

FAIRMILEHEAD COMMUNITY COUNCIL

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4 January 2009

Ian L Young
Head of Strategic Services
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
EH 22 1YL

Dear Mr Young,

Planning Application 08/00723/OUT – Calderstones, Hillend, Biggar Road, Midlothian.

On behalf of Fairmilehead Community Council I lodge objections, observations and comments in relation to the application for outline planning permission at Calderstones, Hillend, Midlothian and which has the above application number.

We note that the proposal is for the demolition of an existing dwelling and the erection of a 250 bed hotel with extensive conference and leisure facilities, 14 hotel apartments, 22 lodges, a country club and 400 parking bays associated with the hotel.

This proposed development lies in the countryside, within both the Green Belt and the Pentland Hills Regional Park, which is an area designated as of Great Landscape Value, and the Hillend Country Park. As you will be aware the Pentland Regional Park recently obtained Green Flag status. If this development is allowed to proceed it is felt that it will render the Midlothian Local Plan policies referred to below as ineffectual.

In our opinion the application is incomplete and should not have been validated due to the fact that no Environmental Impact Assessment has been lodged.

It should also be noted that no notice commonly called a "site notice" has been on display at the proposed development, or if one has been displayed it has not been visible from the public footway adjoining the premises. As a result a number of persons resident in the area nearby were unaware of the application.

The policies etc referred to are under the Midlothian Local Plan that was in force when the application was lodged. We understand that a new Local Plan was adopted by the Council at its meeting on 23 December 2008. The policy criteria, numbering and headings may be different under this later version.

The Community Council would welcome the opportunity to discuss our objections with the appropriate Committee.

Chairman: Dennis Williams

It appears that the proposed development will be in contravention of the following policies

RP1 – Protection of the Countryside Policy - “New houses will be permitted in the countryside when they can be demonstrated to be essential for the furtherance of an established countryside activity”. It seems highly improbable that the developer can make any substantive claim that this proposal is essential for the furtherance of an established countryside activity. There are also no proposals for houses only timeshare lodges which cannot be termed as “houses”.

RP2 – Protection of the Green Belt - “Development will not be permitted in the Green Belt”. Provision is made for exceptions but these relate to rural considerations such as agriculture and access. More specifically this policy states that: “Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt to:

- Maintain the identity of the City and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence;
- Provide countryside for recreation and institutional purposes of various kinds and
- Maintain the landscape setting of the City and Midlothian towns.”

It is obvious that this development is completely contrary to the protection of the Green Belt.

RP5 – Woodland Trees and Hedges - “Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order) and hedges which have particular amenity, nature conservation, recreation, landscape character, shelter, or other importance”. This development would destroy a very large number of trees, shrubs and other vegetation and with them a wide range of habitats including those for birds, bats and badgers. That despoliation would be all the more severe as the Pentland Hills have few areas of mature woodland and the rich biodiversity that such areas attract.

It is hoped that the possibility of tree preservation orders on this site will be examined whether or not the development goes ahead. It is suggested that TPOs be in place prior to any work being undertaken on the site or its boundaries.

RP6 – Areas of Great Landscape Value - “Development will not be permitted where it may adversely affect the special scenic qualities and integrities of Areas of Great Landscape Value”. The proposed development would destroy one of the iconic views of the Pentland Hills, namely the dramatic and distinctive north east flank of the range, especially when seen from the east, i.e. the view from the Midlothian lowlands. The very distinctive woodland, and its associated biodiversity, would go and be replaced by wholly inappropriate development.

RP15 – Regional and Country Parks - “Development will not be permitted where it would be contrary to the policy objectives, the integrated Management Strategy and detailed development policies relating to the Pentland Hills Regional Park or management strategies of the Country Parks”. More specifically in relation to development within the Regional Park policy PHP 1 and 2 state:

PHP1 – Pentland Hills Regional Park - The AGLV designation for the Pentland Hills Regional Park will be the overriding factor when considering proposals which may be acceptable under other Local Plan policies.

PHP2 - Development, redevelopment and the conversion of existing buildings within the Regional Park will not be permitted unless essential for the purposes of agriculture (including farm related diversification), forestry, outdoor recreation, tourism or other rural activities compatible with the aims of the Regional Park.

Any such development proposal will be considered against the following criteria:-

It should make a positive contribution to the amenity of the Park in terms of design and landscaping;

It should not be visually obtrusive or necessitate visually obtrusive constructions;

It should be compatible with existing adjoining and neighbouring developments and uses;

It should be capable of being served by an adequate and appropriate access

Midlothian, along with City of Edinburgh and West Lothian Councils, has responsibility to maintain the developments within the Pentlands Hill Regional Park to established criteria. Does this massive development proposal meet with approval with other in the Pentland Hills Regional Park Joint Committee and has opinion been sought from the Consultative Forum?

