

Notice of Meeting and Agenda



Planning Committee

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 19 February 2019

Time: 13:00

Director, Resources

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- | | | |
|------------|--|--------|
| 4.1 | Minute of Meeting held on 22 January 2019 - For Approval | 5 - 22 |
|------------|--|--------|

5 Public Reports

- | | | |
|------------|--|---------|
| 5.1 | Planning Performance Framework Annual Report 2017/18 – Report by Director, Education, Communities and Economy. | 23 - 30 |
|------------|--|---------|

- | | | |
|------------|---|---------|
| 5.2 | Midlothian Local Biodiversity Action Plan – Report by Director, Education, Communities and Economy. | 31 - 60 |
|------------|---|---------|

- | | | |
|------------|--|---------|
| 5.3 | Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage – Report by Director, Education, Communities and Economy. | 61 - 68 |
|------------|--|---------|

Pre-Application Consultations - Reports by Director, Education, Communities and Economy

- | | | |
|------------|---|---------|
| 5.4 | Proposed residential development and erection of school, with associated engineering works, open space and landscaping at Land East and West of Easthouses Road, Easthouses, Dalkeith (18/00962/PAC). | 69 - 72 |
|------------|---|---------|

- | | | |
|------------|---|---------|
| 5.5 | Proposed redevelopment of existing snow sports centre to include leisure facilities; tourist accommodation; hotel; function suite and ancillary retail and restaurant; formation of access and car parking at Midlothian Snow Sports Centre, Biggar Road, Hillend (18/00970/PAC). | 73 - 78 |
|------------|---|---------|

Application for Planning Permission Considered at a Previous Meeting – Report by Director, Education, Communities and Economy

- | | | |
|------------|--|----------|
| 5.6 | Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC). | 79 - 114 |
|------------|--|----------|

Applications for Planning Permission Considered for the First Time – Reports by Director, Education, Communities and Economy

- | | | |
|------------|---|-----------|
| 5.7 | Application for Planning Permission for the Erection of 28 dwellinghouses and 44 flatted dwellings; formation of access roads and car parking and associated works at Land East of Conifer Road Mayfield Dalkeith (19/00042/DPP). | 115 - 136 |
| 5.8 | Application for Planning Permission for the Erection of 5 dwellinghouses and 16 flatted dwellings, formation of access and associated works at Site HS22, Land to The North of Kirkhill Road Penicuik (18/00494/DPP). | 137 - 154 |

THE COMMITTEE IS INVITED (A) TO CONSIDER RESOLVING TO DEAL WITH THE UNDERNOTED BUSINESS IN PRIVATE IN TERMS OF PARAGRAPH 13 OF PART 1 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 - THE RELEVANT REPORTS ARE THEREFORE NOT FOR PUBLICATION; AND (B) TO NOTE THAT NOTWITHSTANDING ANY SUCH RESOLUTION, INFORMATION MAY STILL REQUIRE TO BE RELEASED UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 OR THE ENVIRONMENTAL INFORMATION REGULATIONS 2004.

6 Private Reports

- 6.1** Enforcement Report: Gorebridge – Report by Director, Education, Communities and Economy.
- 13. Information which, if disclosed to the public, would reveal that the authority proposes—(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

7 Date of Next Meeting

The next meeting will be held on Tuesday 2 April 2019 at 1.00pm

Plans and papers relating to the applications on this agenda can also be viewed online at www.midlothian.gov.uk.

Minute of Meeting



Planning Committee

| Date | Time | Venue |
|-----------------|---------|--|
| 22 January 2018 | 1.00 pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|--------------------------|-----------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Baird | Councillor Cassidy |
| Councillor Curran | Councillor Hackett |
| Councillor Hardie | Councillor Johnstone |
| Councillor Lay-Douglas | Councillor McCall |
| Councillor Milligan | Councillor Muirhead |
| Councillor Munro | Councillor Parry |
| Councillor Russell | Councillor Smaill |
| Councillor Wallace | Councillor Winchester |
| | |

1. Apologies

An apology for absence had been received from Councillor Smaill, who hoped to join the meeting later.

2. Order of Business

The Clerk confirmed that that order of business was as outlined in the agenda that had been previously circulated.

The Committee agreed, on the suggestion of the Chair, to take agenda item 5.7 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC), as the final item of public business.

3. Declarations of interest

Councillor Milligan (non-pecuniary) declared an interest in agenda item 5.7 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC) – on the grounds that he was a non-executive Member of the NHS Lothian Board who retained an interest in the application site it being a former NHS property. He would therefore withdraw from the meeting during discussion of this item of business. In addition, Councillors Muirhead, Lay-Douglas, Smaill, Cassidy and Alexander (non-pecuniary) all declared an interest on the grounds that, at the invitation of the applicants, they had all visited the application site, but at no time had offer an opinion on the current applications before Members.

Councillors Hackett (non-pecuniary) declared an interest in agenda item 5.10 - Application for Planning Permission for the Erection of dwellinghouse; formation of access and car parking and associated works at Land at 3 Eskview Villas Dalkeith (18/00760/DPP) on the grounds that he had been approached by the nursery which his children attended, regarding the application, as it was on land that adjoined/was part of their grounds, but at no time had offer an opinion on the current application before Members.

On behalf of the Members of the Conservative Group, Councillor Hardie (non-pecuniary) declared an interest in agenda item 5.3 - Application for Planning Permission for Residential Development including Park and Ride; Allotments; Land Safeguarded for possible Education Use; Formation of Access Roads and Car Parking and Associated Works at Land At Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (17/00408/DPP and 17/00408/DPP) – on the grounds that they all knew the current occupant of Wellington Farm, who was a Conservative Party candidate.

4. Minutes of Previous Meetings

The Minutes of Meeting of 20 November 2018 were submitted and approved as a correct record.

The Committee, on the suggestion of the Chair, agreed to clarify for the record that agenda item 5.5 - Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC) - had been deferred rather than continued.

5. Reports

| Agenda No | Report Title | Presented by: |
|--|---|----------------|
| 5.1 | Supplementary Guidance: Special Landscape Areas | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>With reference to paragraph 5.1 of the Minutes of 9 October 2018, there was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy, providing the Committee with an update on the adoption of the Special Landscape Areas Supplementary Guidance.</p> <p>The report explained in particular that –</p> <ul style="list-style-type: none">the required public notification/advertisement advising that the Special Landscape Areas Supplementary Guidance would not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment had been published in the Midlothian Advertiser newspaper on 17 October 2018; andScottish Ministers, in response to notification of the Council's intention to adopt the supplementary guidance had informed the Council by letter dated 26 October 2018 that they did not propose to issue a direction in relation to the guidance and that the Council was free to adopt the guidance | | |
| Decision | | |
| <p>The Committee, having heard from the Planning Manager, noted the update on adoption of the Special Landscape Areas Supplementary Guidance.</p> | | |
| Action | | |
| <p>Planning Manager</p> | | |

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.2 | Supplementary Guidance: Resource Extraction | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.2 of the Minutes of 28 August 2018, there was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, advising the Committee of the responses received to the public consultation on the proposed supplementary guidance on 'Resource Extraction' and seeking agreement to the adoption of the Resource Extraction Supplementary Guidance.

The report explained that the consultation period had run for five weeks from 7 September to 12 October 2018 with responses being received from eight parties, which included Community Councils, the Quarrying industry and Government agencies. A summary of the consultation responses, together with details of the Council's proposed response and a track change copy of the draft Supplementary Guidance document showing proposed deletions and additions (shown in red) to the document arising from the consultation were appended to the report.

Summary of Discussion

The Committee, having heard from the Planning Manager who responded to Members' questions and clarified the process for approving the Supplementary Guidance, welcomed the comments received as a result of the public consultation on the proposed Supplementary Guidance.

Decision

After further discussion, the Committee agreed:-

- a) to adopt the Resource Extraction Supplementary Guidance (as amended following the consultation process);
- b) that the Resource Extraction Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- c) to instruct the Planning Manager to undertake the required notification/ advertisement advising that the Resource Extraction Supplementary Guidance will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment;
- d) to instruct the Planning Manager to notify the Scottish Ministers of the Council's intention to adopt the Resource Extraction Supplementary Guidance; and
- e) to be advised of the outcome of the notification of the Scottish Ministers procedure.

Action

Planning Manager

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.3 | Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants was outlined in the Appendices to the report.</p> | | |
| Decision | | |
| <p>The Committee agreed:-</p> <p>(a) To note the current position in relation to major planning application proposals which were likely to be considered by the Committee in 2019; and</p> <p>(b) To note the updates for each of the applications.</p> | | |
| Action | | |
| Planning Manager | | |

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.4 | Appeal and Local Review Body Decisions | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy, detailing the notices of review determined by the Local Review Body (LRB) at its meetings in November 2018 and January 2019, and advising that there were no appeals determined by Scottish Ministers to report.</p> | | |
| Decision | | |
| <p>The Committee noted the decisions made by the Local Review Body at its meetings on 27 November 2018 and 14 January 2019.</p> | | |
| Action | | |
| Planning Manager | | |

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.5 | Pre-Application Consultation: Proposed Erection of up to 9 wind turbines at Wull Muir, Gorebridge (18/00894/PAC). | Peter Arnsdorf |

| Executive Summary of Report |
|--|
| <p>There was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy advising that a pre application consultation had been submitted regarding the proposed erection of a wind farm of up to 9 wind turbines (tip heights up to 150m) at Wull Muir, Gorebridge (18/00894/PAC). The site was on the boundary adjoining the Scottish Borders' Council area.</p> <p>The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.</p> |
| Summary of Discussion |
| <p>The Committee, having heard from the Planning Manager, who explained that the area of land within Midlothian had been included in the site boundary to allow the applicants the option to look at alternative potential access routes to the turbines and their infrastructure if required, acknowledged that if such a course of action was pursued it would be the subject of a separate planning application.</p> |
| Decision |
| <p>(a) To note the provisional planning position set out in the report; and</p> <p>(b) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.</p> |
| Action |
| <p>Planning Manager</p> |

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.6 | Pre-Application Consultation: Proposed Erection of a Mixed Use Development comprising Film & TV Studios including Workshops/Offices; Reception/ Commissary; Gatehouse; Backlot; Trailer Park; Film Academy and Associated Student Accommodation; and Associated Access, Parking and Infrastructure at Land East of Salters Road, Dalkeith (19/00012/PAC) | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>There was submitted report, dated 15 January 2019, by the Director of Education, Communities and Economy advising that a pre application consultation had been submitted regarding a proposed mixed use development comprising film and TV studios including workshops/offices; reception/commissary; gatehouse; backlot; trailer park; film academy and associated student accommodation; and associated access, parking and infrastructure at land east of Salters Road, Dalkeith (19/00012/PAC).</p> | | |

The report advised that in accordance with the pre-application consultation procedures noted by the Committee at its meeting on 6 June 2017 (paragraph 5.8 refers) the pre application consultation was being reported to Committee to enable Members to express a provisional 'without prejudice' view on the proposed major development. The report outlined the proposal, identified the key development plan policies and material considerations and stated a provisional without prejudice planning view regarding the principle of development for the Committee's consideration.

Summary of Discussion

Having heard from the Planning Manager, the Committee in considering the proposed development, discussed the potentially significant socio economic benefits, together with the potential opportunity to create a centre for excellence through links to the adjoining Dalkeith Schools campus site.

Decision

- (a) To note the provisional planning position set out in the report;
- (b) To note the comments made by Members; and
- (c) To note that the expression of a provisional view did not fetter the Committee in its consideration of any subsequent formal planning application.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.8 | Application for Planning Permission for Residential Development including Park and Ride; Allotments; Land Safeguarded for possible Education Use; Formation of Access Roads and Car Parking and Associated Works at Land At Newton Farm and Wellington Farm, Old Craighall Road, Millerhill, Dalkeith (17/00408/DPP and 17/00408/DPP). | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application. | | |
| Summary of Discussion | | |
| Having heard from the Planning Manager, the Committee acknowledged the need for the inclusion of additional conditions to address the issues raised by Transport Scotland in their consultation response. | | |
| Thereafter, the Committee discussed the proposed developments and in particular, whether the proposed conditions relating to the timing of the provision of the continuous footway/cycleway (safe route to school) from the eastern extend of the | | |

site to the western extent of the site along Old Craighall Road – condition 2; the timing of the closure of the pig farm at Wellington – condition 3; and noise and vibration mitigation measures – conditions 21-23, were overly prescriptive and placed too onerous a burden on the developers. The Planning Manager in response explained the thinking behind these particular conditions. In considering the most practical way of resolving these concerns, the possibility of a revised form of wording and/or removal of the condition(s) was discussed. The Committee felt that on balance as the developers had already committed to providing the safe route to school and the closure of the pig farm that these conditions be removed and that with regards the noise and vibration mitigation measures these be reworded if possible, or removed if a revised form of words could not be found.

Decision

The Committee agreed that subject to the foregoing amendments that planning permission be granted (for both applications 17/00408/DPP and 17/00409/DPP) for the following reasons:

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

subject to:

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

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

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

iii) the following conditions:

1. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the

planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

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

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

3. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - (i). other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - (ii). existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - (iii). proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - (iv). location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - (v). schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (vi). programme for completion and subsequent maintenance of all soft and hard landscaping;
 - (vii). a woodland management plan for existing and proposed areas of woodland;
 - (viii). a biodiversity action plan and maintenance plan to enhance the biodiversity value of the site;

- (ix). drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- (x). proposed car park configuration and surfacing;
- (xi). proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- (xii). details of existing and proposed services; water, gas, electric and telephone

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

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

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

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - (i). existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - (ii). proposed vehicular, cycle and pedestrian access;
 - (iii). proposed roads (including turning facilities), footpaths and cycle ways;
 - (iv). proposed visibility splays, traffic calming measures, lighting and signage;
 - (v). proposed construction traffic access and haulage routes;
 - (vi). a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
 - (vii). proposed car parking arrangements;
 - (viii). an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
 - (ix). proposed bus stops/lay-bys and other public transport infrastructure;
 - (x). a programme for completion for the construction of access, roads, footpaths and cycle paths; and
 - (xi). proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

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

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

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

6. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - (i). the nature, extent and types of contamination and/or previous mineral workings on the site;
 - (ii). measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - (iii). measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - (iv). the condition of the site on completion of the specified decontamination measures.
7. On completion of the decontamination/remediation works referred to in condition 6 above and prior to any dwelling on the site being occupied, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling on the site shall be occupied until the planning authority has approved the validation.

Reason for conditions 6 and 7: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: The applicant has confirmed that there are mine entries on the site which cannot be located. These mine entries appear to be under existing buildings and they cannot be the subject of intrusive site investigation for this reason. The condition seeks to ensure before any work is commenced on the site, the mine entries are located and treated. In the event that the layout needs to be amended to avoid the mine entry a further planning application or applications will be required showing the necessary amendments.

18. The site design and layout shall be such that Midlothian Council's design standards for residential use in relation to anonymous noise sources are met. These are as follows in relation to this site:
 - 55 dB LAeq(16hr) for daytime external garden amenity;
 - 35 dB LAeq(16hr) for daytime internal living apartment;
 - 30 dB LAeq(8 hours) for night time internal living apartment; and
 - for the avoidance of sleep disturbance, the internal noise level shall comply with the World Health Organisation Night Noise Guidelines for Europe 2009 - 42 dB LAmax (fast)(internal).
19. The 'high quality insulation' referred to in Table 7 of the acoustic report shall incorporate acoustic vents to allow these internal levels to be achieved with satisfactory ventilation. Post completion testing shall be carried out to demonstrate that any consented housing meets the internal design criteria identified in condition 18 above.
20. An assessment of vibration from train movements shall be carried out in order to ensure that the vibration dose value in terms of BS 6472-1:2008 'Guide to Evaluation of Human Exposure to Vibration in Buildings' does not exceed the low probability of adverse day and night-time values of 0.2 to 0.4 m.s-1.75 and 0.1 to 0.2 m.s-1.75 respectively. The assessment of vibration required in relation to this consent shall be carried out within 3 months of the first occupation of any dwelling located to the north of Old Craighall Road.

Reason for Conditions 18 to 20: To ensure the noise and vibration levels at the site do not adversely impact to occupants of the development.

Action

Planning Manager

| Report No. | Report Title | Presented by: |
|------------|--|----------------|
| 5.9 | Application for Planning Permission for the Subdivision of Existing Dwellinghouse to Form Two Dwellinghouses and Associated Erection of Porch and External Alterations; Erection of Garage; Erection of New Dwellinghouse and Associated Works and Formation of Access Points at 1 Braeside Road, Loanhead (18/00777/DPP). | Peter Arnsdorf |

| Executive Summary of Report |
|---|
| There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application. |
| Summary of Discussion |
| <p>The Committee, having heard from the Planning Manager who responded to Members' questions and comments, discussed the proposed development, giving particular consideration to the potential impact that the proposed additional dwellinghouses might have in terms of road safety. It being acknowledged that whilst the current junction between Braeside Road and Lasswade Road did not meet the prescribed visibility requirements, the current proposals did incorporate plans to improve the visibility splay to the east.</p> <p>After further discussion, the Committee were of the view that even although the planned improvements to the junction where Braeside Road joins Lasswade Road did not fully address the visibility issues they did on balance constitute sufficient an improvement to permit the proposed development to proceed.</p> |
| Decision |
| <p>Thereafter, the Committee agreed that planning permission be granted for the following reason:</p> <p><i>The scale, form, design and finish materials of the development will preserve the character, appearance and amenity of the conservation area and neighbouring properties. The proposal complies with policies STRAT2, DEV2, DEV6, ENV19 and ENV22 of the Midlothian Local Development Plan 2017.</i></p> <p>subject to appropriate conditions to be determined by the Planning Manager, in consultation with the Chair.</p> |
| Action |
| Planning Manager |

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.10 | Application for Planning Permission for the Erection of dwellinghouse; formation of access and car parking and associated works at Land at 3 Eskview Villas Dalkeith (18/00760/DPP). | Peter Arnsdorf |
| Executive Summary of Report | | |
| There was submitted report, dated 15 January 2019, by the Director, Education, Communities and Economy concerning the above application. | | |
| Summary of Discussion | | |
| <p>Having heard from the Planning Manager who responded to Members' questions and comments, the Committee discussed the proposed development and the potential impact that it was likely to have on the character of the Eskbank and Ironmills Conservation Area. It being felt on balance that the design, materials, scale and sitting of the proposed development would have a negative impact on the character of the Conservation Area and its setting</p> | | |

| Decision |
|---|
| <p>After further discussion, the Committee agreed that planning permission be refused for the following reason:</p> <p><i>The proposed development by means of its design, materials and form is not in keeping with the character and appearance of the conservation area. The proposal is therefore contrary to policy ENV19 of the Midlothian Local Development Plan 2017.</i></p> |
| Action |
| Planning Manager |

| Sederunt |
|---|
| <p>With reference to item 1 above, Councillor Smail joined the meeting during consideration of the foregoing item of business, at 1.51 pm.</p> <p>With reference to item 3 above, Councillor Milligan, having declared an interest in the following item of business, left the meeting at 1.57 pm, taking no part in the consideration thereof.</p> |

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.7 | Application for Planning Permission in Principle, for Planning Permission and for Listed Building Consent for the Conversion of Listed Buildings to Dwellings and Residential and Commercial Development in the Grounds of the former Rosslynlee Hospital, Roslin (17/00980/PPP, 17/01001/DPP and 18/00061/LBC). | Peter Arnsdorf |
| Executive Summary of Report | | |
| With reference to paragraph 5.5 of the Minutes of 20 November 2018, there was resubmitted report, dated 8 November 2018, by the Director of Education, Communities and Economy, concerning the above applications. | | |
| Summary of Discussion | | |
| <p>Having heard from the Planning Manager, who responded to Members' questions/ comments, the Committee discussed the position regarding the requirement for developer contributions at length. With particular consideration being given to whether there was scope to potentially relax the current requirements in order to help secure the retention of the Grade C Listed former Rosslynlee Hospital building. The fact that additional land had already been allocated for complementary enabling development was acknowledged, however, questions were raised regarding whether or not this was sufficient for the purpose for which it had been provided and also if, in view of the current financial climate, the Council was in a position not to secure the full developer contributions, particularly those required for education and infrastructure improvements.</p> | | |

After further discussion, Councillor Muirhead, seconded by Councillor Wallace, moved that consideration of the matter be deferred for a further cycle in order that the position regarding developer contributions could be discussed with the applicants with a view to securing the necessary contributions for education and infrastructure improvements. Whilst also allowing further consideration to be given to the requirement for contribution towards the Borders railway and also affordable housing, given the particular circumstances of this application.

In terms of Standing Order 11.3 (vii), the Chair directed that a vote be taken for and against the motion to defer consideration of the matter and if this was carried that would be the end of the matter. If however it fell then he would open the matter up for further more detailed discussion.

Thereafter, on a vote being taken, one Member voted against the motion and 16 for, which accordingly became the decision of the meeting.

Decision

The Committee agreed that consideration of the matter be deferred for a further cycle in order that the position regarding developer contributions could be discussed with the applicants with a view to securing the necessary contributions for education and infrastructure improvements. Whilst also allowing further consideration to be given to the requirement for contribution towards the Borders railway and affordable housing, given the particular circumstances of this application.

Action

Planning Manager/Democratic Services

The meeting terminated at 2.47pm.



PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2017/18

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2017/18.

2 BACKGROUND

- 2.1 An initial report to Committee in November 2012 explained that from October 2012 the Scottish Government's Minister for Local Government and Planning (now Local Government and Housing) had instigated a new Planning Performance Framework system under which each local planning authority in Scotland would be required to submit annually a report to Scottish Government on its performance across a range of quantitative and qualitative measures, including the long-standing indicators of age of local plan(s) and speed of handling planning applications. Accordingly, this Council has prepared and submitted an annual PPF report every year since 2011/12. The feedback from Scottish Government has been reported to the Committee.
- 2.2 As reported to Committee in November 2012 it remains the case that Scottish Government officials have made clear that the primary purpose of the PPF is to provide Ministers, Councils and the public with a much better understanding of how a particular planning authority is performing. Whilst it is inevitable that comparisons across planning authorities will be made, Scottish Government is advising that it is not a 'name and shame' exercise: where particular authorities may be underperforming the Scottish Government officials through normal liaison with officers in the relevant authorities will seek to assist and support improvement.
- 2.3 The Council's PPF for 2017/18 was submitted to Scottish Government in July 2018. A copy of the document has been placed in the Members' Library. It provides a comprehensive review of progress during the year and highlights steady improvement in a number of areas, examples of good quality development taking place on the

ground; as well as achievements related to the adoption of the Midlothian Local Development Plan.

3 FEEDBACK ON THE 2017/18 SUBMISSION

- 3.1 Formal written feedback was received on the 10 of January 2019 by way of a letter from the Minister for Local Government and Housing, and enclosing a specific report on a total of fifteen 'performance markers'. A copy of the feedback is attached to this report.
- 3.2 In the feedback report on the fifteen performance markers, 12 were rated as 'green' giving no cause for concern and the remaining three were rated as 'amber' where areas for improvement are identified. None were rated as 'red', this being used to indicate where some specific attention is required. The feedback on ratings will help to inform the content of the 2018/19 return, which will be due in July 2019.
- 3.3 The ratings demonstrate an improvement on the previous year's submission, where two were red, four were amber and the remaining nine were either green or not applicable. The two former red ratings have now turned to green following the adoption of the Midlothian Local Development Plan during the reporting year. This year's PPF 'score' is the best Midlothian has achieved in the six years the framework has been the primary performance monitoring methodology. It is the first time Midlothian has had no red markers and 12 green markers is the most Midlothian has achieved.
- 3.4 The PPF feedback also sets out the timescales for the determination of planning applications. The average time to determine local (non-householder) developments for 2017/18 was 12.1 weeks, slower than the Scottish average of 10.7 weeks. The average time to determine householder developments for 2017/18 was 6.9 weeks, better than the Scottish average of 7.3 weeks and the statutory timescale of 8 weeks. The average time to determine major developments for 2017/18 is 91.5 weeks and is greater than the Scottish average of 33.6 weeks. It should be noted that with few major applications determined (seven in 2017/18), one or two complex applications can result in the overall average timescale of determination being disproportionately skewed upwards.
- 3.5 The main reasons why the average time to determine major developments is greater than the Scottish average are as follows:
- the time taken to conclude a legal agreement to secure developer contributions;
 - the applicant amending the scheme during the processing of the application;
 - awaiting additional information from applicants and/or consultees;
 - on the request from the applicant; and
 - the volume of major applications (including matters specified in conditions applications).

4 PLANNING APPLICATION PERFORMANCE

- 4.1 The Statutory Performance Indicators (SPI's) for the determination of planning applications are set by the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 Act). The target is for local planning authorities to determine 90% of householder applications within 2 months, 80% of other local applications within 2 months and 80% of major applications within 4 months. Overall, the target is to determine 80% of applications within target.
- 4.2 Overall performance (how many applications have been determined within target) continues to be maintained at a high level. In 2017/18 86% of planning applications have been determined within target, this compares to a Scottish average of approximately 74%. In 2017/18 95% of householder applications, 83% of other local applications (for example, developments less than 50 dwellings) and 17% of major applications (for example, developments more than 49 dwellings) were determined within target.
- 4.3 973 applications (this includes 225 formal pre application enquiries) were received in 2017/18; approximately 60% of applications are submitted online and 78% of comments made by representors and consultees are done so online. The Council received 131 formal planning enforcement complaints and issued four notices in 2017/18.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2017/18.

