

# Sheriffhall South East Planning Statement





# Planning Statement

## Hybrid Planning Application:

### Employment Development (Class 4 & Class 6) with ancillary Drive-Thru Coffee Shop and associated works

Land at Sheriffhall South East, Gilmerton Road / Melville Gate, Dalkeith, Midlothian

On behalf of



November 2021

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**Appendix 2** – Site Location Plan (Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-001)

**Appendix 3** – Sheriffhall South Approved Infrastructure Layout Plan (App Ref. 17/00508/DPP)

**Appendix 4** – Melville Nursery Ltd Proposed Layout Plan (App. Ref 20/00869/PPP)

**Appendix 5** – Proposed Block Plan (Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-001)

**Appendix 6** – Estates Gazette List / Map of Available Sites (October 2021)

# 1. Introduction

- 1.1 This Planning Statement has been prepared by Progress Planning Consultancy on behalf of on behalf of Buccleuch Property ('the Applicant') in support of a Hybrid Planning Application to Midlothian Council ('the Council') for the construction of an Employment development (Class 4 & Class 6) with ancillary Drive-thru Coffee Shop on land at Sheriffhall South East, Gilmerton Road / Melville Gate, Dalkeith, Midlothian ('the Site').
- 1.2 The hybrid planning application seeks planning permission for the following proposed development:
- (i) **Full Planning Permission for the erection of Business (Class 4) development and ancillary Drive Thru Coffee Shop, with associated car parking, access, infrastructure, and landscaping proposals; and**
  - (ii) **Planning Permission in Principle for Business (Class 4), Storage & Distribution (Class 6) development with ancillary offices (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval).**
- 1.3 The proposals represent the culmination of an assessment of the applicant's aims and objectives for Sheriffhall South East, considering the Site's function and role within Midlothian and the wider strategic region. The resulting vision seeks to deliver a viable and vibrant Class 4 Business led employment development based around a bespoke, multi-let business park that will be designed to respond to modern office requirements and accommodate complimentary ancillary uses in the form of small-scale Class 6 uses and a Drive-Thru Coffee Shop.
- 1.4 The Site offers an exciting opportunity to deliver a new active business campus with improved amenities, public realm and upgraded accessibility that will generate additional employment opportunities for the wider community. The vision is to create a sense of place using a design 'toolkit' for the buildings and a landscape framework that will integrate the development with the surrounding Green Belt and existing landscape infrastructure.

## The Planning Application Submission

- 1.4 This Statement draws upon the findings of various supporting technical reports and assessments and should be read in conjunction with the accompanying planning application material to provide a comprehensive understanding of the proposal and its associated benefits.

## Environmental Impact Assessment

- 1.5 The proposals meet to be EIA development threshold of more than 5 hectares/10,000 sq.m of new commercial space (8.5 hectares and a proposed total floorspace of up to 11,595 sq.m). Consequently, the applicant undertook an EIA Screening Request with the Council on 14 June

2021, which found that overall, the change resulting from the proposed development was not expected to give rise to significant adverse environmental impacts. Through the EIA screening exercise and information provided against Regulation 8(2), 8(3) and 8(4) it was therefore concluded that statutory Environmental Impact Assessment was not required.

- 1.6 The Council provided their formal response to the EIA Screening Request (Ref. 21/00513/SCR) on 05 July 2021, which confirmed that it was the opinion of the Planning Authority that the scale of these impacts was not of sufficient scale or complexity as to require detailed study in an EIA Report.

### Planning Obligations (Section 75 Agreement)

- 1.7 The Applicant will review the position with regards to any Section 75 Agreement (S75) with the Council during the determination of the application.

- 1.8 Planning Circular (Circular 3/2012, Planning Obligations and Good Neighbour Agreements) provides advice on the scope of planning obligations and the need for compliance with the following five policy tests:

1. necessary to make the proposed development acceptable in planning terms;
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;
4. fairly and reasonably relate in scale and kind to the proposed development; and
5. be reasonable in all other respects.

- 1.9 In this respect the Council must be satisfied in reaching a decision on this application that any identified planning obligations meet the above tests.

- 1.10 The Council have adopted Supplementary Planning Guidance to deal with Developer Contributions (March 2012) and whilst this has not been updated to reflect the current Development Plan it remains as valid guidance on this subject. The applicant will work with the Council to identify and agree any planning obligations within the framework provided by this guidance.

### Pre-Application Engagement

- 1.11 A process of pre-application engagement has been undertaken with the Council in advance of the submission of this application, with meetings held with Council representatives on 13 July, 06 September and 21 October 2021. The Council also provided a formal pre-app response following the initial 13 July meeting (**Appendix 1**) which set out the Council's position relative to the principle of development, transport & access, ecology, archaeology, noise & air quality, and landscape.

- 1.12 The comments received from the Council during this pre-app process have informed the structure of the application and supporting reports that have been submitted, which include the provision of market evidence to support the employment proposals and a Sequential Assessment / Impact Assessment in relation to the Drive-Thru Coffee Shop proposals as part of this Planning Statement and a standalone Economic Impact Assessment.

### Pre-Application Community Consultation

- 1.13 Due to the size of the Site, the planning application is classified as a 'Major Development', in accordance with the provisions of the Hierarchy of Development (Scotland) Regulations 2009. These Regulations specify that development proposals on sites of 2 hectares or more are 'Major'. This classification introduces the requirement for the Applicant to follow certain procedures prior to the submission of a planning application, referred to as Pre-Application Consultation or PAC.
- 1.14 The formal pre-application process began following the submission of a PAN, Site Location Plan and associated PAN Report to the Council on 19 May 2021. A copy of the PAN, Site Location Plan and associated PAN Report was also sent by email to the relevant Ward Councillors and the Community Councils as well as both the local MP and MSPs and other relevant stakeholders.
- 1.15 The PAN submission proposed the following methods for engagement with stakeholders and interested parties, including the general public:
- A project website <http://sheriffhallsouth.com/> will be launched that will include a dedicated Pre-Application Consultation page providing details of the proposed development along with plans of that will be available to view and download. The Consultation page will also outline the proposed consultation process and timeline and include an interactive form to encourage online consultation and feedback on the information provided.
  - A dedicated project telephone number 0131 202 3259 that will operate during normal office hours and will allow interested parties to leave messages and enquiries which will be directed to and responded to by the relevant member of the consultant team.
  - Two 'virtual town hall' events will be organised via digital channels to allow stakeholders and interested parties to receive information about the project, question the developer and consultant team and provide feedback. The date for first of these events is proposed to be Tuesday 22 June 2021 between 15.00 and 19.00, with the second event to be held 2-4 weeks after to allow sufficient time for comments to be received and amendments to the proposals if required.
  - An animation/presentation of exhibition materials and project details will be shared at the 'virtual town hall' event.
  - A transcript of the 'virtual town hall' events will be made available on the project website following each event.
  - Printed materials will also be available upon request.

- 1.16 It is worth noting that, in consultation with the Council, the adopted approach reflected the Government's interim changes to the PAC process, in light of the COVID pandemic, to include two 'virtual town hall' events. The date of the second event was confirmed after submission of the PAN and was held on Tuesday 20 July 2021.
- 1.17 Full details of the PAC process that was undertaken, the feedback received and the applicant's response to the feedback are set out in the PAC Report submitted in support of this application.

### Structure of the Report

- 1.18 The remainder of this Statement is set out as follows:
- Section 2 describes the context of the Site and its surroundings;
  - Section 3 summarises the scheme proposals;
  - Section 4 considers the Development Plan & other material consideration context within which the planning application should be considered;
  - Section 5 sets out the assessment against planning policy having regard to other relevant material considerations;
  - Section 6 provides a Sequential Assessment relative to the Drive-Thru Coffee Shop proposals;
  - Section 7 provides an Impact Assessment relative to the Drive-Thru Coffee Shop proposals; and
  - Section 8 concludes the case for granting planning permission.

## 2. Site Context

### Site and its Surrounding

- 2.1 The Site, which measures approx. 8.5ha, lies within a wider site known as ‘Sheriffhall South’ and for the purposes of this application the site is identified as ‘Sheriffhall South East’. The Site is located on the south side of the City of Edinburgh Bypass (A720) close to the junction of Gilmerton Road (B6392) and the A7 and forms part of an open area of land currently in agricultural use.
- 2.2 A small landscape bund forms the western boundary of the site adjacent to the A7 and the B6392 forms the southern boundary of the site. The eastern boundary of the site is defined by the established woodland belt, which runs adjacent to Melville Gate Road, whilst the northern boundary is formed by another existing woodland belt and in part by the A6106 Old Dalkeith Road (see Location Plan Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-001 in **Appendix 2**).
- 2.3 The Site, which is generally flat, lies within the Green Belt but forms part of Site e32 allocated for business (Class 4) employment use under Policy STRAT1 of the Midlothian Local Development Plan 2017 (MLDP). Part of the site (the north-eastern corner) is also allocated within the green belt and for prime agricultural Land. A high-voltage electricity pylon and overhead cables also bisect the site.
- 2.4 Existing vehicular access is via a field access off Gilmerton Road. To the west and south-west, a variety of uses exist including Eiginhaugh Farm bar / restaurant, Dobbie Garden Centre, Edinburgh Butterfly and Insect World and the Melville Inn Hotel.

### Site & Planning History

- 2.5 The site has been actively marketed since 2009 through a combination of property agents and local and national marketing campaigns. Despite this widespread and constant marketing campaign, interest in the site for Class 4 Business uses has been limited with occupiers tending to prefer to locate closer to the City of Edinburgh or at West Edinburgh. To date the majority of interest in this site has come from outwith Class 4 uses i.e. non-office developers / occupiers.
- 2.6 This lack of interest in the Site, for Class 4 uses, continues despite the recent development of the Elginhaugh Farm pub/ restaurant on land to the west of the A7 and application site, originally granted consent in 2014 (Ref. 13/00848/DPP). The proposals were contrary to the employment (Class 4 & 5) allocation of the site but were seen as an acceptable alternative employment use that would provide a useful amenity for the wider employment allocation and enhance the attractiveness of the site. Unfortunately, development of the pub / restaurant has not had the desired effect and no further business development has taken place.



- 2.7 Notwithstanding this, to kickstart development on the Site, the Applicant secured planning permission (Ref. 17/00508/DPP) for the formation of an access road, SUDS infrastructure, drainage, utilities connections and associated enabling works. The application was approved on 29 June 2018 and established the principle of the construction of a priority junction from the B6392 approximately midway between the two roundabouts at the location of an existing agricultural access to the site and SUDS infrastructure extending through the site and towards Old Dalkeith Road (see approved Layout Plan E1604-(PL)005 in **Appendix 3**). The current application proposals adopt the same form of access and drainage proposals approved as part of the 2017 application and the fact that these proposals have been previously approved represents a material consideration that should be given significant weight in the determination of this application.
- 2.8 Shortly after submission of the above application, part of the Site close to the Gilmerton Road Roundabout junction, was subject to a planning application submitted by Euro Garages (Ref. 17/00537/DPP) for the erection of a petrol filling station with ancillary retail, drive-thru coffee shop/restaurant and drive-thru fast-food restaurant, which was refused by the Council on 18 May 2018. The application was subsequently appealed (Ref. PPA-290-2045-1) but dismissed on 30 April 2019.
- 2.9 A further application (Ref. 17/00587/DPP) was also submitted by Montpellier Estates on part of the Site, subject to the current Class 6 PPIP proposals, for the erection of residential care home with associated access, car parking, landscaping and works. The application was subject to an appeal at the Council's Local Review Body, following non-determination of the application within the agreed timescales, and was subsequently refused 20 June 2018.
- 2.10 More recently, an application (Ref. 20/00869/PPP) has also been submitted by Melville Nursery Ltd for planning permission in principle for business park (Class 4) and associated works on the land to the south of Gilmerton Road, which forms part of the wider e32 employment allocation but is not owned by Buccleuch Property. At the time of writing this application remains undetermined, although if approved this would be an important step in the realisation of the wider LDP allocation (see **Appendix 4** for Proposed Layout Plan).

## Site Features

### Accessibility

- 2.11 The Site is well-situated in relation to the existing transport network. A series of footways and usable cycle links connect it to the wider network.
- 2.12 The Site is also well-located for access to public transport services with several bus stops within easy walking distance of the application site which are served by regular and frequent bus services providing links throughout the surrounding area.

### Air Quality, Dust and Odour and Noise

- 2.13 There are no air quality monitoring sites operated by Midlothian Council or the City of Edinburgh Council within the relevant study area. In addition, there are no significant industrial pollution sources within the vicinity of the Site that affect air quality at the Site.
- 2.14 Road traffic on the surrounding road network is the principal source of existing noise on the proposed development site. Routes which border the site or are in close proximity include the A7, A772, Gilmerton Road (B6392), Melville Gate Road, Old Dalkeith Road (A6106), The City of Edinburgh Bypass (A720), and Sheriffhall Roundabout. The proposed development is entirely commercial and would not include noise-sensitive receptors such as residential dwellings or health / education / community facilities.

### Biodiversity, Protected Species and Habitats

- 2.15 The woodland immediately to the north of the site boundary, which cuts across the plot is designated within the Ancient Woodland Inventory as long-established (of plantation origin). Parts of the woodland at the western edge of the site are also designated in the Ancient Woodland Inventory.
- 2.16 There are no Local Nature Conservation Sites on the site, but Melville Estate (to the south) and Dalkeith Estate (to the north) are in close proximity.
- 2.17 A Preliminary Ecological Survey of the site (including walkover) was undertaken by Black Hill Ecology in May 2021 to assess current conditions on the site. This included a Phase 1 Habitat Survey (using standard methodology as described in the Joint Nature Conservation Committee Handbook) and walkover survey for signs of protected mammal species or other wildlife activity (e.g. birds / bats).
- 2.18 In summary, the site survey identified no UKBAP or EU Habitats Directive priority habitats on site. One nationally protected species has a presence adjacent to the site boundary (Badger). While not identified, there could be potential for other protected species (e.g. Bats) to be present.

### Arboriculture and Landscape

- 2.19 As noted above, the majority of the mature, broad-leaved woodland belt at the eastern boundary of the site is recorded in the Scottish Ancient Woodland Inventory (AWI), where it is shown as 'Woodland of Long Established Plantation Origin'. The wooded areas are largely mature, even aged and in good/fair condition. Beech, Sycamore and Larch form the dominant species, with lesser amounts of oak, sweet chestnut, and poplar.
- 2.20 The woodland belt which is situated at the centre of the field (outside the site boundary) is also recorded in the AWI and remains in good to fair condition.

- 2.21 The woodland area at the south-east corner of the site is of notably lesser quality. This area of woodland appears to have been established on the site sometime after the Second World War, on the site of a former sand pit. This woodland area is heavily disturbed, in poor overall condition and has lost much of its value as 'ancient woodland'. This section of woodland also post-dates the longer established and higher quality woodland further north along Melville Gate Road.
- 2.22 The site and surroundings lie within a typical urban-rural fringe landscape of mixed agriculture and development, within an extensive area of Lowland River Valleys – Lothian's landscape character type (LCT) covering the Rivers North and South Esk within Midlothian and Edinburgh areas, as detailed in NatureScot's national landscape character assessment.
- 2.23 There are no designations signifying landscape value within the site, although surrounding farmland is designated as green belt and several Inventory Gardens and Designed Landscapes are located within a short distance of the site at Melville Castle and Dalkeith House. The locally designated North Esk Valley Special Landscape Area (SLA) is situated immediately to the southeast of the site, beyond the minor Melville Gate Road, although it is well screened by the eastern tree belt. Dalkeith Country Park lies in the grounds of Dalkeith Castle to the northeast.
- 2.24 The site is well screened from further afield by mature tree belts and woodland which characterise the surrounding landscape. Visual receptors to the proposals would mainly include visitors to the nearby Dobbies Garden Centre, Melville Nurseries and the associated retail and hotel businesses, as well as users of the surrounding road network, particularly the adjacent sections of the A7 to the west (in cutting) and B6392 to the south. There are few, if any, residential receptors. A core path lies along the A772 footpath west of the roundabout and along the access to Melville Castle Hotel, in the Esk valley to the south of the B6392. There are open views from the former path, but views from the latter are largely screened by trees.

#### Cultural Heritage

- 2.25 There are no Listed Buildings or Scheduled Monuments within the site. Melville Castle East Lodge (Category B) (LB12934) is located approximately 50m from the site, across from the roundabout at the south-east boundary. Dalkeith Park, King's Gate, Walls and Lodge (LB1437) (Category A) which is located approximately 140m north-west of the site. Sheriffhall Farmhouse (including Steading and Walled Garden) is located approximately 170m from the northern edge of the site (LB14183) (Category B).
- 2.26 There are Scheduled Monuments in the proximity of the site. Elginhaugh, Roman Camp, Native Fort and Palisaded Enclosure (SM6202) is located to the east and north-east of the site, on the opposite side of railway tracks between Shawfair and Eskbank.
- 2.27 Elginhaugh Roman Fort, Annexe and Bathhouse (SM5684) is also located to the east, approximately 200m from the site boundary. The Dalkeith House & Park Conservation Area

(CA347) is located across Old Dalkeith Road (A6106) at the north-eastern edge of the site. Dalkeith House (Palace) is also designated as a Garden & Designed Landscape (GDL00128)

- 2.28 The designated Garden & Designed Landscape of Melville Castle (GDL00282) is also located to the south-east of the site on the opposite side of Gilmerton Road.
- 2.29 Canmore record entries in or in the immediate proximity of the site at 'Lugton Bogs' (Canmore ID: 53491) and 'Melville Nurseries' (Canmore ID: 53409) relates to a ring ditch cropmarks previously identified through aerial photographs. They are noted as part of a series of archaeological entries around Melville Nurseries and Lugton Bogs., for which previous excavation in the 1980's uncovered evidence of a palisaded homestead, possible roundhouse and associated trenches.
- 2.30 Specific to the south-west corner of the site, the Midlothian Council Historic Environment Record records a pre-historic cropmark of pit alignment and quarrying (MEL10015).

