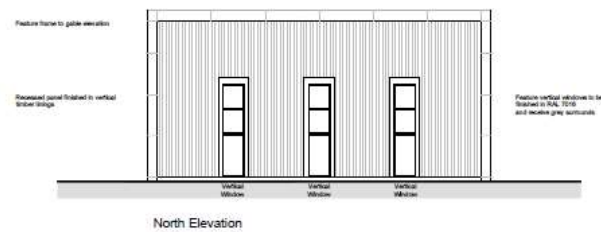
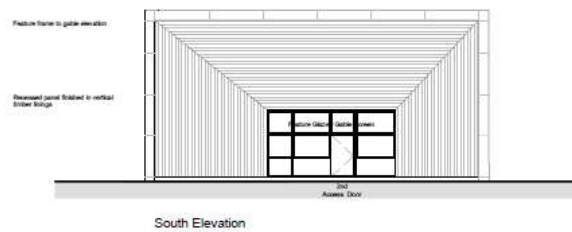
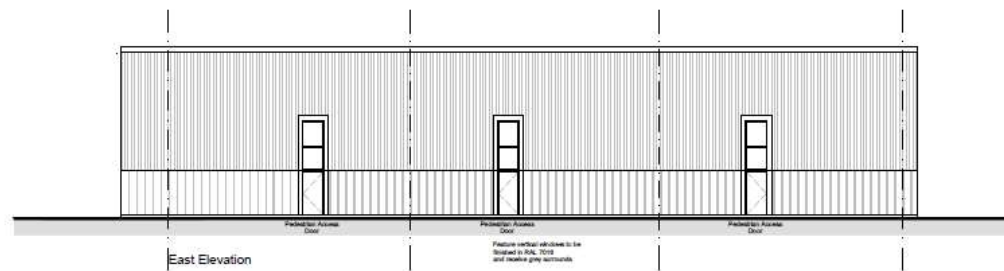
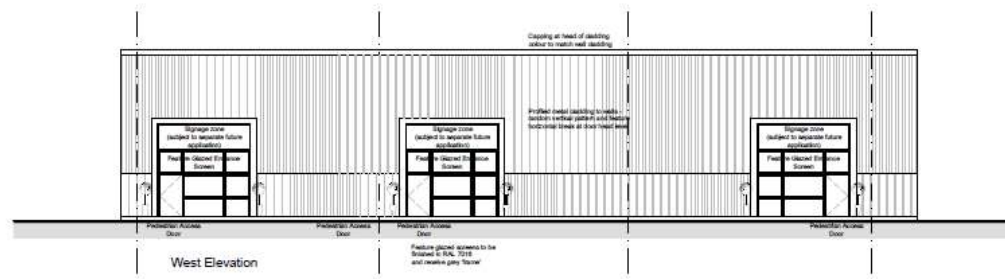
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HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Sherrill South East

Client: **Buckleup Property**

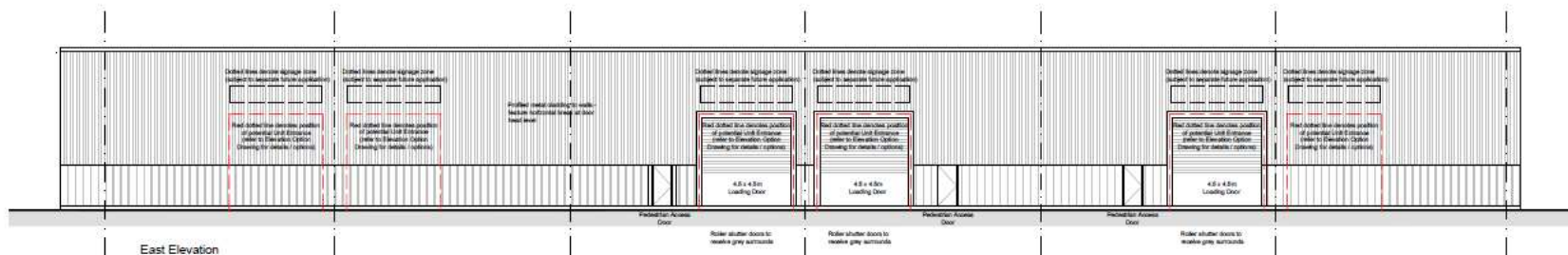
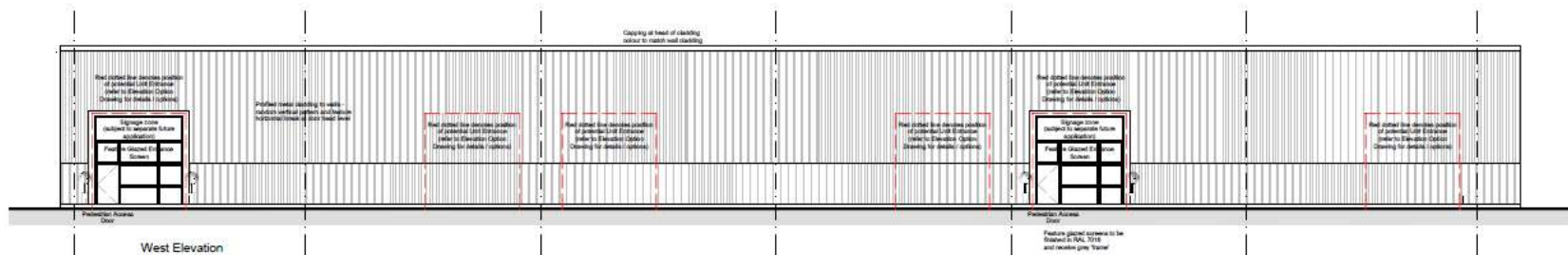
Unit Of
Elevations

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Participant	Condition	Score	Standard Error	Age	Sex	Participant	Score
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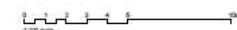
Drawing Station	Revised
Planning	
Route	Date

(continued from previous page)

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CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Overhead South East

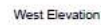
Client:
Bunzl South Property

File:
2021 02
Elevations

Document Reference:
Drawing Number: 2021 02
Drawing Title: Elevations
Drawing Date: 22/09/2021
Drawing Scale: 1:100 @ A1
Drawing Status: Planning
Drawing Date: 22/09/2021