Peter Arnsdorf
Planning Manager

Date: 12 February 2019
Contact Person: Richard Lamond, Research & Information Officer
Tel No: 0131 271 3464
Background Paper: Council's PPF (2017/18) submission

T: 0300 244 4000
E: scottish.ministers@gov.scot

Dr Grace Vickers
Chief Executive
Midlothian Council
10 January 2019

Dear Dr Vickers

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017/18

I am pleased to enclose feedback on your authority's 7th PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Kind Regards



KEVIN STEWART

CC: Mr Ian Johnson, Head of Planning and Development

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



PERFORMANCE MARKERS REPORT 2017-18

Name of planning authority: **Midlothian**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

| No. | Performance Marker | RAG rating | Comments |
|-----|--|------------|--|
| 1 | Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4] | Amber | <p>Major Applications Your timescales of 91.5 weeks are slower than the previous year and are slower than the Scottish average of 33.6 weeks. RAG = Red</p> <p>Local (Non-Householder) Applications Your timescales of 12.1 weeks are slower than the previous year and are slower than the Scottish average of 10.7 weeks. RAG = Red</p> <p>Householder Applications Your timescales of 6.9 weeks are slower than the previous year but are faster than the Scottish average of 7.3 weeks and the statutory timescale of 8 weeks. RAG = Green</p> <p>Overall RAG = Amber</p> |
| 2 | Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website | Green | <p>You encourage processing agreements to applicants for all major developments. However, no applications were subject to a major processing agreement this reporting year. RAG = Green</p> <p>Processing agreement information is available through your website. RAG = Green</p> <p>Overall RAG = Green</p> |
| 3 | Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information | Green | <p>You provide a free pre-application advice service which is promoted through the website and by case officers engaging with prospective applications. We note that you receive a low number of applications, however you adequately promote the service. RAG = Green</p> <p>You have proportionate and clear processes for requesting supporting information which is set out in planning policy documents and in pre-application discussions. RAG = Green</p> <p>Overall RAG = Green</p> |

| | | | |
|----|---|-------|---|
| 4 | Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period) | Amber | Your average timescales for determining major applications with legal agreements are slower than last year and the Scottish average. Local applications with legal agreements are determined faster than last year and slower than the Scottish average. We noted that you have adopted a 6 month timescale for completing a legal agreement and we hope to see the impact of this in next year's report. |
| 5 | Enforcement charter updated / re-published within last 2 years | Green | Your enforcement charter was 6 months old at the end of the reporting year. |
| 6 | Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report | Amber | <p>You renewed your LDP and enforcement charter this year. Clear timescales exist for adopting the next LDP. However, your decision making timescales, including legal agreements are slower than last years and there has not been progress on reducing your number of legacy cases. RAG = Amber</p> <p>You have completed 2 out of 5 of your improvement commitments with the remaining to be continued over the next reporting year. You have identified 6 improvement commitments for the coming year. Future reports should set out your progress in a clearer fashion as demonstrated in the PPF report guidance notes. RAG = Amber</p> <p>Overall RAG = Amber</p> |
| 7 | Local development plan less than 5 years since adoption | Green | Your LDP was 4 months old at the time of reporting. |
| 8 | Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale | Green | <p>Although you have noted some slippage, your LDP2 is on track for adoption within the five year cycle. RAG = Green</p> <p>Your project plan for the delivery of the development plan is set out in an Development Plan Scheme, published this reporting year. Emphasis has been placed on elected members assessing the progress of the plan to avoid slippage in timescales. RAG = Green</p> <p>Overall RAG = Green</p> |
| 9 | Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> | Green | You engage with elected members during regular committee meetings for the pre-MIR stage. Discussions have included your approach to engaging with the public. This began in June 2017 and continued throughout the reporting year, offering clear opportunities for feedback to be given. |
| 10 | Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> | Green | You sought feedback from Scottish Water and NHS Lothian early in the pre-MIR stage. A Participation Statement sets out how people can engage early in the plan preparation. |
| 11 | Regular and proportionate policy advice produced on information required to support applications; and | Green | You have produced a number of guidance documents to aid applicants such as the validation checklists document to outline what is required when setting out different applications. You regularly meet with developers to seek feedback on service improvements and guidance. |
| 12 | Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up | Green | You provide evidence of building internal partnerships across a variety of departments, more efficient processes for joined-up guidance and a single contact arrangement. All of which demonstrate you are working to improve services to respond |

| | | | |
|----|--|-------|---|
| | services; single contact arrangements; joint pre-application advice) | | to the needs of customers. |
| 13 | Sharing good practice, skills and knowledge between authorities | Green | Your staff regularly participate in national skill sharing events. Elsewhere your staff share good practice working with neighbouring councils, such as on a joint archaeological service with East Lothian and a Geo-Conservation Group. |
| 14 | Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old | Green | You have cleared 7 cases during the reporting year, with 21 cases still awaiting conclusion. Based on this and last year's figures, no cases reached legacy status during the reporting year. This shows a commitment to reducing the number of stalled sites in your area. |
| 15 | Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions | Green | Your LDP, supported by supplementary guidance, sets out expectations for developer contributions. RAG = Green Your pre-application discussions involve setting out the expectations for developer contributions. This can be seen in case studies, including the Craigiefield Hotel development. RAG = Green Overall RAG = Green |

MIDLOTHIAN COUNCIL
Performance against Key Markers

| Marker | | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|--------|--|---------|---------|---------|---------|---------|---------|
| 1 | Decision making timescales | | | | | | |
| 2 | Processing agreements | | | | | | |
| 3 | Early collaboration | | | | | | |
| 4 | Legal agreements | | | | | | |
| 5 | Enforcement charter | | | | | | |
| 6 | Continuous improvement | | | | | | |
| 7 | Local development plan | | | | | | |
| 8 | Development plan scheme | | | | | | |
| 9 | Elected members engaged early (pre-MIR) | | | N/A | N/A | N/A | |
| 10 | Stakeholders engaged early (pre-MIR) | | | N/A | N/A | N/A | |
| 11 | Regular and proportionate advice to support applications | | | | | | |
| 12 | Corporate working across services | | | | | | |
| 13 | Sharing good practice, skills and knowledge | | | | | | |
| 14 | Stalled sites/legacy cases | | | | | | |
| 15 | Developer contributions | | | | | | |

Overall Markings (total numbers for red, amber and green)

| 2012-13 | 3 | 8 | 4 |
|----------------|---|---|----|
| 2013-14 | 2 | 8 | 5 |
| 2014-15 | 3 | 5 | 5 |
| 2015-16 | 5 | 4 | 4 |
| 2016-17 | 2 | 4 | 7 |
| 2017-18 | 0 | 3 | 12 |

Decision Making Timescales (weeks)

| | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2017-18 Scottish Average |
|-------------------------------------|---------|---------|---------|---------|---------|---------|--------------------------|
| Major Development | 42.8 | 60.5 | 77.4 | 47.8 | 84.7 | 91.5 | 33.6 |
| Local (Non-Householder) Development | 21.5 | 19.7 | 11.0 | 10.7 | 11 | 12.1 | 10.7 |
| Householder Development | 7.5 | 6.9 | 6.7 | 6.9 | 6.8 | 6.9 | 7.3 |



MIDLOTHIAN LOCAL BIODIVERSITY ACTION PLAN (LBAP)

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's agreement to adopt the Midlothian Local Biodiversity Action Plan 2019-2024 (LBAP).

2 BACKGROUND

- 2.1 The previous LBAP was adopted in 2006 and is in need of review. The new LBAP will supersede the 2006 document and will focus on the following priorities for the period 2019-2024:

- Supporting Pollinators;
- Encouraging Homes for Wildlife;
- Enhancement of the Water Environment;
- Tackling Invasive Non-Native Species;
- Positive Integration of People and Nature; and
- Protected Sites and Species.

- 2.2 The LBAP is attached to this report and sets out actions and a delivery programme designed to protect and enhance biodiversity. It will assist with implementing biodiversity enhancements in Midlothian, help raise the profile of biodiversity and the natural environment and be a material consideration in the assessment of planning applications. It will also assist the Council in furthering the conservation of biodiversity when delivering a wide range of services as required by the Nature Conservation (Scotland) Act 2004. Evidence of delivery on the LBAP's actions will assist the Council in the preparation and publication of its "biodiversity report" a requirement of the Wildlife and Natural Environment (Scotland) Act 2011. A "biodiversity report" must be published every three years. The Council last published its "biodiversity report" in November 2017. The report is available on the Council's website. The next "biodiversity report" should be published by November 2020.

- 2.3 Although the LBAP has been prepared by the Council, it has been done so in partnership with: the Federation of Midlothian Community Councils; Scottish Natural Heritage (SNH); Scottish Wildlife Trust; the

Scottish Environment Protection Agency (SEPA); the Forestry Commission Scotland (soon to be rebranded as *Scottish Forestry*); Scottish Water, RSPB, Buglife; and The Wildlife Information Centre. The identified actions in the LBAP will be implemented by Midlothian Council and its partners.

- 2.4 The publication of a new LBAP is a priority identified in the Single Midlothian Plan 2018-19 and as a consequence a priority for the Council's Planning Service.

3 REPRESENTATIONS

- 3.1 The LBAP has been subject to consultation with partners and a wider group of bodies and interested parties who have been identified as having an interest in the LBAP and might wish to be part of a Midlothian Biodiversity Partnership.
- 3.2 The bodies identified in paragraph 2.3 collectively form the Midlothian Biodiversity Partnership and work together to support the implementation of the LBAP.

4 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 4.1 All Scottish public bodies and a few private companies operating in a 'public character' (e.g. utility companies) within Scotland are required to assess, consult and monitor the likely impacts of their plans, programmes and strategies on the environment. This process is known as Strategic Environmental Assessment (SEA).
- 4.2 As required by the Environmental Assessment (Scotland) Act 2005, screening for likely significant environmental effects from the LBAP as proposed for adoption has been undertaken with the consultation authorities - Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Environment Scotland. The consultation authorities agree with the Council's opinion that no such effects are likely.
- 4.2 The Council is now in a position to make a formal determination that no significant environmental effects are likely, thereby exempting the LBAP from any requirement for Strategic Environmental Assessment ('SEA'). The LBAP cannot be considered adopted until such a determination has taken place. The determination requires to be advertised in a local paper within 14 days and copied to the consultation authorities.

5 PLANNING POLICY

- 5.1 The Midlothian Local Development Plan 2017 (MLDP) seeks to safeguard and enhance Midlothian's natural environment through the policy framework of the Plan. Policy ENV15: Species and Habitat

Protection and Enhancement sets out an expectation that development proposals demonstrate compatibility with the aims and objectives of the LBAP, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new ones and provide for the effective management of these habitats.

- 5.2 By setting out priorities and actions, the LBAP will assist with the local development plan's position of seeking to safeguard and enhance Midlothian's natural environment.

6 RECOMMENDATION

- 6.1 The Committee is recommended to:
- a) adopt the Midlothian Local Biodiversity Action Plan 2019-2024;
 - b) agree that the Midlothian Local Biodiversity Action Plan 2019-2024 will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment; and
 - c) instruct the Planning Manager to undertake the required notification/advertisement advising that the Midlothian Local Biodiversity Action Plan 2019-2024 will not have a significant environmental impact triggering the need for a formal Strategic Environmental Assessment.

Mary Smith
Director of Education, Communities and Economy

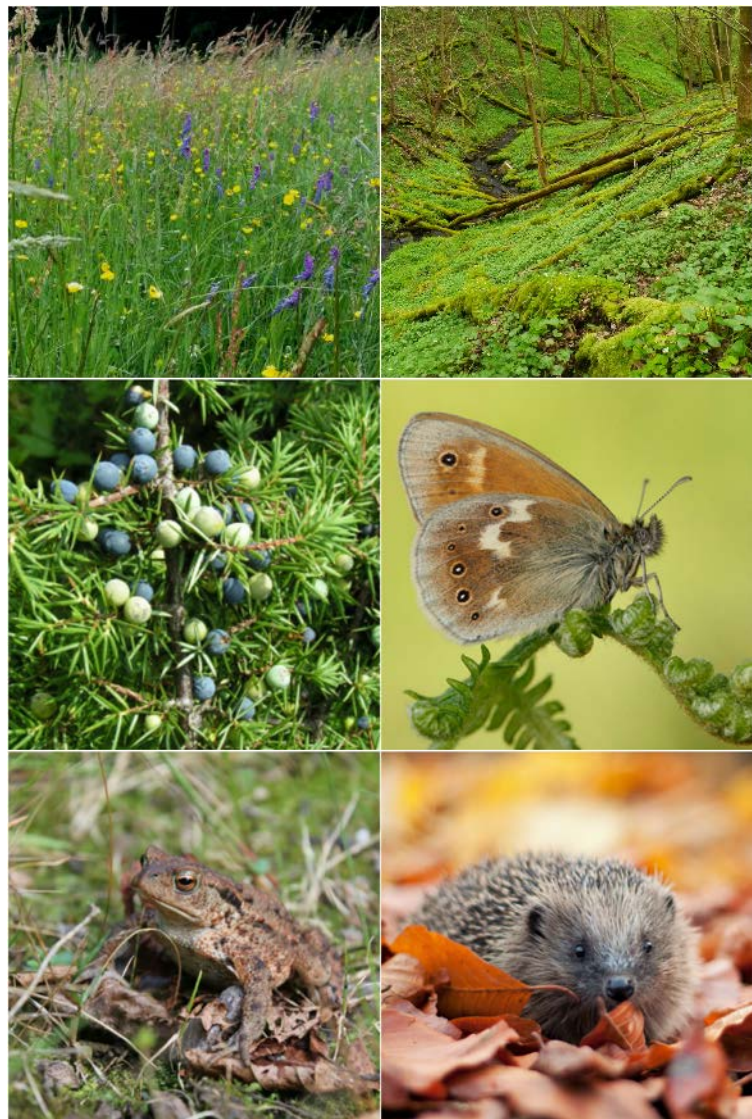
| | |
|---------------------------|--|
| Date: | 12 February 2019 |
| Report Contact: | Grant Ballantine, Lead Officer Conservation and Environment grant.ballantine@midlothian.gov.uk |
| Tel No: | 0131 271 3429 |
| Background Papers: | Midlothian Local Biodiversity Action Plan 2019-2024 and MLDP 2017 adopted 7 November 2017 |

As Proposed for Adoption by Midlothian Council on 19 February 2019

2019-2024

MIDLOTHIAN

LOCAL BIODIVERSITY ACTION PLAN



PUBLISHED BY MIDLOTHIAN COUNCIL

ON BEHALF OF THE MIDLOTHIAN BIODIVERSITY PARTNERSHIP

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

Contents

1. MIDLOTHIAN'S BIODIVERSITY

| | |
|----------------------------|---|
| Background | 2 |
| Highlights | 3 |
| Challenges & Opportunities | 3 |
| Midlothian Priorities | 4 |

2. POLLINATORS

| | |
|--|---|
| ACTION 1: Restoration and Creation of Flower Rich Habitats | 6 |
|--|---|

3. HOMES FOR WILDLIFE

| | |
|--|---|
| ACTION 2: Creation of Nest Boxes and Other Wildlife Homes | 7 |
| ACTION 3: Installation of Nesting and Wildlife Homes in New Developments | 8 |

4. WATER ENVIRONMENT

| | |
|---|----|
| ACTION 4: Pond and Wetland Creation & Maintenance | 9 |
| ACTION 5: Improve the Ecology of Watercourses | 10 |

5. INVASIVE NON-NATIVE SPECIES

| | |
|--|----|
| ACTION 6: Tackling INNS in Rivers, Streams and Ponds | 11 |
| ACTION 7: Tackling INNS on the Borders Railway Route | 12 |

6. PEOPLE AND NATURE

| | |
|---|----|
| ACTION 8: Management of Urban Woodlands | 13 |
| ACTION 9: Wildlife Corridors | 14 |
| ACTION 10: Promoting Citizen Science | 15 |

7. PROTECTED SITES AND SPECIES

| | |
|--|----|
| ACTION 11: Managing Local Biodiversity Sites | 16 |
| ACTION 12: Local Priority Species | 17 |

8. IMPLEMENTATION & MONITORING

| | |
|--|----|
| Monitoring | 18 |
| Wider Biodiversity Matters in Midlothian | 18 |
| Delivery Programme | 19 |

1. MIDLOTHIAN'S BIODIVERSITY

BACKGROUND

- 1.1 The internationally supported Convention on Biological Diversity (1993) recognises that biodiversity is about more than plants, animals and micro-organisms, and their ecosystems. It is about people and our need for food, security, medicines, fresh air and water, shelter and a clean, healthy and inspiring environment in which to live.
- 1.2 Scotland's Biodiversity Strategy (2004) and 2020 Challenge for Scotland's Biodiversity (2013) were developed within the framework of the Convention, particularly the UN Strategic Plan for Biodiversity 2011-2020 and the associated Aichi Biodiversity Targets. These have all influenced the content of this Local Biodiversity Action Plan (LBAP).
- 1.3 The first LBAP for Midlothian was published in 2006. It contained twenty separate Habitat Action Plans and Species Actions Plans, which together contained more than 140 actions. Progress was made with many of these actions, for example wildflower meadow creation at Vogrie, juniper and upland scrub planting in the Pentlands, peatland restoration in the Moorfoots, woodland management at Roslin Glen and Erraid Wood, scrubland management at Hadfast Valley and aquatic species management at Milkhall pond.
- 1.4 A Steering Group was formed in 2017 to oversee and contribute to the creation of this new LBAP for Midlothian. The group developed a new approach for this LBAP which focuses on a much smaller number of themes and actions than the 2006 LBAP. Working from the agreed outcomes for Midlothian (Single Midlothian Plan 2018-19), particularly those that safeguarding and thriving biodiversity will contribute, a series of priorities for this LBAP were agreed.

HIGHLIGHTS

- 1.5 Midlothian's landscape is characterised by upland areas (including the Moorfoot and Pentland Hills), upland fringes, lowland river valleys (including the Tyne and Esk rivers) and lowland hills and ridges. This landscape supports a diverse range of habitats and species.
- 1.6 Areas of ancient and semi natural woodlands remain in the steep sided gorges of the Tyne and Esk river systems. Remnants of old wood parkland still exist at Mavisbank and Dalkeith Country Park. There are large areas of unimproved acid grassland in

the Pentland and Moorfoot Hills and traces of unimproved calcareous grassland around Mount Lothian and Middleton. In both the Pentland and Moorfoot Hills, wet and dry heaths are key features, and there are with large bogs at Auchencorth, Kitchen Moss and Fala Flow.

- 1.7 Midlothian's reservoirs support internationally important bird species and provide a range of aquatic and semi-aquatic habitats. The rivers are important wildlife corridors as well as hosting a range of diverse habitats. Farming is a major land use in Midlothian, with farms providing important habitats in hedges, trees and uncultivated field margins. Parks, gardens and other urban greenspaces also provide important habitats for a range of species.
- 1.8 In Midlothian there is one Special Area of Conservation (SAC), two SPAs (Special Protection Areas), two RAMSAR sites, sixteen Sites of Special Scientific Interest (SSSI), one Regional Park, four Country Parks, one Local Nature Reserve and sixty six Local Biodiversity Sites and potential Local Biodiversity Sites (January 2019).

CHALLENGES AND OPPORTUNITIES

- 1.9 [Scotland's Biodiversity: A Route Map to 2020](#) identifies the following seven key pressures on biodiversity: pollution; land use intensification and modification; the spread of invasive species and wildlife disease; a lack of recognition of the value of nature; a disconnection with nature; climate change; and marine exploitation. It also sets out six "Big Steps for Nature" that will deliver significant benefits for biodiversity. These steps are:
 1. [Ecosystem restoration](#) to reverse historical losses of habitats and ecosystems, to meet the Aichi target of restoring 15% of degraded ecosystems.
 2. [Investment in natural capital](#) to ensure the benefits which nature provides are better understood and appreciated, leading to better management of our renewable and non-renewable natural assets.
 3. [Quality greenspace for health and education benefits](#) to ensure that the majority of people derive increased benefits from contact with nature where they live and work.
 4. [Conserving wildlife in Scotland](#) to secure the future of priority habitats and species.
 5. [Sustainable management of land and freshwater](#) to ensure that environmental, social and economic elements are well balanced.
 6. [Sustainable management of marine and coastal ecosystems](#) to secure a healthy balance between environmental, social and economic elements.

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

All except the sustainable management of marine and coastal ecosystems are directly relevant to Midlothian, and have influenced this LBAP.

MIDLOTHIAN PRIORITIES

1.10 The Midlothian Biodiversity Partnership, which is an informal partnership of organisations involved in supporting biodiversity in the area, has agreed to focus on a few key priorities that will be deliverable over the lifetime of the LBAP, within the context of current resource constraints. Six priorities have been identified:

- Pollinators
- Homes for Wildlife
- Rivers, Streams and Ponds
- Invasive Non-Native Species
- People and Nature
- Protected Sites and Species

The actions listed in this LBAP are in addition to the biodiversity work that is already being undertaken by a variety of partners in Midlothian. Examples of the work already being undertaken are shown in Table 1 below.

Table 1: Work Underway

| Organisation | Actions |
|---|---|
| Scottish Natural Heritage (SNH) | Working with land managers to conserve Sites of Special Scientific Interest (SSSIs). Peatland Action project – restoring peat bogs to help flood risk management and enhance biodiversity. |
| Scottish Wildlife Trust | Maintaining Reserves (Linn Dean Water – juniper habitat; Milkhall Pond – aquatic species; Erraid Wood – secondary woodland enhancement; Roslin Glen – semi-natural woodland; Hadfast Valley – scrubland for birds). |
| Scottish Environment Protection Agency (SEPA) | SEPA is Scotland’s principal environmental regulator, protecting and improving the environment. River basin planning sets a shared programme of measures; looking for no deterioration and sustainable improvements on water quality, water flows and levels, aquatic INNS, physical condition and the passage of migratory fish. |
| Midlothian Council | Manage a variety of habitats at Vogrie and Roslin Glen Country Parks, Gore Glen, Straiton Pond, Springfield Mill and the Penicuik to Dalkeith Walkway. |

| | |
|---|---|
| | <p>Provision of environmental education and volunteer conservation tasks by the Ranger Service.</p> <p>Delivery of an environmental events programme and facilitation of survey work by the Ranger Service.</p> <p>Implementation of the Green Network Supplementary Planning Guidance.</p> <p>Tackling Invasive Non-Native Species on Council-owned land.</p> <p>Fulfilling the Council's duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity when carrying out its responsibilities.</p> <p>Chairing the Local Biodiversity Steering Group that designates sites of local importance for nature conservation (Local Biodiversity Sites).</p> |
| The Wildlife Information Centre (TWIC) | <p>Expanding the knowledge base on Midlothian's wildlife and habitats through collating existing datasets and promoting biological recording and citizen science initiatives e.g. running public surveys, holding conferences and running workshops.</p> <p>Identifying, surveying and assisting with designation of sites of local importance for nature conservation (Local Biodiversity Sites).</p> |
| Pentland Hills Regional Park | <p>Working with partners and landowners in conservation projects to protect and extend the range of species. Monitoring of rare and protected species, and monitoring of SSSIs, Local Biodiversity Sites and other protected sites. Management of wildflower meadow at Hillend Country Park. Encouraging visitors and the public to get involved with conservation activities.</p> |

- 1.11 The following sections of this LBAP set out the actions that will be pursued under each of the six priorities identified in paragraph 1.10. With each action there is a brief explanation of why it is important, how it will be achieved and a list of partners who will to be involved in working together to deliver the action. The 23 actions are then summarised in the Delivery Programme set out in Section 8. The Delivery Programme includes an indicator and target for each action, which will be used to measure progress.

2. POLLINATORS

- 2.1 Pollinators such as bees, hoverflies, flies, moths and butterflies play a vital role in our natural ecosystems and in agriculture, but some species have suffered dramatic declines in recent years. They rely on flower-rich habitats, but many of these are now fragmented patches, isolated from each other by large areas of less suitable land. The intensification of agriculture, including the increased use of pesticides such as neonicotinoids, has contributed to this decline.
- 2.2 The Pollinator Strategy for Scotland (2017-2027) sets out Scotland's response to these threats. Identifying the issues, the Pollinator Strategy sets out what needs to be done and, through its Implementation Plan, a phased plan to deliver a healthy future for our pollinators. The actions below are part of the contribution Midlothian can make to helping pollinator species thrive into the future.

ACTION 1: RESTORATION AND CREATION OF FLOWER RICH HABITATS

What:

Promote the restoration and creation of pesticide free, flower rich habitats in the countryside and urban areas.

Why:

Action that helps to maintain pollinator habitats, in particular reducing habitat fragmentation, will offset some pressures on pollinators.

How:

- a) Manage Midlothian Council maintained greenspaces (including parks, school grounds, active travel routes and roadside verges) through planting, cutting regimes and limiting use of pesticides to improve the quantity and quality of pollinator habitats.
- b) Require planting schemes for new developments, green spaces and active travel routes to include a wide variety of nectar rich plants to help sustain pollinators in urban areas and boost pollinator numbers in areas adjacent to farmland.
- c) Create an insect pathway (B-Line) in Midlothian which connects to the national network of B-Lines being promoted by Buglife.

Who:

Midlothian Council
Developers/ house builders
Buglife
Butterfly Conservation Scotland

Bumblebee Conservation Trust
Pentland Hills Regional Park Service
TWIC

3. HOMES FOR WILDLIFE

- 3.1 Our changing landscape, particularly in areas where there has been increased urbanisation and intensification of agriculture has over time reduced natural opportunities for wildlife to create homes. One way in which species can be supported is to create purpose built nest boxes and other shelters in and around urban areas.

ACTION 2: CREATION OF NEST BOXES AND OTHER WILDLIFE HOMES

What:

Organise events for schools, community groups and members of the public to create nest boxes and other wildlife homes (including bird boxes, bat boxes, hedgehog hibernacula, amphibian hibernacula, bug hotels and brash piles), and to provide information on how to support wildlife in gardens and local greenspaces.

