



APPLICATION FOR PLANNING PERMISSION 21/00446/DPP FOR RESIDENTIAL DEVELOPMENT INCLUDING FORMATION OF ROADS, PARKING, DRAINAGE, OPEN SPACE AND ASSOCIATED WORKS (AMENDMENT TO DESIGN, LAYOUT, HOUSETYPES AND NUMBERS APPROVED BY PLANNING PERMISSION 12/00745/DPP) AT LAND BETWEEN BELWOOD ROAD AND MAURICEWOOD ROAD, PENICUIK

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for planning permission for the erection of 221 residential dwellings, including formation of roads, parking, drainage, open space and associated works (amendment to design, layout, house types and numbers approved by planning permission 12/00745/DPP) at land between Belwood Road and Mauricewood Road (Greenlaw), Penicuik.
- 1.2** There have been 14 representations and consultation responses from The Coal Authority, Scottish Water, The Wildlife Information Centre, the Council's Policy and Road Safety Manager, the Council's Flood Officer, the Council's Land Resources Manager and the Council's Environmental Health Manager.
- 1.3** The relevant development plan policies are Policy 5 and 7 of the South East of Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT 1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV16 ENV17, ENV18, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4** The recommendation is to grant planning permission subject to conditions and the applicant entering into a planning obligation to secure contributions towards necessary infrastructure and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is an irregular shaped parcel of land between Belwood Road and Mauricewood Road, Penicuik. The site area comprises phases 4 and 5 of the consented, and partially implemented,

residential development scheme related to planning application ref: 12/00745/DPP (known as Greenlaw).

- 2.2 The site lies south of Belwood Road. To the south of the site is land under construction in connection with the approval for Phases 1-3 of the wider residential development, application ref: 12/00745/DPP, which separated the site from Mauricewood Road, further to the south west. Existing residential development is found adjacent to the site to the north, east and south east.
- 2.3 The site is bound on three sides by residential development either under construction or existing, aside from a portion of the northern boundary. To the north of the site, on the opposite side of Belwood Road, is a mature tree belt and agricultural land further to the north. The south western boundary is further defined by a small water course valley running on a north west to south east axis. The site is therefore separated from progressing construction to the south west by an open / landscaped route known as the Linear Park that was approved as part of the 12/00745/DPP planning permission.
- 2.4 The site levels generally fall away moving from west to east by approximately 24m over approximately 530m.
- 2.5 The site, at the time of the 12/00745/DPP permission, was characterised by few mature trees (according to the tree survey undertaken at the time). Since the initial submission and subsequent permission in 2016 the vegetation on the site has matured to a degree. The site is not covered by any Tree Preservation Order, nor is it within a Conservation Area. Furthermore, the 12/00745/DPP permission is extant. Whilst updated tree surveys were submitted as part of the current application, works have commenced on site in accordance with the extant planning permission. This has enabled the removal of much of the maturing vegetation on the site.
- 2.6 Vegetation at the site boundaries is often defined by the presence of maturing hedging and trees, particularly at the site's northern boundary. At the site's north west boundary, and following the route of Belwood Road, is a water main for which a development standoff zone is required.
- 2.7 The site is within a Coal Authority High Risk to Development Area. The historic mine workings of the past present a risk of contamination to development.
- 2.8 The site of the proposed development is 11.8 hectares in size and is identified as committed development. The site is identified as h25 within the Midlothian Local Development Plan. The development of this site would represent phases 4 and 5 of the land secured for residential development under planning application ref: 12/00745/DPP.

3 PROPOSAL

3.1 Detailed Planning Permission is sought for 221 residential dwellings with associated roads, landscaping, open space, footpath/cycle ways, a sustainable urban drainage system (SUDS) and other associated works. The following elements form the proposed development:

- Erection of 221 dwellings including detached, semi-detached and terraced dwellinghouses;
- Provision of 3 Affordable units;
- All new dwellinghouses are to be two storey in height with pitched roofs. All dwelling elevations will utilise render and reconstituted stone. Roofs will be Sandtoft natural clay finish tiles. Windows and drainage goods will be UPVC.
- Formation of one new primary vehicular access road from Belwood Road requiring the removal of a number of trees at the north of the site as well as a vehicular connection to the approved development to the south west and the west corner of the site;
- Provision of internal primary access road within the site;
- A network of secondary access roads linking residential properties to the primary access road;
- Open space is proposed in four main locations, including a north central square of open space, connecting the “Cross Park” located in the central east of the site further connecting to the “V-Park” located at the east of the site. A further area of open space is delivered at the far east of the site surrounding the pedestrian link;
- An internal 3m wide multi-user cycle path is proposed across the open space proposed within the north of the site and through the open space provision to the south west boundary. Additional cycle/pedestrian connections routes are proposed at the north west boundary;
- Pedestrian route along site’s south western boundary and a series of 2m wide pedestrian footpaths throughout the site linking residential properties to primary routes. This includes a 2m wide footpath running along the new vehicular accesses;
- Provision of additional woodland structure planting and/or landscape buffers along key interfaces including the west, north and eastern boundaries; and,
- Provision of a SUDs pond to the south of the site, fed from proposed attenuation tanks situated centrally within the site.

3.2 With respect to the proposed housing, the average housing density comprises approximately 18.7 dwellings per hectare and would consist of the follow housing mix:

House Type:

Number:

Affordable:

2-bed

3

Private

2-bed	20
3-bed	59
4-bed	126
5-bed	13
<u>Total Dwellings</u>	<u>221</u>

- 3.3 The application is accompanied by the following documentation:
- Previously Approved Pre-Application Consultation Report (PAC);
 - Pre-Application Consultation Report Addendum;
 - Previously Approved Design and Access Statement;
 - Design and Access Statement Addendum (DAS);
 - Previously submitted Transport Assessment (TA);
 - Previously submitted Flood Risk Assessment (2012);
 - Previously submitted Site Investigation Report;
 - Ecology Report (April 2021); and
 - Tree Survey (March 2021);

