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**APPLICATION FOR DETAILED PLANNING PERMISSION (17/00224/DPP) FOR THE ERECTION OF 34 DWELLINGHOUSES, FORMATION OF ACCESS ROAD, CAR PARKING, SUDS FEATURES AND ASSOCIATED WORKS ON LAND SOUTH WEST OF TORCRAIK FARM, NORTH MIDDLETON, GOREBRIDGE**

Report by Head of Communities and Economy

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for detailed planning permission for 34 dwellinghouses on land within the built-up area of North Middleton, as identified by the Midlothian Local Plan. There have been 25 representations received objecting to the planning application. Consultation responses have been received from Scottish Water, the Council's Archaeological Advisor, the Council's Head of Education, the Council's Policy and Roads Safety Manager and Midlothian Health and Social Care Partnership. An objection has also been received from the Moorfoot Community Council.
- 1.2** The relevant development plan policies are policies 1B and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies RP5, RP6, RP7, RP20, RP22, HOUS2, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan (2008). Policies STRAT1, DEV1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV24, ENV25, TRAN1, TRAN5, IT1, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Proposed Midlothian Local Development Plan 2014 (MLDP) are significant material considerations.
- 1.3** The recommendation is granted planning permission subject to planning conditions and securing developer contributions.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site is located at the north east end of North Middleton village, on the south east side of Borthwick Castle Road. Moorfoot Primary School is sited opposite the application site, on the other side of Borthwick Castle Road. Torcraik Farm is situated to the north east of the application site.
- 2.2** North Middleton is a small settlement, approximately three miles to the south of Gorebridge. Other than the primary school and village hall the

settlement comprises only residential properties. The dwellings are generally semi-detached or detached and have accommodation over either one or two storeys. In many cases where there is a second storey of accommodation it is provided within the roofspace.

- 2.3 The application site comprises a gently sloping area of open farmland. The site is bounded to its south east and eastern boundaries by a mature band of trees. A hedge runs along the street frontage to the north west and a very high hedge is located to the north east, between the site and Torcraik Farm. The first of a row of residential properties is located to the south west of the site. The site is currently accessed via a farm access at the southern end of the site.

### **3 PROPOSAL**

- 3.1 The applicant proposes a residential development of 34 dwellinghouses. The proposed development comprises a mix of detached, semi-detached and terraced dwellings. The development contains a mix of full height two storey houses and cottage-style houses which have a second storey of accommodation in the roofspace, served by dormer windows.
- 3.2 A row of cottage-style houses have been located along, and facing on to, Borthwick Castle Road. The remainder of the dwellings are located along a loop road which provides two entrances to the development from Borthwick Castle Road. Behind the buildings on the main street frontage the majority of the dwellings are two storeys in height.
- 3.3 Within the proposed development there are to be 5 two bedroom houses, 4 three bedroom houses and 25 four bedroom houses. A row of five terraced houses comprise the affordable housing element of the proposed development.
- 3.4 An area of open space is located centrally within the development. This open space provides a cycleway/footpath link from the development to a crossing point on Borthwick Castle Road and on to Moorfoot Primary School on the opposite side of the road. Within the eastern area of the planning application site it is intended to include a sustainable urban drainage (SUDs) basin in an area of open space. Immediately adjacent to the SUDs basin is a pumping station.
- 3.5 The planning application is accompanied by a planning statement which sets out the applicant's position regarding the acceptability of the proposal.

### **4 BACKGROUND**

- 4.1 There is no relevant planning history. The application has been called into Planning Committee by Cllr Johnstone on account of her concerns regarding the level of objection.