Why:

Many of our common garden species of birds, insects, mammals and amphibians are under threat. Encouraging people to use their gardens and greenspaces to take action to help support nature is key to reversing this situation. Gardens and greenspaces in urban areas are a very valuable potential biodiversity resource if managed appropriately.

How:

- Run workshops on the construction and installation, maintenance and monitoring of homes for wildlife in gardens and greenspaces for families, community groups and schools, and demonstrations at public events.

Who:

Midlothian Council Ranger Service
RSPB
TWIC
Buglife

Butterfly Conservation Scotland
Bat Conservation Trust
Tayside Swifts
Pentland Hills Regional Park Service

ACTION 3: INSTALLATION OF NESTING AND WILDLIFE HOMES IN NEW DEVELOPMENTS

What:

Require the installation of appropriate nesting and wildlife homes in new developments, particularly swift, house sparrow, house martin and bat boxes, and provide gaps under fences to allow the movement of species such as hedgehogs in and out of gardens.

Why:

Biodiversity is not confined to rural areas – it is equally important in urban areas. Certain bird and bat species have become reliant on buildings for roosting. Hedgehogs and other small mammals need to be able to roam between gardens and other greenspaces to search for food. Installation of very low cost nest boxes, roosts and other wildlife homes in new and refurbished buildings can make a significant difference to these species.

How:

- a) Introduce requirement for swift and bat boxes to be installed through statutory Supplementary Guidance to the Midlothian Local Development Plan 2017.
- b) Promote the creation and management of wildlife homes and routes as part of wider biodiversity schemes in new development, ensuring connections are made to neighbouring areas to provide opportunities for wildlife to move around.
- c) Provide information on biodiversity in gardens and within new developments to residents.

Who:

Midlothian Council
Developers/ house builders
SNH
RSPB

Scottish Wildlife Trust
Tayside Swifts
Bat Conservation Trust

4. WATER ENVIRONMENT

- 4.1 Watercourses such as rivers and streams, and waterbodies such as ponds and reservoirs, are important wildlife corridors and habitats for a wide variety of species. The quality of the water environment is important, not just for humans but also for the species which live in and around watercourses and bodies. Water management in the context of climate change and increasing storm events presents a further challenge. Well managed catchments and water habitats can help manage flood risks.

ACTION 4: POND AND WETLAND CREATION & MAINTENANCE

What:

Encourage pond and wetland creation and management on farmland and in urban areas.

Why:

There was a dramatic loss of ponds and wetlands across the UK in the 20th century, and many of the surviving ponds and wetlands are in poor condition. Two-thirds of freshwater species are supported by ponds, and many other species are supported by wetlands, therefore the protection and creation of high quality ponds and wetlands can be of significant biodiversity value.

How:

- a) Increase the number of managed ponds and wetlands across Midlothian.
- b) Increase the amount of ponds and [rain gardens](#) created through SUDS schemes in new development, ensuring there is wildlife benefit of these structures through utilising best design and management practice.

Who:

| | |
|----------------------------|--------------------------------------|
| SNH | Scottish Water |
| Scottish Government | Midlothian Council |
| Froglife | Freshwater Habitats Trust |
| Developers/ house builders | SEPA |
| Scottish Wildlife Trust | Pentland Hills Regional Park Service |

ACTION 5: IMPROVING THE ECOLOGY OF WATERCOURSES

What:

Promote local action, in partnership with SEPA, to improve the physical condition of Midlothian's watercourses and the removal of barriers that are preventing or restricting fish migration.

Why:

Many of Midlothian's watercourses, for a variety of reasons, do not currently have "good ecological status" as defined by the Water Framework Directive. In particular the physical condition of the water environment needs to be improved in order to provide good habitats and a sustainable water environment. Removing or modifying man-made barriers which are obstructing fish passage is an important part of habitat improvement.

How:

- a) Promote man-made fish barrier modification and/or removal on Midlothian's rivers

Who:

SEPA

Forth Rivers Trust

Landowners/ Managers

Midlothian Council

5. INVASIVE SPECIES

- 5.1 Invasive non-native species (INNS) are species whose introduction and/or spread threatens biological diversity or has other unforeseen impacts. The majority of non-native species pose little or no risk. However, of the approximately 2,000 non-native species established in Great Britain, about 10-15% cause significant adverse environmental, economic and social impacts. The internationally agreed approach to tackling INNS follows a hierarchy of prevention → early detection and rapid response → long term management and control. In Midlothian INNS affect rivers, woodlands, greenspaces and farmlands. The most predominant invasive species are Japanese Knotweed, Himalayan Balsam and Giant Hogweed. They present particular challenges regarding their spread in the river corridors and the Borders Railway. One of the main prevention techniques for reducing the spread of INNS across the UK by water users is through the “[Check Clean Dry](#)” technique.

ACTION 6: TACKLING INNS IN RIVERS, STREAMS AND PONDS

What:

Promote the prevention, containment and eradication of invasive non-native species (INNS) that are impacting on biodiversity in rivers, streams and ponds, particularly when upstream of sites designated for their biodiversity value.

Why:

Invasive aquatic species can have a devastating impact on native plants, animals and ecosystems. Their presence can sometimes be so damaging that it can lead to significant changes to the entire ecology of a water body. River/stream corridors are a high risk of spreading INNS, including terrestrial (land based) species.

How:

- a) Promote the “Check Clean Dry” technique to water users in Midlothian through awareness raising and training
- b) Develop a coordinated plan to eradicate invasive species along Midlothian’s watercourses based on local data on the location and spread INNS.

Who:

SEPA

SNH

Forth Rivers Trust

Esk Valley Trust

Midlothian Council

TWIC

Freshwater Habitats Trust

Landowners/ managers

Woodland Trust Scotland

Pentland Hills Regional Park Service

ACTION 7: TACKLING INNS ON THE BORDERS RAILWAY ROUTE

What:

Work with Network Rail, adjacent landowners and other relevant bodies to prevent the spread of Giant Hogweed along the route of the Borders Railway.

Why:

Linear routes such as road and rail corridors are frequently conduits for the spread of invasive non-native species. The creation of a new linear route between Edinburgh and the Scottish Borders is believed to have resulted in the spread of Giant Hogweed along the route. Coordinated action is required to manage/ eradicate the hogweed and prevent further spread.

How:

- a) Develop a joint strategy for the control of invasive non-native species along the route of the Borders Railway.

Who:

| | |
|--------------------------|----------------------|
| Network Rail | TWIC |
| Abellio ScotRail | SNH |
| Scottish Borders Council | Landowners/ Managers |
| Midlothian Council | Tweed Forum |

6. PEOPLE AND NATURE

- 6.1 Biodiversity enriches our lives, getting outside and enjoying nature improves both our mental and physical health. Everybody should have access to well-managed green spaces where they live, work and play, and these spaces should be equally welcoming to a rich variety of wildlife. Getting people actively involved in the planning and management of their local green spaces is great for the individual and for communities.

ACTION 8: MANAGEMENT OF URBAN WOODLANDS

What:

Support biodiversity and community involvement in urban woodlands through improved woodland management.

Why:

UK woodlands create a broad variety of habitats in which native wildlife can thrive. Suitable woodland management is needed to support woodland species and to encourage people to interact with wildlife in a natural setting. Urban woodlands are those in and adjacent to towns, cities and large villages. Their accessibility generally increases their use by the public, which brings with it additional management requirements but also significant opportunities.

How:

- a) Promote urban woodland management which supports biodiversity through the Scottish Forestry's Woodland In and Around Towns (WIAT) initiative.
- b) Support public access to and engagement with urban woodlands through workshops, guided walks and other events.
- c) Work with stakeholders to explore the potential for a Midlothian Urban Forest.

Who:

Scottish Forestry

Woodland Trust Scotland

Scottish Wildlife Trust

Midlothian Council

Landowners/ Managers

Pentland Hills Regional Park Service

ACTION 9: WILDLIFE CORRIDORS

What:

Enhance Midlothian’s wildlife corridors through the protection and enhancement of existing corridors, and the creation of new corridors.

Why:

Midlothian has a broad range of wildlife corridors, but there is a need to protect and enhance them, and to fill in missing links to maximise connectivity and support wider ecosystem resilience to climate change and other pressures.

How:

- a) Promote the creation, protection and enhancement of native hedges in new developments.
- b) Ensure planting along new off-road active travel routes supports and encourages biodiversity and maximises the route’s potential as a wildlife corridor.

Who:

| | |
|----------------------------|----------------------|
| Midlothian Council | Sustrans |
| Developers/ house builders | Landowners/ Managers |
| SNH | |

ACTION 10: PROMOTING CITIZEN SCIENCE

What:

Encourage citizen monitoring of wildlife and habitats in Midlothian through local action and participation in local and national initiatives (usually referred to as Citizen Science).

Why:

To help provide local data on species and to increase awareness of the importance of different species, particularly those with declining populations. Citizen science enables individuals, including those with no prior knowledge or experience, to learn about their environment and to contribute directly to research, helping researchers to maximise the amount of data collected.

How:

- a) Promote participation in national surveys such as Butterfly Conservation Trust's Big Butterfly Count, RSPB's Big Garden Birdwatch, OPAL's Bugs Count survey, the Polli:Nation survey, the Riverfly Partnership's Anglers River Fly Monitoring Initiative, the BTO's Waterways Breeding Bird Survey and the and TCV's Scotland Counts project.
- b) Promote involvement in local wildlife surveys, for example TWIC's hedgehog survey, and encourage submission of information by the public on casual wildlife sightings.
- c) Run workshops to encourage biological recording in Midlothian.

Who:

| | |
|---------------------------------|--------------------------------------|
| Buglife | Forth Rivers Trust |
| Butterfly Conservation Scotland | TCV Scotland |
| TWIC | Midlothian Council Ranger Service |
| SNH | Pentland Hills Regional Park Service |
| Scottish Wildlife Trust | Bumblebee Conservation Trust |
| RSPB | Bat Conservation Trust |
| SEPA | |

7. PROTECTED SITES AND SPECIES

- 7.1 Ecosystems are made up of a range of habitats, species and processes. Protecting these is essential to support the natural environment and ecosystems. The Scottish Biodiversity List contains all of animals, plants and habitats considered to be most important for conservation in Scotland. All species and habitats on the list should be protected and supported across Midlothian. Local priorities in relation to protected sites and species have been identified to help direct resources and action at the local level. These local priorities are set out in Actions 11 and 12 below.

ACTION 11: MANAGING LOCAL BIODIVERSITY SITES

What:

Improve the management of Midlothian Local Biodiversity Sites through the production of Management Briefs for each LBS.

Why:

Improving the condition of protected sites is a high priority in the Scottish Biodiversity Strategy. Protected places are especially valuable providers of ecosystem services because the ecosystems within them are, or should be, in good condition. Local Biodiversity Sites are often valuable because their owners have been historically managing the sites in a way that encourages biodiversity. These sites can be maintained and possibly enhanced by providing owners with expert advice and information on management to benefit biodiversity. This can be achieved through the production of short Management Briefs based on the site assessment produced as part of the designation process.

How:

- a) Develop a programme for the production of Management Briefs for Local Biodiversity Sites in Midlothian.

Who:

Midlothian Council
Scottish Wildlife Trust
SNH

Landowners/ Managers
TWIC
Pentland Hills Regional Park Service

ACTION 12: LOCAL PRIORITY SPECIES

What:

Undertake targeted action to support local priority species.

Why:

All native species are important to Scotland’s biodiversity. Many are protected through legislation and those of high conservation interest are included in the Scottish Biodiversity List (<https://www.nature.scot>). Action is needed to support all species, including protected species, in Midlothian. Within this context, there are some species that would benefit from specific support at the local level. The identified species are not considered to be any more important than other species, but will benefit from local action to ensure their long term survival and prosperity.

What:

- a) Prepare strategies for the protection and support across Midlothian of the following local priority species: juniper, hedgehog, common toad and large heath butterfly.

Who:

Scottish Wildlife Trust

SNH

Midlothian Council

Landowners/ Managers

TWIC

Forth Rivers Trust

Pentland Hills Regional Park Service

Butterfly Conservation Trust

8. IMPLEMENTATION & MONITORING

- 8.1 The actions set out in this LBAP will need a wide variety of stakeholders to work in partnership to deliver them. The delivery programme below identifies specific partners, timescales and indicators for each action. Implementation is reliant on every partner, all of whom are committed to delivering a strong and positive future for Midlothian's biodiversity. The identification of organisations in the delivery programme is not a funding commitment, but is a commitment by the partners to take whatever action they can to achieve the intended outcomes. Actions can only be implemented where resources permit.
- 8.2 For each action an indicator and target has been agreed that will be the basis for monitoring progress in implementing the action. These are shown in Table 2: Delivery Programme (below). Monitoring for each action will be undertaken by the partners involved in the relevant action, led by the partner highlighted in bold text (the lead partner).
- 8.3 Monitoring will be carried out on an annual basis, every 12 months from the publication of the LBAP. Lead partners will be responsible for collecting the monitoring information, which will be collated and published by Midlothian Council. An annual meeting of the delivery and supporting partners will be held to consider progress reported through the monitoring information. It is possible that the actions identified in this LBAP will change over the next five years. Any changes will be agreed through the annual monitoring process.

WIDER BIODIVERSITY MATTERS IN MIDLOTHIAN

- 8.4 As highlighted in Section 1, this LBAP focuses on a limited number of priorities. This does not reflect or minimise the importance of other biodiversity matters in Midlothian. For example, although four species have been identified as local priorities, all the species identified on the Scottish Biodiversity List that are present (or could be) are of equal importance, therefore action to support relevant species is encouraged. Also, significant parts of Midlothian are characterised by high levels of woodland coverage, much of it outwith urban areas. Although this LBAP focuses on woodland in urban areas, improving the biodiversity value of all woodland is important. Partner organisations and others will undertake action beyond those identified in this LBAP, contributing to the overarching aim of "conserving biodiversity for the health, enjoyment and wellbeing of the people of Scotland, now and in the future" (Scottish Biodiversity Strategy 2004).

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

Table 2: Delivery Programme

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|---|--|--|-----------|---|--|
| ACTION 1 – Restoration and Creation of Flower Rich Habitats | | | | | |
| 1a – Manage council maintained greenspaces to improve the quantity and quality of pollinator habitats | Amount of pollinator habitat (m ²) created each year | 100m ² per year | Annual | Midlothian Council (Land Services & Ranger Service) | Butterfly Conservation Scotland Buglife Bumblebee Conservation Trust Pentland Hills Regional Park Service |
| 1b – Require planting schemes in new development to include a wide variety of nectar rich planting | Number of schemes approved that include a significant amount of nectar rich planting | All approved schemes | On-going | Midlothian Council (Planning) Developers/ house builders | RSPB Scottish Wildlife Trust Buglife Bumblebee Conservation Trust Butterfly Conservation Scotland |
| 1c – Create a Midlothian B-Line as part of national network | B-Line mapped and habitat creation and restoration requirements identified | Mapping completed and action plan prepared | 2021 | Buglife SNH Midlothian Council (Planning & Ranger Service) | Scottish Wildlife Trust Bumblebee Conservation Trust Butterfly Conservation Scotland TWIC |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|--|--|--|-----------|--|--|
| ACTION 2 – Creation of Nest Boxes and Other Wildlife Homes | | | | | |
| 2 – Run workshops on the construction, installation, maintenance and monitoring of homes for wildlife in gardens and greenspaces | Number of workshops held each year | 1 workshop per delivery partner per year | Annual | Midlothian Council Ranger Service RSPB Scottish Wildlife Trust Newbattle Abbey College | Buglife Butterfly Conservation Scotland Bat Conservation Trust Tayside Swifts Pentland Hills Regional Park Service |
| ACTION 3 – Installation of Nesting and Wildlife Homes in New Developments | | | | | |
| 3a – Introduce requirements for swift and bat boxes in new developments | Number of swift and bat boxes consented | All approved scheme | On-going | Midlothian Council (Planning) | Bat Conservation Trust Tayside Swifts |
| 3b – Promote the creation and management of wildlife homes and routes as part of wider biodiversity schemes in new development | Number of schemes approved that incorporate wildlife homes as part of wider biodiversity schemes | All approved schemes | On-going | Midlothian Council (Planning) Developers/ house builders SNH | RSPB Scottish Wildlife Trust Tayside Swifts Bat Conservation Trust |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|--|---|--|---|---|---|
| 3c – Provide information on biodiversity in gardens and greenspaces to residents | Number of information packs provided | One per newly constructed house | Information packs ready for circulation by end 2019 | Midlothian Council (Planning) Developers/ house builders | RSPB Tayside Swifts Bat Conservation Trust Buglife Butterfly Conservation Scotland Bumblebee Conservation Trust SNH |
| ACTION 4 – Pond Creation & Maintenance | | | | | |
| 4a – Increase the number of managed ponds and wetlands in Midlothian | Number of ponds or wetlands created or subject to a management plan | 3 ponds or wetlands per year | Annual | Midlothian Council (Land Services & Ranger Service) Scottish Water Freshwater Habitats Trust | Froglife Scottish Wildlife Trust Developers/ house builders Pentland Hills Regional Park Service SNH |
| 4b – Promote creation of SuDS ponds and rain gardens | Number of SuDS ponds and rain gardens created | All approved schemes of an appropriate scale | On-going | Midlothian Council (Planning) Scottish Water SEPA Developers/ house builders | |
| ACTION 5 – Improving the ecology of watercourses | | | | | |
| 5a – Promote removal/ modification of fish barriers | Number of barriers removed or modified | 1 per year | Annual | SEPA Forth Rivers Trust Landowners/ Managers | Midlothian Council |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|---|--|-----------------------------------|-----------|--|---|
| ACTION 6 – Tackling INNS in Rivers, Streams and Ponds | | | | | |
| 6a – Promote the “Check Clean Dry” technique | Number of local organisations becoming a Check Clean Dry partner | 1 organisation per year | Annual | SEPA Forth Rivers Trust | Freshwater Users |
| 6b – Develop a plan for the eradication of INNS along Midlothian’s watercourses | Amount of recorded INNS along rivers | Annual reduction in recorded INNS | Annual | Midlothian Council (Land Services & Ranger Service) SNH Scottish Water Forth Rivers Trust | Freshwater Habitats Trust Esk Valley Trust TWIC Landowners/ managers Newbattle Abbey College Pentland Hills Regional Park Service Woodland Trust Scotland |
| ACTION 7 – Tackling INNS on the Borders Railway Route | | | | | |
| 7 – Develop a strategy for the control of INNS along the route of the Borders Railway | Amount of recorded INNS along route | Annual reduction in recorded INNS | Annual | Midlothian Council Network Rail Abellio Scotrail SNH Scottish Borders Council Landowners/ Managers | TWIC Tweed Forum |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|--|---|-----------------------|-----------|---|---|
| ACTION 8 – Management of Urban Woodland | | | | | |
| 8a – Promote urban woodland management through the WIAT initiative | Number of active woodland management schemes | 1 new scheme per year | Annual | Scottish Forestry | Scottish Wildlife Trust Landowners/ Managers Midlothian Council |
| 8b – Support public access to and engagement with urban woodland | Number of public events held in urban woodlands | 20 events per year | Annual | Midlothian Council Ranger Service Newbattle Abbey College | Scottish Forestry Scottish Wildlife Trust Landowners/ Managers Pentland Hills Regional Park Service Woodland Trust Scotland |
| 8c – Explore the potential for a Midlothian Urban Forest | Conclusion of preliminary assessment | End 2020 | 2019-2020 | Midlothian Council (Planning) Scottish Forestry | SNH Woodland Trust Scotland |
| ACTION 9 – Wildlife Corridors | | | | | |
| 9a – Promote the creation, protection and enhancement of hedges | Amount (in metres) of hedges planted, retained or enhanced in new development | 100m per year | Annual | Midlothian Council (Planning) Developers/ house builders | SNH Landowners/ Managers |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|---|---|----------------------|-----------|---|---|
| 9c – Ensure planting on off-road active travel routes supports biodiversity | Number of schemes approved which support biodiversity | All schemes | On-going | Midlothian Council Sustrans | Landowners/ Managers Developers/ house builders |
| ACTION 10 – Promoting Citizen Science | | | | | |
| 10a – Promote participation in national citizen science projects | Number of citizen science projects receiving data from Midlothian | All national surveys | On-going | TWIC Buglife Butterfly Conservation Scotland TCV Scotland Bumblebee Conservation Trust Bat Conservation Trust | Scottish Wildlife Trust RSPB SEPA Forth Rivers Trust Midlothian Council Ranger Service Newbattle Abbey College Pentland Hills Regional Park Service |
| 10b – Promote involvement in local wildlife surveys | Number of local surveys receiving data | All local surveys | On-going | TWIC Bat Conservation Trust | Newbattle Abbey College Pentland Hills Regional Park Service Forth Rivers Trust Midlothian Council Ranger Service |
| 10c – run workshops to encourage biological recording in Midlothian | Number of workshops held | 2 per year | Annual | TWIC Midlothian Council Ranger Service Bat Conservation Trust | |

MIDLOTHIAN BIODIVERSITY ACTION PLAN 2019 – 2024

| ACTION (summary) | INDICATOR | TARGET | TIMESCALE | DELIVERY PARTNERS (lead partner in bold) | SUPPORTING BODIES |
|---|------------------------------------|------------|-----------|--|--|
| ACTION 11 – Managing Local Biodiversity Sites | | | | | |
| 11 - Develop a programme for the production of Management Briefs for Local Biodiversity Sites | Number of Management Briefs agreed | 3 per year | Annual | Midlothian Council (Planning) Scottish Wildlife Trust SNH TWIC Pentland Hills Regional Park Service | Landowners/ Managers |
| ACTION 12 – Local Priority Species | | | | | |
| 12a - Prepare strategies for the protection and support of local priority species | Number of strategies agreed | 1 per year | Annual | Midlothian Council (Planning) Scottish Wildlife Trust SNH TWIC Pentland Hills Regional Park Service | Landowners/ Managers Forth Rivers Trust |



MAJOR DEVELOPMENTS: APPLICATIONS CURRENTLY BEING ASSESSED AND OTHER DEVELOPMENTS AT PRE-APPLICATION CONSULTATION STAGE

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report updates the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.

2 BACKGROUND

- 2.1 A major application is defined by regulations and constitutes proposed developments over a specified size. For example; a development comprising 50 or more dwellings, a business/industry use with a gross floor space exceeding 10,000 square metres, a retail development with a gross floor space exceeding 5,000 square metres and sites exceeding 2 hectares. A major application (with the exception of a Section 42 application to amend a previous grant of planning permission) cannot be submitted to the planning authority for determination without undertaking a formal pre application consultation (PAC) with local communities.
- 2.2 At its meeting of 8 June 2010 the Planning Committee instructed that it be provided with updated information on the procedural progress of major applications on a regular basis.
- 2.3 The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants is outlined in Appendices A and B attached to this report.

3 DEVELOPMENT PLAN UPDATE

- 3.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SDP1) and the Midlothian Local Development Plan 2017 (MLDP). The MLDP was adopted by the Council at its meeting of 7 November 2017. The proposed Strategic Development Plan (SDP2) has been subject to examination by Scottish Government Reporters and is with the Scottish Ministers for final consideration.

4 RECOMMENDATION

- 4.1 The Committee is recommended to note the major planning application proposals which are likely to be considered by the Committee in 2019 and the updates for each of the applications.

Dr Mary Smith
Director of Education, Communities and Economy

Date: 12 February 2019
Contact Person: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers: Planning Committee Report entitled 'Major Developments: Applications currently being assessed and other developments at Pre-Application Consultation stage' 8 June 2010.

