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**APPLICATION FOR PLANNING PERMISSION (12/00837/DPP) FOR THE FORMATION OF TRAIN MAINTENANCE, CLEANING AND STABLING DEPOT; THE ERECTION OF A RETAINING WALL AND ENGINEERING WORKS TO LOWER GROUND LEVELS; FORMATION OF NEW RAILWAY LINES; ERECTION OF BOUNDARY FENCING; AND FORMATION OF ASSOCIATED CAR PARKING AND ACCESS AT FORMER MILLERHILL MARSHALLING YARDS, WHITEHILL ROAD, DALKEITH**

Report by Head of Planning and Development

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

**1.1 The application, by Network Rail, is 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 associated works at the former Millerhill Marshalling Yards, Whitehill Road, Dalkeith. There has been consultation responses from Transport Scotland, Scottish Natural Heritage (SNH), East Lothian Council, The City of Edinburgh Council, Scottish Environment Protection Agency (SEPA) and The Lothian Wildlife Information Centre. The key relevant development plan policies are RP20 and COMD1 of the Midlothian Local Plan. 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. There is a line of mature poplar trees along the east boundary of the site. The site is located to the north east of Millerhill and to the east of the former Monktonhall Colliery.**

**2.2 The site is bound by Whitehill Road to the north, a wooded area with the A1 beyond to the east and to the west is a large area of vacant land which is the site for the approved waste recycling facility. The Borders Rail line runs through part of the proposed waste recycling site and construction of the rail line has begun to the north of the site. Beyond the proposed new waste facility, the new Borders Rail link will run north to south and is due to become operational in 2015.**

- 2.3 Access to the site is proposed from Whitehill Mains Road to the north of the site. This road serves the existing railway sidings which are to the east of the application site. The road crosses a railway line immediately to the east of the proposed access road. The A1 Trunk Road is located to the east and north of the application site and access from the A1 is via Newcraighall Retail Park.
- 2.4 The site extends to some 5.5 hectares. The land is elongated and generally flat. It comprises railway lines running north to south linking to the East Coast Mainline, associated sidings and storage areas. It is currently operated by DB Shenker for freight purposes who also occupy the small collection of buildings on the site.
- 2.5 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.
- 2.6 The proposed new settlement, Shawfair, is located nearby to the south west of the site. This major development area is a confirmed allocation in the adopted Midlothian Local Plan (2008), is the subject of an approved Masterplan and Design Guide, and has a minded to approve planning consent subject to the prior completion of a legal agreement to secure developer contributions.

### **3 PROPOSAL**

- 3.1 The proposal is for detailed planning permission for the formation of train maintenance, cleaning and stabling depot. Vehicular access will be taken from the existing site access off Whitehill Road. A new permanent rail track into the new depot will be taken from the adjacent railway to the north. Overhead lines will be installed along the railway lines to allow for the movement of the electric trains.
- 3.2 The following is proposed on the northern part of the site:
- The erection of a train carriage wash plant room;
  - The erection of a flat roofed carriage wash plant building measuring 5 metres high by 6.5 metres wide by 45 metres long. Its external walls and roof will be clad in profiled steel;
  - The erection of a concrete retaining wall up to 4.6 metres high running in a north to south orientation;
  - Engineering works to lower the ground level in part by some 3.8 metres;
  - The formation of a SUDS pond on the southern extremity of the site. It is proposed that this will capture and treat run-off from the road, building roofs and rail sidings before discharging to the adjacent Cairnie Burn. It is intended that the carriage wash, including detergents will be held separately and discharged into the Scottish Water sewer network.