4 BACKGROUND

- 4.1 The site was allocated for an indicative 324 houses in the 2003 Midlothian Local Plan (MLP). The 2008 MLP continued this commitment to residential development. The Council approved a development brief for the site (Greenlaw) and the neighbouring site (Deanburn), which is also allocated for housing, in 2004. The site remains committed development within the 2017 Midlothian Local Development Plan (MLDP) identified as h25.
- 4.2 Historically, pre-application consultation 11/00676/PAC for a residential development was received in November 2011. An addendum to this was submitted with this planning application.
- 4.3 Planning application 12/00745/DPP for the erection of 458 residential units and associated developments was submitted in 2012, and approved January 2016. This application has been implemented across other phases and remains an extant planning consent. The proposed development is a remix application that uplifts the number of dwellings proposed by 7 across phases 4 and 5 (the last two phases).
- 4.4 New planning applications for the various preceding phases have been submitted over the course of the development. In regards to house numbers there has been an increase in the numbers approved at the site.
- Phase 1 : 92 units (no change)
 - Phase 2 : 88 units (+1)
 - Phase 3 : 83 unit (+18)
 - Phase 4 & 5 : 221 units (+7) (Current application)
- New Total: 484 units

Relevant Planning History

4.5 Land At Greenlaw Mains Mauricewood Road:

- 06/00021/FUL - Application for full planning permission for the first phase of development involving the erection of 106 residential units, with associated roads, parking, landscaping and garages, together with supplementary contextual information including masterplan details for a further 230 residential units (as amended). Application Withdrawn
- Pre application consultation 11/00676/PAC for the erection of approximately 500 plus residential units.

4.6 “The site”, also known as Land between Belwood Road and Mauricewood Road:

- 12/00085/DPP - Erection of 438 dwellinghouses and 81 flatted dwellings; formation of associated access roads and parking areas; provision of open space incorporating footpaths, areas for play and sport, sustainable urban drainage features and landscaping; and other associated works. **Application Withdrawn 13.02.2012**
- 12/00745/DPP - Erection of 422 dwellinghouses and 36 flatted dwellings; formation of associated access road and parking areas; provision of open space incorporating footpaths, areas for play and sport, sustainable urban drainage features and landscaping; and other associated works. **Grant with conditions – 06.01.2016**
- 18/00014/DPP - Erection of 13 dwellinghouses (amendment to house types approved in terms of planning permission 12/00745/DPP **Grant with conditions 15.06.2018**
- 19/00263/DPP - Erection of 45 dwellinghouses (amendment to design approved in terms of planning permission 12/00745/DPP) - **Grant with conditions 19.02.2020**

4.7 The planning obligation associated with the original planning permission, 12/00745/DPP, was amended to ensure any extra units approved by the amended planning applications made a developer contribution through the following applications to modify the legal agreement:

- 18/00129/LA
- 18/00311/LA
- 19/00984/LA

4.8 Land between Deanburn and Mauricewood Road (adjacent site):

- 16/00403/SCR EIA screening opinion for proposed residential development on land between Deanburn and Mauricewood Road Penicuik
- 17/00042/DPP - Erection of 552 residential units; formation of access roads, SUD's features and associated works on land between Deanburn and Mauricewood Road Penicuik. **Withdrawn 03.02.2017.**
- 17/00068/DPP - Erection of 554 residential units; formation of access roads, SUDs features and associated works - **Grant with conditions 11.09.2018**
- 18/00847/DPP - Erection of 26 dwellinghouses (amendment to house types approved in terms of planning permission 17/00068/DPP) - **Grant with conditions 14.06.2019**

5 CONSULTATIONS

- 5.1 **The Coal Authority** has no objections to this amended scheme, subject to the Council imposing the same condition (Condition 4), as per the planning permission 12/00745/DPP. The Coal Authority add that the intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.
- 5.2 **Scottish Water** does not object to the application and has carried out a Capacity Review and advise the following:
- There is currently sufficient capacity in the Rosebery Water Treatment Works to service the development.
 - There is currently sufficient capacity for a foul only connection in the Edinburgh PFI Treatment works to service the development.
- 5.3 **The Wildlife Information Centre (TWIC – the Council's Biodiversity Advisor)** has reviewed the submitted ecology report and has not raised any objection with the proposals. Comments were made on the report's proposals for additional surveys and methodologies and it was highlighted that based on the recommendations of the submitted ecology report that additional species surveys for otter, water vole and bats would be required – this can be covered by a planning condition.
- 5.4 The **Council's Policy and Road Safety Manager** does not object to the application, but states that any increase in traffic levels arising from the additional seven dwellings would be marginal and as such a revised transport assessment is not required. Planning conditions

relating to roads infrastructure were attached to the original 12/00745/DPP application requiring a range of works and some off-site. Some of these works have been undertaken by the developer during earlier phases of the wider development, however some items still remain to be done. As a result, the following conditions are proposed:

- 1. Details of the proposed new site access junction on Belwood Road should be submitted for approval. This access will require an extension to the current 30mph speed limit and details of the extended street lighting, new 30mph / 60mph gateway feature and removal of the redundant vehicle access into the site should be submitted. Any planting should be setback behind the 4.5m by 70m visibility splay.*
- 2. Details of the bridge links (both pedestrian and vehicular) should be submitted for approval. Bridges should be designed to an adoptable standard to ensure that they are suitable for adoption by the Council and meet current safety and future maintenance requirements.*
- 3. The reconstruction of the existing track to provide a 3m wide adoptable cycleway / footpath linking the proposed cycleway in the central landscaped area with the public footway at the A701.*
- 4. Details of the proposed EV charging points should be submitted for approval. End-on spaces adjacent to landscaped areas would be the best design solution rather than locating charging points on the public footway. If located on a public footway then a localised widening of the footway will be required.*

- 5.5 The **Council's Flood Officer** does not object to the application but notes that the underground surface water storage tanks shown in/on the landscaped area to the side of plots 700/708 and 713/793 are close to the proposed line of trees to be planted along the path. This will have an impact on the area of land available for tree planting. In addition, the Drainage Layout drawings, 21-027-20 rev. A and 21-027-21 rev. A, will require to be updated to reflect the changes to the locations of the underground storage tanks.

The following condition is proposed:

- 1. Details of the SUDs pond should be submitted for approval. The details should include sections through the pond indicating the levels of the base, pond level and the 1:200 year flood level. Also any fencing required around the pond and vehicle access gates for maintenance vehicles should be indicated.*

- 5.6 The Council's **Land and Resource Manager** sets out that routes for aspirational Core Paths should be provided within the development and sets out a plan indicating a route on a north/south axis through the centre of the site.

