

# Notice of Meeting and Agenda



## Planning Committee

**Venue:** As a consequence of the current public health restrictions this will be a virtual meeting – Please note carefully the earlier start time,

**Date:** Tuesday, 09 June 2020

**Time:** 10:00

**Executive Director : Place**

**Contact:**

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: [mike.broadway@midlothian.gov.uk](mailto:mike.broadway@midlothian.gov.uk)

**Further Information:**

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

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**1 Welcome, Introductions and Apologies**

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**2 Order of Business**

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

**3 Declaration of Interest**

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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**

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- 4.1** Minute of Meeting held on 25 February 2020 - For Approval 5 - 10

**5 Public Reports**

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Pre-Application Consultations - Reports by Chief Officer Place.

- 5.1** Proposed Residential Development with Associated Infrastructure at Land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (20/00231/PAC). 11 - 16

- 5.2** Proposed Residential Development with Associated Landscaping and Infrastructure at Land at Stobs Farm, Lady Brae, Gorebridge (20/00128/PAC). 17 - 22

Applications for Planning Permission Considered for the First Time – Reports by Chief Officer Place.

- 5.3** Section 42 Application to Amend Condition 2 (Landscaping) of Planning Permission 15/00884/DPP for the Formation of a Train Cleaning and Stabling Depot and Associated Works at Millerhill Traincare Depot, Whitehill Road, Newcraighall (19/01001/S42). 23 - 38

- 5.4** Section 42 Application to Amend Conditions 3, 4, 5, 6 and 10 imposed on a Grant of Planning Permission 15/00113/PPP for the Demolition of the Existing Dwellinghouse, Erection of Hotel and Residential Development, Formation of Access Roads, Car Parking and Associated Works at Land at Calderstones, Biggar Road, Hillend, Damhead (18/00528/S42). 39 - 62

- 5.5** Application for Planning Permission for the Erection of 12 Flatted Dwellings; Formation of Access Roads and Car Parking and Associated Works at Land at Windsor Square, Penicuik (19/00510/DPP). 63 - 82

**6 Private Reports**

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No Private Reports to be discussed at this meeting.

**7 Date of Next Meeting**

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To be confirmed.



# Minute of Meeting

Planning Committee  
Tuesday 9 June 2020  
Item No 4.1



## Planning Committee

Date	Time	Venue
25 February 2020	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Parry	Councillor Russell
Councillor Smail	Councillor Winchester

### In Attendance:

Joyce Learmonth, Lead Officer, Planning	Neil Wallace, Senior Planning Policy Officer
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Mike Broadway, Democratic Services Officer	

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillors Baird and Wallace.

## 2. Order of Business

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The order of business was as outlined in the agenda.

## 3. Declarations of interest

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No declarations of interest were received

## 4. Minutes of Previous Meetings

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The Minute of Meeting of the Committee which took place on 14 January 2020 was submitted for approval. The Committee unanimously approved the Minute and the Chair was authorised to sign it as a true record of the meeting.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Development Plan Scheme for Midlothian Number 12	Joyce Learmonth
Outline of report and summary of discussion		
<p>There was submitted a report dated 14 February 2020 by the Director, Education, Communities and Economy seeking approval for the Development Plan Scheme for Midlothian No. 12 (DPSM12) which was required to be published annually to satisfy legislative requirements. Each year local planning authorities were required to prepare and submit a Development Plan Scheme (DPS) to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for its area over the coming twelve months.</p> <p>Having heard from the Lead Officer, Planning, who responded to Members questions, the Committee discussed the changing Strategic Planning framework and the likely challenges this was likely to give rise to, particularly but not exclusively as a result of legislative changes brought about by the new Planning Act. In debating the position, the Committee felt that it would be useful for Members to have the opportunity to learn more about the Strategic Planning framework and DPSM12, with the possibility of a Seminar/Briefing being considered.</p>		
Decision		
<p>After further discussion, the Committee,:</p> <ul style="list-style-type: none"><li>(a) Approved the Development Plan Scheme for Midlothian No.12 (DPSM12); a copy of which was appended to the report;</li><li>(b) Agreed to the publication of the DPSM12, copies to be placed in all public libraries and to formally submit a copy to Scottish Ministers; and</li><li>(c) Agreed that a Seminar be arranged for elected Members on the Strategic Planning framework and DPSM12.</li></ul>		

Action
Director, Education, Communities and Economy/Planning Manager/DSO

Sederunt
Councillors Cassidy, Alexander and Johnstone all joined the meeting during consideration of the foregoing item of business, at approximately 1.04 pm.

Agenda No	Report Title	Presented by:
5.2	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Joyce Learmonth
<b>Outline of report and summary of discussion</b>		
<p>There was submitted a report dated 14 February 2020 by the Director, Education, Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in Appendices A and B attached to this report.</p>		
<b>Decision</b>		
The Committee noted the major planning application proposals which were likely to be considered by the Committee in 2020 and the corresponding updates for each.		
<b>Action</b>		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Joyce Learmonth
<b>Outline of report and summary of discussion</b>		
<p>There was submitted a report dated 14 February 2020 by the Director, Education, Communities and Economy informing the Committee that there were no notices of review determined by the Local Review Body (LRB) in January 2020 and that one appeal decision had been received from Scottish Ministers.</p> <p>Appended to the report was a copy of the following appeal decision notice received from the Scottish Government, Planning and Environmental Appeals Division:-</p> <ul style="list-style-type: none"> <li>Dated 31 January 2020, dismissing an appeal by Hardengreen Estates Ltd against refusal of planning permission in principle for Class 4 (Business) use with ancillary Class 1 (Shops), Class 2 (Financial, professional and other services) and Class 3 (Food and drink) uses; residential development; and associated access, parking, landscaping and drainage infrastructure at Land to the north of Hardengreen House, Dalkeith (19/00099/PPP) and refusing planning permission in principle.</li> </ul>		

Decision
<p>The Committee noted:</p> <ul style="list-style-type: none"> <li>(a) that no notices of review had been determined by the Local Review Body in January 2020; and</li> <li>(b) the outcome of the appeal determined by Scottish Ministers</li> </ul>
Action
Planning Manager

Sederunt
Councillor Hackett rejoined the meeting at the start of the undernoted item of business at 1.13 pm.

Agenda No	Report Title	Presented by:
5.8	Section 42 Application 17/00385/S42 to Amend Condition 2(ii) (Landscaping) imposed on a grant of planning permission 14/00334/S42 for the erection of petrol filling station and restaurant/café; formation of associated car parking and vehicular and pedestrian access; and associated works on land north west of Fordel Junction, Dalkeith.	Joyce Learmonth

Outline of report and summary of discussion
<p>A report dated 14 February 2020 was submitted by the Director of Education, Communities and Economy advising that in May 2011 planning permission in principle was granted for the erection of a petrol filling station and restaurant/café; formation of associated car parking and vehicular and pedestrian access; and associated works on land north west of Fordel Junction, Dalkeith. A subsequent Section 42 application (14/00334/S42) was granted in June 2014 maintaining an extant planning permission for the proposed development on the site.</p> <p>The current section 42 application sought to amend the wording of condition 2(ii) of planning permission in principle 14/00334/S42, deleting the phrase “as illustrated on page 22 of the Design Statement submitted with the planning application”. The justification for the proposal being the fact that planning permission has been granted in principle and the design shown in the Design Statement was indicative. The condition was intended to secure a detailed landscaping design which took account of the layout and design that will be secured via other conditions; reference to an indicative design was therefore considered unnecessary.</p>
Decision
<p>The Committee, having heard from the Lead Officer, Planning, agreed to grant the planning permission for the following reasons</p> <p><i>There is a locational need and justification for the proposed development’s countryside location; and, subject to conditions securing landscape mitigation, the proposed development can be satisfactorily integrated into the surrounding landscape. The proposal therefore complies with the policies of the Midlothian Local Development Plan 2017.</i></p> <p>subject to the conditions detailed within the report.</p>



Action
Planning Manager

## **6. Private Reports**

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting will be held on Tuesday 7 April 2020.

The meeting terminated at 1.15 pm





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**PRE - APPLICATION REPORT REGARDING PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED INFRASTRUCTURE AT LAND AT NEWTON FARM AND WELLINGTON FARM, OLD CRAIGHALL ROAD, MILLERHILL, DALKEITH (20/00231/PAC)**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre- application consultation submitted regarding residential development with associated infrastructure at land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill. The land is identified as a longer term safeguarding site for housing (policy STRAT3) in the Midlothian Local Development Plan 2017 (MLDP).
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

## **2 BACKGROUND**

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for residential development with associated infrastructure at land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill was submitted on 26 March 2020.
- 2.3 As part of the pre-application consultation process a public event would have been arranged in 'normal' times, however this no longer an option as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020. The changes remove the requirement for a public event, but as an alternative require prospective developers to advertise

where relevant consultation material can be viewed online. The legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations – which includes giving interested parties the opportunity to make comment. On the conclusion of the online event the applicant could submit a planning application for the proposal.

- 2.4 Copies of the pre application notices have been sent by the prospective applicant to the local elected members and the Danderhall and District Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site is approximately 21 hectares of agricultural land located on the northern edge of A720 City Bypass to the south of Millerhill. The land is safeguarded with the potential of being allocated for housing development (in a future development plan) in the longer term in the MLDP. The site is associated with the adjoining housing allocation Hs1, which adjoins this site along its north-eastern boundary (housing development on this allocated site was approved by the Committee at its meeting in January 2018 subject to concluding a legal agreement to secure developer contributions).
- 3.4 Although the site is identified as having potential for development in the longer term, the site is not yet allocated for housing and is currently not required to meet the housing requirements of the MLDP. The proposed development would be contrary to the MLDP and would in principle be unacceptable. Furthermore, it has not been designed along with the neighbour site or is it integral to it. In order to justify the granting of planning permission under Scottish Planning Policy, it will need to be demonstrated that there is a shortfall in the supply of housing land.
- 3.5 Policy 6 of the SDP states that each of the SESplan planning authorities maintain a five years' effective housing land supply at all times. In circumstances where a SESplan planning authority is found to have a shortfall in housing land, Policy 7 of the SDP sets out the actions that can be taken to remedy it. These measures include allocating greenfield sites in a local development plan review or granting planning permission for housing on an unallocated greenfield site subject to a number of criteria, including a requirement that the development is in keeping with the character of an existing settlement and that essential infrastructure is committed, or, is to be funded by the developer.

- 3.6 The Council annually publishes a Housing Land Audit which outlines the completions for the previous year as well as a programme for completion for the remaining housing land supply. These audits are produced in consultation with housing development interests and are likely to be key to arguing whether Midlothian has an adequate housing land supply. The Council's Housing Land Audit confirms Midlothian has a five year land supply and doesn't need additional housing sites to meet its current housing targets.
- 3.7 In addition to the principle of development, consideration will also have to be given to design matters such as materials, layout, separation distances, landscaping and garden sizes in order to accord with the policies in the Sustainable Place-making section of the MLDP (policies DEV2, DEV3, DEV5, DEV6, DEV7 and DEV9). It is likely that the site will need to be accessed via the adjoining site, Hs1. The Council will need to be satisfied an adequate road access solution can be secured.
- 3.8 The Learning Estate Strategy sets out the Council's long term plans to accommodate the expected education needs. This has been informed by the location and level of development outlined in the MLDP and the Housing Land Audits. As with non-allocated housing proposals it cannot be guaranteed that there will be education capacity or an education solution that can be delivered through developer contributions.
- 3.9 If an application is submitted there is a presumption against residential development on the site at this time (although there may be support if the site is allocated in the next local plan), however if the Council is minded to support the proposal there will be a requirement for developer contributions towards infrastructure including education provision, equipped children's play provision, Borders Rail and town centre improvements. In addition, there would be a need to provide affordable housing equal to or exceeding 25% of the total number of dwellings consented, as outlined in MLDP policy DEV3.

## **4 PROCEDURES**

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have

regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

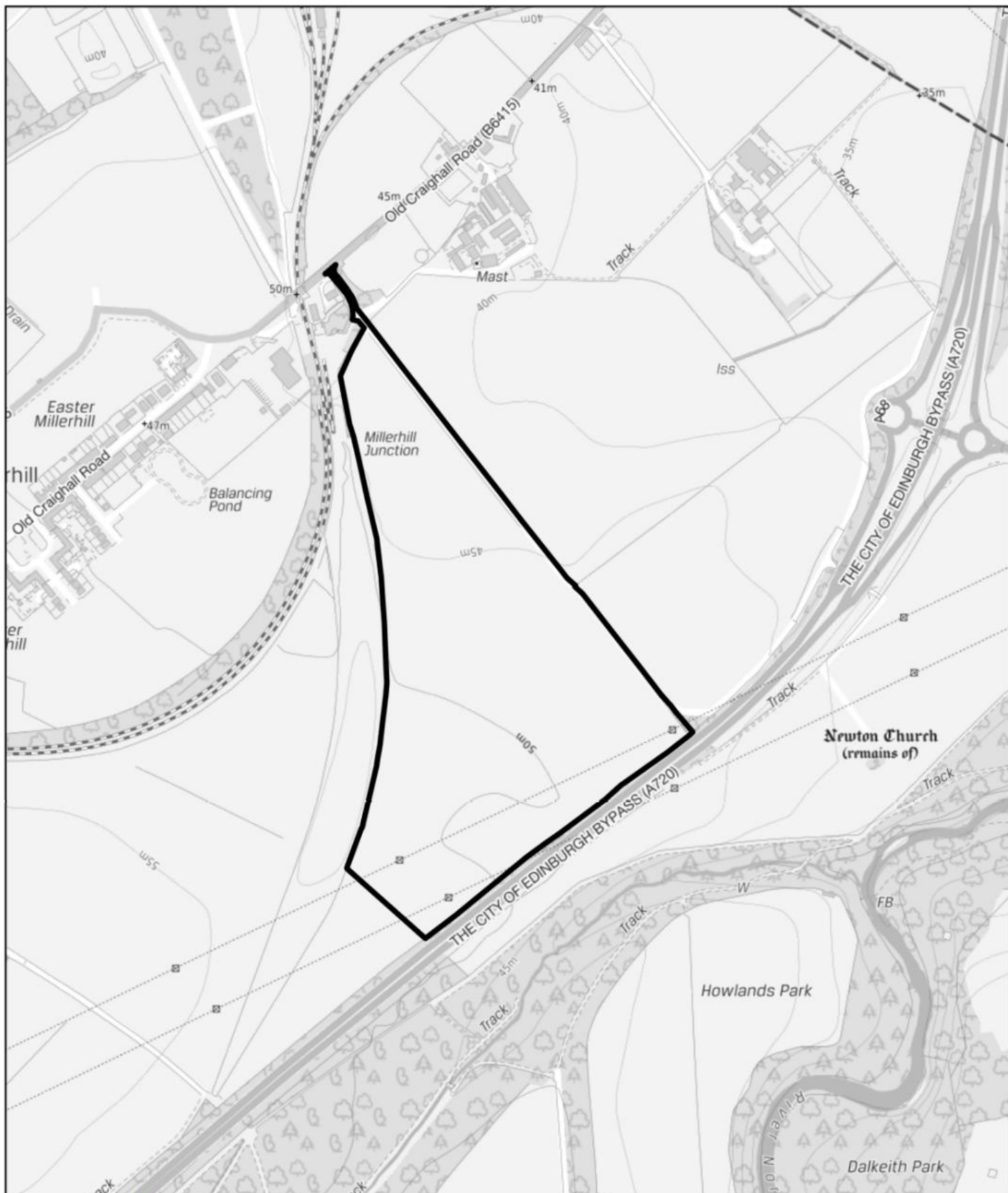
## **5 RECOMMENDATION**

5.1 It is recommended that the Committee notes:

- a) the provisional planning position set out in this report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

**Peter Arnsdorf**  
**Planning Manager**

<b>Date:</b>	25 May 2020
<b>Application No:</b>	20/00231/PAC (Available online)
<b>Applicant:</b>	Holder Planning Ltd
<b>Validation Date:</b>	26 March 2020
<b>Contact Person:</b>	Fraser James
<b>Tel No:</b>	0131 271 3514



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

Proposal of application notice for residential development and associated infrastructure at Land At Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith

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**PRE - APPLICATION REPORT REGARDING PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT LAND AT STOBS FARM, LADY BRAE GOREBRIDGE (20/00128/PAC)**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre- application consultation submitted regarding residential development with associated landscaping and infrastructure at land at Stobs Farm, Lady Brae, Gorebridge. The land is identified as countryside (policy RD1) in the Midlothian Local Development Plan 2017 (MLDP).
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

## **2 BACKGROUND**

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for residential development with associated landscaping and infrastructure at land at Stobs Farm, Lady Brae, Gorebridge was submitted on 24 February 2020.
- 2.3 As part of the pre-application consultation, a public event was scheduled to take place on 2 April 2020, however this was postponed as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020. The changes remove the requirement for a public event, but as an alternative require prospective developers to advertise where relevant consultation material can be viewed online. The

legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations – which includes giving interested parties the opportunity to make comment. On the conclusion of the online event the applicant could submit a planning application for the proposal.

