



**APPLICATION FOR PLANNING PERMISSION 15/00616/DPP FOR THE
ERECTION OF 60 DWELLINGHOUSES AND 22 FLATTED DWELLINGS,
FORMATION OF ACCESS ROAD AND CAR PARKING AND ASSOCIATED
WORKS AT LAND EAST OF CHARLES LETTS AND CO LTD, SALTER'S ROAD,
DALKEITH**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.0** The application is for the erection of 60 houses and 22 flatted dwellings, the formation of an associated access road and sustainable urban drainage systems (SUDS) at land east of the Charles Letts and Co (Charles Letts) factory, Salter's Road, Dalkeith. There has been eleven representations and consultation responses from the Scottish Environment Protection Agency (SEPA) and the Council's Policy and Road Safety Manager, Head of Education and Environmental Health Manager. The relevant development plan policies are RP20, RP31, COMD1, HOUS3, HOUS4, IMP1, IMP2 and DP2 of the adopted Midlothian Local Plan 2008 (MLP). The recommendation is to grant planning permission subject to conditions and securing developer contributions and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is 3.8 hectares of ground to the east of the Charles Letts factory. The site is within Thornybank Industrial Estate which is on the north east edge of Dalkeith. The site is 350 metres long on a north/south axis and 170 metres wide at the north end. It gradually narrows towards the south reaching a 50 metre wide 'pinch point' two thirds of the way down the site before widening out again to the south east corner. The site comprises open meadow grassland and a tarmac car park associated with the factory on its northern part; and well maintained grass on its narrower southern part. There are woodland planting strips along the northern, eastern and southern edges of the site. The site is gently sloping with a steep grass embankment on the western edge of the site which slopes downwards to the access road of the Charles Letts factory.
- 2.2** The site is bound by woodland planting with houses in the Wester Cowden development to the north and east, woodland planting with Salters Road (the B6414 road) to the south west and a combination of the factory building

occupied by Charles Letts, the remaining grounds of that factory and the cleared site of the former Laidlaw and Fairgrieve building within Thornybank Industrial Estate to the west.

3 PROPOSAL

3.1 The proposed development is for:

- (i) the erection of 60 two-storey houses;
- (ii) the erection of a three-storey block of flats containing 22 affordable housing flats; and
- (iii) the formation of an access to the site through the south west boundary off Salter's Road. The access will require the creation of an opening in the existing woodland belt on this boundary of the site.

3.2 The proposed development would result in the loss of a staff car park of Charles Letts, located in the north western corner of the site and also the tree belt immediately to west of that car park. The lost car parking is to be replaced within the Charles Letts site and was subject to a grant of planning permission, 15/00474/DPP.

3.3 All of the proposed houses have pitched roofs. The three-storey block of flats located on the north western part of the site has a hipped roof.

3.4 The proposal comprises 39 detached houses, 10 semi-detached houses and 11 terraced houses. Ten different house types are proposed. All the house types are high speed fibre broadband compliant. There are 22 two bed units, 23 three bed units, and 37 four bed units

3.5 The planting of landscaping and the erection of boundary fencing, including noise attenuation fencing on part of the site.

3.6 A new vehicular access is proposed off Salters Road (B6414) to the south. A proposed pedestrian footpath within the site and near to the southern end of the site would connect to an existing footpath within the neighbouring residential development to the east. A pedestrian footpath within the site would terminate at a point on the northern boundary of the site.

3.7 Materials specified for use out with the area of improved quality include white dry dash and cream chip on magnolia dry dash render, buff coloured reconstituted stone cills and lintels, dark grey concrete roof tiles, white UPVC soffits and fascias, white UPVC window frames and black UPVC rainwater goods.

3.8 Materials specified for use within the area of improved quality include white wet dash render, buff coloured reconstituted stone cills and lintels, slate roofs, white UPVC soffits and fascias, white UPVC window frames and black UPVC rainwater goods.

- 3.9 The road, mixer courts, parking courts and layby parking are to be finished in a combination of charcoal coloured and brindle coloured pavements.
- 3.10 There will be two levels of treatment for surface water including road drainage to porous pavements and driveways and roof drainage to filter trenches associated with a below ground cellar storage structure on part of the principal open space.
- 3.11 No details of the percent for art requirement have been submitted.
- 3.12 A design and access statement, a tree report, a noise impact assessment report and an ecology report have been submitted with the application.

