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**APPLICATION FOR PLANNING PERMISSION 16/00727/DPP FOR THE ERECTION OF 9 DWELLINGHOUSES; FORMATION OF NEW ACCESS ROAD AND CAR PARKING AND ASSOCIATED WORKS AT LAND WEST OF THE LAIRD AND DOG HOTEL, HIGH STREET, LASSWADE**

Report by Head of Communities and Economy

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for the erection of 9 dwellinghouses; formation of new access road and car parking and associated works at land west of the Laird and Dog Hotel, High Street, Lasswade. There have been 22 letters of representations and consultation responses from East Lothian Council Archaeology Service, Historic Environment Scotland, The Coal Authority, Bonnyrigg and Lasswade Community Council, the Council's Head of Education and the Council's Policy and Road Safety Manager. The relevant development plan policies are RP5, RP6, RP20, RP22, RP26, HOUS3, DERL1, IMP1, IMP2, IMP3 and DP2 of the Midlothian Local Plan (2008). Policies STRAT2, DEV2, DEV5, DEV6, DEV7, DEV9, DEV10, ENV6, ENV11, ENV16, ENV19, ENV23, IMP1 and IMP2 of the Proposed Midlothian Local Development Plan 2014 (MLDP) are material considerations. The recommendation is to grant planning permission subject to conditions and securing developer contributions.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site is a 0.58 hectare site in the centre of Lasswade. The site was for many years occupied by a school building and associated janitor's house; the buildings were demolished in the mid 2000's and the site is now covered with dense self-seeded scrub and building rubble. The eastern side of the site is relatively level; the western side of the site slopes steeply upwards. There are a number of mature trees along the western and southern boundaries of the site. Vehicle access to the site is at the northern end of the site via an access shared with the Laird and Dog Hotel.
- 2.2** The site is bounded to the north and north-west by mature woodland, to the west by the graveyard of Lasswade Old Parish Church, to the south-west by a residential property and by a vacant plot, to the south-east by gardens and ground associated with properties fronting onto

School Green and to the east by the car park of the Laird and Dog Hotel.

- 2.3 The site is situated within Lasswade and Kevock conservation area.
- 2.4 The majority of the site (0.41 hectares) is currently owned by the Council. The site of the former janitor's house (0.17 hectares) is in separate ownership. The applicant does not own the site but has entered into agreements to acquire both plots.

### **3 PROPOSAL**

- 3.1 It is proposed to erect one detached house and eight semi-detached houses. Vehicle access will be from the existing access point at the north of the site; a new access road and parking area will be formed at the eastern side of the site. The house designs are a contemporary interpretation of a 3 storey townhouse. The buildings will be finished in a mix of white render, timber cladding, corten cladding, zinc cladding and sandstone. Due to the steeply sloping nature of the western portion of the site the houses will be built into the slopes, and will appear as 3 storeys when viewed from the front and 2 storeys when viewed from the rear. The back gardens of the properties will be terraced to provide usable outdoor garden space.

### **4 BACKGROUND**

- 4.1 Planning application 04/00854/CAC for the demolition and site clearance of former school buildings was approved in January 2005.
- 4.2 Planning application 04/00880/CAC for the demolition of cottage (the former janitor's house) was approved in January 2005.
- 4.3 Planning application 07/00728/FUL for the erection of two dwellinghouses on part of the site was submitted in October 2007. The application has been held in abeyance subject to the applicant trying to secure an agreement being reached on improvements to the shared access drive; the application is pending consideration. The applicant for the current application is in discussion with the owner of this site and it is anticipated that the application would be withdrawn if consent was granted for the current application.
- 4.4 A Development Brief was adopted by the Council in November 2004. The brief relates to a 0.41 hectare site which included the access road and the site of the former school building. The development brief outlined 2 residential development options: conversion of the existing school building to form 6 residential units; or demolition of all the buildings on the site and the erection of 2 houses on the plot of the former janitor's house and 4 houses on the plot of the former school.