- 2.4 Copies of the pre application notices have been sent by the prospective applicant to the local elected members and Gorebridge Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site is approximately 31 hectares of agricultural land located on the eastern edge of Gorebridge. The land is not allocated for housing in the MLDP, but instead is identified as countryside (policy RD1) and in part as prime agricultural land (policy ENV4).
- 3.4 As an unallocated site in the countryside, a proposal for a major housing development would be contrary to the MLDP and would in principle be unacceptable. In order to justify the granting of planning permission under Scottish Planning Policy, it will need to be demonstrated that there is a shortfall in the supply of housing land.
- 3.5 Policy 6 of the SDP states that each of the SESplan planning authorities maintain a five years' effective housing land supply at all times. In circumstances where a SESplan planning authority is found to have a shortfall in housing land, Policy 7 of the SDP sets out the actions that can be taken to remedy it. These measures include allocating greenfield sites in a local development plan review or granting planning permission for housing on an unallocated greenfield site subject to a number of criteria, including a requirement that the development is in keeping with the character of an existing settlement and that essential infrastructure is committed, or, is to be funded by the developer.
- 3.6 The Council annually publishes a Housing Land Audit which outlines the completions for the previous year as well as a programme for completion for the remaining housing land supply. These audits are produced in consultation with housing development interests and are likely to be key to arguing whether Midlothian has an adequate housing land supply. The Council's Housing Land Audit confirms Midlothian has a five year land supply and doesn't need additional housing sites to meet its current housing targets.

- 3.7 In addition to the principle of development, consideration will also have to be given to design matters such as materials, layout, separation distances, landscaping and garden sizes in order to accord with the policies in the Sustainable Place-making section of the MLDP (policies DEV2, DEV3, DEV5, DEV6, DEV7 and DEV9).
- 3.8 The site is largely sloped in a southwest to northeast direction where development has the potential to be visually prominent. The promoter will need to demonstrate that a development of this scale (based on the size of the site) can be acceptable in landscape and visual terms.
- 3.9 The site adjoins Gorebridge at its eastern edge with Lady Brae forming the boundary between the two. In its present state, this road may struggle to cope with a significant increase in traffic due to the sloping nature, the large levels of on-street parking and the quality of the junctions with Barleyknowe Road at the top of the hill and Station Road towards the town centre.
- 3.10 The Learning Estate Strategy sets out the Council's long term plans to accommodate the expected education needs. This has been informed by the location and level of development outlined in the MLDP and the Housing Land Audits. As with all applications for windfall housing it cannot be guaranteed that there will be education capacity or an education solution that can be delivered through developer contributions.
- 3.11 If an application is submitted there is a presumption against residential development on the site, however if the Council is minded to support the proposal there will be a requirement for developer contributions towards infrastructure including education provision, equipped children's play provision, Borders Rail and town centre improvements. In addition, there would be a need to provide affordable housing equal to or exceeding 25% of the total number of dwellings consented, as outlined in MLDP policy DEV3.

## **4 PROCEDURES**

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

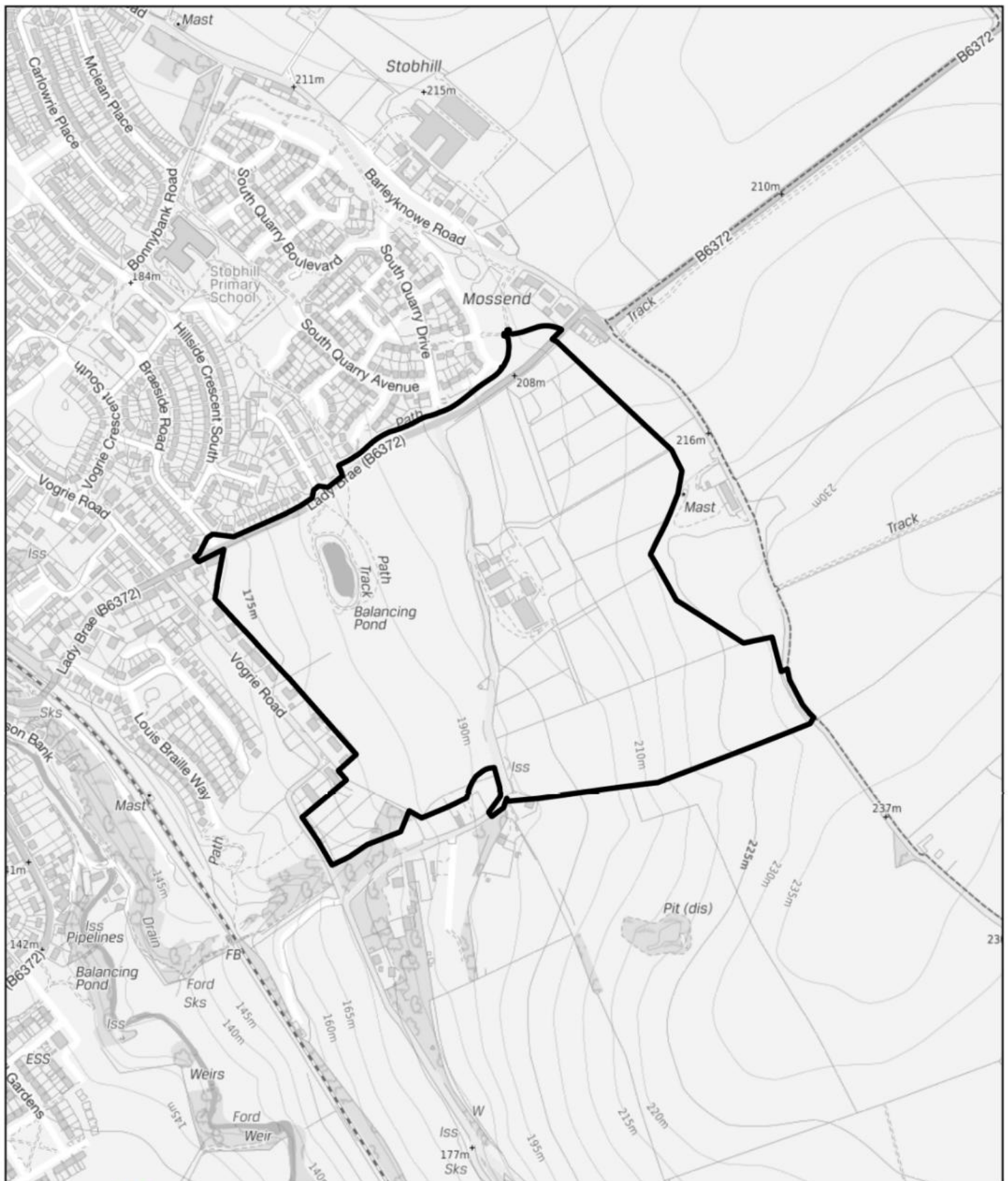
## **5 RECOMMENDATION**

5.1 It is recommended that the Committee notes:

- a) the provisional planning position set out in this report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

**Peter Arnsdorf**  
**Planning Manager**

<b>Date:</b>	25 May 2020
<b>Application No:</b>	20/00128/PAC (Available online)
<b>Applicant:</b>	Hallam Land Management and Commercial Estates Group
<b>Validation Date:</b>	24 February 2020
<b>Contact Person:</b>	Fraser James
<b>Tel No:</b>	0131 271 3514



**Planning Service**  
**Place Directorate**  
 Midlothian Council  
 Fairfield House  
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Proposal of application notice for residential development with associated landscaping and infrastructure at Land At Stobs Farm, Lady Brae, Gorebridge

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**SECTION 42 APPLICATION 19/01001/S42 TO AMEND CONDITION 2 (LANDSCAPING) OF PLANNING PERMISSION 15/00884/DPP FOR THE FORMATION OF A TRAIN CLEANING AND STABLING DEPOT AND ASSOCIATED WORKS AT MILLERHILL TRAINCARE DEPOT, WHITEHILL ROAD, NEWCRAIGHALL**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 At its meeting on 1 March 2016 the Committee granted planning permission for the formation of a train cleaning and stabling depot on railway operational land, erection of gabion walls and alterations to ground levels, formation of new railway lines, erection of boundary fencing, and formation of SUDS features, car parking and access. This Section 42 application seeks to amend the wording of the condition to reposition the proposed boundary hedge.**
- 1.2 There have been no letters of representation and consultation responses from Network Rail and the Scottish Environment Protection Agency (SEPA).**
- 1.3 The relevant development plan policies are STRAT1, DEV2, DEV7 and ENV11 of the Midlothian Local Development Plan.**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site is a former rail marshalling yard and former railway cutting which has been filled in with soil and railway ballast. The site is part of the original Millerhill Marshalling Yard which came into operation in 1962 and closed in 1983. Since 1994 the southern part of the site has been used for a number of operations in relation to stabling and maintenance of freight trains and for ballast storage. Planning permission was granted in 2016 for use of the site as a traincare depot for the cleaning and stabling of trains.**
- 2.2 The site extends to some 5.5 hectares. The land is elongated and generally flat. It comprises railway lines (running north to south) which**

link to the East Coast Mainline, associated sidings and storage areas. The northern and eastern boundaries of the site are enclosed by a 2m high galvanised palisade fencing. There is a line of mature poplar trees along the eastern edge of the site, the trees are planted within the site to the west of the fencing.

- 2.3 To the north the site is bounded by Whitehill Road, from where there is a vehicular access to the site. To the west the site is bounded by the East Coast Mainline railway line and beyond that the Edinburgh and Midlothian Residual Waste Facilities. To the south the site is bounded by railway lines. To the east the site is bounded by open farmland beyond which is the A1. The land to the east is within East Lothian and is the subject of planning permission in principle for a mixed use development comprising residential development, education, business, industry, storage and distribution, innovation hub, employment uses, community facilities, residential neighbourhood centre, playing fields, changing facilities, public parks and associated works.

### **3 PROPOSAL**

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (hereafter referred to as the Act), is to amend the wording of condition 2 (landscaping) of planning permission 15/00884/DPP. The condition currently reads as follows:

*Notwithstanding that delineated on docketed drawings the hedge to be planted along the west side of the proposed palisade fence shall not be planted. Instead, within the planting season when the works commence on site; or if works commence outwith the planting season, within the next planting season after works commence, a hedgerow shall be planted alongside to the west of the existing poplar trees growing along the full eastern boundary of the site. Details of the hedgerow shall be submitted for the prior written approval of the planning authority. The hedgerow shall be no less than 3 metres wide along its length. If within a period of 5 years from planting any part of the hedgerow dies, is diseased or is seriously damaged or removed, it shall be replaced in the next planning season with a hedge of the same species. There shall be no variation there from unless with the prior approval of the planning authority.*

- 3.2 Due to the topography of the site and the operational requirement to keep a distance of 3 metres between new planting and the rail lines, there is insufficient space to provide a 3m wide hedge to the west of the existing poplar trees. In place of the hedgerow it is proposed that a mix of hedgerow and copse will be planted along the eastern boundary to the west of the poplar trees. The revised planting will provide between 2.4m and 4m of screening where species are planted as a hedge; and between 8m and 12m of screening where species are



planted as a woodland copse. The wording of condition 2 will be amended to allow the revised planting scheme.

- 3.3 A Section 42 application, is in itself a planning application - a particular kind of planning application for development without complying with a condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the original permission if implemented. Therefore if planning permission is granted for this application and the planting is carried out it will supersede planning permission 15/00884/DPP.
- 3.4 Although a Section 42 application is a new planning application in law the Act states *“on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*. The principle, layout and form of development are not subject to assessment. Planning Authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply.

#### **4 BACKGROUND**

- 4.1 The applicant carried out a pre application consultation (12/00514/PAC) for new stabling and cleaning facilities in August - November 2012. The Planning Authority had no objection to the proposed consultation.
- 4.2 Planning permission 12/00837/DPP was granted by the Committee at its meeting in April 2013 for the formation of train maintenance, cleaning and stabling depot; erection of retaining wall and alterations to ground levels; formation of new railway lines; erection of boundary fencing; and formation of associated car parking and access on the site. This permission was not implemented.
- 4.3 The applicant carried out a pre application consultation (13/00593/PAC) for new stabling and cleaning facilities in May - August 2013. The Planning Authority had no objection to the proposed consultation.
- 4.4 An Environmental Impact Assessment (EIA) Screening Opinion request, 13/00162/SCR, for the infilling of land was submitted in March 2013 – the planning authority confirmed an EIA was not required.
- 4.5 Planning permission 15/00884/DPP was granted by the Committee at its meeting in March 2016 for the formation of a new railway depot; including train maintenance, cleaning and stabling, the laying of new railway lines, the erection of associated offices and staff welfare blocks, the formation of car parking and access at the site. This permission was implemented.

- 4.6 As part of the application process for the current application an EIA screening was carried out to comply with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The screening conclusion was that an environmental impact assessment was not required and therefore no EIA Report was required.
- 4.7 The area of the site is 5.5 hectares. As the site area exceeds the 2 hectare threshold set out in Class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the application is considered to be a Major development and as such determined by the Committee.