- 5.7 The **Council's Environment Health Manager** does not object to the application, but suggests that planning conditions be used to cover remediation of on-site contamination and construction hours.

6 REPRESENTATIONS

- 6.1 There have been 14 representations received, including nine objections and the remaining five being neutral. These can be viewed in full on the online planning application case file. A summary of the main points raised are as follows:
- Revisions to the site plan do not address problems and removed plots as required by the case officer;
 - The proposed scheme harms existing properties;
 - Additional properties to the north of the v shaped park results in the loss of open space;
 - Local infrastructure and facilities are not sufficient to deal with the new population as a result of the proposed development;
 - The development results in the loss of mature trees;
 - Existing residents would lose the opportunity for woodland walks;
 - The surface of Belwood Road should be repaired as it is potholed;
 - Existing trees would be damaged by development on the plot;
 - Active travel options within and around the site boundary should be considered;
 - Landscape buffer areas to rear of plots need to be considered for all properties, if they are not future residents will extend their gardens and remove the trees/landscaping;
 - Development would have a negative impact on the biodiversity of the site;
 - The previous consent included more green space than the current proposals;
 - The location of proposed drainage infrastructure and pond is too close to existing development and will cause a wetland;
 - Properties are too close to existing development and no landscape strip is proposed adjacent to Red Fox Crescent;
 - New houses will block sunlight and erode privacy;
 - The development should provide accommodation for the elderly and bungalow style homes;
 - Concerns regarding the stability of the site;
 - The proposed structure planting does not reflect the boundary of Belwood Barns as the property was extended in the 1980s;
 - Concern that new planting will shade adjacent development as it includes Acer Compestre which can grow up to 20m high;
 - Has retention of the existing vegetation been considered;
 - The presence of the Edinburgh water pipe has not been taken into account;
 - The site is used for walking and dog exercising by existing residents;

- There is no need for new housing in the area;
- There is not enough education provision for the development;
- Belwood Road is not suitable for a large increase in traffic due to the poor surface;
- The flood risk assessment is old and the area suffers from drainage issue including blocked water courses; and
- The access proposed to Belwood Road was intended to be for emergency vehicles only.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan, adopted in 2017. The following policies are relevant to the proposal:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for greenfield housing development proposals either within or outwith the identified strategic development areas may be allocated in local development plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) the development will be in keeping with the character of the settlement and local area; (b) the development will not undermine green belt objectives; and (c) any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP.

Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.

- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.9 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.14 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.15 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that

help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.

- 7.16 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.17 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable Urban Drainage Systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.18 Policy **ENV10: Water Environment** requires that new development pass surface water through a Sustainable Urban Drainage System (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.19 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.20 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.21 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.22 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite.

It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts

- 7.23 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.24 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.25 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.26 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.27 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.28 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.29 Policy **IMP3: Water and Drainage** require Sustainable Urban Drainage Systems (SUDS) to be incorporated into new development.

National Policy

- 7.30 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density

of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.

- 7.31 SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.32 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.33 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.34 SPP introduces a presumption in favour of development that contributes to sustainable development, but states:
- The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.*
- 7.35 SPP promotes a plan-led system and the starting point for any assessment of an application for planning permission, unless material considerations justify a departure. SPP requires planning authorities to maintain a five year supply of effective housing land at all times. Where a shortfall emerges, specific provisions within SPP allow for the assessment of additional sites not allocated for housing to be considered to make up the shortfall. Sustainable development can be defined by the 13 principles of sustainable development set out in paragraph 29 of SPP.
- 7.36 The Scottish Government policy statement Creating Places emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.37 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity,

safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.

- 7.38 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

The Principle of Development

- 8.2 The site is identified as committed development and is included within the Council Housing Land Supply (identified as site h25). The principle of developing this site is therefore established with the MLDP.
- 8.3 In addition, the site benefits from extant planning permission for residential development under planning application ref: 12/00745/DPP. That planning application achieved planning permission (subject to conditions and a legal agreement) for 422 dwellinghouses and 36 flatted dwellings. The development was split into 5 distinct phases. Construction work has been commenced on phases 1-3. The proposed site, subject of this planning application, represents phases 4 and 5. Within phases 4 and 5 planning application ref: 12/00745/DPP sought to deliver 214 dwelling units. Whilst the proposed development does represent a minor increase in units (seven) the principle for delivering residential development in this quantum is established through the extant permission.
- 8.4 The proposed development forms part of the Council's committed housing land supply. Were the site to be delayed or undelivered, this may have a harmful impact on the Council's ability to safeguard their positive housing land supply position.
- 8.5 The 12/00745/DPP consent included the provision of a local centre which is not within the redline boundary of this application. Conditions were applied to the 12/00745/DPP consent setting out that prior to the commencement of any construction work on plots 277 to 458, details for the proposed local centre shall be submitted to and approved in writing by the planning authority. In addition, the consent requires that prior to the construction of the 325th residential unit on the site work shall commence on the construction of the local centre. Additional conditions seeking the same submission and implementation should be applied to any consent given to this application.

Affordable housing.

- 8.6 MLDP policy STRAT1 sets out that Midlothian Council will continue to seek the early implementation of all committed development sites, including the provision of affordable housing. Policy DEV3 (Affordable and Specialist Housing) requires 25% of the proposed development to be affordable housing.
- 8.7 Only three affordable units are proposed to be delivered within Phases 4 and 5. Taken in isolation this runs contrary to the requirements of the policy DEV 3. However, the extant planning permission has to be taken into account. Extant planning permission 12/00745/DPP sets out the provision of 24 units of affordable housing which was compliant with the 2003 MLDP. Extant planning permission for phases 4 and 5 does not deliver any affordable units and the extant position is still available to the applicant. Considering the slight uplift in numbers from the extant permission the applicant has proposed the provision of three additional units within phases 4 and 5 that reflect the slight uplift in numbers across the wider site.
- 8.8 The proposed delivery of a smaller number of affordable units is therefore considered acceptable in this instance. The delivery of the affordable units will be achieved through a Section 75 agreement.