APPENDIX A

MAJOR APPLICATIONS CURRENTLY BEING ASSESSED

| Ref | Location | Proposal | Expected date of reporting to Committee | Comment |
|--------------|--|--|--|---|
| 17/00435/DPP | Land at Newbyres, River Gore Road, Gorebridge | Erection of 125 residential units; formation of access roads, SUDS features and associated works | April 2019 | Pre-Application Consultation (13/00609/PAC) carried out by the applicants in August - November 2013. The application was held in abeyance for a significant period time whilst the applicant considered amending their layout – the applicant has determined not to amend their proposal. |
| 17/00980/PPP | Land adjacent former Rosslynlee Hospital, Roslin (Site AHs1) | Residential development and associated works and ancillary commercial use | February 2019 | Pre-Application Consultation (16/00266/PAC) carried out by the applicants in April - June 2016. The site is identified as an additional housing opportunity in the adopted MLDP with an indicative 120 – 300 units. This application was reported to the Committee at its meetings of November 2018 and January 2019 and has been deferred for further consideration. |
| 17/01001/DPP | Land at the former Rosslynlee Hospital, Roslin (Site AHs1) | Alterations and conversion of former hospital and buildings to form 71 dwellings, erection of 30 dwellinghouses and associated works | February 2019 | Pre-Application Consultation (16/00267/PAC) carried out by the applicants in April - June 2016. The site is identified as an additional housing opportunity in the adopted MLDP with an indicative 120 – 300 units. This application was reported to the Committee at its meetings of November 2018 and January 2019 and has been deferred for further consideration. |
| 18/00099/DPP | Land at Gore Avenue and Newbyres Crescent, Gorebridge | Erection of 46 flatted dwellings; 17 dwellinghouses and 12 extra care units; formation of access roads and car parking; SUDS features and associated works | Being held in abeyance pending additional information from the applicant | Pre-Application Consultation (17/00913/PAC) carried out by the applicants in November 2017 – February 2018. This application is being held in abeyance subject to the applicant submitting additional information regarding mine gas mitigation measures. |
| 18/00403/DPP | Land between Rosewell Road and Carnethie Street, Rosewell | Erection of 100 dwellinghouses and associated works | May 2019 | Pre-Application Consultation (15/00774/PAC) carried out by the applicants in September 2015 – December 2015. |

| | | | | |
|--------------|--|---|--|--|
| 18/00495/DPP | Land west of Burnbrae Terrace Bonnyrigg | Erection of resource facility including offices; practical skills training suites, stores, workshop, motor transport workshop, ambulance depot and enterprise units; formation of car parking, access roads and external storage areas; and associated facilitating groundworks | Being held in abeyance pending additional information from the applicant | Pre-Application Consultation (17/00721/PAC) carried out by the applicants in September 2017 – December 2017. Awaiting additional information from the applicant in relation to noise mitigation, the operation of the facility and other environmental matters. |
| 18/00528/S42 | Land at Calderstone, Biggar Road, Lothianburn | Section 42 Application to amend conditions 3, 4, 5, 6 and 10 of planning permission 15/00113/PPP, for the erection of hotel (to amend the phasing of the development) | Being held in abeyance pending additional information from the applicant | Section 42 applications do not require to go through the Pre-Application Consultation process. The conditions relate to the phasing of development, landscaping, building design and layout and transportation matters. Awaiting the submission of an Environmental Statement. |
| 18/00628/S42 | Land at Calderstone, Biggar Road, Lothianburn | Section 42 Application to amend conditions 4 and 5 of planning permission 15/00113/PPP, for the erection of hotel (to amend the phasing of the development) | Being held in abeyance pending additional information from the applicant | Section 42 applications do not require to go through the Pre-Application Consultation process. The conditions relate to the landscaping and building design and layout. Awaiting the submission of an Environmental Statement. |
| 18/00535/PPP | Land north west of Moat View, Roslin | Residential development and associated works | April 2019 | Pre-Application Consultation (18/00139/PAC) carried out by the applicants in February 2018 – May 2018. |
| 18/00703/DPP | Land 65m west of Rosslyn Bowling Club, Main Street, Roslin | Erection of 54 dwellings and associated works | April 2019 | Pre-Application Consultation (17/00693/PAC) carried out by the applicants in September 2017 – November 2017. |

| | | | | |
|--|---|---|---------------|--|
| 18/00735/DPP | Land at Danderhall Primary School and Danderhall Recreation Ground, Edmonstone Road. Danderhall | Erection of a community facility incorporating primary school; early years provision; library and leisure facilities. | April 2019 | Pre-Application Consultation (18/00350/PAC) carried out by the applicants in May 2018 – August 2017. |
| 18/00740/DPP | Part of Site Hs11, Dalhousie South, Bonnyrigg | Erection of 248 dwellinghouses and associated works | April 2019 | Pre-Application Consultation (17/00402/PAC) carried out by the applicants in May 2018 – August 2017. A separate planning permission in principle application (18/00743/PPP) has been submitted for the provision of affordable housing on the wider Hs11 site. |
| 19/00042/DPP <i>New addition to the table</i> | Land east of Conifer Road, Mayfield, Dalkeith | Erection of 28 dwellinghouses and 44 flatted dwellings and associated works | February 2019 | Pre-Application Consultation (18/00476/PAC) carried out by the applicants in July 2018 – September 2018. This application is reported to this meeting of the Committee. |

APPENDIX B

NOTICE OF PRE-APPLICATION CONSULTATIONS RECEIVED AND NO APPLICATION HAS BEEN SUBMITTED

| Ref | Location | Proposal | Date of PAC submission | Earliest date for receipt of planning application and current position |
|--------------|---|---|------------------------|--|
| 16/00830/PAC | Land east of junction with Greenhall Road Barleyknowe Road Gorebridge | Residential development This site is not allocated for housing | 24 November 2016 | 10/02/17 - no application yet received. A pre-application report was reported to the January 2017 meeting of the Committee. |
| 17/00296/PAC | Land to the east of Lawfield Road and to the north of Ash Grove, Mayfield | Residential development This site is not allocated for housing | 19 April 2017 | 06/07/17 - no application yet received. A pre-application report was reported to the June 2017 meeting of the Committee. |
| 17/00367/PAC | Site Hs12 Hopefield Farm 2 Bonnyrigg | Residential development The site is identified for an indicative 375 residential units in the MLDP. | 9 May 2017 | 02/08/17 - no application yet received. A pre-application report was reported to the August 2017 meeting of the Committee. |
| 17/00606/PAC | Land south east of Auchendinny, The Brae, Auchendinny (Site Hs20) | Residential development The site is identified for an indicative 350 residential units in the MLDP. | 27 July 2017 | 20/10/17 - no application yet received. A pre-application report was reported to the November 2017 meeting of the Committee. |
| 17/00663/PAC | Land bounded by A7, Stobhill Road and Pentland Avenue, Gorebridge | Mixed use development comprising residential and commercial land uses | 16 August 2017 | 09/11/17 - no application yet received. A pre-application report was reported to the October 2017 meeting of the Committee. |
| 17/00670/PAC | Land to the north of Hardengreen House, Dalkeith | Mixed use development including Class 1 (Shops); Class 2 (Financial, Professional and Other Services); Class 3 (Food and Drink); Class 4 (Business); Class 9 (Houses); and Class 10 (Non-Residential Institutions). | 22 August 2017 | 15/11/17 - no application yet received. A pre-application report was reported to the October 2017 meeting of the Committee. |
| 18/00558/PAC | Land at the former Monktonhall Colliery Site, Monktonhall Colliery Road, Newton, Danderhall | Erection of a community facility incorporating secondary and primary school; early years provision; family learning provision; library, leisure and healthcare facilities, sports pitches and associated works. | 1 August 2018 | 25/10/18 - no application yet received. A pre-application report was reported to the October 2018 meeting of the Committee. |

| | | | | |
|--|--|--|------------------|---|
| 18/00894/PAC | Land at Wull Muir, Gorebridge | Erection of up to 9 wind turbines (wind farm) | 9 November 2018 | 02/02/19 - no application yet received. A pre-application report was reported to the January 2019 meeting of the Committee. |
| 18/00962/PAC | Land east and west of Easthouses Road, Easthouses | Residential development and erection of school, with associated engineering works, open space and landscaping | 14 December 2018 | 09/03/19 This pre application consultation is reported to this meeting of the Committee. |
| 18/00970/PAC | Midlothian Snow Sports Centre | Redevelopment of existing snowsports centre to include leisure facilities; tourist accommodation; hotel; function suite and ancillary retail and restaurant; formation of access and car parking | 21 December 2018 | 16/03/19 This pre application consultation is reported to this meeting of the Committee. |
| 19/00012/PAC | Land east of Salters Road, Dalkeith | Mixed use development comprising film and TV studios including workshops/offices; reception/commissary; gatehouse; backlot; trailer park; film academy and associated student accommodation; and associated access, parking and infrastructure | 9 January 2019 | 04/04/19 - no application yet received. A pre-application report was reported to the January 2019 meeting of the Committee. |
| 09/00076/PAC <i>New addition to the table</i> | Land south east of Tynewater Primary School, Crichton Road, Pathhead | Erection of 64 dwellinghouses; car parking and associated works | 1 February 2019 | 27/04/19 This pre application consultation will be reported to the April meeting of the Committee. |



PRE - APPLICATION REPORT REGARDING RESIDENTIAL DEVELOPMENT AND ERECTION OF SCHOOL, WITH ASSOCIATED ENGINEERING WORKS, OPEN SPACE AND LANDSCAPING AT LAND EAST AND WEST OF EASTHOUSES ROAD, EASTHOUSES, DALKEITH (18/00962/PAC)

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding a proposed residential development and erection of school, with associated engineering works, open space and landscaping at land east and west of Easthouses Road, Easthouses, Dalkeith.
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for residential development and erection of school, with associated engineering works, open space and landscaping at land east and west of Easthouses Road, Easthouses, Dalkeith was submitted on the 14 December 2018.
- 2.3 As part of the pre-application consultation, a public event took place at Mayfield and Easthouses Church Hall on Thursday the 24 January from 3pm until 7pm. On the conclusion of the requisite 12 week consultation process the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the

Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the prospective applicant to the local elected members as well as Mayfield and Easthouses Community Council and Eskbank and Newbattle Community Council.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site is located within the countryside to the immediate east and south of Dalkeith and to the immediate north of Easthouses and includes the land between these two settlements. A gas pipeline crosses the site.
- 3.4 The site is designated in the MLDP as countryside (policy RD1) and prime agricultural land (policy ENV4). A provisional assessment against these policies does not support the scheme on the basis that the proposed development is not necessary for agriculture or for any other rural business. In addition, the proposed developed would result in both the physical and visual coalescence of the settlements of Dalkeith and Easthouses, contrary to MLDP policy DEV1 (Community Identity and Coalescence). For these reasons and because of the scale of the proposed development, it is considered that the proposed development is a significant departure from the MLDP.
- 3.5 If a planning application is submitted, the potential environmental impacts arising as a result of the proposed development will require to be considered. The submission of an Environmental Impact Assessment (EIA) may be required. This process systematically sets out the relevant environmental impacts in order that they can be assessed, designed out of the proposal, minimised or mitigated.
- 3.6 A material consideration in the assessment of any planning application will be the need for additional housing and the need for a school. With regard the demand for housing, it is relevant to note that Midlothian has an up to date adopted local plan which sets a development strategy which includes sufficient housing allocations to meet its housing requirements and in doing so having an effective housing land supply. The MLDP was adopted 7 November 2017 following a local plan examination where the Reporter concluded that there is a 5-year effective housing land supply in Midlothian. The Council does not need to support the proposed housing. With regard the need for a school, if the Council through a review of its learning estate strategy determines that a new

school is required within the Dalkeith/Easthouses catchment area, in particular on this site, then the need to meet this educational demand would be a material consideration that the Committee could give significant weight too.

4 PROCEDURES

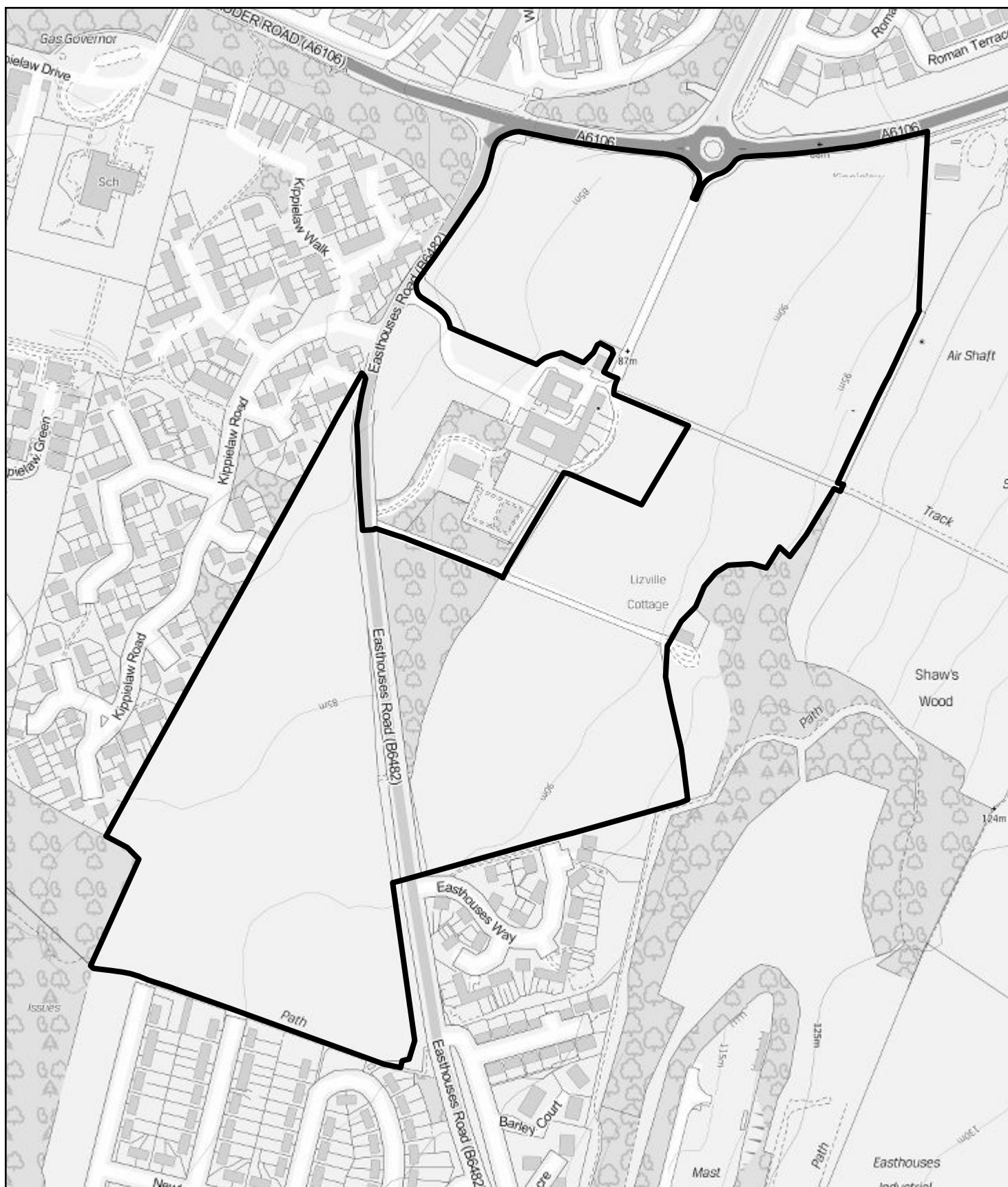
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
 - a) the provisional planning position set out in this report;
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Mary Smith
Director of Education, Communities and Economy

| | |
|-------------------------|---|
| Date: | 12 February 2019 |
| Application No: | 18/00962/PAC (Available online) |
| Applicant: | Gladman Developments Limited, 2 Eliburn Office Park, Eliburn, Livingston, EH54 6GR |
| Validation Date: | 14 December 2018 |
| Contact Person: | Adam Thomson |
| Tel No: | 0131 271 3346 |



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

Proposal of application notice for residential development and erection of school, with associated engineering works, open space and landscaping at Land East and West of Easthouses Road, Easthouses, Dalkeith

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

Midlothian Council Licence No. 100023416 (2019)

File No. 18/00962/PAC

Scale: 1:4,000
Page 72 of 154





PRE - APPLICATION REPORT REGARDING THE REDEVELOPMENT OF EXISTING SNOW SPORTS CENTRE TO INCLUDE LEISURE FACILITIES; TOURIST ACCOMMODATION; HOTEL; FUNCTION SUITE AND ANCILLARY RETAIL AND RESTAURANT; FORMATION OF ACCESS AND CAR PARKING AT MIDLOTHIAN SNOW SPORTS CENTRE, BIGGAR ROAD, EDINBURGH (18/00970/PAC)

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre-application consultation submitted regarding the redevelopment of the existing snow sports centre to include leisure facilities, tourist accommodation, hotel, function suite and ancillary retail and restaurant at Midlothian Snow Sports Centre, Biggar Road, Edinburgh.
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for the redevelopment of the existing snow sports centre to include leisure facilities, tourist accommodation, hotel, function suite and ancillary retail and restaurant at Midlothian Snow Sports Centre, Biggar Road, Edinburgh was submitted on 21 December 2018.
- 2.3 As part of the pre-application consultation, a public event took place at the Midlothian Snow Sports Centre on 28 January 2019, from 2pm until 7:30pm. On the conclusion of the requisite 12 week consultation process the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a

public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the prospective applicant to the local elected members as well as Damhead Community Council and Fairmilehead Community Council (in the City of Edinburgh Council administrative area).

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The Midlothian Snow Sports Centre is located to the west of the A702 on the northern slopes of the Pentland Hills within the Hillend Country Park. It covers an area of 7.8 hectares and adjoins the boundary with the City of Edinburgh Council administrative area.
- 3.4 The site has its own policy designation (policy VIS3) in the Midlothian Local Development Plan 2017 (MLDP). Additionally, the area is covered by a number of policies designed to protect the sensitivity of the landscape setting of Hillend Country Park and the wider Pentland Hills (policies RD3 and RD4). The site is also located within the green belt and the Pentland Hills Special Landscape Area (ENV1 and ENV6).
- 3.5 Policy VIS3 of the MLDP supports the upgrading and enhancement of the Midlothian Snow Sports Centre and ancillary facilities in order to secure its future as a centre of excellence for artificial skiing and snowboarding. Proposals which have a significant adverse environmental impact are not acceptable unless appropriate mitigation measures can be secured to overcome the relevant concerns.
- 3.6 Policies RD3 and RD4 provide protection for the Pentland Hills Regional Park and Midlothian's Country Parks (Hillend being a Country Park). Proposals within the parks are not acceptable where they are contrary to the aims and objectives of the park.
- 3.7 Proposals within the green belt are not permitted unless they are necessary to further agricultural, horticulture or forestry or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation or relate to other uses appropriate to the rural character of the area.

- 3.8 Development within the sites sensitive landscape must incorporate high standards of siting and design so that they do not have an unacceptable impact on the qualities of the Pentland Hills Special Landscape Area (SLA). The *Special Landscape Areas Supplementary Guidance* was adopted by the Planning Committee at its meeting of 9 October 2018 and contains a Statement of Importance for each SLA that outlines the important characteristics of the landscape.
- 3.9 Policies relating to tourism and retail are also pertinent in determining an application. Policy VIS1 promotes the establishment of new, or the expansion of existing, tourism-related development where it can be demonstrated that it improves the quality of visitor facilities within Midlothian. Policy VIS2 supports proposals for the development of hotels or self-catering tourist accommodation, including at key gateway locations with ease of access to the major junctions on the A720 City Bypass.
- 3.10 With regard to the retail policies in the MLDP (particularly TCR2), major retail proposals outwith identified town centres are not supported. Exceptions are made with regard the Straiton Commercial Hub and an identified potential opportunity in the Gorebridge/Redheugh – Newtongrange corridor, provided the proposal does not undermine the vitality or viability of the town centres within the expected catchment of the proposals.
- 3.11 Consequently, the retail element of the proposal may be contrary to the development plan. However the scale and nature of the retail offer in relation to the redevelopment of the site as a whole would be an important consideration in determining its acceptability as an ancillary development. Furthermore, the Council can consider proposals where the retail offer is provided to primarily service the tourism market and where it would not undermine local town centres – in these cases the Council would have to give consideration to appropriate controls to mitigate the impact of the offer.
- 3.12 Another significant material consideration will be the access arrangements and what alterations to the existing access will be required to ensure it can cope with the expected increase in patronage of the site arising from the development.
- 3.13 The prominence of the site on the northern slopes of the Pentland Hills will make the detail of any landscaping treatment and the design of buildings of great importance in determining the acceptability of any proposal. The potential environmental impacts arising as a result of the proposed development will require to be considered. The submission of an Environmental Impact Assessment (EIA) may be required in relation to the application. This process systematically sets out the relevant environmental impacts in order that they can be assessed, designed out of the proposal, minimised or mitigated.
- 3.14 If an application is submitted there is a presumption in favour of redeveloping the existing snow sports centre to include leisure

facilities, tourist accommodation, hotel and ancillary tourist based retail. There may be a requirement for developer contributions to be made towards the A701 relief road.

4 PROCEDURES

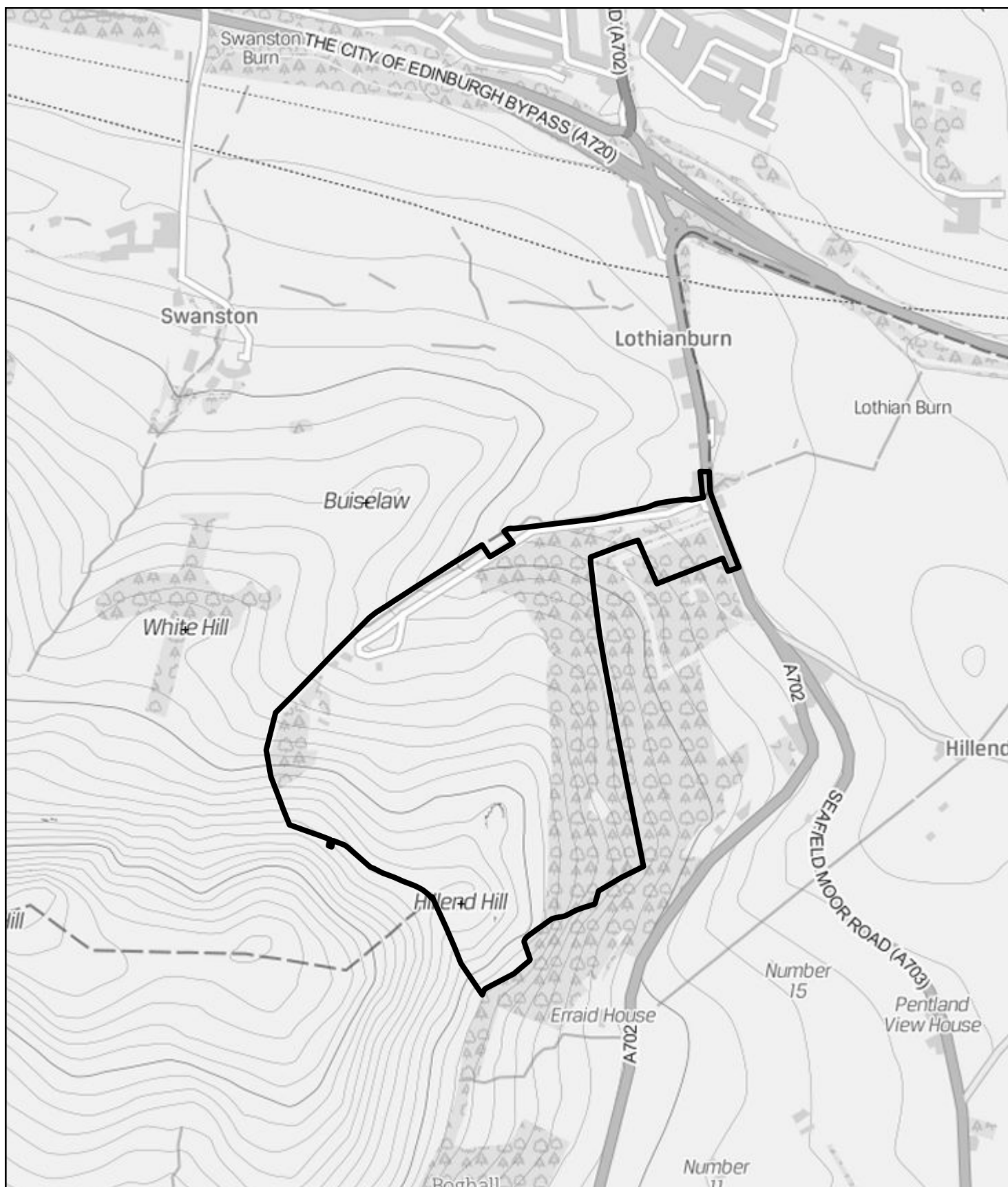
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
 - a) the provisional planning position set out in this report;
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Dr Mary Smith
Director of Education, Communities and Economy

Date: 12 February 2019
Application No: 18/00970/PAC (Available online)
Applicant: Montagu Evans, 19 Canning Street, Edinburgh
Validation Date: 21 December 2018
Contact Person: Fraser James
Tel No: 0131 271 3514
Background Papers:



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

Proposal of application notice for redevelopment of
existing snowsports centre to include leisure facilities;
tourist accommodation; hotel; function suite and
ancillary retail and restaurant; formation of access
and car parking at Midlothian Snowsports Centre,
Hillend

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

Midlothian Council Licence No. 100023416 (2019)

File No. 18/00970/PAC

Scale: 1:10,000
Page 77 of 154





Application A

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE (17/00980/PPP) FOR RESIDENTIAL DEVELOPMENT UP TO 280 DWELLINGS; COMMERCIAL DEVELOPMENT FOR USE CLASSES 1, 2, 3 AND/OR 4 WITH A FLOORSACE OF UP TO 250SQM AND ASSOCIATED WORKS AT LAND AT ROSSLYNLEE, ROSLIN.

Application B

APPLICATION FOR DETAILED PLANNING PERMISSION (17/01001/DPP) FOR THE ALTERATIONS AND CONVERSION OF FORMER HOSPITAL AND EXISTING BUILDINGS TO FORM 72 DWELLINGS; ERECTION OF 24 NEW DWELLINGHOUSES AND ASSOCIATED WORKS AT THE FORMER ROSSLYNLEE HOSPITAL, ROSLIN.

Application C

APPLICATION FOR LISTED BUILDING CONSENT (18/00061/LBC) INTERNAL AND EXTERNAL ALTERATIONS TO THE FORMER ROSSLYNLEE HOSPITAL AND ASSOCIATED LISTED BUDILINGS TO FORM 69 DWELLINGS AND AN OFFICE INCLUDING; DEMOLITION OF THE FORMER BOILERHOUSE, OUTBUILDINGS AND ALTERATIONS TO EXISTING WINDOW AND DOOR OPENINGS AND ASSOCIATED WORKS AT THE FORMER ROSSLYNLEE HOSPITAL, ROSLIN.

1 PURPOSE OF REPORT

- 1.1 At its meeting in January 2019 the Committee deferred consideration of the stated applications (originally reported to Committee in November 2018) to enable officers and the applicant to further negotiate on the level of developer contribution, the provision of affordable housing and highway infrastructure improvements.

2 DEVELOPER CONTRIBUTIONS

- 2.1 At its meeting in January 2019 the Committee expressed a desire to see the restoration of the former Rosslynlee Hospital listed building, but balanced this position with concern at the level of developer contribution proposed by the applicant, in particular with regard to meeting the educational requirements arising from the development. In response to the Committee's concern the applicant is proposing to

increase their developer contribution offer to fully cover the cost of meeting the educational requirements arising from the proposed development – this includes primary and secondary denominational and non-denominational provision and meeting the Council's anticipated school transport costs (over a defined time period).