## 5 CONSULTATIONS

- 5.1 As well as being the applicant and landowner **Network Rail** are a statutory consultee because the western edge of the site is within 10 metres of a railway line forming part of the national railway network – Network Rail does not object to the application.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application on the understanding that it does not result in changes to the agreed drainage strategy (approved as part of application 15/00884/DPP).

## 6 REPRESENTATIONS

- 6.1 No representations have been received.

## 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, adopted in November 2017. The following policies are relevant to the proposal:

### Midlothian Local Development Plan 2017 (MLDP)

- 7.2 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.
- 7.3 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.
- 7.4 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.

- 7.5 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.

## **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 consultation responses received are material considerations.

### Principle of Development

- 8.2 The application site has been in railway use for approximately 60 years and is therefore a well-established development in the landscape. The railway use has influenced the elongated and flat characteristics of the site. The currently proposed development by its nature is not significantly different in land use planning terms.
- 8.3 The site is part of the Council's established economic land supply for business/general industry/storage and distribution. The proposed stabling of railway carriages with associated maintenance and cleaning depot is a use tantamount to storage and distribution and general industry and thus complies with adopted MLDP Policy STRAT1. The principle of the development at this location was established by the granting of planning permission 15/00884/DPP. There has been no material change in planning circumstances since the granting of the original permission which would warrant refusal of the Section 42 application on the grounds of the principle of development.

### Landscaping

- 8.4 The proposed species, planting specification and layout are acceptable and once established they will provide an effective landscape buffer for the eastern edge of the site. The landscaping scheme requires the removal of self-seeded poplars, giant hogweed and building rubble/debris to provide fresh ground for planting. A method statement outlining how these works can be undertaken without damaging the existing poplars can be secured by condition. It would also be appropriate to attach a condition specifying the necessary tree protection measures that should be followed within the existing tree canopies. The proposed amendment to the landscaping condition

effectively adjusts the width of planting along the eastern boundary in response to the operational need of the railway – in some areas the planting will be narrower than original envisaged and in other areas it will be wider. There is no overall detriment to the landscaping scheme by amending the condition as proposed.

### Conclusion

- 8.5 There are no material change in planning circumstances that would warrant refusal of the current application. As is noted above a Section 42 consent is a new permission in law and planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply. It would be appropriate to attach the same conditions as attached to planning permission 15/00884/DPP with the exception of those that have already been discharged and the amended condition 2.

## **9 RECOMMENDATION**

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

*The development will support the furtherance of an established use within the Council's economic land supply; and the landscaping proposals will ensure that an effective landscape buffer will be provided along the eastern boundary. The proposal therefore complies with policies STRAT1, DEV2, DEV7 and ENV11 of the Midlothian Local Development Plan 2017.*

- 9.2 Subject to the following conditions:

1. The mature trees on the eastern boundary of the site shall be retained unless otherwise approved in writing by the planning authority and shall be protected during construction in accordance with the BS5837 2012. All clearance of self-seeded trees within the canopy of the mature trees shall be carried out by hand methods rather than chemical methods. Excavations within the tree canopies of the mature trees shall be hand dug. Prior to development commencing details of the protection measures shall be submitted to and approved in writing by the planning authority; development thereafter shall comply with the approved details or such other details as may be approved in writing by the planning authority.

***Reason:*** *The existing mature poplar trees demarcating the east boundary of the site provide screening of the operations on the site and therefore help mitigate the visual impact of the development.*

2. The hedgerow planting detailed in the approved Plant Schedule, Proposed Hedge Layout Sheet 1 of 3 (drawing no. SYI-L101A), Proposed Hedge Layout Sheet 2 of 3 (drawing no. SYI-L102A) and Proposed Hedge Layout Sheet 3 of 3 (drawing no. SYI-L103A) shall

be completed within the next planting season after the date of this decision. 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 that the Eastern edge of the site is provided with an effective landscape buffer that complies with railway operating procedures.*

3. Notwithstanding the details shown on the Plant Schedule and Layouts Sheets referred to in condition 2 above. Prior to landscaping works commencing a Method Statement shall be submitted to and approved in writing by the planning authority. The Method Statement shall include details of the following:
  - a. Details of a scheme to clear Giant Hogweed from the site. The scheme must include a timetable to ensure that Giant Hogweed is cleared prior to planting of the hedgerow and details of measures to be taken to ensure that existing trees are not damaged during the clearance process; and
  - b. Details of a scheme to clear debris material from within the canopy spread of the existing trees and from the areas of proposed hedgerow planting.

Development thereafter shall comply with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

***Reason:*** *To ensure that the ground to be planted is prepared to a suitable condition that will allow long-term growth of the new planting.*

4. The external lighting within the site shall be designed to minimise light spill. The installation of luminaires shall direct light downwards and minimise upward illumination.

***Reason:*** *To minimise light spill and upward illumination, and in the interests of safeguarding the amenity of the area.*

**Peter Arnsdorf**  
**Planning Manager**

**Date:** 25 May 2020  
**Application No:** 19/01001/S42  
**Applicant:** Mrs Nicola Slaven, Network Rail, 151 St Vincent Street, Glasgow  
**Agent:** N/A  
**Validation Date:** 12 December 2020  
**Contact Person:** Graeme King  
**Tel No:** 0131 271 3332  
**Background Papers:** 15/00884/DPP  
**Attached Plans:** Landscaping (x3) and Planting Schedule





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

S42 application to amend condition 2 of planning permission 15/00884/DPP (amendment to approved landscaping scheme) at Millerhill Traincare Depot, Whitehill Road, Newcraighall

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File No. 19/01001/S42

Scale: 1:7,500  
Page 31 of 82



### Section 1

Trench: 146m length, 1m width, 400mm depth  
Excavate trench, backfill with sandy / loamy topsoil  
Plant transplants in double staggered row at 400mm centres  
i.e. 6 per linear m  
Plant in completely random mix  
Total number of plants - 876no.

Crataegus monogyna: 1+1, 60-80cm height, bare root - 219no (25%).  
Prunus spinosa: 1+1, 60-80cm height, bare root - 219no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 438no. (50%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and cut-spoil line (parallel to line of trees)
- Grade new soil into existing cut soil (if possible ease cut slope to more gentle angle)

### Section 2

Pit plant: 44m length  
Individually plant in sandy / loamy topsoil  
Plant transplants in single row, between existing trees at approximately 4 per linear m  
Plant in completely random mix  
Total number of plants - 176no.

Crataegus monogyna: 1+1, 60-80cm height, bare root - 44no. (25%)  
Prunus spinosa: 1+1, 60-80cm height, bare root - 44no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 88no. (50%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches, including broken branches
- Pull piled up soil away from trunks of trees and regrade into natural ground levels

### Section 3

Existing wall - no planting possible

5.6M O/S  
FROM FENCE

5M O/S  
FROM FENCE

### Section 4

See drawing SY1-L02



## KEY

- Existing stone wall
- New planting to be planted in continuous trench of soil
- New planting to be planted in individual pits

#### Planting Notes:

- Herbicide application - Allow sufficient time to ensure any residual herbicide in the soil has dissipated and will not affect new planting.
- Remove from site all collected rubbish, debris and unwanted branches, sprayed off plants and take to appropriate tips (retain agreed rubble and timber piles as habitat for reptiles)
- All new plants to be protected with a clear spiral guard and supported by a bamboo stake (remove at end of 3rd growing season)
- Plant between November and March
- Leave newly planted areas tidy and soil graded (where possible) into existing ground profiles
- At end of each growing season (for 3 years) remove any dead plants. Agree with LA if replacements required.
- Maintained width of plants within trench areas and individual pits to be 4m (most cutting taking place on track side). Height can be maintained, if required, to preferred height between 3m and 6m.

Key: % of species maintained with note 7, extra text under section 10 subject.	18.01.19	YH
DAW - initial tree/vegetation	13.11.18	YH
Issue note	Date	Iss
Rev	Client	

**MORGAN SINDALL**

Project title: Glasgow Improvements Programme (GIP)  
Drawing title: Millerhill Depot - Proposed hedge layout  
Sheet 1 of 3  
Scale: 1:500 @A2  
Drawn by: SYH  
Checked: SYH  
Drawing no.: SY1-L101  
Stage: A  
Design

**DRAWING NOTES:**  
1. The design team has carried out a visual assessment of the site and its surroundings. It is recommended that the design team be consulted for any further information to be brought to the attention of the design team. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge.  
2. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge.  
3. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge. The design team will be responsible for the design and construction of the hedge.  
4. Do not scale from this drawing, use listed dimensions only.  
5. Any proposed joint construction shall be agreed with the relevant authority prior to construction.



### Section 4

Pit plant: 46m length  
Individually plant in sandy / loamy topsoil  
Plant transplants in single row, between or just in front of  
existing trees at approximately 4 per linear m

Plant in completely random mix  
Total number of plants - 184no.  
Crataegus monogyna: 1+1, 60-80cm height, bare root - 46no. (25%)  
Prunus spinosa: 1+1, 60-80cm height, bare root - 46no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 92no. (25%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches, including broken branches
- Pull piled up soil away from trunks of trees and regrade into natural ground levels

### Section 3

Existing wall - no planting possible

### Section 2

See drawing SYL-L01

### Section 5

Trench: 64m length, 1m width, 400mm depth  
Excavate trench, backfill with sandy / loamy topsoil  
Plant transplants in double staggered row at 400mm centres  
i.e. 6 per linear m

Plant in completely random mix  
Total number of plants - 384no.  
Crataegus monogyna: 1+1, 60-80cm height, bare root - 96no. (25%)  
Prunus spinosa: 1+1, 60-80cm height, bare root - 96no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 192no. (50%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and tree line
- Remove 3no. damaged birch trees.

### Section 6

Copse: Area - 455m<sup>2</sup>  
Break up ground and spread with sandy / loamy topsoil to depth of 500mm. Grade at edges into existing ground levels.  
Plant transplants at 1m centres in completely random mix  
Total number of plants - 455no.

Betula pendula: 1+1, 60-80cm height, bare root - 227no. (50%)  
Malus sylvestris: 1+1, 60-80cm height, bare root - 68no. (15%)  
Prunus padus: 1+1, 60-80cm height, bare root - 45no. (10%)  
Salix caprea: 0/1, 60-80cm height, bare root - 115no. (25%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and new copse area.
- Retain any existing self seeded healthy birch trees

### Section 7

Trench: 28m length, 1m width, 400mm depth  
Excavate trench, backfill with sandy / loamy topsoil  
Plant transplants in double staggered row at 400mm centres  
i.e. 6 per linear m

Plant in completely random mix  
Total number of plants - 168no.  
Crataegus monogyna: 1+1, 60-80cm height, bare root - 42no. (25%)  
Prunus spinosa: 1+1, 60-80cm height, bare root - 42no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 84no. (50%)

#### Additional actions:

- remove rubbish and debris from ground and tangled in branches (leave wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and tree line

### Section 8

See drawing SYL-L03



## KEY

	Existing stone wall
	New planting to be planted in continuous trench of soil
	New planting to be planted in individual pits
	Copse planting

#### Planting Notes:

1. Herbicide application - Allow sufficient time to ensure any residual herbicide in the soil has dissipated and will not affect new planting.
2. Remove from site all collected rubbish, debris and unwanted branches, sprayed off plants and take to appropriate tips (retain agreed rubble and timber piles as habitat for reptiles)
3. All new plants to be protected with a clear spiral guard and supported by a bamboo stake (remove at end of 3rd growing season)
4. Plant between November and March
5. Leave newly planted areas tidy and soil graded (where possible) into existing ground profiles
6. At end of each growing season (for 3 years) remove any dead plants. Agree with LA if replacements required.
7. Maintained width of plants within trench areas and individual pits to be 4m (most cutting taking place on track side). Height can be maintained, if required, to preferred height between 3m and 6m.

A	Key, % of species, maintained width (note 7), extra text under Section 10 subject.	16.01.19	SYL
-	DAURF - initial tree establishment	15.11.18	SYL
Rev	Issue note	Date	Iss

**MORGAN SINDALL**

Project title  
Edinburgh, Glasgow Improvements Programme (EGIP)  
Drawing title  
Millerhill Depot - Proposed hedge layout  
Sheet 2 of 3  
Scale  
1:500 @A2  
Drawn by  
SYL  
Checked by  
R. Wilson  
Drawing no.  
SYL - L102  
A  
Stage  
DESIGN

DRAWING NOTES:  
1. This drawing is to be read in conjunction with all relevant contract documentation.  
2. The design team, with any conflicting information to be brought to the attention of the client, is not responsible for the accuracy of the information provided in this drawing. Any information is to be brought to the attention of the client before the drawing is used.  
3. All dimensions are in mm, unless otherwise stated. All dimensions to be checked on site.  
4. Do not scale from this drawing, use listed dimensions only.  
5. Any proposed joint substitution shall be agreed with the technical architect prior to construction.

Simon Irvine, Landscape Architect  
simon@simonirvine.co.uk  
Mobile 07572 247771



Section 8

Copse: Area - 1435m<sup>2</sup>  
Break up ground and spread with sandy / loamy topsoil to depth of 500mm. Grade at edges into existing ground levels.  
Plant transplants at 1m centres in completely random mix  
Total number of plants - 1438no.  
Betula pendula: 1+1, 60-80cm height, bare root - 720no. (50%)  
Malus sylvestris: 1+1, 60-80cm height, bare root - 215no. (15%)  
Prunus padus: 1+1, 60-80cm height, bare root - 143no. (10%)  
Salix caprea: 0/1, 60-80cm height, bare root - 360no. (25%)

Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and new copse area.

Section 9

Trench: 122m length, 1m width, 400mm depth  
Excavate trench, backfill with sandy / loamy topsoil  
Plant transplants in double staggered row at 400mm centres i.e. 6 per linear m  
Plant in completely random mix  
Total number of plants - 732no.  
Crataegus monogyna: 1+1, 60-80cm height, bare root - 183no. (25%)  
Prunus spinosa: 1+1, 60-80cm height, bare root - 183no. (25%)  
Rosa canina: 1+1, 40-60cm height, bare root - 366no. (50%)

Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)
- spray off self-seeded poplar and other plant species between the track and tree line

Section 10

Pit plant: in amongst existing trees for approximately 68 lin metres.  
Allow for 100 plants  
Plant individually in sandy / loamy topsoil in completely random mix, where spaces allow. Avoid damage to existing tree roots.  
Total number of plants - 100no.  
Betula pendula: 1+1, 60-80cm height, bare root - 70no. (70%)  
Prunus padus: 1+1, 60-80cm height, bare root - 10no. (10%)  
Salix caprea: 0/1, 60-80cm height, bare root - 20no. (20%)

Additional actions:

- remove rubbish and debris from ground and tangled in branches (do not remove wood and rubble piles)

**Note:**  
Beyond Section 10, no new planting required as existing copse planting is sufficiently dense to provide good screening



KEY

- New planting to be planted in continuous trench of soil
- Copse planting
- Pit planting amongst existing trees

Planting Notes:

1. Herbicide application - Allow sufficient time to ensure any residual herbicide in the soil has dissipated and will not affect new planting.
2. Remove from site all collected rubbish, debris and unwanted branches, sprayed off plants and take to appropriate tips (retain as habitat for reptiles)
3. All new plants to be protected with a clear spiral guard and supported by a bamboo stake (remove at end of 3rd growing season)
4. Plant between November and March
5. Leave newly planted areas tidy and soil graded (where possible) into existing ground profiles
6. At end of each growing season (for 3 years) remove any dead plants. Agree with LA if replacements required.
7. Maintained width of plants within trench areas to be 4m (most cutting taking place on track side). Height can be maintained, if required, to preferred height between 3m and 6m.

