



**APPLICATION FOR PLANNING PERMISSION (18/00308/DPP) FOR
ERECTION OF 79 DWELLINGS; FORMATION OF ACCESS ROADS AND
CAR PARKING AND ASSOCIATED WORKS AT LAND SOUTH-WEST OF
THE FORMER NEWBATTLE COMMUNITY HIGH SCHOOL, MORRIS
ROAD, NEWTONGRANGE**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 79 dwellinghouses, formation of access roads and car parking and associated works on land to the south west of the former Newbattle Community High School. There have been five representations and consultation responses from the Scottish Environment Protection Agency, The Coal Authority, Scottish Water, the Council's Archaeology Advisor, the Wildlife Information Centre, the Council's Environmental Health Manager, the Council's Policy and Road Safety Manager, the Council's Land Resource Manager and the Council's Head of Education.
- 1.2** The relevant development plan policies are policies STRAT2, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV7, ENV9, ENV10, ENV11, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.3** The recommendation is to grant planning permission subject to conditions and the applicant entering into an agreement to make developer contributions.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The 2.67 hectare site lies to the south west of and abutting the grounds of the former Newbattle Community High School. Morris Road abuts the frontage of the site to the east with woodland and playing fields beyond. Campbell Park abuts the site to the west with a core path running through it towards the site. Two storey housing off Reed Drive and Morris Road backs onto the site along its southern boundary.
- 2.2** The site slopes down from its Morris Road frontage towards Campbell Park. A social club, now demolished, was previously situated towards

the frontage of the site, some of its foundations and car park remain. A self-seeded woodland is establishing itself on the remainder of the site.

3 PROPOSAL

- 3.1 The application is for the erection of 79 dwellings comprising 28 houses, 28 cottage style flats, 22 flats and 1 bespoke house designed for a disabled occupant. The proposed development is part of the Council's housing programme and comprises all affordable housing units.
- 3.2 A vehicular and pedestrian access point is proposed off Morris Road; additional footpath links are proposed to Reid Drive, Campbell Park and the grounds of the former Newbattle Community High School (in anticipation of future development). An area of existing trees to the south of the site is proposed to be retained along half of the site's boundary with properties in Reed Drive and Morris Road.
- 3.3 The proposed buildings have pitched roofs and are two storey in height with conventional eaves and ridge heights. The exception being the flatted block, in the north eastern corner of the site, fronting onto Morris Road, which is two and a half storey (the accommodation is on three floors).
- 3.4 The proposed materials comprise white render walling with a grey brick base course, grey brick decorative panels, white UPVC windows, grey composite doors and grey concrete interlocking roof tiles. The two flatted blocks fronting onto Morris Road are proposed as an 'Area of Improved Quality' (AIQ) with further detailing envisaged to distinguish them from the overall development; the intention is to provide brick walls with iron railings to enclose both blocks, identifying entrances with brick piers and the entrance to one of the flatted blocks having a seating area with pebble mosaic patterns. Roof-mounted photovoltaics are also proposed throughout the site.
- 3.5 There are 131 car parking spaces provided within the curtilage of the properties and within communal areas. The parking provision incorporates 4 disabled spaces and 54 electric car charging points (within the curtilage of the properties).
- 3.6 Surface water is proposed to be managed by way of a sustainable urban drainage system (SuDS) incorporating underground storage.
- 3.7 The application is accompanied by a:
 - Design and Access Statement;
 - Geotechnical Interpretative and Design Report;
 - Contaminated Land Risk Assessment;
 - Coal Mining Risk Assessment;
 - Preliminary Ecological Appraisal Report; and
 - Pre Application Consultation Report

4 BACKGROUND

- 4.1 Pre-application consultation (18/00102/PAC) for residential development of the site was reported to Planning Committee at its meeting of 3 April 2018.
- 4.2 The agent was advised on 16 May 2018 (18/00105/SCR) that the planning authority did not consider the proposed residential development of the site would require an 'EIA' under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

