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**APPLICATION FOR PLANNING PERMISSION (18/00430/DPP) FOR THE  
ERECTION OF RESIDENTIAL CARE HOME AND ASSOCIATED WORKS  
AT LAND TO REAR OF 41 NEWMILLS ROAD, DALKEITH**

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 an 83 bed residential care home (class 8) and associated access, car parking, landscaping and ancillary structures at land to the rear of 41 Newmills Road, Dalkeith. There have been four representations and consultation responses from the Coal Authority, the Scottish Environment Protection Agency (SEPA), Scottish Water, the Council's Archaeology Advisor, The Wildlife Information Centre, the Council's Environmental Health Manager, the Council's Flood Risk Manager and the Council's Policy and Road Safety Manager.**
- 1.2 The relevant development plan policies are DEV2, DEV7, TRAN1, TRAN5, IT1, ENV7, ENV8, ENV10, ENV11, ENV15, ENV24 and ENV25 of Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to grant planning permission subject to conditions.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The application site covers an area of 0.76 hectares and lies to the north of Newmills Road, with an access to the south of the site off Newmills Bridge. The site is a former mill/industrial site, bounded by the River South Esk to the north west, residential properties to the east and south east (James Lean Avenue) and public open space to the north/north east. The site is elongated and tapers towards the north.**
- 2.2 The central part of the site is predominantly level, rising up to the rear of the dwellings to the south east and dropping down to the river to the north west. The site previously comprised areas of hardstanding which have been excavated to enable site investigation works to be undertaken. The boundary of the site is defined by timber fencing and trees - with those trees along the river being protected by a Tree Preservation Order (TPO).**

- 2.3 The vehicle access to the site connects to Newmills Road and also serves a single dwellinghouse (41 Newmills Road) and a disused industrial building to the south west situated between the main part of the site and Newmills Road.

### **3 PROPOSAL**

- 3.1 The planning application is for the erection of an 83 bed, residential home with 24-hour care for adults aged 65 and over. The applicant's supporting statement advises that the care provision will be for both NHS and private funded residents (in approximate equal proportion). The care home provision is in two buildings that are connected by a glazed link corridor at ground floor level, first floor level and second floor level (but not at lower ground floor level) with a five metre separation between the two buildings. The buildings are oriented north to south in alignment with the adjacent river. The primary elevations face in a general east/west direction. The buildings are three storeys high with a basement level (the lower ground floor). The buildings' design includes a pitched roof with an eaves height of 11 metres and a maximum ridge height of 15.3 metres when measured from ground level. The roof is hipped at its gable ends.
- 3.2 The lower ground floor/basement level provides a cinema room, hairdresser and gym for residents along with an ancillary service area which includes a large kitchen, laundry, staff room, office and storage area. The other three floors provide bedroom and dayroom accommodation.
- 3.3 The buildings have gable features along their length and windows with a predominant vertical emphasis and in a regular rhythm along the primary elevations. The elevations are punctuated by protruding gable features and are further articulated through the use of contrasting finishes in a combination of two types of facing brick and marley eternit cedar weatherboard. The windows are to be grey uPVC.
- 3.4 The design of the care home includes a raised terraced area at ground floor level and balcony at first floor level that projects from the rear west elevation towards the river.
- 3.5 A landscaped garden area is provided to the north-east of the building. Parking for 26 cars including two disabled spaces; the two disabled spaces are located near the entrance to the building along with cycle parking. A bin store is located within the south-west corner of the car park. Two allocated parking spaces have also been provided for the occupants of the existing dwellinghouse at the entrance to the site near the dwelling.
- 3.6 The applicant's have submitted the following documents in support of the application:

- Supporting Statement;
- Contaminated Land Assessment Report;
- Ground Gas Risk Assessment;
- Protected Species Survey;
- Flood Risk Assessment;
- Remediation Statement;
- Site Sensitivity Report;
- Sustainable Travel Statement;
- Tree Survey Report and Arboricultural Constraints;
- Arboricultural Implication Assessment and Woodland Management Plan;
- Geophysical Investigation Report;
- Drainage Strategy Plan Report; and
- Landscape Plan

## 4 BACKGROUND

- 4.1 Planning application, 08/00282/FUL, for the erection of residential care home with associated car parking and gardens was refused in March 2009 for the following reasons:

