



---

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE  
22/00027/PPP FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED  
NEIGHBOURHOOD RETAIL, COMMERCIAL AND LEISURE  
DEVELOPMENT AND/OR COMMUNITY FACILITIES; AND ASSOCIATED  
INFRASTRUCTURE WORKS (EIA DEVELOPMENT) ON LAND SOUTH OF  
MAYFIELD AND EAST OF NEWTONGRANGE, CRAWLEES ROAD,  
GOWKSHILL, GOREBRIDGE**

Report by Chief Officer Place

---

**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 **The application is for planning permission in principle for residential development with associated neighbourhood retail, commercial and leisure development and/or community facilities on land to the south of Mayfield and east of Newtongrange, Crawlees Road, Gowkshill, Gorebridge (alternately referred to as the South Mayfield or Lingerwood site).**
- 1.2 **There have been 83 representations and consultation responses from the Coal Authority, Scottish Water, NatureScot, the Scottish Environment Protection Agency (SEPA), Historic Environment Scotland, Newtongrange Community Council (NGCC), Mayfield and Easthouses Community Council (M&ECC), the Council's Archaeological Advisor, the Council's Ecological Advisor (TWIC), the Council's Senior Manager Neighbourhood Services (Roads), the Council's Senior Manager Protective Services, the Council's Land Resources Manager and the Council's Education Executive Business Manager.**
- 1.3 **The relevant development plan policies are policies 1, 2, 3, 4, 6, 7, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 28 and 31 of the National Planning Framework 4 (NPF4) and policies STRAT1, DEV1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV 8, DEV9, DEV10, TRAN1, TRAN5, IT1, TCR2, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV16, ENV 17, ENV18, ENV19 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 site is extensive in size, being 74.5 hectares, and comprises agricultural land that is located to the south of Mayfield, to the north of Gowkshill and to the east of Newtongrange. The application site wraps around the existing Mayfield Industrial Estate to the east and south. The site does have a history of mine works and a number (14 have been identified) of disused mineshafts are present on the site.
- 2.2 The site is characterised by an ascending gradient from west to east, which is steep in parts. From the lowest point of the site at the west boundary to the highest point of the site at the east/south east boundary there is an increase in levels of circa 70m.
- 2.3 The settlement of Mayfield is to the north, Newtongrange to the east and Gorebridge is to the south. The site is bound by Blackcott Drive to the south and by Westhouses Road to the north east. On the site's eastern boundary, at its northern limits, the site is bound by Cushat Gardens. Moving south along the site's east and south east boundary, the site is predominantly bound by agricultural land. Right of way ref: MID/6-50/5, generally follows the site's south east boundary, set within the site.
- 2.4 At the south the main definition of the site's limit is the settlement of Gowkshill. Between Gowkshill and the site runs a right of way (ref: MID/5-29/1), this progresses to the east uphill towards Masterton Wood, parallel with the site boundary. To the west of Gowkshill the site is bound on its southern limited by Stobhill Road.
- 2.5 The site's western boundary starts at the south running north with existing development at Monkswood Road to the west, but separated from the site by existing tree belt and landscaping. This is the scenario up to Lingerwood Road, which enters the site almost perpendicular to the site boundary, penetrating into the southern centre of the site.
- 2.6 To the north of Lingerwood Road, the site's western boundary is defined by Newtongrange and principally existing development at Lothian Terrace which runs parallel to the site's boundary. To the north of Lothian Terrace the site abuts the ends of First – Sixth Streets within the Newtongrange Conservation Area. The western boundary is further characterised by the presence of right of way ref: MID/5-34/3 that runs north from Lingerwood Road to the north west corner of the site.
- 2.7 Development at Wester Suttleslea Terrace is located at the north west corner of the site, with the Mayfield Industrial Estate forming the north

boundary of the site until the site wraps around the east of the industrial estate and progresses back up to Blackcott Drive.

- 2.8 The site's interior is characterised primarily by functional agricultural fields defined in the most part by established hedgerows. This land is identified within the MLDP as the following sites:
- h34 – East Newtongrange (Committed Development – 109 houses)
  - h35 – Lingerwood (Committed Development – 137)
  - h38 – South Mayfield (indicative capacity 439)
  - h49 – Dykeneuk, Mayfield (indicative capacity 50)

A total of 735 units.

- 2.9 The site wraps around some existing residential dwellings including:
- Smithy Cottages at the junction of Lingerwood Road and Crawlees Road;
  - Lingerwood Farm to the north of Lingerwood Road; and,
  - Lingerwood Farm Cottages to the north of Lingerwood Road.

- 2.10 A "Safeguarded Route" through the industrial estate, into the north of the site is identified in the MLDP and would deliver a direct route from Suttieslea Road south to Crawlees Road. The MLDP further safeguards a future connection from the southern end of Bogwood Road to the north, through to Crawlees Road which runs north to south through the heart of the development and connects Mayfield and Gowkshill.

- 2.11 With respect to statutory and non-statutory environmental designations, the Gowkshill enclosure (SM6336) is located approximately 200m to the south of the site. The Newtongrange Conservation Area lies adjacent to the site's north-western boundary. There are no statutory national nature/conservation designations within close proximity to the site; the closest being the Crichton Glen SSSI over 5km away. A regionally and locally important nature conservation site, Camp Hill/Camp Wood, is located approximately 500m from the site to the south east.

### **3 PROPOSAL**

- 3.1 Planning permission in principle is sought for residential development, neighbourhood retail, commercial and leisure development and/or community facilities; and associated infrastructure.

- 3.2 A design and access statement and masterplan (reference: MI02(SW)MP01) have been prepared by the applicant to outline the following indicative development components:

- A residential led development proposal in excess of 900 dwellings within 9 character areas;

- Three new or upgraded vehicular access points - from Bogwood Road, Sutteislea Road and Stobhill Road;
- A primary spine road and bus route running from Bogwood Road to the north east of the site, through to the centre of the site to connect with Crawlees Road and progress south to Stobhill Road;
- Three indicative locations for neighbourhood retail, commercial, leisure and/or community facilities, including the potential at Lingerwood Steadings for artisan workshops;
- Two development plots to accommodate community growing areas and the provision of allotments;
- Enhanced pedestrian and cycling accessibility/connectivity and extended public transport routes into the site;
- A network of open space provision including land for orchards, play space, sports pitches and viewing points;
- The provision of structure landscaping and trees at the sites boundaries and within proposed areas of open space;
- The provision for sustainable urban drainage systems (SUDS) comprising SUDS basins, porous paving, filter drains and swales to suit future site layout arrangement;
- The retention and enhancement of existing trees and woodland;
- The provision of a 6m high landscaped noise bund (and fencing) around the north, east and southern boundaries of the Mayfield Industrial Estate; and
- Footpath links from the existing network into the site.

3.3 An indicative housing capacity in excess of 900 dwellings is identified within the masterplan and accompanying submission.

3.4 As this application is for planning permission in principle, an exact number of residential units is not known, however an associated environmental impact assessment (EIA) screening and subsequent assessment limits numbers to not more than 1,000 dwellings.

3.5 The application is accompanied by the following documentation:

- Pre-Application Consultation Report (PAC);
- Design and Access Statement (DAS);
- Ecological Assessment;
- Heritage Assessment (including an updated assessment);
- Memorandum on Site Investigations;
- Mineral Stability Risk Assessment;
- Site Investigation Report;
- Transport Assessment;
- Geo-environmental Interpretive Report;
- Planning Statement;
- Tree Survey;
- Flood Risk Assessment (FRA);
- Phasing Plan;

- Environmental Impact Assessment (EIA) Report covering noise and vibrations, air quality, and landscape and visual impact (LVIA updates were further provided and advertised accordingly during the determination of the application).

## **4 BACKGROUND**

4.1 Application 08/00515/FUL for the erection of 867 dwellinghouses, land for 87 affordable residential units, associated roads, cycleways, landscaping, SUDS pond and detention basin and primary school was refused on 18 February 2009. The reasons for the refusal are summarised as follows:

1. The proposed development does not comprise a healthy mix of units;
2. The site layout and number of dwellings proposed would result in an over development;
3. No added emphasis has been given to the architectural form and style of the buildings within the areas of improved quality;
4. The use within the development of high retaining walls up to 4.1 metres high topped with high boundary walls and fences would appear unduly imposing;
5. There, would be mutual overlooking and loss of privacy to the proposed houses;
6. The SUDS pond and the SUDS basin would not have houses fronting onto them;
7. The positioning of houses within the development with their rear gardens backing onto the proposed SUDS ponds and basin would appear incongruous;
8. There would be mutual harmful overlooking and loss of privacy of Nos. 1 & 2 Lingerwood Farm; and
9. The buffers between the proposed football pitches and existing neighbouring houses and proposed neighbourhood equipped areas for play are inadequate resulting in safety hazards from stray footballs.

4.2 Planning application 08/00515/FUL was in detail. It is noted that the principle of development was not identified as a reason for refusal. It is noted further that the red line boundary of the 2008 application encompassed a smaller area than that of the current application. Most notable is the omission of the field due north of Gowskill. The quantum of development was identified as a reason for refusal. This is further discussed later in this report.

4.3 In response to a screening request (21/00178/SCR) for residential development on the site the Council confirmed on 2 April 2021 that an EIA was required. A subsequent scoping opinion (21/00515/SCO) set out that an EIA was required concerning air quality, noise and landscape and visual impact.

- 4.4 The proposal is classed as a Major Development, as defined by the Town and Country Planning (Scotland) (Hierarchy of Developments) Regulations 2009. Therefore, the applicant has certain obligations in relation to pre-application consultation with the community. The submitted Proposal of Application Notice (21/00179/PAC), setting out the consultation details was reported to the Committee at its meeting of May 2021. The planning application is accompanied by a Pre-Application Consultation Report which details the consultation methodology and the feedback gained from this process.
- 4.5 A Development Brief was prepared in 2005 setting out guidance for the development of the site. The sites within that Development Brief that this application refer to are also known as Q, R and U, however this brief is now outdated and superseded by the MLDP.
- 4.6 The application site area exceeds two hectares. The application therefore constitutes a 'Major Development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and thereby it requires to be determined by the Planning Committee.

## 5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application subject to condition(s) being attached to any grant of planning permission and has stated that their records indicate that, *"the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application"*. This could affect the safety and stability for the redevelopment of the site. However, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out.

- 5.2 **Scottish Water** does not object to the application but highlighted:

*Water Capacity Assessment* - There is currently sufficient capacity in the Rosebery Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted to Scottish Water (this is a separate regulatory process between the applicant and Scottish Water).

*Waste Water Capacity Assessment* - There is currently sufficient capacity for a foul only connection in the Edinburgh PFI Waste Water Treatment works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted to Scottish Water (this is separate regulatory process between the applicant and Scottish Water).

- 5.3 **NatureScot** does not object to the application but highlighted: *“We welcome the connections for active travel and the permeability with surrounding neighbourhoods. It is good to see the provision of plenty of open and green space and the incorporation of the core path network.”*

And in response to Ecology, *“We agree with the ecological report (Nigel Rudd, 2021) that the development presents opportunities to enhance biodiversity. Given the current Climate Emergency and Biodiversity Crisis, it is important to look for opportunities to deliver a greener and more biodiverse development. We concur with the recommendations in chapter five; these should be secured using suitably worded conditions.”*

- 5.4 The **Scottish Environment Protection Agency (SEPA)** does not object to the application but note that they agree with the recommendations within the submitted FRA that *“once development layouts are known, further investigations relating to potential issues of mine water from these entrances should be carried out to update the Flood Risk Assessment”*.
- 5.5 In relation to Air Quality SEPA state *“The development will worsen air quality at some existing receptors due to increased transport emissions, the significance of these effects has been assessed using EPUK and RTPI guidance as ‘not significant’. This is non-statutory guidance. Professional judgement of the environmental health officers and Planners is required to consider overall significance”*. Although the air quality objectives are expected to be met, SEPA advise that best practice principals are incorporated into the design. They further set out that *“new receptors between the NWH site and Blackcot Drive may be impacted by nuisance dust and/or elevated PM10 levels which are harmful to health. Impact reduces after 100m. A buffer zone between the NWH site and the worst affected residential receptors (those within 40m downwind of the boundary) should be considered to minimise the risk of impacts and protect the health of future residents.”*
- 5.6 **Historic Environment Scotland** does not object to the application.
- 5.7 The **Newtongrange Community Council (NGCC)** has neither objected nor supported the application but make the following comments:
- The provision of 25% affordable housing within the development is welcome, but it should be provide across the site and not within specific parcels;
  - The EIA needs to be updated to take into account new increased operations at Neil William’s Haulage;
  - Existing hedgerows should be protected;
  - Statements in the Ecological Assessment that there are no mature trees on the site needs analysis;
  - Consultation with Scottish Water in respect of capacity of the water system is required;

- The Drainage Assessment was prepared in reference to 920 or 1000 dwellings – this is inconsistent;
- There is a historic drainage problem within Newtongrange;
- There is concern over the traffic increases that Crawlees Road would experience;
- Road connections should not be made between Lingerwood Road to Crawlees or from Wester Suttieslea Terrace to Lothian Terrace;
- The validity of the Geo-environmental Report is questionable due to its age;
- Some proposed house types are not localised housing types;
- There is some potential for reducing coalescence where the quantum of development could be reduced;
- Positive response regarding the proposed retail opportunities;
- Tree planting and open spaces should be secured; and
- Public art locations could be discussed further with the Community Councils.