2.2 To meet the educational requirements as stated in paragraph 2.1 the applicant is not proposing to make a contribution towards community facilities, Borders Rail or rural public transport as required by the Midlothian Local Development Plan 2017 (MLDP). Furthermore, to fully meet the educational costs set out by Council officers the applicant is proposing not to provide any affordable housing units on site or make a commuted sum towards the Council's own housing programme. The financial value/coast associated with the applicant's previous affordable housing offer (now withdrawn) is being used to increase the developer contribution offer to meet the educational requirements arising from the development.

2.3 In summary the applicant is proposing:

| | Developer contribution to meet the consequential impact of the development | Applicant's developer contribution offer |
|----------|---|--|
| 1 | Primary Education Provision | To meet the Council's costs in full |
| 2 | Secondary Education Provision | To meet the Council's costs in full |
| 3 | School Transport | To meet the Council's costs in full over a defined time period |
| 4 | Community Facilities | No contribution proposed |
| 5 | Rural Public Transport | No contribution proposed |
| 6 | Borders Rail | No contribution proposed |
| 7 | Affordable Housing | No affordable housing is proposed |

3 ROAD INFRASTRUCTURE

3.1 At its meeting in January 2019 the Committee also expressed concern regarding the access to the site and the local highway infrastructure. The Committee report assessing the planning merits of the proposed development sets out highway safety concerns and an objection from the Council's Policy and Road Safety Manager. The concerns and objection remain; on the basis that the local road network is not of a standard to accommodate the traffic that would arise from the proposed development. However, if the Committee are minded to support the

application it is considered that the following should be secured as part of any grant of planning permission:

- a. The upgrading of the access road leading up to the Rosslynlee Hospital building to an adoptable standard;
- b. The upgrading of the Gourlaw junction to improve visibility/sightlines; and
- c. The enhancement of Core Path 32/a

3.2 Although the identified improvements will be more beneficial compared to a no change/neutral position, they will not mitigate the overriding highway safety concern. The applicant has committed to delivering these highway improvements and has proposed making a developer contribution towards the proposed works. However, it would be more appropriate for the applicant to implement the works and in doing so manage the potential risks of increasing costs. This can be secured by a planning condition on any grant of planning permission.

4 RECOMMENDATION

4.1 It is recommended that:

- i) The Committee notes the update set out in the report; and
- ii) The Committee refuse planning permission and listed building consent for the reasons set out in the application report presented to Committee at its meeting of 20 November 2018.

Dr Mary Smith
Director of Education, Communities and Economy

| | |
|---------------------------|---|
| Date: | 12 February 2019 |
| Application No: | 17/00980/PPP, 17/01001/DPP and 18/00061/LBC (Available online) |
| Applicant: | Oakridge Group |
| Agent: | Geddes Consulting |
| Validation Date: | 13 December 2017, 10 January 2018 and 1 February 2018 |
| Contact Person: | Matthew Atkins |
| Tel No: | 0131 271 3346 |
| Background Papers: | The 20 November 2018 Committee report |



Application A

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE (17/00980/PPP) FOR RESIDENTIAL DEVELOPMENT UP TO 280 DWELLINGS; COMMERCIAL DEVELOPMENT FOR USE CLASSES 1, 2, 3 AND/OR 4 WITH A FLOORSACE OF UP TO 250SQM AND ASSOCIATED WORKS AT LAND AT ROSSLYNLEE, ROSLIN.

Application B

APPLICATION FOR DETAILED PLANNING PERMISSION (17/01001/DPP) FOR THE ALTERATIONS AND CONVERSION OF FORMER HOSPITAL AND EXISTING BUILDINGS TO FORM 72 DWELLINGS; ERECTION OF 24 NEW DWELLINGHOUSES AND ASSOCIATED WORKS AT THE FORMER ROSSLYNLEE HOSPITAL, ROSLIN.

Application C

APPLICATION FOR LISTED BUILDING CONSENT (18/00061/LBC) INTERNAL AND EXTERNAL ALTERATIONS TO THE FORMER ROSSLYNLEE HOSPITAL AND ASSOCIATED LISTED BUDILINGS TO FORM 69 DWELLINGS AND AN OFFICE INCLUDING; DEMOLITION OF THE FORMER BOILERHOUSE, OUTBUILDINGS AND ALTERATIONS TO EXISTING WINDOW AND DOOR OPENINGS AND ASSOCIATED WORKS AT THE FORMER ROSSLYNLEE HOSPITAL, ROSLIN.

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATIONS AND RECOMMENDED DECISION

- 1.1 The applications are for the conversion of the former Rosslynlee Hospital into residential accommodation and for planning permission in principle for residential and commercial development on land adjacent to the grounds of the former hospital.**
- 1.2 Application A is for planning permission in principle for residential development of up to 280 dwellings; commercial development for use classes 1, 2, 3 and/or 4 with a floorspace of up to 250sqm and associated works at land at Rosslynlee, Roslin.**

- 1.3 Application B is for detailed planning permission for alterations and conversion of former hospital and existing buildings to form 72 dwellings; erection of 24 new dwellinghouses and associated works at the former Rosslynlee Hospital, Roslin.**
- 1.4 Application C is for Listed Building Consent for Internal and external alterations to the former Rosslynlee Hospital and associated listed buildings to form 68 dwellings and an office including; demolition of the boiler house, outbuildings and elements of the main building, alterations to existing window and door openings and associated works at the former Rosslynlee Hospital, Roslin.**
- 1.5 There have been 18 representations and consultation responses from the Coal Authority, Scottish Water, the Scottish Environment Protection Agency (SEPA), The Wildlife Information Centre, the Council's Head of Education, the Council's Policy and Roads Safety Manager, the Council's Environmental Health Manager, Rosewell and District Community Council and Roslin and Bilston Community Council**
- 1.6 The relevant development plan policies are policies 5, 7, 8 and 11 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan), and policies STRAT4, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, TCR2, ENV2, ENV7, ENV9, ENV10, ENV11, ENV22, ENV23, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.**
- 1.7 The recommendation is to refuse planning permission and listed building consent for the three stated applications on the basis that; the proposed development will have a detrimental impact on highway safety, the applicant will not make the required developer contribution to mitigate the impact the development will have on the local infrastructure and the applications do not deliver the required level of affordable housing as set out in the development plan.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is at Rosslynlee, a rural part of Midlothian between Rosewell and Penicuik. At its heart is the Category C listed former Rosslynlee Hospital and its associated buildings (a number of which are also Category C listed). The hospital site is surrounded by farmland including two fields which are the subject of Application A. The application sites are accessible by an unclassified road (Firth Road/Farm Road) connecting to the B7026 (heading towards Auchendinny/Howgate) or unclassified roads connecting to the A6094 (heading towards Rosewell) or the B7003 (heading towards Roslin). The former hospital is within a landscape comprising tree belts and woodlands.**

- 2.2 The hospital was listed as a Category C Listed Building in 1998. It closed as an NHS medical facility in 2010 and has remained redundant since its closure. To the north of the site is the former Edinburgh to Peebles railway line which closed in 1967. Rosslynlee Hospital had its own station until passenger trains ceased in 1962.
- 2.3 The hospital complex comprises an array of buildings - the original stone buildings being designed by Robert Lambie Moffat in 1874. Significant extensions/additions were added in 1902 (designed by Robert Rowand Anderson). It's these components which have the most architectural value. Further extensions and infills were added in the late 20th century for the function of the hospital, but have little or no architectural merit. To the southwest of the former hospital there is a large formal open space with large terraces, steeped embankments and a gentle north-facing slope. Located to the north between the former hospital and old railway line is an area of open space that was formerly a walled garden. The wall remains largely intact but the wider area is now overgrown. To the southeast along Firth Road and Farm Road there are a number of farm buildings and staff accommodation buildings associated with the hospital, these are in a poor state of repair.
- 2.4 The listed buildings on the site comprise; the principal hospital building, the morgue, the boiler-house, the entrance gate-piers, the gate lodge (Pentland House), a number of residential properties in Firth Road, the farm managers house and the cart shed.

3 PROPOSAL

- 3.1 The three applications together propose a predominantly residential led redevelopment of the former Rosslynlee Hospital and its surrounding land. Application A seeks planning permission in principle for up to 280 new dwellings in the two fields adjoining the hospital grounds (the North Field and the South field). Application B proposes the conversion of the listed hospital buildings to form 72 residential dwellings together with detailed permission for 24 dwellings in the grounds of the hospital. Application C seeks listed building consent for alterations to the listed hospital buildings and the demolition of the former boiler house and works to individual listed buildings within the hospital site.
- 3.2 In total the applications propose up to 376 dwellings. Up to 280 units in principle (the details relating to the size and form of the units does not form part of the applications) and 96 units in detail comprising:
- 1 x 1 bed house;
 - 8 x 2 bed houses;
 - 32 x 3 bed houses;
 - 21 x 4 bed houses;
 - 8 x 5 bed houses;
 - 1 x 1 bed apartment;

- 11 x 2 bed apartments; and
- 14 x 3 bed apartments

3.3 In October 2018 amended plans and additional supporting information was submitted in respect of Applications B and C and resulted in the following changes to the original submission:

1. The omission of the previously proposed new build parcels 4 and 5 (six dwellings);
2. The retention of the previously proposed to be demolished former morgue and its conversion into two dwellings;
3. Amendments to the main hospital building arising from the retention of the morgue, resulting in the omission of one dwelling in the main building and changes to the proposed external treatment of the building;
4. The omission of the proposed removal and replacement of all windows that were not otherwise the subject of alteration;
5. Revised details of the proposed approach to the replacement of roof treatments;
6. Additional justification for the demolition of the boiler house;
7. Additional justification for the removal of the glazed link corridors; and
8. The retention of a greater number of chimneys than previously proposed.

3.4 The applicant has submitted the following documents in support of their application:

- A Design and Access Statement;
- A Flood Risk Assessment;
- A Drainage Impact Assessment (including SUDS proposals);
- Planning Statement;
- A Transport Assessment;
- Contaminated Land Assessment;
- Habitat Survey;
- Landscape and Visual Appraisal;
- Building Condition Survey;
- Archaeological Report;
- Energy Sustainability Statement; and
- Bat Survey.

4 BACKGROUND

4.1 The applicant carried out a pre application consultation (16/00267/PAC) for residential development and complementary uses in April – June 2016. The pre application consultation was reported to the Committee at its meeting of May 2016.

4.2 Planning application 16/00716/DPP and listed building consent 16/00720/LBC for the conversion of outbuildings into eight dwellings and the erection of five new build dwellinghouses was granted

permission in 2018. The proposed units granted permission are also incorporated into the current applications.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to securing, by way of a condition on any grant of permission, a site investigation and appropriate remediation measures to mitigate the sites coal mining legacy.
- 5.2 **Scottish Water** does not object to the application. However, Scottish Water are unable to confirm if there is capacity to accommodate the development until the applicant makes an application to Scottish Water.
- 5.3 **The Scottish Environment Protection Agency (SEPA)** does not object to the applications subject to securing, by way of a condition on a grant of permission, drainage details and flood mitigation measures. The application site is adjacent to a small watercourse and as a result could be at risk of flooding. The applicant has provided drawings showing the existing and proposed culvert and in response SEPA advise that the route shown is acceptable subject to the realignment details being secured by condition. The new culvert shall be outwith any individual property boundary and not built on. SEPA note the Coal Authorities response to the application and therefore state it is unlikely that stabilisation of mine workings with pulverised fuel ash (PFA) grouting will be necessary. SEPA has confirmed they are satisfied with the drainage on site. The proposed SUDS and connection to Roslin Waste Water Treatment Works are acceptable. The proposed development is within 600m of an existing waste landfill site regulated by SEPA and as such consideration of the neighbouring land uses shall be considered.
- 5.4 **The Wildlife Information Centre** does not object to the applications.
- 5.5 The Council's **Head of Education** has stated that the development will result in additional pressure on primary and secondary school provision and as such a developer contribution would be required. The development lies within the following school catchment areas:
- | | |
|------------------------------|----------------------------------|
| Non-denominational primary | - Rosewell Primary School |
| Denominational primary | - St Matthew's RC Primary School |
| Non-denominational secondary | - Lasswade Community High School |
| Denominational secondary | - St David's RC High School |
- 5.6 In respect of Application A, the Council's **Policy and Road Safety Manager** objects to the application and has expressed concerns over the suitability of the site to accommodate a residential development of the scale proposed. The site is remote from any existing facilities, with no dedicated pedestrian or cycling routes linking the site to Rosewell (the nearest settlement to the development). The site also does not

have any public transport services with the nearest scheduled bus services terminating in Rosewell (over 2 miles away). The local access roads are narrow and not designed to accommodate large volumes of traffic. The main access roads leading to the site would be the narrow rural road from the Gourlaw Crossroads, which passes Gourlaw Farm, and the Kirkettle Road which joins the B7003 Roslin Glen Road. The developers Transport Assessment identified Gourlaw Crossroad as an accident problem area and has identified some alterations which would improve driver visibility at this junction. The rest of this road is narrow with no pedestrian footways and limited road verges with a section in cutting enclosed by retaining walls on both sides. This road would not be suitable to safely accommodate a major increase in traffic levels. The Kirkettle Road also has no pedestrian facilities with sections of narrow road verge and some very sharp bends. This road starts from the B7003 Roslin Glen Road which is also a rural route with difficult horizontal geometry, steep gradients and sections of reduced width. The Roslin Glen Road is signed as being unsuitable for use by long vehicles. None of the above roads have street lighting.

- 5.7 There have been a number of road injury accidents reported on the local road network during the current 3-year accident period and the introduction of a large scale housing development in the area would add to the relatively low level of traffic using these routes resulting in an increase in the potential for vehicle conflict. Also given the remoteness of the site and the lack of any scheduled public transport services or convenient walking/cycling routes it is likely that the majority of trips to and from the development would require to be made by private car.
- 5.8 This proposal does not appear to be in keeping with the Council's aims of reducing reliance on the use of the private car, increasing the use of public transport and increasing opportunities for 'active' travel.
- 5.9 In respect of Application B the scale of development would result in an increase in the current volume of traffic using the substandard local road network which does not have adequate pedestrian/cycling access and poor public transport provision. However, it could be viewed that the change of use of the former hospital building to residential use would produce a broadly similar level of traffic generation to the former hospital use, although residential use/traffic tends to be tidal with traffic during morning and evening peaks periods. Residential development also results in school and recreational trips which would not have occurred with the hospital use.
- 5.10 The Council's **Environmental Health Manager** does not object to the application subject to conditions being attached to any grant of planning permission ensuring ground contamination remediation works are undertaken.
- 5.11 The **Rosewell and District Community Council (RDCC)** has made the following comments:

- Current infrastructure will not be able to support the development;
- RDCC are against the principle of planning permission being granted for development on green fields and does not agree with the premise that planning permission is granted to financially assist developers;
- The development does not comply with the principals of sustainable living and the vision set out in the Midlothian Local Development Plan;
- The existing access to the site is not considered adequate in its current condition and improvements and/or alterations will be required to serve the development;
- There is no connection to any existing footway network;
- Developer contributions should be sought towards Midlothian's Green Network and Core Path Network;
- RDCC disagree with the applicants transport assessment;
- Concerns over high traffic levels on the local roads due to increased house building in the area;
- Concerns for the safety of cyclists on the narrow roads between Rosewell and Roslin;
- Concern over the impact of increased levels of traffic on the Roslin Glen Road, which is again showing signs of subsidence;
- Concern over increased traffic at the Gourlaw Junction (an accident blackspot);
- There are concerns that although the site is out with the Rosewell settlement boundary, it is within RDCC's boundary map, and as a result the residents will use Rosewell community facilities. RDCC therefore feel that developer contributions should be sought to support community facilities and infrastructure;
- The proposed community facilities within St Margret's (Rosslynlee Hospital) are sparse for this isolated community;
- The proposed bus service offers no benefits to Roswell community if it coincides with the times of the 49 bus service; and
- The proposed bus service could be of benefit to the elderly and less mobile residents if it continues on to the rail station as the transport plan states.

5.12 The **Roslin and Bilston Community Council (RBCC)** objects to planning application 17/00980/PPP and have made the following comments:

- The B7026 is unsuitable for use by the Rosslynlee residents;
- RBCC are concerned a through road will be maintained using the road past Firth Mains and Auchendinny Mains to the B7026;
- The schools are outwith the 2 mile walk distance, therefore a school bus would be essential, however none of the access routes to the site are suitable for a school bus;

- The cycle route from Rosslynlee to the Bush, referenced in the transport assessment, is unsafe;
- Increased use of Straiton Park and Ride would increase traffic through the Roslin Glen, Roslin village and the A701, which are already badly congested;
- Concerns regarding the lack of public transport to and from the site. RBCC question if there is capacity at Eskbank railway station, particularly during peak times;
- There is inadequate footways along the access road;
- No consideration has been given to the junctions and road beyond those immediately surrounding the site;
- There are concerns surrounding visibility at the Gourlaw/A6094 junction;
- There are no suitable roads for construction vehicles to access the site;
- Concerns surrounding the viability report and its credibility;
- RBCC are not satisfied that the proposal will reach the standards of sustainability required by planning policy - the sustainability statement provided by the applicant is inadequate; and
- Concerns about the handling of sewage from this site.

6 REPRESENTATIONS

6.1 There have been 18 objections, all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:

- The current road infrastructure will not accommodate the proposed number of dwellinghouses and associated traffic;
- There are limited plans to upgrade the roads and junctions that will serve the development - the roads and junctions are unsuitable. The roads most effected will be, the Gourlaw Junction on the A6094, the Roslin Glen B7003 and the road to the west leading to Auchendinny, the B7026;
- The development will have a detrimental impact on the condition of the already badly damaged Roslin Glen road;
- The roads surrounding the site are unsuitable for the large vehicles that will need to access the site during the construction process and thereafter;
- Due to the isolated nature of the development the future residents will be car dependent generating far higher levels of traffic;
- The proposed development represents an overdevelopment, given the site was allocated for 120-300 dwellings and the applicant is proposing 381 dwellings;
- There are equestrian properties in the local community that use the roads surrounding the application site and any increase in traffic could be potentially dangerous as the roads are not wide enough

for a car to pass a horse. This could have a detrimental effect on local livery businesses;

- The proposed development makes no provision for continued equestrian access;
- Concerns that the increased number of dogs in the area will effect sheep farmers;
- The proposed development does not make provision for extra facilities or amenities in the area;
- The proposed development would have an unacceptable impact on local services, facilities, infrastructure, GP services, schools and sewage infrastructure;
- The applicant did not adequately notify the surrounding residents;
- The applications are overwhelming, making it hard for local residents to understand the full impact the development will have;
- The proposed development goes against current environmental policy;
- The proposed development will have an adverse effect on the existing countryside and rural environment;
- The development of the green field sites (North Park and South Park) is not an appropriate way to fund the renovation of the former hospital;
- The proposed development goes against Midlothian's policies to promote the use of brownfield sites over green field sites; and
- The proposed development of green field sites will have an adverse effect on wildlife species and biodiversity.

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:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in

keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

- 7.4 **Policy 8 (TRANSPORTATION)** seeks to promote the development of a sustainable transport network and ensure that new development minimises the generation of additional car traffic.
- 7.5 **Policy 11 (DELIVERING THE GREEN NETWORK)** seeks to ensure that major developments in the SESplan area have a positive contribution to the creation, maintenance and enhancement of the green network.

Midlothian Local Development Plan 2017 (MLDP)

- 7.6 Policy **STRAT4: Additional Housing Development Opportunities** supports residential development on those sites identified as additional housing development opportunities in the MLDP settlement statements, provided that they comply with all other relevant MLDP policies.
- 7.7 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.
- 7.8 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.9 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.10 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.11 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.12 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council

assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.

- 7.13 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.14 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.
- 7.15 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.16 Policy **TCR2: Location of New Retail and Commercial Leisure Facilities** states that the Council will apply a sequential town centre first approach to the assessment of such applications. The policy does not refer to or apply to food and drink uses or hot food takeaways.
- 7.17 Policy **ENV2 Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.18 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.
- 7.19 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.20 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.

- 7.21 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.
- 7.22 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.23 Policy **ENV22: Listed buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.24 Policy **ENV23: Scheduled Monuments** states that development which could have an adverse effect on a scheduled monument, or the integrity of its setting, will not be permitted.
- 7.25 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.
- 7.26 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.27 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.28 Policy **IMP1: New Development** This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation

interests affected; archaeological provision and 'percent for art' provision.

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

National Policy

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

"Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and

development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area”.

- 7.36 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.37 **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.
- 7.38 **The Scottish Government’s Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.
- 7.39 The Scottish Government policy statement **Designing Streets** emphasises that street design must consider place before movement, that street design guidance (as set out on the document) can be a material consideration in determining planning applications and that street design should be based on balanced decision-making. Of relevance in this case are the statements that:
- “On-plot parking should be designed so that the front garden is not overly dominated by the parking space.”
- “Parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. On-plot parking may be suitable in restricted situations when integrated with other parking solutions and when considered in terms of the overall street profile.”
- 7.40 **Historic Environment Scotland Policy Statement 2016** replaces Scottish Historic Environment Policy (SHEP) for operational matters. The policy statement should be used by local authorities when considering planning applications which have an historical or cultural dimension. The policy statement was prepared in response to changes introduced by the Historic Environment Scotland Act 2014. Chapter 3: Consents and Advice; provides guidance for local authorities on the consideration of listed building consent applications. It sets out the legal and administrative requirements of the listed building consent process.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining these applications is whether the proposals comply 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 Rosslynlee site is identified in the MLDP as an Additional Housing Development Opportunity, site AHs1 and as such there is a presumption in favour of residential development, if the proposal complies with development plan policies and the details of the scheme mitigate any infrastructure requirements arising from the development. Additional Housing Development Opportunity sites are seen as potential housing sites, but because of identified challenges to delivery they are not relied upon to meet the Council's housing targets in the same way that an 'allocated housing site' is.
- 8.3 The MLDP settlement statement for Rosslynlee states "The site includes the C Listed Rosslynlee Hospital which is now redundant. As a means to protect and bring the listed building back into use there is support for its conversion to residential use. There is likely to be potential for 70-80 units within the main building and associated structures. However it is recognised that there may be a requirement for complementary development to assist the funding of the conversion and there is support for some additional new build residential development. This will be in the range c.40-200 units, depending on the detailed proposals and the choice of access solution. The existing access is not considered adequate in its current condition and improvement or an alternative access will be required to serve this development. The site is not considered to meet the sustainability criteria as it is not well related to Rosewell, being some distance south of the village. As a result it is not allocated in the MLDP but identified as an additional housing development opportunity. Despite the distance from Rosewell village, the development will be expected to use Rosewell Primary school and Lasswade High School for education and leisure facilities and developer contributions to these facilities will be sought. The development will be expected to be in sympathy with the listed building and its rural location".
- 8.4 The settlement statement goes on to identify inter alia that the development of this site is specifically required to contribute towards Borders Rail, additional capacity at Rosewell Primary School, additional secondary school capacity at Lasswade High School and St David's RC High School, provide 25% affordable housing as required by policy DEV3 and community facilities in Rosewell.
- 8.5 The general principle of housing is accepted at the site subject to any proposals achieving compliance with all other development plan policies in particular; making suitable infrastructure provision including affordable housing, the development proposals being sympathetic to the host listed building and an appropriate access solution being identified. The MLDP acknowledges the potential benefits of the

suitable conversion and restoration of the listed building (Rosslynlee hospital) but this is qualified by the above requirements being met in order for the development to be acceptable in principle, i.e. the ostensible planning benefit of securing the future of the listed building does not in itself outweigh other planning considerations as outlined above.

Housing Land supply

- 8.6 The SPP (paragraph 123) states planning authorities should actively manage the housing land supply to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. Policy 5 of SESplan requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing required. Midlothian has an up to date adopted local plan which sets a development strategy which includes sufficient housing allocations (12,997 residential units) to meet its housing requirements (12,490 houses) for the period 2009–2024 and in doing so having an established housing land supply. The MLDP was adopted on 7 November 2017 following a local plan examination where the Reporter concluded that there is a 5-year effective housing land supply in Midlothian. The housing allocation figure (12,997 units) does not include the ‘safeguarded sites’ or ‘additional housing opportunities’ identified in the MLDP or windfall developments which provide Midlothian with sufficient generosity to meet its housing targets if an allocated housing site does not come forward. Approximately 5,000 of the required units have been constructed.
- 8.7 The Council must maintain a five year effective supply of housing land at all times which means that the sites must have a reasonable prospect of being built within the five-year period. The Council’s 2017 Housing Audit, which was agreed with Homes for Scotland (HfS) – the umbrella group which represents the house building industry, identified that there is a realistic prospect of 5,583 homes being built in the next five years in Midlothian, exceeding the 4,336 units required. This position, in terms of meeting its housing requirements, is reflected in Midlothian’s draft 2018 Housing Audit (not yet agreed with HfS).
- 8.8 Therefore whilst the principle of housing is supported at this site in order to support the suitable conversion of the listed buildings, subject to meeting the requirements of other local development plan policies, the housing proposed through the applications is not necessary in order for the Council to meet its housing targets.