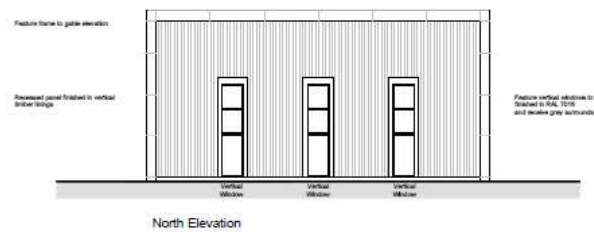
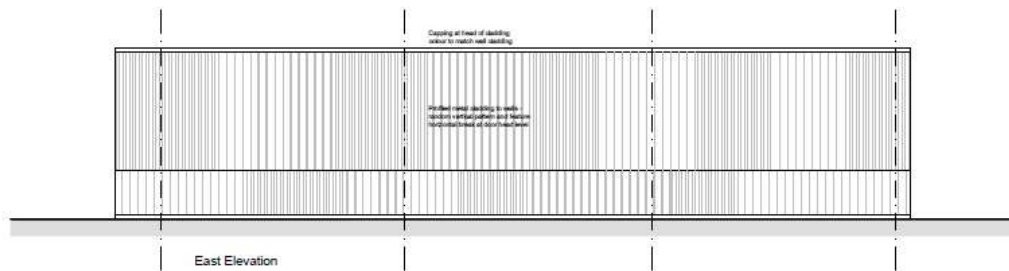
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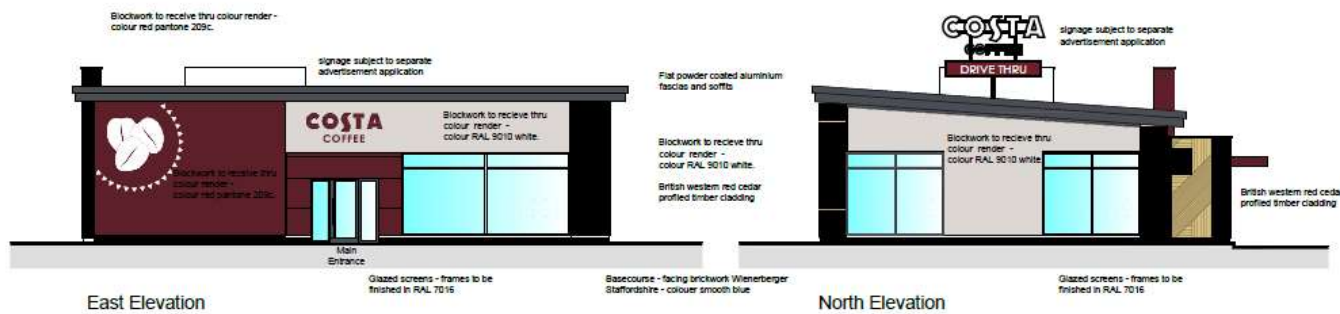
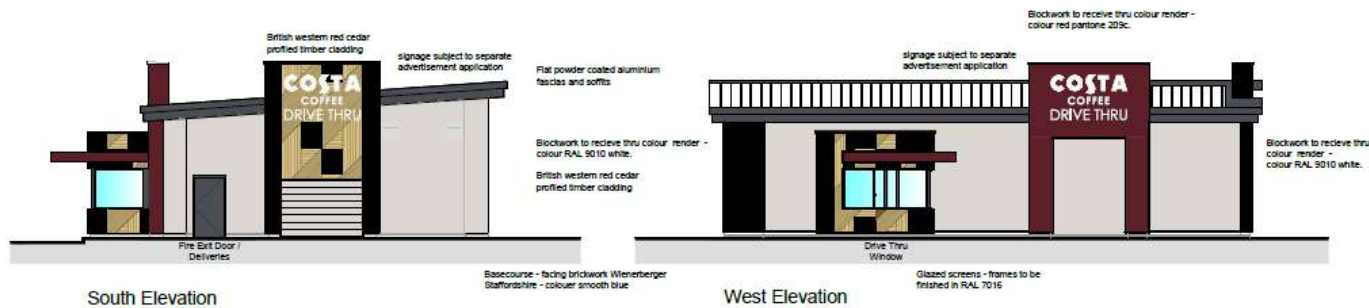


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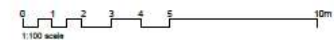
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HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project:
Proposed Mixed Use Development
Shermell South East

Client:
Bucoleuch Property

Title:
Drive Thru Unit
Elevations

Project Code	Revision Code	Revision	Revision Date	Revision Description	Revision Number
11655	HFM	- ZZ - ZZ	- DR - A -	P(20)	702

Drawing Status: Planning
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Date: Sept 2021

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**APPLICATION FOR PLANNING PERMISSION 21/00338/DPP FOR
ERECTION OF FOODSTORE (CLASS 1); FORMATION OF ACCESS
ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND AT
THE JUNCTION OF THE A701 AND PENTLAND ROAD, OLD PENTLAND,
LOANHEAD**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of a retail foodstore (Class 1), formation of access roads, car parking, and associated works on land at the junction of the A701 and Pentland Road, Old Pentland, Loanhead.
- 1.2 There have been five representations objecting to the application and one neutral representation and consultation responses from Transport Scotland, Scottish Water, the Council's Biodiversity Advisor, the Council's Policy and Road Safety Manager, the Council's Flood Officer, the Council's Senior Manager Protective Services, the Roslin and Bilston Community Council, the Damhead Community Council and the Loanhead and District Community Council.
- 1.3 The relevant development plan policies are policy 3 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies DEV4, DEV5, DEV6, DEV7, TRAN1, TRAN2, TRAN5, TCR1, TCR2, RD 1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV18, ENV25, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4 The recommendation is to refuse planning permission.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located to the south of Pentland Road and to the west of the A701, with the junction of the two at the north east corner of the site. The application site comprises an undeveloped green field and is irregular in shape. The site is approximately 1.35ha in size.
- 2.2 The site is designated as being within the countryside. Land to the north of the site is undeveloped, but is allocated as a mixed use site,

and may accommodate employment and retail floorspace as part of a wider Midlothian Gateway development.

- 2.3 The land to the west is undeveloped and was allocated in the MLDP for possible film and TV studio and associated uses (allocation MX1). However, this development is no longer proceeding.
- 2.4 To the south, along the A701 frontage, is residential development, to the west of which is undeveloped land which in turn is bound to the west by Pentland Park Residential Caravan Park.
- 2.5 To the east of the A701 is the built form within the Straiton Commercial Hub. Immediately opposite the site is an Asda supermarket, and Ikea is located to the north east of the site. Further retail development is located to the north (circa 500m) of the site at Straiton Retail Park, including Sainsbury and Lidl food stores.

3 PROPOSAL

- 3.1 The proposed development is for the erection of a new food retail store with associated access from Pentland Road to the north of the site. The access road would then facilitate a left hand turn into the site for customers, with a further left hand turn into the site, behind the proposed store where a service/loading and turning area would be facilitated.
- 3.2 The new retail store would deliver 1878sqm of floorspace, 1315sqm of which would be trading floorspace. The proposed store would be orientated perpendicular to the Pentland Road and is generally rectangular in shape. A deposit/returns unit would be delivered to the south east elevation and is circa square in shape and 60sqm.
- 3.3 An associated car park is proposed to the north east of the proposed store that would deliver 104 parking spaces.
- 3.4 The applicant's agent has submitted a planning statement providing details of the proposal as well as considerations of other sites in town centres.
- 3.5 Landscaping proposals are included as part of the development at the boundaries of the proposed food store and car park.
- 3.6 The main structure is a typical food store design on a single ground floor level. The highest part of the structure would be the ridge on the north east elevation at 8.4m. The roof then slopes away to the south west where eaves are 5.5m high. The elevations would primarily be formed of coated aluminium.

3.7 The application is accompanied by a:

- Preliminary Ecology Appraisal;
- Phase II Geo-environmental Assessment;
- Planning and Retail Statement
- Planning and Retail Statement/Impact Assessment (RIA);
- Pre-application Consultation Report;
- Noise Statement
- Drainage Impact Assessment;
- Transport Statement;
- Transport Statement Addendum; and
- Design and Access Statement.

4 BACKGROUND

Application site

4.1 No Planning History.

Land to the west

4.2 Pre application consultation (14/00729/PAC) for mixed-use development comprising: film and TV studio and backlot, hotel, non-food retail, commercial uses ,with the potential for a gas combined heat and power plant at Old Pentland, Loanhead was submitted in October 2014. The notice was reported to Committee at its meeting of January 2015.

4.3 An Environmental Impact Assessment (EIA) screening opinion (14/00704/SCR) for mixed-use development comprising; film and tv studio and blacklot, hotel, non-food retail, commercial and residential uses, with the potential for a gas combined heat and power plant at Old Pentland, Loanhead was submitted in September 2014. The planning authority's adopted screening opinion is that an EIA is required for the development.

4.4 An Environmental Impact Assessment (EIA) scoping opinion 15/00230/SCO for mixed-use development comprising; film and tv studio and blacklot, hotel, non-food retail, commercial and residential uses, with the potential for a gas combined heat and power plant at Old Pentland, Loanhead was withdrawn.