#### Flooding, Hydrology and Water Resources

- 2.31 There are no surface watercourses on the main part of the site; the closest surface watercourse is the Dean Burn, which is located to the north boundary of the site, flowing towards the northeast. The online SEPA Flood Map indicates that this part of the site is within an area susceptible to flooding due to the existing watercourse and the low-lying area around it.
- 2.32 The Dean Burn runs in open channel in an easterly direction and is culverted at the entry to the site via a 1.7m diameter culvert, the invert level of the culvert at this point is shown as 57.16m AOD (approx.) on the survey drawing. The watercourse conveys flows from the upland catchment areas, fed via a series of other culverts/road crossings. The burn exits the site at an invert level of 55.6 (approx.) via a 2.4m wide culvert.
- 2.33 The area to the north of the Phase 1 development site, near to the proposed SUDS infrastructure, highlights flooding (fluvial and pluvial) local to the existing watercourse, the Dean Burn.
- 2.34 The groundwater below the site is part of the Dalkeith Groundwater Body (ID: 150552) which is 74.9km<sup>2</sup> in area and a constituent of the Scotland River Basin District. In 2018 (most recent data) the overall status of this groundwater body was classified as Poor due to legacy mining issues. The site is not within a drinking water protection area for surface water, but it is within a protection area for groundwater.
- 2.35 The SEPA Flood Risk Management Mapping records site to be outside areas of coastal flooding. Small areas at the northern edge of the site (adjacent to Dean Burn) are recorded as having 'High' and 'Medium' risk of surface water and river flooding. A small area at the southern edge of the site (adjacent to the site entrance from Gilmerton Road) is recorded as having 'Medium' risk from surface water flooding.

### Utilities

- 2.36 There is extensive electricity infrastructure in the area and overhead power lines (33kV and 11kV) cross diagonally (north-west to south-east) across the site, with a transmission tower / pylon situated centrally on the site.
- 2.37 Existing gas and combined drainage infrastructure is present in proximity to the site and connections will be agreed with Scottish Gas Networks and Scottish Water in due course. Similarly, the surrounding area is well served by existing telecommunications infrastructure which offers the opportunity to serve the proposed development.

### 3. The Proposed Development

3.1 The Proposed Development is subject to a Hybrid Planning application for both Full Planning Permission and Planning Permission in Principle (PPiP) and is described as follows:

- (i) **Full Planning Permission for the erection of Business (Class 4) development and ancillary Drive-Thru Coffee Shop, with associated car parking, access, infrastructure and landscaping proposals; and**
- (ii) **Planning Permission in Principle for Business (Class 4), Storage & Distribution (Class 6) development with ancillary offices (detailed matters of landscaping, layout, appearance and scale are reserved for subsequent approval).**

3.2 A hybrid (part Full/part PPiP) planning application has been submitted to allow for the phased delivery of employment development on the site, with Phase 1 comprising a Class 4 employment scheme with ancillary Drive-Thru Coffee Shop, for which an operator has been confirmed. In addition, full planning permission is sought for access and highways, landscaping and drainage proposals associated with the development of the whole site.

3.3 In terms of the remainder of the site (PPiP), access has been brought forward as a reserved matter (given that the majority is shown within the full planning site), but all other matters such as landscaping, layout, appearance and scale have been reserved for future approval.

3.4 Parameter Plan 01 (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-002), as submitted, provides details of the split between Full and PPiP parts of the site and is submitted for approval with this application.

#### Full Planning Permission (Phase 1)

3.5 Proposals for the Full Planning element (referred to as Phase 1) are detailed on the Proposed Block Plan (Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-001) at **Appendix 5** and set out in the table below:

Element	Description
Class 4 Multi-let Speculative Units	24 units totaling 4,257 sq.m (45,822 sq.ft) GEA
Ancillary Drive-Thru Coffee Shop	One unit at 197 sq.m (2,121 sq.ft) GEA
Parking	122 spaces (including 26 disabled / accessible spaces & 26 EV charging spaces)
Cycle Storage	34 spaces (comprising one dedicated internal space per unit & 16 external communal spaces)

### Built Form

- 3.6 The Phase 1 development will be split between two development zones situated on the Gilmerton Road frontage of the site, either side of the proposed new access road. The smaller western zone will accommodate the Drive-Thru Coffee Shop and 3no. Class 4 units totalling approximately 608 sq.m (6,545 sq.ft) GEA. The larger eastern zone will comprise entirely Class 4 business units, with 21 units of varying sizes (1,500 – 2,000 sq.ft GIA) totalling 3,649 sq.m (38,278 sq.ft) GEA.
- 3.7 The proposed Drive-Thru Coffee Shop is supported by a named-operator – Costa Coffee, who regard the subject site as being ideally placed to meet their requirement for a new drive-thru coffee shop in Midlothian. As shown on the accompanying plans, the new drive through coffee shop will be at the south-western corner of the application site, close to the Gilmerton Road roundabout junction. It will have a GEA floor area of 197 sq.m (2,121 sq.ft) and will be accessed by a new drive-thru lane which will wrap around the building with a serving hatch located on the rear.
- 3.8 As set out in the accompanying Design & Access Statement, the proposed Drive-Thru Coffee Shop will be constructed to a high standard and incorporates a cafe seating area, serving and back of house areas, as well as an outdoor seating area. Full details of the layout and external appearance of the proposals are provided in the submitted planning drawings.
- 3.9 It is anticipated that the proposed drive-thru facility will provide up to 15 full/part time jobs with flexible shifts, the equivalent of 11 full time jobs (FTE). In terms of the operator themselves it also worth noting that:
- Costa Limited do not use zero hours contracts;
  - They are in full compliance with the European Working Time Directive;
  - There is a bonus scheme for all employees;
  - They have a high internal promotion rate; and
  - All employees are paid at least the minimum wage for 25 + year olds regardless of age.
- 3.10 In terms of operating hours the Drive-Thru Coffee Shop would follow the operator's standard opening hours of 05.00 – 23.00, 7 days a week. With staff arriving approximately 30 minutes prior to opening and 30 minutes after closure for set up and cleaning.
- 3.11 Delivery movements will vary according to the operation of the outlet, but it is expected that dedicated core and fresh deliveries will take place three times per week with non-perishable goods delivered every fortnight (occasionally once a week). Milk is delivered fresh daily, except for Sundays.
- 3.12 In order to keep the exterior of the premises clean and tidy, the proposed Drive-Thru Coffee Shop will incorporate external litter bins and schedule regular litter checks by team members. This corporate commitment is reflected by Costa being the first coffee shop operator to have signed the Keep Britain Tidy litter initiative. Waste collection trucks will remove non-

recyclable waste from the site once / twice a week, whilst the collection of recycling will take place twice per week.

- 3.13 With regard to odours and mechanical ventilation it is important to note that Costa only sell hot and cold drinks for consumption on and off the premises, along with sandwiches, other cold food, and confectionary. No primary cooking is undertaken onsite and therefore the operation does not include any hot food production for either eat in or takeaway. Whilst there is a small element of sales which involves the heating through and toasting of paninis and toasted sandwiches, these are made off site and heated through by microwave oven. These operations generate no cooking odour or smoke and accordingly there is no requirement for specialist kitchen extraction, de-greasing, or de-odourising equipment. Mechanical Plant associated with the outlet is therefore limited to plant associated with any air conditioning units fitted to the building.
- 3.14 The proposed Class 4 business units (24 units totalling 4,257 sq.m GEA) are being brought forward on a speculative basis and therefore at this stage no end operators or occupiers have been identified for these units. The intention is that these units will be marketed on a multi-let basis to provide accommodate for Small & Medium Enterprise (SME) business who operate within Use Class 4 Business, which allows for all or any of the following purposes: Office not within Class 2, Research and development or Light industrial uses (*The Town and Country Planning (Use Classes) Order 1987 (as amended)*).
- 3.15 Due to the speculative nature of the Class 4 proposals, the proposed individual unit sizes vary between 139 sq.m (1,500 sq.ft) and 186 sq.m (2,000 sq.ft) GEA to provide a range of accommodation choices for the market. The proposed units are grouped into a series of dual aspect 'terraces', with one façade fronting onto areas of high quality public amenity and landscape space and the other facing the servicing / parking areas. It is considered that this terrace design provides an element of flexibility when a potential occupier may require accommodation floorspace in excess of the standard unit sizes that have been proposed, whereby individual units can be combined to suit the occupier's requirements.
- 3.16 The Design & Access Statement, submitted with this application illustrates that the proposed multi-let units will be constructed to a high standard using a modular system and incorporate sustainable design and construction measures. Full details of the layout and external appearance of the multi-let units are provided in the submitted planning drawings, in summary however the proposed units will 9m in height and will be finished in profiled metal cladding, with a random vertical pattern and feature horizontal break and door head level. Where the proposed 'terraces' meet the Gilmerton Road frontage feature gable elevational treatments will be provided and defined by feature gable frames, recessed timber panelling and large glazed screening.
- 3.17 The intention of the proposed dual aspect 'terrace' design is to provide as much active frontage as possible and to create high quality public realm within the site. However, given the speculative nature of the proposals and the wide range of uses that could occupy the units



under the Class 4 use class definition, this application seeks to retain as much flexibility as possible on these dual-aspect elevations.

- 3.18 It is considered likely that a variety of alternative elevational treatments could be required to meet occupier needs across individual units. Consequently, the planning drawings submitted with the application show a notional elevational treatment for each 'terrace' elevation (east & west) with proposed access / glazing options shown. The elevations also show additional locations for potential access points for individual units, should these be required by identified occupiers (areas marked with red dashed line).
- 3.19 To support these proposed elevations an additional set of elevation options (Drawing Ref. 11658-HFM-ZZ-ZZ-A-P(20)-001) have been submitted detailing the potential configuration options that could be available for a typical unit within the red dashed line areas shown on the main elevations. To provide maximum flexibility, in relation to the final elevation treatment of individual units, it is intended that this design "toolkit" forms part of the approved planning drawings package, should planning permission be granted.

#### Site Access & Parking

- 3.20 The Phase 1 proposals will be accessed via a new ghost island priority junction from the B6392 Gilmerton Road, which will incorporate a dedicated right -turn lane into the development and feed into a new spine road that will serve the site, in line with application previously approved infrastructure permission (17/00508/DPP) for the site. This new spine road will also provide access to future phases of employment development subject to the Planning Permission in Principle element of this application, which will also be served by a separate new priority junction from Melville Gate Road. No vehicular through route is proposed between the two proposed access junctions.
- 3.21 Pedestrians will be able to access the development site making use of the existing off-site footway and footpath network, with new direct connections with the existing network on the B6392 Gilmerton Road provided as part of the development. In addition, new footway is proposed on the western side of Melville Gate Road to provide a link to the existing bus stops and onto the B6106 Old Dalkeith Road.
- 3.22 The full planning proposals also provide a shared pedestrian / cycleway (non-motorised user) path which run through the site, connecting the Gilmerton Road access with the Melville Gate Road access. It is proposed that the path will emerge onto Melville Gate Road on the northern side of the newly proposed access and that a crossing facility will be provided between the new access and the existing Royal Bank of Scotland access opposite (and to the north).
- 3.23 This path will provide a connection from Gilmerton Road, through the site and across Melville Gate Road, northwards on Melville Gate Road to Old Dalkeith Road where another crossing located to the east of Kings Gate enables access to the wide shared pedestrian / cycleway network on the north side of Old Dalkeith Road, thereby helping provide a missing link in the active travel network that exists in this area.

- 3.24 The Phase 1 proposals include appropriate levels of parking to meet Midlothian Council's parking standards for commercial development. The Phase 1 proposals provide a total of 122 spaces, which include 26 disabled / accessible spaces and 26 EV Charging spaces. The parking layout has been designed to ensure that at least one disabled parking bay is available near to each unit.
- 3.25 In terms of cycle parking the proposed multi let units will each contain one dedicated internal space (24 spaces total) with an additional 16 external communal spaces proposed across the Phase 1 site to provide additional spaces for staff / visitors as required.

#### Green Infrastructure and Open Space

- 3.26 Various constraints have informed the proposed green infrastructure and open space strategy for the site, including the overhead power lines and other existing and proposed services, the ground conditions in key locations and the relationship between the site and the wider green infrastructure context. The Landscape Strategy Framework is illustrated on drawing 64000-IFL-ZZ-XX-DR-L-00-005.
- 3.27 The location of the SUDS basin allows for the opportunity to provide compensatory woodland cover and a 'bridge' between the main existing woodland blocks. The SUDS integration landscape is divided between 'Wet' native woodland planting and native woodland planting, in response to existing site conditions. This area also provides an amenity grass area for informal recreation.
- 3.28 The main interface along Gilmerton Road comprises selective planting that will screen views into the site but allow key views onto the frontage of the proposed terrace units, whose gable ends have been designed to provide visual interest and a high-quality finish. This is achieved by planting a mix of native hedgerows that will be maintained to 1m in height, providing the opportunity for varied species tree planting on both sides, that will offer different levels of visual permeability to allow key views and framing of the proposed development, where appropriate. These interface proposals also consider glare from headlights associated with vehicle movements within the site and therefore include the integration of low-level fencing within the hedge planting, at key locations, to provide a year-round barrier to any interference.
- 3.29 The internal landscape proposals provide a more formal approach along the main access roads (2m wide grass verge and ornamental hedge), which helps define the roadways and assists with ease of wayfinding. This also allows for screening and physical separation of the roads from the informal open space areas on the site. The proposed tree planting will provide vertical elements that will help to soften the massing of the proposed development, whilst the ornamental planting will frame key views within the site and soften the integration between buildings and open space.
- 3.30 The local provenance of the proposal's green infrastructure is a key part of lowering the carbon footprint of the proposed development and will also ensure that plants and trees are

full adapted / suited to local conditions to maximise they opportunity to thrive. Consequently, the species selected (see proposed Landscape Planting Schedules Plan (Ref. 64000-IFL-ZZ-XX-DR-L-00-004) are all native or naturalised to the area to allow for an integrated and ecologically sound landscape.

- 3.31 Existing established woodland will be retained wherever possible and in line with the recommendations of the Tree Survey and Arboricultural Impact Assessments, submitted with this application. As part of the wider ongoing woodland management and maintenance strategy employed by the applicant for similar woodland parcels in the local area, the long-term maintenance and management of these retained woodland areas will be taken on with the aim of enhancing the overall woodland habitats that are present on site.

#### SUDS / Drainage

- 3.32 Each plot will have a restricted surface water discharge prior to connection to a main spine surface water sewer. Surface water will require to be discharged via the SUDS pond prior to discharge into the swale and then to the Dean Burn via gravity drainage. Discharge quality will be controlled by introduction of SUDS components to create an appropriate treatment train. Discharge quantity will be restricted to greenfield runoff.
- 3.33 The accompanying Flood Risk & Drainage Statement considers these matters in more detail.

#### **Planning Permission in Principle (PPiP)**

- 3.34 Due to the fact that the full details of all access, landscaping, and infrastructure for the whole application site are included in the Full Planning element, the PPiP proposals relate only to the remaining development plots, which sit outwith the Full Planning site (Phase 1) as defined by Parameter Plan 01 (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-002) submitted with this application. The land affected by the PPiP proposals extends to 3.09 ha and, based upon the Indicative Masterplan submitted with the application, has capacity for up to 6,077 sq.m (65,413 sq.ft) GEA of Class 4 Business floorspace and 1,560 sq.m (16,792 sq.ft) GEA of Class 6 Storage & Distribution floorspace with ancillary office space.
- 3.35 Matters of landscaping, layout, appearance, and scale are reserved for future approval; however, the application is supported by a series of Parameter Plans, which will define the broad principles of the PPiP development and allow an adequate assessment of their impact as part of this hybrid application. The Parameter Plans submitted for approval as part of this application are as follows:
- Parameter Plan 01 – Proposed Full and PPiP Application Boundaries Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-002);
  - Parameter Plan 02 – PPiP Proposed Land Use Zones Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-003);
  - Parameter Plan 03 – PPiP Proposed Max Building Height Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-004);
  - Parameter Plan 04 – Site Constraints Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-005); and

- Parameter Plan 05 – Access Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-006).
- 3.36 At this stage, a breakdown of units and corresponding floorspace proposed within the PPiP area has not been finalised and will be guided by future market demand requirements. However, Parameter Plan 01 illustrates the potential for 3 separate development plots and the Indicative Masterplan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-008) shows how these plots could be brought forward as part of the wider scheme for a mix of Class 4 and Class 6 employment development, with a potential combined floorspace of up to up to 7,525 sq.m. The proposed Class 6 element would equate to no more than 13% of the total proposed floorspace for the hybrid planning application.
- 3.37 Parameter Plan 2 (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-003) has been prepared and submitted for approval as part of the application to provide the Council with confirmation of where within the PPiP the proposed Class 4 & Class 6 land uses would be situated. As Parameter Plan 2 shows, it is proposed that the Class 4 floorspace would be focused on the two development plots situated adjacent to Phase 1, which once developed would ensure continuous Class 4 frontage around the perimeter of the site where it bounds the A7 and create a self-contained Class 4 business park on the site.
- 3.38 The proposed Class 6 Storage & Distribution element would be situated to the rear (north) of the site and would be served by a separate access with no vehicular connection between it and the Class 4 elements. This part of the site is well screened by the mature woodland that runs adjacent to Melville Gate Road and can therefore accommodate the Class 6 proposals with minimum impact on visual or landscape amenity.
- 3.39 The building layout, dimensions, and heights for the PPiP elements have yet to be identified. However, for the purposes of the application and to provide clarity to the Council, it has been assumed that the Class 4 buildings will not exceed 15m in height and that the Class 6 development will have a maximum ridge height of 12m, as shown on Parameter Plan 3 – PPiP Proposed Max Building Height Plan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-004). Actual building heights for these units will be dictated by future occupiers, whose requirements will vary depending upon the use and nature of the operations involved.
- 3.40 It is considered particularly important to define the maximum ridge heights for the Class 6 proposals because concerns were raised by the Council and local community during the Pre-Application Process (see accompanying PAC Report) regarding open Class 6 consent on the site and the potential this could create for large-scale logistics (Storage & Distribution) warehouse development. By limiting the buildings to a maximum ridge height of 12m, the applicant is precluding the possibility of large-scale warehousing, which typically requires a minimum ridge height of 19-20m to satisfy modern market requirements.
- 3.41 As part of the Full Planning (Phase 1) proposals, detailed landscape, ecology, drainage and sustainability strategies have been provided to mitigate any potential negative impacts resulting from the development. These strategies and mitigation measures are designed to address the impacts of both the Phase 1 and PPiP proposals, allowing the PPiP elements to

come forward in detail through subsequent applications for Approval of Matters Specified in Conditions (AMSC), without the need for further impact assessment.