4. BACKGROUND

- 4.1 In July 2014 the applicant submitted a planning application 14/00178/DPP for the erection of 50 dwellinghouses, 31 flatted dwellings, the formation of access road and car parking on the site. This application has been withdrawn and replaced by the current proposal.
- 4.2 Pre-application consultation 13/00716/PAC for a residential development was received in July 2013.

5 CONSULTATIONS

- 5.1 The **Head of Education** advises that the development of 82 dwellings could be expected to generate the following number of pupils:
- | | |
|------------------------------|----|
| Primary Non Denominational | 23 |
| Primary Denominational | 02 |
| Secondary Non denominational | 16 |
| Secondary Denominational | 02 |
- 5.2 Non-Denominational Primary provision will be at Woodburn Primary School and the developer will be required to make a contribution towards this provision.
- 5.3 Primary Denominational provision will be at St David's RC Primary School, which is at or near capacity from committed development in the Dalkeith area. As a consequence of this development and others in the catchment area an extension will be required. A developer contribution will be required towards the cost of this extension.
- 5.4 Secondary Non-Denominational provision will be at Dalkeith High School. As a consequence of this development and others in the catchment area an extension will be required. A developer contribution will be required towards the cost of this extension.
- 5.5 With regard to Secondary Denominational provision a contribution towards St David's High School, Dalkeith is required.

- 5.6 The **Council's Environmental Health Manager** raises concern about potential for noise nuisance to the future occupants of dwellings erected on the site owing to their close juxtaposition to both the existing operations at Charles Letts and to potential future industrial uses on the vacant industrial site located to the immediate west of the northern part of the site and to the immediate north of Charles Letts. This is the cleared site of the former Laidlaw and Fairgrieve building. Whilst it is welcomed that proposal to erect an acoustic fence to the south and west to protect the west boundary of the amenity space and prevent diffraction around the barrier edge, it is considered that it is essential that substantial noise reductions to the existing noise emissions from Charles Letts be carried out and that this is secured by the Planning Authority. Furthermore, it is considered that the acoustic fence would not be sufficient in itself to mitigate noise nuisance from the vacant site of the former Laidlaw and Fairgrieve building if redeveloped.
- 5.7 The **Council's Policy and Road Safety Manager** does not raise an objection to the principle of the proposed development. However, advises that the developer should provide a 3m wide cycling/pedestrian link from the rear of Plot 43 to join the public road at the end of the cul-de-sac at Woodland View to the north. This link should be built to an adoptable standard with street lighting. If the developer is unable to construct this link then he should enter into a legal agreement to enable the Council to procure the land and construct the link.
- 5.8 The **Scottish Environment Protection Agency (SEPA)** does not object to the application.
- 5.9 **Dalkeith Community Council** was consulted on the application but did not make comment.

6 REPRESENTATIONS

- 6.1 Eleven representations were received in relation to the application. The points raised are as follows:
- Concern about title to, and access rights over the woodland on the southern extremity of the site;
 - Loss of trees;
 - New tree planting on the eastern edge of the site could intrude on parking areas and vehicle turning areas within Easter Langside Avenue;
 - Insufficient infrastructure to cope with the number of houses proposed including the road infrastructure, schools, doctor surgeries and bus service;
 - Loss of/harm to biodiversity;
 - Concern about urban sprawl;
 - The development is contrary to the Council's green space policy;
 - The site is industrial land and not residential land;
 - The houses erected on the northern part of the site would result in the loss of light and overshadowing to the rear gardens of houses in Sandyriggs

Gardens, harmful to the residential amenity and health of the occupants of those neighbouring houses;

- Loss of trees on the northern end of the site would result in overlooking and loss of privacy to the houses in Sandyriggs Gardens;
- The site should be developed as a community area including allotments, ponds and be used as an educational resource for schools;
- Concern that the existing neighbouring Wester Cowden housing development lacks a sense of community;
- Harm to the environment;
- There is already a lack of amenities, facilities and infrastructure within the Wester Cowden area;
- Insufficient bus service within the area;
- Concerns about lack of maintenance by the Council of existing roads within the area;
- Poor internet service;
- Noise nuisance;
- Safety and security implications of the proposed footpath link from the site to Sandyriggs Gardens to the north;
- Lack of shops in the area;
- Increased traffic in the area;
- Loss of green belt; and
- The footpath links from the site will increase incidences of anti-social behaviour and crime, to the detriment of the local community.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:

Midlothian Local Plan 2008 (MLP)

- 7.2 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.
- 7.3 Policy **RP31: Open Space Standards** advises that the Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining the minimum open space standards in respect of all new development, and until that is available the requirements for open space provision are as set out in policy DP2.
- 7.4 Policy **COMD1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure and facilities. The application site is committed site e10.