ECON8 Criteria For Tourism Related Development – States that development proposals that will improve the range and quality of facilities for tourism in Midlothian will be permitted, provided there is no conflict with other Local Plan policies and proposals, and that they meet the following criteria:

It can be demonstrated that the visitor numbers to be generated will be at a level compatible with the local environment

Proposals are well located in terms of the strategic road network and maximise public transport access

Proposals within the rural areas of Midlothian are of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and are sited, designed and landscaped to enhance the rural environment.

In addition, development proposals for hotel development will be permitted where they are easily accessible from the strategic road network, where they can be located in an unobtrusive manner within the rural landscape without requiring extensive new planting to provide effective screening, and where the detailed access arrangements are such that they will not result in congestion, danger or inconvenience to other road users.

It is suggested that the proposed development would be contrary to all of the above.

ECON9 Rural Development – The criteria here are similar to ECON8 and again it is suggested that they will not be satisfied.

TRAN2 Location Of New Development – States that major traffic generating uses will only be permitted where they are well located in relation to existing or proposed public transport services and are accessible by safe and direct routes for pedestrian and cyclists.

As can be seen from the comments later in this document relating to the Traffic Assessment this criteria is not met, particularly in relation to public transport.

TRAN11 Layout Of New Development – States that major new development will only be permitted where developers have made appropriate provision for detailed criteria such as parking, good public transport connections, access for people with mobility difficulties and traffic and environmental management measures.

From the information at present available it is suggested that these criteria are not met as detailed in the response later in this document to the Traffic Assessment

COMF9 Other Recreational Facilities – States that the development of leisure facilities (indoor or outdoor) will be permitted provided there is no conflict with other Local Plan policies and proposals and subject to it being in accord with the listed criteria:

The development must be of a character and scale appropriate to its immediate surroundings.

Developments which will attract large numbers of people on a regular basis are unlikely to be acceptable in the open countryside, unless it can be demonstrated that such a location is essential for their functioning and no alternative site is available;

The development must not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site;

The local road network is capable of accommodating the additional traffic generated by the development;

The development should be accessible by disabled people and to people arriving on foot, by bicycle and by public transport, as well as by car. In the case of facilities catering for large numbers of children, particular attention must be paid to the ease and safety of pedestrian access;

COMF10 Commercial Leisure Facilities – There are additional criteria mentioned here such as:
The development has, or will be provided with, good pedestrian and public transport links;
The development would not adversely affect overall travel patterns and car use;
The development would not adversely affect the amenity of residential properties;

It is suggested that the proposals will attract a large number of people particularly the conference and leisure facilities. Many hotels have leisure facilities such as spas and encourage non residents to become members to use the premises. This is a valuable revenue stream for the business. It therefore may be contrary to COMF9 and 10.

In addition to the above the proposed development will have significant transport implications. The proposal is to close the existing access to the Hillend ski slope and create a new access through the proposed development which, if approved, will create a very significant increase in traffic at what is already one of the most complex junctions in Midlothian. People have concerns for their safety when passing the existing tri-junction at A702/A703/Pentland Road and what is being proposed will considerably increase that risk.

Summary

This proposal contravenes many of the policies in the Midlothian Local Plan and should not be approved.

It goes against the policies relating to the Green Belt and Pentlands Regional Park and should not be approved.

It will increase traffic and road safety issues in the area and should not be approved.

Traffic Assessment

The Traffic Assessment submitted along with the outline planning permission request is short on actual detail, a lot of the information being speculation or assumptions.

The paper starts off with a Policy Context and uses Scottish Planning Policy 17. Although this is useful background it mainly relates to national strategy and regional transport plans, not so much to local situations.

The policy does however state” Development likely to affect trunk and other strategic roads should be managed so as not to adversely impact on the safe and efficient flow of strategic traffic. New motorway or trunk road junctions will only be considered exceptionally and will require significant developer funding.”

As the proposed development adjoins one of the main trunk routes from the south and south-west into Edinburgh (A702) it could be argued that this suggestion applies.

SSP 17 also says that there should be provision for high quality public transport access, in order to encourage modal shift away from car use to more sustainable forms of transport and that a development be served or proposed to be served by public transport to access a range of destinations.

It also states that planning permission should not be granted for significant travel generating uses:
Where immediate links to walking and cycling networks are not available or cannot be made available;
Where access to public transport networks are further than 400 metres by walking;
Which would encourage reliance on the private car;
Which would be likely to have a detrimental effect on the capacity of the strategic road and/or rail network; or
Where a transport assessment does not include any satisfactory mechanism for meeting sustainable transport requirements.

Some of the Edinburgh and Lothian's Structure Plan's objectives are to locate new development so as to reduce the need to travel, particularly by private car and identify new transport infrastructure required to support the development strategy.

