



Application A

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

Application B

APPLICATION FOR PLANNING PERMISSION (17/00409/DPP) FOR RESIDENTIAL DEVELOPMENT; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND AT WELLINGTON FARM, OLD CRAIGHALL ROAD, MILLERHILL, DALKEITH

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The applications are for the erection of 620 dwellings on two adjoining and interconnecting sites to the north and south of Old Craighall Road, Millerhill. Application A (17/00408/DPP) is for 504 dwellings and Application B (17/00409/DPP) is for 116 dwellings. There have been no representations received. Consultation responses have been received from the Coal Authority, Scottish Environment Protection Agency (SEPA), Transport Scotland, East Lothian Council, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Policy and Road Safety Manager and the Council's Environmental Health Manager.
- 1.2 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV18, ENV22, ENV23, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the adopted Midlothian Local Development Plan 2017.
- 1.3 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation

to secure developer contributions towards necessary infrastructure and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The applications are on two adjoining and interconnecting sites to the north and south of Old Craighall Road, Millerhill and together form site Hs1 in the Midlothian Local Development Plan 2017. Application A (17/00408/DPP) is at Newton Farm and is approximately 32.97 hectares and Application B (17/00409/DPP) is at Wellington Farm and is approximately 4.60 hectares. The two sites are bounded to the north by the rail line that links the Millerhill Marshalling Yards to the East Coast Main Line and to the south by the A720 City Bypass and its associated embankments. The combined site is on the boundary with East Lothian.
- 2.2 The site is currently, in the main, in agricultural use. There are some agricultural sheds and buildings on the Wellington Farm site, some of which are to be demolished whilst others are to be retained. Wellington Farm is currently a Pig Farm. There is also a small business located within the buildings which supplies bottled gas. It is proposed to retain the existing farmhouse and traditional steading buildings on the site.
- 2.3 To the east of the site is a number of listed buildings including Newton House and associated walled garden and gatepiers, Newton Farm House, and Newton Dovecot which are all category B listed buildings and Newton Farm Steading and gatepiers which is a category C listed building. A group of terraced cottages fronting onto Old Craighall Road, situated at the entrance to Newton Farm, are located within the eastern part of the development area and are surrounded by the proposed new development.
- 2.4 The 'Newton pit alignment' Scheduled Monument to the east of the site is described as a boundary feature of pre-historic date, represented by cropmarks which are visible from aerial photographs. The development does not impact this Scheduled Monument. Newton House was previously included in the Inventory of Gardens and Designed Landscapes, however the site was removed from the Inventory in September 2015.
- 2.5 There is a footpath running along the western boundary of the site linking Old Craighall Road to the A68 via a tunnel under the city bypass.
- 2.6 Electricity pylons cross the southern extremity of the site.

3 PROPOSAL

- 3.1 The proposal comprises a residential development with associated works and the provision of land for a park and ride facility and the

safeguarding of land for a school (if required). Access to a large part of the site is proposed via a link road through the site, connecting the A720/A68 junction with the Old Craighall Road. New traffic lights are proposed at the junction of the link road and the Old Craighall Road. Land is reserved towards the south east of the site, adjacent to the A68/City Bypass junction, for a park and ride facility. In addition, land in the centre of the site, to the south of Old Craighall Road, is safeguarded for a two stream primary school if required.

- 3.2 The proposed development, covered by the two applications, comprises a total of 620 units with 504 units on the Newton Farm site (Application A – 17/00408/DPP) and 116 units on the Wellington Farm site (Application B – 17/00409/DPP). A total of 155 affordable units are proposed in clusters along the Old Craighall Road and in the southern part of the site and consist of 65 dwellinghouses and 60 flats on the Newton Farm site and 6 dwellinghouses and 24 flats on the Wellington Farm site.
- 3.3 It is proposed that the development is implemented in six phases. The first phase includes works to Old Craighall Road to form a continuous footway cycleway and traffic lights at the junction of the link road and Old Craighall Road. However, the phasing plan is supplemented by a letter from the applicant advising that the works required to the Old Craighall Road, to make it acceptable in road safety terms, requires land on both of the application sites. It is advised that the applicant cannot guarantee that both developments will be developed at the same time (because the sites are under different land ownership) allowing for the comprehensive development of the works required to Old Craighall Road. Two pedestrian crossing points are identified on Old Craighall Road.
- 3.4 The first phase also includes the erection of 77 dwellings to the north east of the site, on both sides of the access roadway to Newton House and Farmhouse. The second phase of development comprising 212 dwellings to the north of the site, mainly to the north of Old Craighall Road with some limited development to the south of the said road. Phase three includes the erection of 86 dwellings and the completion of the link road through the site (from the A68/A720 junction to the Old Craighall Road). In total, it is proposed that 375 dwellings are built before the link road is completed. Phase three also includes the area to be reserved for the primary school and the provision of the main area of open space for the site, located in a central location. Phase four, five and six would see the erection of 101, 86 and 58 dwellings respectively. The final phase is mainly affordable units and the proposed allotments and community orchard located in the south of the site. Phase five includes the land for the park and ride. The Wellington site includes dwellinghouses in the first and second phases only, 40 in the first phase and 76 in the second.