## 5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the planning application. They state that there may be insufficient capacity at Rosebery Water Treatment Works to service the development. There is currently sufficient capacity at North Middleton Waste Water Treatment works to service the development. The applicant is required to contact Scottish Water in order to arrange access to their infrastructure.
- 5.2 The Council's **Archaeological Advisor** has advised that the proposed development site lies within previously undeveloped agricultural land and that archaeological sites of prehistoric and possibly later date lie within 800m, to the south-west and south-east, of the site. For these reasons the Archaeological Advisor has recommended that a programme of archaeological work, in accordance with a Written Scheme of Investigation, be undertaken by the applicant.
- 5.3 The Council's **Head of Education** has advised that the development is estimated to give rise to the following number of pupils:  
Primary Pupils – 11  
Secondary Pupils - 8
- 5.4 Moorfoot Primary School has sufficient capacity for this development. However, the school is currently at capacity as a result of net placing requests and, as such, placing requests in the future will be managed in order to accommodate pupils arising from planned housing in the Moorfoot catchment area.
- 5.5 St Andrew's RC Primary School is at or near capacity from committed developments in the Newtongrange and Gorebridge area. A developer contribution would be required towards the cost of any extension.
- 5.6 A significant amount of new housing has already been allocated to Newbattle High School and additional secondary capacity will be required. A developer contribution will be required towards the cost of any additional provision.
- 5.7 With regard to Secondary Denominational provision a contribution towards St David's High School is required.
- 5.8 The Council's **Policy and Road Safety Manager** has not objected to the planning application, but has made some recommendations to improve road safety within and out with the application site.
- 5.9 The Policy and Road Safety Manager has advised that the existing street lighting and 20mph speed limit on Borthwick Castle Road be extended over the site frontage and that a pedestrian crossing point be formed across the road. In addition, the rural footpath along the site frontage is to be widened to 2m. There is also a requirement for additional cycle and scooter parking facilities at the adjacent primary school.

- 5.10 The Policy and Road Safety Manager has made the following comments in response to local concerns regarding the impact of the development and construction phase on the local road network:

*Some concerns have been raised over the increase in traffic resulting from this development and its impact on the existing A7/Borthwick Castle Road junction. The scale of the proposal is well below the accepted threshold (100 dwellings) where a formal Transport Assessment may be required and the additional traffic the development would generate can be accommodated on the local road network. The existing junction with the A7 has been there for many years, was originally designed as a trunk road junction and meets current design standards. There is no record of any injury road accidents occurring at the junction during the current 3-year accident period and the junction should be more than capable of handling the increase in traffic flows.*

*Construction traffic would require to use Borthwick Castle Road to access the site and there may be a need at some point to temporarily restrict parking on the access to the site, however the local primary school successfully used this route during its construction period and the residential site should not raise any major access issues.*

- 5.11 The **Midlothian Health and Social Care Partnership** has concerns regarding the impact of new house building on health and care services. Midlothian has limited capacity in General Practice leading to some practices restricting access to new patients. This site is within the boundary of general practices which are operating lists that are restricted, which means that new patients need to contact a national service to be allocated a practice in this area. The Partnership is implementing a plan to expand the capacity of general practice in Midlothian which should address capacity issues in this area for the next four to five years. This includes the expansion of Newbyres Practice, the new Newtongrange Clinic which will open later in 2017, and the testing of new roles to work in General Practice to increase capacity.

- 5.12 **Moorfoot Community Council** have objected to the planning application on the following grounds:

- the number and size of houses on the site are not compatible with the requirements of the conservation area;
- the development will add significantly to the numbers of vehicle movements on Borthwick Castle Road and at the A7 junction; and there has been insufficient analysis of the additional risk this will cause;
- there are significant concerns that the arrangements for developer contributions to infrastructure are inadequate;
- there are significant concerns regarding the deliverability of the scheme in terms of the feasibility of provision of utilities to the site; and
- there is inadequate provision of affordable housing.

