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**APPLICATION FOR PLANNING PERMISSION 22/00273/DPP FOR  
ERECTION OF FOODSTORE (CLASS 1), FENCING, ELECTRIC VEHICLE  
CHARGING POINTS, BIN SHELTER AND TROLLEY BAYS; FORMATION  
OF ACCESS, CAR PARKING AND ASSOCIATED WORKS AT 18-20  
EDINBURGH ROAD, PENICUIK**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of a retail foodstore (class 1), fencing, electric vehicle charging points, bin shelter and trolley bays; formation of access, car parking and associated works at the site of a former car salesroom at 18-20 Edinburgh Road, Penicuik.**
- 1.2 There have been three representations (all supporting) and consultation responses from Scottish Water, the Council's Senior Manager Neighbourhood Services (Roads), the Council's Flooding Officer and the Council's Senior Manager Protective Services.**
- 1.3 The relevant development plan policies are Policy 3 of the South East of Scotland Strategic Development Plan 2013 (SESplan) and DEV2, DEV5, DEV6, DEV7, TRAN1, TRAN5, TCR2, ENV16, 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 necessary infrastructure.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site is within the built up area of Penicuik and measures 0.23 hectares. There is a superstore (Tesco) and commercial units to the east, a row of commercial units to the north and housing to the west and south. The houses in the area are generally two storey semi-detached or terraced units, with a three storey flatted block to the west. The site is within a local commercial centre and is a vacant plot that previously housed a car sales showroom and associated parking area, as well as a footpath leading to the northwest. There is a dropped kerb access to Edinburgh Road which has been blocked off by a low barrier.**

### 3 PROPOSAL

- 3.1 Detailed planning permission is sought for the erection of a building for class 1 (retail) use. This building is to be positioned to the north of the site, with the associated parking to the south and the delivery/service area to the rear (west). The building is 36 metres long, 25 metres deep and has a monopitch roof with a ridge height of 6.1 metres dropping to an eaves height of 3.9 metres. There are 88 solar panels on the roof. The walls are to be finished externally with composite cladding in white/grey and anthracite. The roof will be finished in composite grey cladding. The rainwater goods, fascia and soffit boards, window frames, doors, door frames and roller shutters will be black. Air conditioning units are on the rear elevation by the bin storage area.
- 3.2 The application form states that a new vehicular access is to be formed off Edinburgh Road. Parking for 12 cycles is to be located to the east of the building, with two trolley bays to the southeast. Six electric vehicle charging spaces are proposed. The car park surface is to be finished with tarmac, with block paving to the immediate frontages of the building and concrete to the delivery area. Pedestrian access is provided along the north of the building to the existing footpath also finished in tarmac. There are to be two small grass areas, one to the south of the car park and one to the north by the service area.
- 3.3 Surface water drainage will be connected, through a sustainable urban drainage system (SUDS), to the Cuiken Burn and foul drainage will be connected to the combined sewer. A 1.8 metre high close boarded fence to the rear and a 0.6 metre high trip rails are proposed to the front - however it is difficult to read from the site plan where these are positioned in detail (clarity will be secured by condition is planning permission is granted).
- 3.4 The application is accompanied by the following documentation:
- Retail Planning Statement including a Retail Impact Assessment;
  - Flood Risk Assessment;
  - Drainage Statement;
  - Transport Assessment; and
  - Coal Mining Risk Assessment.
- 3.5 The submitted documents state that:
- The previous car showroom on site operated between 1997 and 2018 and before this the site was a food retail unit;
  - The use would generate 15-20 jobs;
  - The proposal would not have an adverse impact on, or undermine the vitality or viability of, Penicuik town centre and would meet the quantitative and qualitative retail deficient in the area;
  - Since the recession in 2008-2010 the proposed occupier, Farmfoods, has sought new retail units of more than 750 square metres. Their previous unit in Penicuik Town Centre is only 187

square metres and as such not economically viable, however they wish to remain in the Penicuik area.