- 3.5 The proposed development includes a mix of two storey dwellings and three storey flatted blocks. The flatted blocks are at the entrance to the development on Old Craighall Road and off the A68 and at either end of the link road. There are also a number of flatted blocks in the southern part of the site facing south.
- 3.6 The applicant has identified the following six character areas:
- Midlothian Edge – is located to the east and consists of larger detached houses in large plots some of which front onto open space along Old Craighall Road;
 - Old Craighall Road – incorporates higher density housing in the northern part of the site along Old Craighall Road and are of a character compatible to the existing stone buildings which have slate roofs and face onto the road;
 - Lush Links and Courtyards – includes the high density development along the new link road and the main area of open space centrally located within the development;
 - Parkland Edge – this area overlooks the open space and consists of a mix of detached and terraced homes. The open space includes an equipped play area, a kickabout area, a community planting area, tree planting and landscaping and seating areas;
 - Rural Edge – this area incorporates homes around the edge of the development fronting onto a ‘trim track’ (outdoor exercise area/route) set in landscaping. A mix of detached houses, terraces and apartments form a broken edge, all linked by a 3m shared cycle/footway providing easy access between Old Craighall Road and the proposed Park & Ride facility; and
 - North Courts – comprises the area to the north of Old Craighall Road and provides predominantly family housing and apartments.
- 3.7 Areas of Improved quality on the site include the dwellings along the main link road, the houses along Old Craighall Road and houses to the eastern boundary of the site closest to the listed Buildings at Newton Farm.
- 3.8 There is a variety of dwellinghouse on the site including detached, semi-detached, terraced and flatted blocks. The size of the units ranges from 1 to 5 bedroom dwellings. Many of the detached houses are substantial in size with projecting gable features and integral garages. The majority of the houses have gabled roofs rather than hipped roofs. The proposed materials include a range of wall finishes namely red and buff coloured brick, drydash render and reconstituted stone. Roofing materials include slate, a red ‘pantile style’ material and grey concrete roof tiles. Windows and doors are proposed with white and grey uPVC. The areas of improved quality within the site is proposed with enhanced materials including slate roofs and wet dash render.
- 3.9 Open space within the site includes: a main park centrally located adjacent to the school, which has housing overlooking it, and incorporates play parks and kickabout areas; informal open space

associated with sustainable urban drainage system (SUDS) ponds/basins on the eastern boundary with views towards Newton House and in the north east of the site; a linked 'trim track' and cycleway and footpath around the boundary of the site; and allotments and community growing area in the southern part of the site. Avenue planting along the main link road helps to create an attractive green network through the site and softens the impact of necessary infrastructure. Open spaces are generally well overlooked with key buildings terminating long vistas. The school and central open space, which includes play provision and a community growing area, are centrally located and will meet the needs of both planning applications.

- 3.10 The SUDS strategy considers the two applications together, the Wellington Farm SUDS is provided within the Newton Farm development area. Two dry retention basins are located in the north east of the development and a SUDS pond is located at the eastern boundary. Together these features provide adequate attenuation for the development.
- 3.11 Car parking provision is made in line with the Council's parking standards and includes 373 visitor spaces in addition to on plot parking. Cycle parking is provided at the recommended level of one space per apartment plus 1 visitor space per 10 flats, in a secure location close to the block entrances.
- 3.12 The primary school site is identified as 1.34 hectares.
- 3.13 The park and ride site is accessed off the main link road running through the site at its southern end (connected to the A68) and the indicative design includes the provision of parking for 419 vehicles, a bus turning circle and shelter. The facility is set within landscaping.
- 3.14 The application is also accompanied by:
 - a design and access statement;
 - a flood risk assessment;
 - a drainage impact assessment (including SUDS proposals);
 - a transport assessment;
 - contaminated land assessment;
 - habitat survey;
 - planning statement;
 - landscape and visual appraisal;
 - design consideration of cultural heritage features statement;
 - grouting risk assessment;
 - archaeological report;
 - noise impact assessment;
 - energy sustainability statement;
 - bat survey for the Wellington application only; and
 - air quality impact assessment.