4.5 Application (15/00364/PPP) for planning permission in principle for a mixed use development comprising; film and tv studio including backlot complex; mixed employment uses (retail/office/commercial); hotel; gas and heat power plant/energy centre; film school and student accommodation; studio tour building; earth station antenna and associated infrastructure including car parking; SUDS features and landscaping (This application is accompanied by an environmental

statement submitted under the terms of the Town and Country Planning environmental impact assessment (Scotland) Regulations 2011). Prior to the determination of this application, the application was Appealed (15/00005/NONDET and PPA-290-2032) in December 2015. The Appeal was further recalled by Scottish Ministers and on 3 May 2017 Ministers issued their Intention to Determine the Appeal and grant planning permission in principle subject to the conclusion of a planning obligation to secure developer contributions – the planning obligation was not concluded as the applicants interest in the site was withdrawn.

Land to the south and west

- 4.6 An Environmental Impact Assessment (EIA) screening opinion (21/00237/SCR) for mixed use development including Class 2 (professional and other services), Class 3 (food and drink), Class 4 (business), Class 7 (hotel), Class 8 (residential institutions) Class 9 (residential), Sui Generis (flats), Class 10 (non-residential institution) and associated works at land at Junction of the A701 and Pentland Road, Old Pentland, Edinburgh was submitted in March 2021. The planning authority's adopted screening opinion is that an EIA is not required for the development.
- 4.7 Pre application consultation (21/00055/PAC) for mixed use development including Class 2 (professional and other services), Class 3 (food and drink), Class 4 (business), Class 7 (hotel), Class 8 (residential institutions) Class 9 (residential), Sui Generis (flats), Class 10 (non-residential institution) and associated works at land at junction of the A701 and Pentland Road, Old Pentland, Edinburgh was submitted in January 2021. The notice was reported to Committee at its meeting of May 2021.
- 4.8 Planning application 21/00958/PPP was submitted November 2021 for proposed mixed-use development comprising Class 2 (professional services), Class 8 (residential institutions), Class 9 (residential), Class 10 (non-residential institutions), Sui Generis (mixed use of retirement flats and Assisted Living/Extra Care flats), Affordable Housing and associated works. No determination has been made on this application to date.
- 4.9 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 – Class 1: Shops has been referenced in this report. 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 inter changeable in land use planning terms.

- 4.10 The application has been called to Committee for determination by Councillor Winchester.

5 CONSULTATIONS

- 5.1 **Transport Scotland** does not object to the application subject to the following condition:

- No part of the development shall be occupied until a comprehensive travel plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this travel plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

- 5.2 **Scottish Water** does not object to the application. Scottish Water carried out a capacity review and confirmed that there is currently sufficient capacity in the Glendevon Water Treatment Works to service the development. In relation to waste water capacity Scottish Water advise that there is currently sufficient capacity for a foul only connection, 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. They advise that surface water will not be accepted into the combined sewer but have suggested that a connection into a designated surface water sewer would be acceptable.

- 5.3 The **Council's Biodiversity Advisor (The Wildlife Information Centre - TWIC)** does not object to the application, but the submitted ecology report needs updating, which can be secured by condition if planning permission is granted.

- 5.4 The **Council's Policy and Road Safety Manager** does not object to the application subject to conditions to achieve the following:

- Details of the proposed new vehicle access into the site should be submitted for approval.
- The existing 3 bay bus shelter on the A701 at the site frontage should be replaced with a larger 5 bay shelter to accommodate the additional number of bus users the new development would generate.
- Secure, covered, lockable cycle parking facilities should be provided for staff. Details of the staff cycle parking should be submitted for approval.
- As the development will require changes to the existing speed limit on roads surrounding this site the developer should enter into a S75

agreement (or similar legal agreement) to provide a financial contribution to the costs involved in drafting and promoting these changes.

- Details of the GTP proposed in the Transport Statement should be submitted for approval.

5.5 The **Council's Flood Officer** does not object to the application, but notes: *"The surface water run-off from the development is proposed to enter the existing Scottish Water drainage system and confirmation from Scottish Water would be required to show that this situation would be acceptable."*

5.6 The **Council's Senior Manager Protective Services** does not object to the application subject to a noise limitation condition to safeguard the amenity of local residents.

5.7 **Roslin and Bilston Community Council** objects to the proposal for the following reasons:

- The use of greenfield land is contrary to the MLDP;
- The proposed development conflicts with policy RD 1 of the MLDP;
- Retail should be located on the other side of the A701 to limit the need to cross the A701. The development would appear as isolated from the retail corridor;
- A701 is at capacity, hence the requirement for the new relief road to be secured prior to the development of allocation EC3;
- A new Lidl is being delivered in the Straiton Retail Park and would absorb demand for any new Aldi;
- The EC3 development is still being prepared and as such it is not known to what extent the new Aldi would conflict with this allocation;
- The site would provide open space between EC3 and existing development;
- The proposed design is not very high quality that would be required as part of EC3 development to the north and does not respect the locality; and
- There is potential that development would result in the loss of jobs elsewhere.

5.8 **Damhead Community Council** objects to the proposal for the following reasons:

- The site is not included in the MLDP for development as it is a greenfield site. Therefore the development is contrary to the MLDP as it conflicts with policy RD1 Development in the Countryside;
- The proposed access onto the Old Pentland Road is not suitable and traffic impact on the A701 is not acceptable;
- As there are vacant units in Straiton Retail Park, these should be filled prior to any further retail development;

- The Masterplan for Straiton and Ec3 has not yet been prepared which is intended to be a master plan for the 'Gateway to Midlothian'. The utilitarian plans put forward do not meet 'a very high quality of design, layout and landscaping'; and,
- The building would be more suited to be within Pentland Industrial Estate.

5.9 **Loanhead and District Community Council** objects to the proposal for the following reasons:

- The site is greenfield;
- There are empty retail units within the Straiton Retail Park that should be filled;
- Traffic levels on the A701 corridor are becoming unsafe;
- Without the EC3 masterplan for the new Midlothian Gateway, the proposed development would be premature; and,
- The proposed development does not represent very high quality design.

6 REPRESENTATIONS

6.1 There have been six representations received, which can be viewed in full on the online planning application case file. Five of these representations object to the planning application and one is neutral. The comments are summarised below:

- The development would have an adverse impact on the visual amenity of Pentland Park;
- The development would result in the loss of greenspace;
- The site might be unstable;
- The impact of traffic would be harmful to local roads that are unable to cater for the increase in traffic;
- Development would have a harmful impact on the wildlife that uses the site and the area as a wildlife corridor;
- The proposed development is against the aims of policy RD1;
- The site is described as a brownfield site in the design and access statement which it is not;
- Other local sites are more preferable with existing access and within policy designations;
- The location of the proposed development would not comply with policy DEV2;
- The proposed development could have detrimental impacts on the residential properties within close proximity to the site, particularly in regards to noise and light;
- The proposed development would result in the loss of hedgerow and thus habitat for wildlife;
- The submitted information does not include detailed SUDS designs;

- The proposed development is premature as the site is not allocated for development and there are other sites in proximity to the site that could accommodate the development;
- No sequential test has been submitted;
- No transport information has been submitted; and
- The development should be amended to provide greater ability for sustainable movement, including additional cycle parking, increased cycle path provision and the reduction in vehicular parking spaces.

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 3 (TOWN CENTRE AND RETAIL)** aims to promote a sequential approach to the selection of locations for retail and commercial leisure proposals.

Midlothian Local Development Plan 2017 (MLDP)

7.5 Policy **DEV4: Residential Park Homes** states that development will not be permitted where it would prejudice the continued use of Nivensknowe Park and Pentland Park for the siting of residential park homes.

7.6 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

7.7 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.