5.8 The **Mayfield and Easthouses Community Council (M&ECC)** has neither objected nor supported the application but make the following comments:

- Share the developers overall vision - *“the phased development, the three separate new communities, the provision of paths, green network, access to the surrounding countryside, permeability of the development, access to shared greenspace within the development, the provision of affordable housing, public art spaces and retail/commercial/community facilities.”*
- Suggest affordable rented homes are provided as part of the 25% affordable housing allocation within the site;
- Suggest that the proposed retail locations could be clustered together into a small centre;
- Building heights should be to a maximum of two stories;
- Suggest that traffic calming should be introduced to Crawlees Road to minimise speeds and noise;
- The TA represents a lower level of traffic due to the COVID-19 pandemic;
- Scottish Water need to confirm capacity for surface water drainage as Newtongrange suffers from flooding in bad weather;
- Ground contamination needs to be thoroughly addressed;
- New planting should take place early in the development process to preserve biodiversity on the site;
- Large portions of the development would be susceptible to noise disturbance were the proposed mitigation not to be sufficient;
- Infrastructure needs to be implemented at an early stage to minimise construction impact;
- Clarity is required on who would be responsible for the maintenance of open space;
- The local community should be advised of an archaeological assets which in turn could inform public art; and

- Mayfield Town Centre payments to be made public/available.
- 5.9 The **Council's Archaeological Advisor** does not object to the application subject to condition(s) being attached to any grant of planning permission requiring a Programme of Archaeological Works (Targeted Survey and Evaluation).
- 5.10 The **Council's Ecological Advisor - The Wildlife Information Centre (TWIC)** does not object to the application subject to condition(s) being attached to any grant of planning permission requiring an updated bat survey at the appropriate time.
- 5.11 The **Council's Senior Manager Neighbourhood Services (Roads)** does not object to the application but raises concerns regarding the proposed masterplan. Including:
- The proposed development does not utilise the vehicular access route safeguarded in the MLDP;
  - Crawlees Road does not have a footpath. This could be resolved through the provision of a 2m wide footpath on the improved route or remote from the road within the adjacent landscaping. Improvements to Crawlees Road should allow for a wider buffer/separation between its route and Smithy Cottages.
  - The proposed route between Bogwood Road and Crawlees Road could be more direct for greater public transport benefits. It is noted that the road layout at this time is indicative and further discussions would be required at the detailed stage;
  - Improvements would be required at 3 of the junctions:
    - a. Junction 1 - Stobhill Road / Crawlees Road (minor realignment / widening);
    - b. Junction 2 - B6482 Suttieslea Road / Mayfield Industrial Estate (minor widening); and
    - c. Junction 6 - A7 / Stobhill Road (introduction of traffic signals).

Technical details of the proposed improvements would require to be submitted for approval with steps being taken to reduce the anticipated Degree of Saturation (DoS) (*capacity of a junction – 100% is maximum capacity*) of 93.0% at junction 6 to below the accepted level of 85%;
  - Steps should be taken to reduce the DoS level at Junction 5 - A7 and B6482 Dalhousie Road existing traffic signals from predicted 93.2% to 85%;
  - Appropriate phasing for all the required highway improvements should be provided;
  - Active travel routes (both walking and cycling) should be provided within the development providing access to local facilities, schools and bus stops; and
  - At a detailed stage parking for residents and visitors as well as electric vehicle charging should be provided to meet council standards.

- 5.12 In relation to flooding matters the Council's Senior Manager Neighbourhood Services (Flood Officer) does not object to the application subject to the submission of additional details including cross sections through the proposed SUDS features which show water levels and 1:200 year climate change flooding levels.
- 5.13 The **Council's Senior Manager Protective Services** does not object to the application but raises concerns regarding the proximity of new dwellings being delivered close to existing noisy industrial activities at the Mayfield Industrial Estate (MIE). The waste recycling centre within the MIA is currently exceeding its noise limits as set by its SEPA license which means it is difficult to assess the impact the activity will have on the proposed residential development. SEPA is working with the operator to bring the noise levels within the limits of its license and as such it would be appropriate for the developer to undertake up to date noise impact assessments for each phase of development at the detailed design stage(s) of the development.
- 5.14 With regards to contaminated land the Council's Senior Manager Protective Services does not object to the application subject to conditions being attached to any grant of planning permission in respect to ground contamination and previous mineral workings.
- 5.15 The **Council's Land Resource Manager** does not object to the application but highlighted: *"it is illegal to obstruct any known path and therefore a survey of the site should be undertaken so that when the development takes place there are no obstructions to the path network... If it is proposed that any paths will required a temporary diversion then this must be agreed with Midlothian Council at least 3 months before it is proposed any paths require to be diverted."* Further advice is provided on the mechanisms for permanently diverting formal routes.
- 5.16 The **Council's Education Executive Business Manager** does not object to the application. The development would give rise to 259 primary school pupils and 185 secondary school pupils. Developer contributions towards education facilities would be required to mitigate the demand from the proposed development. The catchment schools are:
- Non-denominational primary Mayfield Primary School
  - Denominational primary St Luke's RC Primary School
  - Non-denominational secondary Newbattle High School
  - Denominational secondary St David's RC High School
- 5.17 The Council utilises a primary school pupil product ratio of 0.28 per dwelling and a secondary school pupil product ratio of 0.2 per dwelling when calculating anticipated primary and secondary school pupil numbers from developments and also for the purposes of negotiating developer contributions with applicants.

5.18 The consultation responses are available to view in full on the online planning application case file.

## **6 REPRESENTATIONS**

6.1 There have been 84 representations received, which can be viewed in full on the online planning application case file. 77 of the representations objected to the application and seven are neutral. A summary of the main points raised are as follows:

- The proposals would be over-development of the site;
- The existing services and infrastructure in the area would not be able to cope with the proposed development;
- The development would result in the loss of significant open space and wildlife;
- The proposed development should deliver more affordable housing;
- It is too difficult to get appointments with GP surgeries as it stands;
- Local roads already struggle with congestion, the proposed development would have a negative impact on traffic;
- There is insufficient spaces in the schools;
- The proposed development would result in the coalescence of Mayfield, Gorebridge and Newtongrange losing their individual character;
- There are few facilities proposed for local people;
- The development would generate additional noise;
- Public transport to the area is poor;
- The development would result in the loss of agricultural land;
- The proposed development would add to existing drainage and flooding problems in Newtongrange;
- The development would result in the loss of green space;
- Emergency services already struggle to cover the area;
- Lack of appropriate cycle infrastructure;
- Modern housing developments lack imagination and design quality;
- There is sufficient other allocated housing land in the Council area;
- Masterton and Common Wood are protected woodlands;
- Development would undermine the historic character of Newtongrange;
- Development would put pressure on adjacent industrial uses to move away;
- The proposed development would result in housing numbers above the sites allocation;
- The development would harm the air quality as a result of increased traffic and construction;

- Insufficient car parking would be provided for the proposed playing fields and this in turn will have a detrimental impact on existing residents;
- Lothian Terrace would become a through street;
- A 30m green corridor adjacent to existing housing and Lingerwood Farm, Lingerwood Farm Steading and Lingerwood Farm Cottages would reduce the impact of development;
- The proposed higher density areas of the development do not reflect the character of existing residential communities;
- Development on this scale would contradict the Council's Climate Change Strategy;
- Development would have a detrimental impact on Crawlees Road which already has a high volume of lorry traffic from the industrial estate;
- Development should respect access to existing properties along Crawlees Road;
- Landscaping needs to take place before the development of houses;
- Proposed business uses would generate more traffic;
- The land has historically be used for mining and is unstable;
- The land, due to its past uses, produces gas emissions;
- The existing wall along one side of Lothian Terrace which bordered the old railway line is part of the development site and is in need of repair;
- The development would result in dust deposits impacting on existing dwellings;
- The proposed development has not been subject to sufficient consultation with members of the public;
- The submitted plans do not provide sufficient detail to determine the application;
- The development should provide electric vehicle charging points;
- The development should include bungalows;
- The development would lead to anti-social behaviour; and
- The proposed development is not a 20 minute neighbourhood.

*Non-material comments*

- Local roads already suffer from inconsiderate parking;
- Loss of views over the site; and
- Development would result in de-valuation of existing properties.

## **7 PLANNING POLICY**

7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.

7.2 The following policies are relevant to the proposal:

#### National Planning Framework 4 (NPF4)

- 7.3 Policy **1 Tackling the climate and nature crises**; sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 7.4 Policy **2 Climate mitigation and adaptation**; sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.5 Policy **3 Biodiversity**; sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 7.6 Policy **4 Natural Places**; sets out to protect, restore and enhance natural assets making best use of nature-based solutions.
- 7.7 Policy **6 Forestry, woodland and trees**; sets out to protect and expand forests, woodland and trees.
- 7.8 Policy **7 Historic assets and places**; sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- 7.9 Policy **12 Zero Waste**; sets out to encourage, promote and facilitate development that is consistent with the waste hierarchy.
- 7.10 Policy **13 Sustainable transport**; sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 7.11 Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
- 7.12 Policy **15 Local Living and 20 minute neighbourhoods**; sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 7.13 Policy **16 Quality homes**; sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

- 7.14 Policy **18 Infrastructure first**; sets out to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.
- 7.15 Policy **20 Blue and green infrastructure**; sets out to protect and enhance blue and green infrastructure and their networks.
- 7.16 Policy **21 Play, recreation and sport**; sets out to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.
- 7.17 Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.18 Policy **23 Health and Safety**; sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 7.19 Policy **24 Digital Infrastructure**; sets out to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.
- 7.20 Policy **25 Community wealth building**; sets out to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.
- 7.21 Policy **28 Retail**; sets out to encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.
- 7.22 Policy **31 Culture and creativity**; sets out to encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

#### Other National Policy

- 7.23 **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.
- 7.24 The **Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

Midlothian Local Development Plan 2017 (MLDP)

- 7.25 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. The development strategy supports the provision of an indicative 735 housing units on sites (h34, h35, h38, h49).
- 7.26 Policy **DEV 1: Community Identity and Coalescence** states that development will be supported where it does not result in the physical or visual coalescence of neighbouring communities. Where coalescence may occur, the development must include mitigation measures to maintain visual separation and protect community identity. Such measures, which may include landscaped buffer zones and other community woodland, will be tailored to the particular circumstances of the location.
- 7.27 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.
- 7.28 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.
- 7.29 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.30 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.
- 7.31 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.

- 7.32 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A Result in a permanent loss of the open space; and/or
  - B Adversely affect the accessibility of the open space; and/or
  - C Diminish the quality, amenity or biodiversity of the open space; and/or
  - D Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.
- 7.33 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).
- 7.34 Policy **DEV10: Outdoor Sports Facilities** seeks to protect outdoor sports facilities from re-development except in certain circumstances: where the proposed development is ancillary to the principle use of the site as an outdoor sports facility; the loss is only minor and would not affect its overall use; the outdoor sports facility is to be replaced either by a new facility of comparable or greater benefit for sport or upgrading of an existing facility on the same site or nearby; or where the sports pitch needs assessment, open space audit and consultation with Sportscotland identify a clear excess of provision to meet the existing or anticipated demand in the area and the overall quality of provision in the locality will be maintained.
- 7.35 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.36 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.
- 7.37 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.38 Policy **TCR2: Location of New Retail and Commercial Leisure Facilities** states that the Council will apply a sequential town centre first approach to the assessment of applications. This directs retail developments to the following areas in order:
- Town Centre - Bonnyrigg, Dalkeith, Gorebridge, Loanhead, Mayfield, Newtongrange, Penicuik, Shawfair
  - Commercial centre – Straiton Commercial Centre

- Potential out of centre location - Main corridor from Gorebridge/Redheugh to Newtongrange
- Local Centres - Danderhall, Bonnyrigg/Hopefield, Bonnyrigg/Poltonhall, Dalkeith/Thornycroft, Dalkeith/Wester Cowden, Dalkeith/Woodburn, Eskbank Toll, Gorebridge/Hunterfield Road, Bilston, Penicuik/Edinburgh Road, Roslin and Pathhead

Policy TCR2 also states that new shopping facilities, up to a scale of 1,000sqm gross floor area, will be permitted within local centres, provided they do not undermine the vitality and viability of any of Midlothian's town centres. It also states that elsewhere within the built-up area such facilities will be supported where new housing developments are not adequately served by existing centres. Any such development should not have a negative effect on the amenity of the adjoining residential area, including traffic and parking considerations.