4 BACKGROUND

- 4.1 The applicant carried out a pre-application consultation (14/00415/PAC) for residential development and associated works in June – September 2014.
- 4.2 In May 2015 the planning authority issued a screening opinion (15/00391/SCR) for the site advising that an Environmental Impact Assessment submission is not required.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application, based on the information submitted by the applicant in December 2018, subject to conditions on any grant of planning permission to ensure the remediation of the shallow coal mine workings and mine entries.
- 5.2 **The Scottish Environment Protection Agency (SEPA)** does not object to the application based on the information submitted by the applicant dated 26 June 2018.
- 5.3 **Transport Scotland (TS)** does not object to the application. The transport assessment (TA) submitted with the application has been carried out on the basis of 600 dwellinghouses on the site and not the 620 proposed, however the variation in numbers is not considered to be material in terms of its impact on the conclusions of the TA report.
- 5.4 The TA has been prepared on the basis of up to 500 residential units being constructed prior to the completion of the link road to the A68 and the balance to 600 dwellings (620 dwellings) and the opening of the park and ride facility being completed thereafter. TS advise that they would anticipate conditions to reflect the phasing strategy, limiting the later phase of development to the delivery of the link road connection. The TA concludes that it is necessary, to accommodate the full development with the link road connection, to introduce part-time partial signal control on the A720 off slip to the southern roundabout in order to manage traffic flows. Whilst this is shown to mitigate the impact TS remain cautious as to how this measure would operate in practice and it is TS preference to retain the priority control at this junction for as long as possible and to secure a developer contribution to cover the cost of implementing these works only if they are required.
- 5.5 TS does not object to the application subject to conditions regarding; the phasing of the link road; lighting, landscaping and barrier details to be agreed; and no drainage connections to the Trunk Road. Furthermore TS require the prior signing of a legal agreement between them and the developers to secure developer contributions. The applicant has confirmed that it is their intention to enter into such an agreement before the planning application is issued. If this were not the case the Council

would have to seek such an agreement in order to secure the necessary funds for the aforementioned works.

- 5.6 **East Lothian Council (ELC)** does not object to the application, but have some concern regarding the consequential impact on the local road network prior to the link road through the site to the A68 being provided. Furthermore ELC request the applicant carry out an Air Quality Assessment (this was subsequently done during the application process) and highlight the opportunities to improve the sustainability of the development because of the sites proximity to the Recycling and Energy Recovery Centre at Millerhill.
- 5.7 The Council's **Archaeology Advisor** indicated that as a result of the initial desk-based appraisal undertaken and submitted with the application, a 'Programme of Archaeological Works' (Trial Trench Evaluation) is necessary. The trial trench evaluation required is to be no less than 10% of the total site area. The requirement for this work can be secured by condition.
- 5.8 The Council's **Head of Education** has stated that the development will result in additional pressure on primary and secondary school provision and as such a developer contribution would be required. The development lies within the following school catchment areas (however these will be subject to change as the Shawfair development progresses and the Shawfair school provision comes on stream):
- | | |
|------------------------------|--------------------------------|
| Non-denominational primary | - Danderhall Primary School |
| Denominational primary | - St David's RC Primary School |
| Non-denominational secondary | - Dalkeith High School |
| Denominational secondary | - St David's RC High School |
- 5.9 The Council's **Policy and Road Safety Manager** objects to the application. The road/footway alterations required to bring Old Craighall Road up to a standard suitable to safely accommodate pedestrian/cycling traffic arising from the development will not be secured by the development. This is because of the interdependence of the two applications to deliver one joined up highway solution, in particular the provision of a safe route to school – the applicant has not demonstrated a commitment to deliver the two schemes simultaneously to implement pedestrian/cycle connections to the wider Shawfair development, in particular the schools. As a consequence there is a risk that one scheme is implemented without the other.
- 5.10 A 3m wide cycleway/footway is proposed along the southern side of Old Craighall Road, however a 70m long section of this route would not be constructed as part of the applications and cyclists and pedestrians would be required to use the existing narrow rural footway. This section of footway is of varying widths ranging from 1.65m to 1.55m. A minimum width of 3m is required for a cycleway/footway with a minimum width of 2m for a standard footway. The narrowness of this section of footway would preclude its legal use as a cycleway and require cyclists

to use the Old Craighall Road. Also narrow sections of public footway will result in congestion with some pedestrians being required to walk on the carriageway. This link would form the main 'Safe Route to School' for new residents of this development accessing the proposed primary school site and also for residents at the eastern end of the development accessing Millerhill Village and Shawfair.