The Midlothian Local Transport Strategy reinforces the sustainable transport objectives of both national land use and transport planning policies in the Midlothian Local Plan.

The Local Transport Strategy states that proposals must incorporate minimisation of reliance on the use of private cars and improvements to surrounding transport infrastructure where necessitated by forecast traffic generation.

The Traffic Assessment states "that proximity to A702 bus corridor will provide excellent opportunities for bus travel from a number of local and longer distance origins and destinations." "The planned opening of Lothianburn Park and Ride will further enhance the public transport provision in the vicinity of the site."

It should be stated by way of comment that there is no date imminent for the park and ride at Lothianburn. In fact due to the current economic climate it is unlikely to be available in the foreseeable future. Indeed Lothian Buses are not making any plans in this respect.

Development Proposals

The site location is situated on the busy A702 trunk road and carries a very large number of vehicles on a daily basis including many large articulated lorries servicing the supermarkets and other stores in the south of Edinburgh and beyond on a regular basis.

The assessment does not appear to give any useful information regarding the traffic using the A702 apart from a one hour period on a morning, an evening and a Saturday morning conducted in March 2008. This I would suggest is insufficient to measure any proper traffic flow on the road. To be more meaningful flow would be expected to be measured over a longer period of time, on different days and during different months to cover all eventualities. For example, Mondays and Fridays are particularly busy both with commercial and business traffic whilst the late spring and summer months show an increase in tourist traffic.

It could be said that the traffic flows detailed in the assessment are incomplete.

The development proposals are for a 250 bedroom hotel which will have leisure and conference facilities for up to 700. There are also to be 14 holiday apartments and 22 timeshare lodges. In addition it is proposed that there is a country club. All of these facilities will require staffing.

The assessment states that the maximum parking provision would be 404 spaces. In my opinion this figure is too low in regard to the proposed size of the development.

On a basis of 1 space per bedroom this would require to be 250 spaces; one space would be required for each of the apartments i.e. 14 and for the 22 lodges two spaces have been allocated to each lodge (per sketch site layout). This equates to 308 spaces excluding any staff allocation or requirements for the remainder of the facilities on the site.

It is more likely that a lot of smaller conferences will be held rather than one large one. This would mean that the car usage would be higher than that detailed of 1 space per 5 seats. A more realistic figure would be 2 or 2.5 spaces per 5 seats meaning that there would be a requirement for 280 or 350 spaces.

The assessment states parking supply would be 404 spaces although including the lodges would take this to 448 spaces. Using the calculations mentioned in the previous paragraph a more realistic figure is either 588 or 658 spaces.

None of these calculations take account of any parking neither in respect of the country club, disabled spaces nor for staff. It is assumed that the hotel will have a high number of stars and as such will have a high staff to customer ratio. In similar establishments the ratio is usually at least 5:1 so even excluding the conference facilities a minimum of 50 spaces will be required for staff purposes.

All parking would require to be on site as there are no facilities for any parking on the A702 at the locus and any parking spaces available near to the proposed development are already used by businesses and residents in Biggar Road. Transport Scotland have already implemented measures to try and eliminate or severely restrict parking on the A702 near to Hillend.

Site Access

Data is supplied relating to accident figures for the previous 3 years. It is normal when using accident figures to compare them over a period of 5 years. This would give figures prior to the 40mph limit being implemented on the A702. In the present case it would also have been advisable to provide figures for a greater distance including that part of the A702 at the existing entrance to the Snow Sports Centre. Further any non injury accidents reported would also have been of interest. It should also be noted that not all accidents are recorded or reported, only those involving injury or police attendance are recorded on STATS19 form. Many minor accidents are resolved between drivers and insurance companies without the involvement of the authorities.

Due to the nature of the junction of the A702/A703/Pentland Road any entry/exit nearby could have an adverse effect on this already dangerous junction. It is suggested that S75 contributions be used to completely redesign this junction, possibly with a roundabout. A sufficient width of the land at the frontage of the proposed development should also, either as part of S75 contribution or by compulsory purchase, be used to widen the A702 at this location. This in conjunction with a re-configuration of the junction would increase road safety in the area.

The majority of traffic exiting the Snow Sports Centre turns left and travels north towards the City bypass. A lot of it is local going to the local suburbs of Edinburgh such as Fairmilehead, Colinton, Currie, Balerno and Liberton. Some of it travels further afield using the bypass whilst the remainder goes round the roundabout to the south of the bypass and doubles back south on the A702. This is because it is safer to undertake this manoeuvre than try and turn right at the exit across the two lanes of the A702.

It is suggested, in the interests of road safety, that if the proposed entrance to the development is approved then all traffic exiting be required to turn left and that the necessary road traffic order is put in place to prohibit right turns at the junction. Again this could form part of a developer's contribution.