## 6 REPRESENTATIONS

6.1 There have been 25 objections received, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:

- the proposed development represents an overdevelopment, given that the site was originally allocated for 15 dwellinghouses;
- the proposed development will increase the village population (figures presented vary from 25% to 50%);
- the character and appearance of the village and conservation area will be adversely impacted by the proposed development;
- the use of standard house types and 2 storey houses is inappropriate;
- the proposed development will have an unacceptable impact on local services, facilities and infrastructure, including the local primary school, GP services, telecommunications networks and sewage and electricity infrastructure;
- it is unclear whether the developer plans to provide gas infrastructure to the development and village;
- there will be an unacceptable impact on road safety from a significant increase in vehicle movements as a result of the development, particularly at the A7/Borthwick Castle Road junction, the road through the village and at the primary school;
- the traffic generated by the proposed development will add to congestion on the A7;
- there are serious concerns regarding the impact of construction traffic on road safety and the condition of local roads;
- a traffic management plan should be secured in order to ensure the safety of school children during the construction phase;
- there is a lack of public transport serving North Middleton. Some objectors have expressed concerns regarding the Council securing contributions towards the Borders Rail project and instead suggest using contribution funds towards an improved bus service to the village;
- the proposed development will result in the loss of an important green space, used for informal recreation, which benefits the amenity of the village;
- the proposed development risks loss of the mature trees adjacent to the site;
- there will be an adverse impact on wildlife;
- there will be an adverse impact on archaeology;
- there are concerns that there will be an adverse impact as a result of pollution, noise and dust;
- there will potentially be an adverse impact on the local watercourse as a result of discharge from the site;
- the objectors are concerned that the developer contributions will not be sufficient to address infrastructure deficiencies (the figure of £500 is mentioned in several representations);

- there are concerns that the affordable housing is not genuine affordable housing and that it should be better distributed throughout the site;
- concerns that the creation of a playpark on the development site will prevent integration of new residents of North Middleton with existing residents;
- there are limited concerns that the proposed zebra crossing is unnecessary;
- the proposed solar panels will have an adverse impact on the character and appearance of the conservation area; and
- the planning application submission is of a poor quality, including inaccurate statements and information.

6.2 In general, there is a view within the representations that the developer has a disregard for the village and its residents and has placed a desire for profits ahead of providing a greater benefit to the local community.

## **7 PLANNING POLICY**

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Plan (MLP), adopted in December 2008. The Proposed Midlothian Local Development Plan 2014 (MLDP) has been subject to an examination by the Scottish Ministers and was reported to the Council at its meeting of 26 September 2017 with a timetable to adopt the plan by the end of 2017. The Council approved the modifications proposed by the Scottish Government Reporter (with the exception of one proposed technical modification in relation to the Midlothian Science Zone) and referred the plan back to Scottish Ministers who have confirmed they are not going to intervene in the adoption of the plan. At the time of drafting this Committee report it is scheduled to report the MLDP to Council at its meeting of 7 November 2017 for adoption. As this plan is at a very advanced stage of preparation and represents the settled view of the Council it is a material consideration of significant weight in the assessment of the application. If the Council adopts the MLDP its policies shall supersede those in the MLP and will form the basis of the assessment of this application. The report identifies the relevant MLP policies in this section of the report but the assessment of the application is primarily against the policies in the MLDP because of its advanced stage. The following policies are relevant to the proposal:

### Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan)

7.2 Prior to SESplan the Edinburgh and Lothians Structure Plan (approved 2004) and superseded by SESplan in 2013 contained policy HOU8, which set out a presumption against new housing on Greenfield sites in Areas of Restraint. Any acceptable exceptions to the policy were to be restricted to proposals which were required to:

- be identified through the local plan;

- be small-scale and in keeping with the character of the settlement or local area;
  - not be in the Green Belt; and,
  - have any additional infrastructure already committed or funded by the developer.
- 7.3 The Structure Plan Authorities formally agreed that the definition of small-scale development, for the purposes of implementing policy HOU8, should comprise developments of a size no more than 10% of the existing number of households, up to a maximum of 50 new houses.
- 7.4 SESplan did not include the same restrictions when it was approved. Although, Policy 7 of SESplan ensures that development is still to be in keeping with the character of the settlement and local area; does not undermine green belt objectives; and, additional infrastructure required as a result of the development is funded by the developer. SESplan, through policy 1B, is focused on improving the quality of life in local communities, enhancing the natural and built environment and mitigating against climate change. This policy also seeks high quality design, energy efficiency and the use of sustainable building materials. Specifically in Midlothian, SESplan is concerned regarding settlement coalescence and maintaining community identity.