- 5.11 As the Council is encouraging walking and cycling as part of its active travel strategy it is essential that new developments provide adequate infrastructure to enable residents to safely walk or cycle within the development and link to the wider area. This proposal fails to provide adequate walking/cycling links between sections of the new housing and the proposed primary school and between the eastern housing areas and the Millerhill/Shawfair area. The Council's Policy and Road Safety Manager is therefore unable to support this application in its current form and would recommend that the application be **refused**.
- 5.12 Furthermore the **Road Safety and Policy Manager** (as the Council's Flood Officer) has concern that the restricted run off rate from the school site will mean that SUDs will have to be provided on the school site and this may require extra land. The amount of land that will have to be reserved for the potential new school will have to pay cognisance to this potential drainage requirement.
- 5.13 It is noted that the drainage proposals for the Wellington Farm site rely on the drainage for the Newton Farm site. If the Wellington Farm site were to come forward in advance of the Newton Farm site temporary or alternative drainage provision would have to be made for the Wellington Farm development to reach the proposed retention basin which serves the whole site.
- 5.14 Further information has been requested in relation to the overland flow path from the three SUDs features in the event of an overtopping event, this matter can be secured by condition. The two new surface water culverts have been designed with additional capacity which addresses an earlier concern regarding potential blockage issues. No technical design of the SUDS pond and two SUDS basins have been provided therefore it is not possible at this stage to comment in relation to the proximity of them to public roads and footpaths or the need for any pedestrian or vehicle barriers at these locations.
- 5.15 The Council's **Environmental Health Manager** raises concerns regarding the sites proximity to the railway line serving Millerhill (used by freight trains at night), the City Bypass and the industrial processes taking place at the Millerhill Marshalling Yards and Zero Waste plants. As a consequence there is the potential for noise and vibration to impact the development site and in turn the amenity of future residents. There are also concerns regarding air quality as well as the potential for odour nuisance from Wellington Pig Farm.

- 5.16 It is understood that as part of the proposed development the Wellington Pig Farm will cease to operate. The timing of this is not however clear and it is therefore recommended that any consented housing likely to be affected by odours from the farm is not occupied until all farming activity on Wellington Pig Farm has ceased and the farm buildings cleared of any residual manure. It is also unclear whether Newton Farm will remain a working farm. The applicant has confirmed that the farm is to remain and as a consequence it is advised that the noise impact of the operational farm is a consideration in the assessment of the application.
- 5.17 The acoustic report submitted with the application indicates that with high quality insulation internal levels will achieve Midlothian Council's design standards in relation to anonymous noise sources i.e. 35 dB LAeq(16hr) for daytime internal living apartments, 30 dB LAeq(8 hours) for night time internal living apartments, and for the avoidance of sleep disturbance internal noise levels complying with the World Health Organisation Night Noise Guidelines for Europe 2009 level of 42 dB L_{Amax} (fast) (internal). The acoustic report indicates that an internal level for the worst case traffic noise will be 39 dB L_{Amax}. The 'high quality insulation' referred to in Table 7 of the acoustic report should incorporate acoustic vents to allow these internal levels to be achieved with satisfactory ventilation. The Council's design target to avoid sleep disturbance can be achieved and that conditions on any grant of planning permission can secure appropriate mitigation to address concerns regarding vibration levels and that internal noise levels will be 39 dB L_{Amax}.

6 REPRESENTATIONS

- 6.1 No representations have been received.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be

allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 350 housing units on the site (Hs16) to 2024, with a further 200 units safeguarded for the longer term up (beyond 2024).
- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.9 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.

- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** states that the Council requires the early implementation of the transport interventions arising in connection with the development strategy of the Plan, and the committed development supported by the plan. This includes connection to the A68 from the Newton Farm development.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.14 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.15 Policy **ENV2 Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.16 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.17 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.18 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.19 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees

(including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.20 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.21 Policy **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.
- 7.22 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.23 Policy **ENV23: Scheduled Monuments** states that development which could have an adverse effect on a scheduled monument, or the integrity of its setting, will not be permitted.
- 7.24 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.25 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.26 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.27 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.

- 7.28 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.29 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.30 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.31 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.32 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.33 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.34 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that

"Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area".

- 7.35 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places.
- 7.36 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.
- 7.37 The Scottish Government's Policy on Architecture for Scotland sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan, unless material planning considerations indicate otherwise. The consultation responses received are material considerations.