- 3.6 The plans indicate that a totem sign is to be sited at the southern part of the site and signage is proposed on the elevations of the building. These do not form part of the current application and are likely to require formal express consent to display an advertisement.

## 4 BACKGROUND

- 4.1 The site was previously in use as a car sales showroom, which was demolished in 2019.
- 4.2 In 2020 an application for the erection of retail (class 1) and food and drink (class 3) units, formation of car park, creation of external seating area and erection of fence and gates at the site was refused. It was considered this would have a significant detrimental impact on the vitality and viability of Penicuik Town Centre. There were also road safety concerns, as well as concerns over the impact of the service/delivery area to the front of the building.
- 4.3 In 2021 a further application for the erection of retail (class 1) and food and drink (class 3) units, formation of car park, creation of external seating area and erection of fence and gates at the site was refused. Again, it was considered this would have a significant detrimental impact on the vitality and viability of Penicuik Town Centre, road safety concerns and concerns over the impact of the service/delivery area to the front of the building. There were also concerns over the provision of a takeaway element at the class 3 unit in proximity to a local primary school. This decision was considered by the Local Review Body and the refusal was upheld.
- 4.4 The application has been called-in to be considered at the Committee by Councillor McCall. Councillor McCall states that given this is the third variation of the proposals on this site it requires discussion by the Committee, especially given the potential impact on the town centre.

## 5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application, but state they will not accept any surface water connections to the combined sewer.
- 5.2 The Council's **Senior Manager Neighbourhood Services (Roads)** does not object to the application.
- 5.3 The Council's **Flooding Officer** does not object to the application, but highlighted that the original submission indicated the surface water will be discharged into the Scottish Water combined sewer system, however Scottish Water state they will not accept any surface water connections into their combined sewer system. The applicant's agent

subsequently confirmed that the proposal will connect to a private drainage system (SUDS) – this is acceptable.

- 5.3 The Council's **Senior Manager Protective Services** does not object to the application, but state there is potential noise issues to nearby properties from deliveries and plant and machinery noise. Conditions should be attached to any grant of planning permission to restrict delivery hours and to limit noise from plant to ensure there will be no adverse impact on the nearest receptors (residential properties).

## 6 REPRESENTATIONS

- 6.1 There have been three representations in support of the application – the representations state the Farmfoods store is missed in Penicuik.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017.
- 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 autumn 2022) will form part of the development plan alongside local development plans. Until NPF4 is approved, SESplan remains part of the development plan albeit increasingly out of date.
- 7.3 The following policies are relevant to the proposal:
- Edinburgh 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 **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 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 **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.
- 7.11 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/Thornycroft, Dalkeith/Wester Cowden, Dalkeith/Woodburn, Eskbank Toll, Gorebridge/Hunterfield Road, Bilston, Penicuik/Edinburgh Road, Roslin and Pathhead
- 7.12 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.
- 7.13 The adopted **Supplementary Guidance on Food & Drink and Other Non-Retail Uses in Town Centres** reflects and elaborates on this policy (TCR2), stating that the creation of retail and commercial leisure facilities outwith town centres must comply with policy TCR2. As a town centre first sequential test applies, applications for such development outwith town centres must demonstrate this will not

undermine the vitality and viability of town centres within the expected catchment of the proposed development. Retail Impact Assessments will be required for all proposals of more than 2,500 square metres gross floor area, and also smaller proposals where the Council is of the view these may pose a threat to existing centres.

- 7.14 Where new development gives rise to a need, the local development plan gives scope for the planning authority to secure measures which will mitigate specific adverse impacts in terms of local infrastructure. Opportunities to improve town centres are set out in the settlement statements within the MLDP, however other measures may be brought forward during the lifetime of the plan and this supplementary guidance.
- 7.15 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.16 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.
- 7.17 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

#### National Policy

- 7.18 The **SPP (Scottish Planning Policy)** sets out Government guidance 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.

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.

## **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 application site is located within the identified built-up area of Penicuik, is a vacant commercial site and is also considered part of a local centre and as such there is a presumption in favour of an appropriate form of commercial development provided it is compatible with surrounding uses.