Transportation and Access Issues

- 8.9 Paragraph 87 of SPP states “Planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where:

- Direct links to local facilities via walking and cycling networks are not available or cannot be made available;
 - Access to local facilities via public transport networks would involve walking more than 400m or the transport assessment does not identify a satisfactory way of meeting sustainable transport requirements;
 - Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.”
- 8.10 The two planning applications together propose a total of up to 376 dwellings together with a modest amount of commercial floor space (up to 250 sq m). This is a significant travel generating use and therefore it is incumbent on the applicant to address the transportation and access challenges which arise from the development.
- 8.11 The Policy and Road Safety Manager objects to Application A and has expressed concerns over the suitability of the site to accommodate a residential development of the scale proposed. The site is remote from any existing facilities, with no dedicated pedestrian or cycling routes linking the site to Rosewell (the nearest settlement to the development). The site also does not have any public transport services with the nearest scheduled bus services terminating in Rosewell. The local access roads are narrow and not designed to accommodate large volumes of traffic. The main access roads leading to the site would be the narrow rural road from the Gourlaw Crossroads, which passes Gourlaw Farm, and the Kirkettle Road which connects the B7003 Roslin Glen Road. The applicant’s transport assessment identified Gourlaw Crossroad as an accident problem area and has identified some alterations which would improve driver visibility at this junction. The rest of this road is narrow with no pedestrian footways and limited road verges with a section in cutting enclosed by retaining walls on both sides. This road would not be suitable to safely accommodate a major increase in traffic levels. The Kirkettle Road also has no pedestrian facilities with sections of narrow road verge and some very sharp bends. This road starts from the B7003 Roslin Glen Road which is also a rural route with difficult horizontal geometry, steep gradients and sections of reduced width. The Roslin Glen Road is signed as being unsuitable for use by long vehicles. None of the above roads have street lighting.
- 8.12 There have been a number of road injury accidents reported on the local road network during the current 3-year accident period and the introduction of a large scale housing development in this area would add to the relatively low level of traffic using these routes resulting in an increase in the potential for vehicle conflict. In addition, given the remoteness of the site and the lack of any scheduled public transport services or convenient walking/cycling routes it is likely that the majority of trips to and from the development would require to be made by private car. The routes are of a suitable standard to safely

accommodate the increase in traffic levels the proposed development would generate. This proposal does not appear to be in keeping with the Council's aims of reducing reliance on the use of the private car, increasing the use of public transport and increasing opportunities for 'active' travel.

- 8.13 In respect of Application B the scale of development would result in an increase in the current volume of traffic using the substandard local road network which does not have adequate pedestrian/cycling access and poor public transport provision. However, it could be viewed that the change of use of the former hospital building to residential use would produce a broadly similar level of traffic generation to the former hospital use, although residential use/traffic tends to be tidal with traffic during morning and evening peaks periods. Residential development also results in school and recreational trips which would not have occurred with the hospital use.
- 8.14 The applicant's transportation assessment promotes a package of mitigation measures which includes:
- Transportation improvements including; a contribution towards the upgrading of National Cycle Route 176 and the access to it;
 - Upgrading the road junction leading from Kirkettle Farm Road;
 - The upgrading of the current private access road leading to the site to an adoptable standard;
 - The provision of a bus service from the site (for a temporary period of time);
 - The provision of a bus turning area; and
 - Changes to nearby road speed limits.
- 8.15 Whilst the package of measures is welcome, it does not mitigate the highway safety concerns identified by the Council's Policy and Road Safety Manager or by the representors, nor does it meet the conditions set out in the SPP.
- 8.16 In relation to Application B, the proposed development achieves the Council's required car parking standards. In relation to Application A, the detailed design and layout, including provision of car parking would be a matter for a subsequent matters specified by condition application if planning permission was granted.
- 8.17 If the proposed housing scheme is granted planning permission, because of the sites remoteness, it would be necessary for the Council to provide a school bus service (for both primary and secondary) and as a consequence the development layout would need to make provision for a bus turning area. Application B does not make this provision and Application A is in principle. Any grant of permission would need to meet the requirement for a bus turning area.

Alterations to the Listed Buildings and the Impact on their Setting

- 8.18 MLDP policy ENV22 states that development will not be permitted if it would adversely affect the character or appearance of a listed building, its setting or any feature or special architectural or historic interest. Demolition will only be permitted in exceptional circumstances.
- 8.19 SPP paragraph 141 advises; "Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. SPP defines a listed buildings setting as "... more than the immediate surroundings of a site or a building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of (or) townscape, the view from it or how it can be seen from areas around about, or areas that are important to the protection of the place, site or building".
- 8.20 It is proposed that the boiler house building be demolished as part of the redevelopment proposals. The case for the demolition is:
- Its position to the front of the main building prejudices the setting of the principal hospital building;
 - Its position prejudices the provision of an access road to a number of the proposed dwellings;
 - The building cannot be converted to a residential dwelling;
 - Its retention would adversely impact on the viability of the proposed conversion of the principal hospital buildings; and
 - It is of limited architectural merit.
- 8.21 As the building is Category C listed it is for the Council to assess the listed building implications of the proposal – this position has been confirmed by Historic Environment Scotland who has no comment. The proposed loss of the boiler house should be considered in the context of the overall proposal for the redevelopment of the hospital site. Firstly the boiler house building by reason of its functional purpose is of less significance in terms of its architectural merits when considered against the principal hospital buildings. Furthermore, its architectural significance has been further diminished by various alterations and extensions over a number of years. The form of the building does not enable conversion to residential use. Its position to the front of the hospital diminishes the sense of arrival at the main hospital buildings and also inhibits to the provision of access routes to more important elements of the hospital complex. On this basis, it is

considered that the case has been made for the demolition of the boiler house building if there were to be an acceptable scheme for planning permission for the conversion of the principal hospital buildings.

- 8.22 Further proposed alterations to the exterior and interior of the listed buildings comprise:
- The removal of internal walls;
 - The insertion of new internal walls;
 - The removal of some chimneys and parapets;
 - The removal of the 20th century additions to the principal buildings;
 - The alterations of some ground floor window opening into doorways;
 - The lowering of some ground floor windows cills;
 - The raising of upper floor levels;
 - The creation of new window openings;
 - The infilling of some existing window openings; and
 - The removal of the two glazed connecting corridors.
- 8.23 The listing of a building means that most proposed physical interventions (interior and exterior) in such a building will require listed building consent. In the House of Lords judgement in *Shimizu (UK) Ltd v Westminster City Council (1997)* it was determined that the whole building is to be treated as a listed building and therefore removal of part of a building does not constitute demolition but rather alteration unless the work is so extensive as to amount to the clearing of the whole site. Having regard to the Shimizu judgement it is evident that the proposed works to the listed buildings (other than the boiler house removal) constitute alterations not demolition.
- 8.24 There are a number of proposed works which relate to window openings. These works comprise; lowering the cills of a number of windows, the blocking up of a small number of existing windows, the creation of a small number of new window openings and the alteration of some ground floor windows to doors ways. These works, along with the reconfiguration of some internal walls, are required to facilitate the conversion of the building into dwellings and if the principle of conversion is accepted then these alterations are acceptable and can be undertaken without detriment to the historical character of the buildings.
- 8.25 The proposed works to the roof of the listed buildings includes; the removal of some parapets and some chimney stacks and the installation of roof lights (to facilitate residential accommodation in the roof space). Of the 49 chimney stacks, 40 are proposed to be retained. The need for the removals arises from the removal of internal walls which provide structural support for the chimneys. The balance between retention and removal is acceptable – the character of the buildings will be retained.

- 8.26 The removal of two glazed link corridors between the different wings of the hospital is also proposed. Whilst they form an attractive element of the hospital buildings, given their nature they do not lend themselves to conversion and their continued retention prevents the conversion of those parts of the principal buildings to which they join. Their proposed removal is acceptable in order to facilitate the overall proposals for the conversion of the hospital buildings.
- 8.27 The hospital buildings, at various times in the late 20th century, have had a number of modest functional extensions. Although now part of the listed building these additions have a detrimental impact on the character and appearance of the listed building and therefore their removal is a positive proposal.
- 8.28 The proposals include removing all the roof coverings and then re-slating of the roof reusing the original slates where possible. Any new slates shall match those lost/damaged through the re-roofing process.
- 8.29 In respect to the proposed developments impact on the setting of the listed buildings; the views of the primary elevations are protected and enhanced (by the removal of unsympathetic additions and the demolition of the boiler house), the degree of separation of the proposed new build in the North and South Fields and the retention of existing trees and woodland. The proposed new build dwellings in the Firth Road/Farm Road cluster are of a scale and form that reflect their location and proximity to the listed buildings. Furthermore, they replace buildings which previously provided staff accommodation. It is considered that the development does not impact on the setting of the listed building.

Is the Proposal Enabling Development?

- 8.30 Enabling development is not a statutory term, but was confirmed as a legitimate planning tool in 1988 when the Court of Appeal, in its landmark judgement in *R v. Westminster City Council ex parte Monahan*, upheld the validity of a planning permission authorising office development, even though contrary to the development plan, on the basis that it would provide funds to improve the Royal Opera House, Covent Garden, unobtainable by other means.
- 8.31 The principal guidance on enabling listed building development is Historic England's "Enabling Development and Historic Places". There is not an equivalent guidance note from Historic Environment Scotland. The Historic England's guidance is also seen as best practice in Scotland and identifies that in an enabling development case there are seven key principles. In an enabling case, development that is contrary to planning policy is unacceptable unless:
- a. It will not materially harm the heritage values of the place or its setting;
 - b. It avoids detrimental fragmentation of management of the place;

- c. It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose;
- d. It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
- e. Sufficient subsidy is not available from any other source;
- f. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests; and
- g. The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

8.32 The applicants have promoted the development as an enabling case. However, whilst the objective of the applicants is to promote residential development at Rosslynlee to support the conversion of the listed hospital buildings in order to secure their future, it is not enabling development as identified in the said guidance. This is because residential development is not contrary to planning policy because the site is identified as an Additional Housing Development Opportunity (site Ahs1). In order for development to be an enabling development the guidance specifically identifies that development provided for in a local plan by definition would not be enabling development. The application has the benefit of an allocation and cannot therefore also seek the benefit of being an 'exception to the rule' as an enabling development. The additional 'green fields', the North Field and South Field, were identified in site Ahs1 to provide the scale and opportunity for new development to fund the restoration and conversion of the listed buildings and the developments obligations in terms of infrastructure and development plan policy compliance.

8.33 It is worth noting in this context that were the proposals considered to be enabling development, the applicants would be required to demonstrate that the proposed new build housing was the minimum necessary to support the conversion of the listed buildings.

Layout and Form of Development

8.34 MLDP policy DEV 6 requires good design and a high quality of architecture in both the overall layout of development and their constituent parts. The applications proposed residential scheme is in five distinct areas:

- The conversion of the hospital buildings (Applications B and C);
- Three new build dwellings in the immediate hospital grounds (Application B), referenced in the application as Plot 3;
- Dwellings where the hospital farm and staff accommodation were historically located on Firth Road/Farm Road. This is a mixture of new build dwellings, conversion of unlisted buildings and conversion of listed buildings (Applications B and C) referenced in the applications as the Village Core;

- Residential development in principle in the field (known as North Field) adjoining the hospital (Application A); and
 - Residential development in principle in the field (known as South Field) adjoining the hospital (Application A).
- 8.35 The proposed dwellings within the listed hospital buildings are acceptable and the details of the conversion have previously been discussed elsewhere in Section 8 of the report. In terms of the three new build dwellings at Plot 3 in the hospital grounds these are detached dwellings of a contemporary design. They are two storeys in height with slate pitched roofs, vertical timber cladding and smooth render construction. By means of their distance of separation from the hospital buildings and the intervening landscaping they do not have an adverse impact on the setting of the listed buildings. Their contemporary design is well articulated and detailed though the use of the materials described.
- 8.36 The dwellings at the village core follow the existing liner street pattern of Firth Road/Farm Road and as previously noted are a mixture of conversions of existing buildings and the provision of new buildings including in part, dwellings already consented through the approval of applications 16/00720/LBC and 16/00716/LBC (Parcel A of the Village Core). The village core comprises 29 dwellings, 13 in Parcel A and 16 in Parcel B:
- 1 and 2 Firth Road (Listed) converted into a single dwellinghouse;
 - 3 and 4 Firth Road (Listed) converted into two dwellinghouses;
 - The farm manger's house (Listed) converted into a single dwellinghouse;
 - The cart shed (Listed) converted into a single dwellinghouse;
 - The steading building (unlisted) converted into three dwellings; and
 - 21 new build dwellings (8 semi detached and 13 detached).
- 8.37 The new build dwellings are for the most part 1.5 storeys, albeit three of the plots are two storeys in height. As regards materials, slate pitched roofs, light coloured wet dash render walling and stone cills are proposed.
- 8.38 The renovated listed buildings are proposed to be renovated using appropriate materials such as stone and slate with timber windows. Where there are new build additions such as a single storey extension to the listed cart shed a contemporary approach is taken with the extension being a wet dash render finish.
- 8.39 The proposed new build dwellings achieve a respectful relationship with the adjoining listed buildings by reason of their positioning on Firth Road/Farm Road and their scale. The introduction on some plots of differing heights of buildings introduces an appropriate interest and variety to the street scene. The new build plots use quality materials and are well articulated.

- 8.40 In relation to the proposed development in the North and South Fields the application is in principle with all matters of detail – layout, form, design, means of access and landscaping reserved for future submission and approval in the event that planning permission is granted. Indicative layout plans have been submitted demonstrating 280 dwellings with suitably sized gardens, the retention and enhancement of landscaping, pedestrian routes and the provision of public open space. Given the sites rural location close to a complex of significant listed buildings, if development were approved it would be of particular importance to achieve a high quality of design for the proposed dwellings. This can be achieved through the imposition of conditions if the scheme were to be granted planning permission.

Landscape and Visual Impact

- 8.41 MLDP policy ENV7 states that development will not be permitted where it may have an unacceptable effect on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New proposals will normally be required to incorporate proposals to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.
- 8.42 In this instance the proposed development is located in the countryside with impressive views of the Pentland Hills. By the nature of the development it would bring a degree of urbanization through the introduction of dwellings to a green field site. The applicant's visual assessment nonetheless demonstrates that with suitable landscaping and tree planting; including the retention of existing features and the dwellings in the North and South Fields being limited to two storeys, there would be a limited visual impact upon the wider landscape. The hospital buildings are a case in point; these substantial buildings in a countryside location are largely hidden until the point of actual arrival because of the comprehensive and significant surrounding landscaping.
- 8.43 The MLDP settlement statement in relation to the site advises that there will be a need to protect, retain and enhance existing woodland belts within the site (along the north western, north eastern and south western boundaries) as well as along north eastern, south eastern edges of the hospital grounds. A 10-15 metre wide hedgerow should be incorporated along the south eastern edge.
- 8.44 One of the most notable landscape features of the site is the large rear lawn which enhances the setting of the principal hospital building – this should be retained. Application B proposes enhanced landscaping of the grounds immediately adjoining the hospital buildings and new walkways. The proposed interventions (subject to conditions to secure matters of detail in the event of planning permission being granted) will

provide an appropriate backdrop to the listed hospital buildings and the overall rural setting of the site.

- 8.45 Landscaping and open space would also be provided in the North and South Fields, the details of which would be the subject of a further application if the planning permission in principle application is approved.

Proposed Commercial Uses

- 8.46 Application A proposes up to 250 sqm of floor space for either Class 1 (Shops), 2 (Financial and Professional Services), 3 (Restaurants and cafes) or 4 (Business) uses which would be located in a new build unit within the site. The limited floor space of the commercial unit would not cause harm to the vitality and viability of Midlothian's town centres or local centres and is of a scale which could be seen as supportive of the main residential development and therefore accords with MLDP policy TCR2.

Planning Obligation/Affordable Housing

- 8.47 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15);
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
 - be reasonable in all other respects.
- 8.48 The MLDP requires (policies IMP2 and IMP2) proposed residential developments to mitigate their impact on local services by funding, by way of developer contributions, the capital cost of education provision, public transport infrastructure (including Borders Rail) and community facilities and in doing so meet the demand arising from a proposed development. If the applicant is not mitigating the need arising from their development the Council in effect subsidises the development – this applies even in cases where a development is to restore a listed building.
- 8.49 MLDP policy DEV 3 sets out a requirement that allocated housing sites (including Additional Housing Development Opportunity sites) shall

provide 25% of the total number of units as affordable. An alternative offsite provision may be an option which the Council will consider. At the time of drafting the report the applicant could not demonstrate that the affordable housing requirement (up to 94 units) could be delivered.

- 8.50 The Rosewell Settlement Statement of the MLDP identifies that the development of site AhS1 is require to make developer contributions towards additional primary school capacity at Rosewell Primary School, Secondary provision at Lasswade High School (of an alternative) and St David's RC High School, the Borders Rail and Community facilities in Rosewell.
- 8.51 In relation to the Borders Rail the site is a 15 minute drive from Eskbank Station and is specifically identified in the MLDP as being located within the A7/A68/Border Rail Strategic Development Area and therefore required to contribute towards the Border Rail project. The applicant's contribution proposals would not fund the required payments towards the Borders Rail or towards any other public transport provision.
- 8.52 The application site is with the Rosewell catchment area. As regards Rosewell Primary School, the school was extended by 3 classrooms in 2012 to accommodate growth from the planned development (now constructed/under construction) set out in the now superseded 2008 Midlothian Local Plan. The school operates at capacity and as such those new sites in the Rosewell catchment area identified in the MLDP, including the application site, must fund an extension to the school to meet the required primary education demands.
- 8.53 In relation to secondary schooling the site currently sits within the catchment of Lasswade Secondary school which is at capacity (as are all of the other non-denominational secondary schools in Midlothian). Therefore a contribution would be required towards additional secondary capacity including St David's RC High School in Dalkeith. Even if there were to be a review of catchments in respect of Lasswade High school, all of the other potential alternative high schools which might serve Rosewell such as Beeslack, Penicuik or Newbattle are all at capacity. Therefore contributions towards additional secondary capacity would be required irrespective of which high school serves Rosewell.
- 8.54 Section 51 of the Education (Scotland) Act 1980, as amended, requires education authorities to make such arrangements as they consider necessary for the provision of transport to and from school. Section 42 (4) of the Education (Scotland) Act 1980 sets a statutory walking distance of 2 miles for any pupil under the age of 8, and three miles for any other pupil. Scottish Executive Education Department Circular 7/2003 states that Education Authorities have a common law duty of care for the safety of pupils under their charge and this duty extends to pupils using transport to and from school. Having regard to the stated

provision, it would be necessary for this development to contribute financially towards the provision of bus services to enable pupils to be transported to school.

- 8.55 The applicant's developer contribution proposals would fund approximately 78% of the required payments towards their education requirements.
- 8.56 The applicant's contribution proposals would not fund the required payments towards community facilities.
- 8.57 The applicant is advising there are very high costs associated with the conversion and restoration of the listed buildings and as such the residential units proposed in the planning application in principle application (on a green field site) are required to cross subsidise this work. Therefore the applicants consider that it would be only viable to contribute a partial amount (circa two thirds of the overall amount sought, additional school capacity being the single largest category of contribution) of what the Council would be seeking towards planning obligations and not meet the required affordable housing requirements.
- 8.58 To give the above some context; in relation to the provision of additional school capacity the applicant is in effect needing the Council to underwrite a seven figure sum. In relation to the Borders Rail, the Council is required to underwrite millions of pounds worth of Border Rail costs irrespective of where it recovers contributions from developers. Therefore to not recover contributions in relation to Border Rail would potentially result in the Council needing to underwrite a substantial six figure sum.
- 8.59 The applicant's case is that the development would be rendered unviable if it were required to make the full gambit of developer contributions. Furthermore the applicant is securing the future of the listed building and this should outweigh the shortfall in contributions and the provision of affordable housing.
- 8.60 Whilst there is planning benefit to securing the future of the listed hospital buildings as recognised in the MLDP this needs to be weighed by the Council against the other pertinent considerations also identified in the MLDP. Firstly, in the context of the MLDP, the proposed housing is not necessary for the Council to meet its housing supply requirements. Secondly the development is considered to lead to conditions prejudicial to highway and pedestrian safety, contrary to national planning guidance and thirdly the development falls significant short of making the necessary infrastructure requirement through developer contributions to mitigate the consequential impact of the development. Taken together any ostensible planning benefits arising from securing the future of the listed building are outweighed by the disbenefits arising from the scheme.

Ecology and Biodiversity

- 8.61 A species protection plan has been submitted; setting out the status of protected species across the site, possible adverse impacts of the development and appropriate and effective mitigation. Both planning applications have been accompanied by habitat assessments which have been assessed by the Council's ecology adviser who has raised no objection to the proposed developments.

Flooding and Drainage

- 8.62 The applicant has submitted drainage and flooding assessments which set out the provision of a sustainable urban drainage system which includes retention basins to mitigate surface water runoff. Scottish Water, SEPA and the Council's Flooding adviser have been consulted on both planning applications and are satisfied with what is proposed subject to the imposition of suitable conditions.

Residential Amenity

- 8.63 MLDP policy DEV2 requires development, within existing and future built up areas and in particular within residential areas, not to detract materially from the existing character or amenity of the area. All the proposed residential units contained within Application B would receive acceptable levels of daylight, sunlight, outlook and privacy whilst not being exposed to unacceptable levels of noise or poor air quality. The levels of amenity in Application A would be subject to a further application if planning permission in principle is granted.
- 8.64 In relation to existing residential properties, the closest are those at Firth Mains Farm, Firthwell and Auchendinny Mains, but given the distance from the proposed development there is no loss of privacy, daylight or sunlight or will they be exposed to unacceptable levels of noise.

Other Matters

- 8.65 In terms of the issue raised by objectors about an increase in the number of dogs affecting sheep farmers. This issue is addressed by other legislation, namely the Dogs (Protection of Livestock) Act 1953. If a dog worries sheep on agricultural land, the person in charge of the dog is guilty of an offence. The Act considers sheep worrying to include attacking sheep, chasing them in a way that may cause injury suffering, abortion or loss of produce or being at large (not on a lead or otherwise under close control) in a field or enclosure in which there are sheep. Furthermore under the Land Reform (Scotland) Act 2003, access rights do not allow members of the public on to land with a dog which is not under proper control.

- 8.66 One of the points of objection made a representor is that the applicant did not adequately notify surrounding residents. However, in relation to planning applications the requirement to carry out neighbour notification rests with the local planning authority, which has followed the requirements set out in the regulations.
The Condition of the Listed Buildings (Rosslynlee Hospital)
- 8.67 It is appropriate to give consideration to the scenario that the applications are refused planning permission and listed building consent. In that circumstance the applicant has the right of appeal to the Scottish Ministers. It is acknowledged that the objective of the applicant has been to secure the future of the listed buildings through bringing forward residential development. The buildings have been unoccupied for some years. The deterioration in the condition of the buildings which might anyway occur has been exacerbated by the stealing of piping and lead flashing and general vandalism such as the breaking of windows. These criminal activities have increased the incursion of wind and rain and there is now the presence of wet and dry rot in parts of the buildings.
- 8.68 The applicant has sought to put in place security measures to reduce the likelihood of vandalism and theft occurring; however on a large remote site it will be difficult to wholly exclude those with determined criminal intent. In essence the applicant's case is that the proposed development is necessary in order to safeguard the future of the listed buildings and that if the applications were to be refused there is not an alternative identified approach. The future of the listed building is a material consideration, but it is one of several important considerations for the Council, not the single overriding issue.
- 8.69 The primary responsibility for the condition and state of a listed building is the owner. Historic Environment Scotland note in their guidance "as with any asset, the owners of listed buildings are responsible for repairing and maintaining their property. However, planning authorities have powers available to them pursuant to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which they can use to address listed buildings in a poor condition in their area. Planning authorities can carry out any urgent work needed to preserve an unoccupied listed building, or unused parts of a listed building, as long as they give the owner notice first. Planning authorities can claim the cost of urgent work back from the owner.

9 RECOMMENDATION

- 9.1 That planning permission 17/00980/PPP (Application A) for residential development, up to 280 dwellinghouses, and commercial development on land adjoining the former hospital at Rosslynlee be refused for the following reasons:

1. The development by reason of; the number of dwellings proposed and the consequent trip generation, the remote location of the site and the narrow roads of the local highway network would lead to conditions prejudicial to highway and pedestrian safety contrary to paragraph 187 of Scottish Planning Policy.
2. The application does not make the necessary provision towards essential infrastructure (developer contributions) to mitigate the impact of the proposed development and is therefore contrary to policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
3. The applicant has not demonstrated to the satisfaction of the local planning authority that the proposed development includes the required affordable housing provision (25% of units) either by the delivery of onsite provision, a compensatory commuted sum towards off site provision or by an alternative methodology and as such the proposed development is contrary to policy DEV3 of the Midlothian Local Development Plan 2017.