Section 7

See drawing SY1-L02

A	Key: % of species, maintained width (note 7), extra text under Section 10 subject.	16.01.19	SY1
-	DAWTF - initial tree/fence location	13.11.18	SY1
Rev	Issue note	Date	Iss
Client			

**MORGAN SINDALL**

Project title  
Edinburgh, Glasgow Improvement Programme (EGIP)  
Drawing title  
Millerhill Depot - Proposed hedge layout  
Sheet 3 of 3  
Scale  
1:500 @A2  
Date  
06-11-18  
Drawn by  
SY1  
Checked by  
SY1  
Drawing no.  
SY1 - L103  
Revision  
A  
Stage  
DESIGN

**DRAWING NOTES:**  
1. All dimensions are in millimetres unless otherwise stated.  
2. The design team, with any conflicting information to be brought to the attention of the client.  
3. The design team is not responsible for the construction of the hedge or the maintenance of the hedge. Any dimensions are to be checked on site.  
4. Do not scale from this drawing, use listed dimensions only.  
5. Any proposed plant substitution shall be agreed with the landscape architect prior to planting.

Simon Irvine, Landscape Architect  
simon@simonirvine.co.uk  
01753 612121

## MILLERHILL DEPOT PLANT SCHEDULE

The following list of species has been selected to provide screening to the eastern boundary of the Millerhill Depot.

The species are all native and are in keeping with the existing tree and shrub species that exist along the eastern boundary and in the local area.

The hedge species have also been selected to minimise maintenance requirements (cutting back) where species are immediately adjacent to rail tracks.

As native species they will:

- Provide appropriate habitat and biodiversity
- Complement the local area
- Provide year round colour and interest
- Provide food source and shelter for insects and birds
- Provide between 2.4m and 4m screening where species are planted as a hedge
- Provide between 8m and 12m screening where species are planted as a woodland copse

Plants have been specified as transplants to reduce risk of losses as they will be more adaptable to the local ground conditions.





All plants will be protected with a biodegradable spiral guard to reduce risk of damage from grazing by rabbits. Spiral guards will be removed at the end of the third growing season.

The following table, sets out the name, as planted specification, details and images of the proposed tree and hedge species.

For locations refer to drawings SY1 L101, L102 and L103






# MILLERHILL DEPOT PLANT SCHEDULE



Image	Name	Specification
<b>TREE SPECIES</b>		
 	Betula pendula (Silver Birch)	<p>As planted: 1+1, 60-80cm height, bare root</p> <p>Description: An elegant, medium-sized deciduous tree with slender, drooping twigs. Bark white, becoming black and rugged at the base of the trunk. Leaves ovate, yellow in autumn. Catkins in spring. Ultimate height – 12m+ Ultimate spread – 8m+ Time to ultimate height – 20-50 years</p>
 	Malus sylvestris (Crab Apple)	<p>As planted: 1+1, 60-80cm height, bare root</p> <p>Description: A small, rounded tree with ovate leaves and clusters of pink-tinged white flowers to 5cm across in late spring, followed by yellow-green, sometimes red-flushed fruits 2-3cm across Ultimate height – 8-12m Ultimate spread – 4-8m Time to ultimate height – 20-50 years</p>

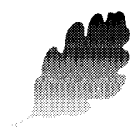


# MILLERHILL DEPOT PLANT SCHEDULE

Image	Name	Specification
	Prunus padus (Bird Cherry)	<p>As planted: 1+1, 60-80cm height, bare root</p> <p>Description: A large deciduous tree with toothed, ovate leaves turning yellow in autumn, and pendant racemes of fragrant white flowers 1cm wide in late spring, followed by small, bitter black fruits Ultimate height – 8-12m Ultimate spread – 4-8m Time to ultimate height – 20-50 years</p>
	Salix caprea (Goat Willow)	<p>As planted: 0/1, 60-80cm height, bare root</p> <p>Description: A rounded deciduous shrub or small tree with broadly elliptic leaves greyish beneath, and large grey catkins in spring Ultimate height – 8-10m Ultimate spread – 4-8m Time to ultimate height – 20-50 years</p>
<b>HEDGE SPECIES</b>		
	Crataegus monogyna (Hawthorn)	<p>As planted: 1+1, 60-80cm height, bare root</p> <p>Description: A small, rounded deciduous tree with glossy, deeply lobed leaves and flat sprays of cream flowers, followed by dark red berries in autumn Ultimate height – 4-8m Ultimate spread – 4-8m Time to ultimate height – 20-50 years</p>

# MILLERHILL DEPOT PLANT SCHEDULE

Image	Name	Specification
	Prunus spinosa (Blackthorn)	<p>As planted: 1+1, 60-80cm height, bare root</p> <p>Description: A small thorny deciduous tree with dark green, ovate leaves, and small white flowers in early spring, followed by ovoid, bloomy black fruits 1.5cm across Ultimate height – 2.5-4m Ultimate spread – 2.5-4m Time to ultimate height – 20-50 years</p>
	Rosa canina (Dog Rose)	<p>As planted: 1+1, 40-60cm height, bare root</p> <p>Description: A vigorous arching deciduous shrub with mid-green foliage and pale pink or white flowers 5cm across, either solitary or in small clusters, in early summer, followed by ovoid red fruits Ultimate height – 2.5-4m Ultimate spread – 1.5-2.5m Time to ultimate height – 5-10 years</p>



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**SECTION 42 APPLICATION 18/00528/S42 TO AMMEND CONDITIONS 3, 4, 5, 6 and 10 IMPOSED ON A GRANT OF PLANNING PERMISSION 15/00113/PPP FOR THE DEMOLITION OF EXISTING DWELLINGHOUSE, ERECTION OF HOTEL AND RESIDENTIAL DEVELOPMENT, FORMATION OF ACCESS ROADS, CAR PARKING AND ASSOCIATED WORKS AT LAND AT CALDERSTONES, BIGGAR ROAD, HILLEND, DAMHEAD.**

**The application is accompanied by an environmental impact assessment report prepared in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.**

Report by Chief Officer Place

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 At its meeting on 25 August 2015 the Committee granted planning permission for the demolition of the existing dwellinghouse, erection of hotel and residential development, formation of access roads, car parking and associated works at land at Calderstones, Biggar Road, Hillend. This section 42 application seeks to amend the wording of five of the conditions, relating to the phasing of development, hard and soft landscaping, the siting, design and materials of all buildings/structures on the site, site access roads and footpaths (including haul routes), approval of the junction to the A702 and the timing of its provision and the condition requiring the closure of the access to the Midlothian Snowsports Centre. The application is accompanied by an environmental impact assessment report.**
- 1.2 There have been no representations and there have been consultation responses from the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (now called Scottish Nature), Historic Environment Scotland, Transport Scotland, the Council's Archaeology Advisor, the Council's Policy and Road Safety Manager, Damhead Community Council and Fairmilehead Community Council.**
- 1.3 The relevant development plan policies are policy 12 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies DEV5, DEV6, DEV7, TRAN1, TRAN5, VIS2, VIS3, RD3, RD4, ENV1, ENV2, ENV6, ENV7, ENV10, ENV11,**

## **ENV15, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.**

- 1.4 The recommendation is to grant planning permission subject to conditions.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 The application site is 4.95 hectares and it is occupied by a private dwellinghouse set within extensive landscaped grounds which include a number of exotic trees and shrub species. It is located in the countryside approximately two kilometres west of Loanhead, on the lower part of the northern slope of the Pentland Hills and within the boundary of the Hillend Country Park, the Pentland Hills Regional Park and in a Special Landscape Area (SLA).
- 2.2 The site is bounded by; woodland with the access road to the Midlothian Ski and Snowsports Centre to the north, the A702 Trunk Road (Biggar Road) to the east and rough grassland on the lower slopes of the Pentland Hills to the south and west. The A702 Trunk Road runs through the settlement of Hillend. The A720 Edinburgh City bypass is located nearby to the north.

## **3 PROPOSAL**

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (hereafter referred to as the Act), is to amend five conditions on planning permission 15/00113/PPP. These conditions relate to the phasing of development (3), hard and soft landscaping (4), the siting, design and materials of buildings/structures on the site on the site (5), site access roads and footpaths (including haul routes) (6) and the condition requiring the closure of the access to the Midlothian Snowsports Centre within a specified time period (10).
- 3.2 The strikethrough text below was the proposed amendment (removal of text) to condition 3 of planning permission 15/00113/PPP – however this part of the application was withdrawn during the assessment of the application (see paragraph 8.3):

Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing shall include the construction of the hotel and the replacement dwelling and the three plots to accommodate three self-catering units, ~~the provision of the landscaping~~, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.



3.3 The underlined text below is the proposed amendment (addition) to condition 4 of planning permission 15/00113/PPP:

Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority for that phase. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and,
- x 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 (vi). 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.

3.4 The underlined text below is the proposed amendment (addition) to condition 5 of planning permission 15/00113/PPP:

Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority for that phase. The application shall include samples of materials to be used on external surfaces of cover surfaces; means of enclosure and ancillary structures. No building shall have an under-building that

exceeds 0.5 metres in height above ground level. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

- 3.5 The strikethrough text below is the proposed amendment (removal of the word) and underlining (introduction of text and/or punctuation) to condition 6 of planning permission 15/00113/PPP.

Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycleways 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, footways and cycle ways in relation to a fixed datum;
- ii. the proposed vehicular, cycle and pedestrian accesses into the site;
- iii. the proposed roads (including turning facilities), footpaths and cycleways including suitable walking and cycle routes linking the development with the local public transportation network;
- iv. proposed visibility splays, traffic calming measures, lighting and signage;
- v. proposed construction traffic access and haulage routes;
- vi. proposed car parking arrangements;
- vii. a programme for completion for the construction of access, roads, footpaths and cycle paths;

and,

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.

- 3.6 The bold text below and the strikethrough text is the proposed original amendment (additional text in bold and strikethrough text to be removed) to condition 10 of planning permission 15/00113/PPP.

Unless otherwise agreed in writing with the planning authority, the existing vehicular access to the Midlothian Ski and Snowboarding centre shall be closed, **in accordance with details to be submitted to and approved by the planning authority, in consultation with Transport Scotland as Trunk Road Authority**, within one month of the new access off the A702 trunk road first coming into use **by the occupiers of the hotel, replacement house or self-catering accommodation whichever is the sooner**. ~~Development shall not begin until an application for approval of matters specified in conditions for the closure shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland with Transport Scotland as Trunk Road Authority.~~

- 3.7 However, during the assessment of the application, in particular in response to comments from Transport Scotland and in reaction to a planning application being submitted for the neighbouring Midlothian Snowsports Centre, the proposed modification of condition 10 and by consequence condition 9 has been amended. This is because the applicant, Transport Scotland and the Council would like to see a shared access solution to both the Snowsports Centre and Calderstones. The proposed conditions as drafted are below:

9. Development shall not commence on the site until an application for matters specified in condition has been submitted to and approved by the Planning Authority in consultation with Transport Scotland (as Trunk Roads Authority), for:

- i. The access onto the A702 illustrated on drawing no. 65200581/SK/005 Revision O to a priority layout standard compliant with DMRB CD 123, or other means of access, to a layout standard compliant with DMRB, as may be approved under separate planning approval;
- ii. The means of closure of the existing vehicular access to the Midlothian Snowsports Centre, the relocation of parking and which shall include details of a footway to be provided across the existing access, as appropriate in terms of 9 i. above;
- iii. The means of closure of the existing access to Calderstones to vehicular traffic, and,
- iv. The provision of a 2m wide footway formed adjacent to the Trunk Road, or other alignment connecting the new footway across the existing Midlothian Snowsports Centre access to the existing Calderstones access as appropriate in terms of 9i. above. The footway shall be constructed to adoptable standard.

10. No part of the development shall be implemented unless or until:

- i. The new access has been provided on the site in accordance with the approved matters specified in conditions or separate planning permission as detailed in condition 9 above and is available for use by the Midlothian Snowsports Centre and the Calderstones development;
- ii. The existing accesses have been permanently closed, as appropriate in terms of condition 9 ii and iii. above; and
- iii. All new footways have been provided in accordance with the matters approved in terms of condition 9 above.

- 3.8 The original condition 9 as approved by application 15/00113/PPP is as follows:

9. Development shall not begin until an application for approval of matters specified in conditions for the proposed junction with the trunk road shall be submitted and approved by the planning

authority, in consultation with Transport Scotland as Trunk Roads Authority. Prior to the hotel, replacement house or self-catering accommodation first coming into use the junction shall be constructed to a standard as described in the Department of Transport Advice Not RA 41/95 (Vehicular Access to All-Purpose Trunk Road) (as amended in Scotland) complying with Layout 5. The details shall include a two metre wide footway formed adjacent to the Trunk Road along the frontage of the development site to tie into the existing footway at either end of the development site from the junction of the A703 to the bus turning area.

***Reason:*** *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

- 3.9 A Section 42 application is a planning application - a particular kind of planning application for development without complying with or amending the condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the original permission if implemented. Therefore if planning permission is granted for this application it will supersede planning consent 15/00113/PPP if implemented.
- 3.10 Although a Section 42 application is a new planning application in law the Act states “*on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted*”. The principle, layout and form of development are not subject to assessment. Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply.

## **4 BACKGROUND**

- 4.1 Planning application 15/00113/PPP for planning permission in principle for the demolition of existing dwellinghouse, erection of hotel, erection of replacement house plot, formation of three house plots, formation of access roads, car parking and associated works was granted in 2015. The application was accompanied by an environmental statement submitted under the terms of the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2011) - hereafter referred to as the EIA regulations.
- 4.2 An EIA regulations scoping opinion request, 18/00707/SCO, was submitted with regard the proposed amendments to the conditions which are the subject of this Section 42 application. The applicant was advised that an environmental impact assessment report was required to comply with the EIA regulations (the 2017 EIA regulations superseded the 2011 regulations). The term ‘environmental statement’ was changed to ‘environmental impact assessment report’ in the Town

and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

- 4.3 An alternative Section 42 application (18/00628/S42) for the site to amendment conditions 4 and 5 was approved by the Committee at its meeting in August 2019. (This in part duplicates the current application and was submitted to secure a quick grant of planning permission as the original application 15/00113/PPP was due to expire.)
- 4.4 Pre Application Notice applications have been considered by the Committee in relation to two adjacent sites; one for the Snowsports Centre (18/00970/PAC) and one for a Mountain Bike Trail Centre (19/00126/PAC). The latter is predominantly within the City of Edinburgh Council administrative area.
- 4.5 An application for planning permission in principle (19/01018/PPP) for the redevelopment of the Midlothian Snowsports Centre is currently subject to assessment.
- 4.6 The application for planning permission in principle for the application site 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 Committee.