### Consideration of the Site for Retail Use

- 8.3 MLDP policy TCR2 applies SESplan Policy 3 which seeks to: identify town centres and define their roles; set out a network of centres including criteria to be addressed in assessing proposals; and, promote a sequential approach to the selection of locations for retail development. Policy TCR2 sets out policy support for development (depending on circumstances) in town centres, at Straiton commercial hub, and for new convenience shopping in the Gorebridge/ Newtongrange A7 corridor. The application site does not fit any of these supported locations.
- 8.4 However, policy TCR2 also supports the development of new local centres/neighbourhood centres up to a scale of 1,000 square metres gross floor area (either in identified local centres or elsewhere within the built-up area where new housing is not adequately served by existing shopping facilities), provided this does not undermine the vitality and viability of any of Midlothian's town centres. The application site is within the local centre of Penicuik/Edinburgh Road, as identified in the MLDP, where there are a variety of commercial units.
- 8.5 It is necessary to determine conformity with the MLDP by considering the key questions of; whether the scale of the proposal is excessive in the context of policy TCR2 support for local centres; and, whether the proposal, if approved, will adversely impact on the vitality and viability of local town centres.
- 8.6 The footprint of the proposed development is under 1000 square metres and so is in line with the new shopping facilities section of policy TCR2.

- 8.7 There could be some support for a retail development in this location provided it is demonstrated that it would not undermine the vitality and viability of town centres within the expected catchment of the proposed development - in this case Penicuik town centre.

#### Impact on Penicuik Town Centre

- 8.8 In considering the application an assessment of the development's potential impact on the Penicuik town centre is fundamental, with a view to protecting town centres in line with national and local policies and priorities. The Council 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.
- 8.9 There are concerns over the current viability and vitality of Penicuik town centre. Whilst the High Street area has a low vacancy rate and a range of food, retail and professional services, the pedestrianised John Street area does have vacant units. There is a concern that this area is struggling to attract occupiers for the vacant units. The agents for the owner of a number of units in Penicuik town centre submitted an objection to the previous planning application (but not the current application) at this site, stating they have been trying to encourage footfall and enhance the town centre area, including by offering temporary leases at reduced rents in order to limit the number of vacant units in the centre, this has had limited success.
- 8.10 The submitted Retail Impact Assessment (RIA) includes a range of information sourced to support the current application. This includes a household survey (751 recipients) to identify where people in the catchment currently shop. This submission also sets out calculations for theoretical diversion based on the magnitude of existing sales, proximity and similarity of offer. This is a comprehensive approach which estimates diversion from Penicuik Town Centre, including the existing Lidl store, of 9% of the proposed store's trade being sourced from Penicuik town centre.
- 8.11 The Committee, at its meeting of June 2022, considered the matter of trade diversion from Penicuik town centre in the case of a proposed Aldi store at Straiton. The Committee approved planning permission for the Aldi store despite the projected 9.2% trade diversion from Penicuik town centre. While there is no recognised fixed figure where trade diversion becomes significant, it is necessary to consider the existing health of the town centre before deciding if the proposed development would have an adverse impact on its vitality and viability. Usually a trade diversion figure of 9% would not significantly detract from the vitality and viability of a healthy and vibrant town centre. However, as identified in the Committee report for the Aldi proposal at Straiton, Penicuik would potentially struggle with this level of diverted trade. Despite this, the Committee's decision to recently approve a



food store at Straiton which would have a greater trade diversion figure than that of the proposed development is a significant material consideration.