- 4.5 A revised brief was prepared in 2013 to supplement the sales particulars – the scale of development reflected that previously adopted. The revised development brief was prepared after the buildings on site had been demolished and outlined 2 residential development options: the erection of 6 houses on the plot of the former school; or the erection of a single detached house on the plot of the school.
- 4.6 The application has been called to Planning Committee by Councillor Milligan because of concerns over the access to the site, the impact on existing traffic flows and the sensitivity of the location.

## 5 CONSULTATIONS

- 5.1 The East Lothian Council **Archaeology** Service has no objection to the proposal subject to a programme of archaeological works being secured via condition.
- 5.2 **Historic Environment Scotland** has no comment to make on the proposal.
- 5.3 The **Coal Authority** has no objection to the proposal. The response notes that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.
- 5.4 The Council's **Head of Education** estimates that the development of 9 dwellinghouses will give rise to the following number of pupils:
- Primary 3
  - Secondary 2
- 5.5 Primary non-denominational provision at Lasswade Primary School is at capacity and additional primary capacity will be required. A developer contribution will be required towards the cost of this additional capacity.
- 5.6 Primary denominational provision will be at St Mary's RC Primary School, which currently has spare capacity to accommodate this development.
- 5.7 Secondary non-denominational provision will be at Lasswade High School. Additional secondary capacity will be required and as a consequence a developer contribution will be required towards the consequential costs of this additional capacity.
- 5.8 Secondary denominational provision will be at St David's High School, Dalkeith. Additional capacity will be required and as a consequence a developer contribution will be required towards the consequential costs of this additional capacity.

- 5.9 **Bonnyrigg and Lasswade Community Council** has objected to the proposal. The Community Council is concerned that the access arrangements are unsafe; and states that nine large 3 storey dwellings is an overdevelopment of the site.
- 5.10 The Council's **Policy and Road Safety Manager** has no objection to the principle of the proposal. It is recommended that the following details be secured via condition:
- details of alterations to the existing junction onto the High Street;
  - details of the proposed surface water drainage for the access road;
  - details of the proposed street lighting; and
  - details of proposals to maximise the existing visibility splays.
- 5.11 The response notes that the vehicle access is shared with the car park of the Laird and Dog Hotel; and provides access onto Lasswade High Street which at present is subject to a 20mph speed limit. Visibility from this historical junction does not meet current visibility standards however the junction has been in use for many years, does not have a record of road accidents and is not currently an area of road safety concern. This proposal is for a relatively small residential development which, while increasing the current level of traffic using the access, its impact would be minimal.

## 6 REPRESENTATIONS

- 6.1 There have been 22 representations submitted; of these 20 are objections and 2 are neutral representations. The objections come from 16 different households and from the Lasswade and District Civic Society.
- 6.2 The points raised in the representations are:
- The loss of amenity to neighbouring properties from overlooking;
  - The loss of amenity to neighbouring properties from noise;
  - The safety of the vehicle access, from the shared opening with The Laird and Dog, onto Lasswade High Street (A768);
  - The impact of traffic associated with the development on the surrounding road network;
  - The design of the proposed houses. Reference is made to the design, scale and finish materials being out of character with Lasswade;
  - The impact on the character of the conservation area;
  - The impact on pedestrian routes within Lasswade;
  - The principle of development of the site. Reference is made to the site not being identified for development in either the Midlothian Local Plan or the proposed Midlothian Local Development Plan; and to the site being within a river valley;
  - The impact of the development on views of the centre of Lasswade and the setting of the Area of Great Landscape Value;

- The proposed development is an over-development of the site;
- The loss of trees within the application site;
- The flood risk associated with surface water run-off from the site;
- The condition of boundary walls along the boundaries of the site and the impact of development on these walls;
- The lack of adequate school capacity in the area;
- The impact of the development on possible archaeological features within the site; and
- The presence of Japanese Knotweed within the site.