*1. The proposed development is contrary to Midlothian Local Plan Policy RP5 Woodland, Trees and Hedges, by reason of its size, position and proximity to trees within a designated Tree Preservation Order it could lead directly or indirectly to the loss of or damage to trees covered by a Tree Preservation Order, which have particular amenity and landscape character importance.*

*2. The proposed development is contrary to Midlothian Local Plan Policy RP9 Protection of River Valleys as the proposed development is clearly within the river valley of the River North Esk and there is no demonstrated specific locational need for the development on this site, and if a locational need were to be established, the development would in any case have an adverse impact on the landscape value of the river valley by reason of the buildings prominent position, its size, materials and design.*

*3. The proposed development is contrary to Midlothian Local Plan Policy RP7 Landscape Character as the proposed development would adversely affect the quality of the local landscape by reason of the buildings prominent position in the river valley, its size, materials and design.*

*4. The proposed development is contrary to Midlothian Local Plan Policy RP20 Development within the Built-Up Area as it would detract materially from the existing character or amenity of the area, by reason of the buildings prominent position, size, materials and design which do not conform to the form of existing buildings in the area, nor does it respect the landscape character of the area.*

*5. The proposed development is contrary to Midlothian Local Plan Policy NRG3 Energy For Buildings as the applicant has failed to adequately demonstrate the required reduction in CO2 emissions or incorporation of any renewable energy devices for this residential development.*

- 4.2 Planning application, 09/00363/FUL, for the erection of residential care home with associated car parking was granted permission by the Committee at its meeting of December 2009.
- 4.3 Planning application, 12/00470/DPP, for an amendment to condition 1 of planning permission 09/00363/FUL (erection of residential care home with associated car parking) to extend the time in which the said planning permission can be implemented was granted permission in August 2012.
- 4.4 Planning application, 15/00330/S42, to remove condition 6 of planning permission 09/00363/FUL (erection of residential care home with associated car parking) to remove the requirement to provide zero and low carbon technology as part of the development was granted permission in June 2015.
- 4.5 Planning application, 17/00533/DPP, for the erection of residential care home with associated car parking was withdrawn in April 2018 in response to concerns raised by SEPA regarding the proposed built development over an adit/culvert.
- 4.6 Application 17/00612/HH for the issuing of a High Hedge Notice at 41 Newmills Road, Dalkeith was granted on appeal resulting in a section of boundary hedging being reduced in height.
- 4.7 The application has been called to Committee for consideration by Councillor Russell to discuss the concerns raised by objectors.

## **5 CONSULTATIONS**

- 5.1 The **Coal Authority** has no objection subject to a condition requiring site investigation works to be undertaken prior to the commencement of development and should any remedial works be required then they are undertaken prior to the commencement of development. Furthermore, the Coal Authority has requested further information with regards to the method of foundation construction – this can be addressed by a condition on a grant of permission.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application, but makes a number of recommendations with regards to ground stabilisation works and underground water sources and the associated regulatory requirements which the applicant must

meet. The recommendations can be attached to any grant of planning permission as an advisory note for the attention of the applicant.

- 5.3 **Scottish Water** does not object to the application.
- 5.4 The **Council's Archaeology Advisor** notes that the location of the proposed development is within an area of a former historic industrial complex which is shown from at least 1817 (Robert Kirkwood map), and is recorded in Midlothian Council's Historic Environment Record (HER) (MEL8340 and MEL5861). The development area also lies within the grounds of an 18th century historic property, Woodburn House (now demolished). The application site has potential archaeological significance and therefore there is a requirements for a Programme of Archaeological Works (Desk-based Archive Assessment and Trial Trench Evaluation).
- 5.5 **The Wildlife Information Centre (TWIC)**, the Council's ecology advisor does not object to the application.
- 5.6 The **Council's Environmental Health Manager** does not object to the application subject to conditions being attached to any grant of planning permission designed to protect future occupiers of the development site and neighbouring land from the potential impact of contaminated land, noise and disturbance. It is noted that the applicants agent submitted site investigation information with the application, [Goodson Associates Report Ref 11354 – Geotechnical and Environmental Assessment Report, Proposed New Care Home, Newmills Road, Dalkeith dated October 2010]. This has been considered by the Council's external reviewers and approval for the scheme will be given when all aspects of recommended condition 3i-iv relating to the scheme concerning treating previous mineral workings have been satisfactorily addressed.
- 5.7 The **Council's Flood Risk Manager** does not object to the development proposal subject to receiving an updated site drainage layout plan, drainage strategy plan report and a supporting flood risk assessment statement.
- 5.8 The **Councils Road Safety Manager** does not object to the development proposal subject to a condition being attached to any grant of permission requiring improvements to the vehicle access to be undertaken to achieve the required visibility splays.