- 8.12 The proposal is for a Farmfoods store. There was previously a Farmfoods store in Penicuik town centre, in a smaller unit in Kentigern Mall, which closed earlier in 2022. The submissions state that this size of store was too small to accommodate how the company operates and this, along with competition from nearby stores, meant the Penicuik town centre site was no longer economically viable for Farmfoods. However, the applicant states that they have a commitment to operating in the Penicuik area and that the current application site meets their size and parking requirements. It would appear the proposal addresses a qualitative deficiency in the area.
- 8.13 It is acknowledged that previous applications for commercial development at this site have been refused for a number of reasons, including the development having a significant detrimental impact on the vitality and viability of Penicuik town centre. There are a number of differences between the current and previous applications.
- 8.14 The previous applications were for the proposed building to accommodate one retail unit and one class three unit. These were smaller units so there was more scope for these to be accommodated in existing vacant units within Penicuik town centre, in line with the town centre first principle and reusing existing units approach usually taken by the planning authority. The current application is for one larger retail unit and it has been demonstrated by the applicant that this scale of store cannot be accommodated in any of the vacant units within Penicuik town centre.
- 8.15 In addition, the most recently refused application stated there would be a trade diversion from Penicuik town centre of 20% to 35% (based on general presumptions rather than detailed analysis) compared to 9% (based on analysis of local and regional trading activity/patterns, shopping trends, customer survey and an understanding of comparable retail offers) in the current application. This is significantly different, compared with the previously refused application which at 20% to 35% trade diversion was considered to have a significant detrimental impact on the vitality and viability of Penicuik town centre, whereas the current scheme has a trade diversion impact broadly similar to that of a store recently approved by the Committee. It is considered the approved Straiton Aldi store and the proposed Farmfood store will be in competition for the 9% trade diversion.
- 8.16 Since the previous application at the site was refused, a planning application for a Lidl at Straiton has been approved. As part of the submission it was demonstrated that both the existing Lidl store in Penicuik and proposed Lidl store in Straiton could operate at a satisfactory level without adversely affecting the vitality and viability of

Penicuik town centre. This assessment was conducted while Farmfoods was still trading in Penicuik. It is acknowledged that the proposed Farmfoods unit is larger than that considered in this previous application, however the repositioning of Farmfoods within Penicuik should not have an adverse impact on the Lidl store, which acts as a significant draw for the town centre.

#### Penicuik Town Centre Improvement Works

- 8.17 The Council is investing in Penicuik town centre through conservation area regeneration works that are mainly taking place in the High Street area. This work includes improvements and repairs to buildings to improve the overall character of the area. It is hoped that the works to improve the public realm will act as a draw to visitors and businesses, thereby improving the vitality of the town centre. Similar schemes already delivered in Dalkeith and Gorebridge town centres have seen not only an improvement in the physical buildings but also an improvement in the character of the wider town centre area. The relocation of Farmfoods to the application site results in the retention of a vacant unit in the town centre and potentially makes it more difficult to find an alternative occupant for the unit. However this would still be the case if the current application were refused, as Farmfoods have outgrown the site and will not be returning to the town centre location. This provides an opportunity for a new commercial occupant in the town centre.

#### Employment Generation

- 8.18 The applicant's agent states the proposal would create 15 to 20 new jobs. This is welcomed given the existing Farmfoods store has already closed, thereby creating more jobs in the Penicuik area when their previous site comes into use. It is acknowledged that these are replacement jobs for those previously lost, but, as stated previously, Farmfoods will not return to the town centre so job creation at the new site must be considered a benefit and works should be continued to find occupants for the vacant town centre units to ensure job opportunities are maximised.

#### Design and Layout

- 8.19 The proposed building is relatively simple in design, with a monopitch roof and large areas of glazing that make its appearance compatible with contemporary commercial buildings. While this is a fairly standardised design approach, with little reference to local context, it would not detract from the character and appearance of the surrounding area which has a variation of building designs and styles.
- 8.20 The size and height of the building will not have a detrimental impact on the amenity of neighbouring land users. The building is approximately of the same scale as the previous building on site. This

is in a position which would not result in a significant impact on daylight to surrounding properties or have an overbearing impact compared to what was there previously.