5 CONSULTATIONS

- 5.1 The **Scottish Environment Protection Agency (SEPA)** does not object to the application. However additional information needs to be submitted with regard legacy mine workings, sustainable urban drainage systems (SUDS) and flood prevention. This can be covered by conditions on a grant of planning permission.
- 5.2 The **Coal Authority** confirm that the site falls within a defined Development High Risk Area; which means the application site and surrounding area has the potential of coal mining features and hazards which need to be considered in relation to the determination of the planning application. Coal Authority records indicate that the site has been subject to shallow coal workings (within the extreme north-eastern corner of the site) and unrecorded underground coal mining at shallow depth within the eastern half of the site.
- 5.3 The Authority considers that an adequate Coal Mining Risk Assessment has been carried out on behalf of the applicant. It is noted that based on the results of the gas monitoring programme already undertaken, gas protection for new buildings will be incorporated.
- 5.4 The Coal Authority does not object to the proposed development subject to a condition to ensure that sufficient information is provided by the applicant to demonstrate to the planning authority that the site is, or can be made, safe and stable: the undertaking of the proposed further scheme of intrusive site investigations identified in the assessment report and establishing the risks posed to the development by past coal mining activity; submission of a report of findings arising from intrusive site investigations and any remedial works and/or mitigation measures considered necessary; implementation of the remedial works and/or mitigation measures.
- 5.5 **Scottish Water** does not object to the application.
- 5.6 The **Council's Archaeology Advisor** confirms that the site lies in the vicinity of an Inventory Garden and Designed Landscape and several

scheduled monuments and other archaeological sites; former buildings dating to at least the mid-19th century are also recorded to have existed within the proposed development site. There is a requirement for a programme of archaeology works (field evaluation by trial trenching) to mitigate the impact of the proposed development upon the historic environment. All work should be carried out under the terms of a written scheme of investigation which will need to be approved by the planning authority prior to works commencing. The area to be investigated by trial trench evaluation should be no less than 5% of the total site area.

- 5.7 **The Wildlife Information Centre** advise that there should be a walk over ecological survey carried out to ensure no protected species are present or using the site that may be affected by development.
- 5.8 The Council's **Environmental Health Manager** does not object to the application subject to conditions requiring remediation works to address any site contamination and/or previous mineral workings and limiting the hours of construction operations (including deliveries) to Monday to Friday 8am to 7pm, Saturday 8am to 1pm, and no working on Sunday or a Bank Holiday.
- 5.9 The Council's **Policy and Road Safety Manager** does not object to the application in terms of transportation matters or flooding.
- 5.10 The Council's **Land Resources Manager** does not object to the application, but requests the development is sufficiently permeable to allow future expansion of links to the wider path network.
- 5.11 The **Head of Education** states that St Andrew's RC Primary is at, or near, capacity from committed developments in the Newtongrange and Gorebridge area and as such a developer contribution is required towards the cost of any additional provision. Newtongrange Primary School is over capacity. A significant amount of new housing has already been allocated to Newtongrange Primary School and additional primary capacity will be required. Negotiations are currently taking place to acquire a site for a three stream school to serve the Dalkeith and Easthouses communities. If this acquisition goes ahead then this area of housing could be rezoned to the catchment of the new school and the pupils from the Morris Road development accommodated. A developer contribution would be required towards the cost of the additional capacity. First occupancy of these houses would need to be aligned with the opening of the proposed new school as all other schools in the area are at or over capacity, i.e. Newtongrange, Mayfield and Lawfield Primary Schools.
- 5.12 A significant amount of new housing has already been allocated to Newbattle High School and additional secondary capacity will be required; a developer contribution will be required towards the cost of

any additional provision. A developer contribution is also required towards St David's High School.

6 REPRESENTATIONS

6.1 There have been five representations objecting to the application. These can be viewed in full on the online planning application case file. A summary of the points raised are as follows:

- The potential loss of wildlife, a wildlife site and biodiversity, including the impact on deer that habituate the site. One objector has recorded over thirty species of birds, a variety of mammals and butterflies/moths, including the cinnabar moth;
- Concern regarding the stability of the land and therefore any buildings constructed on the site;
- Concerns over noise as a consequence of the development and its future occupation;
- Road safety concerns;
- The loss of openspace;
- Implications for schools capacities;
- Concern that the pleasant ambience and outlook from existing gardens is replaced by residents' 'washing'; and
- The devaluation of neighbouring properties.