## 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 Plan, adopted in December 2008. The Proposed Midlothian Local Development Plan 2014 has been submitted to the Scottish Ministers and is subject to an examination which is likely to be concluded in summer 2017. As this plan is at an advanced stage of preparation and represents the settled view of the Council it is a material consideration of significant weight in the assessment of the application. The following policies are relevant to the proposal:

### Midlothian Local Plan 2008 (MLP)

- 7.2 Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.
- 7.3 Policy **RP6: Areas of Great Landscape Value** which states that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value.
- 7.4 Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.5 Policy **RP22: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.
- 7.6 Policy **RP26: Scheduled Ancient Monuments** states that development will not be permitted where it could have an adverse effect on a Scheduled Ancient Monument or the integrity of its setting.
- 7.7 Policy **HOUS3: Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be

permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.

- 7.8 Policy **DERL1: Treatment of Vacant and Derelict Land** seeks the treatment of vacant and derelict sites. The proposed after use should not conflict with other Local Plan policies and proposals.
- 7.9 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 is education provision, transport infrastructure, 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.
- 7.10 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 requirements, related to the scale and impact of the proposal. This includes education provision, essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments.
- 7.11 Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

Proposed Midlothian Local Development Plan 2014 (MLDP)

- 7.12 Policy **STRAT2: Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, DEV3 and DEV5 – DEV10.

- 7.13 Policy **DEV2: Development 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.
- 7.14 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.15 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.16 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.17 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments.
- 7.18 Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.
- 7.19 Policy **ENV11: Woodland, Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.
- 7.20 Policy **ENV16: Vacant, Derelict and Contaminated Land** seeks the treatment of vacant and derelict sites. The proposed after use should not conflict with other policies within the Local Development Plan, particularly policy DEV2.
- 7.21 Policy **ENV19: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.
- 7.22 Policy **ENV23: Scheduled Monuments** states that development will not be permitted where it could have an adverse effect on a Scheduled Ancient Monument or the integrity of its setting.
- 7.23 The **IMP** policies in the MLDP identify where there are deficiencies in services, infrastructure and facilities as a result of developments that these should be resolved through those developments.

## **8 PLANNING ISSUES**

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

### Principle of Development

- 8.2 The site is currently vacant, however it was for many years occupied by a two storey school building which was erected in the 1930's; the site has a long history of development and has formed part of the settlement of Lasswade for many years. The site is identified in both the Midlothian Local Plan (MLP) and the Proposed Midlothian Local Development Plan (MLDP) as being situated within the built-up area of Lasswade where there is a presumption in favour of appropriate development. The site is not identified as a specific allocated housing site in either the existing or proposed plan, however this should not be considered as a presumption against development of the site; policies RP20 of the MLP and DEV2 of the MLDP are both supportive of development within the built-up area.

### Site Access and Transportation Issues

- 8.3 The site was for many years occupied by a school building; in the latter years of the building's existence it was used as offices by the local education authority. Throughout its history the vehicle access to the site has been via the existing access at the northern end of the site. This access point shares the dropped kerb access to Lasswade High Street (A768) with the neighbouring Laird and Dog Hotel. The access for the neighbouring hotel serves the hotel car park, deliveries to the hotel and local recycling facilities for Lasswade.
- 8.4 The access is located on the inside of a curving section of road; the combination of the curve and vegetation on the neighbouring land to the north-west mean that the shared access has a limited visibility splay in relation to traffic approaching from the west. Many of the representations received have referred to the poor visibility for traffic exiting the site and seeking to turn right. While it is undoubtedly the case that the visibility is below the standards that would ordinarily be expected of modern developments the Council's Policy and Road Safety Manager has confirmed that the junction has been in use for many years and does not have a record of road accidents. It should be noted that the local speed limit on this section of Lasswade High Street is 20mph.
- 8.5 The proposed development is a relatively small residential development that will generate limited additional traffic levels. The Council's Policy and Road Safety Manager has no objection to the proposal subject to details of the junction and an improved visibility splay being provided; these details can be secured via condition.

### Setting and Character of Conservation Area

- 8.6 The centre of Lasswade is characterised by its setting within a steep river valley; this creates a distinctive irregular pattern of urbanisation with development climbing the valley sides. The significant level changes on many of the sites within Lasswade means that

underbuilding is a common feature and many of the buildings within Lasswade have a strong vertical emphasis. The densely packed urban centre is set against a heavily wooded backdrop. Lasswade is not characterised by a dominant style or age of building and in general new development has tended to reflect the architectural character of its time.