3.3 The following is proposed on the southern part of the site:

- The erection of a heavy maintenance depot building measuring 11.8 metres high to the top of its shallow pitched roof, 21 metres wide and 190 metres long. It has a floor area of approximately 2745 square metres. Its external walls will be clad in a mixture of blockwork and profiled steel cladding with a metallic silver finish. Its roof will be clad in profiled metal with a metallic finish;
- The erection of a train wash shed, measuring 9.2 metres high by 10.1 metres wide by 190 metres long. It has a floor area of approximately 738 square metres. It integrally attaches to the heavy maintenance depot building. Its external walls will be clad in a mixture of blockwork and profiled steel cladding with a metallic silver finish. Its roof will be clad in profiled metal with a metallic silver finish;
- The erection of single-storey staff accommodation block measuring 48 metres long, 28 metres wide and 4.6 metres high to the top of its barrel roof;
- The erection of plant rooms;
- The siting of an oil storage tank;
- The siting of a waste storage tank;
- The formation of a car park with space for 51 cars to the east of the proposed staff accommodation block;
- The formation of a SUDS pond with an area of some 3199 square metres on the southern extremity of the site.

3.4 In addition, a proposed 2.4 metre high palisade fence is to be erected on the site running in a north to south orientation.

3.5 The application is accompanied by a design and access statement, a surface water strategy, an ecology survey report, a ground investigation report, a sustainable urban drainage (SUDS) report, a transport assessment, a noise impact assessment and a mining report.

## **4 BACKGROUND**

4.1 Pre-application consultation 12/00514/PAC for a new railway depot; including stabling and cleaning facilities, associated new railway lines, office and staff welfare block and associated car parking and access was received in August 2012.

## **5 CONSULTATIONS**

5.1 **Transport Scotland** raises no objection.

5.2 **Scottish Natural Heritage (SNH)** raises no objection.

5.3 **The Coal Authority** has no comment.

5.4 **East Lothian Council** raises no objection.

- 5.5 **The City of Edinburgh Council** raises no objection.
- 5.6 **Scottish Environment Protection Agency (SEPA)** states that they welcome the installation of a SUDS pond on site. However, they inform that given the potential for pollution to the water environment as a result of on-site operations, two levels of surface water treatment should be provided. They therefore advise that the surface water discharge scheme is modified to provide an additional level source treatment for roads, parking areas and railway sidings. Unless this is provided they object to the application. With regards to flood risk SEPA informs that although the application site is adjacent to an indicative flood envelope they hold no additional information to indicate that the site is at risk of flooding and thus they have no objection to the proposed development on flood risk grounds. They inform that if an upgrade of the railway line and bridge over the Cairnie Burn is required as part of the development, then a flood risk assessment would be required to demonstrate that there is neutral or beneficial risk of flooding upstream or downstream of the site and they would welcome the opportunity to comment on any such assessment. With regards to oil storage infrastructure they advise that it should either be confirmed as or upgraded to a standard complying with the Water Environment (Oil Storage) (Scotland) Regulations 2006.
- 5.7 **The Lothian Wildlife Information Centre** informs that due to nature of the proposed development it will not have any effects on protected species.

## **6 REPRESENTATIONS**

- 6.1 No representations have been received in connection with this application.

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.3 Midlothian Local Plan Policy **COMD1: Committed Development** advises that Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure and facilities including sites in the established economic land supply.

## **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 consultation responses received are material considerations.

### The 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 Midlothian Local Plan (MLP) Policy COMD1.
- 8.4 The controls alluded to by SEPA, including the required provision of two levels of surface water treatment, can be secured by a condition on a grant of planning permission.

### Landscape and Visual Impact

- 8.5 The railway buildings and infrastructure are integral to the landscape. In terms of their size, height, proportions, positioning and appearance the proposed buildings and other structures would not appear intrusive or out of place in the landscape. The nature of the former and proposed use means that the site will be relatively open. However, the existing mature poplar trees demarcating the eastern boundary of the site are very prominent in the landscape and will provide some visual screening.
- 8.6 A proposed hedgerow is delineated on the inside (western site) of the proposed palisade fence demarcating the working part of the site. However, the new hedge would better placed alongside the poplar trees growing along the full eastern boundary of the site as this would safeguard the planting in the long term as well as provide replacement planting for when the poplar trees eventually need to be felled. Alternatively, the hedge should be planted on the east side of the palisade fence in order to soften its visual impact and to ensure that the planting will help mitigate views into the site. A new tree lined hedgerow should preferably be at least 5m wide but no less than 3m wide to have a chance to become established and have a positive long-term impact. This can be secured by a condition on a grant of planning permission.