- 7.39 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.
- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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.

- 7.44 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.45 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.
- 7.46 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.
- 7.47 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.
- 7.48 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.
- 7.49 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
- 7.50 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.
- 7.51 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.52 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.

- 7.53 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.
- 7.54 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

## **8 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8.1 The EIA Report accompanying the planning application (required by regulations because of the scale and potential impact of the development) considers the findings of an EIA process undertaken by the applicant under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. This statutory approach considers the likely significant environmental effects associated with the proposed development and outlines measures/approaches in which any significant adverse impacts can be mitigated. A scoping opinion (21/00515/SCO) set out that an EIA was required concerning air quality, noise and landscape and visual impact.
- 8.2 The EIA Report considers a variety of technical matters - providing a detailed assessment of those issues identified as part of the EIA scoping process. Whilst some adverse impacts are identified, the planning application process presents an opportunity to design out such adverse impacts. The EIA Report suggests that the site can accommodate around 1,000 dwellings.

### *Air Quality*

- 8.3 The potential impacts on air quality arising from the development relate primarily to construction works. The assessment of dust and PM10 (particulate matter less than 10um in diameter) effects from the construction phase of the development was subject to a qualitative assessment. The EIA sets out that mitigation measures for dust would be implemented via the approval of a Construction Environmental Management Plan (CEMP) and Dust Management Plan (DMP). With these mitigations the EIA concludes that the impacts from the construction would not be significant.

- 8.4 Traffic generation would be a source of pollutants, however the EIA concludes that this impact is not considered to be significant in line with best practice set by Environmental Protection UK and Institute of Air Quality Management guidance.
- 8.5 Pollutants at future human receptors were also assessed. All but three receptors were predicted to have negligible exposure to pollutants. In three instances a slight impact from NO<sub>2</sub> (nitrogen dioxide primarily from vehicle pollution) concentrations was assessed, but no exceedance was predicted.
- 8.6 An assessment of the dust effects from neighbouring uses, specifically the waste recycling at Neil Williams Haulage (NWH), Mayfield Industrial Estate, was assessed. The detailed assessment found that for the majority of the proposed development there is likely to be a negligible risk of dust impact from the NWH site. However, at those receptors which would be within the closest proximity to activities at the NWH site, there is the potential for slight, but not significant, adverse effects as a result of dust emissions from the NWH site.
- 8.7 SEPA responded in regards to air quality stating that a 40m buffer between new development and the NWH site should be implemented. The proposed masterplan delivers a buffer in excess of 40m.
- 8.8 In light of the above the proposed development is considered to comply with NPF4 policy 23 and MLDP policy ENV17.

### Noise

- 8.9 The noise and vibration reporting has been based on the EIA scoping of the development and pre-application discussions with the Council as well as industry standards.
- 8.10 Construction phase noise is assessed to be below threshold levels of adverse impact and is predicted to be short-term, local and of neutral significance. This is based on each phase of the development largely being delivered sequentially. Vibration from construction is assessed to be perceptible within existing dwellings during construction works. The potential of such vibration to cause damage is assessed to be very low and comparable to other residential construction projects.
- 8.11 It will be required that a Construction Environmental Management Plan (CEMP) be provided ahead of each proposed phase of development to be submitted to and approved by the planning authority.
- 8.12 The EIA outlines that the noise generated from the operational phase of development (completed development) by road traffic would only be of negligible impact on sensitive receptors as a result of increased traffic flows.

8.13 The site's proximity to industrial uses at the Mayfield Industrial Estate was a concern and as a consequence the impact of noise was scoped into the EIA assessment and will need to be considered in the preparation of future detailed layouts and designs.

8.14 One significant use operating in the Mayfield Industrial Estate is Neil Williams Haulage (NWH) waste recycling. The site currently operates under the control of a SEPA waste management licence. This licence specifically implements noise limiting restraints on the site and states:

*Noise levels arising from the waste operations permitted by this licence shall not cause the rating level to exceed the background noise level by more than 5 decibels when measured at least 3.5m from the façade of any façade of any residential property (or 1m from the façade in the case of upper floors) in the direction of the Licensed site.*

8.15 In considering the SEPA restrictions on the site, the first goal would be to assess the background level of noise. It was initially held that the noise assessments undertaken by the applicant were not sufficiently robust to be relied upon. As such the Council's Protective Services sought to verify the findings by undertaking their own measurements on site. These found that the applicant's findings were sufficiently accurate of the existing noise environment to support this assessment and to confirm that NWH were not currently complying with their Waste Management License condition in relation to noise.

8.16 It is important to note, that NWH has in the last year increased the volume/intensity of the waste recycling use. It is not definitively as a result of this, but both noise surveys undertaken by the applicants and the Council have identified that NWH is in breach of its SEPA licence as set out above. The implication is that the EIA noise assessment submitted with the application has therefore only been able to survey the noise environment whilst NWH has been in breach of its licence. As such, the noise surveys undertaken have not been able to assess a noise environment where activities are in compliance with the SEPA licence. SEPA are working with NWH to reduce noise levels onsite to ensure they comply with the limits set by the license.

8.17 It is the applicant's position that it would be unreasonable of the Council to impose on this development mitigation necessary to alleviate the harm of noise generated above that permitted by the NWH waste management licence. It is considered that this is the right position to adopt. However, the Council must also be mindful of 'the agent of change principle' in line with NPF4 policy 23 - the Council should not permit development of a noise sensitive nature in proximity to a lawful and established noise generating use that might result in future pressure/complaints against the established use. Balancing what reasonable mitigation can be required by the proposed development without compromising the agent of change principle and

the established land use of the NWH site is therefore nuanced and complex.

- 8.18 In addition to the above complexity, it must be noted that whilst noise surveys have been conducted their findings represent a scenario where the SEPA waste management licence is in breach. The noise assessments then seeks to identify what mitigation is necessary for a scenario where SEPA's licence is not breached. It is the position of the Council's Protective Services that this means the assessment and mitigation proposed within the applicant are, at best, "likely" to be accurate. As the nature of the final noise environment (on compliance with the SEPA license) is not precisely known, it might be the case that despite the proposed mitigation being implemented additional mitigation might be required. Whilst this is the case, the findings of the EIA are set out below.
- 8.19 The EIA identifies that the proposed development would likely suffer from a potentially significant impact from the waste recycling site. As such, the EIA assessment has sought to model predicted levels of noise based on the SEPA limitations as set out in their waste management licence (+5dB of background levels) and design mitigation for the development accordingly. It is set out that a 6m high acoustic barrier around the NWH waste recycling use be constructed. The barrier should either be a 4m high earth bund with 2m high acoustic fence on top of it, or a 6m high earth bund that would be landscaped.
- 8.20 It is specifically noted that the barrier, in whatever form, would be 6m high relative to the NWH site level. Whilst this proposed mitigation is set out, it is reiterated that the Council's Senior Manager Protective Services has concerns that the mitigation may not be sufficient to mitigate against noise from the site.
- 8.21 Enforcement of the waste management licence imposed on the site is the responsibility of SEPA. SEPA have been engaged throughout the determination of the application and it is known that SEPA are engaging actively with NWH in relation to reducing the noise and removing the breach of licence. It is outwith the scope of this application and any consent to require additional action of SEPA. However, it is acknowledged that considering the above efforts currently being made by SEPA, and any in the future, the noise environment may change over the course of the construction of the residential development.
- 8.22 Given the aforementioned concern, and the possibility that the noise environment may change, it should be conditioned that amended noise impact assessments shall be prepared and submitted prior to the commencement of any individual phase of development. This shall ensure that the proposed development responds effectively with mitigation appropriate to the noise environment.

- 8.23 In relation to phases 5 - 9 (Appendix E of the DAS) amended noise impact assessments shall determine whether noise mitigation proposed in the EIA is sufficient. Such an assessment shall propose additional mitigation to ensure that new housing is not subject to noise levels above that which would be experienced within an environment where SEPA's waste management licence is complied with.
- 8.24 Other industrial uses are also in close proximity to the application site, including the NWH garage which is understood to operate in both day and night time hours. The EIA assesses that both daytime (+11dB compared to background levels) and night time (+19dB compared to background levels) operations would result in significant adverse impact on the proposed residential development. In order to mitigate this impact a 4m acoustic fence barrier is proposed at its boundaries. This is identified to reduce the impact by 10dB. As such, daytime noise would reduce to +1dB compared to background levels, but night time levels would still be +9dB compared to background levels. This is just shy of significant adverse impact according to best practice standard BS 4142:2014+A1:2019. However, It is noted that these readings are external measurements (external of any new properties) and the EIA states that noise criterion suitable for sleep should be considered. The EIA further seeks to calculate an internal level (with partially open windows). It is set out that this would achieve -13dB in line with BS 8233.
- 8.25 Despite the above findings within the EIA the Council's Senior Manager Protective Services has determined the proposed receptors would likely still experience a degree of disturbance due to the intermittent and impulsive nature of noise emitted from the neighbouring sites. As such, further monitoring of noise levels at proposed residential locations should be undertaken prior to any individual phase of development being commenced to inform the final design of acoustic mitigation.
- 8.26 Other operators within the industrial estate were further assessed, including M Kyle Motors. The impact from this source was assessed to be low. International Waste Management Group (IWMG) and Flogas generate negligible levels of noise and were scoped out of the assessment.
- 8.27 Given the site is allocated for housing and there are proposed mitigation measures and recommended conditions, the proposals on balance are acceptable and comply with NPF4 policy 23 and MLDP policy ENV18.

#### Landscape and Visual Impact

- 8.28 A landscape and visual Impact assessment (LVIA) has been prepared to consider the effects of the proposed development on existing

landscape features and the potential visual amenity impacts associated with the proposed development. The LVIA chapter of the EIA was updated during the assessment of the application and as such was subject to re-consultation.

- 8.29 As is set out within the non-technical summary of the EIA Report the site is located between 115m AOD (Above Ordnance Datum) and 185m AOD. It is therefore in an elevated position and on a valley slope facing south west/west. There is high potential that the development will be visible from outwith the site and have an impact on the character of the landscape.
- 8.30 A mixture of desk based and field work was undertaken to understand the nature and character of the immediate landscape and the wider landscape context. As was agreed within the scoping report previously issued in respect of the development, specific viewpoints were captured to feed into the LVIA. The scoping report further went on to request that visualisation of the development from a selection of viewpoints should be prepared and feed into the assessment.
- 8.31 In general terms the LVIA methodology, findings and the proposed mitigations were acceptable. However, some points of concern were identified as follows:
- Tree Preservation Orders (TPOs) were not identified. There are some such designations within the LVIA 3km study area if not within the application site. These are landscape features that should have been considered in the assessment. However, it is considered that the site has been allocated for significant housing development within the MLDP regardless of these features. Mayfield Ridge TPO and Masterton Wood TPO groups are circa 107m from the edge of the application site. Were these features to have been correctly identified in the LVIA it would have been unlikely to have significant impact on its findings.
  - The LVIA report sets out the perceived importance or key landscape features, elements and characteristics of the site and assigns them a value from “low” to “high”. These values are all accepted with the exception of agricultural land which it is considered to represent a “medium” value (rather than low) owing to its location in immediate contrast to the adjacent Mayfield and Newtongrange settlements and the likely local value that is therefore placed on it for access and recreational use as well as for its use as arable land.
  - The assessment of magnitude (scale of impact) is accepted, with the exception of the magnitude set out for the two settlements of Newtongrange and Mayfield immediately adjacent to the site. It is considered that the magnitude should be set as medium (rather than low) during construction and post 15 years, as the relationship with the rural landscape adjacent will be permanently changed.