9.2 That planning permission 17/01001/DPP (Application B) for the conversion and alteration of the former hospital and associated buildings to 72 dwellings and the erection of 24 new dwellinghouses at the former hospital at Rosslynlee be refused for the following reasons:

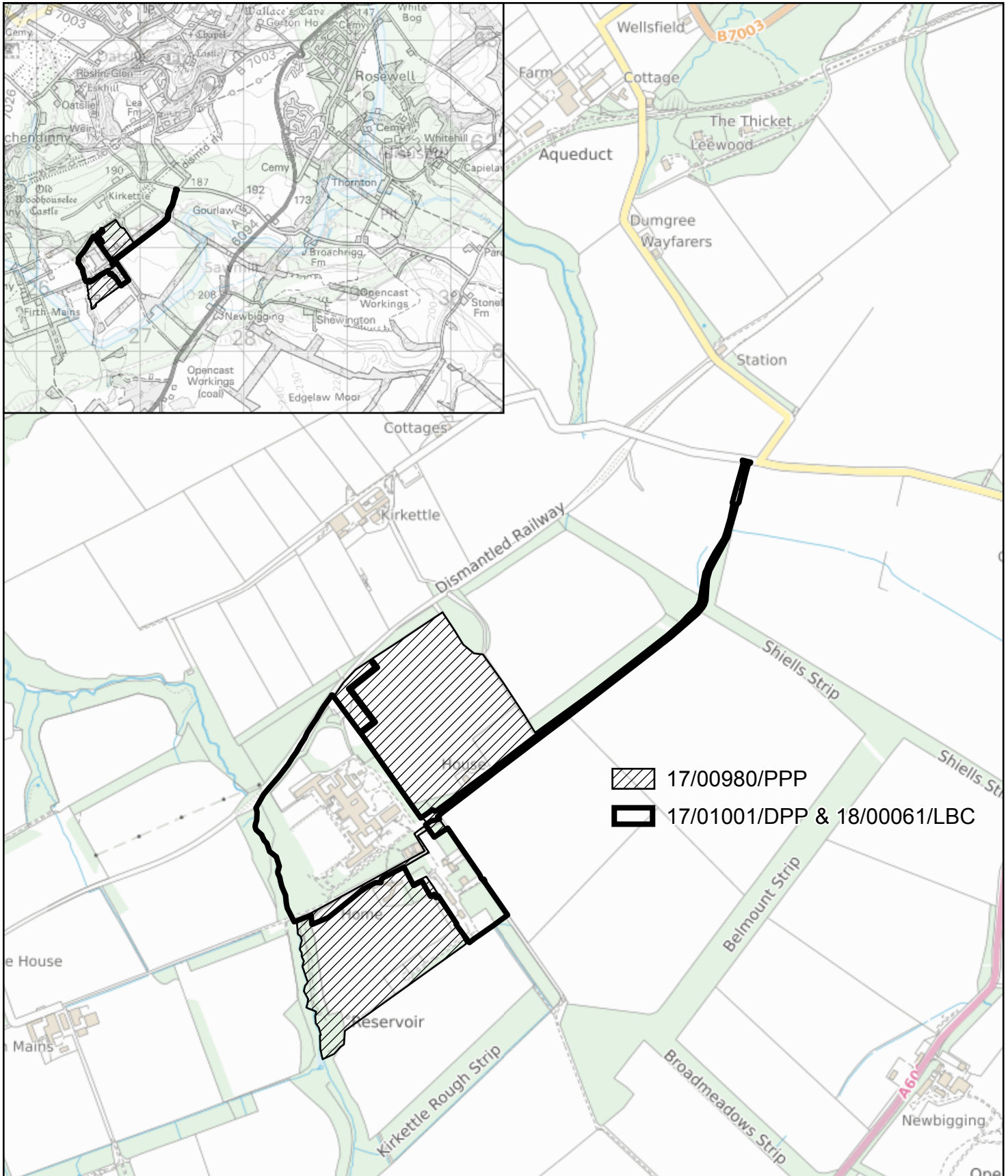
1. The application does not make the necessary provision towards essential infrastructure (developer contributions) to mitigate the impact of the proposed development and is therefore contrary to policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
2. The applicant has not demonstrated to the satisfaction of the local planning authority that the proposed development includes the required affordable housing provision (25% of units) either by the delivery of onsite provision, a compensatory commuted sum towards off site provision or by an alternative methodology and as such the proposed development is contrary to policy DEV3 of the Midlothian Local Development Plan 2017

9.3 That listed building consent 18/00061/LBC (Application C) for the conversion and alteration of the former hospital and associated buildings to 69 dwellings and the demolition of outbuildings at the former hospital at Rosslynlee be refused for the following reason:

1. As there is not an acceptable scheme for the conversion of the listed building which makes the necessary provision towards infrastructure and affordable housing provision it is not appropriate to grant listed building consent and the scheme is thereby contrary to policy ENV22.

Dr Mary Smith
Director of Education, Communities and Economy

Date: 8 November 2018
Application No: 17/00980/PPP, 17/01001/DPP and 18/00061/LBC
(Available online)
Applicant: Oakridge Group
Agent: Geddes Consulting
Validation Date: 13 December 2017, 10 January 2018 and
1 February 2018
Contact Person: Matthew Atkins
Tel No: 0131 271 3346
Background Papers:



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

Detailed planning application and listed building consent to convert former hospital and associated buildings to 72 dwellings together with 24 new build dwellings.

Planning permission in principle for up to 280 dwellings"

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

Midlothian Council Licence No. 100023416 (2018)

File Nos.17/00980/PPP,17/01001/DPP & 18/00061/LBC

Scale: 1:10,000 (Inset: 1:50,000)

Page 114 of 154





APPLICATION FOR PLANNING PERMISSION (19/00042/DPP) FOR THE ERECTION OF 28 DWELLINGHOUSES AND 44 FLATTED DWELLINGS; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND EAST OF CONIFER ROAD, MAYFIELD, DALKEITH

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 72 dwellings on land east of Conifer Road, Mayfield; which is the site of the former Bryans Primary School. There have been no letters of representation and consultation responses from the Scottish Environment Protection Agency (SEPA), Scottish Water, the Council's Policy and Road Safety Manager, the Council's Head of Education, the Council's Land Resources Manager and the Council's Environmental Health Manager.
- 1.2** The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT1, STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV9, ENV10, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017. The recommendation is to grant planning permission subject to conditions and securing developer contributions.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site comprises the grounds of the former Bryans Primary School, located to the north of Mayfield. The former school buildings have long been demolished and the site is currently cleared ground with housing to the east, west and south and countryside to the north. The site is approximately 2.85 hectares and is allocated housing site Hs48 (Bryans) in the Midlothian Local Development Plan 2017 with an indicative capacity of 65 dwellings. The site was originally allocated in the 2008 Midlothian Local Plan.
- 2.2** The land to the northeast of the site is allocated housing site Hs41 (North Mayfield) with an indicative capacity of 63 dwellings. The site

slopes from the northwest to the southeast and sits at a higher level than the neighbouring houses in David Scott Avenue and Rowantree Road. There is an existing vehicular access off Conifer Road and pedestrian access points off Rowan Tree Road and Camp Road. An existing core path (core path 5-9) runs to the north of the site and is accessed from the junction of D'Arcy Road and D'Arcy Terrace in the south and Lawfield in the north.

- 2.3 The existing housing in the surrounding area comprises predominantly post war, two storey terraced and semi-detached houses. The character of the area comprises housing fronting onto streets with small front gardens. The majority of buildings are characterised by various colours of rendered walls and concrete roof tiles.

3 PROPOSAL

- 3.1 The proposed development comprises:
- (i) The erection of 28 two storey dwellinghouses;
 - (ii) The erection of 44 two storey 'cottage style' (four in a block) flatted dwellings;
 - (iii) Open space, landscaping and a children's play area;
 - (iv) The formation of vehicular accesses from Conifer Road and David Scott Avenue; and
 - (v) The provision of sustainable urban drainage system (SUDS) attenuation tanks in the southwest of the site.
- 3.2 The proposal comprises semi-detached houses and four in a block/cottage style flatted units.
- 3.3 Four different house types and two flat types are proposed. There are 28 one bed units, 24 two bed units, 16 three bed units and 4 four bed units.
- 3.4 All of the proposed houses and flatted blocks are two-storey buildings with pitched roofs. The buildings will be fitted with photovoltaic panels.
- 3.5 Materials specified for use within the site, include; white render, grey, green or blue cladding, concrete roof tiles and facing brick base course, feature panels and walls. The window frames are white uPVC and the doors composite grey and white. The in-curtilage parking areas are to be porous pavements. No materials have been specified for the internal roads, shared surfaces, parking courtyards or lay-by parking.
- 3.6 The proposed development is part of the Council's housing programme and comprises all affordable housing units.
- 3.7 Two vehicular access points are proposed; one off David Scott Avenue, close to the junction with Rowantree Road and a second off Conifer Road (the old school access point).

- 3.8 A footpath is proposed in the north of the site to connect into a core path (core path 5-9) leading towards Lawfield. The two existing pedestrian accesses from Rowantree Road and Camp Road are to be retained. The existing path along the rear of the houses in Rowantree Road is to be removed. An access link to the neighbouring allocated housing site (Hs41) to the northeast has been included to allow for a potential connection to any future development.
- 3.9 The site is to be excavated, filled and levelled to remove the hardstanding areas which remain from the previous school use. This will create an even slope which reflects the ground levels in the wider area and removes the need for excessive retaining walls and underbuilding. There will be some low retaining walls in a number of gardens, but these shall be no more than 0.45 metres high.
- 3.10 The SUDS strategy comprises: the provision of attenuation tanks located by the new access off David Scott Avenue, which will be connected to the existing sewer system; and, the provision of a drainage interceptor and drainage trench, which will run along the west of the site between the site boundary and the houses at David Scott Avenue – this will connect into the attenuation tanks. The drainage trench will be incorporated into an area of landscaping between the rear of the proposed and existing houses. This land will be maintained by the Council and closed to public access. An embankment to the north and east is to be formed incorporating field drainage systems, filter trenches and filter drains all connecting into the proposed drainage system. Surface water will drain into filter trenches below the parking bays and road verges and then into the attenuation tanks.
- 3.11 This application is also accompanied by:
- A planning statement;
 - A pre-application consultation (PAC) report;
 - A remediation and verification strategy for ground gas; and
 - A proposed methodology for site investigation.

4 BACKGROUND

- 4.1 The applicants carried out a pre-application consultation (18/0476/PAC) for the erection of 72 dwellings; formation of access roads and car parking and associated works in July 2018.
- 4.2 Planning application 18/00771/DPP for the erection of 28 dwellinghouses and 44 flatted dwellings; formation of access roads and car parking and associated works at the site was withdrawn in January 2019.

5 CONSULTATIONS

- 5.1 **Scottish Environment Protection Agency** comments are pending.
- 5.2 **Scottish Water** does not object to the application, but does advise that they cannot confirm that the proposed development can currently be serviced and would advise discussions about connections take place between themselves and the applicant.
- 5.3 The Council's **Environmental Health Manager** does not object to the application, subject to conditions being attached to any grant of planning permission ensuring that ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times.
- 5.4 The Council's **Policy and Road Safety Manager** does not object to the application. However advise that the construction of the new vehicular access off David Scott Avenue may require the relocation of the current traffic calming feature at this location. It is recommended that the following matters be secured by condition if planning permission is granted:
1. Details of the proposed surface water drainage system, including the runoff interceptor trench and bunding running around the perimeter of the site. If filter trenches are to be used these shall be within soft landscaped areas and not under hard surfaced areas;
 2. Details of the proposed street lighting;
 3. Details of the proposed road surfacing and alignment within the development should be submitted for approval. The current layout indicates the use of standard road and footway construction and 'shared surfaces'. The shared surface will require to be surfaced in block paving with suitable vertical traffic calming features to keep vehicle speeds at low levels. Some sections of localised road narrowing are shown on the layout and these should be removed and replaced with vertical features if traffic calming is required at these locations. An AutoTrack or similar computer programme should be submitted to demonstrate that the proposed road layout can safely accommodate a HGV (standard bin lorry); and
 4. Electric vehicle charging points will be required at suitable points within the development and details of the locations of these units should be submitted for approval.
- 5.5 The Council's **Head of Education** estimates that 72 dwellings would give rise to 28 primary school pupils and 21 secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Lawfield Primary School, St Luke's RC Primary School, Newbattle High School and St David's RC High School.

- 5.6 Lawfield Primary School is over capacity. A significant amount of new housing has already been allocated to the school and additional primary school capacity will be required. The Council, by way of updating its learning estate strategy, is seeking to deliver additional primary school provision in Easthouses, Mayfield and Newtongrange. This could see the rezoning of catchment areas with the consequence that Lawfield Primary School or a new school will be able to accommodate the pupils from this development. First occupancy of these houses would need to be aligned with the opening of a new school/adjustment of catchment areas as all other schools in the area are at or over capacity, i.e. Lawfield, Mayfield and Newtongrange Primary Schools.
- 5.7 The Council's **Land Resources Manager** confirms that no core paths or right of way falls within the application site boundary.

6 REPRESENTATIONS

- 6.1 No representations have been received.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT 1: Committed Development** seeks the early implementation of all committed development sites and related

infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.

- 7.5 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 65 housing units on the site.
- 7.6 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.
- 7.7 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.8 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.9 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.10 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.11 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.12 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.

- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.14 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.15 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.16 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.17 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.18 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.19 Policy **IMP1: New Development** This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.20 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of

the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.

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

National Policy

- 7.22 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.23 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.24 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.25 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.26 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that
- "Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area"*.
- 7.27 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places.

- 7.28 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.
- 7.29 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 proposal complies with development plan policies unless material planning considerations indicate otherwise. The consultation responses received are material considerations.

The Principle of Development

- 8.2 The site is allocated in the MLDP as housing site Hs48 and is located within the built up area of Mayfield where there is a presumption in favour of appropriate development. The application site is situated within a predominantly residential area where the proposed residential development would be compatible to the neighbouring land uses subject to the details of the proposed development complementing the character of the area and protecting the amenity of existing neighbouring properties. The consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for residential purposes.
- 8.3 The principle of residential development on the site was first established by its allocation for housing in the now superseded 2008 Midlothian Local Plan. The site was then subsequently identified as a committed development site in the MLDP with an indicative allocation of 65 residential units. The proposal is for 72 residential units, seven more than the allocation. This is acceptable if the proposed development is of good design and the impact of the development in terms of infrastructure can be mitigated, in particular in terms of education provision.
- 8.4 While the Council own the site they are not identified as being the applicant for the planning application. However, in the interests of clarity, it is the case that the application relates to a scheme for Council housing, to be delivered by a third party. As the units will be affordable housing there is no requirement to secure the usual policy requirement of 25% affordable housing on the site. However, it is appropriate to ensure the affordable housing is delivered and that the site is not transferred to a third party with no requirement for affordable housing. Therefore, it will be necessary to use a planning condition to ensure delivery of affordable housing on the site.

Layout and Form of Development

- 8.5 The proposed development is for 28 dwellinghouses and 44 flatted dwellings with an average density of 25 dwellings per hectare. This amounts to an average/medium density development in a suburban area. The development has been designed primarily as a traditional street layout responding to the shape of the site and the residential form in the surrounding area. The layout consists of three streets running through the site; all having dwellings fronting onto them, landscaping and with areas of shared surfaces. The shared surfaces will help reduce traffic speeds and will encourage a pedestrian friendly neighbourhood. There is a central formal open space with buildings fronting onto it, an area of informal open space over and around the SUDS attenuation tanks at the access to the site off David Scott Avenue, informal open space and play area to the north of the site and pockets of landscaping throughout the site. Together, the orientation of buildings fronting onto the streets and overlooking areas of open space, the street pattern and layout and the relationship between the buildings, both proposed and existing, creates a development which is compatible with its surroundings and provides good amenity.
- 8.6 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so. The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. It is expected that each of the flats is provided with the equivalent of 50 square metres of open space, provided in an area of communal private space or a designated space per flat.
- 8.7 Twenty-two of the proposed dwellings have rear private gardens that fall below this standard. Of these, five fall marginally below and are not considered to significantly compromise the residential amenity of the future occupants of the houses. The other dwellings below the standard are smaller house types, which by reason of having a narrow building frontage will have a smaller garden unless it is unduly long. The gardens proposed still provide a good level of amenity. There are areas of open space throughout the development, as well as good links to the countryside and local parks which further enhances amenity. All the flatted dwellings have more than the minimum amenity space.

- 8.8 The mix of house types and sizes is acceptable. The residential units comprise a healthy mix of types, namely 1, 2, 3 and 4 bed semi-detached houses and flats. The architectural styles of the houses and flatted buildings are relatively traditional in form (square/rectangular two storey buildings with pitched roofs) and complement the character of the area.
- 8.9 In order that the external finishes of the buildings are complementary to each other and appropriate to the character of the area, it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the planning authority. None of the proposed buildings are identified as being within an area of improved quality (AIQ) in terms of design and materials. An AIQ seeks to add interest and character to developments by enhancing the quality of some buildings, landscapes and streetscape, usually 20% of the scheme. The absence of an AIQ is to the detriment of the design of the scheme. However it can be made a condition of a grant of planning permission that details of the proposed materials to be used in an AIQ shall be submitted for the prior written approval of the planning authority. Buildings identified as an AIQ shall be at key locations, fronting onto communal open space or at road entrance points and junctions.
- 8.10 No details of the 'percent for art' for the development; an artistic feature that would add interest and local reference to the development, has been submitted with the application. It should be made a condition of a grant of planning permission that details of percent for art for the development be submitted for the prior written approval of the planning authority.
- 8.11 There are a number of instances where the spatial separation between houses falls marginally below the minimum standard. However in these cases there would be no detrimental impact on the amenity of those properties in terms of loss of daylight, loss of sunlight or overlooking.
- 8.12 The site is to be excavated, filled and levelled to remove the hardstanding areas which remain from the previous school use. This will create an even slope reflective of the ground levels in the surrounding area. The ground levels towards the north and east of the site are to alter the most, in some cases either raised or lowered by up to 1.7 metres. The areas where the ground levels are to increase are positioned centrally within the site and so would not have a detrimental impact on existing houses. The most significant level change in close proximity to existing houses is in the area by Camp Road and Rowantree Road. The ground levels are to be lowered by a maximum of 1.7 metres to ensure they have a better relationship with the existing dwellings. The proposed changes in levels would not have an unduly

dominant effect on neighbouring properties or the landscape character of the area.

- 8.13 The development as a whole provides good levels of amenity to future occupants, has a considered layout, incorporates open space and landscaping and links to the wider area. Whilst it is acknowledged that the proposal is over the indicative allocation number and does not fully meet the requirements with regard garden sizes for some units the overall quality of the development is good.

Open Space and Play Areas

- 8.14 Policy DEV9 provides open space standards for new developments and sets levels which must be achieved. Sufficient areas of informal open space are provided throughout the site. The children's play area is of a size which is appropriate to the scale of development. Furthermore, there are three other plays areas in the surrounding area which are easily accessible from the site. The site is also within close proximity to the play fields at Mayfield Park.
- 8.15 The applicant has provided a drainage strategy for the site, with attenuation tanks at the lowest part of the site to allow for connection with the existing public sewer system, along with drainage interceptors for field drainage, filter trenches and filter drains. The attenuation tanks will appear as a relatively naturalistic and soft feature which will not detract from the landscape character and visual amenity of the area. During the pre application consultation process, a number of local residents commented that there are significant drainage issues in the area including water flows from the countryside to the north into the application site. Given this existing issue and the gradient of the site, it is appropriate for the development to incorporate suitable and adequate drainage to ensure there is no impact on the surrounding area. The applicant has submitted some information about the proposed drainage system to mitigate the concern, but additional information will be required as part of any permission granted. This should include details of the runoff interceptor trench and bunding running around the perimeter of the site. Filter trenches are required to be located within soft landscaped areas and not under hard surfaced areas.
- 8.16 The landscape strategy submitted with the application is acceptable in principle. The inclusion of trees along the roads throughout the site and the formation of a central area of open space will create an attractive development. However, no detailed landscape proposals have been submitted with the application. It should be made a condition of a grant of planning permission that a detailed landscaping scheme for the development be submitted for the prior approval of the planning authority.

- 8.17 MLDP policy ENV2: Midlothian Green Network, requires new development sites to fully incorporate green network opportunities in their design and implementation. This can potentially be delivered by a combination of path networks, open space and sustainable urban drainage systems. The adopted Supplementary Guidance for Green Networks states that there should be a green network crossing the site, incorporating open space, paths and SUDs, which should connect into the green network in the area.
- 8.18 The proposal includes four footpath links. Two existing paths to the south of the site are reinforced; one from Rowantree Road and another from Camp Road. A third path, to the north of the site, connects into the existing core path network to Lawfield. A fourth connection leads eastwards towards the adjoining site, so as to provide a potential access route if development comes forward on this allocated site (Hs41). There are areas of open space and landscaping throughout the site and along the northern and eastern boundaries. Given these features, the proposed development complies with policy ENV2 of the MLDP and meets the aspiration of Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.

Access and Transportation Issues

- 8.19 Two vehicular accesses into the site are proposed, one from Conifer Road to the north (the access point to the former Bryans Primary School) and another off David Scott Avenue from the southwest. The provision of two access points will help traffic flow into and out of the site. During the pre application consultation process only the Conifer Road access was proposed and local residents raised concerns about an increase in vehicles using the narrow David Scott Avenue to access the site entrance at Conifer Road. In response a second access is also proposed at David Scott Avenue, which will reduce the number of vehicles using one access point and create better traffic flow in the area. The two access approach is good place-making.
- 8.20 The car parking requirement for the development has been achieved throughout the site. Whilst not all proposed parking is in-curtliage, there is parking throughout the development in on-street lay-bys and parking courtyards. This will adequately provide parking for future occupants and visitors.
- 8.21 Details of the proposed road surfacing and alignment within the development are required for further consideration should planning permission be granted, as are details of street lighting. The current layout indicates the use of standard road and footway construction and shared surfaces. The shared surface will require to be surfaced in block paving with suitable vertical traffic calming features to keep vehicle speeds at low levels. Some sections of localised road narrowing are shown on the layout. The Policy and Road Safety Manager states

these should be removed and replaced with vertical features if traffic calming is required at these locations. An AutoTrack or similar computer programme should be submitted to demonstrate that the proposed road layout can safely accommodate a HGV (standard bin lorry). These details can be covered by a condition on any grant of planning permission.

- 8.22 In order to comply with policy TRAN5, electric vehicle charging points will be required at suitable points within the development. It should be made a condition of a grant of planning permission that the location of these units be submitted for the prior approval of the planning authority.
- 8.23 The construction of the new vehicle access off David Scott Avenue may require the relocation of the current traffic calming feature which is located at this point. Further details of these off site works will be provided through the Road Construction Consent process.
- 8.24 The comments and requirements of the Council's Policy and Road Safety Manager can be secured by a condition imposed on a grant of planning permission. Subject to the final agreement of the details, the development will provide adequate and safe vehicular, pedestrian and cycleway connections to/from the site to Mayfield and the surrounding countryside, as well as a future link to the allocated housing site to the east.

Other Material Planning Considerations

- 8.25 The site previously housed a school, with the related buildings demolished approximately 10 years ago. The applicant has submitted a remediation and verification strategy for ground gas and a proposed methodology for site investigations. Given the history of the site, mitigation regarding ground conditions and contamination and/or previous mineral workings must be considered. The above-mentioned documents have been considered by the Council's Environmental Health Manager and they have no objection to the proposal but recommend that conditions be attached to protect future occupants of the site and neighbouring land from the potential impact of contaminated land. A scheme mitigating any contamination of the site and/or previous mineral workings, and the submission of a validation report(s) confirming the approved works have been carried out shall be required by planning condition.
- 8.26 In relation to the education/schools capacity constraints, development of housing at this site cannot take place until the Council, as Education Authority, confirms that such capacity has been achieved. The consultation response from the Council's Head of Education provides detail on this matter. The possible exception to this constraint may be the provision of one bedroom flats/dwellings which can be shown not to result in any pupil product. As this site is owned by the Council, for development exclusively for affordable housing, there is no

requirement for specific planning conditions to enforce the restriction on building pending the provision of school places as this will be a matter entirely within the control of the Council.

- 8.27 No community heating system is proposed as part of the development, the applicant advised that this would be impractical as there is no existing community heating network in the area to connect to and the development is too small for it to be technically and economically viable as a standalone project. The planning authority concur, that in this instance the number of units is too low to support a district heating scheme. It is accepted that applying policy NRG6 requirements would not be reasonable at this time for this development.

Developer Contributions

- 8.28 If planning permission were granted it should be subject to the conclusion of a planning obligation to secure developer contributions towards (i) primary and secondary denomination and non-denominational education provision; (ii) Borders Rail; and (iii) improvements to Mayfield town centre.

9 RECOMMENDATION

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

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

Subject to:

- i) The prior signing of a legal agreement to secure:
- a contribution towards education provision;
 - a contribution towards Borders Rail; and
 - a contribution towards improvements to Mayfield town centre.

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

- ii) The mitigation of any concerns identified by the Scottish Environment Protection Agency.

- iii) the following conditions:

1. 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 open space, children's play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure, retaining walls and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used on the buildings in the areas of improved quality as outlined in green on approved drawing HD1033(PL)003 E. 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 in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

3. Notwithstanding that delineated on the applications drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained, removed, protected during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas, rain gardens, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas as well as root protection measures;
 - iv. location and design of any proposed walls, fences and gates, including retaining walls and those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;

- vi. programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii. drainage details and sustainable urban drainage systems to manage water runoff;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- x. details of existing and proposed services; water, gas, electric and telephone.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

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

4. Notwithstanding that delineated on application drawing the development shall not begin until the following design details of the houses hereby approved has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. details of the proposed photovoltaic panels; and
 - ii. details of the gable elevations of the houses outlined in orange on approved drawing HD1033(PL)003 E.

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

5. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii. proposed vehicular, cycle and pedestrian access;
 - iii. proposed roads (including turning facilities), footpaths and cycle ways;
 - iv. proposed traffic calming measures, lighting and signage;

- v. proposed construction traffic access and haulage routes;
- vi. proposed car parking arrangements; and
- vii. 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.*

- 6. Notwithstanding the requirements of condition 1 of this planning permission, an equipped neighbourhood children's play area shall be formed/constructed and made available for use in accordance with detailed drawings and a written specification to be submitted and approved in advance by the planning authority. This shall be formed/constructed in advance of the occupancy of the final unit, or another timescale otherwise agreed in writing by the planning authority.

Reason: *To ensure the timeous provision of an acceptable quantity and quality of equipped children's play in the development in the interests of the residential amenity of the future occupants of the houses and flats.*

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

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

- 8. 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.

- 9. On completion of the decontamination/ remediation works required in condition 8 and prior to the dwellinghouse being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

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

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

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

- 11. 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 2017.