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 November 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **STRAT2: Windfall Housing Sites** permits housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.3 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.
- 7.4 Policy **DEV3: Affordable and Specialist Housing** requires sites of the scale proposed to be 25% affordable housing.
- 7.5 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

- 7.6 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.7 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, to ensure landscaping proposals meet listed criteria.
- 7.8 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).
- 7.9 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.10 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.11 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.12 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.
- 7.13 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.

- 7.14 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 environment.
- 7.15 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.
- 7.16 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
- 7.17 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.
- 7.18 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.19 Policy **IMP1: New Development** This policy 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.
- 7.20 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.

- 7.21 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SuDS) to be incorporated into new development.

National Policy

- 7.22 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.
- 7.23 The 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.
- 7.24 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*.
- 7.25 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.
- 7.26 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that:
- "Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area".*
- 7.27 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.
- 7.28 The Scottish Government policy statement **Designing Streets** emphasises that street design must consider place before movement,

that street design guidance (as set out on the document) can be a material consideration in determining planning applications and that street design should be based on balanced decision-making. Of relevance in this case are the statements that:

“On-plot parking should be designed so that the front garden is not overly dominated by the parking space.”

“Parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. On-plot parking may be suitable in restricted situations when integrated with other parking solutions and when considered in terms of the overall street profile.”

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 application site is located within the built up area of Newtongrange where there is a presumption in favour of appropriate development. The application site is situated within a primarily residential area and as such the site is not inherently unsuitable for residential development and the consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for residential purposes.
- 8.3 The principal planning issues relate to the assessment of the appropriateness of the scale, mass and proportions of the development, the elevation design, material finish, layout, amenity space, access and parking, and impact on local amenity. With regards to the application consideration must also be given to the possibility of significant archaeological interest within the site and whether there are any legacy coal mining issues that require remediation.

Layout, Form and Design of Development

- 8.4 The proposed layout and form of the development reflects the elongated shape of the site and its setting within the urban environment; neighboured by existing residential properties and the site of the former Newbattle High School, which is likely to be subject to redevelopment. The front part of the site comprises a number of small streets running in a north south direction stepping back from the front of the site onto Morris Road. The rear part of the site comprises a row of semi-detached properties running east to west fronting onto the

proposed new estate road which runs through the development in an east to west direction. The primary buildings fronting onto Morris Road comprise two flatted blocks of different design; this provides a strong frontage to the site and will be an attractive feature. Although the layout is not typical, it has been dictated by the shape of the site and will not be out of keeping with the character of the area. A section of open space/existing landscaping is to be retained along a section of the southern boundary, this adds to the amenity of the site, provides a degree of separation from a number of existing dwellings in Reed Drive and Morris Road as well as help 'frame' the development in the local landscape.

- 8.5 Nearby and neighbouring properties to the south are predominantly two storey buildings of traditional form, square and rectangular buildings with pitched roofs. The proposed development is of a compatible form comprising of two storey buildings with pitched roofs. The exception is the two and half storey block of flats located in the north east corner (away from existing properties) of the site. By means of the building's different height and style (the third floor of accommodation is provide in the roof space) this building adds variation and interest to the street scene and contributes to a strong frontage to the site. The majority of the buildings, including the cottage flats/four in a block, are in a semi-detached format, this reflects the housing configuration of the neighbouring estate in Reed Drive.
- 8.6 The proposed materials of render walling, concrete roof tiles and brick detailing with enhanced details on the flatted blocks fronting Morris Road as an AIQ are compatible with the surrounding area and are acceptable.
- 8.7 The layout, form and design of the development is acceptable.

Open space

- 8.8 The proposed layout incorporates private gardens for the future residents, informal pockets of amenity planting and the retention of a planting/landscaping buffer along part of the southern boundary. This landscape buffer is up to 20 metres deep in places. The details of the landscaping and boundary treatment can be secured by a condition on a grant of planning permission.
- 8.9 The proposed development does not provide any onsite play provision, however this is considered acceptable subject to a developer contribution towards existing facilities. There is a nearby play area off Reed Drive, sports and leisure facilities at the new Newbattle Community Campus and informal green space to the east and west of the site. The site sits at approximately equal distance between Mayfield Park and Easthouses Park (approximately 400 metres), with the Welfare Park, Newtongranges a little further away (approximately 600 metres).