## 4. Development Plan & Material Considerations

- 4.1 Section 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) directs Local Planning Authorities to “*have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*”.
- 4.2. The relevant Development Plan for these application proposals comprises of the following documents:
- The South East Scotland Strategic Development Plan 2013 (SESplan) ; and
  - The Midlothian Local Development Plan 2017.
- 4.3. In addition to the Development Plan, several other material considerations are also of relevance including:
- Scottish Planning Policy (2014);
  - Midlothian Food and drink and other non-retail uses in Town Centres Supplementary Guidance (2019);
  - Midlothian Green Network Supplementary Guidance (2018); and
  - Midlothian’s Economic Growth Strategy 2020-2025.

### The Adopted Development Plan

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

- 4.4 The SESplan provides a strategic vision for future development in the wider SESplan area and seeks to promote a sustainable pattern of growth across the Region. The Spatial Strategy set out in SESplan, provides a framework within which the vision and aims of the Plan are to be taken forward. Figure 1 (Page 7) illustrates this framework and the application site as lying within the A7 / A68 / Borders Rail Corridor Strategic Development Area (SDA 9). The SDA’s are identified as the main focus for future growth in the Region and within SDA 9 the emphasis is on additional employment opportunities to reduce the need to commute and on the implementation of transport infrastructure to accommodate planned growth.
- 4.5 **Policy 2:** Supply and Location of Employment Land states that the strategic development plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area. Local Development Plans are expected support the delivery of the established strategic employment land supply identified in Policy and also provide a range and choice of marketable sites to meet anticipated requirements.
- 4.6 Part C of **Policy 3:** Town Centres and Retail promotes a sequential approach to the selection of locations for retail and commercial leisure proposals.

Midlothian Local Development Plan 2017 (MLDP)

4.7 The application site is directly affected by the following adopted MLDP Policies:

- Policy STRAT1: Committed Development;
- Policy ENV1: Protection of the Green Belt; and
- Policy ENV4: Prime Agricultural Land.

4.8 **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. Under the provisions of this policy the application is allocated as Committed Development site e32 Sheriffhall South, Dalkeith.

4.9 The extent of e32 is outlined in the Plan and is shown in Figure 4-1 below (with application site boundary indicated).



4.10 The MDLP allocation which extends to approximately 18.4ha spans three sides of the Gilmerton Road Roundabout with the land parcels to the east and west (upper quadrants) in the ownership of the Applicant. The supporting text for the allocation confirms that the site was allocated in previous Midlothian Local Plan 2008 (Site E2) and that the site is in a highly accessible location close to the A720 City Bypass, and as such encourages its retention for

employment opportunities. Notwithstanding this, to avoid pressure from alternative land uses, and to ensure the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area, MDLP confirms that the site will remain in the Green Belt and only be removed once the entire site is developed.

- 4.11 The site was initially identified for business (Class 4) and industry (Class 5) uses, however the MLDP modified the acceptable uses to business (Class 4) only, citing the site's high profile and sensitive location as the reason for doing this. In terms of alternative or ancillary uses the MDLP provides for the delivery of the pub / restaurant (Permission Ref. 13/00848/DPP) at Elginhaugh to provide the impetus to attract business uses to the remainder of the site and states that the loss of further land to other ancillary uses will be discouraged.
- 4.12 **Policy ENV1: Protection of the Green Belt** advises that development will not be permitted in the Green Belt except for proposals that:
- a. are necessary to agriculture, horticulture or forestry; or
  - b. provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
  - c. are related to other uses appropriate to the rural character of the area; or
  - d. provide for essential infrastructure; or
  - e. form development that meets a national requirement or established need if no other site is available.
- 4.13 Policy ENV1 also establishes that any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which are to:
- Direct development to the most appropriate locations and support regeneration;
  - Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and
  - Protect and provide access to open space.
- 4.14 **Policy ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless the site is allocated as part of the development strategy of the Plan; or the development is necessary to meet an established need where there is no alternative site available; and where the need for the development outweighs the environmental or economic interests in retaining the farmland for productive use.
- 4.15 in addition to these primary policy considerations, the following MLDP policies are of relevance to the application proposals.
- 4.16 **Policy DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.



- 4.17 **Policy DEV6: Layout and Design of New Development** sets out design guidance for new developments and requires development to demonstrate good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts. Through their layout, development proposals should complement or enhance the character of any adjoining or nearby urban area, use good quality materials, create footpath / cycleway links between key destinations, provide passive surveillance through overlooking of open space and pedestrian routes and incorporate cycle parking and bin storage as necessary.
- 4.18 **Policy DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments and expects applications to be accompanied by a comprehensive scheme of landscaping.
- 4.19 **Policy ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses. In these locations economic development, redevelopment or expansion (excluding retail) will be supported where it:
- a. would contribute to an employment density commensurate with the type of development proposed;
  - b. would be compatible with neighbouring uses;
  - c. would not have a detrimental impact on the amenity of the area; and
  - d. could mitigate any infrastructure deficiency or requirement.
- 4.20 **Policy ECON3: Ancillary Development on Business Parks** supports the principle of ancillary uses (such as child day care services, banking, convenience, healthcare services) at Shawfair Park and Salter's Park where these are of a scale suitable to service the existing and expanding workforce and business community at these locations.
- 4.21 Whilst Policy ECON3 relates specifically to Shawfair Park and Salter's Park the tests associated with the provision of ancillary development in these locations are considered relevant to the ancillary Drive-Thru Coffee Shop element of the application proposals. Policy ECON3 establishes that support for such uses will be considered subject to:
- an assessment of the proposed uses and scale of provision not having an adverse impact on the prospects for Shawfair (proposed) and Dalkeith (existing) town centres; and
  - the preparation of a masterplan indicating the scale, location and timing of provision.
- 4.22 Policy ECON3 also goes on to state that where *"substantive development is yet to commence, support for ancillary uses will only be considered if it is likely to act as an enabler to attract further investment to that business location. In each case, planning obligations will be used to regulate the scale, nature, extent and timing of such facilities, including any advanced provision"*.
- 4.23 **Policy TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel and provides that major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct

routes for pedestrian and cyclists, and accord with the Council's Local Transport Strategy. Policy TRAN1 also requires all proposals for all new major travel-generating developments, including phases of a major development area, shall be accompanied by a Transport Assessment and a Travel Plan.

- 4.24 **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.
- 4.25 **Policy TCR1: Town Centres** supports proposals for retail, commercial leisure development or other uses which will attract significant numbers of people in Midlothian's town centres, provided their scale and function is consistent with the town centre's role. This policy also refers to the preparation of supplementary guidance on food and drink and other non-retail uses in town centres, which was adopted by the Council in March 2019.
- 4.26 **Policy TCR2: Location of New Retail and Commercial Leisure Facilities** states that the Council will apply a sequential town centre first approach to the assessment of such applications. The policy does not refer to or apply to food and drink uses or hot food takeaways, however this is addressed in the Council supplementary guidance on food and drink.
- 4.27 **Policy ENV7: Landscape Character** states that development will not be permitted where it may have an unacceptable effect on 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.
- 4.28 ENV7 also states that where the locational requirement has been established (or within the urban envelopes), development must demonstrate that it will not have an adverse impact on either landscape and conservation value of area or impede potential public access opportunities.
- 4.29 **Policy ENV9: Flooding** establishes a presumption 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.
- 4.30 **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.
- 4.31 **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.

- 4.32 **Policy ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 4.33 **Policy ENV 17 Air Quality** states that the Council may require further assessments to identify air quality impacts where necessary. The Council will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 4.34 **Policy ENV18: Noise** seeks to prevent noisy development from damaging residential amenity or disturbing noise sensitive uses and provides that Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately.
- 4.35 **Policy NRG3: Energy Use and Low & Zero-Carbon Generating Technology** specifies that each new building meets the statutory requirement for a low and zero-carbon generating technology policy. The policy requires all new buildings to meet or exceed the target emissions rate of the current Building Regulations (2015). **Policy NRG4: Interpretation of Policy NRG3** sets out the limitations and exceptions relative to policy NRG3.
- 4.36 **Policy NRG 6 Community Heating** seeks to ensure developments deliver, contribute towards, or enable the provision of community heating schemes.
- 4.37 **Policy IMP1: New Development** seeks to ensure that appropriate provision is made for a need which arises from new development. Relevant considerations in this instance are, transport infrastructure; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; access for people with mobility issues; traffic and environmental management issues; the protection and/ or management of, and/ or compensation measures for, any natural feature affected and archaeological assessment.
- 4.38 **Policy IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until adequate provision (related to the scale and impact of the proposed development) has been agreed for the infrastructure, environmental and community facility requirements identified in the Settlement Statements and other policies of the Plan. 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.
- 4.39 **Policy IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

### Other Material Considerations

4.40 The following material considerations are considered relevant to this application.

#### National Planning Framework 3 (2014)

4.41 Published by the Scottish Government in June 2014 the third National Planning Framework (NPF3) replaces NPF2, and guides Scotland's spatial development over the next 20-30 years. It sets out the strategic development priorities to support the Government's central purpose to promote a strong and sustainable recovery.

4.42 NPF3 introduces four policy objectives which contribute to realising this vision. These key planning objectives include:

- **A Successful, Sustainable Place** – supporting economic growth, regeneration and the creation of well-designed places;
- **A Low Carbon Place** – reducing our carbon emissions and adapting to climate change;
- **A Natural, Resilient Place** – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use; and
- **A Connected Place** – supporting better transport and digital connectivity

4.43 The NPF3 strategy aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future. Planning should help to create high quality, diverse and sustainable places that promote well-being and attract investment.

#### Scottish Planning Policy 2014

4.44 **SPP (Scottish Planning Policy) 2014** sets out Government guidance in relation to creating a successful sustainable place, supporting economic growth, regeneration and the creating of well-designed places.

4.45 SPP introduces a presumption in favour of development that contributes to sustainable development and sets out that its aim is to "*achieve the right development in the right place; it is not to allow development at any cost*" (Para. 28). It goes on to identify a series of principles which should be used to guide the decision-making process, which include:

- Giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- supporting the delivery of accessible business and retailing development;
- supporting the delivery of infrastructure;
- supporting climate change mitigation and adaptation;
- having regard to the principles for sustainable land use
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;

- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

4.46 Paragraph 32 of SPP provides that proposals which accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. Where proposals that do not accord with up-to-date development plans the primacy of the Development Plan is maintained, and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

4.47 When considering the need for high-quality development, SPP identifies six qualities of successful place, which are:

1. **Distinctive** – development that complements local features to create places with a sense of identity;
2. **Safe and Pleasant** – development that is attractive to use by providing a sense of security through encouraging activity;
3. **Welcoming** – development that helps people to find their way around;
4. **Adaptable** – development that can accommodate a future change of use;
5. **Resource Efficient** – development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion by mitigating and adapting to climate change; and
6. **Easy to move around and beyond** – development that considers place and the needs of people before the movement of motor vehicles.

4.48 In line with National Planning Framework 3, Scottish Planning Policy (2014) establishes a "town centre first" principle which promotes an approach to wider decision-making that considers the health and vibrancy of town centres (Para. 59). Paragraph 68 states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail uses.

4.49 Paragraph 71 of SPP provides that where development proposals in edge of town centre locations are contrary to the Development Plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. It goes on to state that where a *“retail and leisure development with a gross floorspace of more than 2,500 sq.m is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.”*

4.50 SPP (Para. 73) establishes that out-of-centre locations should only be considered for uses which generate significant footfall where:

- All town centre, edge of centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- The scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- The proposal will help meet qualitative or quantitative deficiencies; and
- There will be no significant adverse impact on the vitality and viability of existing town centres.

4.51 In relation to supporting business and employment Paragraph 93 establishes that the planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

4.52 Paragraph 94 goes on to provide that Plans should align with relevant local economic strategies to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with opportunities for growth, including:

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

4.53 SPP also confirms (Para. 101) that Plans should allocate a range of sites for business, taking account of current market demand, location, size, quality and infrastructure requirements; the serviceability of sites, the potential for a mix of uses and levels of accessibility. All such allocations should be informed by relevant economic strategies in respect of land use classes 4, 5 & 6.

4.54 In terms of decision-making SPP provides that the efficient handling of planning applications should, be a key priority, particularly where jobs are involved and that proposals for business uses should consider surrounding sensitive uses, areas of natural sensitivity or interest and local amenity and make a positive contribution towards placemaking.

Midlothian's Food and drink and other non-retail uses in Town Centres Supplementary Guidance (2019).

4.55 The Council's Supplementary Guidance (SG) on Food and drink and other non-retail uses in Town Centres relates principally to policies TCR1 (Town Centres) and TCR2 (Location of New Retail and Commercial Leisure Facilities) of the MLDP and seeks to provide detailed guidance

and clarity in relation to developments within Midlothian's town centres and developments which may affect or undermine the performance of those town centres.

- 4.56 Consequently the SG is primarily focused on guidance for uses within Midlothian's identified network of centres, however of relevance to this application is the guidance provided in section 10.6 in respect of *Drive-Through Units (Restaurants and Other Services)*.
- 4.57 The SG acknowledges that due to their small and intimate nature Midlothian's town centres are unlikely to be suitable locations for drive-thru facilities given the limited opportunity to accommodate the developments of this nature without significant land clearance and disruption. It is also recognised that town centre locations are unlikely to fit with the business models of drive-thru operators, who rely on convenient accessibility for vehicles.
- 4.58 As a consequence the SG accepts that applications for drive-thru facilities are likely to fail to satisfy the town centre first approach, but does acknowledge that such development does *"represent a valid and important part of the provision of food and drink and other facilities in the contemporary landscape of our towns and cities"*.
- 4.59 Notwithstanding this, the SG considers that drive-thru facilities have the potential to have an adverse impact on other commercial units within nearby town centres and therefore states that applications must be accompanied by a sequential assessment in accordance with the 'town centre first approach' and information to demonstrate that proposed drive-through units will not undermine the vitality and viability of nearby town centres.
- 4.60 The SG provides that where proposals have been demonstrated to not undermine the vitality and viability of nearby town centres there will be scope to support their development in the built-up area adjacent to the strategic road network. Proposals will not be permitted on established or committed economic development land, unless specifically supported by the policies of the MLDP.

Midlothian Green Network Supplementary Guidance (2018)

- 4.61 The Council's adopted SG on Green Networks establishes that all new development is expected to contribute to the enhancement of the green network and provides a framework supporting the delivery of the green network across the whole of Midlothian.
- 4.62 The SG states that applicants are expected to provide an analysis of the relationship of the site with the wider green network and demonstrate how the green network has been incorporated into the layout and design of the proposed development both in terms of the retention and enhancement of existing green network components and the creation of new components. Applicants are also expected to demonstrate how the green network within the site will be managed and maintained over the long term.
- 4.63 The SG sets out the following requirements for the allocated site (e32) at Sheriffhall South:
- Retain and enhance existing woodland on the site, integrating it into the wider green

network;

- Ensure the green network within the site protects and enhances connectivity with the Melville Castle and Melville Castle Estate Local Biodiversity Site (LBS) and provides opportunities for habitat connectivity and movement of wildlife;
- Create a multi-user path through the site, to enable a connection between the A7 Gilmerton Road roundabout and Core Path 4-34 near the King's Gate entrance to Dalkeith Country Park.

#### Midlothian's Economic Growth Strategy 2020-2025

4.64 The Midlothian Economic Growth Strategy sets out the economic development vision and key priorities for Midlothian for the period 2020-2025. The Strategy recognises that that economic development is a vital component in creating resilient and vibrant communities and seeks to work with planning, developers and the local business base to address the scale of current and future economic growth and reverse the trend of over reliance on commuting outwith Midlothian by creating and unlocking sites for local employment opportunities.

4.65 The Council's overarching vision for Midlothian is as 'a great place to grow'. To complement this, the Council seek to recognise Midlothian's unique assets and to raise the area's profile. The vision for economic growth is:

*"For Midlothian to be a recognised area in which to live, work and do business; an economy that is sustainable, inclusive, ambitious and internationally recognisable as home to world leading clusters of science, innovation, and tourism offers from which all our citizens can benefit."*

Source: Economic Growth Strategy - Page 15

4.66 To achieve this vision, the Council's Economic Growth Strategy sets out four key pillars and which will guide actions going forward, those being:

1. Innovation – the Council will identify challenges, be proactive in finding solutions, be sustainable in their actions – and be resilient to change;
2. Inclusion – the Council will ensure community benefit is achieved through their ambition to grow Midlothian's economy. The Council will work with our education providers, businesses and partner agencies to develop and harness the skills of our citizens to create a strong economic base;
3. Partnership working – the Council will continue to foster their partnerships and engage with stakeholders to enable good growth and inclusivity and enhance the reach and impact of their messaging;
4. Ambition – we will recognise and capitalise on the opportunity that exists for Midlothian, by creating a platform for digital development, internationalisation, and new channels for inward investment.