- 7.5 Policy **HOUS3: Windfall Housing Sites** states that proposals for housing developments where they would involve the redevelopment of brownfield sites within the built-up area should be supported where:
- 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 has regard to the character of the area in terms of scale, form, design and materials;
 - It meets traffic and parking requirements; and,
 - It accords with all other relevant Local Plan policies.
- 7.6 Policy **HOUS4: Affordable Housing** requires that on residential windfall sites identified during the plan period, provision shall be required for affordable housing units. 25% of the units will be for affordable housing.
- 7.7 Lower levels of provision, or a commuted sum, may be acceptable where this has been fully justified. Supplementary planning guidance with regard affordable housing provision provides advice on: the acceptable tenure split between social and low cost housing; possible delivery mechanisms; the scope for commuted sums; and other relevant matters as necessary. The Council's "Supplementary Planning Guidance on Affordable Housing" was published in March 2012.
- 7.8 Policy **IMP1: New Development**, seeks to ensure that appropriate provision is made for a need which arises from new development. Of relevance in this case are transport infrastructure, landscaping, 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.
- 7.9 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 deficiencies with regards to school capacities and contributions towards the Waverley/Borders rail line.
- 7.10 Midlothian Local Plan 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.
- 7.11 The Council has prepared **Supplementary Planning Guidance (SPG)** on **Affordable Housing** and **Developer Contributions**. The SPG on Developer Contributions sets out guidance on when and where developer contributions are payable.

Proposed Midlothian Local Development Plan (MLDP)

- 7.12 The proposed Midlothian Local Development Plan does not form part of the development plan for the Council's area however it is a material consideration in relation to a planning application which carries more weight the closer it gets to being adopted. The site is identified as **housing site Hs4 (Thornybank East)** in the Proposed Plan with an anticipated capacity of 65 units. The Settlement Statement states that the development must ensure that the location of housing next to a business use must not inhibit continuation of the business use, especially in respect of noise, and business/residential traffic mix. A path link through the site connecting with new development to the north should be created. There will be a need to ensure the layout provides for ready access to the Dalkeith Schools Community Campus and the new foodstore.

National Policy

- 7.13 **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.
- 7.14 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The site is within the settlement of Dalkeith and forms part of the Thornybank Industrial Estate. The site is allocated for business and general industrial use and therefore, in principle, the proposed housing development is contrary to the Midlothian Local Plan. However recent developments have taken place in close proximity to the site which have introduced residential, retail and other uses into the vicinity of the Thornybank Industrial Estate.
- 8.3 The land was acquired historically by Charles Letts to allow for future expansion of their business of manufacturing paper based products. However, the Company has advised that market and technology changes mean there is no prospect in the foreseeable future for expansion. Furthermore, the company also advise that disposal of the land is required to provide much needed working capital to sustain the financial stability of the Charles Letts business and to preserve the existing jobs. If planning permission is not granted the applicant advises that this would jeopardise the

continuing economic activity of Charles Letts and thus threaten jobs. They consider that there is no prospect of disposal of the land for employment use and maintain that the site is suitable for residential development. During the public consultation stage of the draft MLDP the applicant submitted a representation to the Council highlighting the said reasons why the site should be included as a housing site in the Proposed Plan. The Council decided to include the site as a preferred housing site within the Proposed Plan. Therefore, through its decisions on the Local Development Plan it is the settled opinion of the Council that the site be part of the Council's Strategic Housing Land allocation.

- 8.4 A decision to change the designation of use of land needs to be based upon sound planning reasons. This report explains these reasons which centre around the site being within the built up area of Dalkeith and adjacent to existing residential developments. For those reasons there is sufficient justification for the Council to grant planning permission for residential development on the site in advance of the adoption of the Proposed MLDP. It is also reasonable for the Council to have regard to the representations submitted by the Company relating to the future security of the business.