The Principle of Development

- 8.2 The site is allocated for housing (site Hs1) in the MLDP and is located within the built up area of Shawfair where there is a presumption in favour of appropriate residential development. The indicative number of residential units allocated for site Hs1 in the MLDP is 480. The applications are for 620 units. Application A (17/00408/DPP) is for 504 dwellings and Application B (17/00409/DPP) is for 116 dwellings. The increase in the number of proposed units compared to the indicative allocated numbers is acceptable 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.
- 8.3 In addition to the residential development the applications propose land to be safeguarded for the provision of a primary school, if required, and a separate piece of land for a park and ride facility, which may form part of an orbital bus route in the longer term, accessed off the A68. These land uses are requirements set out in the MLDP and as such the principle of development for the said uses is acceptable if appropriately sited to be compatible with the proposed residential development.

The Layout and Form of Development

- 8.4 The proposed development comprises: 1) six character areas as outlined in paragraph 3.6, consisting of a mix of two and three storey buildings; 2) a large central area of open space adjacent to the land safeguarded for a primary school; 3) a community orchard and allotments in the south of the site; 4) land allocated for a park and ride facility; 5) pedestrian and cycle paths around/through the site; 6) a 'trim track' around the southern part of the site; 7) a main link road connecting Old Craighall Road to the A68; 8) landscaping; 9) access

roads and car parking provision; and 10) SUDS provision. The stated development components meet the requirements set out in the MLDP and are configured so that the layout will provide a good form of development which provides an attractive place to live with good amenity, respects the historical buildings at Newton and mitigates the constraints of the site.

- 8.5 The form of development comprises a mix of two storey dwelling houses of various sizes and designs and three storey flatted blocks. There is a mix of terraced, semi-detached and detached properties. The form of development complies with the fundamental design principles of; dwellings overlooking open space, SUDS features and footpaths/cyclepaths; the taller buildings (three storey flatted blocks) being located at key entrance points and road junctions to provide 'landmark' structures; variations in character and density throughout the site; and attractive streets, some lined with trees, to create a sense of place.
- 8.6 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so. The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. 95 dwellings fall below the minimum size, but not significantly to compromise the residential amenity of the future occupants of the houses. The majority of the houses that have rear gardens that fall below the minimum standard are narrow fronted terraced houses or semi-detached house of a 'terrace style'. In this case, if the minimum garden standard was applied to these houses they would have overly long gardens. The small gardens of these houses are therefore justified in design terms. It is expected that each of the flats is provided with the equivalent of 50 square metres of open space, provided in an area of communal private space. Four of the 11 flatted blocks fall below the expected standard. However the flatted blocks front onto the principal open spaces, which provides some compensation for the reduced size of communal garden ground, are at key junctions in the development providing 'landmark' structures to the benefit of the urban design. The smaller garden ground of some the residential units should be weighed against the fact that a large proportion of the private houses have large rear garden sizes and this

change in density helps to provide interest and variation in the form of development.

Affordable Housing

- 8.7 155 Affordable housing units are proposed, which meets the MLDP requirement for a 25% provision. The applicant has advised that they have had discussions with a Register Social Landlord (RSL) but that there is no formal agreement in place at present.
- 8.8 The proposed mix consists of 41 two bedroom houses and 22 one bed flats, 88 two bed flats and 45 three bed flats (114 flats). This compares to the market housing mix of 38 flats and 427 houses. Ideally, there would be a more balanced affordable housing mix with more dwellinghouses or '4 in a block' flats and fewer large flatted blocks. The three storey flatted blocks are the least popular with potential tenants on the housing waiting list and potentially have the most challenges in terms of management. In addition, the demand is for one and two bed properties, rather than three bed flats. As a consequence, a different mix of units may be required from the applicant if an arrangement cannot be secured with a RSL – this can be secured by the planning obligation associated with any grant of planning permission.
- 8.9 Much of the affordable housing is located along the southern boundary of the site facing the A720. From a noise perspective the flatted blocks and associated linking walls help to mitigate the potential noise impact from the A720 for the development as a whole. Using this physical form of development means that the anticipated noise levels in the garden areas of those units closest to the A720 are acceptable although they are at the upper level of the acceptable noise range. These units will have to be designed to ensure noise levels within the buildings are mitigated with insulation (and mechanical ventilation) such that the noise levels are acceptable within living rooms and bedrooms.

Open Space and Landscaping

- 8.10 The proposed layout includes: 1) a central area of open space next to the land safeguarded for the primary school, which can be used for a variety of activities including a children's play park, kickabout areas, informal play, recreation and community planting/activities; 2) a circuitous footway/cycleway which can be used as a 'trim track' (outdoor exercise equipment along its route); 3) informal open space around the SUDS pond and basins which is overlooked by housing; 4) a small 'village green' fronting onto Old Craighall Road; 5) areas of planting and informal open space located adjacent to the A720 and around the land safeguarded for the park and ride; 6) areas of incidental open space located to the north of Old Craighall Road and 7) allotments located in the southern part of the site.