Layout, Form and Density

- 8.9 Requirements set out in the MLDP are the key starting place for developing the site layout as well as the information within Table 8.37 Penicuik/Auchendinny Committed Development. In addition, the layout of the development is considered against MLDP policy DEV6 which sets out a number of criteria to ensure that development is of good design and high quality of architecture, in both the overall layout of development proposals and their constituent parts.
- 8.10 As is identified earlier in this report, the proposed development is a remix application and only differs from extant planning permission 12/00745/DPP in the quantum of development by seven dwellings. However, the layout, house types and design has changed and so need to be assessed against the MLDP and other material policy/guidance considerations.

Levels

- 8.11 Policy DEV5 of the MLDP sets out that development should optimise relationships with contours of the site. The topography is a defining feature of this site. On the whole the proposed development does relate well to the topography of the site and generally reflects the extant layout. However, some changes to the layout have resulted in the need to propose a number of retaining wall features to allow for development to be delivered. In some instances these retaining

features are proposed at the ends of rear gardens that back onto the rear gardens of other plots.

8.12 In order to avoid overlooking the provision of 1.8m fencing is proposed at rear garden boundaries. Combined with the retaining wall features the boundary treatments will present a dominating feature to gardens. It is identified at plots 674 and 679 that retaining features are 1.75m in height which would result in a 3.55m high boundary feature to the rear of gardens when the proposed fence is included. It is also noted that these gardens are not generous in their depth. The resulting combination of the garden depth and rear boundary treatment would result in an enclosed and shaded garden area. There is concern that this would occur at the following locations:

- Rear of plots 632-635; and
- Rear of plots 674-679.

8.13 The potential harm is therefore a concern at 10 plots. Plots 674 – 679 are a particular concern given that they have smaller gardens. The applicant has provided indicative sections across these plots to show that it is possible, through some grading of proposed gardens and/or the provision of smaller retention features to provide terraced gardens, a suitable reduction in the retaining walls can be achieved. As such, the proposed levels drawing ref: 21-027-30 A submitted with the application will not be approved and additional information regarding the specific design solution will be required by condition, as well as an updated levels plan.

8.14 Concern further exists in relation to plot 601 and its relationship with the existing property at 61 Belwood Road (a bungalow). At this point a retaining wall and fence combination would create a 4.1m boundary feature. Despite proposals to screen the retention with landscaping, it is considered an inappropriate relationship with the existing property. These matters would conflict with the MLDP policy DEV5. For that reason plot 601 is not approved as part of this application and this is proposed to be secured through a planning condition.

Layout

8.15 The requirements of MLDP policy DEV6 are a key consideration, as is the extant planning consent. The proposed layout broadly reflects the approved layout under application 12/00745/DPP. The proposed vehicular access from Belwood Road and from the south west of the development through previous phases of the development remains the same. The main locations for open space are generally retained but altered in their detailed form and finish.

8.16 The use of shared surfacing aids in differentiating the street hierarchy within the site and is an effective tool in larger scale development of this nature as it aids in providing a variation in surfaces and street

hierarchy. Further variations in surface materials as set out on plan ref: 20479A02 43.

- 8.17 Open space areas are proposed centrally within the development meaning that the majority of the dwellings proposed on the site are in close proximity to areas of open space.
- 8.18 The central square of open space located to the south of the Belwood Road access has changed in nature from the extant permission with the provision of a number of allocated and visitor car parking spaces around its periphery. The presence of this parking is considered to limit the amenity function of the open space. However, the open space will provide some amenity value and alternative open spaces are provided to the south west of this central square.
- 8.19 One of the key changes relates to the house types being delivered on the site. Whereas the approved development includes the provision of some apartments, the proposed development seeks to deliver a greater proportion of dwelling houses which take up a greater footprint. As a result development has pushed closer to the site boundaries. However, this has been compensated through the provision of additional landscape planting at the site boundaries.
- 8.20 At the south boundary of the application site the proposed dwellings are to face the south, and the linear park delivered through the wider development. In so doing they turn their backs on the main road within the site. Properties fronting that road on its north side therefore face the rear boundaries of the aforementioned properties. The arrangement is not considered to present a very attractive street frontage, but it is noted that extant planning permission does allow for this. In addition, overlooking the linear park to the south will provide those properties with a pleasant outlook and as such is considered acceptable in this instance.

Amenity

- 8.21 A review of the proposed garden sizes for the proposed dwellings has been undertaken. The proposals deliver a range of garden sizes within the proposed development from the generous (200+ sqm) to more modest gardens (circa 50sqm). It is noted that a number of the proposed properties fail to meet the standards Midlothian Council seeks to impose through the use of the guidance set out in Policy DP2 from the 2008 MLP, which remains best practice due to its consistent use in guiding development in this local authority area. In assessing the access future residents would have to amenity space, opportunities to access open space are also considered. Where good levels of open space are provided within convenient reach of dwellings it is acceptable, in some circumstances, to accept slightly smaller garden sizes than those set out in the detailed guidance.

- 8.22 The proposed development seeks to deliver a greater quantum of open space than was approved for phase 4 and 5 under application ref: 12/00745/DPP. The landscaping areas within the development has increased by approximately 707sqm.
- 8.23 The provision of such spaces is considered to benefit the development and reflects its location and is considered sufficient to meet the requirements of MLDP policy DEV9.
- 8.24 The wider development delivers the “linear park” that runs along the sites south west boundary. Given the proximity to open space, the provision of a mix of garden sizes, the proposed development is considered acceptable on this matter.
- 8.25 The separation distances within the development and the majority of back to back and front to front distances generally comply with the Council standards. There are some instances where such separation is not quite achieved. This can be seen in the front to front separation between plots 640 and 647 that achieve 16m. On balance, the proposed layout is considered to be sufficient level of amenity for new residents and a good quality development in urban design terms.
- 8.26 Where existing buildings are located within close proximity the development seeks to introduce landscaped buffers along site boundaries to promote privacy and amenity for existing residents. It is noted from public comments that there is some concern with the proposed structured landscaping at the north west of the site that might overshadow adjacent properties and extensions to those properties not previously identified on the OS Base. There is some separation from the boundary proposed as the existing water main standoff requires. As such, it is considered that the proposed development would not have a detrimental impact on these properties.