- 8.10 The proposed development incorporates a sustainable urban drainage system comprising underground storage tanks and the use of swales – these measures are designed to mitigate any increased risk of localised flooding as a result of the development.

Transportation Issues

- 8.11 The site has a vehicular and pedestrian access point off Morris Road and additional pedestrian links to Reed Drive and Campbell Park, one through the landscape buffer in the front (eastern) section of the development and a second to the rear (western boundary) of the site. Two proposed footpaths also extend to the northern boundary of the site in anticipation of connecting to any development of the former Newbattle High School site. This is the correct approach and provides good connectivity to adjoining land uses. The vehicular access points will be designed to meet the required visibility standards.
- 8.12 There are 131 car parking spaces provided within the curtilage of the properties and within communal areas. The parking provision incorporates 4 disabled spaces and 54 electric car charging points (within the curtilage of the properties). This level of parking is greater than the existing standards, but is designed to meet the increasing demand that is arising on affordable housing sites.

Other Planning Matters

- 8.13 The recommendations of the Council's Archaeology Advisor, the Coal Authority and the Council's Environmental Health Manager with regard archaeological assets, legacy mining works, ground conditions and contamination can be addressed by way of a condition on a grant of planning permission.
- 8.14 A Preliminary Ecological Appraisal undertaken for the applicant concludes that the site is of limited ecological sensitivity. There are no sensitive habitats which would be adversely impacted and there are no statutory conservation sites within the zone of influence of the proposed development works. However, the habitats on site are considered suitable for badger; reptiles; and nesting birds. Further mitigation and enhancement recommendations are set out in the report including: undertaking sensitive site clearance to minimise potential harm to reptiles; undertaking checks immediately prior to site clearance for active badger setts; avoiding site clearance during the bird nesting season; and installing 15 bird boxes on existing trees. These recommendations should be implemented and secured by a condition on a grant of planning permission. Furthermore, appropriate landscaping, in particular tree planting can be implemented to enhance biodiversity on the site.

- 8.15 In relation to the education/schools capacity constraints, development of housing at this site cannot take place until the Council, as Education Authority, confirms that such capacity has been achieved. The consultation response from the Council's Head of Education provides detail on this matter (paragraph 5.12 refers). The possible exception to this constraint may be the provision of one bedroom flats/dwellings which can be shown not to result in any pupil product. As this site is owned by the Council, for development exclusively for affordable housing, and there is no known prospect of it being sold in part or in whole to any other party, there is no requirement for specific planning conditions to enforce the restriction on building pending the provision of school places as this will be a matter entirely within the control of the Council.

Other Matters

- 8.16 Matters raised by representors and consultees have been largely addressed above or are covered by the proposed conditions to be imposed on a grant of planning permission. However, with regards to the loss of existing views from neighbouring dwellinghouses or the concern over potential devaluation of neighbouring property values, these are not a material planning considerations.

9 RECOMMENDATION

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

The proposed development site is within the built-up area as defined in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.

Subject to:

- i) securing developer contributions towards education provision, children's play provision, Mayfield Town Centre Improvements and Borders Rail; and
- ii) the following conditions:
 - 1. 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.*

2. 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 area of woodland to be trained;
 - viii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - ix proposed car park configuration and surfacing;
 - x proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
 - xi 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.

3. 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; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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.

4. 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.

5. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings (coal working) 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.

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

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*

- 6. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a desk-based/archive assessment. The written scheme of investigation shall be approved in writing by 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 adopted Midlothian Local Development Plan.*

- 7. 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 Proposed Midlothian Local Development Plan 2017.

8. The recommendations made within the Preliminary Ecological Appraisal Report dated February 2018 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the planning authority.

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

9. The design and installation of any plant, machinery or equipment being such that any associated noise complies with standard NR 25 when measured within any nearby living apartment.

Reason: To minimise disturbance to nearby residential properties from the construction of the development.