- 8.11 This represents an appropriate provision of open space in terms of the scale and variation of the offer. The requirement for, and assessment of, open space provision is set by MLDP Policy DEV 9 (and associated Appendix 4). This policy requires that open space is considered in relation to the quantity, quality and accessibility of the open space. In relation to accessibility, this is measured against standards for the proximity to country parks, district and town parks and in relation to local park/play park provision or significant amenity open space (such as a community woodland). In allocating the site for housing the Council has determined that the sites relationship to existing country and town parks and those planned as part of the wider Shawfair development is acceptable. Therefore the priority is for the proposed development to deliver provision to meet the localised need, which it does as set out in paragraph 8.10. It is also recognised that future residents may use those facilities and open spaces within neighbouring districts as the site is located in close proximity to the City of Edinburgh (Hunter's Hall Public Park) and East Lothian (Old Craighall Road pitches).
- 8.12 Provision of pitches and leisure and recreation facilities are to be provided in association with the new settlement at Shawfair (including sports facilities at the proposed secondary school). New facilities are also to be provided at Danderhall adjacent to the new primary school and further investment is to be made at the nearby Millerhill Park. The site is within an accessible distance of four Country Parks. It is considered that the onsite open space provision and relationship to wider facilities is acceptable.
- 8.13 Landscaping along the link road will see trees being planted on one side of the road in some sections and on both sides of the road in other sections. This can be augmented with the planting of trees along the boundary of the safe guarded primary school site and linked to the planting in the central open space. This will provide an attractive route through the development. Other significant areas of landscaping will enhance the SUDS features and provide an attractive area of woodland around the safe guarded park and ride site and in the south of the site. These areas of landscaping along with the SUDS provision should be used to also enhance biodiversity across the site.
- 8.14 The applicant has suggested that some trees could be planted in the front gardens of some dwellinghouses, with conditions on the deed of conditions (now the Development Management Scheme) for each house restricting their removal and allowing access for the factor to manage and maintain the tree. Although this would be helpful in safeguarding some trees to the benefit of the housing scheme as a whole, it is also for the planning authority to secure their retention, by way of a planning condition, for a five year period. Once of sufficient size the planning authority can consider protected any trees of particular value by way of a Tree Preservation Order. A detailed landscaping and SUDS scheme will be required by condition.

Access and Transportation Issues

- 8.15 The main access points to the site will be via Old Craighall Road and off the A68 once the link road is open. The Old Craighall Road currently has a 60mph speed limit. It is proposed to reduce this speed limit to 30mph to facilitate the proposed development – this is acceptable in principle. Alterations to the Old Craighall Road along the frontage of the development will also include the provision of pedestrian crossing points, lane management at the proposed new access into the southern part of the site, a new access into the northern part of the site and traffic calming measures.
- 8.16 A 3m wide footway/cycleway is required along the Old Craighall Road to form part of a safe route to school and will serve to encourage walking and cycling between the site and the facilities and education provision in Shawfair. This route requires to be delivered prior to the occupation of any dwellinghouses and is dependent on the applicant securing land from different land owners. The provision of a safe route to school will be secured by condition. The Council's Policy and Road Safety Manager has objected to the applications because of concern over the delivery of this route.
- 8.17 Transport Scotland advise that the following conditions should be attached to any grant of planning permission:
1. The proposed link road connection between the A720/A68 Junction and the Old Craighall Road, as illustrated on Goodson Associates Drawing P12644/701, shall be delivered in accordance with the development phasing plan agreed with the planning authority, in consultation with Transport Scotland, as the trunk roads authority;
 2. Prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the planning authority, after consultation with Transport Scotland, as the trunk roads authority;
 3. Prior to commencement of the development, details of the landscaping along the trunk road boundary shall be submitted for the approval of the planning authority, after consultation with Transport Scotland, as the trunk roads authority;
 4. Prior to the commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted for the approval of the planning authority, after consultation with Transport Scotland, as the trunk roads authority; and
 5. There shall be no drainage connections to the trunk road drainage system.
- 8.18 In addition, Transport Scotland make reference to the need for a financial contribution to be made by the developers in relation to the need for mitigation works at the junction of the A68/A720 junction, namely the potential need for traffic lights to control the traffic from the southbound slip road from the A720. The applicant and Transport

Scotland have advised that they will ensure such an agreement is in place before any planning permission is issued and they have sent a letter of undertaking to the Council to this effect.