#### Midlothian Local Plan (MLP)

- 7.5 The MLP policies relevant to the application which are to be superseded by the MLDP are:
- Policy RP5 : Woodland, trees and hedges;
  - Policy RP6 : Areas of great landscape value;
  - Policy RP7: Landscape character;
  - Policy RP20: Development in the built-up area;
  - Policy RP22: Conservation areas;
  - Proposal HOUS2: Village housing allocations;
  - Policy HOUS4: Affordable housing;
  - Policy IMP1: New Development;
  - Policy IMP2: Essential infrastructure required to enable new development to take place; and
  - Policy DP2: Development guidelines
- 7.6 The Council has prepared **Supplementary Planning Guidance on Affordable Housing and Developer Contributions**. The SPG on Developer Contributions sets out guidance on when and where developer contributions are payable.

#### Midlothian Local Development Plan (MLDP)

- 7.7 While the majority of the relevant policies of the Midlothian Local Development Plan (MLDP) do not alter the planning policy position

significantly from that of the MLP the following policies are relevant to the assessment of the planning application:

- 7.8 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.
- 7.9 Policy **DEV1: Community Identity and Coalescence** states that development will not be permitted where it would result in the physical or visual coalescence of neighbouring communities unless adequate mitigation measures are proposed.
- 7.10 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.
- 7.11 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.
- 7.12 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.13 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.14 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.15 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.
- 7.16 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*.

- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.22 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.
- 7.23 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.
- 7.24 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.

- 7.25 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.26 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.
- 7.27 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.28 Policy **NRG3 Energy Use and Low & Zero-Carbon Generating Technology** requires that each new building shall incorporate low and/or zero-carbon generating technology projected to contribute an extra percentage reduction in greenhouse gas emissions beyond the emissions standard to which the building is subject under the Building Regulations.
- 7.29 Policy **NRG4: Interpretation of Policy NRG3** interprets Policy NRG3.
- 7.30 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.31 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; 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.
- 7.32 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.
- 7.33 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

- 7.34 Supplementary Guidance and other non-statutory planning guidance referred to in the MLDP; which includes; inter alia the following topics, has not yet been brought forward by the Council:
- Affordable and Specialist Housing;
  - Quality of Place;
  - Open Space Standards;
  - Midlothian Green Networks;
  - Community Heating;
  - Developer Contributions.

#### National Policy

- 7.35 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.
- 7.36 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.
- 7.37 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*.
- 7.38 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.
- 7.39 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"*.

- 7.40 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.41 **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.
- 7.42 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

## **8 PLANNING ISSUES**

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

### The Principle of Development

- 8.2 The MLP allocates the application site for a residential development of approximately 15 dwellinghouses (allocated site VH2). As a result, the principle of a residential development at the site, and the subsequent loss of the open space and agricultural land, has been established as being acceptable. The MLDP continues the commitment to residential development on the site.
- 8.3 In allocating site VH2 the Council had taken in to account national guidance in relation to the siting of housing. Housing allocations were limited to small settlements where there was good accessibility, through a choice of transport to jobs and services. In addition, the Council had provided a new primary school within North Middleton, immediately adjacent to the allocated site.
- 8.4 The previous structure plan, now superseded, allowed for a small-scale residential development at North Middleton. Small-scale was defined as being 10% of the existing number of households in the settlement. It was acknowledged that the site was capable of accommodating a higher number of houses if developed at a higher density, but this was not supported at the time of adoption of the local plan given the criteria set within the structure plan.
- 8.5 As noted above, since that time the structure plan has been superseded and the local plan is in the process of being superseded, with considerable weight now being attached to the MLDP.
- 8.6 Given that structure plan has been superseded and there is no longer a definitive definition of 'small-scale development' within the policy documents it is necessary to fully consider the other criteria relevant to the policy assessment, including ensuring that any new development is

in keeping with the character and appearance of the settlement and surrounding area. The MLDP acknowledges this position by stating that, in relation to site VH2, the *site capacity [was] limited to comply with now superseded Edinburgh and the Lothians Structure Plan 2004. It may be appropriate to adjust the capacity, subject to acceptable layout/design.*

- 8.7 Without the limit on unit numbers it is now necessary to ensure that development does not detract from the character, appearance or amenity of the area. The numbers of units arrived at on this site will be entirely dependent on an acceptable design approach to the layout and on the capacity of local infrastructure and facilities.
- 8.8 The applicant had, in an early version of their planning statement, made repeated reference to the Council failing to provide an effective five-year supply of housing land. This is not the case. In any event, as already stated previously, the application (and acceptable unit numbers) will be assessed on the basis of whether the proposed scheme is acceptable in urban design terms.