- The LVIA in considering potential adverse impacts on the existing landscape and outlines that effects on landscape receptors ranging from major adverse (significant) to negligible. However, the significant impacts are associated with the loss of agricultural land as a result of the proposed development. Other assessed significant effects are predicted on the existing path network across and around the edges of the site during construction. However, such effects are considered to reduce to not significant following completion of the development. In general the landscape effects are accepted.
- 8.32 Despite the above exceptions, it is considered that on the whole the LVIA section of the EIA is appropriate in assessing the landscape's capacity to accommodate the impact of the development on receptors and whilst the above points are considered to vary from the precise findings of the LVIA, these would not have a detrimental bearing on the assessment as a whole.
- 8.33 In assessing landscape character, the LVIA finds that a moderate adverse impact (not significant) is predicted for the Landscape Character Type (LCT) in which the site is located, decreasing to minor adverse for neighbouring LCTs.
- 8.34 It acknowledges that selected landscape features including partial hedgerows are indicatively proposed to be removed to facilitate development as outlined within the masterplan, but that the majority of the existing trees and some hedgerows would be retained and incorporated into the future layout and design of the development.
- 8.35 In assessing the visual impacts of the development, the LVIA identifies that the development would be clearly visible from receptors in close proximity to the site, including existing development at Newtongrange, Mayfield and Gowkshill. It further acknowledges its visibility in the wider landscape, particularly from the west and south. The viewpoints chosen are generally acceptable. It is noted that viewpoint 1 (looking east from Fourth Street, Newtongrange) is partially obscured by grasses in the foreground. This was requested to be re-taken, but has not been. Whilst some longer grass exists at this boundary it is considered that less obscured views of the site are achievable from this view.
- 8.36 Table 5-4 of the LVIA seeks to establish the sensitivity of visual receptors. Viewpoints 3, 9 and 16 are missing from the residential receptor category. These are views from a residential area (viewpoint 3 to a lesser extent). Whilst it is noted that some receptors have not been carried forward for final consideration of visual effects within the LVIA, the methodology and findings on the LVIA are generally acceptable. This is the context in which the site was originally allocated for housing in the 2003 local plan.

- 8.37 The proposed development does seek to mitigate its impact on the wider landscape, predominantly through the introduction of significant new woodland belts at the site's boundaries and internal landscaping that would serve to interrupt the visual impact of a large residential development. The LVIA assesses that the impact of the development on the landscape and other visual receptors generally diminishes with time following the developments completion. The proposed development is therefore considered to comply with NPF4 policy 14 and MLDP policy ENV7.

## **9 PLANNING ISSUES**

- 9.1 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.

### Principle of Development

- 9.2 The site is allocated for housing (sites h34, h35, h38 and h49) in the MLDP and is located within the built up area of Mayfield/Newtongrange where there is a presumption in favour of appropriate residential development. The majority of the site has been allocated for housing since the 2003 Midlothian Local Plan (site h49 was allocated in the 2008 Midlothian Local Plan) and contributes towards the Council's housing land supply. No material considerations have been presented to outweigh the presumption in favour of development.
- 9.3 With regard NPF4, although the site is allocated for housing in the MLDP, consideration still needs to be given to the sites location in terms of sustainability. In this regard the site is within close proximity to a range of local services including shops, schools, pharmacy and medical practices, employment opportunities, public transport options and active travel connections and as such is considered to be in a sustainable location in compliance with NPF4.
- 9.4 The site is allocated under four different site references:
- h34: East Newtongrange – indicative capacity of 109 residential units;
  - h35: Lingerwood – indicative capacity of 137 residential units;
  - h38: South Mayfield – indicative capacity of 439 residential units;
  - h49: Dykeneuk, Mayfield - indicative capacity of 50 residential units.
- 9.5 A total indicative capacity for the site therefore totals 735 dwellings. However, the proposed development is seeking up to 1,000 dwellings increasing the capacity of the site by circa 25%.

- 9.6 Site h34 has an indicative allocation of 109 units. When the site was originally allocated for housing in the 2003 Midlothian Local Plan it was for 179 units, however a proportion of the site was developed for 127 units (Wester Suttieslea) under planning permissions 07/00002/FUL and 15/00492/DPP and as such the site unit numbers for the remaining part of site h34 were adjusted in the MLDP on a proportionate land take basis.
- 9.7 Site h38 has an indicative allocation of 439 units. When the site was originally allocated for housing in the 2003 Midlothian Local Plan it was for 499 units, however a proportion of the site was developed for 60 units (Cushat Gardens) under planning permission 12/00339/DPP and as such the site unit numbers for the remaining part of site h38 were adjusted in the MLDP on a proportionate land take basis.
- 9.8 MLDP policy STRAT1 states, "*Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing*". As such, the site is in principle supported for residential development.
- 9.9 The proposed development does however differ from that set out in the MLDP. Aside from the indicative unit capacity, the proposed development does not include a primary school or land safeguarded for future provision of a school. Whilst this requirement is stipulated in the MLDP, the applicant entered into correspondence with the Council's Education Service in 2019 in respect of the continued need to deliver the proposed school site and as part of pre-application discussions it was confirmed that "*The new primary school in Easthouses will provide capacity for pupils arising from housing developments in Easthouses and Newtongrange as well as Mayfield*". As such, it was determined that primary school provision for the development is met off site subject to securing developer contributions. The Council's Education Service have not objected to the residential proposals without an on-site school option. As such, whilst the MLDP indicates a requirement to deliver a school on the site, it is identified that the position since the examination and adoption of the MLDP has evolved.
- 9.10 Given the above, a comprehensive landscape led masterplan has been prepared. This takes cognisance of various design parameters to establish a clear design framework that would create a strong sense of place. As such, it is considered that the proposed quantum of units is acceptable in this instance, subject to the layout, form and design of the proposed development being acceptable and the impact of the development on infrastructure, including education provision, being appropriately mitigated.

#### The Supply of Effective Housing Land

- 9.11 The Council is required to maintain a supply of effective housing land (enough land allocated and coming forward for housing to meet its

housing targets) at all times. The number of homes required in a local authority area is set by the Scottish Government in NPF4 and is met by the development strategy and policies of the MLDP and the assessment of individual proposals. Where a shortfall in the supply of effective housing land emerges, sites that are not allocated for residential development should be considered as possible additional sites to make up the shortfall. With a 10 year housing target being set at 8,850 units (for the life of MLDP2, to be prepared for adoption in 2026/27) it is a reasonable presumption that an annualised target of 885 units will be expected prior to the adoption of MLDP2 – this provides an impetus to support the granting of planning permission for residential development on allocated housing sites such as the one proposed.

### Layout, Form and Density

- 9.12 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application:
- layout, form and design of any proposed buildings – which will dictate the number of residential units;
  - proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
  - details of landscaping and boundary treatments;
  - provision of open space and play areas/facilities;
  - percent for art;
  - sustainable urban drainage systems (SUDS);
  - details of road, access and transportation infrastructure;
  - sustainability and biodiversity details;
  - archaeology mitigation details (if required);
  - the provision of broadband infrastructure;
  - ground conditions/mitigation of coal mining legacy; and
  - construction management, including hours of operation and haulage routes.
- 9.13 Although the application is for planning permission in principle, the applicant has submitted a masterplan setting out the design principles for the scheme and as such it is appropriate to assess the development approach set out.
- 9.14 The proposed layout comprises three development areas in nine phases – the three development areas are Mayfield South (to the south of Mayfield), Easter Newtongrange (to the east of Newtongrange) and “An Clachan” (Lingerwood) a central housing pocket with areas of open

space on either side separating it from the other two development areas. Whilst the development obviously reduces the separation between Mayfield, Newtongrange and Gowkshill there is sufficient open space proposed centrally within the site and at the southern edge of the site that in combination with new and re-enforced tree belts and landscaping provide some separation that will mark the transition from one settlement to another. The proposed masterplan is considered to comply with MLDP policy DEV1.

- 9.15 Whilst development complements the existing edges of the neighbouring settlements, it is largely set back from existing built form with tree belts and other landscaping. At the southern edge of Mayfield development would seek to front the existing greenspace bound by Bogwood Road and Westhouses Road. At the eastern edge of Newtongrange the development seeks to reflect the existing development pattern at Sixth Street to Third Street by delivering an east west build line, whilst allowing some separation to respect the change in levels and the existing boundary wall and footpath. Development is offset from Lothian Terrace and no access or egress to the site from Lothian Terrace is proposed. Existing woodland and tree belts at the developments edges are respected and retained.
- 9.16 The proposed orientation of dwellings seeks to respond to the levels on the site that fall away from the east towards the west boundary. Dwellings are predominantly orientated facing either northwest or west. The orientation allows for development to descend gradually to the west. These matters respond positively to the principles of MLDP policy DEV5.
- 9.17 SUDS features are proposed throughout the development, but are predominantly to the west and north of the site. Open space, play areas and pitches are proposed throughout the development which seeks to deliver a network of open spaces and of connected tree belts. The main areas of open space are located within the heart of the site around the An Clachan residential zone, helping to provide separation between the expansion of Mayfield to the north and Newtongrange to the west.
- 9.18 The layout further seeks to respect existing development within the site boundary at Lingerwood Farm and Cottages, as well as the Smithy Cottages at Crawlees Road. Development is not proposed to directly adjoin these properties thus respecting their former more rural character.
- 9.19 Proposed landscaping includes the retention of existing hedgerows and trees where possible and the planting of new trees and landscaping. The landscaping strategy responds to the levels on the site and includes corridors of planting intruding between pockets of housing to 'break up' the development visually. The south and south east

boundaries respect the agricultural use beyond the site by including substantial structure tree planting to create a strong development edge.

- 9.20 The proposed road layout seeks to respond to the requirements of the allocation set out within the MLDP. The development requirements within the MLDP state that *“There is a requirement for two new/improved roads serving this site (along with h34, h35 and h49), which will ensure connectivity for Mayfield and Newtowngrange.”*
- 9.21 There are to be two proposed primary roads within the development. One from Bogwood Road at the north of the site, progressing through the development to the south west and connecting with Crawless Road. This would be the ‘South Mayfield Distributor Road’ required by MLDP policy TRAN2 and henceforth referred to as the distributor road.
- 9.22 The second is proposed as the continuation of the Mayfield Industrial Estate road, connecting to Crawlees Road, which in turn is to be widened and improved. This proposed route is of a different arrangement than that originally envisaged within the MLDP which safeguards an alternate, previously undeveloped route, through the industrial estate. This is known as the ‘Safeguarded Route’. The Safeguarded Road is indicated on the inset on the submitted Masterplan, but is not formerly proposed to be utilised for this development. This matter is further discussed within the Transport and Access section of this report, but it is assessed that whilst the MLDP does safeguard a route for this purpose, the proposed use of the Mayfield Industrial Estate road is considered to fulfil the aims of the development requirements set out in the MLDP. It is acknowledged that the development requirements refer to “new/improved” indicating that improvements to the existing network could be sufficient to achieve the development requirements and network interventions set out in MLDP policy TRAN2. It is therefore considered that the proposed layout does achieve an appropriate vehicular link between the B6482 Bryans Road to Gowkshill.
- 9.23 Internally within the site, the new distributor and link roads would provide access to secondary vehicular routes, providing further access to tertiary routes and access to dwellings further away from the main link roads. A variety of methods including surfacing and traffic calming can be utilised to differentiate these routes. Such detail would be required at a detailed stage. The hierarchy of routes proposed is considered to be appropriate.
- 9.24 A network of pedestrian and cycle links are proposed throughout the site and connect to existing development to the north, east and south. Further connections to the existing path and core path network are further proposed as part of the development. Off road multi user routes are proposed to connect from Mayfield Industrial Estate to Gowkshill along the link road corridor, and from the east to the northwest along the distributor road corridor. Lingerwood Road will not be extended to

connect to Crawlees Road for vehicles, but a multi user route would be proposed to connect the two. Paths are proposed to connect to:

- Core Paths
  - MID/6-28/1 at Blackcot Drive; and
- Other Paths
  - MID/6-51/1 at the south of the site;
  - MID/6-50/4 at the south east of the site;
  - MID/6-52/2 at the east of the site; and
  - MID/6-52/2 at the north of the site.

- 9.25 Details of these routes will be required by condition, but the connectivity delivered by these features is considered to be appropriate for the scale and nature of the development.
- 9.26 The proposed primary roads are predominantly bound by green verges or open spaces creating pleasant movement corridors. Associated landscaping will aid in creating attractive vistas. The DAS indicates the placement of vista stopper buildings and key buildings at prominent locations and whilst detail is not provided at this stage their proposed positioning appears to be appropriate and considered.
- 9.27 The proposed built form is still to be designed in detail, however consideration has been given to the character of the new development. The masterplan does provide detail to indicate future development form. The DAS presents nine character areas. Whilst each have their individual merits, they all seek to provide good connectivity to open space and provide green links. Those to the north east, east and south east are characterised by their connection to larger open spaces, woodland and the wider rural environment. Those to the west, adjoining Newtongrange are denser and more tightly knit, reflecting existing built forms, but also providing green links.
- 9.28 The Easter Monkswood character area abuts Newtongrange and it is shown that terracing would be a common development type at this location. This would be appropriate considering the existing development at Newtongrange. This in turn reflects the Newtongrange Conservation Area to the east of the site. Whilst the DAS indicates that a number of housetypes would be used, it is considered that development closest to the Newtongrange edge should seek to respond to the existing development in character and scale. Whilst 1.5 to 2 storeys are proposed within this character area, the development would be encouraged to include single storey development, reflecting existing built form.
- 9.29 Adjacent to Mayfield are the proposed character areas Blackwood and North Mansfield. Both character areas are to address Blackcot Drive and its existing mature tree planting. Three storey development fronting the proposed distributor road is identified. Caution would be needed when delivering such a scale of development at higher areas of

the site, however it is considered that were such a scale to be sensitively designed and of a high standard it could be appropriate. The North Mansfield character area is the highest point of the site. As such it would be limited to a maximum of two storeys. The submitted DAS reflects this.