## **5 CONSULTATIONS**

- 5.1 **Scottish Environment Protection Agency (SEPA)** does not object to the application.
- 5.2 **Scottish Natural Heritage (SNH)** does not object to the application.
- 5.3 **Historic Environment Scotland (HES)** does not object to the application. The proposals do not raise any historical environment issues of national significance.
- 5.4 **Transport Scotland** have made comment in relation amending conditions 9 (as a consequence at considering the application to amend condition 10) and 10, which relate to the footpath along the frontage of the site and the proposed replacement house being built in advance of the proposed new access being constructed/open. Transport Scotland are concerned that there should be no relaxation in the requirement to provide a footpath along the frontage of the site, or, an alternative route through the site.
- 5.5 Transport Scotland will not support the construction of the replacement dwellinghouse using the existing access because of concern over the intensification of the use of this access (arising from the construction of the replacement house), given its location close to the three-way junction (A702/ A703/ Damhead Road). An access in this location should have a minimum visibility of 120m in each direct (for 40 mph/70

kph road). While the visibility to the left may be achievable, based on an initial desktop assessment, little more than 20m can be achieved to the right. It is the location of the access on a bend and the severe lack of visibility for traffic using this access that is of concern. Transport Scotland object to the proposed development unless condition 10 requires that no development shall take place on the site until the appropriate phase of development:

- Phase 1 – the construction of a new access from the A702 and a new access road into the site;
- Phase 2 – demolition of the existing dwellinghouse;
- Phase 3 – construction of the hotel and car parking/servicing areas;
- Phase 4 – completion of the new access and road (phase 1) to adoptable standard, closure of existing Snowsports Centre access and opening of new access to the Midlothian Snowsports Centre;
- Phase 5 – construction of new replacement house and access road; and
- Phase 6 – construction of additional visitor/staff houses.

5.6 The Council's **Archaeological Advisor** does not object to the application.

5.7 The Council's **Policy and Road Safety Manager** does not object to the application.

5.8 The **Damhead Community Council** are concerned about highway safety for the following reasons:

- There will be five busy access points to the west and the entrance to the busy petrol filling station is to the east. The three way junction must be one of the most dangerous in Midlothian and the added complexity with the new junction could only exacerbate the risk of accidents, including fatalities;
- The road is already dangerous (especially for cyclists) with traffic volumes increasing due to the housing developments further south along the A701/A702 corridor;
- If the proposal is to create a ghost island it is suspected that there will not be enough road width to do this, squeezing traffic into the single lanes for northbound and southbound traffic;
- Consideration of other developments in the locality should also be given; in addition to the development at Caulderstones, there are plans for a major redevelopment of the Snowsports Centre and redevelopment of the adjacent land at Swanston. Each of the three proposals include a hotel and a wide range of facilities making increases in traffic inevitable; and
- Concern is expressed about the erosion of the green belt, removal of mature trees at the entrance (not compensated for appropriately by new planting) and the change to the landscape character. The last opportunity for consultation on the redevelopment of the site was four years ago and since then the proposals have changed significantly.



- 5.9 **Fairmilehead Community Council (FCC)** (in the City of Edinburgh Council administrative area) previously made an objection to the application for Planning Permission in Principle in 2015. In relation to this application FCC have the following concerns:
- Transport and Access – the application proposes a new access further to the north, it is premature to make a decision on this proposed access at the moment because of the proposed developments at the Midlothian Snowsports Centre and the neighbouring mountain trailbike centre at Swanston. Both of these proposals will access onto the A702 and therefore all three proposals should be considered together and the cumulative impact of traffic of them all should be considered. This will require a fresh traffic flow and volume assessment. FCC are aware all 3 developments are in discussion with Transport Scotland. FCC would like the opportunity to comment on access arrangements that emerge. That said FCC do not object to the proposed amended wording of condition 10.
  - Phasing of the Development – no objection to the changes to the proposed wording of conditions 4 and 5.

## 6 REPRESENTATIONS

- 6.1 No representations have been received.

## 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, adopted in November 2017. The following policies are relevant to the proposal:

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

- 7.2 **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.

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- 7.3 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.4 Policy **DEV6: Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.



- 7.5 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.
- 7.6 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.7 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development
- 7.8 Policy **VIS2: Tourist Accommodation** supports the development of hotels or self-catering tourist accommodation provided the proposal is:
- A. is in scale and in keeping with the character of the local area;
  - B. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
  - C. is well located in terms of the strategic road network and maximises public transport access; and
  - D. is in accordance with one of the sections below.

**Hotels in built-up areas** will be supported, provided residential amenity is protected.

**Hotels in business areas and at key gateway locations** with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that:

- there are no suitable alternative sites elsewhere in the urban envelope; and
- the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

**Self-catering tourist accommodation** including touring caravan/camping sites, will be permitted where:

- the proposal is not in the Green Belt unless linked to some related existing development;
- the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and
- the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

- 7.9 Policy **VIS3: Midlothian Snowsports Centre Development** supports development proposals for the upgrading and enhancement of the Midlothian Snowsports Centre and ancillary facilities in order to secure its future as a centre for artificial skiing and snowboarding. Proposals with significant adverse environmental impacts will not be supported unless satisfactory mitigation measures are included in the proposal.

- 7.10 Policy **RD3: Pentland Hills Regional Park** states that proposals within the Pentland Hills Regional Park will not be permitted where it would be contrary to the policy aims of the Park.
- 7.11 Policy **RD4: Country Parks** only supports proposals in a park if they are compatible with the uses and character of the park.
- 7.12 Policy **ENV1: Protection of the Green Belt** 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 if 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.

The policy states that housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity. The applicant will be required to show the need for the new dwelling is permanent; cannot be made within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity. A planning condition limiting the occupancy of the house is likely to be attached in the event of approval.

- 7.13 Policy **ENV2: Midlothian Green Network** 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*.
- 7.14 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.
- 7.15 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.

- 7.16 Policy **ENV 10: 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.
- 7.17 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.
- 7.18 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.19 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.
- 7.21 **Policy IMP 3 Water and Drainage** requires sustainable urban drainage systems (SUDS) to be incorporated into new 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 consultation responses received are material considerations.
- 8.2 The principle of a hotel and associated works on the site was established by the grant of planning permission in principle 15/00113/PPP. The proposed amendment to the five conditions identified are a mix of fairly insignificant changes to wording some of which have already been considered and approved by planning application 18/00628/S42 (conditions 4 and 5) and other more significant proposed changes relating to a proposed new access to the site the timing of its provision and the closure of the existing access to Caulderstones and the Snowsports Centre.
- 8.3 The original permission (15/00113/PPP) was assessed against policies in the 2008 Midlothian Local Plan. Since the grant of this permission the MLDP has been adopted, however there are no material changes in policy which would affect the proposed development. Furthermore,

there has been no material change in circumstance or material considerations which would indicate that the proposed minor amendment to the wording of conditions 4, 5 and 6 should not be supported. However there was concern regarding the proposed change to condition 3 and the removal of the planting from the phasing proposals. As a consequence the applicant has withdrawn the proposed amendment to condition 3 and this will be reflected in any grant of planning permission, with the condition remaining as approved.

- 8.4 In relation to condition 10 (and consequential changes to condition 9 which can be secured in the review of the conditions despite not being referenced in the applicant's original submission), there have been ongoing discussions between the applicant's agent and Transport Scotland in order that provision can be made for a shared access between the Snowsports Centre and this site. This would also, in principle, allow rationalisation of the accesses on this section of the Trunk Road, allowing development to go ahead.
- 8.5 The applicant and Transport Scotland have differing views in relation to two aspects of amending condition 10 and by consequence condition 9. The first relates to the timing of the various parts of the development and in particular in relation to the replacement dwellinghouse. The applicant considers that it is acceptable that the replacement dwellinghouse can be built using the existing access to the existing house. This change was suggested during the processing of the application but it was not referred to in the original supporting statement submitted by the agent. It is opined by the applicant's agent that there would be no difference in terms of the use of the existing driveway in comparison with the existing house. The Council has some concern regarding the building of the replacement house using the existing access – the difference being modern construction vehicles using the historic access which has limited visibility, compared to domestic traffic using a historical access which was designed when traffic volumes were significantly lower than they are today. The applicant has confirmed there is no other access for construction.
- 8.6 The applicant will accept an additional stipulation that all debris associated with the demolition of the house is safely stored and reused on site. Furthermore, there are significant grounds associated with the existing house which could require numerous large vehicles to work the land; and, it would not be against planning policy in principle for the house to be extended or otherwise altered, which could require the same type and number of vehicles. Thereafter, the maximum daily activity at the peak of construction of the new house is likely to be at a rate of 2 tipper trucks and 4 vans per day. The applicant considers this to be negligible in relation to the potential use of the access.
- 8.7 Careful consideration has been given to the proposal to use the existing access for the construction of the replacement dwellinghouse, which would be a temporary additional use of the access. However, the

restricted visibility to the right of the existing access and the proximity of the existing access to the three way junction (A702/ A703/ Damhead Road) leads to the conclusion that on balance the use of the access even for the limited construction period is not acceptable in road safety terms.

- 8.8 The second matter that is at issue relates to the widening of the footpath along the frontage of the site with the A702 or the construction and maintenance of a footpath remote from the roadway but within the application site. Both of these options would link the exiting access with the proposed new access to the site. The existing footpath along the frontage of the site is narrow and in order for it to form a 2m wide footway, it would have to be widened. The footpath has trees alongside it within the site. There is concern that unacceptable harm would be caused to the trees by widening the footpath.
- 8.9 One option to ensure unnecessary damage is not done to the trees is to allow the footpath to be located either through the planting or along the internal roadway to the new hotel and then onward to the new access. In terms of policy TRAN1 Sustainable Travel it is important that footway links are provided in order to encourage sustainable travel. The agent argues that the provision of the footway/cycleway is not serving the development, in particular the replacement dwelling, and therefore it is not for the applicant to provide and/or maintain such a route. It is open to the Council to adopt any footway that connects the existing access to the proposed access, if it is built to an adoptable standard.
- 8.10 The footpath should either be provided at 2m wide along the frontage of the site, or a new path should be provided. The argument put forward by the applicant that it is not required before the replacement house is built is accepted and therefore an additional condition will be attached to the planning permission requiring the widened or new remote footpath is provided before any development takes place on the site, other than the replacement house or the demolition of the existing house.
- 8.11 There is a footpath, albeit fairly narrow in places, along the western side of the A702 from the north and continuing south beyond Boghall Farm. There is a car park at Boghall Farm and a well-used footpath link to the Pentland Hills. There is one short length of verge to the north of the site along the western side of the A702 close to the dead end that serves the dwellings on Biggar Road and close to the slip road onto the A720 Edinburgh by-pass. Links from and through the site to other paths within the Pentland Hills will provide good and attractive access to the countryside and encourage active travel. It is therefore appropriate to secure the desired footpath connection, but it is reasonable to take the position that the works to the footpath are not required in relation to the replacement dwellinghouse or the demolition

of the existing house and this can be reflected in the modified conditions.

- 8.12 The original 2015 planning application was accompanied by an environmental statement as required by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. An updated environmental impact assessment report has been submitted to comply with the later 2017 EIA regulations. The potential environmental consequences and associated mitigation measures of the proposed development are not impacted as a result of the proposed amended wording to conditions 4, 5 and 6. In relation to condition 10 the application identifies an alternative access to the site, slightly further to the north than the previously approved access. The amended wording of condition 10 and changes to condition 9 seek to allow flexibility in relation to the provision of a shared access with the neighbouring Midlothian Snowsports Centre and the mountain trailbike proposal at Swanston.
- 8.13 The environmental impact assessment report considers the potential environmental impacts in relation to: i) noise and air quality, ii) ecology and habitats, iii) socio economics, iv) cultural heritage and archaeology, v) transport and access, vi) landscape and visual impact, and vii) hydrology, soils and geology. The Committee considered these matters in determining application 15/00113/PPP. The updated report provides an up to date position which will assist the planning authority when it assesses those details submitted to discharge the planning conditions attached to the grant of planning permission (by way of Matters Specified in Conditions applications). This position is not changed by the proposed amendments to conditions 4, 5 and 6. In relation to condition 9 and 10, the identified re-location of the access to the site makes minor changes to the proposal, but none of these are considered significant in relation to the overall environmental impacts.
- 8.14 In addition to amending the wording of the conditions requested and condition 9, it is appropriate to amend the wording of condition 14 to reflect legislative changes. The term 'Environmental Statement' was changed to 'Environmental Impact Assessment Report' in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, for clarity this term has been amended in condition 14.

## **9 RECOMMENDATION**

- 9.1 It is recommended that planning permission be granted for the following reason:

*The proposed development for a hotel/tourist accommodation accords with policy VIS2 of the Midlothian Local Development Plan 2017; as such there is a presumption in favour of the proposed development. This presumption in favour of the development is not outweighed by*



*other policies in the development plan or other material considerations. The proposed amendments to conditions are considered not to undermine this policy position or have a detrimental impact.*

Subject to the following conditions:

1. The illustrative site layout plan and prospective images submitted with the application are not approved.

***Reason:*** *The application is for planning permission in principle only and the details delineated within the illustrative site layout plan prospective images are for illustrative purposes only.*

2. Notwithstanding that delineated on application drawings/stated in documents submitted with the application the three new 'house' plots are not approved; but instead, each of these three plots shall only contain a building occupied solely as self-catering tourist accommodation ancillary to the principal hotel use on the site; or alternatively, as staff accommodation incidental to the operation of the hotel.

***Reason:*** *In the interests of safeguarding the character and amenity of the Green Belt as new private dwellings erected on the site would be contrary to South East Scotland Strategic Development Plan 2013 (SESPlan) Policy 12 and adopted Midlothian Local Plan Policy RP2 (Green Belts).*

3. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of the hotel and the replacement dwelling and the three plots to accommodate three self catering units, the provision of landscaping, SUDS provision and transportation infrastructure. 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 and in the interest of safeguarding the character and amenity of the area.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority for that phase. Details of the scheme shall include:



- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and,
- x 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 (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

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

5. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings and other structures has been submitted to and approved in writing by the planning authority for that phase. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. No building shall have an under-building that exceeds 0.5 metres in height above ground level. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with the Midlothian Local Plan and national planning guidance and advice.*

6. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for 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, footways and cycle ways in relation to a fixed datum;
  - ii the proposed vehicular, cycle and pedestrian accesses into the site;
  - iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the development with the local public transportation network;
  - iv proposed visibility splays, traffic calming measures, lighting and signage;
  - v proposed construction traffic access and haulage routes;
  - vi proposed car parking arrangements; and,
  - vii 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.