- 7.8 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.
- 7.9 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.10 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A701 realignment.
- 7.11 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.
- 7.12 Policy **TCR1: Town Centres** supports proposals for retail, commercial leisure development or other uses which will attract significant numbers of people in Midlothian's town centres, provided their scale and function is consistent with the town centre's role. In support of this policy the Council has prepared supplementary guidance on food and drink and other non-retail uses in town centres; this guidance also includes guidance in respect of food and drink and hot food takeaways outwith town centres.
- 7.13 Policy **TCR2: Location of New Retail and Commercial Leisure Facilities** states that the Council will apply a sequential town centre first approach to the assessment of applications. This directs retail developments to the following areas in order:
- Town Centre - Bonnyrigg, Dalkeith, Gorebridge, Loanhead, Mayfield, Newtongrange, Penicuik, Shawfair
 - Commercial centre – Straiton Commercial Centre
 - Potential out of centre location - Main corridor from Gorebridge/Redheugh to Newtongrange
 - Local Centres - Danderhall, Bonnyrigg/Hopefield, Bonnyrigg/Poltonhall, Dalkeith/Thornybank, Dalkeith/Wester Cowden, Dalkeith/Woodburn, Eskbank Toll, Gorebridge/Hunterfield Road, Bilston, Penicuik/Edinburgh Road, Roslin and Pathhead
- 7.14 Policy TCR2 also states that new shopping facilities, up to a scale of 1,000sqm gross floor area, will be permitted within local centres, provided they do not undermine the vitality and viability of any of Midlothian's town centres. It also states that elsewhere within the built-up area such facilities will be supported where new housing developments are not adequately served by existing centres. Any such

development should not have a negative effect on the amenity of the adjoining residential area, including traffic and parking considerations.

- 7.15 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.
- 7.16 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.
- 7.17 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 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 **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 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 Policy **NRG3: Energy Use and Low & Zero-Carbon Generating Technology** requires that each new building shall incorporate low and/or zero-carbon generating technology projected to contribute an extra percentage reduction in greenhouse gas emissions beyond the emissions standard to which the building is subject under the Building Regulations. Policy **NRG4: Interpretation of Policy NRG3** interprets Policy NRG3.
- 7.25 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.26 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.
- 7.27 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SuDS) to be incorporated into new development.

National Policy

- 7.28 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.
- 7.29 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.
- 7.30 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.
- 7.31 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.*
- 7.32 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.
- 7.33 **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.
- 7.34 **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.

Principle of Development

- 8.2 The site's only policy allocation is as Countryside (Policy RD1). Policy RD1 sets out what development within the countryside would be deemed to be acceptable. To assess development the policy sets out a number of criteria against which most development would be assessed. However, the policy is clear when it comes to primarily retail development. It states that "*Proposals will not be permissible if they are of a primarily retail nature or harm the amenity of nearby residents through unacceptable levels of noise, light or traffic*". In accordance with this policy, the site's policy allocation would seek to resist the proposed development, which is primarily retail in nature, and this would form sufficient basis for refusing the application in and of itself. There is no exception to this position in the local development plan.
- 8.3 Despite the above position it is appropriate to consider and address the arguments presented by the applicant as to why the proposed development should be supported. The proposed development is for a new food retail store. New retail development is subject to assessment against policy TCR2 of the MLDP 2017. The policy sets out a hierarchy of centres to which retail development would be appropriate. The application site is not within an allocated centre or adjacent the Straiton Commercial Hub. Policy TCR2 sets out the locations at which out of centre retail development would be supported. The site is not one of those. Whilst the policy sets out that major retail would be resisted out of centres, the policy does not state that retail of a local scale would be supported. As such, regardless of the site allocation as countryside and the application of policy RD1, the development does not receive support from policy TCR2.
- 8.4 In addition, even out of centre locations highlighted as potentially acceptable for retail development under policy TCR2 are still required to demonstrate that development would not undermine the vitality and viability of town centres. More is discussed on this matter within the below "Other Material Considerations" section of this report.
- 8.5 The development is therefore considered to be contrary to policies RD1 and TCR2 of the local development plan.

Other Material Considerations

Site Context

- 8.6 It is the applicant's position that the site's location in close proximity to other built form and main roads is a material consideration that would justify the assessment under the limb of policy TCR2 that refers directly to Straiton Commercial Hub. It is not in dispute that the site is within

proximity to a number of urban features. Indeed, land to the north is allocated for a mix of new uses including leisure and retail (allocation EC3). Land to the west is identified within the MLDP as a possible site for TV/Film studio (MX1). However, since an appeal at the MX1 site (Ministers were minded to grant permission) the development has not come forward, and the Council understands that the site is no longer pursued for this purpose. Land directly to the north is identified as part of the MX1 site, but also allocated under Ec3. The MLDP sets out that development at Ec3 should include the provision of open space, and the associated *"landscaping should therefore include a 30m wide (mounded) woodland belt along the northern through western to south-western boundaries."* Such development should therefore provide a landscaped edge to the site.

- 8.7 The site is currently free from development and on the edge of an urban area, and is considered to serve a transitional role between urban and rural areas. Despite the proximity of urbanising features it does not stand that the site should be assessed as part of the built form or as being within the Straiton Commercial Hub.

Retail Impact

- 8.8 Even if the site were to be considered as being within the Straiton Commercial Hub, it would still be required to comply with that part of policy TCR2 and the criteria set within it.
- 8.9 In order to understand the below matters it is first important to understand the proposed catchment area for the proposed retail unit. The proposed catchment area for the new Aldi is a 7 minute drive time. This is based on the average number of people a store would serve (15,000-20,000 people). During pre-application discussions with the applicant the planning authority sought that the proposed catchment area be increased to include Penicuik. This request has not been undertaken by the applicant. The applicant considers that such an extension to the catchment would not be reflective of the number of people a store might serve. The applicant has extended their assessment to include Penicuik by virtue of a sensitivity test which effectively extends the catchment area. A sensitivity test is a means of examining a possible greater impact of the proposed development. In order to do so, the parameters of a retail impact assessment are extended or increased. For example, the catchment area could be widened to assume a larger sphere of influence, or turnover/performance is increased to assess the impact of a higher performing retail unit on other centres/stores.
- 8.10 It is considered that the proposed catchment area is still conservative. One of the other stores that the applicant refers to in establishing its catchment area is the new Aldi at Thornybank, Dalkeith (application ref: 20/00220/DPP). However, this was noted to have a 10 minute drive time catchment area for that store. The recent Lidl application at

Straiton Retail Park and associated retail impact assessment (RIA) sets out a typical catchment population exactly matching that set out in the RIA (15,000-20,000 people). However, that RIA sets out a catchment journey time of 10-15 minutes. Whilst it is hard to make direct comparison between different retailers, both Aldi and Lidl provide a discounted food retail product. In light of this, the more limited catchment area used for assessing the proposed development raises some concern. A wider catchment area might yield further retail diversion from within Midlothian.

- 8.11 The A701 corridor is a recognised and extensively used transport/commuter corridor. The new store would sit directly to the west of the A701. Penicuik is assessed to be within a 9/10 minute drive and the Penicuik Town Centre a 13/14 minute drive to the south of the site. Whilst beyond the limits of the applicant's catchment area, similar developments in the area (notably the new Lidl at Straiton) have included Penicuik within the catchment. Given that the proposed site is outside any designated area of for new retail, a cautious approach is considered to be a prudent approach and that Penicuik should have been included within the catchment area for the development.
- 8.12 With the above in mind an assessment of the development against the criteria of policy TCR2 is undertaken below.
- 8.13 The first criteria of policy TCR2 sets out that sites on the edge of Dalkeith Town Centre should be considered prior to sites within the Straiton Commercial Hub. The submitted information suggests that no such edge of Dalkeith Town Centre's have been assessed as a new Aldi store is currently being delivered at Thornybank and thus the development on the edge of Dalkeith would duplicate this provision.
- 8.14 Criteria B sets out that the development must address a quantitative or qualitative deficiency within the catchment. The submitted information would indicate that there is a deficiency in the catchment area. Indeed, Midlothian's Retail Study 2012, whilst ageing, does set out that there is scope for new retail floorspace within Straiton. The submitted planning statement sets out that there is a deficiency in the catchment area, both quantitatively and qualitatively and claims that the new store would address both forms of deficiency in the area as it would introduce a form of retail that is materially different from the majority of existing provision (discount food-retail).
- 8.15 Whilst the above may be true, a wider understanding of the aims for this area as set out within the MLDP needs to be considered. Allocation Ec3 of the MLDP seeks to deliver 60ha of land for development to form a "Midlothian Gateway". The allocation would include a mix of uses including retail, hotel, office, commercial leisure, and housing. The proposed development is therefore one such use that would be appropriate within the Ec3 allocation. The delivery of the new Midlothian Gateway is identified within the MLDP as playing an

important part in promoting business growth. There is concern that were the uses identified for Ec3 to be delivered piecemeal outside the allocation the aims and benefits associated with the allocation would be undermined. These benefits include the opportunity to masterplan new development and deliver a high quality built form and architecture.