Layout and Form of the Development

- 8.5 Policy DP2 requires the provision of the following minimum useable private garden areas for houses: (i) 110 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. 19 of the proposed houses have rear private gardens that fall below the Council's minimum requirement set out in the DP2 Guidelines in the MLP. The majority of those houses are small terraced houses. In the case of these terraced houses, if the minimum private rear garden size was adhered to the rear gardens would be overly long. In the case of the detached and semi-detached houses which have rear gardens that fall below the minimum set by Policy DP2, they only marginally fall below. Overall in the development the units with smaller rear gardens balance those with larger rear gardens. The mixture of properties with larger and smaller rear gardens creates variation in the layout and visual diversity to the development. This justifies allowing a relaxation in the size of the gardens in this particular case. In addition, the areas of open space on and off the site help to offset concerns about rear garden sizes. The distances between properties are in compliance with Policy DP2. The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable.
- 8.6 The development is laid out with a combination of traditional road and 5.5 metre wide shared surfaces in block paving with a 2 metre wide grassed service strips/verge. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.

Design and Materials

- 8.7 The mix of house types and size of dwellings is acceptable. The architectural styles of the houses are relatively traditional in form and complement the character and visual amenity of the area. Existing nearby dwellinghouses are similar in form and scale.
- 8.8 Midlothian Local Plan Policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The houses on the southern part of the site comprise the area of improved quality in terms of materials. The style and appearance of the buildings on these plots are relatively traditional, which is in keeping with the established character and amenity of the area. It should be made a condition of a grant of planning permission that enhanced quality of materials; including natural slate for the roofs, are used within the area of improved quality in accordance with samples to be submitted for the prior approval of the planning authority.
- 8.9 Elsewhere within the development, outwith the aforesaid plots the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings. The proposed use of render walling and concrete roof tiles is acceptable in principle subject to samples being submitted for the prior approval of the planning authority.
- 8.10 The proposed three-storey flatted block is positioned on the northern part of the development site. In terms of its height, size, proportion and positioning it will not appear unduly dominant or imposing. The additional height creates a localised landmark and will contribute to creating a sense of place. It will not detract from the character and visual amenity of the area.
- 8.11 In terms of their size, height and position on the site the proposed houses and flatted properties would be so removed from all neighbouring properties so that there would be no significant overlooking or overshadowing. Furthermore, the house and flatted building would not unduly impose themselves on them or appear obtrusive within the street scene. The proposed dwellings are separated by a landscape strip from existing properties.
- 8.12 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.

Open Space and Play Areas

- 8.13 The development incorporates a grassed space on its northern part of the site, providing a key useable focal point in the development. As this area is

large enough to accommodate informal ballgames it is important that it is landscaped in a manner which reduces the impact of such activity on the adjacent properties. This can be secured by a condition imposed on a grant of planning permission. This area of open space will also accommodate a children's play area.

Noise

- 8.14 The noise impact assessment report prepared by the applicant identifies that owing to the close juxtaposition of noise sources from within the Charles Letts site and the closest residences on the proposed site; which are Plots 44 and 56 and the southern wing of the block of the flats (Plots 61 to 68), noise mitigation is required. The mitigation includes: (i) 2.2 metre high close-boarded boundary fencing along garden boundaries of plots 44, 56 and 68; and, (ii) Noise attenuation measures to the main and secondary plant areas to achieve the required noise reduction as outlined in the noise impact assessment report. The required noise mitigation can be secured by a planning condition. Subject to this condition, the future occupants of the dwellings on the site would not be significantly adversely affected by noise nuisance.
- 8.15 Neither Charles Letts nor the applicant has title to the neighbouring land of the former Laidlaw and Fairgrieve building. There could be potential noise nuisance to the proposed dwellings on the application site from an industrial use operating on that neighbouring site. However the site is identified in the MLDP Proposed Plan 2014 as housing site Hs5 with a capacity for 30 units. No objections have been received to the Proposed Plan in respect of proposed housing site Hs5 and thus there is a high probability of it being included as a housing site in the MLDP and in the future houses being built on it. Houses built on this site could coexist with houses built on the application site without any significant harm to amenity. Notwithstanding, in the unlikely event of it remaining in industrial use, an industrial building erected on that neighbouring site would require detailed planning permission. A material consideration in the assessment of such a planning application would be potential noise nuisance from industrial operations within the building and from any associated plant and machinery. The Planning Authority could impose controls to mitigate noise from that neighbouring site including requiring acoustic insulation of the industrial building(s) and of any associated plant etc.