#### Transport and Access

- 8.21 The existing access is to be altered and used by customers and service vehicles. The Council's Senior Manager Neighbourhood Services (Roads) has not raised any concerns over this widening or the manoeuvrability of delivery vehicles to the front of the units and the relationship with the customer parking spaces.
- 8.22 While the car park is relatively small for customer and service vehicles, it is submitted that service vehicles will only access the site outwith opening hours. The submitted plans demonstrate there is sufficient room for the vehicle to manoeuvre in the site if this is the case. However the timings of any servicing shall be limited to ensure this does not cause noise disturbance to nearby properties.
- 8.23 The plans show electric vehicle charging points for six parking spaces, which meets the guidance prepared by the planning authority.

#### Flooding and Drainage

- 8.24 Scottish Water have stated that it will not be possible to direct surface water drainage into the combined sewer for this development. As a result the applicant has had to find an alternative drainage solution. The SUDS will involve the use of underground storage crates before discharging into the adjacent Cuiken Burn. The Council's Flood Officer has confirmed that the proposed approach is acceptable.
- 8.25 Foul drainage will be connected to the combined sewer.

#### Noise

- 8.26 There is potential for noise from the development to adversely affect nearby properties, particularly from deliveries and plant and machinery noise. These concerns can be mitigated by the use of suitably worded conditions to restrict delivery hours and limit noise from plant to ensure there will be no adverse impact on the nearest receptors.

#### Developer Contributions

- 8.27 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

8.28 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).

8.29 This proposed development, of which the principal element is the provision of a retail unit, has been assessed in relation to the above guidance and it is considered that a planning obligation is required in respect of the following:

- The site is in the A701 Corridor and is therefore required to contribute towards the A701 Relief Road and A702 Link Road and associated works. A proportionate contribution will be sought.

## 9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

*The proposed development is within the identified built-up area of Penicuik, is a vacant commercial site and is also considered part of a local centre and as such there is a presumption in favour of an appropriate form of commercial development, this presumption in favour of development is not outweighed by any material considerations. Furthermore, the proposed creation of a food retail unit would not have a significant detrimental impact on the vitality or viability of Midlothian Town Centres, in particular Penicuik, and so complies with policies DEV2 and TRC2 of the adopted Midlothian Local Development Plan 2017.*

Subject to:

The prior signing of a planning obligation to secure:

- A financial contribution towards the A7001 Relief Road.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

***Reason:*** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

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

***Reason:*** *In the interest of protecting the character and appearance of the area so as to comply with policies DEV2 of the Midlothian Local Development Plan 2017.*

3. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction and opening of the store building, the provision of vehicular access, car park and delivery yard, the provision of electric vehicle charging, the provision of cycle storage/parking, the planting of landscaping and SUDS and drainage provision. The stated development components shall be delivered prior to the store being opened or occupied. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

***Reason:*** *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

4. The development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i. existing and finished ground levels and floor levels for all building/structures and access/car park in relation to a fixed datum;
  - ii. proposed new planting including details of proposed species;
  - iii. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - iv. programme for completion and subsequent maintenance of all soft and hard landscaping;

- v. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- vi. proposed car park configuration and surfacing;
- vii. proposed footpaths and cycle paths; and,
- viii. details of existing and proposed services; water, gas, electric and telephone

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

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

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

5. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i. existing and finished ground levels for the access and car park in relation to a fixed datum;
  - ii. proposed vehicular, cycle and pedestrian access, including dropped kerb and maintaining the footpath across the vehicular entrance;
  - iii. proposed visibility splays, traffic calming measures, lighting and signage;
  - iv. a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport (for staff and customers);
  - v. proposed car parking arrangements; and
  - vi. a programme for completion for the construction of access, roads and footpaths.

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

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

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

Before any part of the site is occupied for commercial purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

7. On completion of the decontamination/remediation works required in condition 6 and prior to the unit being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

***Reason for conditions 6 and 7:*** To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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; to ensure the remediation works are undertaken.

8. Development shall not begin until a scheme to mitigate noise from the site (from plant and machinery, deliveries and announcement/music systems), once built and operational, has been submitted to and approved by the planning authority. The scheme shall ensure that at the nearest noise receptors the external noise limits shall not exceed LAeq, 16 hours – 50dB for day time levels and shall not exceed LAeq, 8 hours – 45dB.
9. Unless otherwise approved in writing by the planning authority, the unit hereby approved shall only be open to customers between the following hours:

Monday to Sundays: 0800 until 2100.