- 8.16 It is further identified that there are a number of vacant retail units within the Straiton Retail Park (27% vacancy rate as assessed by the applicant). One of these has recently achieved planning permission to form a Lidl food store. These vacant units have been discounted as viable options for the proposed development as none provide sufficient floorspace for the development. As such there are retail opportunities within a retail centre. Acceptance of new out of centre retail runs the risk of deterring uptake of already vacant units.
- 8.17 Criteria C of the policy sets out that development should not “*either individually or cumulatively with other developments, undermine the vitality and viability of regional, strategic or other town centres, within the expected catchment of the proposed development.*” In considering the application an assessment of the development’s potential impact on town centres is fundamental, with a view to protecting town centres in line with national and local policies and priorities. The planning authority must be satisfied that the trade diversion figures for affected town centres, and the process by which they have been arrived at, are reasonable and then assess to what extent the scale of diversion is significant.
- 8.18 The findings of the RIA indicate that little retail impact is likely to result from the proposed development on other local centres within the catchment area. However, the aforementioned Lidl application RIA found a 4.6% diversion of Penicuik town centre’s existing trade and 3.5% at Bonnyrigg. This is compared to 2.54% at Penicuik and 1% at Bonnyrigg estimated in the RIA for the proposed development. The proposed Aldi seeks to deliver 1,879sq.m gross, with 1,315sq.m net sales area floorspace. The Lidl application sought to deliver 1,227sq.m of retail floorspace. The Aldi RIA does include sensitivity tests (expansion of assessed parameters to assess a greater impact of the development). Sensitivity test 3 extends the Aldi catchment to Penicuik and identifies that the diversion of trade would be 4.3%.
- 8.19 Given the above there is some concern that the application has underplayed the retail impact resulting from the proposed development. In addition, the cumulative aspect needs to be considered. Were the retail impact to be closer to that assessed as part of the Lidl application the cumulative impact could be closer to 9.2% at Penicuik and 7% at Bonnyrigg (assuming equivalent/similar impact).
- 8.20 In terms of assessing whether the impact of the development becomes “significant”, there is no specific threshold. The applicant sets a case based on guidance produced in other local authority locations (outside

the Edinburgh City Region) that 20% impact would be significant. Whilst the assessed level of impact does not appear to reach close to 20% impact, particular cognisance needs to be taken of the current challenges and health/performance of a centre.

- 8.21 In regards to Penicuik Centre, no health check has been carried out by the applicant as it does not fall within their identified catchment. As such, a review of other recent RIAs has been undertaken. This includes planning application 21/00310/DPP (Lidl – Straiton) and 22/00273/DPP (Farmfoods - Penicuik). The former identifies a 11% vacancy rate as of August 2021. The latter identifies a 16% vacancy rate in 2022. This represents a 5% increase within 7 months, which is a concern.
- 8.22 Whilst not adopted, the draft National Policy Framework 4 states “*As a result of long term change, exacerbated by COVID-19, our city, town and local centres are facing significant and serious economic, environmental and societal challenges.*” Given this position and the apparent recent decline at Penicuik in occupied units, it would be prudent to take a cautious approach in assessing whether retail impact from the proposed Aldi is significant. A 9.2% impact on Penicuik would potentially have a significant impact.
- 8.23 Given the above, the submitted retail information does not adequately demonstrate that the new development would not undermine the vitality and viability of Penicuik. As such, the proposed development does not meet this criteria.
- 8.24 The submitted RIA sets out that the proposed store would reduce expenditure leakage beyond the catchment. While it has been Midlothian’s experience that new retail floorspace has reduced leakage, Midlothian is strongly linked to neighbouring local authorities through commuter flows, and this lack of self-containment will be reflected in expenditure patterns. The A701 represents a strong link to Edinburgh to the north and to wider Midlothian to the south. The nature of this connection would likely mean that whilst leakage might be reduced, elimination of leakage would be unlikely.
- 8.25 Criteria D of this policy states “*they are accompanied by measures to improve the environmental quality of the commercial hub and its accessibility by public transport, walking or cycling.*”
- 8.26 In regards to access, subject to improvements required by the Council’s Policy and Road Safety Manager the site would provide an accessible development in and of its own needs. However, due to its location outside of the commercial hub, the proposed development does not serve to improve the access to the defined Straiton Commercial Hub located on the east side of the A701.

- 8.27 In regards to landscape the application was submitted with a landscaping layout. The landscaping proposed is limited to the peripheries of the site. Landscaping at these locations is formed of lower level planting/shrubs interspersed with proposed trees. This strip of landscaping varies in depth on the north boundary of the site from no separation from pavement and proposed car parking to a depth of circa 10m at other parts of the frontage. At the eastern (A701 frontage) the depths of landscaping range from 3.5m to 10m. At the west boundary a strip of landscaping of circa 8m depth is proposed to screen the service entrance and loading yard.
- 8.28 The proposed landscaping is modest for a development on a greenfield site and defined as countryside. Such a development would not be expected to deliver landscaping to a level that would screen development. Indeed, providing a degree of inter-visibility is beneficial from a legibility perspective.
- 8.29 Whilst the level of landscaping might not be untypical for a site within the heart of a commercial centre, the proposed development is not considered to improve the environmental quality of the commercial hub. Indeed, the site's open characteristics provide a welcome relief to the A701's urbanised eastern boundary and defines the western and future southern edge of the commercial hub and Ec3 allocation.
- 8.30 As is assessed above, even if the proposed development were to be considered to be within the Straiton Commercial Hub, there is sufficient concern regarding the retail impact of the development to conclude that the development would not comply with policy TCR2 and its criteria for development with the commercial hub.

Economic Benefit

- 8.31 On the surface of it the proposals would deliver retail based development that would have economic benefits in trade and employment. The submitted information with the application sets out that the development would create circa 35 jobs.
- 8.32 The economic benefit associated with the development is not however a straight forward assessment. New retail development can directly create new jobs, however as set out above, the development could lead to the loss of vitality and viability of other existing centres.

Design and Layout

- 8.33 The proposed layout pushes the proposed car parking towards the frontages of Pentland Road and the A701. The result is that the proposed unit is set back from either the north and west frontages. In so doing the car parking associated with the retail unit is the primary feature at both street frontages. If the site were to be developed it should provide a more attractive frontage to the A701 and seek to

screen less attractive car parking to the rear of the unit, thus screening the car park.

- 8.34 The proposed service entrance is to the rear of the proposed unit which serves to screen that aspect of the development from the main roads which is a benefit.
- 8.35 The proposed unit itself is of a typical design for the proposed retailer and is of a similar architectural language to the existing Asda to the east of the site. It was highlighted at the pre-application stage that alternate materials for the elevations should be proposed including the potential use of timber cladding or other material to present more of a feature elevation. This has not been provided in the submitted drawings.
- 8.36 A proposed footpath connecting the site from the southern boundary is hemmed in between the food store service yard and the rear boundary of existing commercial and residential properties so does not allow for informal surveillance and is undesirable in terms of secure by design principles.
- 8.37 The proposed totem pole sign at the corner of Pentland Road and A701 would result in a cluttered street frontage. Alternate, lower level signage would be more appropriate were the development to be approved. A condition requiring revised signage could achieve this.
- 8.38 The proposed development is in close proximity to allocation Ec3 that is intended to become a new Midlothian Gateway that will require a very high quality of design. Furthermore, policy DEV 6 requires that new development to be of good design, deliver attractive street frontages and to include high quality materials. The proposed development is considered to conflict with these policy requirements.