- 8.7 The design of the development is representative of contemporary architectural tastes and the detailing and finish materials of the buildings will emphasise the verticality of the buildings. The density of the development and the orientation of the buildings along a common plane will ensure that the development will appear as an obviously urban development that will complement the character of the surrounding area; a less dense development would create a suburban development that would be out of character with the surrounding area. The development will be set against the existing wooded backdrop and will appear as a logical extension of the existing urban density.

#### Layout, Form and Density of Development

- 8.8 The access arrangements, site shape and site levels have dictated the layout of the development. The existing access road and level land is located along the eastern portion of the site and the proposed layout reflects this. The houses are arranged in a broadly north south line with the first five houses parallel to the line of the site boundary with the Laird and Dog Hotel; and the remaining four houses stepped forward of this line and arranged parallel to the boundary of the site with properties on School Green. Dividing the site in this way makes the best use of the existing flat land for circulation space while also ensuring that the houses will be set back sufficiently from the houses, flats and gardens to the east of the site; thereby reducing the levels of overlooking of neighbouring properties.
- 8.9 The houses will mark the transition between the flatter circulation space at the east of the site and the sloping land at the west of the site. The sloping land in the western portion of the site will be used to provide garden space for the houses; in order to provide flat land for building and garden space large areas of the slope will be excavated. The gardens will all be split level and will have 2 terraces of garden ground plus a steeply sloping area of banking at the rear of each plot. The layout provides sufficient usable private garden space to comply with MLP standards. Private garden space standards for the proposed MLDP will be outlined in supplementary guidance; while the guidance has not yet been prepared it is likely to reflect the existing standards.

#### Design and Finish Materials

- 8.10 The house designs are a modern interpretation of a traditional townhouse form. The ground floors (basement level when viewed from the rear) will include garages, service space, a bedroom and a study/office; the main living space will be on the first floor (ground floor

when viewed from the rear); and the main accommodation space will be on the second floor (first floor when viewed from the rear). The three storey split level design helps to maximise usable garden space and reflects the widespread use of underbuilding within Lasswade.

- 8.11 As is noted above the detailing and use of finish materials will give the buildings a strong vertical emphasis that reflects the existing character of Lasswade. The use of flat roofs on the buildings complements the contemporary design of the buildings and helps to reduce the scale of the buildings thereby lessening their impact on neighbouring properties. There is sufficient distance between the front elevations of the new houses and the rear elevations of the existing buildings to ensure that there will be no significant loss of privacy. The proposed palette of materials complements the character of the contemporary design and is of a quality that would be expected for a conservation area.

#### Landscaping and Trees

- 8.12 There are a number of trees growing covering mainly the edges of the site consisting of a mixture of self-seeded trees such as Birch, Goat willow and Hawthorn and a number of planted apple trees and a Norway Spruce associated with the garden of the former janitor's house. In addition to the mature and semi-mature trees there are numerous self-seeded juvenile trees. The application is supported by a tree survey which includes survey details for the 37 mature and semi-mature trees within the site. Apart from the Norway spruce the existing trees have very limited long-term future and it is proposed to fell all of the trees on the site.
- 8.13 The application site currently is at present almost entirely covered with vegetation; however this is a recent situation that has arisen due to self seeded vegetation taking root in the disturbed ground created by the demolition. Historically the site had a wooded backdrop but the majority of the developed area was occupied by tarmac areas. The wooded backdrop to the site is significantly enhanced by the established woodland within the land to the west of the application site; however this woodland is outwith the control of the applicant and is reaching over-maturity. In order to secure a long term wooded backdrop for the site the applicant proposes to plant a line of semi-mature trees along the western boundary of the site at the rear of the gardens. A 10m wide strip of boundary planting will be planted at the northern entrance to the site; this will help to soften the appearance of the development when viewed from the High Street.
- 8.14 The eastern boundary of the site, i.e. the area east of the new access road, will be planted with a landscaping strip varying in width from 2.3m wide to 5m wide. While this space may offer some limited opportunities for tree planting it will be important to ensure that any planting along this boundary is not overbearing to the gardens to the east which sit at a lower level.