Permeability

- 8.27 The proposed development provides for a number of different connections to neighbouring sites including five pedestrian connections (two suitable for cycles) to the linear park to the south of the site. A pedestrian connection is provided along the length of the southern boundary with the linear park. At the north west of the site a pedestrian/cycle path is proposed around the site perimeter connecting into the development as well as to Belwood Road. Provision for cycling through the development primarily focussing on the use of proposed areas of open space. Pedestrian access to the east of the site has also been allowed for. The proposed development is considered to provide good levels of permeability for its users that are primarily delivered towards areas of open space providing an attractive environment.

House types

- 8.28 The proposed development would include 13 house types across the site. The provision of a number of house types across the site is considered to be appropriate given the number of units proposed. This provides opportunity for variation within the site. The house types are all 2 storeys with pitched roofs and incorporate terraces (max length 4), semi-detached and detached properties. A number of detached garages and single garages are proposed throughout the site as well as house types with integral garages.
- 8.29 The proposed house types follow similar house types previously approved on the site. The new house types proposed on the site are similar to those approved and in form and appearance fit the established character of the wider development.
- 8.30 House types have generally been updated to demonstrate 35 degree pitched roofs. As such the proposed house types comply with the appropriate guidance.
- 8.31 The proposed materials include four variations of render finish and four colour options, natural clay roof tiles and reconstituted stone. The materials set out within the proposals are considered to be a reflection of the approved development and are considered acceptable in line with MLDP policy DEV5.
- 8.32 Boundary treatments are a mixture of:
- 1.8m high timber open boarded screen fence to the rear of gardens;
 - Split face reconstituted stone walling 900mm high wall and 900 timber fence at more prominent plot boundaries;
 - Split face stone dwarf walling 900mm high; and
 - 1100mm high metal railing.
- 8.33 It is noted that compared to the extant planning permission 12/00745/DPP the boundary treatments have been amended to remove some of the more attractive proposals including 1800mm high reconstituted stone walling, replaced with the split wall and fence option above. Whilst this change is considered to be unfortunate, the proposed boundary treatments were approved at Phase 3 and application ref: 19/00256/DPP. On balance the proposed boundary treatments are considered acceptable for the development.

Access and Transportation Issues

- 8.34 In terms of vehicle trip generation the proposed development delivers seven additional dwellings on the site.

- 8.35 A new transport assessment (TA) has not been submitted with the application, but the previously approved TA has been re-issued. No objection has been raised by the Council's Policy and Road Safety Manager in regards to the new parking proposals, layout or trip generation.
- 8.36 The proposed access is provided from Belwood Road and this will be a standard T-junction and will be within 30 mph speed restricted sections of road. The requirements to extend the 30mph speed restrictions will continue to be sought as will requirements to connect the new cycle/footpath running along the site's southern boundary to the A701 to the south. This was proposed in the approved TA within application ref: 12/00745/DPP.
- 8.37 Considering the reliance on the extant position, the requirements for highways improvements required by application ref: 12/00745/DPP will also be required by this consent, where they are relevant to Phases 4 and 5.
- 8.38 In accordance with MLDP policy TRAN 5 new electric car charging points are required in new development. The proposed site plan indicated possible locations for these charging points. Additional information will be required by condition to deliver effective charging points and spaces.

Ecology

- 8.39 The Council's ecology consultee, TWIC, have not raised any principle objection to the proposals as it represents a remixed planning application. The extant permission allows the site to be developed according to the approved documents submitted as part of that application. The site is currently being cleared of much of the identified scrub/trees that are not protected or identified for retention in the extant planning application.
- 8.40 An ecology report was submitted in support of the application. It sets out recommendations for otter as well as bat surveys to be undertaken. Previously approved ecology reports did not require the undertaking of an otter survey and water vole, however based on the proximity of the development to water course to the south and south west it is considered that these are required. TWIC have provided additional comments on the required methodologies for these.
- 8.41 Two trees (T2 and T5 as identified in the ecology report) were considered to have 'moderate potential' for roosting bats, then should these trees require removal presence/absence surveys would need to be undertaken (between May and September inclusive). These trees are located in the "V-Park" open space separating Phase 4 and 5 and are understood to be retained.

- 8.42 To allow hedgehogs to move between gardens once the houses have been built, gaps suitable to allow hedgehogs to move between gardens should be left in gardens.
- 8.43 Considering the extant planning consent in place it is considered that the required surveys are appropriate to be secured by a condition.
- 8.44 A condition should be applied to secure this further survey work and hedgehog gaps within boundary treatments. Conditions requiring a site assessment by a suitably qualified ecologist, survey of trees for roosting bats, and avoidance of vegetation clearance during the bird breeding season.

Landscape and Visual Impact

- 8.45 MLDP policy ENV7 protects local landscape character. Considering the extant permission on the site the impact on the wider landscape will not be altered by the current proposals.
- 8.46 An assessment of landscaping within the proposals have been undertaken. MLDP policy DEV7 is a key consideration for landscaping within the development.
- 8.47 It was considered that the areas of structure planting should be increased, encroachment of new units on the open space and landscaping areas resolved, and suitable maintenance achieved.
- 8.48 The proposed layout has been updated over the course of its assessment. This has included the introduction of more structure planting at the site's boundaries and in particularly at the north west, and the introduction of a landscape buffer to the rear of plots 763-773 at the north east of the site.
- 8.49 It is considered that major concerns held in regard to the landscaping and reversing some encroachment of development into open space and landscaped areas have been resolved appropriately.
- 8.50 The applicant has provided the planting plans previously prepared for phases 4 and 5 dated 2013. The principles they present are largely acceptable but they do not reflect the most recent changes to the proposed layout. Updated landscaping and planting plans and schedule will be required by condition as well as adequate management information.

Flood Risk and Drainage

- 8.51 The proposed SUDS are principally by means of a retention pond which will handle run-off from the surfaced areas. The SUDs pond is located at the south east of the site and was relocated from the east boundary to the south. No objections have been raised by the

Council's Flooding Manager. The basin will have water within it permanently. This is considered to be a benefit as it has added biodiversity benefits.

- 8.52 Subterranean attenuation tanks will be located at the centre of the site which will store surface water and control the flow to the proposed pond.
- 8.53 The previously approved flood risk assessment has been submitted to the application. It is noted that SEPA held an initial objection the extant permission which was removed following subsequent information. No new information is submitted with this application and no technical objections are outstanding to the application. The proposal therefore meets the requirements of MLDP policy ENV10 through the compliance and discharge of the relevant planning conditions proposed.