- 12. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The

details shall include delivery of high speed fibre broadband prior to the occupation of each dwelling. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

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

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

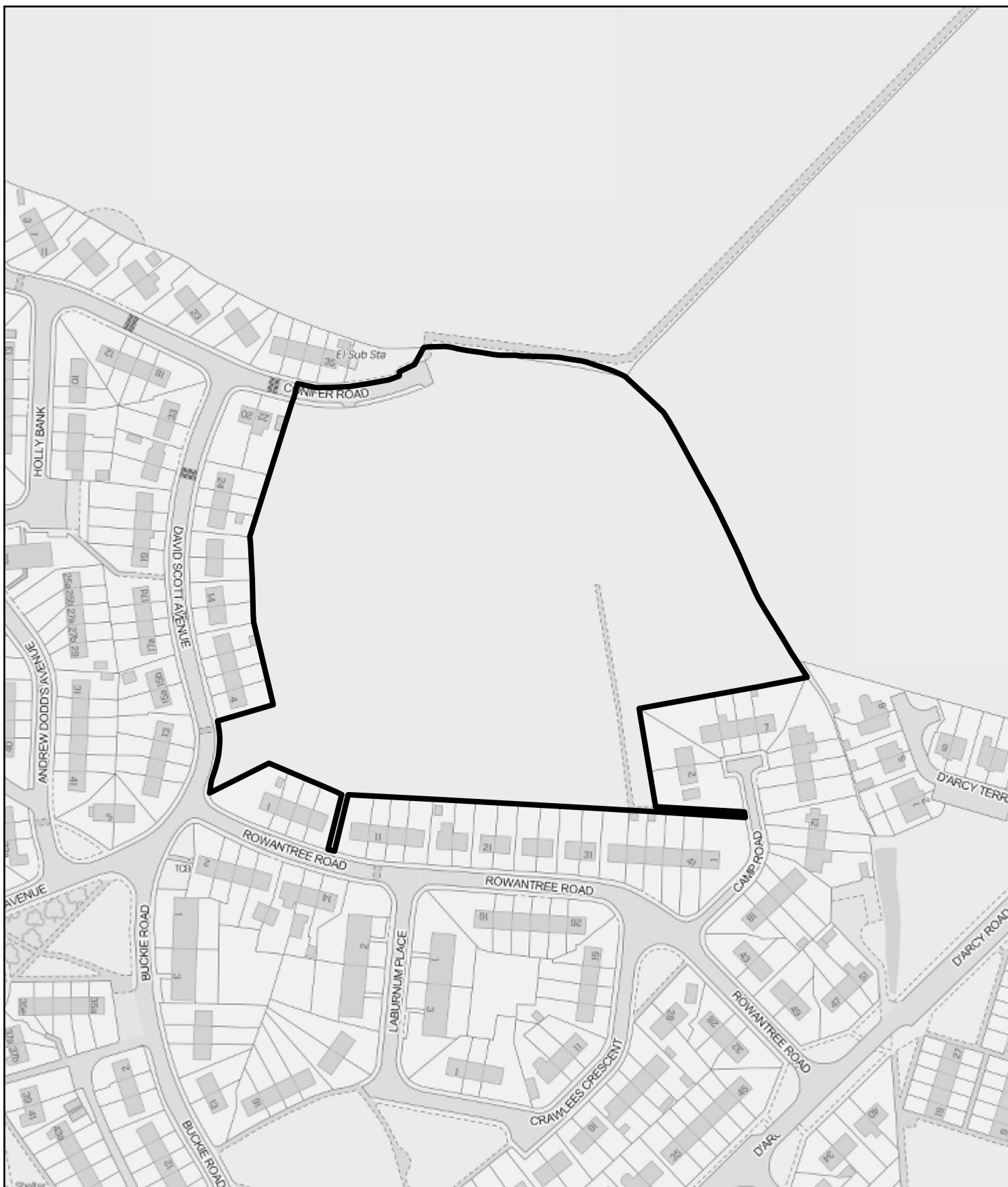
14. No development shall begin on any part of the site until the following additional procedures have been completed:

- a) The developer has submitted to the planning authority details of the measures it proposes to ensure that all the flats (dwellinghouses) built on the site are occupied in perpetuity only as affordable housing as defined in the adopted Midlothian Local Development Plan 2017;
- b) The planning authority has approved the measures, submitted to discharge requirement 14.a) above, in writing; and
- c) The developer has provided documentary evidence to the planning authority that the measures that the planning authority has approved are in place and the planning authority has confirmed in writing that the provision that has been made is satisfactory.

Reason: *The application has been assessed on the basis that the development provides affordable housing and this condition is essential in order to ensure that the flats (dwellinghouses) remain available for occupation by people on modest incomes to meet locally the identified needs of people who cannot afford to buy or rent housing generally available on the open market; in compliance with policy DEV3 of the adopted Midlothian Local Development Plan.*

Dr Mary Smith
Director of Education Communities and Economy

Date: 12 February 2019
Application No: 19/00042//DPP
Applicant: Ms Lindsay Campbell, Hart Builders (Edinburgh)
Ltd, Cruden House, 36 South Gyle Crescent,
Edinburgh, EH12 9EB
Agent: Hackland and Dore Architects, 16 Annandale
Street, Edinburgh, EH7 4AN
Validation Date: 18 January 2019
Contact Person: Mhairi-Anne Cowie
Tel No: 0131 271 3308
Background Papers: 17/00476/PAC



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

Erection of 28 dwellinghouses and 44 flatted dwellings;
formation of access roads and car parking and associated
works at Land East of Conifer Road, Mayfield, Dalkeith

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

Midlothian Council Licence No. 100023416 (2019)

File No. 19/00042/DPP

Scale: 1:2,000
Page 136 of 154





APPLICATION FOR PLANNING PERMISSION (18/00494/DPP) FOR THE ERECTION OF 5 DWELLINGHOUSES AND 16 FLATTED DWELLINGS, FORMATION OF ACCESS AND ASSOCIATED WORKS AT SITE HS22, LAND TO THE NORTH OF KIRK HILL ROAD, PENICUIK

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of five dwellinghouses and 16 flatted dwellings on land to the north of Kirkhill Road, Penicuik. There have been 25 representation from 16 separate households and consultation responses from Scottish Water, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Policy and Road Safety Manager and the Council's Land Resources Manager.**
- 1.2 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT 3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN5, IT1, ENV10, ENV22, ENV24, ENV25, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017. 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 located to the south east of Penicuik, off Kirkhill Road at its junction with Eskhill. The site is located within a primarily residential area with dwellinghouses bounding the site to the south, east and northwest. A cricket field sits to the southwest and Kirkhill Bowling Club and outdoor tennis courts are situated to the northeast.**
- 2.2 The site is elevated and sits near the top of a local high point; the site is relatively high in relation to the majority of Penicuik. However, the site is not highly visible due to the surrounding buildings screening the site from any distance views. There is a significant drop in levels across the site from south to north. The land in the northern part of the application site steeply slopes down towards Kirkhill Bowling Club and the outdoor tennis court.**

- 2.3 The site comprises an area of rough grassed land used as informal recreational open space by local residents who access the site on foot between 50a and 52 Kirkhill Road and from the northeast corner of the site via a private lane.
- 2.4 The surrounding residential properties are a mix of single and two story buildings of various design styles. The neighbouring Eskhill estate dates from the 1970s. The more traditional style buildings located in Kirkhill Road are of an older date.
- 2.5 Residential properties 50 and 50a Kirkhill Road adjoin the site to the south and are a category C listed building/s. There is an existing vehicle access taken from Kirkhill Road which serves 50a Kirkhill Road.
- 2.6 The western boundary of the site is defined by a high stone wall. There is a low stone boundary wall to the south of the site fronting towards Kirkhill Road. The stone boundary walls forms part of the historic listing associated with 50 and 50a Kirkhill Road. The eastern boundary of the site is defined by high wire fencing.

3 PROPOSAL

- 3.1 The planning application is for the erection of four semi-detached dwellings, one detached dwellinghouse and 16 flatted dwellings. The proposed development is part of the Council's housing programme and comprises all affordable housing units.
- 3.2 The 16 flatted dwellings comprise two storey semi-detached cottage flats; 12 one bedroom flats and 4 two bedroom flats. The flatted dwellings are of a traditional form with a pitched roof and incorporate a single storey porch to the front elevation.
- 3.3 The four semi-detached dwellinghouses are two storey and comprise; 2 three bedroom dwellings and 2 four bedroom dwellings. The four dwellings are of a traditional form with a pitched roof and incorporate a single storey porch to the front elevation.
- 3.4 The detached dwellinghouse is a single storey building, with a car port, of traditional form with a hipped roof. It is a three bedroom property designed to be wheelchair accessible.
- 3.5 All of the dwellings are to be finished in a white render and buff colour brick base course with white uPVC windows, a concrete tile roof with solar photovoltaic panels on the roof. The porches are either light green fibre cement cladding board or finished in a white render.
- 3.6 The existing ground levels across the site vary; the land on which the proposed dwellinghouses sit is to be cut and filled to level the site. The finished ground levels will sit slightly lower than 52–58 Kirkhill Road.

- 3.7 A new 10.55 metre wide opening in the existing western boundary wall is proposed to enable the formation of a vehicular access to the site; the proposed vehicle access will connect to Eskhill.
- 3.8 Two courtyard parking areas are proposed providing 19 communal parking spaces for 12 of the flatted dwellings and visitors; the remaining flatted units and dwellinghouses are afforded in-curtilage parking spaces with an additional visitor space provided to the front of the detached accessible dwellinghouse.
- 3.9 Details of the proposed boundary treatments have not been submitted.

4 BACKGROUND

- 4.1 A listed building consent application (19/00060/LBC) for alterations to the western boundary wall to form a pedestrian access is subject to assessment.
- 4.2 A listed building consent application (18/00550/LBC) for alterations to the western boundary wall to form a vehicular access was granted permission in September 2018.
- 4.3 The current application has been called to Planning Committee for consideration by Councillor Hardie because of the concerns raised by local residents and by Councillor McCall because of concern over site levels and access rights.

5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application.
- 5.2 The Council's **Archaeology Advisor** has confirmed that a satisfactory programme of archaeological works (trial trench evaluation) has been carried out.
- 5.3 The Council's **Head of Education** estimates that 21 dwellings would give rise to seven primary school pupils and five secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Strathesk Primary School, Sacred Heart Primary School, Penicuik High School and St David's RC High School.
- 5.4 The Council's **Policy and Road Safety Manager** does not object to the application.
- 5.5 The Council's **Land Resources Manager** objected to the application because there is no proposal for an onsite play area.

6 REPRESENTATIONS

6.1 There have been 25 objections from 16 separate households, all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:

- Lack of communication between the Council (as landowner) and local residents regarding the development of the site;
- The catchment area and consultation time periods of the neighbour notification procedures are not appropriate;
- The potential to damage properties adjacent to the site, as was the case in 2015 during site investigation works. A pre-work inspection survey should be undertaken to assess the existing buildings in case any damage is caused by the construction process;
- The loss of recreational green/open space - the land should be maintained as open space for the local community;
- The loss of an interesting mix of flora and fauna;
- The proximity of the proposed access to neighbouring land owned by no. 283 Eskhill;
- The construction access and construction vehicles impacting on the condition of the existing road and parking availability;
- Road safety concerns over the proposed access location and alterations to the lay-by, particularly during construction work;
- The loss of part of an existing parking lay-by and the removal of trees to form the access;
- Noise and disturbance during the construction work;
- The scale and design of the proposal is over-bearing and out of character with the area;
- Impact upon nearby historic listed buildings;
- Concerns over loss of privacy from the proposed footpath to the rear of 64 Kirkhill Road;
- The development will result in overlooking/overshadowing of neighbouring properties;
- The development proposal will result in the loss of a view of the Pentlands;
- The impact the site levels will have on sewage and rainwater drainage;
- The location of the proposed SUDS;
- Impact upon water pressure/supply;
- Impact upon property prices;
- Impact on the established trees on the site perimeter;
- The proposal is for one more unit than originally advised by the applicant in 2015;
- Repair works to the roads and pavements in the local area, including the steps down to Dunlop Terrace, should be carried out;
- Inaccurate information from the Council regarding the frequency of grass cutting;
- The land was gifted from the YMCA for residents to use;

- Compensation should be provided for pets to be kennelled or medicated during the construction process;
 - Increase in crime and security concerns;
 - The private lane to the northeast of the site being blocked off; this is the only access available to 96 Kirkhill Road; and
 - Additional pressure on schools and doctors surgeries.
- 6.2 Kirkhill Bowling Club to the north of the site has raised concerns relating to the lack of access provision to the Club through the site. They have advised that the property title contains provision for any access road constructed being extend to their property boundary. The Club also request that the ground levels are amended to facilitate a safe access to the Club.

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:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 20 dwellings on the site (Hs22).
- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.9 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **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.
- 7.13 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.14 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.

- 7.15 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.16 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.
- 7.17 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.18 Policy **IMP1: New Development** This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.19 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.20 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.21 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.22 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six

qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.

- 7.23 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places. These are communities which are safe, socially stable and resilient.

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 allocated in the MLDP as housing site Hs22 and is located within the built up area of Penicuik where there is a presumption in favour of appropriate development. The application site is situated within a predominantly residential area where the proposed residential development would be compatible to the neighbouring land uses subject to the details of the proposed development complementing the character of the area and protecting the amenity of existing neighbouring properties. The consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for residential purposes.
- 8.3 The principle of residential development on the site is established by its allocation for housing in the MLDP, with an indicative allocation of 20 residential units. The proposal is for 21 residential units, one more than the allocation. This is acceptable if the proposed development is of good design and the impact of the development in terms of infrastructure can be mitigated, in particular in terms of education provision.
- 8.4 While the Council own the site they are not identified as being the applicant for the planning application. However, in the interests of clarity, it is the case that the application relates to a scheme for Council housing, to be delivered by a third party. As the units will be affordable housing there is no requirement to secure the usual policy requirement of 25% affordable housing on the site. However, it is appropriate to ensure the affordable housing is delivered and that the site is not transferred to a third party with no requirement for affordable housing. Therefore, it will be necessary to use a planning condition to ensure delivery of affordable housing on the site.

Layout and Form of Development

- 8.5 The proposed development is for five dwellinghouses and 16 flatted dwellings with an average density of 27 dwellings per hectare. This equates to an average/medium density development in a suburban area. The development has been designed primarily as a traditional street layout responding to the shape of the site and the residential form in the surrounding area. The layout consists of a single street (cul-de-sac) running into the site with dwellings fronting onto the street, landscaping and two parking courtyards. A new vehicle access to the site is to be taken off Eskhill and runs from southwest to north. The two proposed courtyard parking areas provide 19 communal parking spaces for 12 of the flatted dwellings and visitors; the remaining flatted units and dwellinghouses are afforded in-curtilage parking spaces to the front or side with an additional visitor space provided to the front of the detached accessible dwellinghouse. A separate pedestrian access to the site is formed in the south off Kirkhill Road. Together, the orientation of buildings fronting onto the street, the street pattern and layout and the relationship between the buildings, both proposed and existing, creates a development which is compatible with its surroundings and provides good amenity.
- 8.6 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so. The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. It is expected that each of the flats is provided with the equivalent of 50 square metres of open space, provided in an area of communal private space or a designated space per flat. The proposed dwellings have the requisite private open space provision and are configured to meet the necessary separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours, both proposed and existing.
- 8.7 The mix of house types and sizes is acceptable. The residential units comprise a mix of types, namely 1, 2, 3 and 4 bed semi-detached houses and flats. The architectural styles of the houses and flatted buildings are relatively traditional in form (square/rectangular two storey buildings with pitched roofs – one single storey bungalow is also

proposed) and complement the character of the area. The application comprises the Council's standardised house designs.

- 8.8 In principle, the proposed materials of render walling, concrete roof tiles with solar photovoltaic panels and light green fibre cement clad porches are compatible with the surrounding area and are acceptable. However, in order that the external finishes of the buildings are complementary to each other and appropriate to the character of the area, it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the planning authority. None of the proposed buildings are identified as being within an area of improved quality (AIQ) in terms of design and materials. An AIQ seeks to add interest and character to developments by enhancing the quality of some buildings, landscapes and streetscape, usually 20% of the scheme. The absence of an AIQ is to the detriment of the design of the scheme. However it can be made a condition of a grant of planning permission that details of the proposed materials to be used in an AIQ shall be submitted for the prior written approval of the planning authority. Buildings identified as an AIQ shall be at key locations, fronting onto communal open space or at road entrance points and junctions.
- 8.9 No details of the 'percent for art' for the development; an artistic feature that would add interest and local reference to the development, has been submitted with the application. It should be made a condition of a grant of planning permission that details of percent for art for the development be submitted for the prior written approval of the planning authority.
- 8.10 The majority of the existing western stone boundary wall is to be retained; a vehicle and pedestrian opening are to be formed within the wall. Details of boundary treatments to the north, south and east of the application site have not been detailed within the application submission, but can be covered by a condition on a grant of planning permission.
- 8.11 The development as a whole provides good levels of amenity to future occupants, has a considered layout, incorporates landscaping and links to the local area. Whilst it is acknowledged that the proposal is over the indicative allocation (by one unit) the overall quality of the development is acceptable and accords with development plan policy.

Impact on Amenity

- 8.12 Concern has been raised regarding potential overlooking of a number of residential properties in Eskhill. The single storey accessible dwelling (block 4) in the northern corner of the site is approximately 24m from 273 Eskhill, rather than the expected 25m standard, and sits at a slightly higher level because of the fluctuation in ground levels. However, due to the proposed dwelling being single storey the

development proposal will not result in a significant loss of amenity to neighbouring properties. While there will be some potential overlooking of rear gardens it is at a level which is to be expected within an urban environment.

- 8.13 The gable end of a block of flatted dwellings (block 1) in the southwest corner of the site is located in close proximity to the rear gable end of the former YMCA building (currently vacant). There is a ground floor window within the entrance porch and a first floor window in the southwest side elevation of the main building which serves a staircase. These openings will potential overlook the neighbouring vacant site.
- 8.14 The southwest gable end of the semi-detached three bedroom dwelling (block 7), sited in the southwest corner of the application site is located a minimum of approximately 20m from the rear elevation of 58 and 56 Kirkhill Road, this exceeds the expected 16m standard. There are no windows included within the southwest gable end of the semi-detached dwelling (block 7), this will mitigate any concern of potential overlooking.
- 8.15 It is noted that one block of flatted dwellings (block 2) is located close to the boundary of 283 Eskhill and may result in some overshadowing of a small part of the rear garden ground. There are no windows within the northwest side elevation of the proposed dwelling and there is one ground floor window, one upper window and single storey conservatory within the rear eastern elevation of 283 Eskhill. Between approximately 11am and 1pm the shadow cast from the proposed flatted dwellings will fall on to the southeast corner of the rear garden ground. The overshadowing of the 283 Eskhill is calculated by using the 'sun on ground indicators'. This calculation shows that the shadow cast by the proposed block of flats is likely to fall on to the southern and eastern elevation of the house each morning until around 10.30am. After 1pm the shadow cast will be out with the curtilage of the neighbouring property. While there will be some overshadowing of the rear garden of 283 Eskhill, early in the morning this will not last for long and does not result in such a poor level of amenity so as to warrant refusing the planning application.
- 8.16 The proposal includes the formation of a footpath to allow for pedestrian access to the site via the southeast corner of the site connecting to Kirkhill Road. The proposed footpath is offset approximately 1.5m from the eastern boundary of 58 Kirkhill Road and continues around to the rear of 52 to 58 Kirkhill Road but set back a minimum of 2.3m from the rear garden boundaries. The proposed footpath will be lit. Details of the proposed street lighting will be secured via condition. The proposed footpath does not raise any significant concerns in terms of impact upon amenity.

- 8.17 Overall, the development proposal will not result in a significant loss of amenity due to the scale, design, siting and orientation of the proposed dwellings.

Open Space and Landscaping

- 8.18 The site is currently an area of overgrown grass which is used as informal open space by some local residents. The site is no longer maintained by the Council and overtime its unkempt state is likely to have a detrimental impact on the character and amenity of the local area. The site was identified within the Council's Open Space Audit in 2009 as an area of open space that has a relatively low amenity value. Furthermore, it was noted that it should not be designated as a site of high value fauna or flora. However, it is acknowledged that based on the representations made the ground contributes towards the character and amenity of the area for some local residents who would rather keep the space undeveloped.
- 8.19 The size of the site and the relative small scale of development (21 units) mean that it is not viable or pragmatic to incorporate the provision of a children's play area on site. As a consequence a developer contribution towards off-site provision of children's play facilities within the wider Penicuik area will be secured. There are nearby play areas, parks and sports and leisure facilities at the cricket club on the opposite side of the road to the development, at the neighbouring bowling club and outdoor tennis courts, Angle Park, High Park, Ladywood leisure centre and as part of the Esk Bridge housing development.
- 8.20 The proposed development will also incorporate landscaping and a sustainable urban drainage system designed to mitigate any increased risk of localised flooding as a result of the development. The details of which will be secured by a planning condition.

Access and Transportation Issues

- 8.21 A new vehicle access is to be taken from Eskhill, this is the safest and most appropriate place to access the site. The proposed development provides a total of 33 off-street car parking spaces and five additional spaces within the lay-by adjacent to Eskhill. This level of parking provision complies with the Council's standards. The proposed footpath to the southern end of the site that connects to Kirkhill Road is to be illuminated by street lighting.
- 8.22 Four communal electric vehicle charging points are proposed within the communal courtyard parking areas. Each dwelling with a garage or private driveway is also expected to have a dedicated vehicle charging point – the Council's aspirations in this regard can be secured by a condition on a grant of planning permission.

- 8.23 There is sufficient space within the parking and vehicle access area to accommodate a vehicle turning area. This has been demonstrated by means of a refuse vehicle tracking plan that accompanied the application submission.
- 8.24 The Council's Policy and Road Safety Manager does not object to the application - the formation of a new vehicle access, parking, footpath and the alterations to the lay-by do not raise any concerns in terms of road or pedestrian safety.
- 8.25 There are bus stops located within close proximity to the site on Bryans Road, where Lothian Buses provide a number of services, seven days a week, (no.37, 47 and X47 connecting the site to Edinburgh City Centre and to other parts of Midlothian).

Other Matters

- 8.26 Neighbouring the southwest corner of the application site is 50 and 50a Kirkhill Road, which together form a category C listed building; the former Kirkhill School and Schoolhouse which is an early example of a purpose built school building by a philanthropic industrialist for the children of his workforce at Esk Mills. Today 50 Kirkhill is a residential dwelling and 50a is the vacant YMCA building. The impact of the residential development upon the setting of the listed building has been taken into consideration in the assessment of the planning application and it is considered that the layout, scale and design of the residential development have been designed not to impact upon the setting of the listed buildings.
- 8.27 The following matters which have been raised in representations which are not material considerations in the determination of the application are:
- The level of communication between the applicant and local residents;
 - The planning application notification procedures, which are specified by the Scottish Government in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
 - The potential risk of damage to neighbouring properties is a private matter between parties;
 - Private access rights is a matter between parties;
 - The potential risk of damage to roads is a matter between the developer and the Council as the roads authority;
 - Loss of views;
 - Water pressure and supply is a matter between the developer and Scottish Water;
 - Impact on property values/prices;
 - Any future (unknown proposals) for the former YMCA building;
 - Speculation that the YMCA gifted the land to local residents; and

- Compensation for the disturbance of pets.

Developer Contributions

- 8.28 If planning permission were granted it should be subject to the conclusion of a planning obligation to secure developer contributions towards (i) primary and secondary denomination and non-denominational education provision; (ii) off site play provision; and (iii) the A701 relief road.

9 RECOMMENDATION

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

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

Subject to:

- i) The prior signing of a legal agreement to secure:
- a contribution towards education provision;
 - a contribution towards off site play provision; and
 - a contribution towards the A701 relief road.

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

- ii) 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. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained, removed, protected during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas, rain gardens, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas as well as root protection measures;

- iv. location and design of any proposed walls, fences and gates, including retaining walls and those surrounding bin stores or any other ancillary structures;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii. drainage details and sustainable urban drainage systems to manage water runoff;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- x. details of existing and proposed services; water, gas, electric and telephone.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). 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 DEV2, DEV6 and DEV7 of the adopted 2017 Midlothian Local Development Plan and national planning guidance and advice.

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

3. 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 2017 Midlothian Local Development Plan and national planning guidance and advice.

4. 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 in accordance with the requirements of policy IT1 of the Adopted 2017 Midlothian Local Development Plan.*

5. 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 Adopted 2017 Midlothian Local Development Plan.*

6. 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 Adopted 2017 Midlothian Local Development Plan.*

7. No development shall begin on any part of the site until the following additional procedures have been completed:
 - a) The developer has submitted to the planning authority details of the measures it proposes to ensure that all the flats (dwellinghouses) built on the site are occupied in perpetuity only as affordable housing as defined in the adopted Midlothian Local Development Plan 2017;
 - b) The planning authority has approved the measures, submitted to discharge requirement 14.a) above, in writing; and

- c) The developer has provided documentary evidence to the planning authority that the measures that the planning authority has approved are in place and the planning authority has confirmed in writing that the provision that has been made is satisfactory.

Reason: *The application has been assessed on the basis that the development provides affordable housing and this condition is essential in order to ensure that the flats (dwellinghouses) remain available for occupation by people on modest incomes to meet locally the identified needs of people who cannot afford to buy or rent housing generally available on the open market; in compliance with policy DEV3 of the adopted Midlothian Local Development Plan.*

Dr Mary Smith
Director of Education Communities and Economy

Date: 12 February 2019

Application No: 18/00494/DPP
Applicant: Hart Builders (Edinburgh) Ltd
Agent: Hackland and Dore Architects
Validation Date: 19 July 2018
Contact Person: Whitney Lindsay
Tel No: 0131 271 3315
Background Papers: None



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

Erection of 5 dwellinghouses and 16 flatted dwellings,
formation of access and associated works at Land to The
North of Kirkhill Road, Penicuik

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

Midlothian Council Licence No. 100023416 (2019)

File No. 18/00494/DPP

Scale: 1:1,250
Page 154 of 154