4.67 To compliment these pillars, the Council have identified five key Strategic Priorities for Midlothian, which are:



1. To integrate Midlothian with the regional economy and promote the region internationally;
2. To improve the skills landscape;
3. To increase economic participation;
4. To build on the success of our key sectors;
5. To improve the vibrancy of our town centres and make them more environmentally friendly; and
6. To accelerate growth through infrastructure upgrades

## 5. Assessment against Planning Policy

### Introduction

5.1 This Section provides an assessment of the application proposals against the Development Plan and relevant material considerations, as set out in Section 4. It should be considered alongside the other supporting information submitted as part of the application as outlined in Section 1. Accordingly, this Section of the Statement identifies those key issues that are material to the planning balance required in respect of this scheme, and presents the case in its favour under the following headings:

- Principle of Development
- Assessing the Impact

### Principle of Development

5.2 It is considered that the principle of development in this location is acceptable. The Site is part of one of the strategic employment locations promoted by the MLDP development strategy, which acknowledges (Para. 4.1.6) that *“ancillary support uses may be acceptable to help market the location and attract investment, subject to specific controls...”* and that *“In some cases...Class 6 (storage and distribution) uses may be acceptable”*.

5.3 SESPlan states that the supply of employment land in LDPs is to be protected to maintain a supply of employment land allocations to meet changing demand. Furthermore, LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESPlan area.

5.4 The Site is located within a highly accessible area due to its proximity to both the Borders Waverley railway line (Shawfair Station) and the A720 (Edinburgh Bypass). The proposed development represents a Class 4 Business-led mixed-use development that will ensure the delivery of employment opportunities and economic growth on a committed employment development site, which despite a long-standing strategic allocation and an extensive marketing campaign has failed, to date, to attract market interest for business development.

5.5 The site has been actively marketed since 2009 through a combination of property agents and local and national marketing campaigns. To date, the majority of interest has been from non-Class 4 users attracted by the site’s roadside location, which offers high traffic flow past the site and strong links to the main arterial transport routes. Large-scale Class 4 interest in the site has been exceptionally limited, which reflects the wider low demand at a regional and national level for this type of development in out-of-town locations such as the Sheriffhall, a situation reinforced by the applicant’s experience at its adjacent business park at Shawfair.

5.6 Unlike Shawfair (also owned by the applicant), the application site is currently completely un-serviced and therefore any development proposals require to be of a scale where it is

financially viable to install the necessary infrastructure. To date, there have been no single, large-scale Class 4 requirements which have fulfilled this criterion. However, the applicant remains committed to delivery of employment uses on the site and following close liaison with the Economic Development team within Midlothian Council, it is believed that demand does exist from the smaller business market. This demand is believed to come from more local business users who are looking to enter business premises for the first time or, alternatively, are looking to expand or downsize. The nature of these businesses means that unless the product is readily available or being delivered, it is exceedingly difficult to identify and clearly evidence this demand. What is clear however, is that due to rising build costs and smaller, older commercial estates being redeveloped for higher value uses, there is a lack of stock to accommodate this kind of small business demand. The applicant has therefore taken the proactive decision to promote the development of Sheriffhall South to meet this need and the Council's Economic Development team has committed to marketing the units to the local business community through the Business Gateway service.

- 5.7 It is important to note that in most cases, these businesses will be completely unaware of what their designated Use Class would be under the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended). The interdependency and adjacencies of this scale of business should also not be underestimated. Whilst these operators may be small in nature, they seek to locate beside like-minded and similar operations. Again however, if asked, many of these businesses would not know or be able to define what use class allocation they or their neighbours fall under. At this scale of occupier, it is common for the operation to span a multitude of roles from under the same roof whether that is design, research, manufacture or storage and distribution, most of which would easily fall within Class 4 or be of such a small-scale as to be ancillary to the main Class 4 use.
- 5.8 It is also true that for most tenants at this scale, whilst property is required to facilitate their business, it is a necessary evil and trying to identify suitable premises to meet their needs, can be an unnecessary and unwelcome distraction. The innovative, small footprint multi-let nature of the proposed development therefore seeks to take away this problem for occupiers by offering maximum flexibility in terms in terms of unit size and features (the design "tool kit" previously discussed) within a use class framework that will allow for 99% of all small business operations.
- 5.9 Given the level of investment in infrastructure required to bring this site forward, it is with these guiding principles in mind that a small percentage of the scheme is designated for Class 6 use. As referenced above, many of these operators will be completely unaware that this is the use into which their business falls, they will however, absolutely understand and appreciate the values that Sheriffhall South will stand for.
- 5.10 It is noted above that there has been a paucity of small Class 4 development for a variety of economic led factors and the same is true for small and medium sized Class 6 users. The development pipeline for this stock has been severely limited and the Economic Development team within the Council have advised that they regularly receive enquiries for units of this nature but there is limited availability in Midlothian. It also considered that the development

would open-up opportunities for businesses in neighbouring authorities to either relocate or expand into Midlothian increasing local employment opportunities. Indeed, the applicant is currently engaged in discussion with at least 4 occupiers who would be interested in the Sheriffhall South development, should permission be granted. These occupiers vary between businesses already within the Region who would currently have to consider a relocation outside the region to find property which meets their requirements, and occupiers presently located out with the Region who would move to the area if they could identify a suitable development. It should be noted that in all cases, whilst the principal use of these business would be Class 6, they all have a significant Class 4 element as well.

- 5.11 The relatively small percentage of Class 6 use (13% of total floorspace) that is sought as part of these application proposals, is therefore seen to compliment rather than compete with the Class 4 demand and will ensure that the development can accommodate what the market, and the Council, are saying is currently required. As previously indicated, the applicant is willing to limit the height of any Class 6 development to ensure there is absolutely no ability to deliver large-scale logistics warehousing on the site, should planning permission be granted.
- 5.12 It is acknowledged that MLDP **Policy STRAT1** site allocation (e32) allows for only Class 4 Business development on the site and that **Policy ECON1** does not permit the introduction of non-business uses. However, for the reasons outlined above and following ongoing discussions with the Council it is considered that there is sufficient demand to justify the type of Class 4-led employment development proposed by this application. In addition, with specific reference to **Policy ECON1** the proposals are predicted to result in 801 FTE jobs generating c. £32.4m in GVA year on year, will be compatible with neighbouring uses and as set out in the noise section of the report will not have a detrimental impact on the amenity of the area. As set out in the transport section, the development will mitigate any infrastructure deficiency or requirement.
- 5.13 Whilst the applicant is willing to adopt a proactive and innovative approach to employment development on the site to stimulate inward investment and economic growth in Midlothian, the speculative nature of the proposals means that the applicant will be proceeding at significant financial risk should planning permission be granted. This risk is off-set, to a degree, by the non-Class 4 elements, which provide an element of flexibility to respond to alternative employment use demand (in the case of the Class 6 as summarised above) and, in the case of the Drive-Thru Coffee Shop a committed operator deal that will assist in the funding of the infrastructure required to 'open-up' the site and provide the necessary up-front amenity that will make the wider employment site a viable and attractive location for businesses.
- 5.14 As shown in Table 5-1 below the alternate Class 6 and Drive-Thru Coffee Shop uses represent approximately 15% of the total floorspace proposed as part of the application and are therefore considered to be ancillary in the context of the wider Class 4 Business use that is proposed.

Table 5-1 – Floorspace Split (GEA)

Use Class	Units	Floorspace sq.m (GEA)	Floorspace sq.ft (GEA)
Class 4 (Business) Multi-lets	44	7,942	85,488
Class 4 (Business) Main Building	1	2,392	25,747
Class 6 (Storage & Distribution)	2	1,560	16,792
Drive-Thru Coffee Shop	1	197	2,121
<b>Totals</b>			
Total Class 4	45	10,334	111,235
Total Class 6	2	1,560	16,792
Total Drive-Thru Coffee Shop	1	197	2,121
Total Development	48	12,091	130,148
<b>% Split</b>			
% Class 4	94	85	85
% Class 6	4	13	13
% Drive-Thru Coffee Shop	2	2	2

Note: Units and Floorspace figures based on Indicative Masterplan (Ref. 11658-HFM-ZZ-ZZ-A-P(00)-008).

- 5.15 As can be seen from the table above, the combined non-conforming uses account for approximately 1,653 sq.m of the overall 11,315 sq.m of employment floorspace proposed as part of this application. It is considered that this scale of alternative uses does not represent a significant dilution of the Class 4 offer and therefore does not have a significant adverse impact on the wider strategic role that this committed development site is expected to play at both a local and regional level. In fact, it is held that these ancillary alternative uses are key to ensuring the viability and success of this long-standing, previously undelivered, allocation site.
- 5.16 The MLDP seeks to ensure a readily available supply of land for economic development and offer a range and choice of sites and locations to support economic growth over the Plan Period and beyond. **SESplan** allows consideration of mixed-use development on economic sites, where this does not result in a net loss to the overall strategic land supply. The Midlothian Employment Land Audit specifies that Midlothian has 20 sites immediately available for employment with a combined total of 110.97ha of net vacant land and 353,787sqft of vacant floorspace. The application site measures approximately 8.5ha, of which the Drive-Thru Coffee Shop and Class 6 proposals total approximately 0.92ha. The non-Class 4 elements of the application proposals (which remain employment generating uses) therefore only represent a small part of the wider scheme that will have a negligible impact on Midlothian’s overall employment land supply.
- 5.17 **Policy STRAT1** seeks the early implementation of all committed development sites in the established economic land supply. This site has lain vacant for almost 20 years (since its initial allocation for employment use in 2003) due to a lack of market interest from Class 4 operators to date. The proposals will result in the implementation of this allocated site. This is supported

by SPP which states that due weight should be given to economic benefit and making efficient use of existing capacities of land.

- 5.18 **Scottish Planning Policy** seeks to direct the right development to the right place and LDPs should result in proposals that are appropriate to place. **SESplan** states that new development proposals should complement and not undermine the delivery of existing committed development. It is expected that the development proposals, will provide a catalyst for further businesses to locate to Sheriffhall South. **NPF3** states that planning should help to attract investment. One of the four policy objectives of NPF3 is to create successful sustainable places that support economic growth, regeneration and the creation of well-designed places. The proposed development seeks to achieve this policy objective and deliver significant numbers of jobs on this allocated employment site.

#### Economic Impact

- 5.19 The application is supported by an Economic Impact Assessment (Progress Planning) which provides an assessment of the application proposals economic impact both during construction and when all phases are complete.
- 5.20 In respect of the construction phase impacts, the proposed development has an estimated construction value of approximately £25m and it is calculated that in aggregate the application proposals will support 188 'person years' of employment and generate construction wages of around £6.4 million. When additionality is factored in, this equates to 55 net direct construction workers on-site per annum and a further 33 net indirect workers, which creates a total employment from construction of proposed development of 88 workers per annum.
- 5.21 In terms of the operational phase impacts, the Assessment provides an analysis of the likely employment and GVA impacts at full occupancy. The Assessment identifies that the total development proposals have the capacity to accommodate approximately 827 FTE jobs generating annual wages of almost £26.2 million year on year. Phase 1 of the scheme, subject to the full application, has the capacity to support employment of 336 FTEs generating wages of more than £10.6m per annum.
- 5.22 In terms of net additional economic impacts the assessment predicts that 662 net direct operational jobs will be created, and 139 net indirect operational jobs, creating a total employment through operation of 801 jobs once fully occupied. This translates into an annual GVA injection of around £32.4 million per annum into the local economy and an approximate non-domestic rates payment to the Council of £499,000 per annum.
- 5.23 It is considered that this scale of employment generation and economic investment and growth is significant and is a direct fit with the objectives set out in the Council's **Economic Growth Strategy**, which seeks to address the scale of current and future economic growth and reverse the trend of over reliance on out-commuting from Midlothian by creating and unlocking sites for local employment opportunities. Furthermore, the proposals will assist in

the delivery of the infrastructure upgrades identified in the Strategy, though contributions towards the Sheriffhall Roundabout improvements also identified in the City Region Deal.

- 5.24 The Economic Impact Assessment also provides a comparison between the proposed development and a development of the same scale for solely Class 4 development, referred to as the 'Reference Case'. Using the same methodology, the estimated gross direct employment and wage impacts, an equivalent Class 4 only floorspace (11,179 sq.m GIA) would have the capacity to accommodate approximately 932 FTE jobs generating annual wages of £29.7 million year on year. This translates into an estimated 746 net direct operational jobs created, with 142 net indirect operational jobs, creating a total employment through operation of 888 jobs when complete.
- 5.25 It is clear, given the higher employment densities associated with Class 4 development, that a Class 4 only development could lead to higher levels of employment on the site. However, these figures are only a guide based upon national average employment densities and there is therefore no guarantee that a Class 4 only development, which also includes light industry, would necessarily generate employment on the scale that has been identified.
- 5.26 It is also the case, as discussed above, that market demand and take-up of traditional large floorplate, out-of-town Class 4 business development is limited, as reflected by the lack of interest in the application site despite an extensive market exercise that has been active since 2009. It is therefore considered highly unlikely that the site would come forward for Class 4 only development or that any such development would be of a nature (i.e. large floorplate office space) that would deliver the typical employment densities assumed for Class 4 uses. Accordingly, whilst it is acknowledged that a Class 4 only development would have a theoretically greater economic impact, the reality based on current market demand is that the fulfilment of this potential would be unlikely.
- 5.27 The proposed development incorporates additional uses that will help fund the infrastructure required to 'open-up' the site (in the case of the Drive-thru facility) and broaden the market appeal of the site for employment uses through the inclusion of a limited Class 6 offer. The proposed development may have a slightly lower overall economic impact, but it is argued that the proposal represents a more realistic and deliverable development package which will result in actual job creation and economic growth through both construction and operation.

#### Drive-Thru Coffee Shop

- 5.28 It is recognised that the Development Plan allocation for the Site discourages the further loss of land for ancillary uses, such as the Drive-Thru Coffee Shop proposals, following release of part of the allocation site for the Elginhaugh Farm pub/ restaurant. However, as identified above the Drive-thru element represents circa. 2% of the total floorspace that will be delivered by the proposed development and has a land-take of around 0.2ha, which represents approximately 2% of the wider 8.5ha application site. It is considered that ancillary development on this scale would have no significant adverse impact on the Council's strategic

objectives for the allocation site and in fact that this element of the application proposals is key to the viability of the scheme.

- 5.29 As identified in Section 3 the Drive-Thru Coffee Shop forms part of the Phase 1 (Full Planning) proposals and is supported by a named-operator – Costa Coffee, who regard the subject site as being ideally placed to meet their requirement for a new Drive-Thru Coffee Shop in Midlothian. Given the speculative nature of the Phase 1 Class 4 proposals the presence of a named operator is vital to the viability of the Phase 1 scheme because it will provide a secure initial income stream whilst the speculative Class 4 units are being let.
- 5.30 Pre-application discussions with the Council have indicated that, should planning permission be granted, they would want to restrict the opening of the Drive-Thru Coffee Shop to prevent operation prior to the completion of the Phase 1 Class 4 speculative units. Providing this restriction relates to the completion of construction and not occupation of the Phase 1 units, the applicant is willing to accept this restriction.
- 5.31 The Drive-Thru Coffee Shop also provides the potential, if sold, for a capital receipt back to the applicant (as developer) that could be used to offset the upfront infrastructure and land costs associated with ‘opening-up’ the Site. Infrastructure and land costs alone, before building costs are taken into account, total around £4m for Phase 1 (the Full Planning element) which represents a significant investment in the Site, especially when these proposals are being brought forward on a speculative basis. Should the drive-thru facility be sold it would generate a capital receipt which would help to reimburse these up-front costs.
- 5.32 It is also considered that the proposed Drive-Thru Coffee Shop will provide a valuable on-site amenity for future employees on the site which will promote sustainable working patterns, by retaining employees on site who would otherwise be forced to travel to the existing Tesco Supermarket and associated drive-thru facilities at Hardengreen.
- 5.33 The Elginhaugh Farm pub /restaurant was granted on a similar basis, seen at the time as a useful facility for the wider business allocation, providing a lunchtime destination for the workforces that would be on-site as well as a facility for meetings and functions/conferences. Unfortunately, however, the pub alone has failed to provide the impetus required to bring forward business development on the rest of the allocation site. The drive-thru facility provides an alternative and complimentary amenity offer, predominantly focused around take-away custom, that should provide a quantum of amenity provision to successfully stimulate the economic growth potential of the allocation site.
- 5.34 It is also acknowledged that the Council’s Supplementary Guidance on Town Centres identifies that drive-thru facilities will only be accepted on committed economic development land, where there is specific support from the policies of the MLDP. However, there are no policies in the MLDP that specifically provide support for drive-thru facilities on any employment allocation sites within Midlothian. MLDP **Policy ECON3** does support the principle of ancillary uses at Shawfair Park and Salters Park and lists acceptable uses as “*child daycare services, banking, convenience, healthcare services, etc.*” but, within this, there is no specific support



for drive-thru facilities. On the face of it therefore it is difficult to see how any committed economic development could satisfy this requirement.