## Boundaries

- 8.15 A number of representations have made reference to the proposal's possible impact on the structural integrity of the existing boundary walls of the site. Issues relating to the maintenance and repair of shared boundary features are private legal matters between the parties involved and are not material planning considerations. Notwithstanding this the applicant has indicated that he is aware of the concerns of neighbouring residents and is willing to commit to any agreements that the Council has previously entered into with neighbouring residents.
- 8.16 Concern has been raised by the resident of the property to the south west of the application site with regard to the potential for the excavation works to undermine the existing boundary wall and the resident's garden ground. It is standard practise for applicants to commission full structural drawings only once planning permission has been obtained; the detailed structural design for a scheme is assessed as part of the building warrant process rather than the planning process. Notwithstanding this fact the applicant's agent has provided a method statement explaining the proposed works along this boundary and indicating that a retaining wall will be formed. Retaining walls are a common feature of modern developments within Midlothian and the Council's Building Standards team is experienced in assessing such features and a thorough assessment would be carried out as part of the building warrant process.

## Other Matters

- 8.17 Lasswade has a long history of development and there are a number of listed buildings within the surrounding area and the remains of the 13<sup>th</sup> Century Old Lasswade Parish Church are a scheduled monument. Historic Environment Scotland are the lead public body with responsibility to investigate, care for and promote Scotland's historic environment; they have indicated that they have no comments to make on the proposal. The securing of a programme of archaeological work by condition, as recommended by East Lothian Council Archaeology Service, will ensure that any archaeological features within the area are identified and recorded.
- 8.18 The development will not impact on any identified biodiversity sites within the surrounding area.
- 8.19 The site has a long history of development; in order to ensure that any historic contamination issues are considered it would be reasonable to condition that details of a scheme to deal with any contamination of the site is submitted to and approved in writing by the Planning Authority.
- 8.20 In order to remove the existing building debris; create level building plots; and provide space for terracing of the rear gardens it is proposed that excavations to a depth of 4.3m will be carried out. Given the level changes between the application site and the adjoining ground to the

east, there is potential for temporary storage of excavated material in bunds to be overbearing to neighbours and to create issues with surface water run-off. To protect the amenity of neighbouring residents it would be reasonable to condition that there is no storage of excavated materials on site.

### Developer Contributions

- 8.21 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The Circular advises that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the proposed development acceptable in planning terms (paragraph 15)
  - Serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
  - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
  - Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
  - Be reasonable in all other respects
- 8.22 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the MLP and MLDP and Midlothian Council's Developer Contributions Guidelines (Supplementary Planning Guidance).
- 8.23 This proposed development of which the principal element is the provision of 9 dwellings has been assessed in relation to the above guidance and it is considered that a Planning Obligation is required in respect of the following matters:

### Non-Denominational Primary School Capacity

- 8.24 The Head of Education has advised that in order to accommodate all the pupils arising from the various residential developments in Bonnyrigg and Lasswade the following will be required:
- An additional 3.5 streams of non denominational primary school capacity in Bonnyrigg.

The development will therefore be required to make a proportionate contribution to additional non-denominational primary school capacity.

#### Non-Denominational Secondary School Capacity

- 8.25 The Head of Education has advised that this development gives rise to a need for additional secondary school capacity. The development will therefore be required to make a proportionate contribution to additional non-denominational secondary school capacity.

#### Denominational Secondary School Capacity

- 8.26 The Developer Contributions SPG requires that all new residential units in Midlothian contribute towards Midlothian additional denominational secondary school capacity at the Dalkeith Schools Community Campus.

#### Borders Rail

- 8.27 The site is within the A7/A68 Borders Rail Line Corridor. The Midlothian Local Plan 2008 states that contributions will be sought in relation to the re-opening of the Borders Rail Line. A proportionate contribution will be required from this development.