Access and Transportation Issues

- 8.39 No objection has been raised by the Council Policy and Road Safety Manager or by Transport Scotland despite highways impact being a common source of concern in the Community Council and public comments.
- 8.40 Despite not objecting to the planning application the Council's Policy and Road Safety Manager has identified some matters which require further consideration. These include the provision of:
- The existing 3 bay bus shelter on the A701 at the site frontage should be replaced with a larger 5 bay shelter to accommodate the additional number of bus users; and
 - Secure, covered, lockable cycle parking facilities should be provided for staff.

- 8.41 Were the application to be approved the above features should be secured by planning condition.
- 8.42 In addition to the above, were the application deemed to be acceptable, conditions requiring details of electric vehicle charging provision would be required to be submitted for approval and their implementation secured.

Flooding and Drainage

- 8.43 The proposed development is proposed to connect to the existing water system and Scottish Water have raised no objection in this regard.
- 8.44 In regards to surface water drainage, the nature of the site subsurface and its position within the topography of the area (proximity to water courses) mean the infiltration of surface water into the ground on site is unfeasible. Likewise, watercourses are not readily accessible from the site to dispose of surface water. As such, the proposed sustainable urban drainage system (SUDS) at the site would seek to discharge surface water into the public water sewer. This will require the construction of a new off-site sewer to head north east from the site to connect into public system. Scottish Water set out that *“For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.”* However, the applicant states that the proposed surface water would discharge into a designated public surface water sewer system and not a combined sewer system. While Scottish Water would be agreeable to this arrangement, if this application were to be approved it would be necessary to ensure that this type of arrangement would be deliverable, as it is not clear how close the designated public surface water sewer is to the application site.

Visual Impact and Landscaping

- 8.45 The site is not located within any formal landscape designation and is influenced by existing built form. However, the adjoining rural landscape also has a notable influence on the character of its setting, amplified by the Pentland Hills which feature prominently as a backdrop in views towards the site. Whilst there is no formal landscape designation, the proposed development would significantly narrow any vista opportunity to the west.
- 8.46 The proposals would benefit from strong boundary planting along key interfaces with the A701 and Pentland Road this should include hedgerows along the periphery to minimise the visual impact of parked vehicles. The proposed landscaping previously discussed in this report does not adequately address the A701 and Pentland Road and

amendments to the proposed landscaping would be required to secure compliance with policy ENV7.

8.47 Were the application to be approved conditions should be applied seeking:

- A detailed landscaping scheme showing hard and soft landscaping;
- Landscape specifications;
- Hedgerow planting with trees at the interface with the A701 and Old Pentland Road to comprise single species hedgerows of beech/hornbeam or mixed species such as hawthorn, blackthorn and beech; and
- A hard-landscaped, pedestrian-friendly area between the existing bus stop at the A701, and proposed footpath link to the store.

Noise

8.48 A noise impact assessment has been undertaken by an acoustic consultant. The store orientation has been designed to minimise noise impact on the nearest noise receptors.

8.49 The conclusion of this assessment is that predicted noise levels of all the associated elements of the business, such as deliveries, customer car parking noise, fixed plant, and deposit return scheme, will be below those permitted as defined within all relevant noise legislation and codes of practice at the nearest noise receptors.

8.50 The Council's Senior Manager Protective Services has no objection to this application subject to conditions limiting noise levels from plant equipment, and noise levels experienced at noise receptors.

Ecological Matters

8.51 A preliminary ecology assessment (PEA) was submitted with the planning application. This was reviewed by the Council's Biodiversity Advisor, The Wildlife Information Centre (TWIC). TWIC reviewed the submission to determine that there were a couple of omissions within the report. Primarily was the omission of consideration of non-statutory local biodiversity sites in the report (section 3.2).

8.52 In addition to the above the consultee highlights that the site is favourable for small mammals and that a hedgehog has been recorded within 50m of the site. It is highlighted that the *"consultant should recommend precautionary measures to protect small mammals and other wildlife during construction such as ensuring open holes, pits, pipes and trenches are covered or fitted with ramps, to allow for escape. Materials/rubbish/chemicals should also be stored safely, and any netting used raised above ground level and held taut to avoid Hedgehog entanglement."*

8.53 Furthermore, it is noted that surveys of the site were undertaken outside the recommended survey window (April – September) and as such may have missed the presence of plant and flower species that would be visible in spring/summer months. However, it is determined that given the site context the findings of the PEA are on balance representative of the site.

8.54 Were the application to be approved conditions should be applied that the PEA is updated to reflect non-statutory local biodiversity sites.

Developer Contributions

8.55 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a planning obligation to secure financial contribution towards the planned A701 realignment.

8.56 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); and
- Be reasonable in all other respects.

8.57 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). The applicant has agreed to a contribution in the event that planning permission is granted and it is considered that such a planning obligation would meet the above tests.

9 RECOMMENDATION

9.1 It is recommended that planning permission be refused for the following reasons:

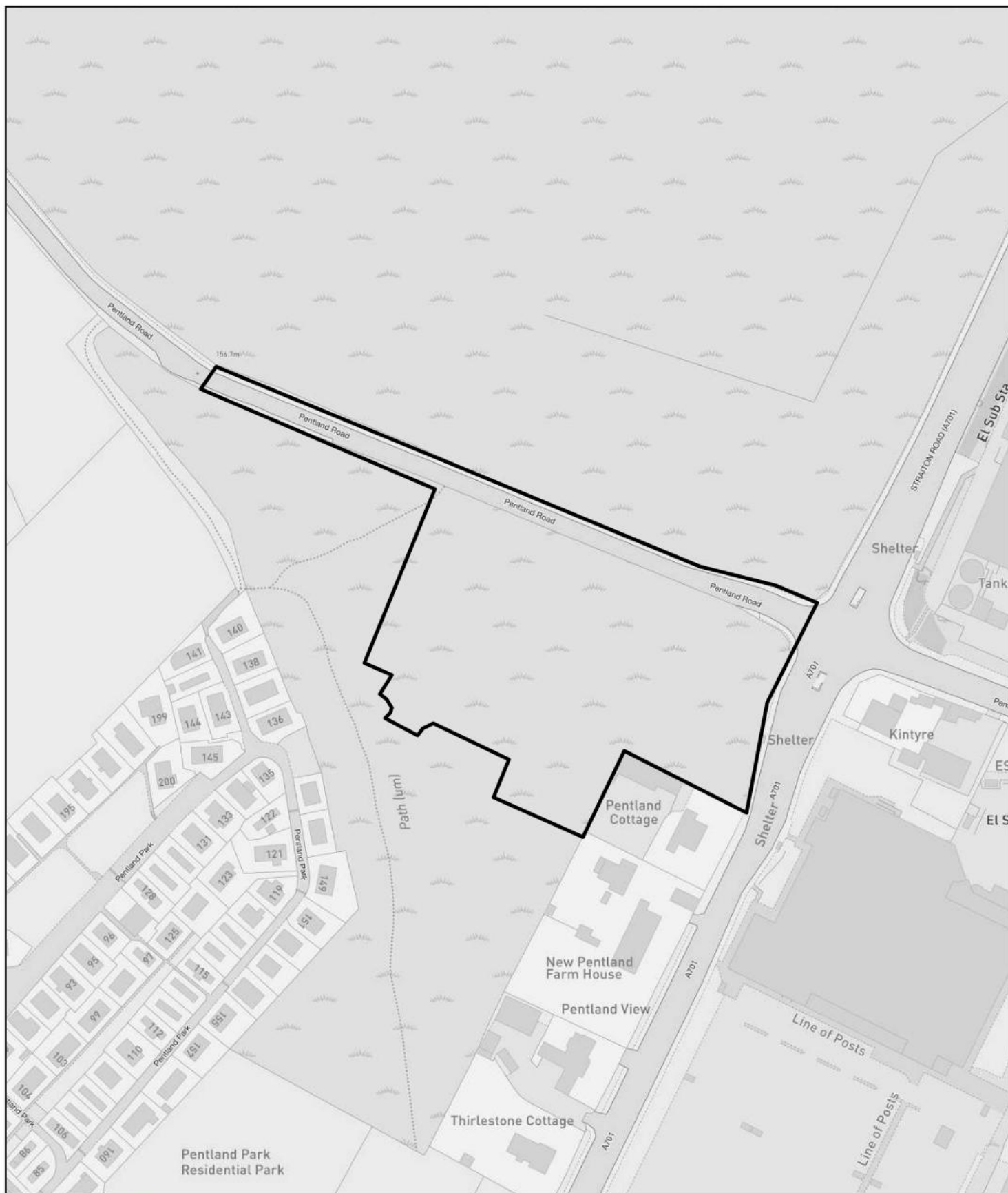
1. *The proposed development directly conflicts with policy RD1 of the Midlothian Local Development Plan 2017 which restricts the*