- 8.7 It should also be noted that the applicant should have a strategy in place to eradicate the Giant Hogweed, Himalayan Balsam and Japanese Knotweed within the site to ensure these invasive species are controlled in accordance with legislative requirements.

#### Building Design

- 8.8 The proposed buildings outlined in section 3 of this report are of an industrial design and scale and will reflect their intended use; their positioning within the site will be dictated by the operational needs of the site. The scale, form and design of the buildings are acceptable and compatible to their location within an active industrial site, and adjoining the site for the proposed 'Zero Waste' development.

#### Lighting and Noise

- 8.9 Attention to the visual impact of the site relates to the potential light pollution and therefore the lighting shall be designed in a manner which prevents or reduces to a minimum any light spill. This can be controlled by a condition imposed on a grant of planning permission.
- 8.10 The noise report submitted with the application concludes that noise emissions from the proposed heavy maintenance shed and the carriage wash facility would be unlikely to give rise to noise nuisance. Furthermore, it concludes that the use of the heavy maintenance shed and carriage wash facility will not impact on the World Health Organisation's Guidelines on noise limits at nearby residential properties.

### **9 RECOMMENDATION**

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

*The site is an established industrial site and forms part of the Council's economic land supply. Furthermore, the built form of the proposed development can be satisfactorily integrated into the landscape and the presumption in favour of the development is not outweighed by any other material consideration.*

and subject to the following conditions:

1. The mature trees on the eastern boundary of the site; which trees are mostly poplar, shall be retained unless otherwise approved in writing by the planning authority and shall be protected during construction in accordance with the BS5837 2005 "Trees in Relation to Design, Demolition and Construction".

**Reason:** The existing mature poplar trees demarcating the east boundary of the site will largely screen the operations on the site

and will therefore mitigate the visual impact of the development, particularly in views from the (north and north-east of the site, including the A1.

2. 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 out with 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 planting season with a hedge of the same species. There shall be no variation there from unless with the prior approval of the planning authority.

**Reason:** *The poplar trees have a limited life and will eventually have to be felled, which would expose the site to views from the east. A hedgerow is required along the east boundary of the site to satisfactorily mitigate the visual impact of the development when the poplar trees are eventually felled, in the interest of safeguarding the landscape character and amenity of the area.*

3. Notwithstanding that delineate on docketed drawings; there shall be two levels of surface water treatment (SUDS Scheme) on the site in accordance with details to be submitted for the prior approval of the planning authority. Development shall thereafter be carried out in accordance with the approved SUDS scheme unless agreed in writing with the planning authority.

**Reason:** *To ensure the provision of adequate SUDS provision on the site in the interest of safeguarding the character and amenity of the area.*

4. Notwithstanding that delineated on docketed drawings/documents the external lighting installed within the site shall be designed to minimise light spill. They shall have luminaires that direct light downwards thus reducing upward illumination.

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

5. Development shall not begin until 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:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

6. All of the recommendations made in the Phase 1 habitat survey report dated January 2013 and the Winter Bird Survey dated 12<sup>th</sup> December 2012 shall be carried out, including the recommended breeding bird survey, bird checking surveys and reptile surveys. A copy of the report on these surveys shall be submitted for the prior approval of the planning authority prior to works commencing on the site.

**Reason:** *In the interests of safeguarding protected species.*

**Ian Johnson**  
**Head of Planning and Development**

**Date:** **9 April 2013**

**Application No:** 12/00837/FUL  
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**Agent:** N/A  
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**Background Papers:** 12/00514/PAC