SUDS

- 8.16 The proposed SUDS scheme, which is a combination of porous paving and underground cellular storm water storage within the principal open space will ensure that there will be no net detriment to the locality's drainage whilst having minimal visual impact.

Landscaping

- 8.17 Individually the trees within the existing woodland belts around the site have limited amenity value. However the group value of the existing woodland tree belts around the site is significant as they provide an important setting to the site and for adjacent residential areas. The existing woodland tree belt is to be retained. The removal of some trees to form the access into the site and provide adequate sight lines at the access would not significantly harm the landscape integrity of the tree belt along the south west boundary. A woodland management plan for the retained woodland belts should be secured by a condition on a grant of planning permission.
- 8.18 The steep embankment leading down to the Charles Letts factory should be landscaped in a manner to help visually separate the proposed residential development for the industrial site.

Transportation Issues

- 8.19 The proposed access arrangements are acceptable in transportation terms. The access and internal road geometry is suitable for access and manoeuvring by both service vehicles and residential vehicles and raises no material road safety concerns. The Council's parking requirement for this development has been met.
- 8.20 No details of the construction vehicle route and access has been submitted with the application. Given the close juxtaposition of the site to the Dalkeith Schools Campus, in the interests of road and pedestrian safety it should be made a condition of a grant of planning permission that the route of construction vehicles and the construction vehicle access into and out of the site is approved in advance by the Planning Authority. Furthermore, for the same reason the hours of construction, including construction vehicles accessing and egressing the site should be approved in writing in advance by the Planning Authority.
- 8.21 The desire line for pedestrians and cyclists egressing the site to Dalkeith Schools campus located nearby to the north west, is through the northern boundary of the site onto the footpath and cycle network at Woodland View. A 3m wide cycling/pedestrian link shall be provided from the site to the rear of Plot 43 to join the public road at the end of the cul-de-sac at Woodland View to the north. This link should be built to an adoptable standard with street lighting. This control can be secured by a planning condition. Neither the Council nor the applicant has title to the land on which the said cycleway/footway would be formed. However, the Council has an agreement with the landowner to acquire the land from them to form the cycleway/footpath. Subject to this footpath and cyclepath being formed within a reasonable timescale; which can be secured by a planning condition, adequate cycle and pedestrian links will be provided through the site for the convenience of the future occupants of the dwellings on the site.

Ecology

- 8.22 The report on the ecological survey of the site submitted with planning application ref.14/00178/DPP does not recommend against the development on grounds of impact on biodiversity. No additional ecological surveys are required to be undertaken.

Developer Contributions

- 8.23 A Section 75 legal agreement is required for the proposed development to secure developer contributions.
- 8.24 The development cannot be accommodated without increased primary and secondary educational capacity and, if approved, the applicant will be required to contribute towards the consequential cost of any additional school accommodation as part of the Section 75 legal agreement.
- 8.25 The affordable housing requirement for the site is 25%, which equates to 21 units. The specification of the affordable housing units within the development shall be secured through a Section 75 legal agreement.
- 8.26 The application site is within the A7/Borders Rail corridor and therefore a developer contribution is also required towards the Borders Rail Line.
- 8.27 An additional payment is required for the Council to secure servitude to enable the construction of the new cycleway/footway from the site to the public footway at Woodland View to the north.

Other Matters raised by Representors and Consultees

- 8.28 Issues raised by the representors and by consultees have been largely addressed above. With regards to the matters raised which have not been addressed above:
- 8.29 The site is not within the green belt and thus the development would not result in the loss of green belt land.
- 8.30 Title to, and access rights over the woodland on the southern extremity of the site is a legal matter and not a planning matter and therefore is not a material consideration in the determination of this planning application.
- 8.31 Any incidences of anti-social behaviour and crime resulting from the development is not a planning matter.
- 8.32 The following matters raised are not material considerations in the determination of the planning application which needs to be considered on its own merits:

- Whether there is any potential for the site to be development for other uses including a community area including allotments, ponds or for an educational resource for schools;
- Concern that the existing neighbouring Wester Cowden housing development lacks a sense of community;
- Whether there is presently a lack of amenities, shops and facilities within the Wester Cowden area; and,
- Concern about there being a lack of maintenance by the Council of existing roads within the area.