development of primarily retail based development within the countryside.

- 2. The site of the proposed development is outwith any area allocated for retail based development and outside the settlement limits of Loanhead; the application does not demonstrate that the proposed development would not undermine the vitality and viability of other town and local centres; the proposed development does not deliver environmental improvements to the Straiton Commercial Hub, and therefore the proposed development conflicts with policy TCR2 of the Midlothian Local Development Plan 2017.*
- 3. The proposed development would result in a building lacking in architectural interest and the creation of a car dominated frontage of both the A701 and Pentland Road with insufficient landscaping to reflect the sites greenfield character or screen the proposed development, and is considered to conflict with policy DEV6 of the Midlothian Local Development Plan 2017.*

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date:	2 June 2022
Application No:	21/00338/DPP
Applicant:	Aldi Stores Limited
Agent:	Avison Young (UK) Limited
Validation Date:	30 April 2021
Contact Person:	Hugh Shepherd
Email:	hugh.shepherd@midlothian.gov.uk



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

Erection of foodstore (class 1); formation of access roads and car parking and associated works at Land At Junction of The A701 and Pentland Road, Old Pentland, Edinburgh,

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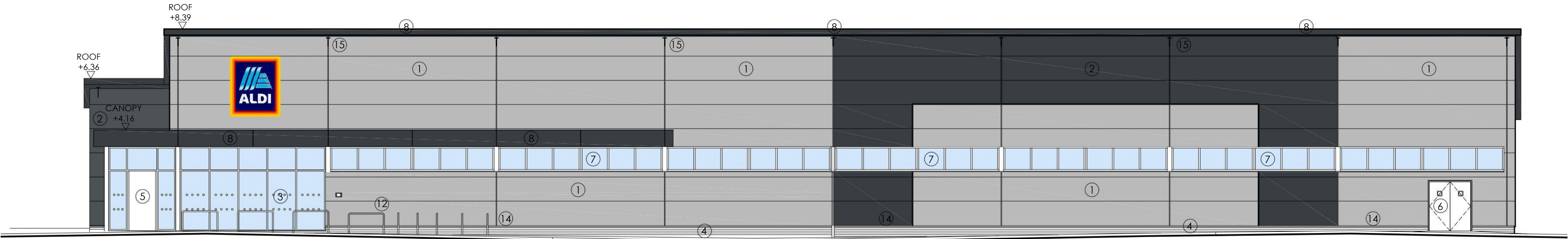
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Scale: 1:2,000
Page 250 of 252

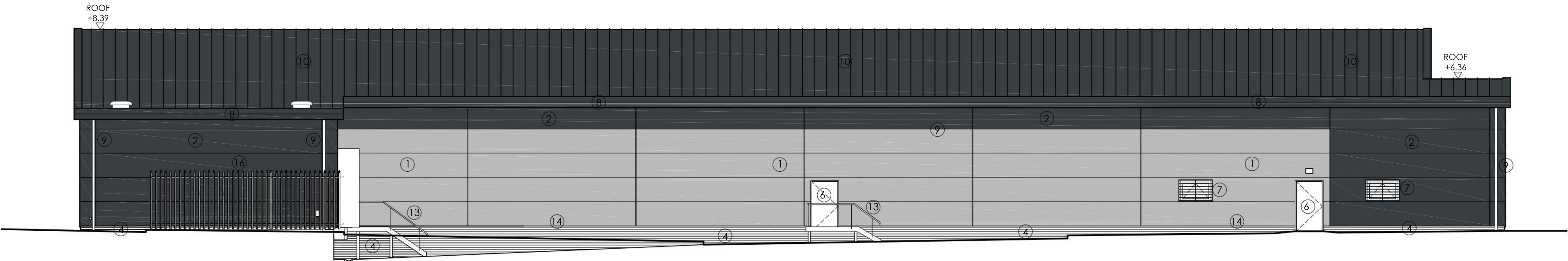


EXTERNAL FINISHES

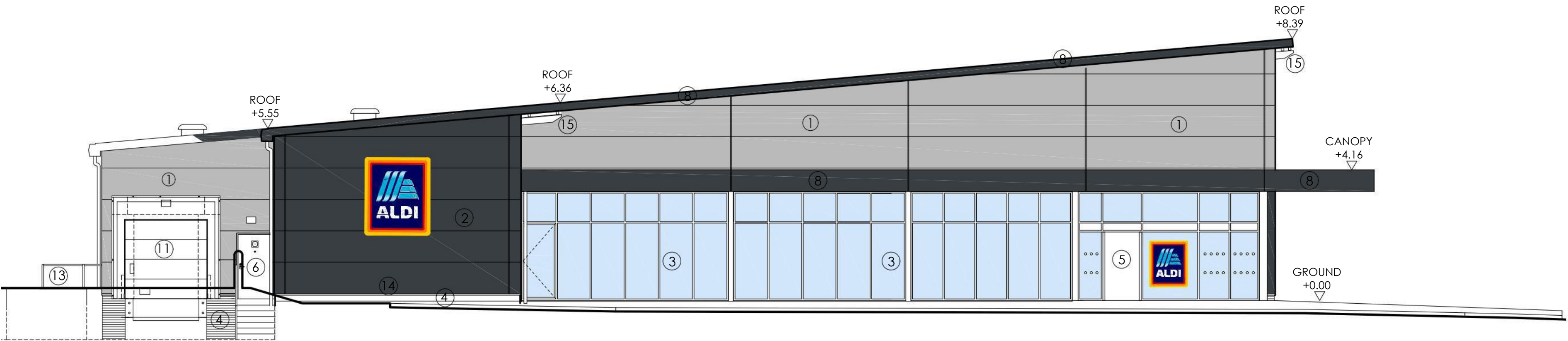
- KINGSPAN KS1000MR METALLIC SILVER COLOURED COMPOSITE CLADDING PANELS. COLOUR RAL 9006 (WHITE ALUMINIUM)
- KINGSPAN KS1000MR DARK GREY COLOURED COMPOSITE CLADDING PANELS. COLOUR RAL 7016 (ANTHRACITE)
- SHOPFRONTS - POLYESTER POWDER COATED ALUMINIUM FRAMES. COLOUR RAL 7016 (ANTHRACITE)
- BLOCKLEYS BRICK LTD "CHARCOAL" BRICKWORK WITH TARMAC Y14 (BLACK) COLOURED MORTAR
- ENTRANCE - POLYESTER POWDER COATED ALUMINIUM FRAMES. COLOUR RAL 7016 (ANTHRACITE)
- STEEL ESCAPE DOORS - POLYESTER POWDER COATED STEEL. COLOUR RAL 7016 (ANTHRACITE)
- WINDOWS - POLYESTER POWDER COATED ALUMINIUM. COLOUR RAL 7016 (ANTHRACITE)
- FASCIAS - POLYESTER POWDER COATED ALUMINIUM. COLOUR RAL 7016 (ANTHRACITE)
- RAINWATER GOODS - POLYESTER POWDER COATED ALUMINIUM. COLOUR RAL 7016 (ANTHRACITE)
- KINGSPAN KS1000RW 100MM THICK TRAPEZOIDAL COMPOSITE ROOF CLADDING PANELS ON PURLINS. ALL TO ACHIEVE MINIMUM U-VALUE OF 0.20W/m²K. COLOUR RAL 7016 (ANTHRACITE)
- SECTIONAL OVERHEAD DOOR - PVF COATED STEEL COLOUR RAL 7016 (ANTHRACITE)
- TROLLEY BAY RAILS - SATIN FINISH STAINLESS STEEL
- HANDRAILS - GALVANISED TUBULAR STEEL
- PVF2 COATED ALUMINIUM PRESSED DRIP FLASHING. COLOUR TO MATCH ADJACENT PANELS.
- ALL EXPOSED STEELWORK TO BE PAINTED STEELGUARD Z44. FINISH COAT TO BE GLOSS FINISH. COLOUR RAL 7016 (ANTHRACITE)
- PALLISADE FENCE