Public Transport

Great play is made in the assessment of the fact that there is a frequent bus service from the proposed development. This is not the case.

The service 4 terminates at the entrance to the Snow Sport Centre and has a weekday and Saturday frequency of 20 minutes until 2030 when the frequency is every 30 minutes. The first bus from Hillend is at 0700 and the first to arrive there is at 0730. The bus does not take a direct route into Edinburgh but goes through Colinton, Craiglockhart and Slateford to Haymarket. There will be some minor adjustments to the timetable on 18 January 2009.

The services 15 and 15A each have a frequency of 60 minutes although they overlap giving a frequency of 30 minutes on that part of the route from the Bush unto Edinburgh and beyond. The 15A does not run on Saturdays and Sundays. On weekdays the first bus from Hillend into Edinburgh is at 0628 and the last at 2000. Going to Hillend from Edinburgh the first bus arrives at 0535 and the last is at 1903.

On Saturdays the first bus to Edinburgh from Hillend is at 0818 and the last at 2009. The first to Hillend from Edinburgh arrives at 0725 and the last at 1916. On Sundays the first bus to Edinburgh is at 1030 and the last at 1830. From Edinburgh one arrives at Hillend at 0933 the last arriving at 1735.

The service 15 and 15A that run in Midlothian are subsidised by Midlothian Council. From 18 January 2009 the eastern terminus will be at Seafield rather than the present Tranent.

The services detailed above could hardly be termed as frequent as they are in the assessment.

At a recent meeting the Operations Director for Lothian Buses stated that no bus route is safe in the current climate. They can be reduced in frequency or withdrawn if a route does not make a profit. This has already happened in Edinburgh with several routes including one in our Community Council area.. He also stated that in the foreseeable future there would be no park and ride at Lothianburn or additional bus services in the area.

There is another aspect to be considered and that is that services 15 and 15A are not low floored meaning that wheelchair users cannot use them. Due to a local policy prams are not allowed on Lothian Buses and if there is a wheelchair user already on board no pushchairs are allowed unless folded. There is also a rule that only one unfolded pushchair is allowed on board at anyone time.

Travel Demand and Plan

The assessment produced alleged figures in relation to trip rates but these only take account of the hotel and are only assumptions. No account is taken of any traffic in respect of conference facilities or the country club nor any traffic for the snow sports centre which, according to the proposals, would be using the same entrance and exit.

It is suggested that the proposal in 5.5.1 of the assessment in regards to establishing a baseline mode share following the opening of the hotel is too late in the process.

For a similar reason as mentioned above any travel plan required should be in place before any work is started on the development and should be one of the conditions.

Summary of Traffic Assessment

The proposed development adjoins a main trunk road, the A702. It also adjoins a busy and dangerous junction, the A702/A703 and Pentland Road.

The proposal is for 404 car parking spaces to be available. This figure is too low due to the proposed nature of the development and a figure at least 40% greater is required. All parking should be on site.

Substantial developer contributions should be levied to allow for the A702 at the locus to be widened in the interests of road safety. Another option is to compulsory purchase sufficient of the land adjoining the A702 to allow for its widening.

Developer contributions should also be levied so that the junction of the A702/A703 and Pentland Road can be rebuilt or reconfigured in the interests of road safety.

In the interests of road safety any traffic exiting the site should only be allowed to turn left (north) into the A702 and a developer contribution should be levied to pay for the necessary road traffic regulation order to enforce this turn.

Contrary to what is stated in the Traffic Assessment there is no frequent bus service and the proposed development will be heavily reliant on customers and staff using private vehicles to gain access.

The travel demand in the assessment does not appear to take any account of the entire facilities that will be available at the proposed development. It also does not appear to include the existing traffic generated by the existing snow sports centre.

If a travel plan is required then this should be produced before the development is commenced.

Conclusion

Due to the nature of the proposed development, its location and the poor bus service there is no doubt that the main mode of transport will be the private car. It would appear that the traffic assessment is trying to paint a different picture and in our opinion the assessment should in the main be disregarded when the application is considered.

Overall Conclusion

The nature and size of the proposed development makes it completely unsuitable for its proposed location which is in the Green Belt and also within the Pentlands Regional Park.

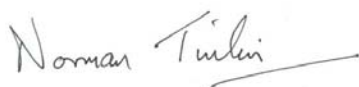
The development is inappropriate in that it would be in flagrant breach of the area's multiple protections and would blight an area of great landscape and natural value.

As no environmental impact has been submitted it is difficult to assess what detrimental effect there will be on flora, fauna and wildlife and what damage will be caused to the environment.

If permission is granted it would set a dangerous precedent.

If you require any further information do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Norman Tinlin". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Norman Tinlin
Secretary
On behalf of Fairmilehead Community Council