- 5.35 Notwithstanding the fact that the application site is not identified under **Policy ECON3**, it is considered that the drive-thru proposals can satisfy the requirements of this policy, in so far as they will have no adverse impact on the prospects of local town centres (see Impact Assessment in Chapter 7) and the application is supported by a Masterplan which indicates the scale, location and timing of the provision.
- 5.36 Also in accordance with **Policy ECON3**, given that substantive development is still to take place on the application site it is also the case, as outlined above, that the Drive-Thru Coffee Shop will act as an enabler for the site and lead to further investment in the Sheriffhall business location. The applicant is also willing to enter into an appropriately worded planning obligation to regulate the scale, nature, extent and timing (in terms of delivery) of the drive-thru facility, as required by **Policy ECON3**.
- 5.37 In addition to **Policy ECON3**, the Council's Supplementary Guidance on Town Centres requires all drive-thru proposals to be supported by a Sequential Assessment in accordance with the 'town centre first approach' and information to demonstrate that any such proposals will not undermine the vitality and viability of nearby town centres. This, even though, the same Supplementary Guidance appears to accept that any such proposals are by their nature unlikely to be able to satisfy the 'town centre first approach'.
- 5.38 In response to this requirement Chapters 6 & 7 of this Planning Statement provide a Sequential Site Assessment and an Impact Assessment relative to the Drive-Thru Coffee Shop proposals and full details of the assessments and findings can be found in those Sections. In summary, no sites within or on the edge of Dalkeith / Eskbank and Bonnyrigg / Lasswade centres have been identified that are suitable, available and viable for the proposed Drive-Thru Coffee Shop development. As such, there are no sequentially preferable sites that are suitable or available for the development proposed.
- 5.39 Similarly, it is considered that the proposed Drive-Thru Coffee Shop will not harm the vitality or viability of any nearby centres due to a format that is functionally very different to the existing town centre cafes / coffee shops and the different market segment that its trade will come from which will ensure any impact is not significant. These conclusions are supported by the Reporters findings from the Euro Garages appeal (PPA-290-2045-1), whereby a larger-scale drive-thru facility was also found to have no significant impact on the vitality and viability of the network of town centres.
- 5.40 The proposals are therefore considered to accord with MLDP **Policies TCR1, TCR2 and ECON3**, as well as the provisions of SPP and the Council's Supplementary Guidance on Food & Drink and other non-retail uses in Town Centres.

Green Belt / Prime Agricultural Land

- 5.41 The site is situated within the Midlothian Green Belt, however it is also allocated for business development in the adopted MLDP and therefore the principle of development on the site has been established as acceptable.
- 5.42 MLDP **Policy ENV1** advises that development proposals in the Green Belt will only be supported where they form development that meets a national requirement or established need if no other site is available. The provision of appropriate sites for economic development purposes within the A7/Borders Rail line is a SESplan requirement. The application site has been allocated for employment development across three separate Plan periods (adopted Plans in 2003, 2008 and 2017) and forms part of the Midlothian established employment land supply of 202ha. Of this only 50ha is classified as immediately available and the site at Sheriffhall South (Allocation e32) accounts for a large proportion of this available land. There is therefore an established need for employment development on this site, which justifies its release from the Green Belt under Policy ENV1.
- 5.43 **Policy ENV1** also establishes that any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt. The Council's Economic Land Audit (2021) identifies some of the strengths of this site as being its connections to active travel and good provision of public transport to the site (scoring 9/9). The site has also been allocated for economic purposes for a significant period of time and therefore it is assumed that the Council are satisfied that employment development in this location can be carried out without any conflict with the Green Belt.
- 5.44 It is therefore considered that in allocating the application site as part of e32 the Council consider that there is sufficient need to justify the development of this Green Belt land and consequently also the loss of prime agricultural land relative to **Policy ENV4**. This conclusion is supported by the e32 allocation text, which highlights that the Green Belt allocation has only been retained to avoid pressure from alternative land uses and ensure higher design standards that meet the Green Belt objectives.
- 5.45 The application proposals are for a Class 4 Business led development and whilst the proposals do include elements of non-Class 4 development these elements are ancillary to the main Class 4 use and are seen as enabling development that will help fund the Class 4 development and make the site more attractive to the market. In accordance with Policies ENV1 & ENV4 the proposals therefore respond to the identified need by proposing and facilitating the delivery of a viable Class 4 Business development opportunity, that will facilitate economic growth and provide significant employment opportunities in the local area.
- 5.46 It is acknowledged that part of the infrastructure (SUDS pond and associated infrastructure) required to serve the application proposals lies outside of the LDP allocation and in the Green Belt, to the north of the site, close to Old Dalkeith Road. These works are considered to accord with **Policies ENV1 & ENV4** because they form part of the wider development proposals,

which respond to an established need and comprise essential infrastructure required to serve the proposed development.

- 5.47 The location of the SUDS pond is dictated by the levels on the site and the principle of this infrastructure in this location has already been established through the previously approved infrastructure permission that affects the site (Ref. 17/00508/DPP). The pond will be situated in an area of the site that will well screened from the surrounding area, however, to further reduce the visual impact of this feature the landscape strategy for the site provides suitable planting proposals that will appropriately address the Green Belt nature of the site.

### Assessing the Impact

#### Design

- 5.48 Planning policy at all levels seeks to create successful, sustainable places. This is one of the key objectives of the NPF3. SPP includes a placemaking principle which seeks to create high quality places by taking a design-led approach. The Design & Access Statement (DAS) and accompanying planning application drawings demonstrate that the scheme complies with all relevant design policy. The DAS demonstrates a high-quality approach to the design of the new development which accords with **Policy DEV6** and six qualities of a successful place the SPP.

- **Distinctive** – Whilst a consistent approach has been adopted to the initial shell of the buildings, to establish a sense of place within a consistent, high-quality environment, it is envisaged that each parade will take on its own unique character, reflected with differing elevational treatments according to the occupiers. The parades are proposed with a simple metal clad exterior, but with a subtle horizontal break introduced at door head height, breaking up the overall elevation at a human scale, and introducing a datum for some of the elevation options. The external elevations are proposed to be formed with a parapet to create a constant level to the wall head. This provides a consistent elevation to allow the future user driven options to be incorporated to any individual unit, while screening any PV installation from pedestrians.
- **Safe and pleasant** - The proposals include significant areas of public open space which have been designed to provide easily identified, legible wayfinding for all, with connection through the site and into the surrounding area.
- **Welcoming** – The primary entrance route and majority of the views into the site the will be defined by the substantial landscape corridor that fronts onto the access road, which will create a welcoming environment and the enhanced pedestrian / cycle links will create an environment that is welcoming for those arriving on foot or by bike.
- **Adaptable** - The Phase 1 proposals relate to the creation of small starter units for local businesses, but rather than adopt the standard design format of units created on a rigid formula to suit a single type of occupier the development at Sheriffhall South East has been envisaged with more flexibility in mind. While the overall modular approach of providing standard units is retained, a ‘toolkit’ concept has been developed that will create a shell which can be adapted over the life span of the

building to suit the requirements of many different occupiers. This approach sees a standard modular unit being able to accommodate several different components for the access, natural daylight, external canopies, and even internal modifications such as mezzanine floors (subject to separate planning approvals if required).

- **Resource efficient** - The 'toolkit' concept has been designed so that it's simple modular approach could allow the main structure to be a timber solution rather than the industry standard steel design, further enhancing the developments flexibility and sustainability credentials.
- **Easy to move around and beyond** - In terms of accessibility, as set out in the DAS, the development has been designed to make provision for the access of people with disabilities including the provision of barrier free access throughout.

5.49 The **SESplan** seeks to promote high quality design and MLDP **Policy DEV 5** seeks to develop proposals in harmony with the site including optimisation on orientation and relationships to contours, provision of shelter and utilising natural features. This is demonstrated in the submitted DAS, which outlines the approach to the design which utilises the existing features of the site such as the levels and physical constraints in terms of layout and road infrastructure.

5.50 **Policy DEV 6** states that the layout of development proposals should complement or enhance the character of adjoining urban areas. The design of the building reflects the design and scale of the existing commercial development already in place at Sheriffhall South and promotes a high-quality urban fabric and landscape strategy that will enhance the existing character of the area and create a sense of place within the Site.

#### Amenity

5.51 A Noise Impact Assessment (NIA) has been undertaken by ITP Energised and submitted with this application. The NIA provides a Prediction of operational noise levels from the proposed development and an assessment of the potential impacts associated with the Proposed Development upon existing residential receptors in accordance with BS 4142:201 that then informs the identification of any mitigation measures that may be required.

5.52 The closest Noise Sensitive Receptors (NSRs) in each direction were identified, and a study area adopted which includes these NSRs. Full details of the NSR's and study area are provided in the NIA. In consultation with MLC Environmental Health it was agreed that a rating level of up to 5 dB above the background level would not present a significant adverse impact and therefore as agreed with the Council, the NIA adopts a level of 35dB +5dB as a target level which the rating level should not exceed i.e. the target level at all NSRs is 40dB.

5.53 Overall the NIA found that Operational noise levels resulting from the proposed development meet the derived significance criteria during the night-time period and are below the target background noise level at all identified representative NSRs. This predicted compliance during the night-time period means that the proposals would also demonstrate compliance during the daytime period, as traffic levels on the surrounding road network and therefore

background noise levels will be higher during daytime periods. The NIA therefore identified that noise from the proposed development will be below the target background noise levels, resulting in a low likelihood of significant noise impacts and no requirement for specific noise mitigation measures.

- 5.54 With regards to Air Quality, The Proposed Development site is not located within an air quality management area (AQMA) however the proposals will bring with them an increase in traffic on the local road network which has the potential to impact air quality within the area. An Air Quality Impact Assessment (AQIA) has therefore been undertaken to assess potential impacts associated with the proposed development upon existing receptors and determine the suitability of the site for future occupancy.
- 5.55 Detailed dispersion modelling using the ADMS-Roads modelling software was undertaken to predict the concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at existing sensitive human receptors and concentrations of NO<sub>x</sub> at sensitive ecological receptor locations within the study area, due to emissions from road traffic, in conjunction with predicted future background concentrations. No exceedances of the AQs for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> (human receptors) are predicted at any of the sensitive human receptors within the study area.
- 5.56 The predicted change in NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> (human receptors) annual mean concentrations between the future without Proposed Development and future with Proposed Development scenarios shows that the Proposed Development is predicted to have a negligible impact at all human receptors within the study area. The predicted short-term mean concentrations for NO<sub>2</sub> and PM<sub>10</sub> (human receptors) which are relevant for the short-term exposure of members of public, comply with the relevant AQs for NO<sub>2</sub> and PM<sub>10</sub> at all human receptors. The predicted change in concentration associated with the Proposed Development at the AWI designations adjacent to the A772 (E11) and the A7 (E12) will reduce rapidly with distance and will fall below the screening criteria of 1% of the critical level within the first 10 and 20 m of the AWI designation boundaries respectively.
- 5.57 In summary, the significance of effect associated with operational phase emissions upon local air quality of the Proposed Development is assessed as not significant.
- 5.58 With regards to the risks of dust impacts predicted in the included construction dust risk assessment, the good-practice mitigation measures and site-specific mitigation measures outlined in Appendix 7 of the NIA will be adopted to minimise the risks identified, such that the residual impact of dust is negligible and therefore not significant. These will be included in a Construction Environmental Management Plan (CEMP) submitted by the contractor to the Council as part of the satisfaction of any respective planning condition.
- 5.59 **Policy DEV2** states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area. As outlined in the above design section, there has been careful consideration of the design of the proposed development to ensure that the proposals will make a positive contribution to the character of the surrounding area.

- 5.60 It is therefore concluded that there will be no significant loss of amenity for the nearest neighbouring properties as a result of the development and that the proposals meet the requirements of **Policies DEV2, ENV17 & ENV 18** and the provisions of SPP.

#### Ecology & Biodiversity

- 5.61 An Ecology Report has been undertaken for the site (Black Hill Ecology), which describes the works undertaken to assess the potential impacts of the development on ecological receptors and on ecological features present on site, specifically through completion of a Desktop Survey, Habitat Survey and Protected and Notable Species Surveys.
- 5.62 Full details of the ecological assessment can be found in the submitted report, however in summary, the surveys identified a single UKBAP priority habitats on site and three European Protected Species (EPS), were recorded over the site with one species confirmed as roosting on site *P. pipistrellus* (see Bat Report submitted separately). Use of the site by badger was also confirmed (see separate Badger Report). AWI woodland was also identified and is discussed in more detail below and also the Arboricultural Impact Assessment and Tree Report also submitted with this application.
- 5.63 An assessment of the impact of the proposed development has been made with reference to: the findings of this survey work and the following general recommendations have been made
- Environmental Management Plan, incorporating a Pollution Plan, included as part of the Construction Method Statement should be prepared and adhered to protect the water quality of the burn.
  - The proposed Landscape Strategy should target new woodland, wetland and grassland habitat creation, as compensation for the loss of habitats and increase net site biodiversity, at different tree densities and groupings. Sowing of native grass seed mixes and native tree and hedging should be of locally sourced provenance.
  - All scrub must be inspected for nesting birds immediately prior to removal by a suitable qualified ecologist.
  - Where mesh security fencing such as Heras panels are erected within the site they should be covered in plastic fine mesh sheeting so as to avoid birds and bats colliding with metal structures when foraging. Or non-mesh panels used.
  - All surface rocks to be lifted by hand.
  - Escape routes must be in place out of deep trenches left uncovered overnight
  - All drainage pipes to be capped on site and inspected prior to installation to ensure no vertebrates are entombed while using as refuge
  - Refuelling machinery of any kind must not take place within 10m of boundary watercourses, including field drains and bund placed around specific refuelling areas to avoid contamination of soil, ground water and watercourse.
- 5.64 Specific mitigation recommendations for the Listed Woodland, Invasive Species, Birds and Badgers are provided in the relevant reports submitted separately in support of this planning application, however for bats the Ecology Report identifies the need for a detailed working

method statement and species protection plan to be developed due to the presence of riparian habitat and extensive areas of woodland nearby and provides following specific recommendations:

- A Common pipistrelle (*Pipistrellus pipistrellus*) – male/non-maternity compensation roost site must be constructed and made available to the bats as compensation before the roost sites are dismantled.
- Timing of works: no works to bat roosts should be started during December, January and February when hibernating bats may be present.
- Restrictions should be placed on supplementary flood lighting close to access points and flight paths.
- Pre and post works monitoring, by a qualified ecologist, of roost sites to determine whether the bat population has changed, responded favourably to the mitigation and whether modifications are required.
- Avoidance of the use of timber treatments toxic to mammals where likely to come into contact with bats. Pre-treated timber should only use the CCA (copper, chrome, arsenic) treatment and chemicals used for timber treatment should be based on permethrin and cypermethrin compounds.
- Replacement / compensation roosts should be within 100m of the original roosts to be lost.
- An alternative roost site should be constructed and made available to the bat as compensation before the roost is destroyed.

5.65 In accordance with **Policy ENV15** and SPP the proposed development therefore seeks to avoid and minimise adverse impacts on ecology and biodiversity.

#### Landscape & Arboriculture

5.66 An Arboricultural Impact Assessment (AIA) has been prepared to inform the proposed development and is submitted with this application. A detailed tree survey was carried out for all individual trees and woodland within and adjacent to the areas proposed for development in September 2021. The supporting Tree Survey has also been submitted and should be read in conjunction with the AIA Report. The survey provides a comprehensive and detailed pre-development inventory carried out in line with British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*'.

5.67 The AIA assesses the impact of the proposals on the tree cover and sets out recommendations regarding tree removal, retention and protection, consistent with the recommendations contained within BS 5837:2012. Overall, the proposed development will result in the removal of a small woodland plantation and a further 33 individual trees in various locations across the site.

5.68 The small woodland plantation is identified in the Tree Survey as Area C and is in a very poor and deteriorating condition, with limited future life expectancy. It is not included in the Ancient Woodland Inventory.

- 5.69 33 individual trees have been identified for removal because they fall directly within the footprint of proposed development or are located so close that their safe retention would not be practicable or feasible. It is acknowledged that these trees form part of the wider Ancient Woodland Inventor, however it is considered that their loss should be viewed in the context of the heavily wooded nature of the site. Woodland Areas A and B (Tree Survey) contain several hundred individual trees and the comparative tree loss represents a small proportion of the overall provision.
- 5.70 It is considered that this loss is not significant when considered in the wider context and can be mitigated through new tree planting as part of the wider, landscaping strategy and the adoption of Woodland Management Plan that would an enhanced woodland environment within the retained woodland areas. Accordingly, it is considered that the proposed development accords with **Policies ENV7** and **ENV11**.
- 5.71 The application is supported by a series of landscape plans, which have been prepared following identification of the Landscape Strategy Framework for the site (Drawing Ref. 64000-IFL-ZZ-XX-DR-L-00-005-P01), which confirms that the Landscape Strategy has been guided by existing constraints on site including the overhead powerlines and other existing / proposed services together with wetness at key locations and the relationship to the wider landscape context.
- 5.72 The proposed site layout therefore includes areas of extensive planting both around the site boundaries and internally within the site that will create a high-quality landscape environment. This is in line with the aims of the SESplan, SPP and NPF3 which aim to enhance the natural environment, promote green networks and the aims of MLDP **Policies DEV5 and ENV7** which seeks to foster and maintain biodiversity. **Policy ENV7** requires development proposals to be accompanied by a comprehensive scheme of landscaping.

#### Access and Highways

- 5.73 A full Transport Assessment (TA) has been provided as part of the application submission. A review of current accessibility and provision has been undertaken and includes a review of walking, cycling and public transport provision within the vicinity of the application site. The application site is considered to well-situated in relation to the existing transport network. Footways and cycle routes exist around the application site linking it to the wider pedestrian and cycle network and key local facilities.
- 5.74 The proposals contain provision of a non-motorised user path (pedestrian / cycleway) which will connect the Gilmerton Road access with the Melville Gate Road access. It is proposed that this path will emerge onto Melville Gate Road on the northern side of the newly proposed access and that a crossing facility will be provided between the new access and the existing Royal Bank of Scotland access opposite (and to the north). The application site is also well-located for access to public transport services with bus routes passing along the B6392 Gilmerton Road and Melville Gate Road, with additional bus services available of the A772 Gilmerton Road to the west of the A7 and on the A60106 Old Dalkeith Road at the eastern



end of Melville Gate Road. The available bus services provide frequent and regular access to the surrounding population areas.