#### Development Layout

- 8.9 While the application site is located within the Borthwick and Crichton Conservation Area the rest of North Middleton is not included in the conservation area boundary. Borthwick and Crichton Conservation Area comprise the rural setting around Borthwick and Crichton castles. The conservation area around Borthwick is characterised by a sporadic grouping of buildings, dominated by the castle. Key elements are boundary walls marking the edge between countryside and hamlet; buildings of contrasting architectural styles; use of stone in various forms, slate and pantiles; and a sense of tranquillity.
- 8.10 Some of the key elements of the conservation area contrast with the character of the village of North Middleton, which is immediately adjacent to the application site. Therefore, in order for a residential development to be successful on the application site, in terms of its appearance, it must respect the character of both the village and the conservation area.
- 8.11 Any form of residential development on the application site is inevitably going to result in a more dense arrangement of dwellings than found elsewhere in the conservation area, given the sporadic nature of development in the conservation area. Therefore, the developer has made efforts to reflect the strong street elevation found within the village. In addition, the developer has limited the size of the dwellings proposed along Borthwick Castle Road to more closely reflect the scale of buildings adjacent.
- 8.12 The use of cottage-style house types along Borthwick Castle Road reflects the general approach to the two most recent extensions to the west end of the village. The quality of the strong street frontage is

enhanced through hedge planting and landscaping, the use of traditional finishing materials and the lack of cars parked at the fronts of houses (vehicle parking for these dwellings is accessed via the loop road through the development). The strong building line is interrupted by the provision of an area of open space, in the form of a small village green, half way along the frontage. This open space provides scope for informal recreation and a footpath link to the school, but also opens up views in to the back of the site, where the houses are slightly larger in scale.

- 8.13 The houses to the rear of the site have been arranged along a loop road through the development, which has been designed with pedestrians as a priority, with the aim to passively reduce vehicle speeds. Therefore, the loop road contains some sharp bends and focused road narrowing. In order to accommodate this “designing streets” approach some of the proposed houses are closer to the road than they would be seen on more traditional volume house builder developments. This is a relatively small development and the proximity of the houses to the road is unlikely to result in poor levels of residential amenity.
- 8.14 Urban design principles have been considered in the design of the proposed layout. The developer has placed buildings and created interest at key points through the development. Vistas through the development are terminated with buildings, rather than empty spaces. This approach, along with good permeability (through the provision of quality usable pathways), will encourage residents to walk or cycle through the development.
- 8.15 Throughout the proposed development the parking provision has been arranged in different ways. Most commonly the parking has been sited in small parking courtyards or to the rear of the dwellings. However, there are a number of plots which have parking provided to the front of the dwelling or where the parking is provided on street. This arrangement, while not ideal in urban design terms, should assist in further reducing vehicle speeds through the development.
- 8.16 A row of five affordable homes has been integrated in to the site, located between houses that will be available on the open market, rather than being located at the edge of the development.
- 8.17 The proposed SUDs basin is to be provided to the north east end of the development. The arrangement of dwellings around the basin ensure that it is subject to good levels of passive surveillance.
- 8.18 MLP policy DP2 standards set out requirements for private usable garden area for dwellings on residential developments. Generally, the garden sizes provided across the proposed development are in close compliance with the DP2 standards. However, there are a few dwellings which do not achieve the set garden sizes. The reduced garden sizes on these plots can be justified on account of the good

quality urban design approach within the development and the convenient access to open countryside in the area which will contribute to levels of amenity.

- 8.19 The layout of the proposed development responds to the constraints of the site and presents a solution which largely complies with the policies of the local plan.