#### A7 Urbanisation

- 8.28 The Midlothian Local Development Plan Proposed Plan 2014 identifies the urbanisation of the A7 as being key to encouraging safe pedestrian and cycle routes within this transport corridor. A proportionate contribution will be required from this development.

#### Children's Play

- 8.29 A proportionate contribution will be required from this development to enhance local Children's Play facilities.

#### Open Space

- 8.30 The Section 75 agreement will provide for a future maintenance arrangement for open space and SUDS provision through a factoring arrangement.

### **9 RECOMMENDATION**

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

*By virtue of its scale, location, design and choice of materials the proposal complies with policies RP5, RP6, RP20, RP22, RP26, HOUS3, DERL1, IMP1, IMP2, IMP3 and DP2 of the Midlothian Local Plan and policies STRAT2, DEV2, DEV5, DEV6, DEV7, DEV9, ENV6, ENV11, ENV16, ENV19, ENV23, IMP1 and IMP2 of the Proposed Midlothian Local Development Plan 2014.*

Subject to:

the prior signing of a legal agreement to secure the provision of developer contributions towards education provision, the Borders Rail Line, A7 Urbanisation and children's play. The legal agreement shall be concluded prior to the issuing of the planning permission. The applicants will be given a 6 month time period to work with Midlothian Council to conclude the agreement with the sanction of the Committee reconsidering the application and potentially refusing permission if the applicant does not conclude the agreement.

and the following conditions:

1. Development shall not begin until details of the site access, roads, footpaths and street lighting 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 in relation to a fixed datum;
  - ii proposed vehicular access;
  - iii proposed internal roads (including turning facilities) and footpaths; and
  - iv proposed visibility splays, traffic calming measures, lighting and signage.

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.

2. No dwellinghouse shall be occupied until such time as the site access and visibility splays approved in terms of condition 1 are installed to the satisfaction of the Planning Authority.

***Reason for conditions 1 and 2:*** To ensure the future users of the buildings and existing local residents have safe and convenient access to and from the site.

3. Development shall not begin until details of a 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 existing and finished ground levels and floor levels for all buildings and open space 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 gardens, communal areas 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. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August); and
- vii drainage details, flood prevention measures and sustainable urban drainage systems to manage water runoff.

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). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of 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 RP20 and DP2 of the Midlothian Local Plan; policies DEV5, DEV6 and DEV7 of the Proposed Midlothian Local Development Plan; and national planning guidance and advice.*

4. 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. 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 physical development is of an appropriate standard in terms of its impact on the character and appearance of the area and to ensure appropriate biodiversity measures are carried out. To ensure compliance with policies RP20, RP22 and DP2 of the Midlothian Local Plan; policies DEV5, DEV6, DEV7 and ENV19 of the Proposed Midlothian Local Development Plan; and national planning guidance and advice.*

5. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i. the nature, extent and types of contamination on the site;
- ii measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
- iii measures to deal with contamination encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

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

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

6. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority.

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Midlothian Local Plan and ENV25 of the Proposed Midlothian Local Development Plan.*

7. During construction no excavated materials, including soil, shall be stored on the site.

**Reason:** *To safeguard the amenity of neighbouring residents.*

8. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband (or subsequent replacement internet connectivity technology) 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 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 to ensure compliance with policy DEV5 of the Proposed Midlothian Local Development Plan.*

9. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has 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 DEV5 of the Proposed Midlothian Local Development Plan.*

10. 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 in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 14 February 2017