Contamination and Remediation

- 8.54 The previously approved site investigation report has been submitted with the application. The Coal Authority has commented on the application to state that they have no objection subject to the reinstatement of Condition 4 attached to planning application ref: 12/00745/DPP.
- 8.55 The Council's Environmental Health Officer has further raised no objection subject to contamination remediation being required by condition.
- 8.56 Given the above, it is considered that adequate measures are taken to comply with planning policies.

Amenity

Noise

- 8.57 MLDP policy ENV18 sets out that noisy development would be resisted where it would cause harm to neighbouring uses or sensitive receptors.
- 8.58 The Council's Environmental Health Manager commented on the application to request a condition to control construction hours on the site:
- Monday to Friday - 8am – 7pm
 - Saturday - 8am – 1pm
 - Sunday - No working
- 8.59 As such, the development is considered to comply with MLDP policy ENV18.

Other Matters

- 8.60 In accordance with MLDP policy IMP1 a percentage of art for new developments should be sought. It is noted that areas of proposed public art are proposed on the submitted site plans. Details of the art and confirmation of location will be required by condition.
- 8.61 In accordance with MLDP policy IT1 new development should include new superfast internet broadband. A scheme and phasing of this provision will be secured by condition.

Developer Contributions

- 8.62 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
 - be reasonable in all other respects
- 8.63 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the 2017 Midlothian Local Development Plan and Midlothian Council Developer Contributions Guidelines (Supplementary Planning Guidance) and Supplementary Planning Guidance on Affordable Housing both approved in March 2012.
- 8.64 In 2016 planning permission was granted for 458 dwellings that this site and an S75 agreement was entered into to secure contributions towards various elements of infrastructure. Since then there have been a small number of further applications which have provided for making changes to the approved layout and house types and also increased the overall number of dwellings. In this case, whilst this application is as such for 221 dwellings only 7 of these are “additional” dwellings. It is therefore necessary for the existing S75 agreement to be varied so that 214 “original” dwellings contained in this application are bound by the S75 agreement. Furthermore it is necessary for the additional 7 dwellings to also make contributions towards additional primary (including nursery) capacity, additional secondary capacity and the A701 Relief Road. In terms of affordable housing given the 25% affordable housing requirement in relation to the 7 additional dwellings,

that equates to 2 of those dwellings being additional affordable units to be provided within the site.

- 8.65 A traffic regulation order will be required to be implemented in relation to the delivery of this development. A developer contribution to cover the costs of making the order will be required.
- 8.66 The above provisions meet the tests set out in circular 03/2012 and local plan policies and supplementary guidance.

9 RECOMMENDATION

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

By virtue of its scale, location, design and choice of materials the proposed development accords with policies STRAT1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV17, ENV18, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the adopted Midlothian Local Development Plan 2017. The layout and detailed appearance of the development will add interest to the street scene and it will not have a significant adverse impact on the amenity of nearby properties. The presumption for development is not outweighed by any other material consideration.

- 9.2 Subject to:

- i. The completion of a minute of variation to the existing Section 75 legal agreement to secure;
 - That the “original” number of dwellings provided in this permission are bound by the varied agreement;
 - A financial contribution towards additional primary (including nursery) school capacity;
 - A financial contribution towards additional secondary capacity;
 - A financial contribution towards the A701 Relief Road;
 - The provision of 2 additional affordable housing units; and,
 - A contribution in relation to the Traffic Regulation Order.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- ii. the following conditions:

1. Development shall not begin until samples of all materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall

thereafter be carried out using these approved materials or such alternatives as may be further agreed in writing with the planning authority.

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

2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space, SUDS features and roads in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas and open space, including trees, hedging, and grassed areas;
 - iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August) unless otherwise agreed in writing by the planning authority;
 - vii. drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing;
 - ix. proposed footpaths and cycle paths; and
 - x. 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 (2vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of the same or 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 DEV6 and DEV7 of the Midlothian Local Development Plan and national Planning guidance and advice.*

3. 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 or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
 - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment and to comply with policy ENV16 of the Midlothian Local Development Plan.*

4. On completion of the decontamination/ remediation works and prior to occupation of any dwellinghouse on the site, or within another timescale to be agreed in writing by the planning authority, a validation report or reports shall be submitted to the planning authority confirming in writing that the works have been carried out in accordance with the approved scheme. No dwellinghouse shall be occupied unless or until the planning authority have approved the required validation for that unit.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the*

wider environment and to comply with policy ENV16 of the Midlothian Local Development Plan.

5. 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: *In the interests of road safety and visual amenity.*

6. 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 IMP1 and DP2 of the Midlothian Local Plan and national Planning guidance and advice.*

7. Unless otherwise agreed in writing by the planning authority, prior to the construction of the 43rd residential unit (325th dwelling of approved development under planning ref: 12/00745/DPP) on the site, work shall commence on the construction of the local centre which forms part planning permission 12/00745/DPP.

Reason: *To ensure the local centre which was envisaged to be delivered as part of the wider residential development is provided in a timely manner; to ensure that the residential development is supported by appropriate local facilities.*

8. The siting of any temporary buildings, site cabins/compound and sales offices brought onto the site in association with the development shall be agreed in writing with the planning authority. Thereafter any such buildings/structures shall be removed in accordance with a timescale to be agreed in writing with the planning authority prior to the siting/formation of the facility. Once the facility has been removed the land shall be returned to a state as agreed in compliance with the hard and soft landscape condition above.

Reason: *To minimise disturbance to nearby residential properties*

9. Prior to construction beginning details of a scheme for biodiversity enhancement shall be prepared and submitted to the planning authority for approval in writing. The approved scheme shall include, but not be limited to, details of meadow planting, bird and bat boxes and hedgehog gaps within domestic fencing. Development shall thereafter be completed in accordance with approved details and plan.

Reason: *To support the movement of small mammals and other wildlife within the development and to comply with policy ENV15 of the Midlothian Local Development Plan.*

10. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of superfast broadband prior to the occupation of the building. The delivery of superfast broadband shall be implemented as per the approved details or such alternative as may be approved in writing by the planning authority.

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

11. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
 - i. Details of construction access routes;
 - ii. signage for construction traffic, pedestrians and other users of the site;

- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays and at no time on Sunday).