**Reason for conditions 8 to 9:** *In order to protect the amenity of existing residential properties in terms of policy DEV2 of the Midlothian Local Development Plan; to ensure there is no impact on nearby residents from the proposed plant.*

10. All deliveries (including loading/unloading operations) to the retail unit hereby approved shall be restricted to between the hours of 07.00 to 08.00 and no other times.

**Reason:** *In the interests of road safety; due to a potential conflict between delivery vehicles and customer vehicles as a consequence of the relatively small car park; to ensure deliveries can take place safely without having a detrimental impact on the amenity of local residents.*

11. Development shall not begin until details of the provision (including an implementation timetable) and use of electric vehicle charging stations throughout the development 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 by the planning authority.

**Reason:** *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

12. Development shall not begin until 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;



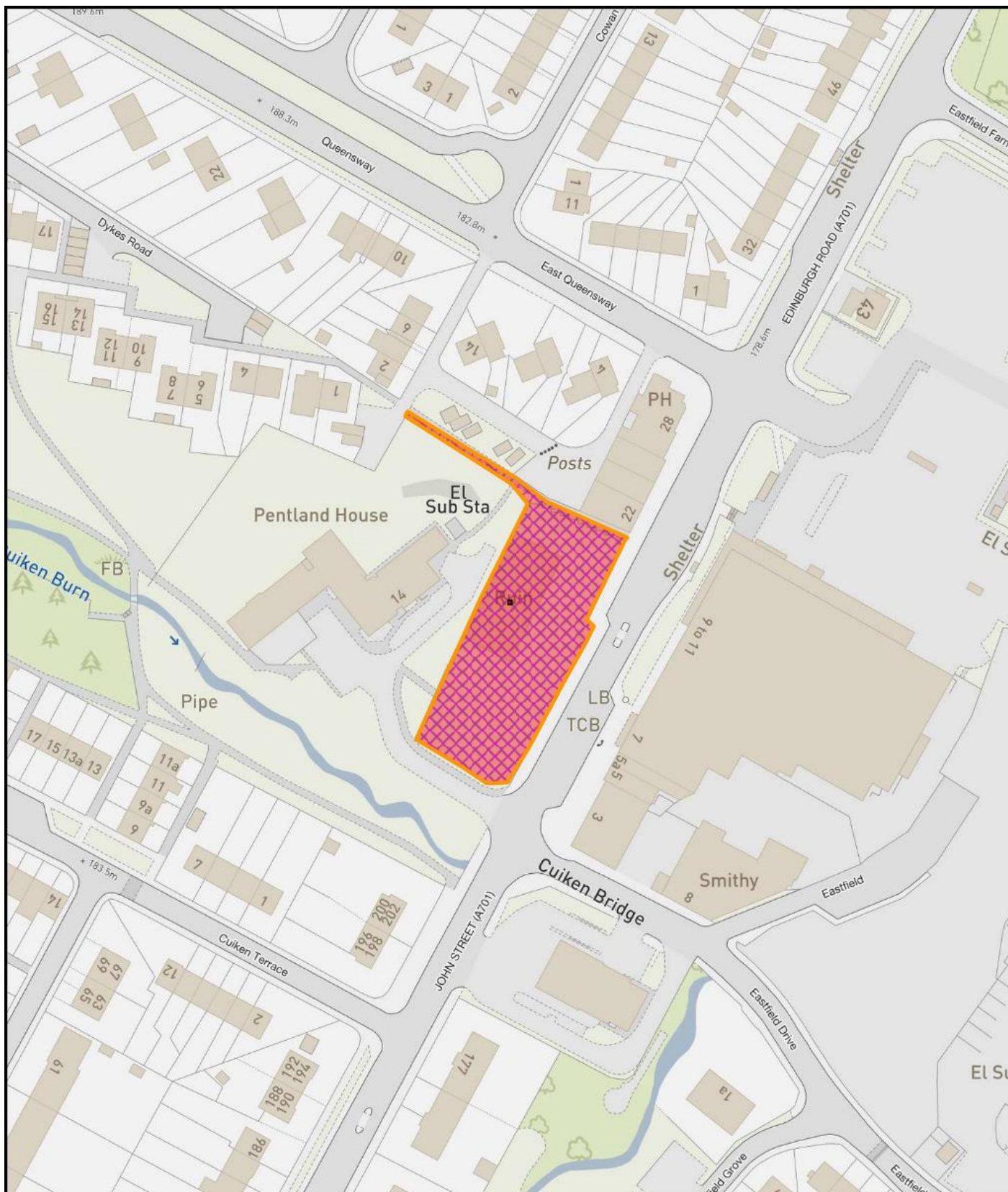
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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:*** *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.*