- 8.19 The applicant has made a case that they should not have to make a developer contribution towards Sheriffhall roundabout on the basis that that their development of 620 residential units will not have an impact on this junction. This was the position taken by the applicant during the MLDP examination in 2017 and was considered by the Reporter. After considering the applicant's case the Reporter confirmed that a proportionate contribution in relation to Sheriffhall roundabout is required, this position was supported by Scottish Ministers.

Other Environmental Matters

- 8.20 The Environmental Health Manager has expressed a number of concerns including; noise arising from the rail line to the north of the site, the A720 to the south of the site and the operation of existing farm operations; potential vibration from the rail line, in particular from existing and potential future freight use; and noise arising from the train stabling depot at Millerhill which is used for the cleaning and maintenance of trains.
- 8.21 The application for the stabling facility (15/00884/FUL) was accompanied by a noise survey. This report concluded that noise was unlikely to be an issue and one of the noise sensitive locations that was assessed was just outside the existing cottages on Old Craighall Road. The stabling proposal includes two buildings in which trains are washed and maintained. The stabling buildings are approximately 450m away from the closest proposed house on the site. The East Coast main line between the marshalling yards and the site is on an embankment, which will provide a buffer to some noise. In general terms, in allocating the site for housing, the Council has accepted the future relationship between the proposed residential use and existing transport infrastructure, furthermore it is this close proximity to infrastructure that makes the site an ideal sustainable location for development.
- 8.22 There is a concern that the existing pig farm at Wellington could give rise to odour issues in relation to the proposed new houses. The operation of the pig farm will cease before the Wellington site is developed, however there is nothing to preclude development of the Newton Site in advance of the pig farm use ceasing. There are a number of existing houses close to Wellington Farm, which have not caused complaint in recent years. However, some of the new houses at Newton Farm will be closer to the pig farm. The applicant advises that the farm is used for the breeding of pigs rather than the more intensive 'growing on' of pigs. It is considered necessary to attach conditions precluding the commencement of development on the site until the pig farm has ceased operating unless the applicant can secure

management or mitigation arrangements to ensure odours from the pig farm will not become a nuisance for future residents.

- 8.23 There are a number of mine shafts that remain undiscovered on the site in the vicinity of existing buildings. The Coal Authority are satisfied that appropriate survey work and mitigation can be secured by conditions and if necessary amendments can be made to the layout. It is appropriate that conditions are attached to the consents to ensure the appropriate site investigations and mitigation in relation to contamination and former mine workings.
- 8.24 The applicant has submitted a sustainability report with the planning application which considers the use of a district heating system, as identified in MLDP policy NRG6: District Heating, in particular the potential to connecting to the Recycling and Energy Recovery Centre at Millerhill. There are a number of technical and commercial difficulties in delivering a system; in particular crossing the railway line and more widely in relation to the unregulated nature of district heating contracts and the difficulties in switching supplier if future residents consider they are paying too much for energy or if they feel they are not getting a good service. However despite these challenges the applicant has agreed to identify space within the service area for the future provision of the distribution pipework infrastructure, with no requirement to relocate other services at a later date, which would be costly and more disruptive to residents. This will futureproof the development in the event that district heating technology and regulation develops to make its provision viable. All of the houses on the site are to be provided with air source heat pumps.
- 8.25 There is no evidence of protected species on the site. However, a condition relating to the need for an updated survey will be required to ensure safeguards for any potential protected species are in place. This is because the last survey undertaken by the applicant was carried out in 2015 and is considered to be out of date. Badgers and bats are of specific concern with the demolition of the Wellington Farm buildings having the potential for harming bat roosts or bats.

Developer Contributions

- 8.26 If planning permission were granted it should be subject to the conclusion of a Planning Obligation to secure the provision of affordable housing and developer contributions towards (i) primary and secondary denomination and non-denominational education; (ii) community facilities (which could include the provision/upgrading of sports pitches); (iii) truck road junction interventions (including Sheriffhall roundabout); (iv) Borders Rail; (v) public transport; (vi) maintenance of open space; (vii) the safeguarding and transfer of land to the Council for a primary school; and (viii) the safeguarding and transfer of land to the Council for a park and ride facility.

- 8.27 The applicant is proposing 155 affordable residential units. This equates to 25% affordable housing provision, which is the required affordable housing provision.