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

Reason: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

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

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

13. Plan ref: 21-027-30 B is not hereby approved as part of this development. Prior to the commencement of development the abovementioned drawing shall be updated to reflect the final level amendments subject to condition 14.

14. The following features are not hereby approved at plots 674 – 679 (inclusive) and 632- 635 (inclusive):

- i. proposed levels and grading of rear gardens;
- ii. proposed retaining walls at back to back plot boundaries;
- iii. proposed retaining wall finish and materials; and
- iv. proposed boundary treatments.

Prior to the commencement of development details of these features shall be submitted to and agreed in writing by the planning authority. Thereafter, the development shall accord with approved details unless otherwise agreed in writing with the planning authority.

15. Plot 601 is hereby not approved and no hard surfacing, foundations, or other works specific to that plot shall be carried out within the red line as added to plan ref: A02-40 rev L. Prior to the commencement of development on the site revised layout drawings shall be submitted showing the removal of plot 601 and the landscape scheme to replace it.

Reason for conditions 13 – 15: To ensure the development accords with the requirements of policy DEV6 of the Midlothian Local Development Plan 2017, in the interests of protecting residential amenity and the visual amenity of the area.

16. Prior to the commencement of development details of the SUDs pond shall be submitted for approval in writing by the planning authority. The details shall include sections through the pond indicating the levels of the base, pond level and the 1:200 year flood level as well as details of any fencing required around the pond and vehicle access gates for maintenance vehicles should be indicated.

Reason: To ensure the development accords with the requirements of policy ENV 10 of the Midlothian Local Development Plan 2017.

17. Prior to the commencement of development details of the proposed new site access junction on Belwood Road shall be submitted for approval in writing by the planning authority. This shall include details of the proposed extension to the current 30mph speed limit and details of the extended street lighting, new 30mph/60mph gateway and removal of the redundant vehicle access into the site. Any planting shall be setback behind the 4.5m by 70m visibility splay.

Reason: To ensure the development accords with the requirements of policy ENV10 of the Midlothian Local Development Plan 2017.

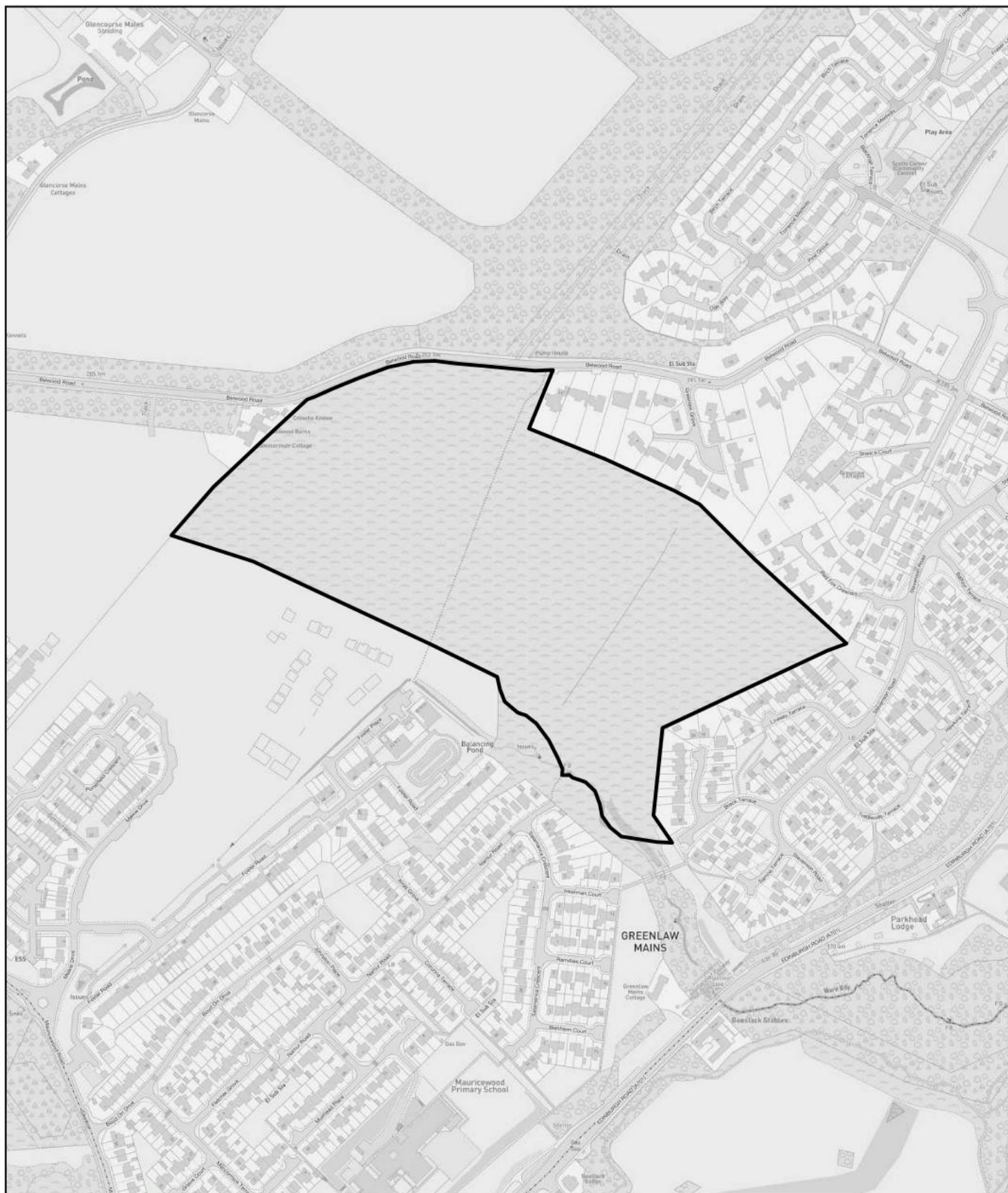
18. Prior to the commencement of development details of the bridge links (both pedestrian and vehicular) within and adjacent to the application site shall be submitted for approval by the planning authority. The bridges shall be designed to an adoptable standard to ensure that they are suitable for adoption by the Council and meet current safety and future maintenance requirements. Development shall not commence on site until the phasing of the delivery of this bridge links are agreed in writing by the planning authority. Following the approval of details, the new bridge link shall be completed in compliance with the agreed phasing.