- 5.75 The analysis of the proposed site access junctions and traffic impact associated with the development predicts that the proposed site access junctions and the existing assessed junctions, except for the A7 Gilmerton Road roundabout, will all operate satisfactorily for the design year with both the committed and proposed commercial development trips included.
- 5.76 The existing A7 Gilmerton Road roundabout is predicted to be over capacity in the future design years with the addition of traffic associated with existing committed development elsewhere in the area and the addition of traffic attributed to the application proposals is found to exacerbate this situation. Therefore, an improvement to the junction layout has been investigated and assessment of this indicative layout has been shown to allow the junction to achieve no net detriment during the weekday AM and PM peak hours in terms of junction operation/ capacity.
- 5.77 The TA concludes that:
- the application site is located in close proximity to well established pedestrian and cycle routes;
  - existing bus stops are located within walking distance of the application site;
  - the development proposals will contain a number of measures to enhance the existing accessibility of the site;
  - the application site lies in close proximity and with good access to the wider road network; and
  - the development can be satisfactorily accessed via new priority junctions onto the B6392 Gilmerton Road and Melville Gate Road.

5.78 The Full Planning (Phase 1) proposals provide onsite cycle storage provision at a ratio of one internal space per unit (24 spaces) as well as communal external provision of 16 spaces. A total of 26 electric vehicle charging spaces are also provided as part of the Phase 1 proposals.

5.79 Taking all the foregoing into consideration, there are no transport related constraints that would prevent planning permission from being granted. The proposals are therefore considered to accord with the provisions of SPP and **Policies DEV6, TRAN1, TRAN5 and IMP1** of the LDP.

#### Flood Risk and Drainage

5.80 The submitted Flooding, Drainage and Surface Water Strategy summarises the SUDs proposals to be incorporated across the site and confirms that all water will be treated and conserved on site. The development site is at no risk from any flooding, be that river, coastal or surface water. As the Strategy explains that the proposed conveyance system will use a site wide combination of swales, collection pipes, silt traps, gully guards, permeable paving, gravel filter trenches and ponds/detention basins to provide a manageable SUDs treatment train prior to outfall discharge to the new watercourse.

- 5.81 A review of the proposed development has been carried out and consideration given to the requirements of Midlothian Council, SEPA and Scottish Water. SEPA flood mapping has identified a limited area of flooding adjacent to the Dean Burn, well beyond and well below the site level of the proposed development.
- 5.82 An appropriate SUDS solution has been identified to provide the level of treatment required by the SEPA SIA treatment tool with developed plots requiring to be attenuated to a greenfield runoff rate before connecting to the strategic network, discharging to a SUDS basin and swale then discharging into the Dean Burn. On site foul drainage will drain by gravity to a common pumping station which will connect to a rising main which will then connect off site to a new connection to the existing PFI Sewer. Appropriate approvals will be obtained.
- 5.83 The proposals are therefore considered to comply with **Policies DEV5, ENV9, ENV10 and IMP3**.

#### Energy & Sustainability

- 5.84 As outlined in the enclosed Energy & Carbon Strategy Report by RYKBA, the Applicant wants to create a low energy, low carbon development and the proposed approach to M&E services for the unit has been considered relative to the 'toolkit' design proposals, with different options considered as part of the early appraisal to identify how future occupiers could fit-out the units to meet low energy/carbon standard
- 5.85 As such the submitted Report presents an overview of a typical terrace unit within the Full Planning (Phase 1) proposals and focuses on the building performance implications of the proposals using a review of Building regulations section 6 compliance and Energy Performance Certificate (EPC) results when different upgrade options are considered. These options are as follows:
1. Backstop u-values with natural ventilation.
  2. Improved u-values with mechanical ventilation and heat recovery.
  3. Improved U-values, MVHR & Air Source Heat Pump
  4. Good practice U-values
  5. Exemplar U-values
  6. Exemplar U-values & Optimal M&E services
  7. Exemplar U values & Optimal M&E with PV
- 5.86 The analysis provides in the Report illustrates that Options 3-7 can deliver compliance with Building Regulations section 6.1 and **Policies NRG3 & NRG4**. These options require improvements to the building fabric/air-tightness levels beyond the backstop values prescribed in the regulations. The adoption of electric air source heat pump solutions for these options also contribute to achieving the necessary standard.
- 5.87 An EPC analysis of the typical building shows that with the seven options presented in this report a maximum EPC rating of A is achievable utilising sufficiently low building fabric u-

values and building air permeability with optimal M&E services including ASHP and efficient lighting with a PV arrangement.

- 5.88 With regards to the potential to connect to or create a community / district heating system this is not considered to be a suitable option for this development, primarily due to unknown requirements of the scheme. The Hybrid nature of the proposals means that the development will be brought forward in phases, with only Phase 1 in detail, and the detail of those future phases remains largely unknown. Similarly, the speculative nature of the Phase 1 development means that the needs of individual occupiers / units are also not known at this stage. As a consequence, it is not possible to predict the requirements of the scheme to the extent that would allow for a connection to the nearest district heating system. To mitigate this the proposals advocate adoption of electric air source heat pump solutions instead.
- 5.89 The proposals therefore meet the requirements set out in **Policies DEV5, NRG3 and NRG4.**

#### Developer Contributions

- 5.90 **Policy IMP2** requires agreement of adequate provision of infrastructure, environmental and community facilities requirements, in relation to the scale and impact of proposed development. Requirements will be secured through planning conditions, developer contributions and legal agreements.
- 5.91 The Council's Developer Contribution Supplementary Guidance states that where sites lie within the A7/A68 corridor and within proximity of the Sheriffhall Roundabout then contributions will be required towards the Border Rail corridor and the upgrading of the Sheriffhall roundabout.
- 5.92 The applicant is content with these contribution requirements and will work with the Council to identify the scale and timing of these contributions as part of the planning application determination period.

## 6. SEQUENTIAL ASSESSMENT

### Introduction

- 6.1 The proposed development subject to this application include the erection of a 197 sq.m (2,120 sq.ft) Drive-Thru Coffee Shop as part of the Phase 1 proposals. The Drive-Thru Coffee Shop would be situated close to the A7 / B6392 junction with Gilmerton Road Roundabout, with access taken off the B6392 via the main access for the proposed employment development.
- 6.2 The proposed drive-thru facility is supported by a named-operator – Costa Coffee, who regard the subject site as being ideally placed to meet their requirement for a new drive-thru coffee shop in Midlothian. The facility will be constructed to a high standard and incorporates a cafe seating area, serving and back of house areas, as well as an outdoor seating area. Full details of the layout and external appearance of the Drive-Thru Coffee Shop are provided in the submitted planning drawings.
- 6.3 It is anticipated that the proposed drive-thru facility will provide up to 15 full/part time jobs with flexible shifts, the equivalent of 11 full time jobs (FTE). In terms of operating hours the drive-thru coffee shop would follow the operator’s standard opening hours of 05.00 – 23.00, 7 days a week.
- 6.4 Due to the fact that the Site is located out-of-centre, it is necessary to provide an assessment of sequentially preferable sites, in accordance with national and local planning policy and the Council’s Supplementary Guidance on Food and drink and other non-retail uses in Town Centres.
- 6.5 Firstly, the policy context for undertaking a sequential search for sites is considered and then the operational and market requirements of the proposed users are outlined. The catchment area is defined and explained, and then, lastly, a sequential assessment of potential alternative sites against the criteria set out in the relevant policy guidance is provided.

### Policy Context

#### Scottish Planning Policy 2014

- 6.6 In line with National Planning Framework 3, Scottish Planning Policy (2014) establishes a "town centre first" principle which promotes an approach to wider decision-making that considers the health and vibrancy of town centres (Para. 59).
- 6.7 Paragraph 68 of SPP states that development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail uses.
- 6.8 Paragraph 73 establishes that out-of-centre locations should only be considered for uses which generate significant footfall where:

- All town centre, edge of centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- The scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- The proposal will help meet qualitative or quantitative deficiencies; and
- There will be no significant adverse impact on the vitality and viability of existing town centres.

#### Midlothian Local Development Plan 2017

6.9 Section 4.6 of the Midlothian Local Development Plan (MLDP) outlines the Council's strategy for Town Centres and Retailing and adopts the sequential town centre first approach, advocated in SPP, meaning that the location of retail and commercial uses should be considered in the following order of preference:

- town centres (including local centres)
- edge of town centres
- other commercial centres identified in the development plan
- out of centre locations that are or can be made easily accessible by a choice of transport modes.

6.10 This approach is supported by MLDP Policy TCR2, which states that the *"Council will apply the sequential approach set out in this policy with reference to the network of centres...having regard to the expected catchment of the development."*

#### Midlothian Food and drink and other non-retail uses in Town Centres Supplementary Guidance (2019)

6.11 This Supplementary Guidance (SG) relates principally to policies TCR1 (Town Centres) and TCR2 (Location of New Retail and Commercial Leisure Facilities) within section 4.6 of the MLDP. It provides detailed guidance and clarity in relation to developments within Midlothian's town centres and developments which may affect or undermine the performance of those town centres.

6.12 Section 10.6 of the SG provides specific guidance on *"Drive-Through Units (Restaurants and Other Services)"*. The SG acknowledges (Para 10.6.1) that *"drive-through units are unlikely to be located within Midlothian's town centres, which are relatively small and intimate with little opportunity to accommodate the scale of these developments without significant land clearance and disruption. Town centre locations are unlikely to fit with the business models of drive-through unit operators, who seek to maximise on convenient accessibility for vehicles."*

6.13 Paragraph 10.6.1 therefore identifies that *planning applications for drive-through units are likely to fail to satisfy the town centre first approach.*

6.14 However, the SG considers that there is potential for drive-thru units to have an adverse impact on other commercial units within nearby town centres and consequently it requires that planning applications for such uses must be accompanied by a sequential assessment in accordance with the 'town centre first approach' and information to demonstrate that proposed drive-through units will not undermine the vitality and viability of nearby town centres.

### Operational and Market Requirements

6.15 The approach to selecting sites that are available, suitable and viable, requires consideration of the operational and the market requirements of the proposed operator.

6.16 In this case, the application seeks an appropriate site for a Drive-Thru Coffee Shop and associated car parking and servicing that will be operated by Costa Coffee. The specific operational requirements that will determine whether a site or premises is suitable and viable for the operations these uses include the following:

- A site that is in close proximity to other existing / proposed commercial uses so that it can benefit from linked trips which attract and drive trade and contribute towards sustainable development.
- A site which can accommodate a drive thru coffee shop with a gross internal area of at least 1,800 sq.ft (c. 167sq.m), so that the operator can provide the full facilities including back of house and customer toilets.
- A site that has enough room for the safe manoeuvre of customer vehicles and delivery vehicles on site.
- A site with excellent visibility to attract passing trade.
- A site that would be able to offer dedicated free parking with direct access for customers.

6.17 SPP acknowledges that there is a need for planning authorities, developers, and occupiers to be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations.

6.18 In this instance, the drive thru nature of the proposed coffee shop makes it a type of development which is not considered appropriate for a town centre location, primarily because the Drive-Thru Coffee Shop model is reliant on main road frontage to attract the necessary passing trade, which forms a large percentage of its customer base. It is therefore necessary to apply the flexible approach to sequential assessment referred to in SPP in this instance.

### Location and Site Search Criteria

#### The Need for Flexibility

- 6.19 Case law in the form of Tesco Stores Ltd vs. Dundee Council (2012) and Zurich Insurance Ltd vs. North Lincolnshire Council (2012), provides clear guidance on the demonstrating flexibility within a sequential assessment. Case law confirms that proposals must be viewed in the real world and sites should only be considered as suitable if they would be suitable for the development proposed by the applicant.

Site Criteria

- 6.20 To accommodate the proposed development (197 sq.m) including the necessary space for parking, vehicular circulation and servicing a minimum site size of 0.2ha has been identified. Therefore, only sites of more than 0.2ha for a rectangular site or slightly larger for an irregularly shaped site have been considered appropriate in the sequential assessment.
- 6.21 In addition to the market requirements set out above, any site needs to be available and represent a development or redevelopment opportunity as opposed to a conversion of an existing property, which would not be appropriate for this drive-thru coffee shop proposal.

Search Area

- 6.22 The proposed search area for this sequential assessment includes the town centres of Dalkeith / Eskbank and Bonnyrigg / Lasswade. The MLDP Settlement Statement Maps for these settlements are provided below and identify the extent of the town centres within the blue dashed line:

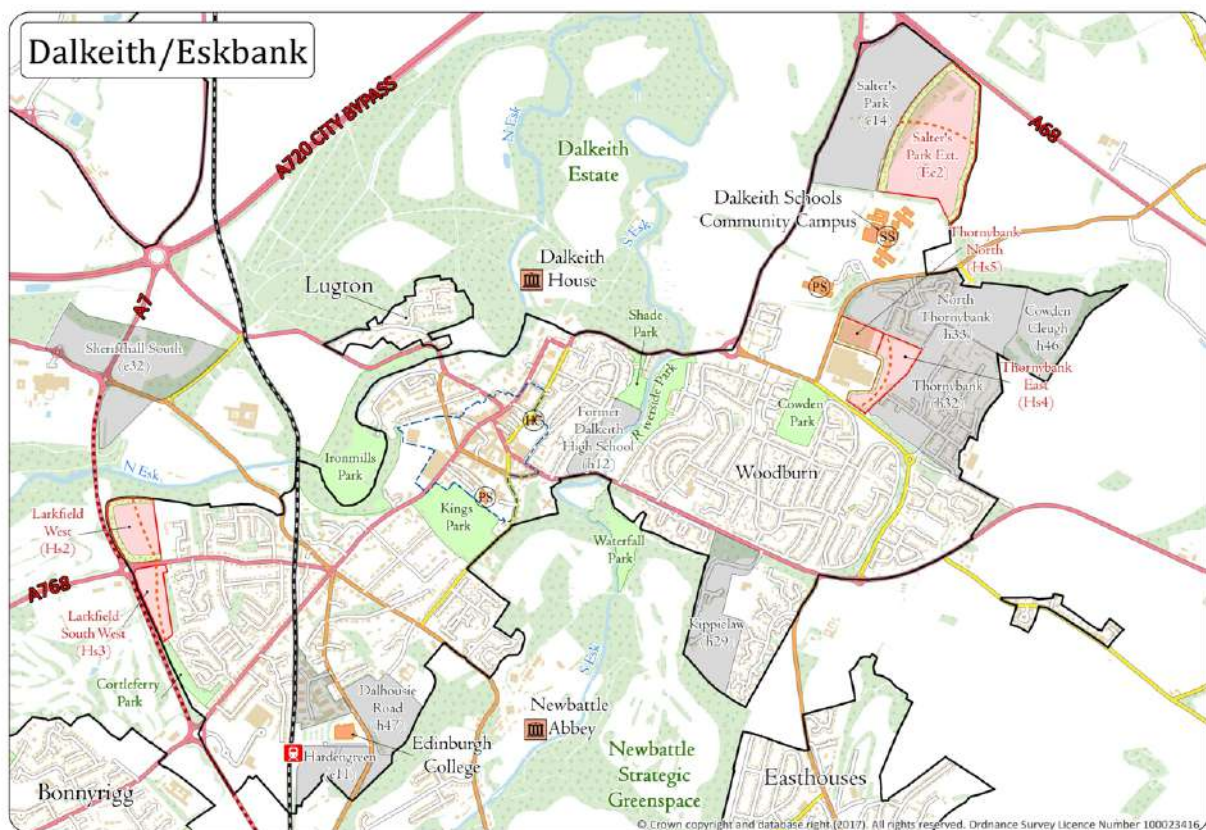


Fig. 6-1 Dalkeith / Eskbank Settlement Statement map

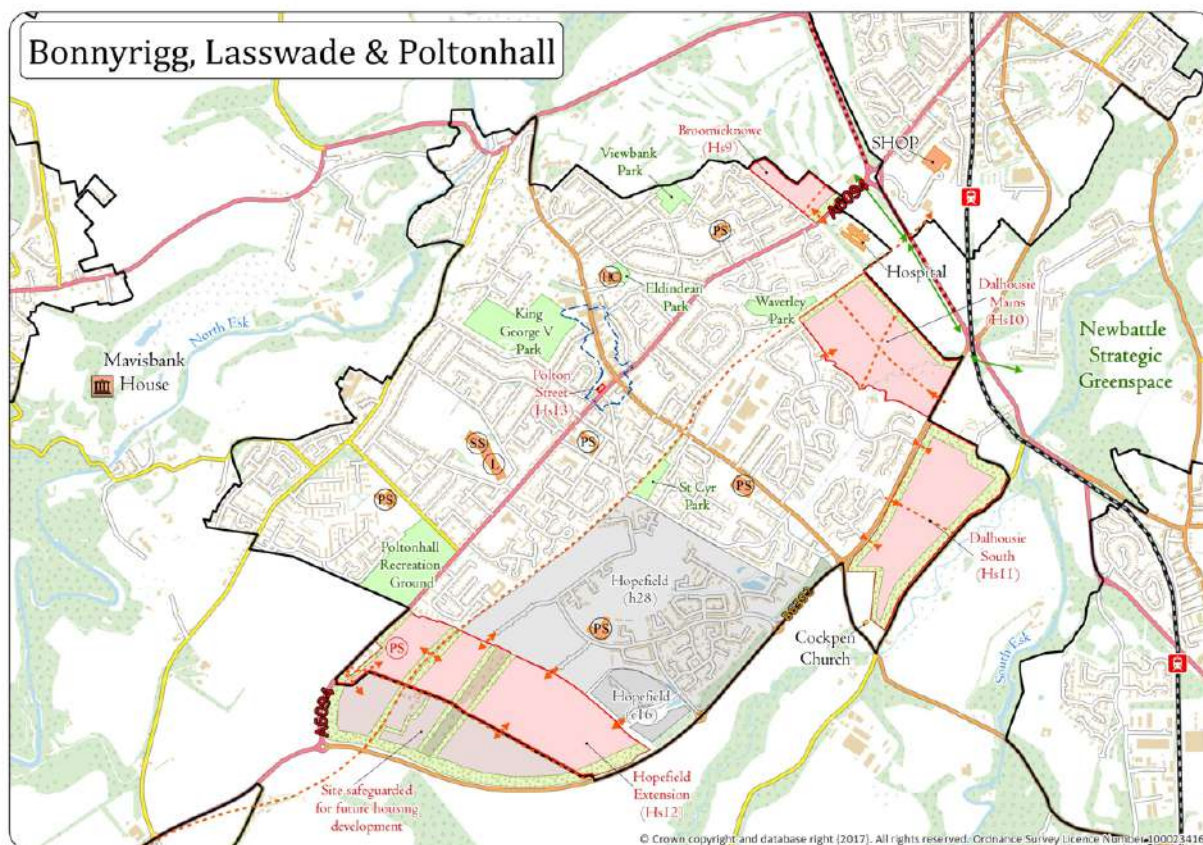


Fig. 6-2 Bonnyrigg, Lasswade & Poltonhall Settlement Statement map

### Search for Sites

- 6.23 In terms of sequentially preferable locations the subject site is ‘out of centre’ and therefore any town centre, edge of town centre or commercial centre sites would be sequentially preferable. However, it is important to note that any alternative site needs to be sequentially preferable to the subject site if the sequential test is to fail.
- 6.24 We have undertaken a thorough search for sites in both Dalkeith / Eskbank and Bonnyrigg / Lasswade and then edge-of-centre sites, including a review of Development Plan allocations and a visit to each settlement to assess its potential.
- 6.25 A review of the MLDP Settlement Statements has confirmed that none of the site allocations identified in either Dalkeith / Eskbank or Bonnyrigg / Lasswade specifically include provision for the proposed drive-thru facility. The committed development site e14 and employment allocation Ec2, which combine to form the Salter’s Park site on the edge of Dalkeith, do allow for ‘ancillary support activities’ however this site is not considered to have the main road frontage required for a drive-thru facility. Similarly, the committed development site at Hopefield, Bonnyrigg (h28) does allow for a neighbourhood retail centre, however the retail centre has yet to be progressed despite the wider redevelopment of this site being substantially complete and in any event is not considered to be suitable location for the proposed drive-thru facility with no main road frontage and largely residential surroundings.