## **6 REPRESENTATIONS**

- 6.1 There have been three objections received and one neutral representation, all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:

- There are inaccuracies detailed within the application submission which include: the existing topographical survey plans indicating trees that are no longer in situ to the rear of neighbouring properties at James Lean Avenue; a tree survey and arboriculture assessment dated February 2016; and the landscape plan and site plan indicating different locations for the bin store and parking arrangement - some of the documents within this application are outdated and contradictory;
- the impact the development will have on the amenity of existing neighbouring residents if the proposed bin store is located in close proximity to the rear garden of no. 17 James Lean Avenue and it's neighbouring dwellings;
- the scale and design of the building will be a dominant structure in the landscape and not in-keeping with the character of the neighbouring properties;
- a residential care facility of the scale proposed will result in noise and disturbance to the detriment of neighbouring properties;
- traffic management and road/pedestrian safety concerns;
- the provision of insufficient parking;
- no separate pedestrian access;
- the vehicle access is not capable of accommodating two-way traffic flow;
- the development proposal will directly overlook the rear gardens and elevations of neighbouring properties at James Lean Avenue;
- the use and siting of the large communal bins have the potential of causing foul smells, attracting vermin and overflowing with the consequence of litter being deposited into neighbouring properties;
- the proposal is an over-development of the site;
- loss of existing views from neighbouring dwellinghouses;
- detrimental impact upon wildlife;
- the development will devalue neighbouring properties; and
- the development is contrary to policies RD1 and ENV3 of the Midlothian Local Development Plan 2017.

6.2 The neutral representation noted that they did not object to the development proposal but sought confirmation that a bat survey had been undertaken and was being taken into consideration.

## **7 PLANNING POLICY**

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

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **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.
- 7.3 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.4 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.5 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.
- 7.6 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.7 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.
- 7.8 Policy **ENV8: Protection of River Valleys** requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities.
- 7.9 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.
- 7.10 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.

- 7.11 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.12 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.
- 7.13 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.

## **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 application site is located within the built-up area of Dalkeith where there is a presumption in favour of appropriate development. The application site is situated within a predominantly residential area where the proposed residential care home, being a residential use, would be compatible to the neighbouring land uses and the character of the area. The consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for a residential care home.
- 8.3 In 2009 the Committee granted planning permission (09/00363/FUL) for a residential care home on the site of a scale and form comparable to the currently proposed development. This earlier permission was amended by subsequent applications (12/00470/DPP and 15/00330/S42) and addressed the concerns raised in an earlier refusal in 2008 relating to the development's impact on the landscape, the river valley and trees covered by a Tree Preservation Order. The previous grant of planning permission for a residential care home on this site has further established the acceptability of the principle of development.

### Layout and Form of Development

- 8.4 The layout and form of the current proposed development is similar to the previously approved scheme in terms of its siting and orientation within the site, the scale of the building/s, the architectural style of the building/s and the component parts of the development.



- 8.5 The proposed residential care home comprises two buildings connected by a link corridor. The buildings are oriented north to south in alignment with the adjoining River South Esk with the primary elevations facing in a general east/west direction. The siting and orientation of the proposed buildings respects and complements the line of the river and presents an attractive outlook for residents.
- 8.6 The proposal also includes a landscaped garden area to the north-east of the buildings and parking for 26 cars, a turning area, bin store and cycle parking to the eastern side of the site. These associated components of the development are appropriately sited between the care home buildings and the existing residents in James Lean Avenue. This enables a good degree of separation between the proposed and existing built forms.
- 8.7 There are concerns regarding the siting of the northern part of the residential care home and the adjacent proposed sustainable urban drainage system (SUDS) underground tanks in terms of their potential impact on the root protection area of a number of trees on the river embankment (tree numbers 1113 to 1130). There will be a requirement for excavation works to be undertaken within the root protection area of the trees and therefore, to address this concern, there is a requirement for a condition being attached to any grant of permission requiring a construction method statement to be submitted to confirm that works can be undertaken without incursion into the root protection area, which would cause long term damage to the trees.
- 8.8 The river valley itself is a protected landscape and policy ENV8 does not permit development that will result in an adverse impact upon the landscape or conservation value of the valley or impede potential public access opportunities. The proposed layout of the development maximises the potential of the site without resulting in a detrimental impact upon the character of the area or the river valley.