19. Prior to the commencement of development details of the 3m wide adoptable cycleway / footpath which runs to the south west of the proposed SuDS pond linking the Linear Park with the public footway at the A701 to the south will be submitted to the planning authority for approval. Development shall not commence on site until the phasing of the delivery of this link is agreed in writing by the planning authority. Following the approval of details, the new links shall be completed in compliance with the agreed phasing.

Reason for conditions 18 and 19: To ensure that appropriate linkages are provided in compliance with the approved Transport Assessment.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date	23 December 2021
Application No:	21/00466/DPP
Applicant:	Taylor Wimpey, 1 Masterton Park, South Castle Drive, Dunfermline
Agent:	N/A
Validation Date:	09/07/2021
Contact Person:	Hugh Shepherd
Email:	Hugh.Shepherd@midlothian.gov.uk
Background Papers:	Planning application 12/00745/DPP (available online)



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

Residential development including formation of roads, parking, drainage, open space and associated works (amendment to design, layout, housetypes and numbers approved by planning permission 12/00745/DPP) at Land between Belwood Road and Mauricewood Road, Penicuik,

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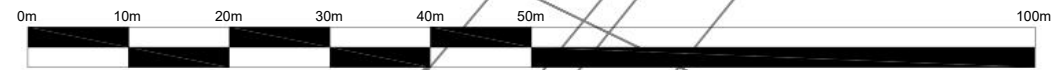
Midlothian Council Licence No. 100023416 (2021)

File No: 21/00466/DPP

Scale: 1:5,000



Development layout only - may be subject to change.
Houses with window or door openings in walls facing boundaries must not be less than 1.0m from the boundary.
Each house to be provided with 3 no. 900x900mm (min) P.C. slabs as a bin stance, adjacent to the rear entrance door for general, recycling and composting refuse.
All topsoil and vegetable matter (including weeds) to be removed over the area of each house and the ground immediately adjoining the house.
All driveways to be to Engineers Details.
Substrate arising from excavations provide useful engineering material for raising levels and in forming and contouring areas of landscaping.
Accordingly, the finished surface levels on this development have been designed to incorporate the benefit of this material, either derived on this site, or on other TWUK developments.
All landscaping shown is indicative on the Detailed Site Masterplan and reference should be made to the landscape design, specification and schedule.
For full extent of boundary details to TW Phase 2. Please refer to Detailed Site Masterplan (Dwg No. A02 01).



NOTES

NOTICE TO HOUSE - PURCHASERS
Property Masterplan No. 1991
Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the specified matters prescribed by any other statute under the above Act.
The contents of this drawing may be subject to change at any time, and alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown.
No site or contents of this drawing constitute a contract, part of any contract or warranty.

- LEGEND**
- SITE BOUNDARY
 - AS HAND DWELLING
 - OPPOSITE HAND DWELLING
 - ALLOCATED PARKING (PRIVATE HOUSING)
 - UNALLOCATED PARKING
 - VISITOR PARKING
 - INDICATIVE LANDSCAPING ONLY (REFER TO LANDSCAPE DESIGNS)
 - PROPOSED ART LOCATIONS
 - PROPOSED EV CHARGE LOCATIONS



REV	DATE	DRN	DESCRIPTION
L	Dec 21	MC	Plot 601 retaining wall updated following planning comments
K	Dec 21	MC	Updated following roads comments
J	Dec 21	MC	Garden areas updated
I	Nov 21	MC	Proposed art locations added
H	Oct 21	MC	Updated in accordance with planning and roads comments
G	Jun 21	MC	Garden areas and scale bar added
F	May 21	MC	Graphic update
E	May 21	MC	Layout updated following planning comments. Plots 537, 695, 715 upgraded to bigger units. Plots 681, 682, 684, 686 rotated to face the square. NW Structure planting boundary increased to 15m wide. Dropped one plot schedule updated
D	Mar 21	MC	Updated following planners comments
C	Feb 21	MC	Planning comments update
B	Feb 21	MC	Updates following BU comments
A	Dec 20	MC	Updates following BU comments

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Taylor Wimpey

Project:
Greenlaw Mains, Penicuik Midlothian

Title:
Detailed Site Plan (TW Phase 4)

Rev No: **2047/02 40** L
Scale: 1:500 Date: Oct '18
@A0
Drawn By: M.C. Checked By:



NOTES

NOTICE TO HOUSE - PURCHASERS
Properties described in this drawing are not intended to be treated as descriptive material
Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material
describing, in relation to any particular property or development, any of the specified matters prescribed
by any other statute or the above Act.
The contents of this drawing may be subject to change at any time & alterations & variations can occur
during the progress of the works without revision of the drawing. Consequently the layout, form,
content & dimensions of the finished construction may differ materially from those shown.
Nor do the contents of this drawing constitute a contract, part of any contract or warranty.

- LEGEND
- 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
 - AS HAND DWELLING
OPPOSITE HAND DWELLING
 - ALLOCATED PARKING
(PRIVATE HOUSING)
 - UNALLOCATED PARKING
 - VISITOR PARKING
 - INDICATIVE LANDSCAPING ONLY
(REFER TO LANDSCAPE DESIGNS)
 - PROPOSED ART LOCATIONS
 - PROPOSED EV CHARGE LOCATIONS

REV	DATE	DRN	DESCRIPTION
K	Dec 21	MC	Updated following roads comments
J	Dec 21	MC	Garden areas updated
H	Nov 21	MC	Proposed art locations added
G	Oct 21	MC	Updated in accordance with planning and roads comments
F	Jun 21	MC	Scale bar and garden areas added
E	May 21	MC	Graphic update
D	May 21	MC	Layout updated following planning comments. Plots 337, 695, 715 upgraded to bigger units. Plots 681, 682, 684, 690 rotated to face the square. NW structure planting boundary increased to 15m wide. Driveway one plot schedule updated
C	Mar 21	MC	Updated following planners comments
B	Feb 21	MC	Planning comments update
A	Dec 20	MC	Updated following BU comments

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Project:
Greenlaw Mains, Penicuik
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Title:
Detailed Site Plan
(TW Phase 5)

Rev No	2047/0250	K
Scale	1:500	Date: Oct '18
Drawn By	M.C.	Checked By: