



APPLICATION FOR PLANNING PERMISSION (17/00408/DPP) FOR RESIDENTIAL DEVELOPMENT INCLUDING PARK AND RIDE; ALLOTMENTS; LAND SAFEGUARDED FOR POSSIBLE EDUCATION USE; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS ON LAND AT NEWTON FARM, OLD CRAIGHALL ROAD, MILLERHILL, DALKEITH

Report by Chief Officer Place

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to request the Committee's approval of an amendment to a planning condition previously approved by the Committee.

2 BACKGROUND

- 2.1 At its meeting of January 2019 the Committee considered a proposal for residential development with associated works, the provision of land for a park and ride facility and the safeguarding of land for a primary school (if required) on land at Newton Farm and Wellington Farm, Old Craighall Road, Millerhill. The proposed development, covered by the two applications, comprises a total of 620 units with 504 units on the Newton Farm site (17/00408/DPP) and 116 units on the Wellington Farm site (17/00409/DPP).
- 2.2 The Committee were 'minded to grant' planning permission for the development subject to securing developer contributions and conditions. Condition 4 on both applications (17/00408/DPP and 17/00409/DPP) related to the provision of highway infrastructure and was as follows:
4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;

- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
- vii proposed car parking arrangements;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

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

2.3 It is proposed to amend condition 4 for planning application 17/00408/DPP (land at Newton Farm) as follows (the amendment/additional text is in part iii and is in *italics* and underlined):

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways. *The two proposed vehicular access points into the neighbouring safeguarded housing site, on the western boundary of the site, shall extend to the boundary of the site;*
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
- vii proposed car parking arrangements;

- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

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

- 2.4 The complete set of conditions for application 17/00408/DPP is attached to this report as Appendix A for completeness.
- 2.5 Since the Committee's decision in January 2019 the applicant and Council officers have been in negotiations with regard the planning obligation to secure the developer contributions – it is now anticipated that these negotiations will be concluded timeously and the planning permissions issued in due course. As the planning application decision notice has not been issued it is within the remit of the Committee to amend a condition.

3 PLANNING ISSUES

- 3.1 It is proposed to amend condition 4 of the 'minded to grant' planning permission decision to provide additional clarity on the requirement to provide highway infrastructure to the western boundary of site 17/00408/DPP, land at Newton Farm, as not to land lock the neighbouring site which is identified as a safeguarded housing site (Hs1 Phase 2) in the Midlothian Local Plan 2017.
- 3.2 The condition as drafted does give the Council scope to secure highway infrastructure to the boundary of the site as it requires details of the said infrastructure to be agreed with the planning authority. Furthermore, the applicant's submitted plans show the intention to connect to the neighbouring site. As such the proposed amendment to the condition set out in paragraph 2.3 does not disadvantage the applicant but does provide additional clarity of the Council's expectations for the landowners, developers and future residents. The applicant has been consulted on the proposed amendment and has not objected, but is concerned that the neighbouring landowner makes a contribution to the provision of shared highway infrastructure – this is a matter between the two parties.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee approve the proposed amendment to condition 4 of planning application 17/00408/DPP as set out in paragraph 2.3 of this report.

Peter Arnsdorf
Planning Manager

Date: 13 November 2020

Application No: 17/00408/DPP (Available online)

Applicant: Cala Management Ltd

Agent: Holder Planning Ltd

Validation Date: 23 May 2017

Contact Person: Joyce Learmonth

Tel No: 0131 271 3311

Background Papers: 14/00451/PAC, 15/00391/SCR, 17/00409/DPP

Attached Information: The complete set of conditions for application 17/00408/DPP as Appendix A

APPLICATION FOR PLANNING PERMISSION (17/00408/DPP) FOR RESIDENTIAL DEVELOPMENT INCLUDING PARK AND RIDE; ALLOTMENTS; LAND SAFEGUARDED FOR POSSIBLE EDUCATION USE; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS ON LAND AT NEWTON FARM, OLD CRAIGHALL ROAD, MILLERHILL, DALKEITH

CONDITIONS – 13 November 2020

1. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

2. The external finishing material specified on application drawings/documents are not approved. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used in the area of improved quality which shall comprise no less than 20% of the number of dwellings on the site and not any of the affordable units. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

3. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;

- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii a woodland management plan for existing and proposed areas of woodland;
- viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the site;
- ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- x proposed car park configuration and surfacing;
- xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xii details of existing and proposed services; water, gas, electric and telephone

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

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

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

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways. *The two proposed vehicular access points into the neighbouring safeguarded housing site, on the western boundary of*

- the site, shall extend to the boundary of the site* (proposed amendment/addition – see Committee report 24.11.2020);
- iv proposed visibility splays, traffic calming measures, lighting and signage;
 - v proposed construction traffic access and haulage routes;
 - vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
 - vii proposed car parking arrangements;
 - viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
 - ix proposed bus stops/lay-bys and other public transport infrastructure;
 - x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
 - xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

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

- 5. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

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

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

- iv. the condition of the site on completion of the specified decontamination measures.
- 7. On completion of the decontamination/remediation works referred to in condition 8 above and prior to any dwelling on the site being occupied, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling on the site shall be occupied until the planning authority has approved the validation.

Reason for conditions 6 and 7: To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

- 8. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a building.

- 9. Development shall not begin until a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation has been submitted and approved in writing by the planning authority. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Data Structure Report submitted to the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.

- 10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of bat and bird boxes and the use of green roofs on ancillary buildings. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan 2017.

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

each dwelling. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

12. A detailed plan and elevation drawings and details of the finishing materials and colours of any electricity station(s) and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the planning authority.

Reason: *To safeguard the character and visual amenity of the area.*

13. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

14. District heating ducting as detailed in the revised "Sustainability Report" dated 28 June 2018 shall be installed throughout the development site. A further sustainability feasibility report shall be carried out 5 years from the date of this permission assesses whether the provision for district heating on the site is technically feasible and financially viable. In the event that it is considered to be technically feasible and financially viable, a district heating scheme shall be installed at the site utilising the district heating ducting installed in terms of this condition.

Reason: *In the interests of sustainable development and in order to comply with Policy NRG6 in the MLDP which has a presumption in favour of implementing district heating on this site.*

15. Within 1 year of construction/engineering works or site clearance works commencing on site, a revised ecological assessment of the site shall be carried out and a report on it shall be submitted for the prior inspection and approval of the planning authority. The scope of the assessment shall be agreed in advance in writing by the planning authority. The recommendations made within the new ecological assessment shall be implemented in full.

Reason: *In the interests of safeguarding biodiversity, including European Protected Species and because the initial survey is now considered to be out of date and it requires to be updated.*

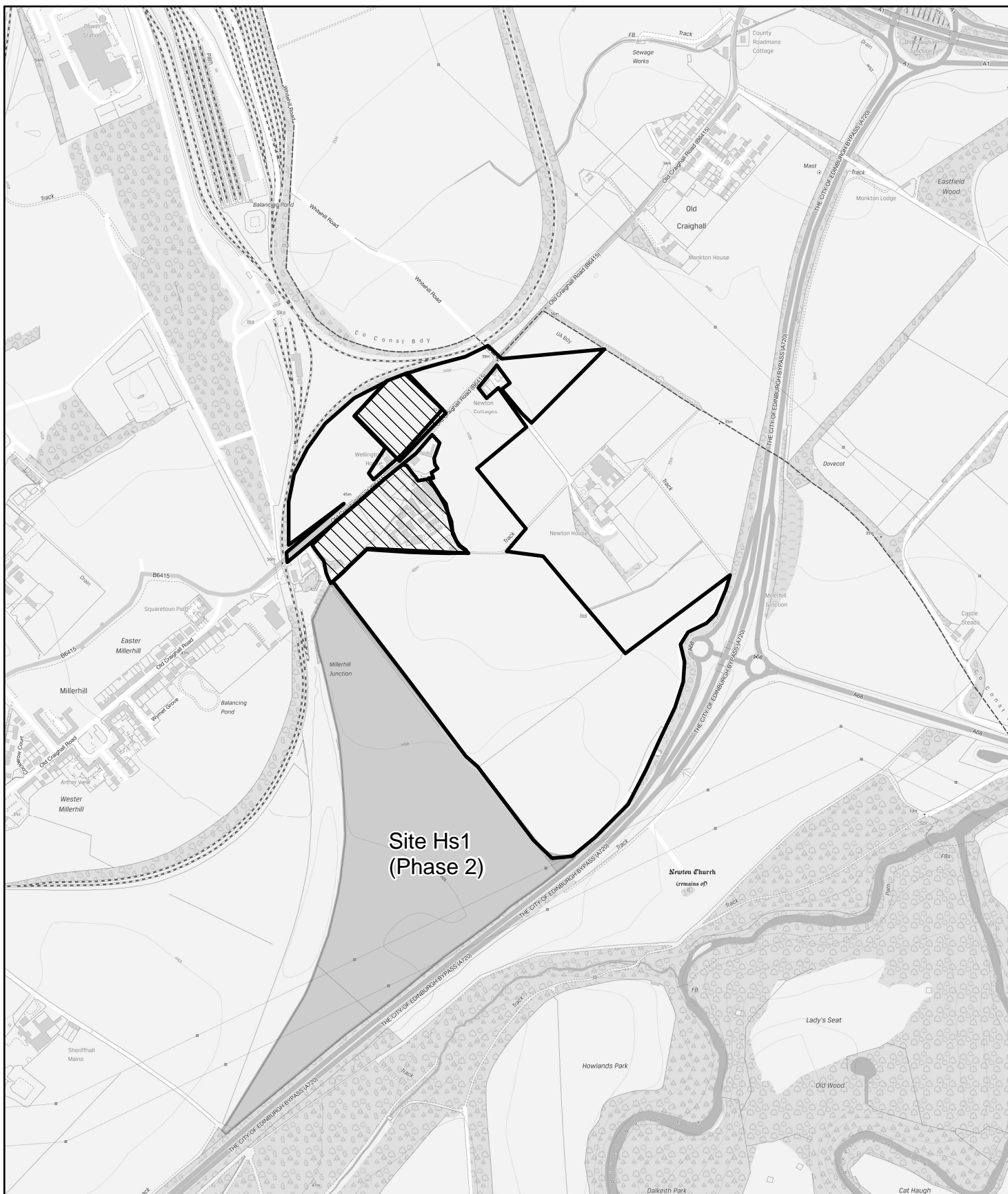
16. Prior to the commencement of development on the site a Construction Method Statement shall be submitted for the approval of the planning

authority. The Construction Method Statement shall identify; the haulage route of construction traffic; parking for construction vehicles and construction employees; and the siting of the employee's welfare facilities.

Reason: *In the interests of highway safety and the amenity of existing nearby residential properties on the site.*

17. Prior to the commencement of development on the site a remediation scheme to afford public safety and the stability of the proposed dwellings from the risks posed by the recorded mine entries (shafts), shall be submitted to and approved in writing by the planning authority in consultation with The Coal Authority. The remediation scheme shall include; the undertaking of an appropriate scheme of intrusive site investigations for those recorded mine entries not located; the submission of a report of findings arising from the intrusive site investigations for those mine entries not located; the submission of a scheme of remedial works for approval for both mine entries and the shallow workings for approval; and, implementation of those remediation works. The remediation works may entail changes to the layout or avoidance of parts of the site for development and the submission of further planning applications.

Reason: *The applicant has confirmed that there are mine entries on the site which cannot be located. These mine entries appear to be under existing buildings and they cannot be the subject of intrusive site investigation for this reason. The condition seeks to ensure before any work is commenced on the site, the mine entries are located and treated. In the event that the layout needs to be amended to avoid the mine entry a further planning application or applications will be required showing the necessary amendments.*

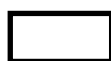


Site Hs1
(Phase 2)



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

Residential developments with associated works at Old Craighall Road and Land at Wellington Farm, Millerhill, Dalkeith



17/00408/DPP



17/00409/DPP

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