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

<b>Date:</b>	11 November 2022
<b>Application No:</b>	22/00273/DPP
<b>Applicant:</b>	Farmfoods Limited
<b>Agent:</b>	Hargest Planning Ltd
<b>Validation Date:</b>	11 April 2022
<b>Contact Person:</b>	Mhairi-Anne Cowie
<b>Email:</b>	mhairi-anne.cowie@midlothian.gov.uk
<b>Background Papers:</b>	20/00562/DPP, 19/01053/DPP



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

## **Erection of foodstore and associated works 18-20 Edinburgh Road, Penicuik**

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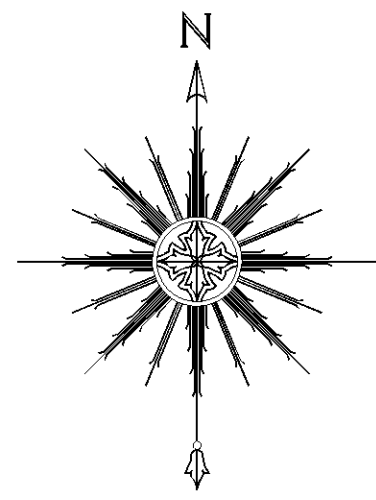
Midlothian Council Licence No. 100023416 (2018)

File No.22/00273/DPP

Scale: 1:1,500







Area Schedule  
773.354m<sup>2</sup> / 8,324.313 Ft<sup>2</sup> total gross floor area  
758.445m<sup>2</sup> / 8,163.834 Ft<sup>2</sup> total internal ground floor  
Sales 597.360m<sup>2</sup> / 6,429.930 Ft<sup>2</sup>  
Goods Area : 154.508m<sup>2</sup> / 1,663.110 Ft<sup>2</sup>  
Total Site Area : 2,332.470m<sup>2</sup> / 0.576 Acres

Legend

- Block Paving Col. Charcoal
- Tarmac
- HGV Spec Tarmac
- Concrete
- Grass
- Indicates new 1.8m high close boarded fence
- 600mm high timber Knee rail fence.