***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.

7. Development shall not begin until an application for approval of matters specified in conditions for 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 residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

**Reason:** *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.*

8. Development shall not begin until an application for approval of matters specified in conditions for proposed lighting within the site including of the car parking areas, service areas, roads and footpaths have been submitted to and approved in writing by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The scheme shall be designed to minimise the spread of light in the night sky. Development shall therefore be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To reduce light pollution to the night sky and to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.*

9. Development shall not commence on the site until an application for matters specified in condition has been submitted to and approved by the Planning Authority in consultation with Transport Scotland (as Trunk Roads Authority), for:
  - i. The access onto the A702 illustrated on drawing no. 65200581/SK/005 Revision O to a priority layout standard compliant with DMRB CD 123, or other means of access, to a layout standard compliant with DMRB, as may be approved under separate planning approval;
  - ii. The means of closure of the existing vehicular access to the Midlothian Snowsports Centre, the relocation of parking and which shall include details of a footway to be provided across the existing access, as appropriate in terms of 9.i;
  - iii. The means of closure of the existing access to Calderstones to vehicular traffic; and
  - iv. The provision of a 2m wide footway formed adjacent to the Trunk Road, or other alignment connecting the new footway across the existing Midlothian Snowsports Centre access to the existing Calderstones access as appropriate in terms of 9.i. The footway shall be constructed to adoptable standard.

**Reason:** *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. In addition to ensure appropriate footpath access and parking is provided. Further to ensure appropriate means of closure of existing access at or adjacent to the site.*

10. No part of the development shall be implemented unless or until:

- i. The new access has been provided on the site in accordance with the approved matters specified in conditions or separate planning permission as detailed in condition 9.i and is available for use by the Midlothian Snowsports Centre and the Calderstones development; and
- ii. The existing accesses have been permanently closed, as appropriate in terms of condition 9.ii and 9.iii.

**Reason:** *To ensure that the new access to the site is implemented within an appropriate phase of the development, use of the existing access is discontinued and the safety of traffic on the trunk road is improved.*

11. The fences erected on the site; the details of which are required by condition 4(iv), shall include a stock proof anti-climb fence provided and maintained by the developer along the boundary of the site with the trunk road. The type and position of this fence shall be approved by the planning authority in consultation with Transport Scotland, as Trunk Roads Authority. The approved fence shall be erected in its entirety prior to the new access off the trunk first coming into use

**Reason:** *To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.*

12. Prior to any alterations to the trunk road to create the development junction, a detailed annotated drawing of a revised junction layout which shall delineate/demonstrate the existing bus turning circle unaltered and continuing to operate in a satisfactory and safe manner, shall be submitted to and approved in writing by the Planning Authority in consultation with the bus operators using the existing bus turning area:

**Reason:** *This is to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.*

13. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological

works (Evaluation) of no less than 5% of the total site area focussing on those areas unaffected by woodland and existing buildings, has been submitted to and approved in writing by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure this development does not result in the unnecessary loss of buried archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan.*

14. The recommended mitigation contained within the specific, Environmental Management Plan (EMP) detailed in Section 7.0 (Ecology & Habitats) of the Environmental Impact Assessment Report shall be carried out in full.

**Reason:** *In the interests of safeguarding bats, badgers and breeding birds.*

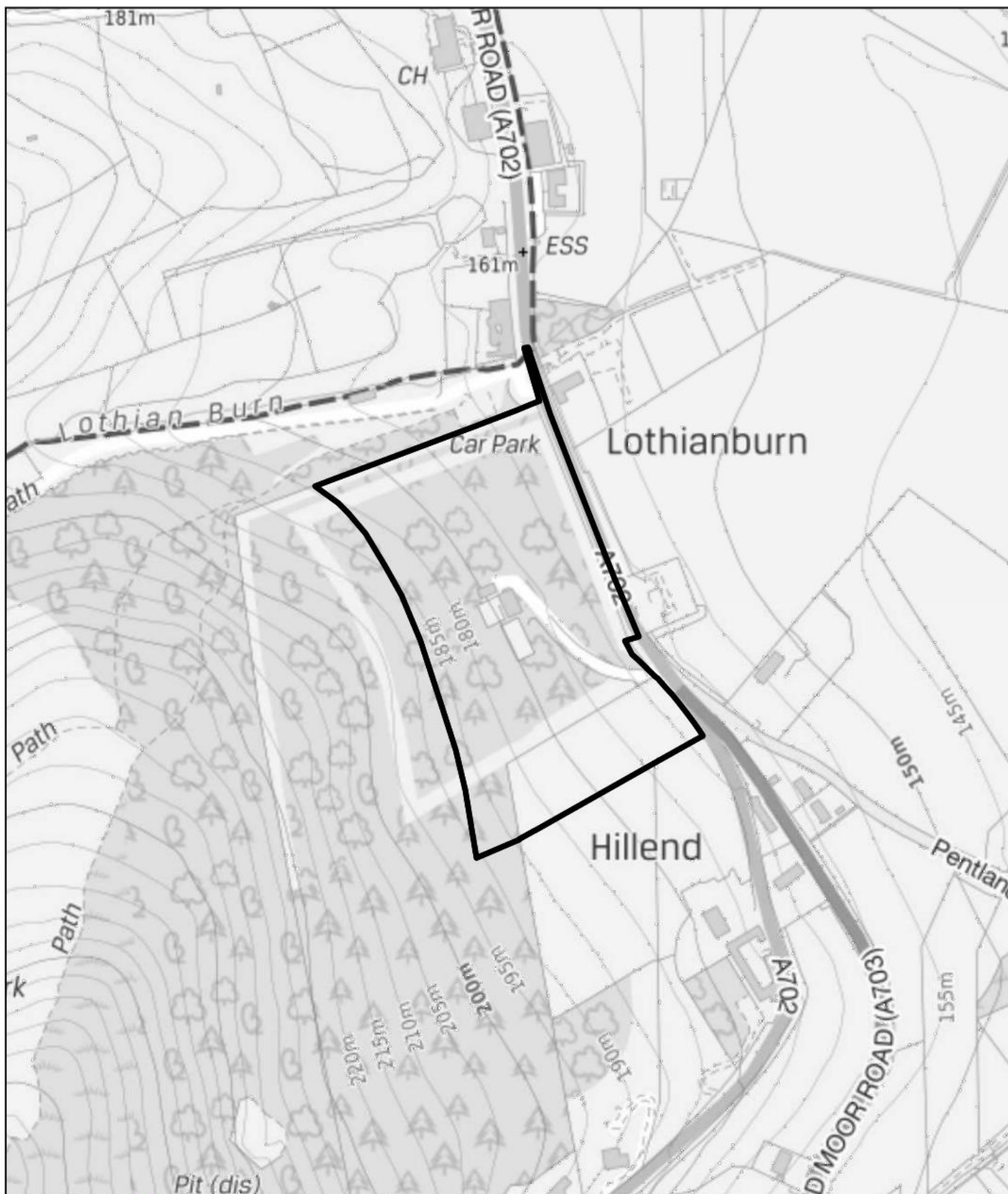
15. Prior to the commencement of the development, other than the replacement dwellinghouse or the demolition of the existing dwellinghouse, either the widened footway along the frontage of the site or the new remote footway shall be constructed at the site and shall be available for use. The widened or remote footway shall accord with the details approved in terms of the matters approved in terms of condition 9.iv) above and it shall be constructed to adoptable standard.

**Reason:** *The applicant has referred to the improvement of the path along the frontage of the site with the A701. There is concern that works to this footpath will adversely impact on the trees along the frontage of the site and therefore it may be appropriate to form a new remote footpath through the site to link the existing public footway with the new development and the new access to the site. The condition allows the replacement dwelling house to be built and the existing dwellinghouse to be demolished prior to the construction and availability of the widened or new footpath at the site.*

**Peter Arnsdorf**  
**Planning Manager**

**Date:** 25 May 2020  
**Application No:** 18/00528/DPP  
**Applicant:** Mr and Mrs Omar Almubarak  
**Agent:** Scott Hobbs Planning  
**Validation Date:** 20 July 2018  
**Contact Person:** Joyce Learmonth  
**Tel No:** 0131 271 3311  
**Background Papers:** Applications 18/00528/S42, 18/00628/S42 and 15/00113/PPP  
**Attached Plans:** Proposed new access arrangements





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

Section 42 Application to amend conditions 3, 4, 5, 6 and 10 of Planning Permission 15/00113/PPP (to amend the phasing of development) (this application is accompanied by an Environmental Impact Assessment Report) at Land At Calderstone, Biggar Road, Edinburgh

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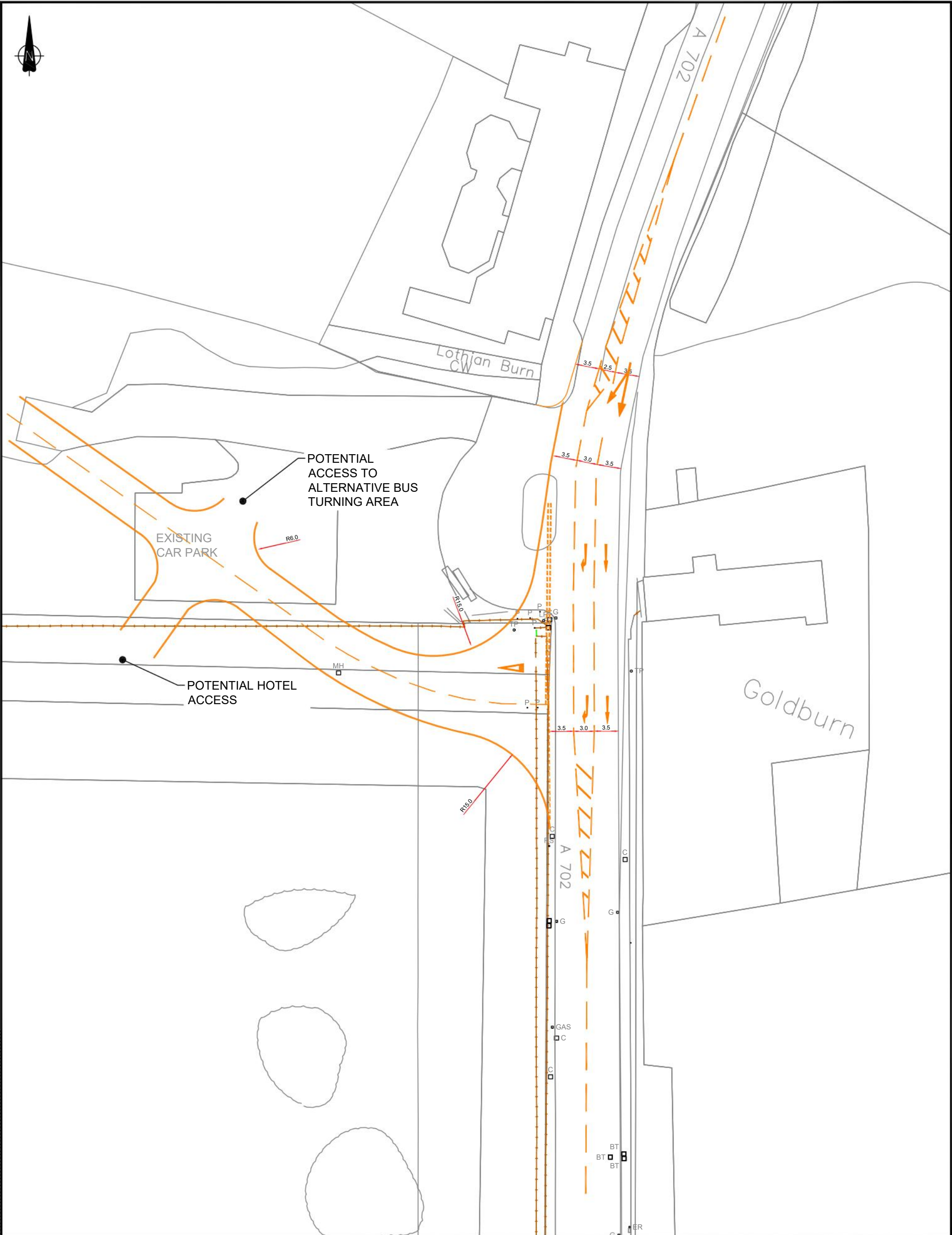
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File No. 18/00528/S42

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**APPLICATION FOR PLANNING PERMISSION 19/00510/DPP FOR THE ERECTION OF 12 FLATTED DWELLINGS; FORMATION OF ACCESS ROADS AND CAR PARKING; AND ASSOCIATED WORKS AT LAND AT WINDSOR SQUARE, 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 12 flatted dwellings on land at Windsor Square, Penicuik. There has been 33 representations from 28 different households and consultation responses from Scottish Water, the Council's Education Resources Manager, the Council's Policy and Roads Safety Manager and the Council's Environmental Health Manager. An objection has also been received from the Penicuik and District Community Council.
- 1.2** The relevant development plan policies are STRAT2, DEV2, DEV5, DEV6, DEV7, DEV8, TRAN5, IT1, ENV9, ENV10, IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
- 1.3** The recommendation is to grant planning permission subject to conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site comprises 3 parcels of land within an established residential area in Penicuik: a former care home; a 2 storey house; and, an area of grassed public amenity space. The former care home is a modern single storey building with a footprint of 377 sqm; this building is currently unoccupied. The walls are finished with grey dry dash render; the doors and windows are brown coloured timber framed units; and the roof is finished with grey/brown profiled concrete roof tiles.
- 2.2** The only occupied building on the site is the 2 storey house; it was formerly used as accommodation for the caretaker associated with the care home and is now let as social housing. The walls are finished in off white dry dash render; the windows are brown coloured timber framed units; and the roof is finished with grey/brown profiled concrete

roof tiles. Both the house and the former care home are owned by the applicant, Ark Housing Association.

- 2.3 The final parcel of land is an area of grassed amenity space measuring 1160sqm. The space is predominantly open with the exception of three small groupings of trees and hedges. The amenity space slopes uphill slightly from north to south and noticeably downhill from west to east. The eastern edge of the amenity space is approximately 2m lower than the western edge. The amenity space is owned by the Council.
- 2.4 The immediate surroundings are entirely residential. The buildings are all modern two storey houses; mostly terraced with some semi-detached. The road layout at Windsor Square follows a one way system round the square, with traffic moving in a clockwise direction. The street has on-street parking on both sides, with parking spaces marked out on the street on the inner edge of the curve.

### **3 PROPOSAL**

- 3.1 It is proposed to erect 12 two bedroom flats in three blocks of four flats. The buildings will be 17.5m wide, 8.8m deep, 5.5m tall to the eaves and 8.8m tall to the ridge of the roof. The walls of the buildings will be finished with white render; the roofs will be finished with red concrete pantiles; and the windows will be white uPVC units. Access to the upper flats will be via single storey porches on the front elevation of the blocks. Two of the blocks will be erected on land currently occupied by the curtilage of the existing buildings; the third block will be situated at the northern side of the site on land that is currently open space. An area of open space measuring 704sqm will be retained at the eastern side of the site. Parking will be via end on parking spaces in front of the buildings.
- 3.2 The 12 flats are to be all affordable housing units provided by a Registered Social Landlord (RSL), Ark Housing Association, and form part of the Council's Strategic Housing Investment Plan (SHIP).