9 RECOMMENDATION

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

Although the site is not allocated for housing in the adopted local plan the provisions of the emerging local development plan and material planning considerations outweigh this policy position in favour of the development. The site is identified for housing in the Proposed Midlothian Local Development Plan and is within the settlement boundary of Dalkeith.

Subject to:

the prior signing of a legal agreement to secure the provision of affordable housing and developer contributions towards education provision, children's play provision, a contribution towards Borders Rail and a payment to the Council to secure a servitude to enable the construction of the cycleway/footway from the site to the public footway at Woodland View to the north.

and the following conditions:

1. 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 notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS 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 a woodland management plan for the retained woodland belts including proposals for replacement tree planting for to compensate for trees that would be lost;
 - iv proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - v location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;

- vi schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vii 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);
- viii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- ix proposed car park configuration and surfacing;
- x proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- xi proposed cycle parking facilities; and,
- xii proposed area of improved quality.

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 and national planning guidance and advice.*

2. 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 and structural landscaping, the SUDS provision and transportation 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.*

3. Prior to the first occupation of any dwelling on the site a 3m wide cycleway/footpath shall be formed from the site from a point at the rear of Plot 43 to the public road at the end of the cul-de-sac at Woodland View to the north. This cycleway/footpath shall be constructed to an adoptable standard with street lighting. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the provision of adequate cycle and pedestrian links through the site including to and from the local primary school and*

neighbourhood children's play area in the interest of the residential amenity of the future occupants of the houses and flats built on the site.

4. Prior to works commencing on site details of the construction vehicles route and access into and out of the site shall be submitted for the prior written approved of the Planning Authority. The construction vehicles route and access into and out of the site shall accord with the detail so approved.

Reason: *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

5. The hours of construction, including times when construction vehicles can access and egress the site shall be approved in writing in advance by the Planning Authority.

Reasons: *In the interests of road safety; and,*

In the interests of safeguarding the amenity of neighbouring noise sensitive properties, including the schools located at Dalkeith Schools Campus and neighbouring residential properties.

6. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

7. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

8. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be used in the area of improved quality which shall include plots: 1-16 inclusive. 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

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

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

12. Development shall not begin until the following has been submitted to and approved in writing by the planning authority:

- i. Existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii Proposed lighting and signage;
- iii A programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

13. Prior to any house or flat being occupied the following shall be formed/carried out and made available for use to the approval of the planning authority.
- a. The vehicular, cycle and pedestrian access details and routes delineated on docketed drawings;
 - b. The street lighting and signage approved by condition 12ii;
 - c. The driveway of the house or parking space of the flat associated with it;
 - d. The visitor parking spaces;
 - e. The cycleways/footways within the site; and,

- f. The cycle parking for the 22 flats with internal lighting and drainage as required.

Reason: *To ensure the safely and convenient access to the site and from the site in the interest of road safety.*

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

Before any part of the site is occupied for residential 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.*

15. No house 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 house.*

- 16 Detailed drawings of the building and details of the external finishing materials and finishing colour of the substation shall be submitted for the prior written approval of the Planning Authority.

Reason: *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

17. Prior to the occupation of the houses on Plots 44 and 56 and the flats within the southern block (Plots 61 to 68), the noise mitigation requirements detailed in Section 5.0 (Mitigation Requirements) of the

RMP Environmental Noise Assessment report dated 23 March 2015 shall be carried out in full. Thereafter the noise mitigation measures shall remain in place for the duration of the operations of the Charles Letts and Co factory.

Reason: *To mitigate the potential effects of noise nuisance to residences on the site which otherwise could be significantly adversely affected by noise owing to the close juxtaposition of them to the Charles Letts and Co Ltd factory.*

18. 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 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.*

Ian Johnson
Head of Communities and Economy

Date:	5 January 2016
Application No:	15/00616/DPP
Applicant:	Charles Letts And Co Limited, Thornybank Industrial Estate, Dalkeith, EH22 2NE
Agent:	Damian Smith, McLaren Murdock and Hamilton, 2 West Coates, Edinburgh, EH12 5JQ.
Validation Date:	02 June 2015
Contact Person:	Adam Thomson, Senior Planning Officer
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Background Papers:	14/00178/DPP & 13/00716/PAC