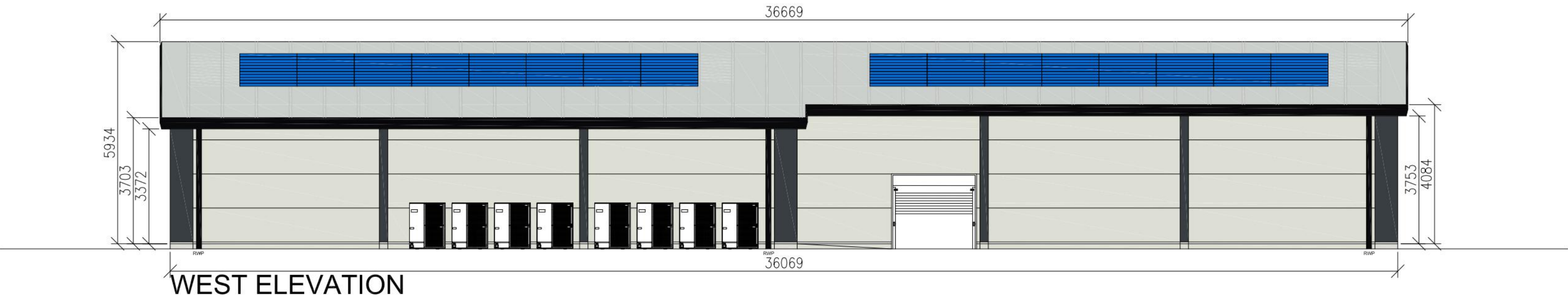
SCALE BAR  
0m 5m 10m

**CPLC**  
ASSOCIATES  
The Bungalow, 87a Station Road  
Bishops Cleeve, Cheltenham, GL52 8HJ.  
Telephone : 01242 672 333  
cplc@cplc-associates.com

D	31.03.2022 Additional disabled bay added.	DMW		
C	30.03.2022 Updated to include EV and Cycle Spaces.	DMW		
B	22.03.2022 Updated on to Topographic survey and landscaping added.	DMW		
A	28.01.2022 Updated to comments	DMW		
Rev:	Issues:	Drawn:	Checked:	
Project/Client:		Drawn By:	Date:	Checked By:
Farmfoods Limited - 18/20 Edinburgh Road, Penicuik, EH26 8NW.		DMW	05.01.2022	
Drawing:		Scale:	Drawing No:	Revision:
Proposed Site Plan.		1:250@A1	SP	D
		Project No:	201	
		1870		

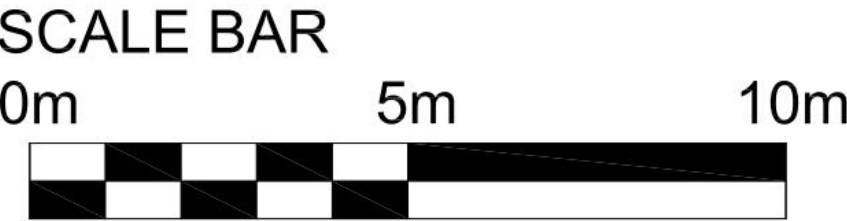
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**MATERIALS**

- WALL CLADDING – KS1000 MICRO-RIB COMPOSITE PANEL CLADDING COLOUR WHITE/GREY (RAL 9002)
- COLUMN CASING – KINGSPAN FLAT COMPOSITE PANEL CLADDING COLOUR ANTHRACITE (RAL 7016)
- ROOF – KINGSPAN KS1000RW COMPOSITE PANEL COLOUR GOOSEWING GREY (BS 00 A 05)
- GUTTERS & DOWN PIPES – ALUMINIUM GUTTERS & DOWN PIPES COLOUR JET BLACK (RAL 9005)
- FASCIAS & SOFFITS – PRESSED METAL COLOUR JET BLACK (RAL 9005)
- DOOR FRAMES, DOORS AND WINDOW FRAMES – POWDER COATED JET BLACK (RAL 9005)
- ROLLER SHUTTERS – POWDER COATED RAL 9005 (JET BLACK) SOLID LATHE UP TO 1m AFFL, PERFORATED LATH FROM 1m to 2m AFFL AND SOLID LATHE ABOVE.



**CPLC**  
ASSOCIATES  
Tel: 01242 672333 Fax: 01242 672555  
Email: [cplc@cplc-associates.com](mailto:cplc@cplc-associates.com)  
The Bungalow, 87a Station Road  
Bishops Cleeve, Cheltenham, GL52 8HJ.

A   30.03.2022 Store entrance relocated. Rev:   Date:   Description:		DMW   Drawn:   Checked:	
Project/Client: Farmfoods Limited – 18/20 Edinburgh Road, Penicuik, EH26 8NW.		Drawn By: DMW	Date: 25.03.2022
Drawing: Proposed Elevations		Scale: 1:100@A1	Revision: A
Project No: 1870		Drawing No: 400	Revision: A

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