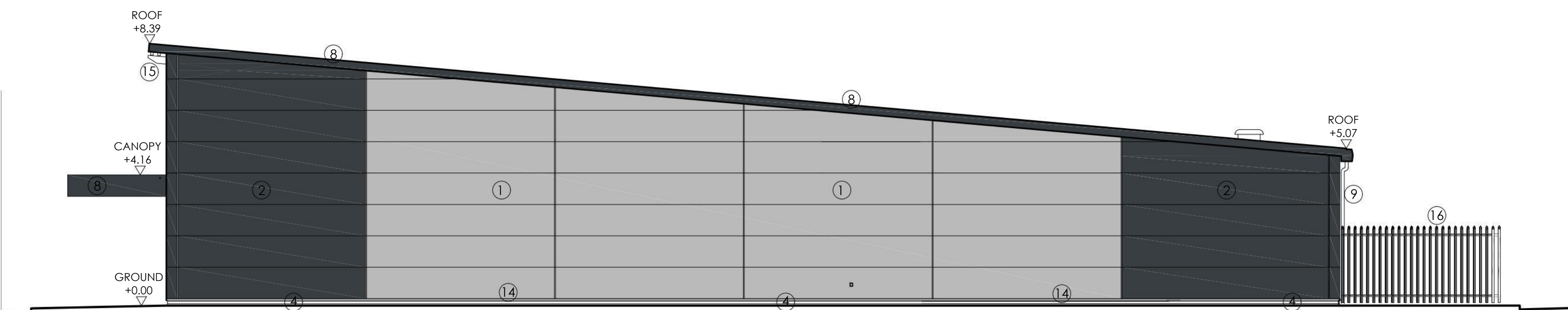
East Elevation (Store Entrance)



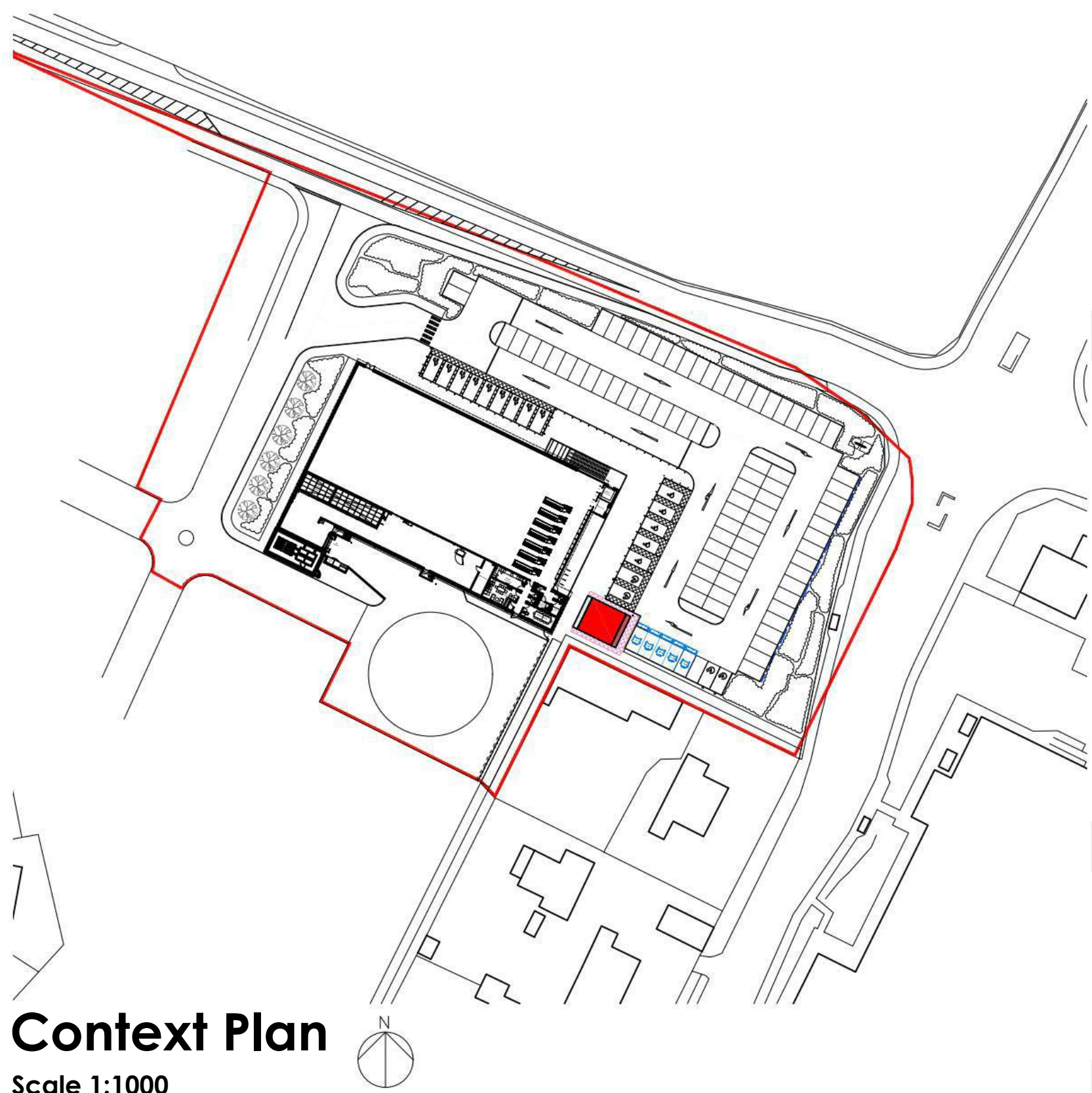
West Elevation (Loading Ramp)



South Elevation (Shopfront)



North Elevation (Loading Ramp)



Context Plan
Scale 1:1000

Client
Aldi Stores Ltd.

Project Title
Aldi - LOANHEAD

Project Address
**Pentland Road
Loanhead, EH20**

Drawing Title
PROPOSED BUILDING ELEVATIONS

Job No.
79-E1386 PA

System Classification
Zz_70_30_00 -0001

Drawn
ACG

Checked
LC/NM

Date
2020-11-20

Zone
XX

Level
ZZ

Scale
1:200

Type
DR

Revision
P01

Size
A1

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