Other Matters

- 8.28 There is an existing small business which supplies bottled gas located within the Wellington Farm site. This business will need to be relocated to alternative premises - the Council's Economic Development Officers are trying to assist in the relocation process.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted (for both applications 17/00408/DPP and 17/00409/DPP) for the following reasons:

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

Subject to:

- i) the prior signing of a legal agreement to secure:
- a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards truck road junction interventions (including Sheriffhall roundabout);
 - a financial contribution towards Borders Rail;
 - a financial contribution towards public transport;
 - maintenance of open space;
 - the safeguarding and transfer of land to the Council for a primary school; and
 - the safeguarding and transfer of land to the Council for a park and ride facility.

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

- ii) Transport Scotland having an agreement in place with the applicant regarding financial provision for traffic lights on the westbound off ramp of the A720 at the A68/A720.

- iii) the following conditions:

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

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

2. No proposed dwelling shall be occupied until the speed limit of Old Craighall Road has been reduced to 30mph and the provision of a continuous footway/cycleway (safe route to school) from the eastern extend of the site to the western extent of the site along Old Craighall Road, as shown on plans reference number PSAD 700 REV F 1:250 and PSAD 703 A 1:250, has been constructed and is open for use.

Reason: *In the interests of road safety.*

3. Unless otherwise agreed in writing by the planning authority no dwelling hereby approved shall be occupied until the pig farm at Wellington Farm has ceased to operate and all the pig manure on the site has been cleared from it.

Reason: *To ensure odour nuisance from Wellington Pig Farm does not adversely impact on the occupiers of the new dwellinghouses.*

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

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

5. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping;
 - vii a woodland management plan for existing and proposed areas of woodland;
 - viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the site;
 - ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - x proposed car park configuration and surfacing;
 - xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
 - xii details of existing and proposed services; water, gas, electric and telephone

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

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

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

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

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

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

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

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

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

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

Reason for conditions 8 and 9: To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

10. 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.

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

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

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

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

13. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwelling. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

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

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

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

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

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

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

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

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

19. Prior to the commencement of development on the site a Construction Method Statement shall be submitted for the approval of the planning authority. The Construction Method Statement shall identify; the haulage route of construction traffic; parking for construction vehicles and construction employees; and the siting of the employee's welfare facilities.

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

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

Reason: *The applicant has confirmed that there are mine entries on the site which cannot be located. These mine entries appear to be under existing buildings and they cannot be the subject of intrusive site investigation for this reason. The condition seeks to ensure before any work is commenced on the site, the mine entries are located and treated. In the event that the layout needs to be*

amended to avoid the mine entry a further planning application or applications will be required showing the necessary amendments.

21. The site design and layout shall be such that Midlothian Council's design standards for residential use in relation to anonymous noise sources are met. These are as follows in relation to this site:
 - 55 dB $L_{Aeq}(16hr)$ for daytime external garden amenity;
 - 35 dB $L_{Aeq}(16hr)$ for daytime internal living apartment;
 - 30 dB $L_{Aeq}(8\text{ hours})$ for night time internal living apartment; and
 - for the avoidance of sleep disturbance, the internal noise level shall comply with the World Health Organisation Night Noise Guidelines for Europe 2009 - 42 dB L_{Amax} (fast) (internal).
22. The 'high quality insulation' referred to in Table 7 of the acoustic report shall incorporate acoustic vents to allow these internal levels to be achieved with satisfactory ventilation. Post completion testing shall be carried out to demonstrate that any consented housing meets the internal design criteria identified in condition 21 above.
23. An assessment of vibration from train movements shall be carried out in order to ensure that the vibration dose value in terms of BS 6472-1:2008 'Guide to Evaluation of Human Exposure to Vibration in Buildings' does not exceed the low probability of adverse day and night-time values of 0.2 to 0.4 m.s-1.75 and 0.1 to 0.2 m.s-1.75 respectively. The assessment of vibration required in relation to this consent shall be carried out within 3 months of the first occupation of any dwelling located to the north of Old Craighall Road.

Reason for Conditions 21 to 23: *To ensure the noise and vibration levels at the site do not adversely impact to occupants of the development.*

Dr Mary Smith
Director of Education Communities and Economy

Date: 15 January 2019

Application No: 17/00408/DPP and 17/00409/DPP (Available online)

Applicant: Cala Management Ltd

Agent: Holder Planning Ltd

Validation Date: 23 May 2017

Contact Person: Joyce Learmonth

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Background Papers: 14/00451/PAC, 15/00391/SCR



**Education, Economy
& Communities**
Midlothian Council
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Residential developments with associated works at Old Craighall Road and Land at Wellington Farm, Millerhill, Dalkeith

 17/00408/DPP

 17/00409/DPP

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Scale: 1:7,500

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