10. Construction and engineering operations (including deliveries) shall only take place during the specified times, and shall not take place outwith the specified times:

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

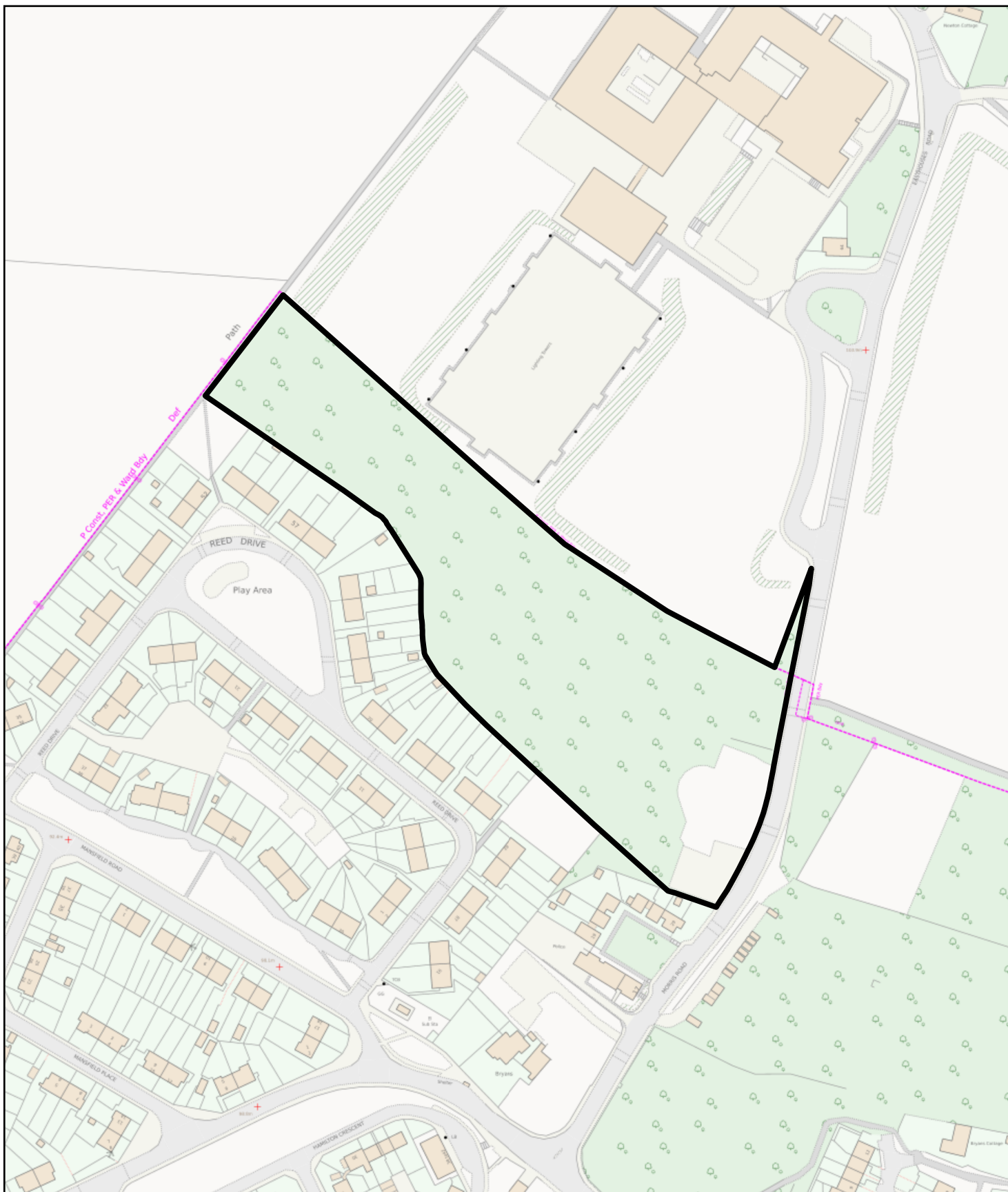
Sunday and Public Bank Holidays - No working or deliveries

Reason: To minimise disturbance to nearby residential properties from the construction of the development.

Ian Johnson
Head of Communities and Economy

Date: 2 October 2018

Application No: 18/00308/DPP
Applicant: Hart Builders (Edinburgh) Ltd
Agent: Hackland and Dore Architects
Validation Date: 10 May 2018
Contact Person: Brian Forsyth
Tel No: 0131 271 3473
Background Papers: None



**Education, Economy
& Communities**
Midlothian Council
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Erection of 79 dwellings; formation of access roads and car parking and associated works at Land South West Of Newbattle Community High School, Morris Road, Newtongrange

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