In addition, both sites would also be classed as out-of-centre locations and therefore are not sequentially preferable.

### Sequential Assessment

- 6.26 The sequential approach to site selection has been undertaken using a methodology which demonstrates flexibility and complies with the requirements of the SPP, the MDLP and relevant Supplementary Guidance.
- 6.27 The Council's own Supplementary Guidance on Food and Drink confirms that town centres are not suitable locations for drive thru proposals and are therefore likely to fail to satisfy the town centre first approach. Consequently, in accordance, it is not considered necessary or relevant to consider the town centres of Dalkeith / Eskbank and Bonnyrigg / Lasswade as suitable or viable locations for the proposed Drive-Thru Coffee Shop. Notwithstanding this, a review of both locations has been carried out and no available or suitable sites were found in either town centre.
- 6.28 Given the compact nature of each town centre, their central location within the wider built-up area of each settlement and the predominantly residential nature of their immediate surroundings, it is also considered that alternative edge of centre sites would similarly fail to meet the operational requirements for a Drive-Thru Coffee Shop development. Notwithstanding this, a review of both locations has been carried out and no available or suitable edge of centre sites were identified in either location.
- 6.29 Whilst alternative Out-of-Centre sites cannot be any more sequentially preferable than the application site, a review of available land currently on the market within the catchment area (based on a search of the Estate Gazette's website – see **Appendix 6**) highlights only the employment allocation site at Salters Park as being available, with all other available Midlothian sites beyond the catchment area.
- 6.30 As discussed above, the allocation for Salter's Park site does allow for 'ancillary support activities' however this site is not considered to have the main road frontage required for a drive-thru facility and the allocation requires a site-wide masterplan approach to development. Furthermore, the infrastructure costs associated with bringing the Salter's Park site forward for development are significant and therefore a substantial pre-let deal is required to fund these enabling works. Without such a deal, the site cannot be made available for the proposed Drive-Thru Coffee Shop use because the development would not be of a scale that would support the infrastructure costs associated with the site.

### Planning History

- 6.31 In terms of relevant planning history, the sequentially preferable status of the site has been considered previously as part of the proposals for the erection of a petrol filling station, ancillary retail, cafe/restaurant drive-thru, restaurant drive-thru, associated landscaping, which were dismissed at appeal (Ref. PPA-290-2045-1) in April 2019. Although the appeal proposals were for a wider range of uses and at a larger scale than the drive-thru coffee shop

proposals, the proposals share the same main road frontage requirement and it is therefore relevant to highlight that, whilst the appeal was dismissed on other grounds, the Reporter concluded that the sequential approach had been satisfied.

- 6.32 In the absence of any suitable sites becoming available in more sequentially preferable locations since the appeal decision was issued, it is considered that the Reporter's conclusions remain valid when considering the sequential approach.

### Summary

- 6.33 In summary, a thorough search for sites within the catchment area of the proposed development has been undertaken. No sites within or on the edge of Dalkeith / Eskbank and Bonnyrigg / Lasswade centres have been identified that are suitable, available or viable for the proposed Drive-Thru Coffee Shop development. As such, the above assessment demonstrates that there are no sequentially preferable sites that are suitable or available for the development proposed.
- 6.34 The proposals therefore fully comply with the sequential test as set out in SPP, MLDP Policy TCR2 and the Council's Food and Drink Supplementary Guidance.

## 7. Impact Assessment

### Policy Context

#### Scottish Planning Policy 2014

- 7.1 Paragraph 71 of SPP provides that where development proposals in edge of town centre locations are contrary to the Development Plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. It goes on to state that where a *“retail and leisure development with a gross floorspace of more than 2,500 sq.m is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.”*
- 7.2 SPP establishes that retail impact analysis should consider the relationship of the proposed development with the network of identified centres and that Local Planning Authorities should consider the potential economic impact of development and consider any possible displacement effect.

#### Midlothian Local Development Plan 2017

- 7.3 The MDLP reflects the requirements of SPP and requires all development proposals that have the potential to attract significant numbers of people which are greater than 2,500 sq.m and outwith a town centre to be supported by a Retail Impact Assessment. Paragraph 4.6.5 goes on to state that such assessments *“may also be sought for smaller proposals where the Council is of the view that these may pose a threat to existing centres”*.

### Vitality and Viability

- 7.4 Due to the fact that the Drive-Thru Coffee Shop proposal does not comprise a retail use, it is not possible to carry out a quantitative assessment, as would be the norm for a retail proposal. Instead, this section will consider the existing provision of coffee shops in the catchment area and what, if any, impact the application proposals would cause.
- 7.5 The Council’s Food and Drink Supplementary Guidance (SG) recognises that Drive-thru units represent a valid and important part of the provision of food and drink and other facilities in the contemporary landscape of towns and cities, but that town centre locations are unlikely to fit with the business model of drive-thru operators, because they require a main road frontage to attract the necessary passing trade. The SG also acknowledges that Midlothian’s town centres, offer little opportunity to accommodate the scale of these developments without significant land clearance and disruption, which would render the proposals unviable and undesirable.

- 7.6 The proposed Drive-Thru Coffee Shop will attract mainly vehicle-borne passing trade and trade from local employers who will, should this application be granted, be based on the wider Sheriffhall South East site. In this regard, the proposed Drive-Thru Coffee Shop is a key amenity resource for the wider employment proposals on the site, also subject to this application. This on-site amenity will help promote sustainable working and travel patterns by reducing the need to drive to off-site facilities and will complement and enhance the existing amenities in the area, such as nearby the Elginhaugh pub/restaurant which has failed to stimulate Class 4 businesses coming forward, as had been intended.
- 7.7 If the drive-thru was not in place, as at present, this vehicle-borne trade would be unlikely to come into the town centre to visit a coffee shop unless this was already part of their trip. It is therefore argued that the drive-thru is unlikely to divert significant amounts of trade from the town centre but will instead draw on trade from the busy A7 corridor and the proposed employment areas at Sheriffhall South.
- 7.8 The proposed Drive-Thru Coffee Shop is supported by a named-operator – Costa Coffee, who regard the subject site as being ideally placed to meet their requirement for a new drive-thru coffee shop in Midlothian. The application site's locational credentials, particularly its proximity to existing and proposed major commercial development, coupled with its overall good accessibility and the proposed unit's visual prominence at the entrance to the wider development site, are all important factors in this regard.
- 7.9 There are two cafés / coffee shop situated in Bonnyrigg and three in Dalkeith town centre, all of which are small independent operators. Costa Coffee are not currently represented within the town centres of Dalkeith or Bonnyrigg, and the proposed drive- thru format is functionally very different to the more conventional coffee shops format found in these town centres. Essentially, the proposal will cater for a different market segment, which is clearly material in the context of any potential concerns in terms of town centre impact. Accordingly, no significant impact on these premises is expected because of the proposed development.
- 7.10 The proposed Drive-Thru Coffee Shop will therefore meet both a consumer and operator "need" for new and improved facilities at a location ear-marked for future major growth. Furthermore, it is also evident from the accompanying Transport Assessment that the subject site is accessible by a range of transport modes.
- 7.11 Considering the foregoing, it is considered that the proposed Drive-Thru Coffee Shop will serve to enhance consumer choice and complement the aims and objectives of this strategic employment location within Midlothian.

### Planning History

- 7.12 The Euro Garages appeal is also relevant in respect of the potential impact of the proposals on the vitality and viability of the town centres within the catchment area. The appeal proposals included a cafe/restaurant/drive-thru unit (270 sq.m) and a restaurant/hot food takeaway/drive-thru unit (330 sq.m), which the appellant identified would have a 5% impact

on the centres of Dalkeith and Bonnyrigg. Overall, the Reporter found that this level of impact would be acceptable and moreover concluded that the proposals did not conflict with MLDP Policies TCR1 and TCR2.

- 7.13 The current Drive-Thru Coffee Shop proposals are of a considerably smaller scale (c. 197 sq.m) than the appeal proposals and therefore any impact associated with these proposals would be reduced to a corresponding degree. It is therefore reasonable to argue that, in line with the Reporter's findings, the current proposals would have no significant impact on the vitality and viability of the network of town centres.

### Summary

- 7.14 In summary, it is considered that the proposed Drive-Thru Coffee Shop will not harm the vitality or viability of any nearby centres due to a format that is functionally very different to the existing town centre cafes / coffee shops and the different market segment that its trade will come from which will ensure any impact is not significant. These conclusions are supported by the Reporters findings from the Euro Garages appeal, whereby a larger-scale drive-thru facility was also found to have no significant impact on the vitality and viability of the network of town centres.
- 7.15 The proposals are therefore fully in accordance with the retail impact test as set out in paragraph 73 of the NPPF, MLDP Policies TCR1 and TCR2 and the Council's Food and Drink Supplementary Guidance.

## 8. Summary and Conclusions

- 8.1 This Planning Statement has been prepared by Progress Planning Consultancy on behalf of on behalf of Buccleuch Property in support of a Hybrid Planning Application to Midlothian Council for the construction of an Employment development (Class 4 & Class 6) with ancillary Drive-thru Coffee Shop on land at Sheriffhall South East, Gilmerton Road / Melville Gate, Dalkeith, Midlothian.
- 8.2 The hybrid planning application seeks planning permission for the following proposed development:
- (i) **Full Planning Permission for the erection of Business (Class 4) development and ancillary Drive Thru Coffee Shop, with associated car parking, access, infrastructure, and landscaping proposals; and**
  - (ii) **Planning Permission in Principle for Business (Class 4), Storage & Distribution (Class 6) development with ancillary offices (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval).**
- 8.3 The proposals represent the culmination of an assessment of the applicant's aims and objectives for Sheriffhall South considering the Site's function and role within Midlothian. The resultant vision seeks to deliver a viable and vibrant Class 4 Office led development based around a bespoke, multi-let business park that will be designed to respond to modern office requirements and accommodate complimentary ancillary uses in the form of small-scale Class 6 uses and a Drive-Thru Coffee Shop.
- 8.4 The Site offers an exciting opportunity to deliver a new active business campus with improved amenities, public realm and upgraded accessibility that will generate additional employment opportunities for the wider community. The vision is to create a sense of place using a design toolkit for the buildings and a landscape framework that will integrate the development with the surrounding Green Belt and landscape infrastructure.
- 8.5 The proposed development (Full & Hybrid) comprises of over 12,000 sq.m of employment floorspace, with the Full Planning (Phase 1) proposals providing up to 4,257 sq.m of Class 4 Business and an ancillary Drive-Thru Coffee Shop. On-site landscaping, SUDS, parking and service areas are also proposed. Overall, once fully operational it is anticipated that the development could generate around 801 jobs (direct & indirect). This translates into a an annual GVA injection of around £32.4 million per annum into the local economy and an approximate non-domestic rates payment to the Council of £499,000 per annum.
- 8.6 The application site forms part of the overall Sheriffhall South allocation (e32) for business (Use Class 4) in the adopted Midlothian Council Local Development Plan and forms part of the established economic land supply under Policy STRAT1. It is acknowledged that Policy STRAT1 site allocation (e32) allows for only Class 4 Business development on the site and that Policy ECON1 does not permit the introduction of non-business uses. However, the proposed non-

conforming uses (Class 6 & Drive-Thru Coffee Shop) account for approximately 15% of the overall employment floorspace proposed as part of this application. It is considered that this scale of alternative uses (less than 1ha of the site area) does not represent a significant dilution of the Class 4 offer and therefore does not have a significant adverse impact on the wider strategic role that this committed development site is expected to provide at both a regional and local level. In fact, it is held that these ancillary alternative uses are key to ensuring the viability and success of this long-standing, previously undelivered, allocation site.

8.7 To further demonstrate their commitment to maintain the Class 4 led nature of the scheme the applicant is willing to accept the following restrictions on the Class 6 and Drive-Thru Coffee Shop proposals:

- No individual Class 6 unit will have a ridge height of greater than 12m; and
- The proposed Drive-Thru Coffee Shop will not open and operate prior to completion of construction of the Class 4 units proposed as part of the Full Planning (Phase 1) development.

8.8 It is considered that these restrictions will provide a level of control over the scale and nature of the proposed Class 6 element to ensure it remains in keeping with character of the wider Class 4 scheme and will prevent the Drive-Thru Coffee Shop from opening and operating in isolation from the remainder of the site, for which it is seen as a key amenity feature.

8.9 It has been demonstrated that the proposals can deliver significant economic benefits for Midlothian at both the construction and operational stages of the development. It is considered that the scale of employment generation and economic investment and growth identified is a direct fit with the objectives of the Council's Economic Growth Strategy, which seeks to address the scale of current and future economic growth and reverse the trend of over reliance on out-commuting from Midlothian by creating and unlocking sites for local employment opportunities. Furthermore, the proposals will assist in the delivery of the infrastructure upgrades identified in the Strategy, though contributions towards the Sheriffhall Roundabout improvements also identified in the City Region Deal.

8.10 The Drive-Thru Coffee Shop proposals are supported by a Sequential Site Assessment and an Impact Assessment, which demonstrate that there are no sequentially preferable sites within or on the edge of Dalkeith / Eskbank and Bonnyrigg / Lasswade centres that are suitable, available or viable for the proposed drive-thru coffee shop development and that the proposals will not harm the vitality or viability of any nearby centre.

8.11 More generally, the proposals are in line with planning policy at all levels which seek to deliver allocated employment sites. The proposals also involve economic development in key transport corridors, will enhance employment prospects, employ sympathetic design principles, deliver development that complements surrounding uses and will help to deliver the wider aims of the e32 employment allocation.

- 8.12 As part of the Full Planning (Phase 1) proposals, detailed landscape, ecology, drainage and sustainability strategies have been provided to mitigate any potential negative impacts resulting from the development. These strategies and mitigation measures are designed to address the impacts of both the Phase 1 and PPIp proposals, allowing the PPIp elements to come forward in detail through subsequent applications for approval of matters specified in conditions (AMSC), without the need for further impact assessment.
- 8.13 We therefore respectfully request and encourage Midlothian Council to grant planning permission for the development proposals subject to this planning application.



**APPENDIX 1**

**Midlothian Council Pre-Application Meeting Note (13 July 2021)**

## **SHERIFFHALL SOUTH: PRE-APPLICATION MEETING: 13 JULY 2021**

### **1. ATTENDEES**

#### *Consultant Team:*

Kim McLaren (Ironsides Farrah)  
Chris Gardener (Progress Planning)  
Neil Finnie (Buccleuch Estates)  
Stephen Diack (HMF)  
Iain Lamb  
James Lee (Axiom - PM)  
Alex Sneddon (Transport Planning)

#### *Midlothian Council:*

Stephen Iannarelli  
James Gilfillan  
Bee Muskens-Aretos  
Hugh Shepherd

### **2. MEETING NOTES**

#### *Consultations:*

- Public consultations has been ongoing. Event in June had few attendees (6) but the website has a 480 hits.

#### *Scheme introduced by architect:*

- Proposals to include Classes 4, 5 and 6 and Class 3/sui-generis drive thru.
- Hybrid planning application proposed – including approx. 40,000sqft floorspace in detail (Phase 1) with the other uses via planning permission in principle.
- Small business units sought, to provide flexibility to future occupiers to be able to response to demand.
- Units proposed to be controlled by a design tool kit that would allow a degree of customisation/interchangeability – providing flexibility to elevational treatments (windows, doors, entrance features etc).
- Mezzanines likely to be proposed but these will need to be included within the overall proposed floor space calculations. Any introduction of mezzanines at a later date would require planning permission.

### **3. COMMENTS / DISCUSSION**

#### *Principle of Development:*

- It was noted that the site is allocated in the LDP solely for Class 4 (Business) use. The proposed Class 5 (General Industrial), Class 6 (Storage or Distribution) and Class 3 (Food and Drink) / sui generis (Drive through) uses fall outside the site-specific LDP allocation and site-specific requirements. The site also retains its green belt allocation in the LDP until the site is fully developed for employment uses specifically set out in the LDP (i.e. Class 4) and requires proposals to respect Green Belt objectives and the character of the surrounding area.
- As such, Officers outlined concern with the proposed inclusion of Classes 5 and 6 and the Class 3/sui generis drive through component within any future application. These uses would be contrary to both the LDP employment allocation and the corresponding Green Belt objectives within the site.
- It was outlined a material consideration would be required to be identified, and subsequently accepted, for Officers to be able to warrant any potential support for the proposed development. Comprehensive reports (i.e. economic impact assessment and

planning statement) would be required to justify the merits of such uses over the provision of solely a Class 4 proposal. Consideration on the acceptability of this approach would then be considered by Officers at that stage. It was outlined that job creation and economic activity were key items that the Planning Committee had historically considered in similar instances but that this would be compared against the potential adverse impacts associated with such uses including potential amenity impacts, landscape and visual impacts, ecology and transportation.

## **TRANSPORTATION & ACCESS:**

- Transportation outlined that a Transport Assessment would be required to be submitted and that the scope, including car parking requirements, could be discussed with Jim Gilfillan.
- A single point of access was noted from Gilmerton Road. The applicant was asked to consider potential impacts from an access on the same road associated with a development site on the south of Gilmerton Road. This was agreed and the applicant suggested this was already being undertaken.
- A potential access to the SUDS pond was highlighted, and noted.
- Land to the west of the site, adjacent to the A7, is likely to be subject to a CPO for road improvements/verge. It is therefore not developable in the short term until any CPO process has ceased. As such, no be developed nor landscaping is proposed in this area.
- It was noted that the new access should consider a slight amendment proposed to the alignment of the A7 - as part of the Council's A7 urbanisation scheme. There will also be a requirement to provide a 3m wide cyclepath from the site to a new A7 cycle path (running north-south).
- Officers suggested that planning application form will be required to stipulate the maximum proposed floorspace for any detailed development components (i.e. up to XXX sqm) and an indicative floorspace for any PPP elements to allow for a potential 'worst-case' scenario to be considered. This floorspace breakdown should also be included within the Site Plan and a Schedule of accommodation.
- It was queried whether a new substation was included within the A7 CPO land and this should be investigated to consider any potential impacts.

## **ECOLOGY**

- It was noted that an Extended 'Phase 1' Habitat Survey would be prepared alongside a Preliminary Ecological Appraisal to consider potential impacts on protected species. Following that, it was noted that surveys, including bat surveys, would likely be undertaken.
- Officer's noted that should the PEA identify any protected species, surveys would be required to be undertaken (in season) to allow for a decision to be made.

## **ARCHAEOLOGY**

- The applicant outlined that a WSI would be provided to accompany any future application, seeking to reduce the scope of any pre-commencement archaeology conditions on any issued permission.

## **NOISE & AIR QUALITY**

The applicant confirmed that noise and air quality issues would be covered by corresponding assessments. The Planning Service is still awaiting receipt of comments on the previously submitted informal environmental assessment scope for such matters. Once received, these will be circulated with the applicant and design team.

- Of particular importance will be understanding what design measures (setbacks) and/or attenuation would be introduced to control road traffic noise to future Class 4 uses. Details of any bunds/mitigation would also be required to be identified as part of any future application submission.

## **LANDSCAPE**

Landscape comments were provided at the meeting but the following provides a more comprehensive review of such issues to assist with the evolving design/layout for any future application.

### **Existing Vegetation**

Existing woodland and other vegetation on the site has the potential to be adversely affected by the proposed development and should be safeguarded and enhanced with woodland and woodland edge planting in order to maintain its role in the local green network, provide visual containment, safeguard the setting of nearby designed landscapes of Melville Castle and contribute to climate change mitigation.

- A tree survey for the site was previously carried out (Donald Rodger, April 2017). An updated **Tree Survey and Arboricultural Impact Assessment** should be submitted, taking account of current development proposals.
- Proposals for woodland removals and replacement planting should be clearly indicated on a Site Plan, so that the proposals can be suitably considered.
- Tree/Woodland Protection measures should also be provided on a Tree Protection drawing.
- A Woodland Management Plan should be produced and the woodland brought into active management (if not currently) in the interest of public safety, prior to the release of plots for development and potential use of the woodland for amenity/ access.

### **Green Network Requirements**

The Midlothian Green Network Supplementary Guidance sets out the following requirements for the allocated site (e32) at Sheriffhall South:

- Retain and enhance existing woodland on the site, integrating it into the wider green network;
- Ensure the green network within the site protects and enhances connectivity with the Melville Castle and Melville Castle Estate Local Biodiversity Site (LBS) and provides opportunities for habitat connectivity and movement of wildlife;
- Create a multi-user path through the site, to enable a connection between the A7 Gilmerton Road roundabout and Core Path 4-34 near the King's Gate entrance to Dalkeith Country Park.

These objectives will be required to be introduced within the site.

### **Boundary Treatments**

Based on sketch site layouts 11658-SK-14 and 11658-SK-15 by Halliday Fraser Munro:

- The existing stone wall alongside the B6392 should be retained and restored (in part outwith this application);
- Any fragmented vegetation on the site boundaries is to be retained and protected;
- Mixed native hedgerows and hedgerow tree planting is required to define site boundaries, and allow the development to sit more comfortably within the landscape setting; and
- Additional screen planting will be required alongside the southern boundary with the B6392, to minimise the impact of the development on the designed landscape at Melville Castle.

- Additional landscaping introduced along the western boundary, between the proposed office block and the road verge noting this may require this building to be relocated to the east or reconfigured to avoid planting in the A7 CPO area to the west.

**MIDLOTHIAN COUNCIL – PLANNING SERVICE**

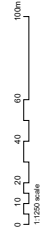
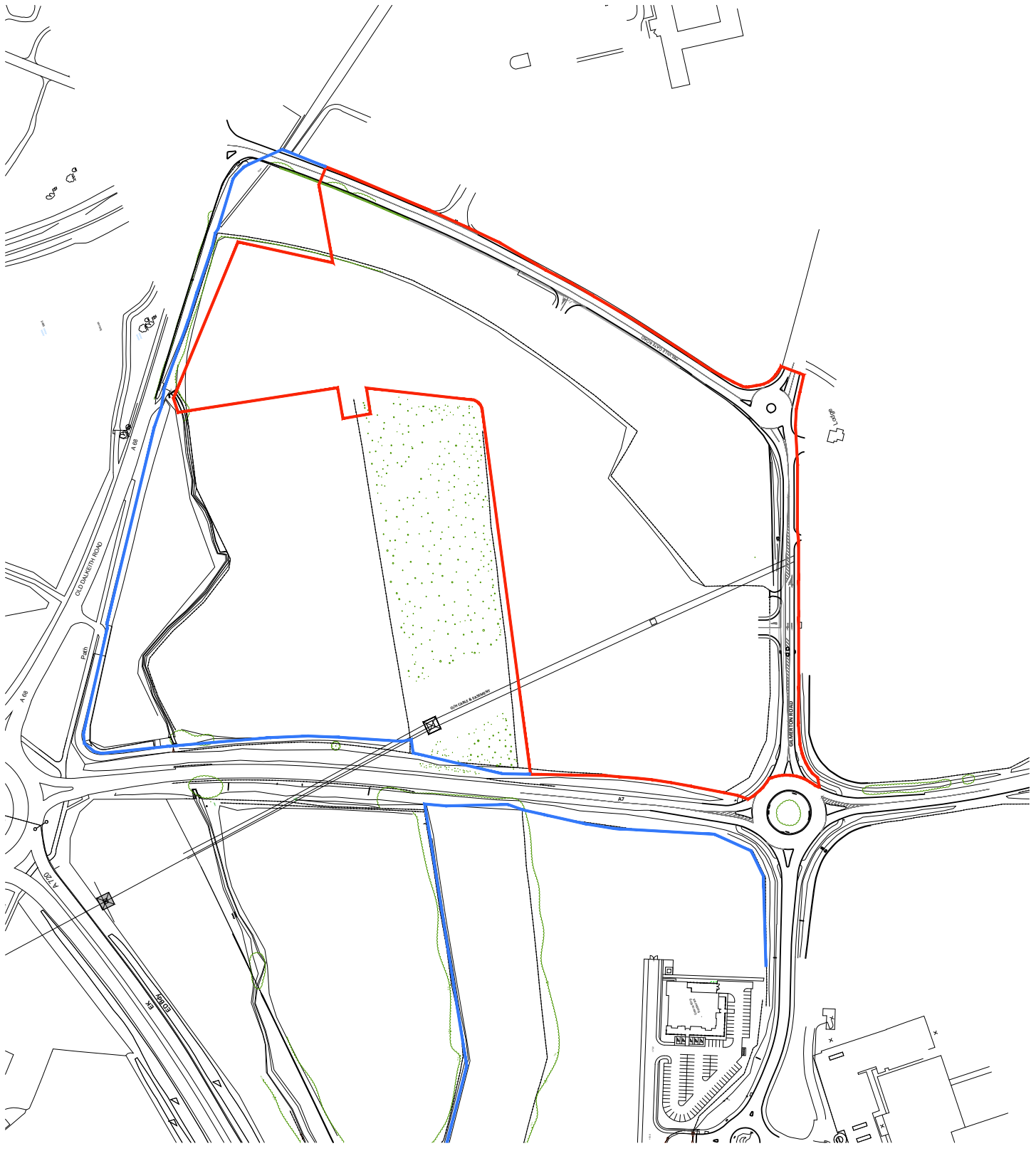
**AUGUST 2021**

**APPENDIX 2**

**Site Location Plan (Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-001)**



Application Boundary  
 Area = 0.51 Ha / 2.1 acres (or thereby)



**HALLIDAY FRASER MUNRO**  
 CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project: Proposed Mixed Use Development  
 Site: Silverdale, South East

Client: Budebach Property  
 No: 11250 @ A1  
 Location Plan

Document Reference: 11250 @ A1  
 Project No: 11250 @ A1  
 Drawing No: 11250 @ A1

Author: [Name]  
 Date: Oct 2021  
 Scale: 1:1250 @ A1

Project No: 11250 @ A1  
 Drawing No: 11250 @ A1  
 Date: Oct 2021  
 Scale: 1:1250 @ A1  
 Project: Proposed Mixed Use Development  
 Site: Silverdale, South East  
 Client: Budebach Property  
 No: 11250 @ A1  
 Location Plan

01204 389 700  
 E info@hfm.co.uk  
 W www.hfm.co.uk

**APPENDIX 3**

**Sheriffhall South Approved Infrastructure Layout Plan (App Ref. 17/00508/DPP)**



**APPROVED**  
**29.06.2018**  
**17/00508/DPP**



1. Do not scale off the drawing  
 2. All dimensions are in millimetres  
 3. Contractors to check all dimensions on site  
 4. Dimensions are to centres unless otherwise stated  
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**CDX**  
 Comprehensive Design Architects  
 14 Henry Face, Edinburgh, EH3 6DT  
 T: 0131 225 1111 www.cdxgroup.co.uk

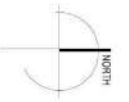
**BUCEBUCH PROPERTY**  
 (SHENFHALL SOUTH) LTD.

**PHASE I**  
 SITE PLAN

**PLANNING**  
 E1604 (PL)002 D

**APPENDIX 4**

**Melville Nursery Ltd Proposed Layout Plan (App. Ref 20/00869/PPP)**



**NOTES**

1. The proposed development is shown in yellow.
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4. The proposed development is shown in yellow.
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8. The proposed development is shown in yellow.
9. The proposed development is shown in yellow.
10. The proposed development is shown in yellow.



- 3m cycle path
- Bike Shelter**  
Overall Length - 5.46m  
Overall Width - 3.720m  
Overall Body Height - 3.000m
- Parking space with electrical charging points.

**SITE BOUNDARY** ———

REV	DATE	BY	DESCRIPTION
A	14/03/2023	CD	Initial Development Plan
B	14/03/2023	TH	Site plan, building and site boundary
C	14/03/2023	TH	Site plan, building and site boundary

**CLIENT**  
James K Barnes  
Melville Gate, Gilmerton Rd, Edinburgh  
PLANNING

**PROPOSED SITE PLAN**  
1:200  
385



**APPENDIX 5**

**Proposed Block Plan (Ref. 11658-HFM-ZZ-ZZ-DR-A-P(00)-011)**



**APPENDIX 6**

**Estates Gazette List / Map of Available Sites (October 2021)**

For sale Midlothian Create search alert

Most recent Refine search

5 land for sale in Midlothian

Grid Map



Land at St Margarets, Near Roslin...

FOR SALE POA SIZE 8.4 Acres ADDRESS Land at St Margarets, Near Roslin, Midlothian, Closing... TYPE Land, Residential, Commercial Land

savills Get in touch



Milestone Brow, Barleyknowe...

FOR SALE £950,000.00 SIZE 9.34 Acres ADDRESS Milestone Brow, Barleyknowe Road, Gorebridge, EH23... TYPE Land, Commercial Land

GRAHAM SIBBALD Get in touch



Plot 1, Land at Valleyfield, Penicuik...

FOR SALE £350,000.00 SIZE 21,344.4 Sq Ft ADDRESS Plot 1, Land at Valleyfield, Penicuik, EH26 8RN TYPE Land, Commercial Land

GRAHAM SIBBALD Get in touch



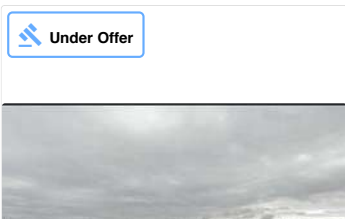
Plot 2, Land at Valleyfield, Penicuik...

FOR SALE £200,000.00 SIZE 9,147.6 Sq Ft ADDRESS Plot 2, Land at Valleyfield, Penicuik, EH26 8RN TYPE Land, Commercial Land

GRAHAM SIBBALD Get in touch

Map view

Be the first to see Midlothian land Create search alert



Development Sites, Salters Road...

FOR SALE POA SIZE 0.2 - 10 Acres ADDRESS Development Sites, Salters Road, Salters Park, Dalkeith... TYPE Office, Land, General Industrial, Hotels, Other, Showroom...

Ryden Get in touch



### 5 land for sale in Midlothian



For sale

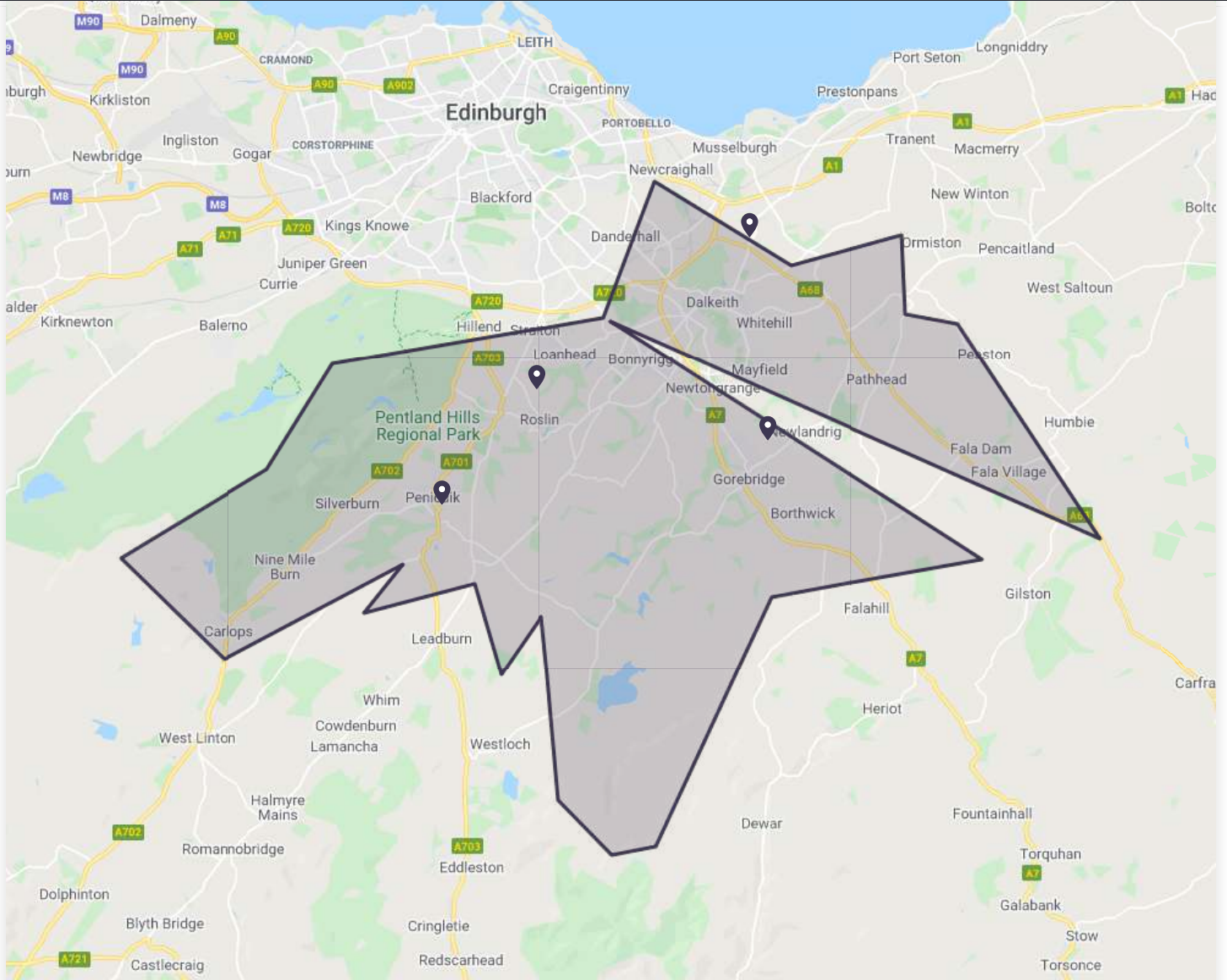
Midlothian



Create search alert



Refine search



RMap data ©2021

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[Commercial property for sale in London](#)



[Warehouses for sale in London](#)



[Retail properties for rent in London](#)



[Serviced offices for rent in London](#)