**Application No:** 16/00727/DPP

**Applicant:** John Cook, Cook Investments, 25 Hugh Miller Place, Edinburgh

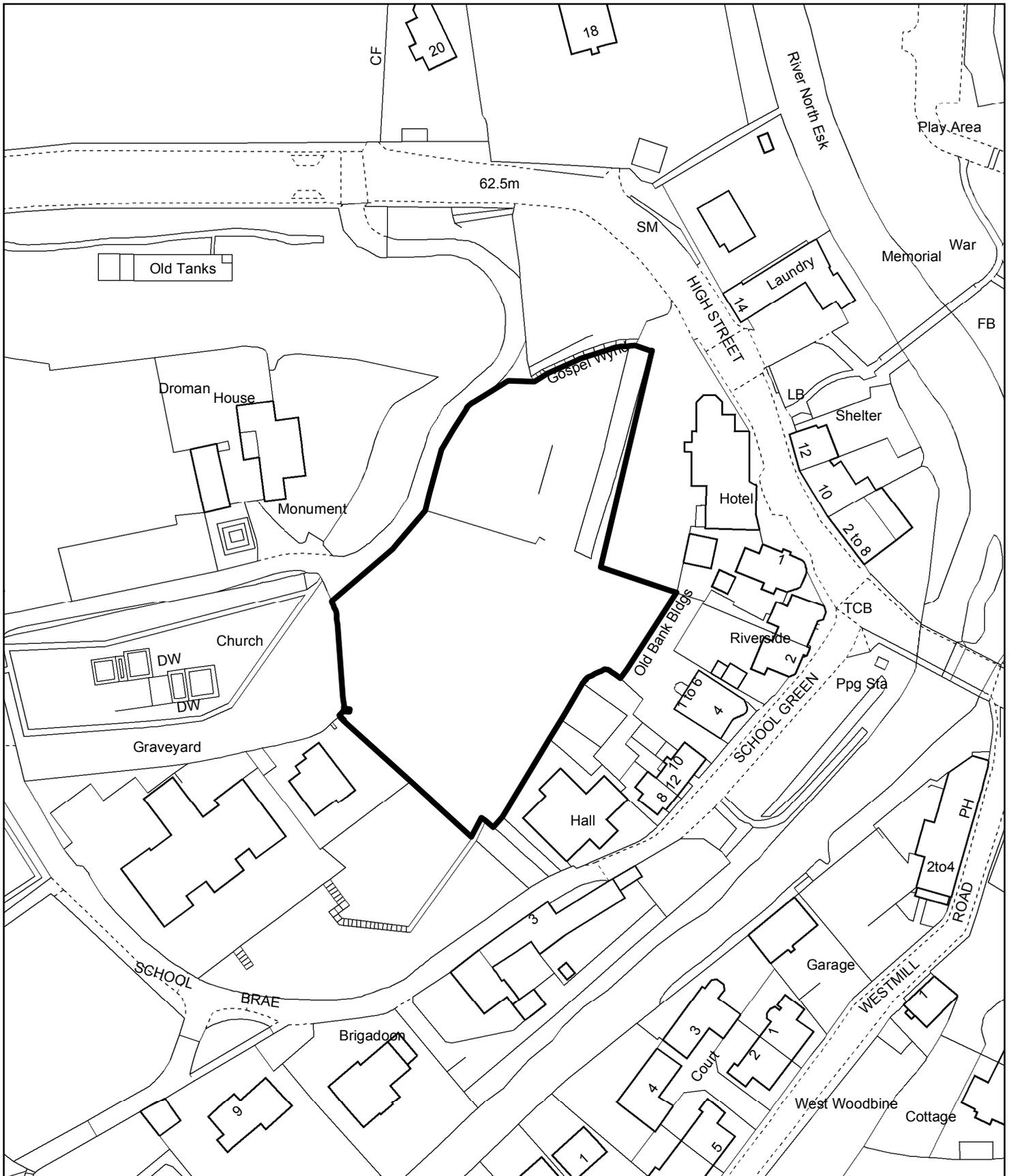
**Agent:** Eoghain Fiddes, Fiddes Architects, 22F Bridge Street, Banchory

**Validation Date:** 24 October 2016

**Contact Person:** Graeme King

**Tel No:** 0131 271 3332

**Background Papers:** 04/00854/CAC, 04/00880/CAC, 07/00728/FUL



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

Erection of 9 dwellinghouses; formation of new access road and car parking and associated works Land West Of The Laird And Dog Hotel High Street Lasswade

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Scale: 1:1,250



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