### Design

- 8.9 The local area comprises of predominantly two storey residential dwellings of traditional form and design. The proposed residential care home is three storeys high; this variation in height with the surrounding buildings will add interest to the local street scene and built environment. The additional height of the buildings will not be overly dominant because of the dropping levels of the site, sloping away from the entrance off Newmills Road and the properties in James Lean Avenue and because of the degree of separation from neighbouring residential properties. Furthermore the architectural style of the proposed building is of a traditional form in terms of its shape, pitched roof and use of materials.
- 8.10 Although there are some differences in the design of the current scheme when compared to the previously approved scheme the design

is in general very similar, both schemes being three storeys high with a basement level and both schemes having elongated building/s following the line of the river. The proposed buildings' design includes a pitched roof with a ridge height at 15.3 metres and an eaves height of 11 metres. The proposed buildings are large, spanning approximately 90 metres and will sit in a relatively elevated position above the river with open views into the site from Newmills Road. However, the existing trees on the river embankment provide screening which will reduce visibility of the buildings from Newmills Road and from the other-side of the river.

- 8.11 There is a requirement for the proposed buildings to be of a suitably high standard of design with the use of quality materials. By its nature, an 83 bedroom care facility requires a large building/s with level access and large level floor plates. The form of the building has predominantly been determined by its function, but this has not been to the detriment of the overall design which incorporates a number of features to add interest to the large building elevations. The two buildings are connected by a glazed link corridor and have gable features along their length. The windows are mainly vertical in emphasis and are in a regular rhythm along the primary elevations. The elevations are punctuated by protruding gable features and are further articulated through the use of contrasting finishes in a combination of two types of facing brick and marley eternit cedar weatherboard. These design features help to break up the mass of the building/s.
- 8.12 Overall, it is considered that the proposed design and material finishes are compatible to their surroundings and will not result in an adverse impact upon the character or appearance of the area.

### Trees

- 8.13 An arboricultural implication assessment and woodland management plan, tree survey and arboricultural constraint report and landscape plan has been submitted with the application which shows the requirement for a number of trees to be removed to the northern side of the application site. The development proposal requires the removal of several trees to enable the siting of the building, some of which are protected by a TPO. The proposed landscaping plan includes replacement planting which includes a woodland mix of planting cell grown trees on the lower riverbank which are considered to be adequate in terms of replacement planting.
- 8.14 After cross referencing the revised landscape plan with the submitted protected species survey it is noted that the trees which are to be removed do not contain a habitat or roosts for protected species. Therefore the removal of the additional trees would not have an adverse impact on protected species.

- 8.15 The trees around the application site contribute significantly to the character of the area and help define the river valley. The trees on the river embankment are protected by a group Tree Preservation Order no.1 of 1998. The submitted landscape plan includes tree protection fencing to the eastern side of the trees on the river embankment. However, the proposed fencing does not follow the line of the root protection area. The tree protection fencing should follow the root protection area shown in the tree survey. Therefore, there is a requirement for a condition being attached to any grant of permission requiring a revised location of the root protection fencing to be submitted to the planning authority for prior written approval as part of a detailed landscape plan.

#### Impact on Amenity

- 8.16 James Lean Avenue is a residential street located to the east of the application site; neighbouring dwellinghouses sit above the application site with the rear gardens sloping down towards the site. The rear elevation of the closest neighbouring dwelling on James Lean Avenue is approximately 34 metres from the proposed residential care home buildings, exceeding the best practice separation distance of 25 metres. Furthermore, the overall height of the proposed care home will not exceed the height of the existing dwellings on James Lean Avenue, although they are two story buildings, due to the difference in ground levels. The scale of separation between the buildings combined with the topography of the site means that the development proposal will not result in a harmful loss of amenity to residents in James Lean Avenue.
- 8.17 The gable end of the neighbouring dwellinghouse at 41 Newmills Road is located approximately 13 metres south of the gable end of the proposed residential care home. This relationship is 'normal' in an urban environment. Furthermore it is worth noting that there are no windows within the northern gable end of the existing dwelling. There are windows located within the southern gable end of the care home which serve corridors and bedrooms. The proposed windows within the gable end will not result in significant overlooking due to the use of the rooms serviced by the windows. The proposed care home will not result in a harmful loss of amenity on 41 Newmills Road.
- 8.18 The relationship between the neighbouring properties in environmental terms, such as noise, refuse collection and litter and smells (from the use of communal bins), will be acceptable and commensurate for uses within the urban environment, close to a town centre and adjacent to a main road.