### **4 BACKGROUND**

- 4.1 Planning permission 572/86 was granted for the extension of the existing care home building to provide four extra bedrooms and the erection of a warden's house at 76 Windsor Square, Penicuik.
- 4.2 Planning permission 697/90 was granted for the construction of a vehicular access at 76 Windsor Square, Penicuik.
- 4.3 Planning application 18/00730/DPP for the erection of 20 flatted dwellings; formation of access roads and car parking; and associated works at land at Windsor Square, Penicuik was refused in January 2019. The reasons for refusal were as follows:

1. *The development would result in the loss of an area of open space that makes a positive contribution to the character and amenity of the surrounding area. The loss of the open space is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017.*
2. *The size, layout and allocation of private open space for the flats will provide an inadequate level of amenity for residents. The provision of private open space is contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017*
3. *The scale, proportions and design of the buildings are out of character with the surrounding area. The proposal is therefore contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.*
4. *The development would result in a reduction in width of the existing road at Windsor Square. The impact on the width of the road is a material consideration in the assessment of the planning application.*
5. *The development would create additional demand for parking while reducing the existing one-street parking capacity. The impact on parking is a material consideration in the assessment of the planning application.*
6. *The development includes a formal pedestrian footway with a sub-standard width. Pedestrian safety is a material consideration in the assessment of the planning application.*

- 4.4 The application has been called to Committee for determination by Councillor McCall. The reasons for the call-in are; concerns about waste water and the ability of the current system to cope with another 12 properties and the loss of green space.

## 5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application. However, cannot confirm whether there is sufficient capacity at Rosebery Water Treatment Works; it is recommended that the applicant submit a Pre-Development Enquiry Form to Scottish Water to allow for assessment of capacity. The Penicuik Waste Water Treatment Works has sufficient capacity at present.
- 5.2 The Council's **Education Resources Manager** advises that a development of 12 dwellings would give rise to four primary school pupils and three secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment areas of Strathesk Primary School, Sacred Heart RC Primary School, Beeslack and Penicuik High Schools and St David's RC High School.

- 5.3 The Council's **Policy and Road Safety Manager** does not object to the application subject to the submission of surface water drainage details.
- 5.4 The Council's **Environmental Health Manager** does not object to the application subject to conditions being attached to any grant of planning permission to secure site investigations and mitigation measures to address any land contamination and appropriate construction hours for a residential area.
- 5.5 **Penicuik and District Community Council** objects to the proposal for the following reasons:
- The views of local residents have not been taken fully into consideration;
  - The proposal will result in the loss of an area of public open space;
  - The proposal will result in the loss of on-street parking spaces;
  - Flats are not in keeping with semi-detached houses and would be a blot on the landscape.

## 6 REPRESENTATIONS

- 6.1 There has been 33 representations, from 28 different households, objecting to the application all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:
- Flats are out of character with the existing housing in the area;
  - Access for emergency services is already difficult;
  - The green space is a valuable play space for local children;
  - The volume of traffic will impact on pedestrian safety;
  - The development will create an increased demand for parking;
  - Parking is already difficult in the area;
  - The height of the buildings will result in a loss of sunlight for existing properties;
  - A new playpark would attract children from a wider area and encourage anti-social behaviour;
  - Flats will overlook houses;
  - An area of natural green space with 6 trees on it will be lost;
  - There are existing problems with foul water drainage capacity in the area;
  - The space would be better used as allotments;
  - The development will result in a loss of views of the Pentlands;
  - If Ark buy the green space it would be easier for them to eventually build on it;
  - The residents of Windsor Square don't want a playpark on the green space;
  - The amenities and utilities which service the Square would be put under strain by increasing the local population;



- Ark should develop their site and leave the existing green space for the residents of Windsor Square;
- The planning application does not state how much green space will be acquired by Ark Housing;
- The Council should not sell public owned land to a non-Midlothian Housing Association;
- The Scottish Water consultation response states that drainage cannot be guaranteed;
- No mention of the provision of disabled parking spaces;
- Inadequate lighting for the new dwellings;
- The addition of 12 dwellings would be a huge increase which would completely alter the character of the street;
- Loss of daylight;
- The loss of the open space would mean that children would need to cross Windsor Drive, which is a busy road and a bus route, to get to the nearest green space at Ladywood Park;
- The application form states that no trees will be felled, this is unlikely as the location of the trees will mean they will need to be felled;
- The illustration drawings submitted with the application show a car heading in the wrong direction round the one way system;
- There are already issues with surface water flooding during times of severe weather;
- A new use could be found for the existing building;
- Do Ark Housing Association own the land? No title deeds can be obtained from Registers of Scotland;
- Loss of the green space will have a detrimental impact on the health of local children; and
- There are lots of bats at dusk and they appear to roost in the existing building.

6.2 One of the objections has been submitted on behalf of the Windsor Square Residents' Committee. Their grounds for objection are as follows:

- The application form has been filled out incorrectly. A public right of way will be impeded by the formation of 2 parking spaces on the open space;
- The Scottish Water consultation response states that Scottish Water cannot confirm that this development can currently be serviced;
- There are 2 large drain covers within the grassed area. What will happen to these drainage pipes?
- The application form states that no trees will be felled. There are in fact 3 trees on the site;
- Why have no roof plans or landscape plans been submitted?
- If parking and street lighting were a concern in relation to the previous application then they are still a concern;

- The illustration drawings submitted with the application show a car heading in the wrong direction round the one way system; and
- It has been confirmed to Windsor Square Resident Committee that the Architect has already had conversations with Mr Graeme King in relation to the current green land to enquire about purchasing the rest of the green space within Windsor Square. If this was granted, this will allow Ark Housing to develop more houses and will not need permission from any of the residents.

## 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 (MLDP). The following policies are relevant to the proposal:

### Midlothian Local Development Plan 2017

- 7.2 Policy **STRAT2: Windfall Housing Sites** permits housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.3 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.
- 7.4 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.5 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.6 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.
- 7.7 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A. Result in a permanent loss of the open space; and/or
  - B. Adversely affect the accessibility of the open space; and/or

- C. Diminish the quality, amenity or biodiversity of the open space; and/or
  - D. Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.
- 7.8 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.9 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.10 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.
- 7.11 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 environmental.
- 7.12 Policy **IMP1: New Development** This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.13 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.

## **8 PLANNING ISSUES**

- 8.1 The main issue to be determined is whether the proposal accords with the development plan 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 built up area of Penicuik where there is a presumption in favour of appropriate development. In such circumstances MLDP policy STRAT2 supports the principle of windfall housing development. The application site is situated within a residential area and as such the site is not inherently unsuitable for residential development and the consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for residential purposes. Generally, it is considered that a residential use of the site is compatible with the character of the area. The principal planning issues relate to the assessment of the appropriateness of the scale, mass and proportions of the development, the design, material finish, layout, amenity space, access and parking and impact on local amenity.

### Loss of Open Space

- 8.3 MLDP policy DEV8 (Open Spaces) states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. These spaces are generally public parks; civic spaces; recreation areas; and natural and semi-natural areas within built-up areas. The open space at Windsor Square is not one of the spaces identified on the Proposals Map as being protected under policy DEV8. Whilst the open space is not protected by policy DEV8 this is a reflection of its size rather than an assessment of its quality and amenity value to local residents.
- 8.4 The shape of the space, the fact that it is predominantly grassed and the excellent passive surveillance afforded by its central location within a group of houses all mean that the space is highly effective as a safe informal play space for children. While there are other larger open spaces and formal play areas in the wider surrounding area they are not as easy for younger unaccompanied children to access due to their distance from Windsor Square and the nature of the roads that must be crossed to access the areas. Many of the representations received have highlighted the benefits of the space and its importance to the local residents.
- 8.5 The previous scheme was for 20 flats and would have resulted in the complete loss of the open space. The loss of the space was one of the reasons for refusal of application 18/00730/DPP. The current proposal has reduced the number of flats by eight and will allow for the retention

of the majority of the open space. An area of 721sqm will be retained, this represents 62% of the existing area.

- 8.6 The space that will remain will be of usable size and will continue to benefit from excellent passive surveillance. The space will continue to be centrally located and this will allow it to be a valuable community space which helps to define Windsor Square's character as a "square" centred on a shared space. Whilst the proposal will result in a reduction of open space when compared to the existing situation, this must be balanced against the provision of 12 modern social housing flats and the removal of a redundant building. On balance the loss of a portion of the open space will not have a significant enough impact on the character and amenity of the local area to warrant refusal of the application.

#### Design, Layout and Finish Materials

- 8.7 The three blocks of flats will all be two storey buildings with conventional pitched roofs – this reflects the existing dwellinghouses in Windsor Square. The buildings are conventionally proportioned and detailed and are in keeping with the character of the surrounding area. Whilst the designs and finish materials do not match those of the majority of the buildings at Windsor Square, it is common for urban streets to include a variety of designs and finishes reflecting different phases of development; the existing care home building and former caretaker's house are an example of this.
- 8.8 Windsor Square, at present, does not have any flats, however the mixing of two storey houses and flats is a common feature of streets throughout Midlothian and beyond. The proposed development would constitute 23.5% of the housing units at Windsor Square and would not represent a significant change in character.
- 8.9 The blocks will have a strong relationship with the streetscape and this will maintain the existing streetscape character of the houses within the central portion of Windsor Square. The scale and location of the buildings will ensure that there will be no significant loss of daylight, sunlight or privacy when compared to the existing situation.
- 8.10 The Scottish Water consultation response confirmed that it has no objection to the proposal. The response also confirms that Scottish Water cannot confirm whether there is sufficient capacity at Rosebery Water Treatment Works (this part of the response relates to the provision of water to the site); it is recommended that the applicant submit a Pre-Development Enquiry Form to Scottish Water to allow for assessment of capacity. It is also confirmed that the Penicuik Waste Water Treatment Works (i.e. foul water waste) has sufficient capacity at present. Finally the response also confirms that Scottish Water will not accept connection of surface water drainage into their combined sewer system, except for limited exceptional circumstances on brownfield sites.

- 8.11 These are all common consultation responses from Scottish Water and do not indicate any fundamental issues with the application site. It is Scottish Water's standard approach to provide a no objection response for planning consultations and advise that the applicant should submit a Pre-Development Enquiry (PDE) to Scottish Water. Ark Housing Association submitted a PDE in December 2019 and Scottish Water confirmed in their response that there was sufficient water capacity and foul water capacity to accommodate the development.
- 8.12 Engineers acting for the applicant have calculated the surface water run-off that the proposed development will generate and the capacity of the attenuation that would be required to ensure that discharge rates comply with Scottish Water standards. Provisional agreement has been reached with Scottish Water for the relocation of the existing surface water drain that passes through the area of green space and for connection of the surface water drainage from the site into the Scottish Water network.
- 8.13 Enabling works to facilitate connections to utilities infrastructure (such as the relocation of the surface water drain) are a common part of the development process; usually details are provided at a post decision phase as part of the information submitted to discharge conditions and to secure a building warrant. In this instance the planning authority asked for more information at the application phase as it was aware that Scottish Water had recently started to take a firmer position on surface water drainage connections (for many years it was a relatively straightforward process for applicants), in particular on brownfield sites such as the site at Windsor Square. The Council as both planning authority and flood protection authority is satisfied that the applicant has provided sufficient information to demonstrate that the site can be safely drained of surface water run-off. Finalised details of the drainage scheme can be secured via condition.

#### Parking and Access

- 8.14 The proposed layout provides 12 allocated spaces in front of the flats and eight visitor parking spaces adjacent to the blocks. The parking provision comfortably exceeds, by 67%, the Council's parking standards for social housing which requires one space per flat. The additional parking will provide visitor parking comparable with private housing and will also provide an additional two spaces to compensate for a loss of two on street parking spaces. The Council's Policy and Road Safety Manager has considered the proposal and is satisfied that the parking and access arrangements are acceptable. As is standard practice within Midlothian finalised details of surfacing materials and lighting provision will be secured via condition and through the roads construction consent process (RCC).



### Biodiversity

- 8.15 The Council screens all planning applications against a range of biodiversity constraints such as nature conservation sites, areas of ancient woodland and areas with recorded sitings of protected species. If the screening process identifies constraints within an application site the Council may ask an applicant to submit reports demonstrating that the constraints have been considered and, if necessary, mitigation measures prepared. Appropriate mitigation measures will then be secured by condition. The biodiversity screening process did not identify any biodiversity constraints that apply to this application site.

### Landscaping

- 8.16 Currently there are three trees and some areas of shrubs within the open space. There are two trees and various hedges/shrubs on the care home site. The trees will be felled to accommodate the development. As is standard practice a landscaping plan will be secured by condition; compensatory planting will be secured as part of the landscaping plan.

### Other Matters

- 8.17 The ownership of the site is not a material planning consideration. The applicant has completed the necessary owner's notification required under planning legislation. Should the applicant wish to consider the development of the remaining area of open space at some point in the future that would require a further application for planning permission which would be assessed on its merits in relation to policies in place at the time of the application.

### Developer Contributions

- 8.18 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:
1. Necessary to make the proposed development acceptable in planning terms (paragraph 15);
  2. Serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
  3. 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);
  4. Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23);
  5. Be reasonable in all other respects.

- 8.19 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements (a form of planning obligation) are set out in the MLDP and Midlothian Council's Developer Contributions Guidelines (Supplementary Planning Guidance).
- 8.20 This proposed development of which the principal element is the provision of 12 flatted dwellings has been assessed in relation to the above guidance and it is considered that a planning obligation is required in respect of the following matters:
- The proposed development in conjunction with housing identified in the MLDP give rise to a need for additional primary school capacity in the Penicuik area. A proportionate contribution will be sought;
  - The proposed development in conjunction with housing identified in the MLDP give rise to a need for additional secondary school capacity in the Penicuik area. A proportionate contribution will be sought; and
  - The MLDP identifies the provision of the A701 Relief Road as being key to accommodating development within this transport corridor. A proportionate contribution will be required from this development.

## **9 RECOMMENDATION**

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

*The proposed development will be in keeping with the scale and character of the surrounding area; will provide adequate open space and parking provision; and will not have a significant detrimental impact on the residential amenity of the area. The proposal therefore complies with policies STRAT2, DEV2, DEV5, DEV6, DEV7, TRAN5, IT1, ENV9, ENV10, IMP1 and IMP2 of the Midlothian Local Development Plan 2017.*

- 9.2 Subject to:

- i) The prior signing of a legal agreement to secure:
- a contribution towards education provision; and
  - a contribution towards the A701 Relief Road.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused for none compliance with MLDP policies IMP1 and IMP2.

Subject to the following conditions:

1. The development shall not begin until a scheme to deal with any contamination of the site 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.
- 2. On completion of any required decontamination/ remediation works, referred to in Condition 1, and prior to any dwelling 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 dwelling on the site shall be occupied unless or until the planning authority have approved the required validation.