- 9.30 An Clachan is located at the heart of the site and is proposed to be of an individual character more reflective of the eastern site at Easter Monkswood and the Newtongrange Conservation Area. It is proposed that it be predominantly 1.5 and 2 storey dwellings laid out on parallel streets. The use of red brick and slate roofing would further be used to reflect Newtongrange. The character area would be outward looking to the east and northwest. Whilst the area would seek to introduce traditional materials and design features, more contemporary housetypes are proposed to be used. Pursuit of such a character area within the heart of the site is considered to be appropriate. It would serve to provide greater character transition from Mayfield to Newtongrange whilst relating positively to the open spaces proposed around it. In a development of nearly 1,000 dwellings, this variation in character is appropriate and beneficial.
- 9.31 Other character areas are identified as having a greater selection of housetypes. As these are generally set within the site or are separated from existing settlements by significant tree belts there is scope for these areas to create a new area and introduce new housetypes. Three storey development is proposed within the housetypes, however design and siting will need to be assessed at a detailed stage.
- 9.32 The DAS sets out that proposed houses would be of high energy efficiency (which will be required by the building warrant process) and sets out a fabric first approach, stating "*Through the use of improved insulation levels and careful design the houses achieve good thermal performance and air tightness.*" The DAS further sets out that Air Source Heat Pumps (for all dwellings), PV Panels and Waste Water Heat Recovery would be implemented. The Council declared a climate emergency in 2019 and as such the proposed inclusion of these measures is considered to be a benefit to the application and complies with NPF4 policy 1.
- 9.33 The proposed layout seeks to deliver private amenity space within the development. The masterplan is not of a level of detail that would allow for assessment of Midlothian's space standards. However, clear thought has been given to this on a sloped site. The DAS identifies the need for extended plot depths in order to remove the need for inappropriate retaining wall features. It is indicated that gardens can be graded from 1:8, 1:10, and 1:12m slopes. Any proposed grading at 1:8 would have to be limited and appropriately orientated in order to be acceptable. Garden grading upwards of 1:10 would be sought.

- 9.34 The proposed development retains good levels of separation within the development, however this will require assessment at a more detailed stage as the masterplan is not of a scale and level of detail to accurately measure.
- 9.35 The proposed materials are not specified in significant detail with the exception of some of the character areas that would utilise red brick. An appropriate mix of materials will be required for submission at later stages of the planning process.
- 9.36 Locations for Areas of Improved Quality (AIQ) are not specified. As such, additional AIQ locations will be required to ensure that that 20% of all proposed dwellings fall within this category.
- 9.37 The proposed built form is therefore generally considered to respond to the site's characteristics appropriately and would be considered to comply with NPF4 policy 14 and MLDP policies DEV5 and DEV6.

#### Non-Residential Use

- 9.38 The non-residential uses including retail (Class 1), commercial, leisure and community facility uses are to come forward subject to market demand and are to be located in the eastern half of the site and centrally at the An Clachan.
- 9.39 The MLDP seeks to direct the location of new retail development towards existing centres – in this case the MLDP does not state that a local centre or other uses should be provided within the development. Policy TCR2 states that the Council will apply the sequential approach set out in this policy with reference to the network of centres (Mayfield and Newtongrange identified as “other Town Centres”). Whilst the Council does not support major retail development at any other out of centre locations the proposed uses would appear to be local in their scale. Policy TCR2 does not strictly prohibit local scale retail within new residential development. The scale of the proposed development should further be taken into account and it is considered that some opportunities for retail would provide positive convenience shopping within a large scale development. It is further noted that NPF4 policy 15 states, “Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods”. This means opportunity to walk to facilities within 10 minutes (circa 800m) of ones dwelling. Whilst the centres of Mayfield and Newtongrange are within 800m of the edges of the site, this would not be the case for all residents. Whilst 800m is a guide the topography of the area should further be taken into account. Returning on foot or bicycle from facilities within Newtongrange in particularly would involve a not insignificant incline. It is considered that the proposed uses would therefore contribute towards the creation of a more sustainable development in line with NPF4 policy 25.

- 9.40 The Lingerwood Steading buildings are to be adapted to a range of bespoke house type's which will also enable craft and/or artisan uses in studios or workshops to operate – this could see arts and crafts operating at a very local level in the design and production of art work, craftwork, bespoke clothing and food. MLDP policy ECON6 sets out that home based businesses can be supported where they accord with relevant policies. Such uses are required by the policy not to be retail. This would have to be assessed on the receipt of further details at the matters specified in conditions applications.

#### Access and Transportation Issues

- 9.41 Three primary access routes connect the site to the local road network. These include vehicular access points to Bogwood Road to the north east, the Mayfield Industrial Estate and thus Bryans Road (B6482) to the north and at the south via Stobhill Road.
- 9.42 The proposed access arrangements would allow for legible, safe and efficient vehicular manoeuvrability to/from and within the site. Furthermore, the Council's Senior Manager Neighbourhood Services (Roads) has raised no objection subject to receipt of the detailed design for corresponding access and road arrangements, proposed junctions, bus service/infrastructure requirements and offsite improvements to the local road network.
- 9.43 Whilst not objecting to the proposals, the Council's Senior Manager Neighbourhood Services (Roads) has advocated the benefits of the Safeguarded Route that would provide a new road through Mayfield Industrial Estate. The benefits advocated would be the ability to provide a 3m wide multi-user route up to Bryans Road to the north, as well as being a more amenable route. Some concern is raised that the use of the Mayfield Industrial Estate road would increase conflict between pedestrians, cyclists and vehicles (a number of which being of an industrial nature).
- 9.44 In addition, the Council's Senior Manager Neighbourhood Services (Roads) raised concerns with the Distributor Road where the masterplan appears to show a number of junctions on its route that would slow traffic through the site and limit the benefits of a primary bus route. It is however indicated within the DAS and Figure 17 (Movement Hierarchy) denotes that other roads diverging off the Distributor Road are of a secondary nature indicating priority is given to the Distributor Road at junctions. A condition should be attached to any grant of planning permission to secure this approach.
- 9.45 As part of any MSC application providing details of the upgrades to Crawlees Road and B6482 to Stobhill Road to the south, it will be required that such designs allow sufficient room for residents of Smithy Cottages (fronting east side of Crawlees Road) safe access and egress and parking at their property.

- 9.46 Further concern was raised in regards to safe routes to school. Whilst Mayfield Industrial Estate road would provide a pedestrian access towards primary schools to the north east of the site and secondary school to the north, it is considered that future occupants of phases six to nine (Appendix E of the Amended DAS) of the development would be required to walk a longer route west to then utilise these pedestrian links. Notwithstanding the nature of Mayfield Industrial Estate road, this arrangement would mean a longer walk for school children prior to the completion of phases eight and nine that would provide connectivity to South Mayfield. As such it is proposed that a condition be applied to any grant of planning permission that would require the delivery of the Distributor Road and an appropriate multi-user route connection to South Mayfield prior to the commencement of dwellings in phases six to nine. The connection of the Distributor Road would further allow swifter access for any bus route extension from Bogwood Road through/into the site.
- 9.47 The site is considered to be in a sustainable location that would encourage sustainable transport choices, including movements by bus – the site will be serviced by a bus service (which already services neighbouring development).
- 9.48 Mayfield Town Centre is located approximately 1km from the site, and a similar distance to Newtongrange town centre. These town centres provide a range of local services, including retail, commercial and community uses. Provision of detailed road designs, visibility splays and pedestrian accessibility details/routes will also be required to accompany applications for matters specified in conditions for any future detailed design.
- 9.49 The proposed development is considered to comply with NPF4 policy 13 and MLDP policy TRAN1.

#### Landscaping, Trees and Hedges

- 9.50 The application site is characterised by agricultural fields with hedges demarcating their boundaries. Mature trees on the site are limited. Although it is proposed that some trees and hedgerows will be removed as part of the development, where possible trees are sought to be protected and hedgerows retained.
- 9.51 The proposed masterplan is set out within the submitted DAS to be landscape led. The masterplan seeks to introduce a variety of new landscape formats, including structured tree planting, roundels, amenity planting, meadow areas, re-enforcing existing hedgerows, community orchards, allotments and parkland. Additional detail will be required via applications for matters specified in conditions, however the landscaping indicated is significant and provides a framework for

the individual parcels of development. Appropriate maintenance shall be required by condition and legal agreement.

- 9.52 The masterplan seeks to deliver a significant uplift in tree canopy in line with the aspirations of the Council's Climate Change Strategy 2020 which seeks a 21% canopy cover for new development. The proposed quantum of tree planting would significantly eclipse that proposed to be removed. Details of canopy cover would be required within applications for matters specified in conditions.
- 9.53 The proposed masterplan further indicates additional landscaping outwith the site, but land in the ownership of the applicant, connecting it to Masterton Wood to the south of the application site. This improvement of the green network and habitat connectivity is to be welcomed. The landscaping strategy complies with NPF4 policies 3, 4, 6 and 20 and MLDP policies DEV7, ENV2, ENV11 and ENV15.

#### Contamination and Remediation

- 9.54 A Site Investigation Report and Mineral Stability Risk Assessment have been submitted with the application as the site is located in a high risk area of former coal mining. These submissions have been reviewed by the Coal Authority and the Council's Senior Manager Protective Services.
- 9.55 The Coal Authority acknowledge that coal mining legacy issues are common within the application site and consolidation of the identified shallow coalmine workings will be necessary, together with the treatment of the mine entries located. No objection is raised, so long as a condition is attached to any grant of planning permission requiring a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity; with any remedial measures necessary being undertaken as appropriate.
- 9.56 The Council's Senior Manager Protective Services has not raised any objections, but requires a condition to be attached to any grant of planning permission requiring a scheme to deal with any contamination of the site and/or previous mineral workings to be submitted to and approved by the planning authority.
- 9.57 The proposed development, subject to appropriate conditions complies with NPF4 policy 23 and MLDP policy ENV16.

#### Open Space

- 9.58 The table within Appendix 4 of the MLDP outlines open space standards that future development proposals will be required to meet in relation to quality, quantity and accessibility. An initial review of open

space is required to be undertaken against this requirement to ensure that the above parameters can be met, complemented by a comprehensive review once the detailed design of the corresponding phases has been confirmed. Moreover, whilst any assessment of open space shall be reviewed against the current open space provision within Mayfield and Newtongrange, given the scale of the proposed development, and the requisite demand for open space provision in its own right, a standalone review of the proposed open space within the site will be required to ensure that the quantum, form, location and function of open space areas within the site is acceptable.

- 9.59 Overall, the quality of existing open space provision within Newtongrange scores slightly above the qualitative score for all amenity areas. However there are deficiencies in equipped play and playing fields. Mayfield scores well below the qualitative score required for amenity areas and similarly to Newtongrange is deficient in equipped play and playing fields. The applicant has identified various open space areas within the masterplan to help address this (Figure 13 of the DAS indicated areas to be kept free from development), however, additional/amended provision will be sought by condition as outlined below.
- 9.60 Under provision of playing fields in Mayfield, has in part, been addressed by the provision of additional and improved sports pitches adjacent to Newbattle High School. The site itself provides indicatively two areas to be informal play pitches equating to over a hectare of land. The ability of this sloping site to provide level playing pitches without excessive cut and fill is limited.
- 9.61 It is considered, that there is sufficient informal open space in the area along with the proposed areas of amenity space within the development. There is however an under provision of equipped play areas within the wider area, which will be exacerbated by demand from residents within the proposed development. The submitted DAS sets out that “formal play facilities will be located at accessible locations throughout the development”. This is required to be further assessed when detailed infrastructure provision within any future applications for matters specified in conditions are submitted.
- 9.62 Following consultation with the Council’s Land Resources Manager, no objections have been lodged against the proposals.
- 9.63 In terms of on-site open space provision, the masterplan seeks to deliver significant green networks within the site (circa 42.3ha will be free from development). Whilst some of this will be graded or used for structured woodland/tree belts it is considered that sufficient areas of amenity open space with good levels of connectivity to the path network are to be provided within the development.