#### Access and Parking

- 8.19 The proposed development provides parking and a turning area to the north-east of the application site for staff and visitors. Vehicular access to the application site is afforded by improving the existing access

taken from Newmills Road. The access will be improved and widened to ensure the required visibility splays are provided prior to the occupation of the residential care home, this will ensure the development does not have a detrimental impact on road safety for pedestrians, cyclists or motorists. The application includes parking for 26 cars including two disabled spaces; the two disabled spaces are located near the entrance to the building along with cycle parking. This level of parking for the proposed use meets the Council required standards. Two additional allocated parking spaces will also be provided for the occupants of the existing dwellinghouse (41 Newmills Road) at the entrance to the site near the said dwelling – this is based on a understanding between the parties regarding access rights (this not a material planning consideration). This is acceptable.

### Archaeology

- 8.20 The Council's Archaeological Advisor has recommended that the applicants undertake survey and investigation work prior to development to ensure that the site is surveyed and any archaeological finds are recorded. The controls identified by the Council's Archaeological Advisor can be secured by condition.

### Other Matters

8. 21 Concerns relating to the inaccuracies of the submitted plans have been resolved and revised plans were submitted and as a consequence the application assessment is based on the amended plans. Additional and revised information was requested where required. Should the application be approved, it is noted that conditions can be attached to address any other outstanding matters.
- 8.22 With regards to the loss of existing views from neighbouring dwellinghouses or the concern over potential devaluation of neighbouring property values, these are not a material planning considerations.
- 8.23 One representation sought confirmation that a bat survey had been undertaken and taken into consideration. It is noted that a protected species survey was undertaken and contributed towards the assessment of the planning application.

## **9 RECOMMENDATION**

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

*The proposed development accords with the Midlothian Local Development Plan (2017). The application site is located within the built-up area of Dalkeith on previously developed land where there is a presumption in favour of development. The layout, design, form and scale will not result in a detrimental impact upon the character or*

*amenity of the area. The presumption for development is not outweighed by any other material consideration.*

Subject to the following conditions:

1. The buildings which are the subject of this permission shall be used only as a residential home with care for adults over the age of 65 and no other use notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding, amending or revoking this order).

**Reason:** *For sake of clarity. The use of the development proposal has been assessed on the basis of the buildings being used as a residential home with 24-hour care. Developer contributions would be required for other uses within Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order 1992 (or any order superseding or revoking this order).*

2. Development shall not begin until a programme of archaeological works has been completed in accordance with a written scheme of investigation comprising a trial trench evaluation and a desk-based/archive assessment. The written scheme of investigation shall be approved in writing by the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

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

3. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings (coal working) has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;

- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

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

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

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

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

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

Monday to Friday from 8am to 7pm

Saturday from 8am to 1pm

Sunday and Public Bank Holidays - No working or deliveries

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

- 6. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements have 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 and the use of public transport:
- vii proposed car parking arrangements; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

- 8. Prior to the commencement on development, the following details shall be submitted to the planning authority for prior written approval:
  - i. Details of the proposed design/construction of the foundations; and
  - ii. A construction method statement demonstrating how the proposed foundations are to be constructed in relation to the existing adit and in a way that limits incursion into the root protection areas of adjoining trees.

The foundations shall be designed so as to address any potential ground movement derived from any future collapse of the adit.

**Reason:** *To ensure that the foundations are suitable for development given the previous coal workings in the area, so as to address any potential ground movement derived from any future collapse of the adit and to limit the impact of the development on existing trees.*

- 9. 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:** *In the interest of protecting the character and appearance of the area so as to comply with DEV2 of the adopted Midlothian Local Development Plan 2017.*

10. Development shall not begin until 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 existing and finished ground levels and floor levels for all buildings 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 including trees, shrubs, hedging 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 shall be completed prior to the development being occupied; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff and mitigate flood risk.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV7 and ENV8 of the adopted 2017 Midlothian Local Development Plan 2017 and national planning guidance and advice.*

11. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. 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 policy ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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

**Date:** 2 October 2018

**Application No:** 18/00430/DPP

**Applicant:** Mr Bharat Sodha, Baron Healthcare (Dalkeith) Ltd,  
Westbury House, 23-25 Bridge Street, Pinner,  
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