***Reason for conditions 1 and 2:*** 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.

- 3. Development shall not begin 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 existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi 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;
- vii proposed car park configuration and surfacing;
- viii details of the location, design, height and specification of proposed street lighting within the development;
- ix proposed footpaths; and
- x 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 (3vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

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

4. Development shall not begin 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.

**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.*

5. Development shall not begin 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.

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

6. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of the building. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure; and to comply with policy IT1 of the Midlothian Local Development Plan 2017*

7. Development shall not begin 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.

**Reason:** *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.*

8. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to an 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 DEV5 of the Midlothian Local Development Plan 2017.*

9. Development shall not begin until details, including a timetable of implementation, of “Percent for Art” 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 quality of the development is enhanced by the use of art to reflect its setting in accordance with policies in the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

10. No development shall begin in any part of the site until the following additional procedures have been completed:
  - a) The developer has submitted to the planning authority details of the measures it proposes to ensure that all the flats/dwellings built on the site are occupied in perpetuity only as affordable housing as defined in the Midlothian Local Development Plan 2017;

- b) The planning authority has approved the measures, submitted to discharge requirement 10 a) above, in writing; and
- c) The developer has provided documentary evidence to the planning authority that the measures that the planning authority has approved are in place and the planning authority has confirmed in writing that the provision that has been made is satisfactory.

**Reason:** *The application has been assessed on the basis that the development provides affordable housing and this condition is essential in order to ensure that the flats/dwellinghouses remain available for occupation by people on modest incomes to meet locally the identified needs of people who cannot afford to buy or rent housing generally available on the open market.*

11. 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 a construction access;
  - 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;
  - xii. controls on construction, engineering and any other operations (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays);
  - xiii. details of the location and content of any soil or rubble stockpiles; the dimensions of each stockpile; the expected after-use for each stockpile; and
  - xiv. details of measures to control surface water run-off from the site during construction.

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 Manager**

**Date:** 25 May 2020

**Application No:** 19/00510/DPP

**Applicant:** Ark Housing Association, The Priory, Canaan Lane, Edinburgh

**Agent:** N/A

**Validation Date:** 10 June 2019

**Contact Person:** Graeme King

**Email:** [graeme.king@midlothian.gov.uk](mailto:graeme.king@midlothian.gov.uk)

**Background Papers:** 17/00740/DPP

**Attached Plans:** Site Plan, Elevations and Floor Plans



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

Erection of 12 flatted dwellings, formation of access roads and car parking and associated works at Land At Windsor Square, Penicuik

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File No. 19/00510/DPP

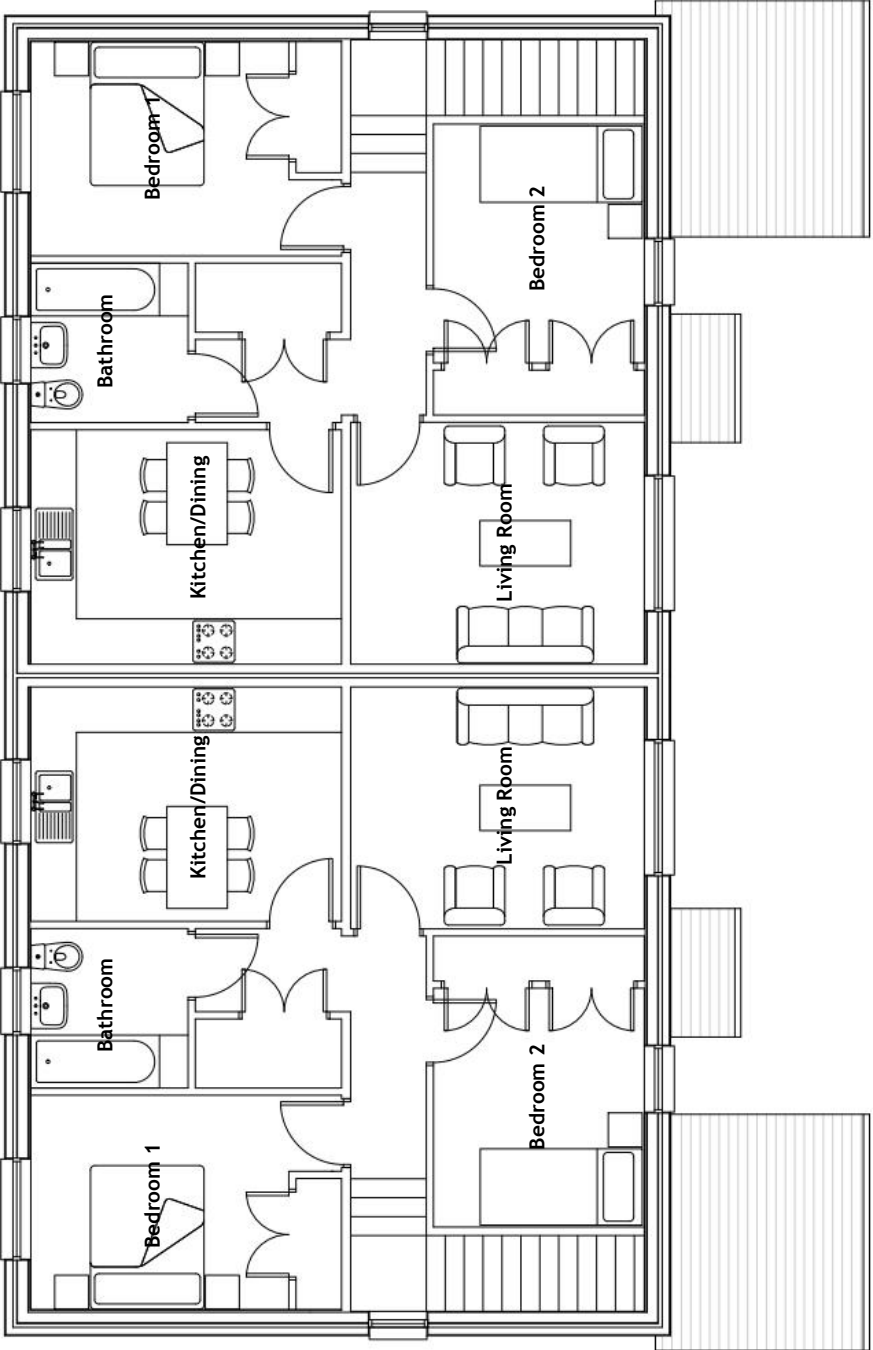
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Page 80 of 82



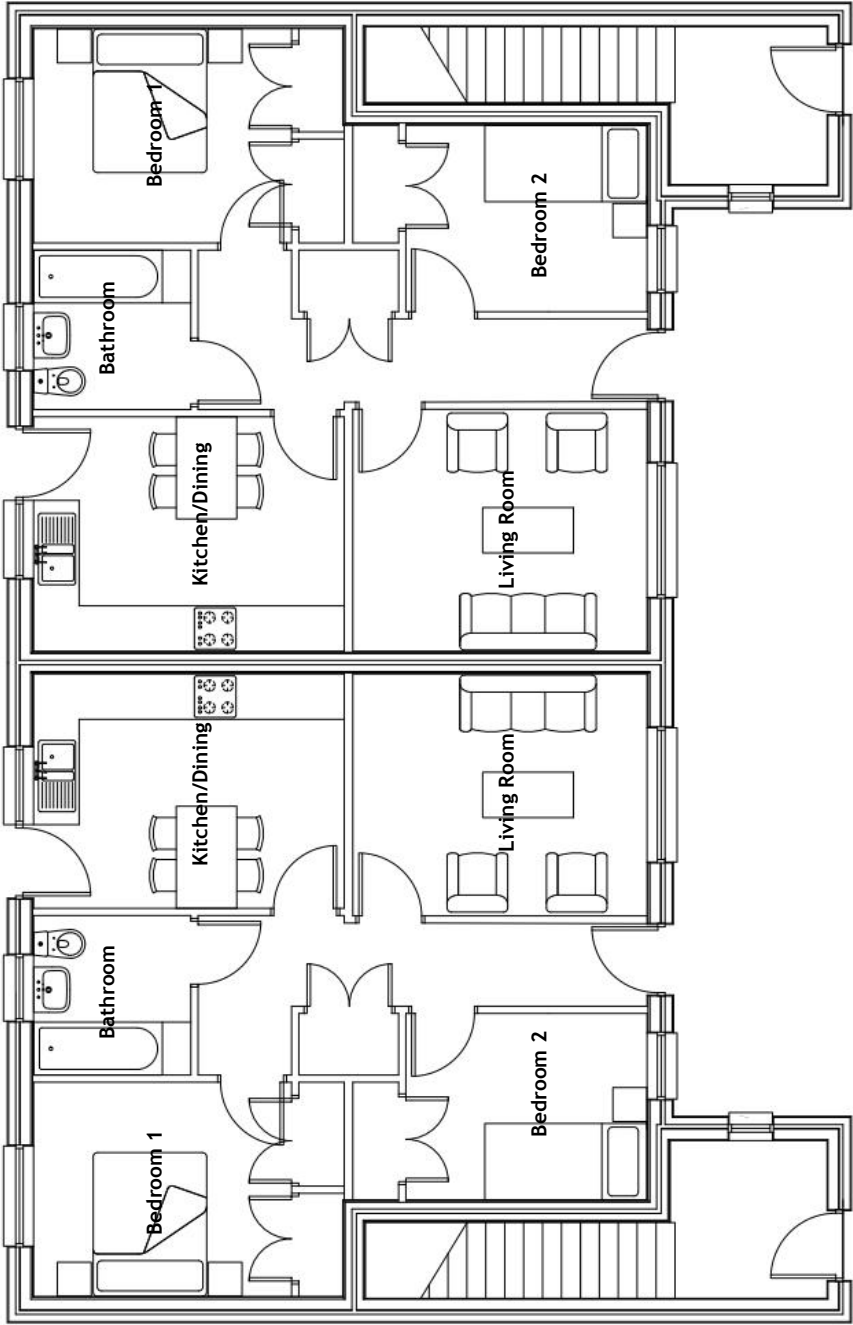




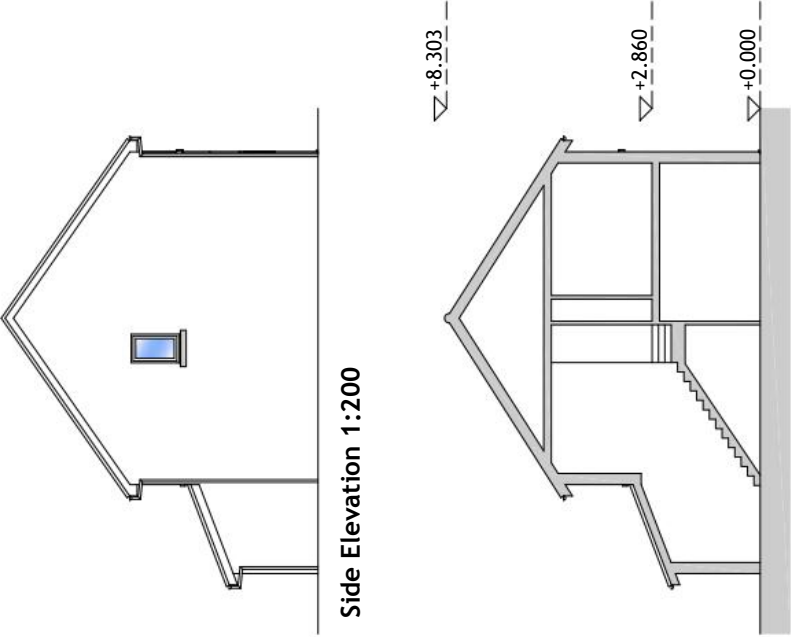
Notes						
	Materials					
	Red Concrete Roof Pantiles					
	White Rendered Walls					
	White uPVC Windows					
	Composite Front and Back Doors					
	Obscured Glazing to Side Elevations					
Purpose of Issue						
PLANNING						
Revisions						
A Side window added in plan.						
B Gables updated.						
06 Jun 19						
02 Sep 19						
Robert Chalmers Architect						
14 Wardie Square, Edinburgh EH5 1EU						
Tel: 0131-552 1557 Mobile: 07963-731628						
Email: info@robertchalmersarchitect.co.uk						
Project						
Proposal for						
74-76 Windsor Square, Penicuik EH26 8ET						
for Ark Housing Association						
Drawing						
2 Bed						
Plans, Section and Elevations						
Date	27 May 19	Scale	noted @A3	Drawn	JC	
				Checked	RC	
Job & Drawing No.				Rev No.		
236-003				B		



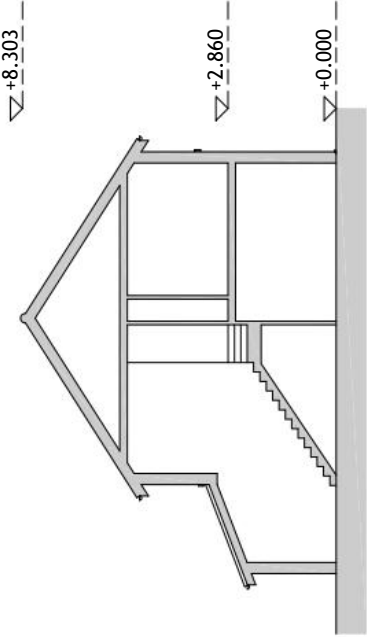
2 Bedroom First Floor 1:100



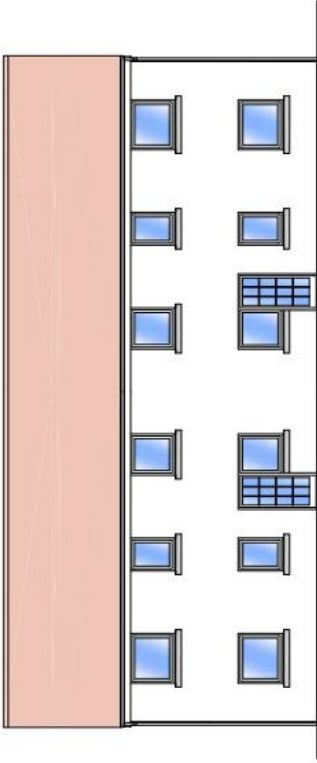
2 Bedroom Ground Floor 1:100



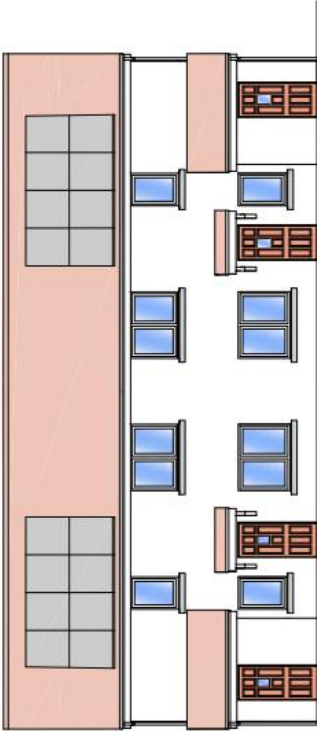
Side Elevation 1:200



Section 1:200



Rear Elevation 1:200



Front Elevation 1:200