- 9.64 Not all of the demarcated areas on the masterplan (and included within the open space calculation) are considered to be usable/functional. This includes parts of the woodland edges shown as open space in the masterplan, which will be required for planting/offsets and, for habitat protection and biodiversity enhancement. Future applications will have to demonstrate compliance with the Council's standards or provide justification of non-compliance to the Council's satisfaction.
- 9.65 In light of the significant open space provided within the masterplan and the indicative play and sports opportunities stated the development is considered to comply with NPF4 policy 21 and MLDP policy DEV8.

#### Flood Risk and Surface Water Drainage

- 9.66 A Flood Risk Assessment (FRA) was submitted with the planning application. Nine indicative locations for sustainable urban drainage system (SUDS) features are included within the masterplan including dry basin features. The Council would usually request that such features be wet ponds due to the biodiversity benefit that they provide. The applicant's justification for the dry basins is largely due to the site levels and the larger land take/requirement necessary for wet pond SUDS features. However, it is noted that some of these proposed locations are in areas that do not have significant level changes, particularly at the west of the site. As such, conditions should be attached to any grant of planning permission requiring SUDS features to be wet ponds, and where they are not, appropriate justification should be provided.
- 9.67 It is stated that *"the surface water system will be designed and constructed in accordance with Sewers for Scotland, and attenuation will be provided so that the greenfield run-off figures referred to in section 4 will be complied with for all events up to the critical 1 in 30-year event. This complies with the current requirements of CIRIA SUDS Manual C753 Chapter 3 in terms of water quantity."*
- 9.68 A number of representations have been submitted on the basis that Newtongrange already suffers from poor surface water drainage in bad weather. Any proposed drainage system will have to include sufficient attenuation and the sewerage system needs to attenuate the flows without flooding the system up to the critical 1 in 30-year event whilst accounting for climate change appropriately. The Drainage Assessment further states that a sensitivity analysis will be carried out on the proposed system for critical events up to the 1 in 200-year event. This can be secured by a condition on a grant of planning permission.
- 9.69 In relation to foul water the Drainage Assessment states *"it is proposed that the new foul water system will connect to the existing foul/combined sewers at various points, suitable outfall points will be chosen depending on topography. Discussions are ongoing with*

*Scottish Water with regards to the foul water connection points.”*  
Scottish Water have raised no objection to the proposed development at this time.

- 9.70 The Council’s Senior Manager Neighbourhood Services (Flood Officer) has raised no objection to the proposals, but indicates that further investigations once layouts are known will be required as well as details of the finalised drainage system. These matters can be secured via a condition on a grant of planning permission and matters specified in condition applications.
- 9.71 Subject to the provision of a series of conditions covering the detailed design of the surface water management infrastructure and the aforementioned mitigation measures within the FRA, the proposed drainage, would accord with the corresponding objectives of NPF4 policy 22 and MLDP policy ENV9 and ENV10.

#### Archaeology & Cultural Heritage

- 9.72 The Council’s Archaeological Advisor has raised no objection to the proposed development. During the assessment of the application a revised heritage impact assessment was submitted. Whilst the proposed development site contains several recorded historic environment assets and lies within an area of archaeological potential, the Archaeological Advisor is content that a programme of archaeological works to mitigate the impacts of the proposed development upon the Historic Environment can be secured by condition. The programme of works will include a written scheme of investigation. Based on the above the proposed development is considered to comply with NPF4 policy 7 and MLDP policy ENV24.
- 9.73 The proposed development abuts the Newtongrange Conservation Area and MLDP policy ENV19 states that “*development will not be permitted which would have any adverse effect on its character and appearance*”. Whilst the proposed detailed design of the proposed development is not known at this time the DAS indicated what the proposed built form would be like at the western edge of the site. As has been discussed earlier in this report (see layout, form and density discussion) the layout the masterplan seeks to deliver development of a form and orientation that reflects the conservation area and subsequent development to the north east of the site. The proposed housetypes have further been identified to be terraced units and of a scale reflecting the conservation area. These matters are considered to be appropriate in respecting the conservation area edge and comply with NPF4 policy 7 and MLDP policy ENV19.

#### Ecology

- 9.74 An Ecological Assessment dated 2021 was submitted with the application and has been reviewed by the Council’s Ecological Advisor,

The Wildlife Information Centre (TWIC). In regards to bats, it was identified that no trees with bat roost potential were noted on the site, however it was recommended that a further activity (dawn or dusk) survey for bats is undertaken May to August on building 4 (building 4 forms part of the Lingerwood Steading buildings as identified by the Ecological Assessment) as surveys were undertaken outside of the season. In addition, TWIC recommend that as hedgehogs have been recorded within 50m of the site at both the west and east ends of the site, hedgehog highways in the boundary fences of new gardens should be considered, to ensure gardens are accessible to hedgehogs and other wildlife and to reduce fragmentation of the landscape. Retention and creation of hedgerows within the development will also be beneficial in this regard. Finally, prior to vegetation clearing works, vegetation should be checked for the presence of hedgehog nests/hibernation sites. A condition on a grant of planning permission can be used to secure a biodiversity scheme that secures the above stated recommendations.

- 9.75 NatureScot have further commented on the application and note that there are opportunities to increase biodiversity across the site, setting out that they concur with the recommendations in chapter five (of the Ecological Assessment); and that these should be secured by condition (this can be included in the biodiversity scheme condition mentioned above). With such a condition the proposed development would comply with NPF4 policy 3 and MLDP policy ENV15.

#### Renewable Energy

- 9.76 The MLDP sets out that “*Through attention to location, development mix, phasing, site and building layout and adaptability of buildings to future use, demand for energy should be limited.*” The principles proposed for the dwellings and set out within the DAS is considered to respond positively to this position. The proposed provision of air source heat pumps, photovoltaic panels and waste water heat capture are to be supported. The schedule of the energy efficiency elements set out in the DAS can be secured by condition on a grant of planning permission.
- 9.77 Midlothian requires a community heating feasibility assessment to be undertaken by the applicant to understand the operational and financial ability to connect to an existing or proposed heating network. MLDP policy NRG6 sets out a presumption in favour of community heating at two sites within Midlothian (Cauldcoats and Newton Farm) - this site is not one of them. A recent appeal decision in Midlothian (PPA-290-2060) at the former Wellington School site, saw a proposed condition for such aforementioned feasibility study removed by the reporter. In that instance the reporter stated “*This has its background in policy NRG6, which refers to two specific allocated sites that are close to a likely thermal waste treatment plan. The policy refers to supplementary guidance but this has not been produced and is not even in draft form.*”

*There is therefore no direct policy link to the appeal site.” The same circumstances would exist for the proposed development. However, since this appeal decision NPF4 has been adopted and NPF4 policy 19 states:*

*Development proposals within or adjacent to a Heat Network Zone identified in a LDP will only be supported where they are designed and constructed to connect to the existing heat network. ...where a heat network is planned but not yet in place, development proposals will only be supported where they are designed and constructed to allow for cost-effective connection at a later date.*

- 9.78 As it stands there is no community heating network planned or in existence in proximity to the site. However, it is noted that the site will be constructed over a 10 year period and as such a review of the community heating position should be required at appropriate time/phasing of development intervals.

#### Developer Contributions

- 9.79 In relation to Midlothian Council, policies relevant to the use of planning obligations are set out in the MLDP and Midlothian Council’s Developer Contributions Guidelines (Supplementary Planning Guidance). If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a planning obligation to secure:

- A financial contribution towards additional primary education capacity;
- A financial contribution towards additional secondary education capacity;
- A financial contribution towards Borders Rail/public transport;
- A financial contribution towards Mayfield Town Centre;
- A financial contribution towards community/leisure facilities;
- A financial contribution towards additional library provision;
- Open space maintenance; and
- The provision of affordable housing (25%).

- 9.80 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); and
- be reasonable in all other respects.

9.81 The requirements as set out above for any proposed planning obligation would meet the above tests.

### Phasing

9.82 The phasing plan submitted as part of the application indicated which development parcels and associated landscape features would be delivered in association with which phase of development (there are nine phases of development). As well as landscaping the proposed roads and road improvements are proposed in phases. Improvements to Crawlees Road would be delivered in Phase 1 - there is no objection to this approach. However, in respect of the Distributor Road (referred to as Link Road on the phasing plan) it is suggested that this be delivered alongside parcels of development moving east. As such the Distributor Road would not be connected to Bogwood Road until during Phase 8 (North Mansfield). The proposed Distributor Road would form an important bus link for residents of the new development and therefore should be implemented and made safe and available for public use earlier in the process. A condition requiring the implementation of the Distributor Road prior to the commencement of any of the following development areas (as identified in the DAS) can be secured as part of any grant of planning permission:

- Blackwood
- North Mansfield/Upper Slopes
- The Crescents
- An Clachan Lingerwood

9.83 An amended phasing plan can be secured by condition as part of a grant of planning permission.

### Community Growing

9.84 The applicant has identified two parcels of land within the masterplan for community growing. One, within the northern part of the site, as a community orchard, and the other, within the centre of the site, to provide allotment space.

9.85 The MLDP settlement strategy for these sites do not specifically require such provision, however, the Council's Green Networks Supplementary Guidance outlines that such areas would form part of a green network. Their proposed provision is thus welcomed as part of the masterplan.

- 9.86 Submitted phasing would indicate that the proposed allotments would be delivered within Phase 6, at which point 450 dwellings are expected to be delivered in Phases 1 – 5. A condition requiring its delivery no later than the commencement of the 450<sup>th</sup> dwelling should be imposed. The proposed community orchard is proposed to be delivered within Phase 8 after the delivery of the 670<sup>th</sup> dwelling. However, as the proposed orchard would benefit the residents of the wider development it is considered that this should be delivered earlier in the development. A condition requiring its implementation not later than the commencement of the 600<sup>th</sup> dwelling should be attached to any grant of planning permission.

#### Affordable Housing

- 9.87 No specific affordable housing mix has been identified within the masterplan, however, the DAS states that 25% affordable housing provision will be provided, and that “The type of affordable housing will be determined on a site-by-site basis in discussions with Midlothian Council. Mixed tenures will be provided to create a mix of households available for potential residents from apartments to larger family homes and bungalows.”
- 9.88 The tenure mix will be required to be secured by a planning obligation. Further discussions with the Council’s Housing Planning and Performance Manager will be required to confirm the optimum unit mix based on the Council’s Housing List or to address requisite demand within any chosen registered social landlord. The proposed development would comply with MLDP policy DEV3.

#### Percent for Art

- 9.89 Details of a public art strategy for the proposed development will be required via matters specified in conditions applications to ensure that the percent for art required by MLDP policy IMP1 are met. This can be secured via a condition on any grant of planning permission. The proposed community growing areas do not constitute ‘art’ and therefore additional provision will be required to accommodate new artwork.

#### Other Matters

- 9.90 Concerns were raised by objectors regarding the existing capacity of general practice medical facilities within the immediate area and the potential impacts of new housing on the capacity of health and care services. This matter is required to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority (and initial discussions on this have been undertaken at a strategic level) but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.

9.91 Regarding matters raised by representors and consultees and not already addressed in this report:

- With regard the uplift in operations at NWH Waste Recycling Plant and whether this should be assessed within the EIA. It is noted that the principle concern relates to noise. The NWH site is controlled by a SEPA Waste Licence that limits the noise resulting from the operation. These limits remain in place and were accordingly used within the EIA to ascertain likely significant harm.
- Clarity was sought over whether the Drainage Assessment was prepared with 1,000 or 920 dwellings in mind. Whilst both figures are mentioned in the report, revisions are documented changing the study area to reflect the application site and 1,000 dwellings. Furthermore, additional assessments will be required once a more accurate housing quantum is known (up to 1,000 dwellings).
- Concerns that Scottish Water need to be consulted thoroughly on the development. Scottish Water have been consulted on this application and it is set out within the Drainage Assessment that discussions with Scottish Water are ongoing regarding foul water connections.
- Construction disruption over a long period. Disruption can result from construction. A Construction Environment Management Plan will be required to aid minimising such disruption, and careful management of the phasing of development reduces the sustained impact in a singular location.
- Modern housing lacks design quality. The proposed submission does not provide detailed design of buildings at this time. Conditions will require that 20% of dwellings are delivered with improved quality materials.
- Insufficient parking being provided. Details are not provided in this submission as it is an application for planning permission in principle. Detailed parking arrangements (including the number of spaces) and electric vehicle charging provision will be considered as part of a matters specified in conditions application.
- The proposed development could hinder access to light. The proposed development is considered to be sufficiently separated from existing development to retain existing access to light.
- More bungalows should be provided as part of the development. The specific house types are not known at this stage but the DAS does state that bungalows can form part of the development.

9.92 The following matters have been raised in representations which are not material considerations in the determination of the application:

- The local area already suffers from inconsiderate parking. Whilst this might be the case, the proposed development can seek to deliver a sufficient quantum of parking for its future residents and visitors, however it would not be incumbent on the development to change existing street designs or parking behaviour.

- The development would result in the loss of views from existing properties. Whilst landscape and visual impact are key material considerations, individual rights to a view are not.
- Development would result in the devaluation of properties. This is not be a material consideration of this application.
- The development would result in more anti-social behaviour. Future applications seeking detailed design layout will be assessed from a perspective of being secure by design. However, at this stage it cannot be held that new housing development by its nature would create further anti-social behaviour.

## 10 RECOMMENDATION

- 10.1 It is recommended that planning permission be granted for the following reason:

*The proposed development site is allocated for housing in the Midlothian Local Development Plan 2017 (MLDP) where there is a presumption in favour of an appropriate form of development. Whilst the proposed development would deliver in excess of the indicative residential unit capacity set out in the MLDP, the submitted EIA has sufficiently demonstrated that the proposed level of development can be achieved, subject to detailed design and subject to securing developer contributions. The proposed ancillary neighbourhood retail, commercial, leisure and community facilities are a welcome additions and contribute to the provision of a sustainable community in accordance with National Planning Framework 4. The presumption for development is not outweighed by any other material considerations.*

Subject to:

- a. the prior signing of a planning obligation to secure:
  - A financial contribution towards additional primary education capacity;
  - A financial contribution towards additional secondary education capacity;
  - A financial contribution towards Borders Rail/public transport;
  - A financial contribution towards Mayfield Town Centre;
  - A financial contribution towards community/leisure facilities;
  - A financial contribution towards additional library provision;
  - Open space maintenance; and
  - The provision of affordable housing (25%).

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

- b. Subject to the following conditions:

1. The development to which this permission relates shall commence not later than the expiration of five years beginning with the date of this permission.

**Reason:** *To accord with the provisions of Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. No more than 926 residential units shall be erected on the site unless otherwise agreed by way of a planning application. The housing mix, densities across the site and the detailed layout is not approved and is subject to matters specified in conditions application/s, which will determine the final number of dwellinghouses on the site.

**Reason:** *The application has been assessed on the basis of a maximum of 926 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision and local transport routes, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application. And, to ensure development is in line with the Environmental Impact Assessment and Masterplan assessed as part of this application.*

3. Notwithstanding the phasing set out within the Design and Access Statement (DAS) (Appendix E) development shall not begin until an application for approval of matters specified in conditions for the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing shall include the delivery of noise mitigation required within section 9 "Mitigation" of the submitted EIA Noise and Vibration report, structural landscaping, residential development, retail and other community use (as identified by Figure 23 of the DAS) development, drainage infrastructure, road infrastructure (on and off site), community growing areas, children's play provision, percent for art, and multi user and pedestrian paths (including safe routes to school). The phasing shall include a proposed timetable of implementation of the development and phases within. Development shall thereafter be carried, out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the

siting, design and external appearance of all residential units and other structures of that phase has been submitted to and approved in writing by the planning authority for that phase. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. 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 proposed development is appropriate in its design and complies with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017.*

5. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for that phase setting out details regarding the delivery of 20% of proposed dwellings featuring improved quality materials shall be prepared and submitted to the planning authority for approval in writing. Development shall thereafter be carried, out in accordance with the approved phasing unless agreed in writing with the planning authority.

**Reason:** *To ensure that future development meets the requirement of policy DEV6 of the Midlothian Local Development Plan 2017.*

6. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions, for separate scheme(s) to deal with noise mitigation. This shall include the submission and approval of updated noise impact assessments for corresponding phases to provide details of stand-off distances, acoustic bunds, acoustic fencing and any other attenuation measures to address proposed in section 9 "Mitigation" of the submitted EIA Noise and Vibration report, updated to accord with the following:
  - i. Rated sound levels from adjacent existing commercial uses, when measured and assessed in compliance with BS4142:2014 Methods for rating and assessing industrial and commercial sound, and shall not exceed the background noise level by more than 5dB; and
  - ii. Road Traffic Noise shall comply with the criteria for daytime external garden amenity at 50dB Laeq (16hour) with updated mitigation measures, as necessary.

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. Any recommended noise mitigation measures shall be implemented prior to the occupation of the first dwellinghouse of that phase.

**Reason:** *To protect residential amenity and minimise unacceptable noise impacts to future residents.*

7. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions of details, including a timetable of implementation, of 'Percent for Art' has 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 DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. The proposed South Mayfield Distributor Road shall be a primary route and secondary routes identified at Figure 17 (Movement Hierarchy) of the Design and Access Statement and on the approved Masterplan shall only connect to the distributor road via priority junctions.

**Reason:** *To allow the free flow of traffic along the South Mayfield Distributor Road and prioritise public transport movement along that route.*

9. Notwithstanding the proposed phasing set out within the Design and Access Statement (DAS) (Appendix E), the "South Mayfield Distributor Road" (as referred to within the MLDP 2017) proposed to connect from Bogwood Road to Crawlees Road shall be completed in its entirety and made available for public use prior to the first occupation of any dwelling within phases 6, 7, 8 and 9 (as set out within the DAS, Appendix E).
10. Prior to the first occupation of any dwelling within phases 6, 7, 8 and 9 (as set out within the Design and Access Statement, Appendix E) a multi user route connecting to Bogwood Road to Crawlees Road shall be completed (to an adoptable standard) in its entirety and made available for public use.

**Reasons for condition 9 and 10:** *To ensure that direct and safe routes to school are provided and to ensure that the development delivers its public transport credentials in line with the submitted Transport Assessment.*

11. Development shall not begin until an application for approval of matters specified in conditions for the proposed improvements to Mayfield Industrial Estate and Crawlees Road shall be prepared

and submitted to the planning authority for approval in writing. The proposed improvements shall include:

- i. Details of a safe and appropriate footpath connection with the existing pavement at Mayfield Industrial Estate; and
- ii. Details of a multi user route, along Mayfield Industrial Estate to the junction of the Mayfield Industrial Estate and B6482 (unless otherwise agreed in writing with the planning authority);
- iii. Details demonstrating sufficient room for safe access, egress and parking at Smithy Cottages for its residents.

Matters under point “i” and “iii” shall be completed prior to the first occupation of any development. Matters under point “ii” shall be completed prior to the occupation of 120<sup>th</sup> dwelling.

***Reason:*** To ensure that road safety for existing residents and future users of the road network.

12. Development shall not begin until an application for approval of matters specified in conditions for the technical details of improvements to:

- Junction 1 - Stobhill Road / Crawlees Road;
- Junction 2 - B6482 Suttieslea Road / Mayfield Industrial Estate; and
- Junction 6 - A7 / Stobhill Road

shall be prepared and submitted to the planning authority for approval in writing. Details shall include a proposed timetable of works and necessary steps to reduce the anticipated Degree of Saturation of 93.0% at junction 6 to below the accepted level of 90%. Development shall thereafter be carried, out in accordance with the approved phasing unless agreed in writing with the planning authority.

***Reason:*** To ensure highway safety for existing and future road users.

13. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions of details including the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority for that phase. Details of the scheme, including a programme for completion, shall include:

- i. existing and finished ground levels for all roads, footways and multi-user paths/cycle ways in relation to a fixed datum;
- ii. the proposed vehicular, cycle and pedestrian accesses into the site;

- iii. the proposed roads, footways and turning facilities designed to an adoptable standard) and multi-user paths/ cycle ways including suitable walking and cycling routes;
- iv. details, including cross sections, of any roads/footpaths/cycle paths showing services, verges, tree planting, tree protection, landscape planting embankments/gradients and working areas;
- v. proposed traffic calming measures, lighting and signage;
- vi. proposed residents and visitor car parking arrangements to meet the Council's Parking Standards;
- vii. proposed cycle parking/storage facilities;
- viii. proposed connections to the existing highway and path network;
- ix. Resident and visitor parking to meet current council standards; and
- x. A network or publicly available rapid-charging electric vehicle charging points within the development.

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. Also to ensure that a network of electric vehicle chargers is provided in line with Policy TRAN5 of the Midlothian Local Development Plan 2017.*

14. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works for that phase has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i. A written design brief for each character area to demonstrate how the proposed landscaping for any given phase is appropriate and responds to the landscaping strategy set out within the Design and Access Statement including a landscape framework drawing and palette of hard and soft landscape materials, colours and tree/ shrub species for each individual character area/ phase. recommendations for enhancement of existing landscape features, green network connections, appropriate species and management interventions;
  - ii. existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - iii. Updated Arboricultural Impact Assessment including a Tree Protection Plan and an Arboricultural Method

- Statement for works and construction access near/ within the RPA of existing trees/ hedgerows to be retained;
- iv. existing trees, landscaping features and vegetation to be retained, removed, protected during development and in the case of damage, restored;
  - v. tree root protection areas, construction exclusion zones and dwelling standoffs overlaid on corresponding detailed landscape plans;
  - vi. proposed new planting in communal areas and open space, including trees, shrubs, hedging, bulbs and grassed/ meadow areas;
  - vii. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - viii. schedule of plants to comprise species, plant sizes, mixes and proposed numbers/density;
  - ix. 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;
  - x. proposed car park configuration and surfacing;
  - xi. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
  - xii. proposed cycle parking facilities;
  - xiii. Landscape specification with standards of workmanship for soft landscape operations (e.g. planting seeding);
  - xiv. construction details for landscape elements tree and planting, fencing with mammal passage points, woodland planting mix, habitat features,
  - xv. specifications for roadside planting features including cross sections of roads, footpaths, drainage swales and utilities with adequate rooting volume for street trees;
  - xvi. Specification for drainage features including cross sections of SUDS ponds/ basins and planted bio-swales with details of engineered slopes, margin features (e.g. hummocks, pools, boulders) and finishes, planting and seed mixes to create diverse semi-natural habitats and optimise biodiversity value; and
  - xvii. green network arrangements showing alignment, widths, footpaths, verges and planting.

Thereafter and in relation to 'ix' above 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. 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 quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

15. The proposed sustainable urban drainage system (SUDS) basins shall include a minimum of 50% wet ponds unless otherwise agreed in writing by the planning.

**Reason:** To ensure that biodiversity uplift is secured through SUDS provision and to ensure the proposed development is compliant with policy ENV15 of the Midlothian Local Development Plan 2017.

16. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a scheme of effective drainage and flood management for that phase has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i. Drainage and surface water management arrangements to manage surface water runoff within each catchment to including a 'wet' pond(s); and
  - ii. Sensitivity tests demonstrating 1:200 (allowing for climate change) year event capacity.

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:** The planning application is in principle and the details required are to ensure the surface water from the site can be appropriately treated and to ensure that levels on the site are appropriate in relation to flood risk and to ensure biodiversity enhancement associated with such infrastructure.

17. Prior to the commencement of development impacting upon Building 4 as identified in the Ecological Assessment (Nigel Rudd, October 2021) a further bat activity survey shall be undertaken by qualified person(s) in respect of it. The survey shall include any necessary mitigation and recommendations and shall be submitted to the planning authority for approval in writing.

**Reason:** To verify the findings of survey completed outside of bat survey season and to ensure compliance with policy ENV15 of the Midlothian Local Development Plan 2017.

18. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an

application for approval of matters specified in conditions for a scheme of biodiversity enhancement shall be prepared and submitted to the planning authority for approval in writing. The scheme shall include the delivery of recommendations set out within chapter 5 of the approved Ecological Assessment (Nigel Rudd, October 2021) and the results of the additional bat survey required by condition 17 above.

***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 2017.*

19. Prior to the commencement of the 450<sup>th</sup> dwelling, or the commencement of phase 6 (as set out within the Design and Access Statement, Appendix E), whichever is earliest, an application for approval of matters specified in conditions for a scheme, including a programme for development and a management plan, for the proposed allotments shall be submitted to and approved by the planning authority. Development shall thereafter be carried out in accordance with the approved details and maintained in accordance with the approved management plan. The community growing facilities shall be available for use prior to the occupation of the 450<sup>th</sup> dwelling.

***Reason:*** *To ensure an appropriate design and the timely delivery of community growing facilities required by the approved development.*

20. Prior to the commencement of the 600<sup>th</sup> dwelling, or the commencement of phases 8 or 9 (as set out within the Design and Access Statement (DAS), Appendix E), whichever is earliest, an application for approval of matters specified in conditions for a scheme, including a programme for development and a management plan, for the proposed community orchard shall be submitted to and approved by the planning authority. Development shall thereafter be carried out in accordance with the approved details and maintained in accordance with the approved management plan. The community orchard shall be available for use prior to the occupation of any dwelling within phases 7, 8 or 9 (as set out within the DAS, Appendix E).

***Reason:*** *To ensure an appropriate design and the timely delivery of community growing facilities required by the approved development.*

21. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of ultra-fast speed fibre broadband has been submitted to and approved in

writing by the planning authority or such alternatives as may be agreed in writing with the planning authority. The details shall include delivery of superfast speed fibre broadband prior to the occupation of each dwellinghouse. 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.*

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

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

23. No retention walls or other retention features in excess of 1 metres are be permitted unless otherwise agreed in writing with the planning authority.

**Reason:** *To preserve the visual amenity of future residents in accordance with policy DEV6 of the Midlothian Local Development Plan 2017.*

24. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 for that phase. The CEMP shall include:

- i. Details of a separate construction access;
- 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. temporary construction drainage details / sustainable urban drainage system;
- x. 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;
- xi. prevention of mud/debris being deposited on the public highway;

- xii. material and hazardous material storage and removal; and
- xiii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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.*

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

Before any part of the site is occupied for residential/commercial 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 ensure compliance with policy ENV16 of the Midlothian Local Development Plan 2017.*

26. On completion of the decontamination/remediation works referred to in Condition 25 above and prior to any dwellinghouse being occupied, a validation report or reports shall be submitted to the planning authority confirming 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.

**Reason:** *To ensure compliance with policy ENV16 of the Midlothian Local Development Plan 2017.*

27. Prior to the commencement of development a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (mine entries) shall be prepared and submitted to the planning authority for approval in writing. The scheme shall include a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones.
28. No development shall commence until the remediation works and/or mitigation measures required / identified by the scheme of intrusive site investigations and associated report of findings have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.
29. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason for conditions 27 and 29:** *To ensure that appropriate measures have been taken to ensure the site is safe from the impacts of its historical mining legacy.*

30. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (field evaluation by trial trenching) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area to be investigated should be no less than 10% of the total site and should also target the locations of the heritage assets identified in the Heritage Assessment that have the potential to be impacted.

This includes the following historic environment assets from the Heritage Assessment:

- Old Lingerwood (MEL11081)
- Lingerwood Colliery (MEL5010)
- Lingerwood Colliery structures (MEL11082)
- A post-medieval road (RPS 3)
- Former Masterton House (MEL8539)

Thereafter the programme of archaeological works shall be implemented and all recording and recovery of archaeological resources shall be undertaken to the satisfaction of the planning authority. The archaeological works may be carried out in phases.

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

31. Prior to the commencement of development details and timeframes for implementation of woodland and other planting proposed outwith the application site, but within the applicant's ownership, specifically:
- i. Landscape connection from the sites southern boundary to Masterton Wood; and
  - ii. Along field boundaries between Masterton Wood and the east edge of Gowkshill

shall be 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 agreed in writing with the planning authority.

***Reason:*** *to ensure that the proposed planting beyond the site boundary and the benefits associated with them area delivered in accordance with policy ENV2 and DEV7 of the Midlothian Local Development Plan 2017.*

32. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a Woodland Management Plan and programme is submitted to and approved by the planning authority to show existing woodland, trees and hedgerows to be retained and new areas of woodland and tree planting for that phase. The plan/ programme shall include a list of proposed operations with relevant timescales and locations, and shall refer to proposed quantities, numbers or volumes when estimating required tree thinning. Replacement planting shall also be quantified, specified (including proposals for protection of new woodland planting) and indicative locations be identified. The Management Plan shall include those areas proposed for planting outwith the application site, connecting the site to Masterton Wood as required to be provided by condition 31.

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 quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

33. No residential dwelling shall be within 40m of the Neil Williams Haulage Waste Recycling Centre site boundary.

**Reason:** *To ensure adequate air quality for residential dwellings in line with SEPA's comments and policy ENV17 of the Midlothian Local Development Plan 2017.*

34. Proposed "other uses" as identified by figure 23 of the Design and Access Statement (DAS) for retail, commercial, leisure and community facility potential shall be built and ready for occupation in accordance with the following:
- Unit within Phase 1 (as indicated by Appendix E of the DAS) shall be completed prior to the commencement of development on Phase 3 unless otherwise agreed in writing with the planning authority; and
  - Unit within Phase 6 (as indicated by Appendix E of the DAS) shall be completed prior to the commencement of development on Phase 7 unless otherwise agreed in writing with the planning authority.

**Reason:** *To ensure the timely delivery of such opportunities within the development and promote 20 minute neighbourhoods and local living.*

35. Development shall not begin on Phase 5 as identified by the Design and Access Statement (DAS) (Appendix E) or the 371<sup>st</sup> dwelling until an application for matters specified by condition for details of Lingerwood Steading conversion shall be submitted to and approved in writing by the planning authority. Thereafter development shall accord with approved details. Development should be completed and made available for occupation prior to the first occupation of any dwelling within Phase 5 (as identified by the DAS Appendix E).

**Reason:** *To ensure the timely delivery of space for community facilities and other ancillary uses.*

36. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an

application for approval of matters specified in conditions, for separate scheme(s) to deal with noise mitigation. This shall include the submission and approval of updated noise impact assessments for corresponding phases to provide details of stand-off distances, acoustic bunds, acoustic fencing and any other attenuation measures to address proposed in section 9 "Mitigation" of the submitted EIA Noise and Vibration report, updated to accord with the following:

- i. Rated sound levels from adjacent existing commercial uses, when measured and assessed in compliance with BS4142:2014 Methods for rating and assessing industrial and commercial sound, and shall not exceed the background noise level by more than 5dB; and
- ii. Road Traffic Noise shall comply with the criteria for daytime external garden amenity at 50dB Laeq (16hour) with updated mitigation measures, as necessary.

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. Any recommended noise mitigation measures shall be implemented prior to the occupation of the dwellinghouses of that phases.

***Reason:*** *To protect residential amenity and minimise unacceptable noise impacts to future residents.*

37. Notwithstanding the Sustainability Statement setting out within the submitted Design and Access Statement, development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions with and Energy Statement setting out the Low/Zero Carbon Technologies that are proposed to be delivered within any occupied structure within that phase is submitted to and approved in writing by the planning authority. The Statement shall include a review of any new proposals for district/community heating or new low carbon technologies and assess any benefits of connection or incorporation into this development. The development shall thereafter be in accordance with the approved details.

***Reason:*** *To ensure that the proposed development delivers low carbon energy technologies and responds to the most up to date low carbon technologies.*

38. Development shall be carried out in accordance with the approved drawings and supporting information hereby listed:

1. Location Plan MI02(SW)LP01 1:2500@A0 Rev A (Submitted 17/01/2022);

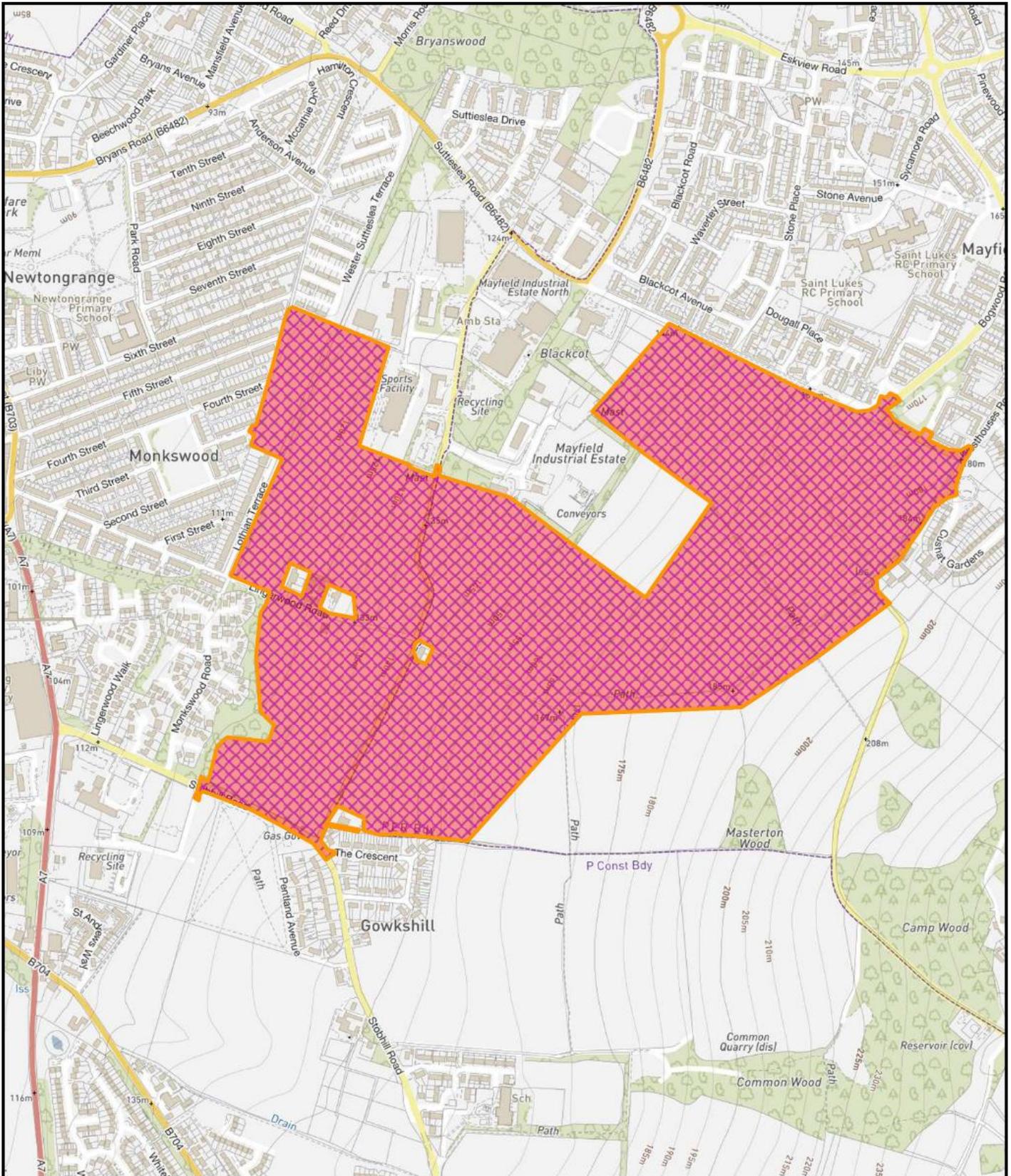
2. Existing Site Plan Including PAN Boundary MI02(SW)LP03 1:2000 @ A0 Rev A (Submitted 17/01/2022);
3. Masterplan Layout Including PAN Boundary MI02(SW)MP01 1:2000 @ A0 Rev B (Submitted 17/10/2022);
4. The Masterplan: Design and Access Statement and the plans therein. (Submitted 17/10/2022);
5. Environmental Impact Assessment Report (Submitted 17/01/2022);
6. Landscape and Visual Impact Assessment (EIA) (Submitted 17/10/2022);
7. Environmental Impact Assessment (Noise and Vibration) (Submitted 17/01/2022);
8. Environmental Impact Assessment (Air Quality Assessment) (Submitted 17/01/2022);
9. Drainage Assessment Rev B (Submitted 17/01/2022);
10. Geo-Environmental Interpretive Report (Submitted 17/01/2022);
11. Site Investigation Report (Submitted 17/01/2022);
12. Tree Survey and Arboricultural Constraints (Submitted 10/08/2022);
13. Transportation Assessment (Submitted 17/01/2022);
14. Transportation Statement on Routes to School (you may take the view that this was submitted for information and does not need to be approved) (Submitted 02/12/2022);
15. Mineral Risk Assessment (Submitted 17/01/2022);
16. Pre-Application Consultation Report (Submitted 17/01/2022);
17. Heritage Assessment (Submitted 17/01/2022);
18. Updated Heritage Assessment (Submitted 07/04/2022);
19. Flood Risk Assessment (Submitted 17/01/2022);
20. Education Statement (Submitted 29/07/2022); and
21. Planning Statement (Submitted 17/01/2022).

***Reason:** To ensure that the development is carried out in terms of the drawings and supporting information which were assessed in terms of this application.*

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 20 February 2023

**Application No:** 22/00027/PPP  
**Applicant:** Springfield Properties Ltd  
**Agent:** Joe Larnar (Holder Planning)  
**Validation Date:** 25 January 2022  
**Contact Person:** Hugh Shepherd  
**Email:** hugh.shepherd@midlothian.gov.uk  
**Background Papers:** 08/00515/FUL, 21/00178/SCR, 21/00515/SCO



**Education, Economy  
& Communities**  
 Midlothian Council  
 Fairfield House  
 8 Lothian Road  
 Dalkeith  
 EH22 3AA

**Residential Development**  
**Land South of Mayfield and East of Newtongrange**

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

File No.22/00027/PPP

Scale: 1:10,000

Midlothian Council Licence No. 100023416 (2018)