### Design

- 8.20 Several comments have been made in the letters of representation about the design and scale of the proposed development, and it being 'out of character' with the local area.
- 8.21 While it is the case that the majority of the dwellings within the proposed development are of a standard volume house builder design, as stated previously, the developer has made an attempt to reflect some of the characteristics of the area through the most visible units along Borthwick Castle Road. The Lodge House and Type A house types along Borthwick Castle Road are single storey buildings with a second floor of accommodation in the roofspace. The upper floors of these dwellings are served by dormer windows. This approach to the design of the most prominent dwellings respects the limited height of buildings elsewhere in the settlement. The approach to the proportions, detailing and finishing of these dwellings is traditional. The design approach employed by the applicant attempts to respond to the local context.
- 8.22 Elsewhere within the development, albeit standard house types are being used, there will be limited use of integral garages and hipped roofs on the dwellings. This approach is appropriate given the appearance of other buildings in the area and in terms of good urban design principles.
- 8.23 Where buildings are located on corner plots the developer has identified that the dwellings will have dual frontages. This approach allows dwellings to present an active elevation to both streets, or provide additional surveillance of the SUDs basin.
- 8.24 A traditional palate of materials is to be used on houses and other structures within the most prominent area of the development site. Other properties will be finished in a way which is reflective of traditional materials.
- 8.25 The proposed houses are not unduly large or bulky and the architectural detailing will result in a positive contribution to the streetscape in particular.

### Impact on amenity

- 8.26 Future residents of the proposed development will benefit from good levels of amenity. Garden sizes, distances between buildings and areas of open space are largely compliant with the planning guidance. In addition, there will be new landscaping planted and existing landscaping retained, which will contribute to a good quality environment.
- 8.27 There are few residential properties immediately adjacent to the application site. The closest residential property is at 30 Borthwick Castle Road. However, the closest dwelling to that property has been deliberately set some distance away from it, to ensure that impact on the existing property is kept to a minimum.
- 8.28 Some residents of North Middleton have identified that the existing field is used for informal recreation, thereby contributing to the amenity of the settlement. While the principle of development has been established and some form of development can go ahead the developer has provided pedestrian links through the site which can be used by residents of the village wanting to access the countryside to the east.
- 8.29 Impact on amenity, as a result of this development, will not be significant.

### Access and Transportation Issues

- 8.30 The site has been in agricultural use and therefore any form of development is likely to result in an increase in vehicle movements in the area. The developer has proposed an internal loop road which provides access and egress at two separate points on Borthwick Castle Road. Vehicular access to all dwellings is via this loop road and no direct vehicular access to the houses can be taken from Borthwick Farm Road.
- 8.31 The loop road through the development has been designed to passively reduce vehicle speeds through a range of designing streets measures, including selective road narrowing, shared surfaces and a raised table.
- 8.32 Out with the site, the speed limit along Borthwick Castle Road (along the frontage of the site) will be reduced to 20mph. The reduced speed limit will be accompanied by street lighting and a 2m wide adopted footpath on the same side of the road as the development.
- 8.33 The 3m wide cycleway/footpath which runs through the open space within the site links with a new zebra crossing across Borthwick Castle Road, to provide access to the primary school and elsewhere in the village.

- 8.34 Significant concerns have been raised regarding the impact of additional vehicle movements, resulting from this development, on the local road network. The Council's Policy and Road Safety Manager has advised that the A7/Borthwick Castle Road junction has operated without recorded injury accident during the current 3-year accident period and that the junction should be more than capable of handling the increase in traffic flows that this proposed development would generate.
- 8.35 Construction traffic would require use of Borthwick Castle Road to access the site. There may be some need to temporarily restrict parking in the area but construction of the adjacent primary school was successfully carried out while using the same route. It would also be appropriate to agree a construction access/transport plan by way of condition to ensure effective management of vehicles during school term times as the Moorfoot Primary School is opposite the site.

#### Landscaping

- 8.36 The development is to be set against a band of mature trees which run along the Eastern boundary of the application site. While these trees are located outwith the application site they are protected by virtue of being within a conservation area. The retention of the trees will ensure that an appropriate landscape buffer is provided, which will help soften the development into its landscape setting.
- 8.37 Hedge planting is proposed along the site frontage with Borthwick Castle Road, which will replace the existing hedge which will be lost in order to accommodate the new footpath. Hedges are a traditional feature in the local area and is an appropriate boundary treatment for this development.

#### SUDS and Flooding

- 8.38 The application site is sufficiently elevated above the local burn so as to not be at risk from flooding. There are no reported surface water issues on the site at present.
- 8.39 The developer has proposed to site the SUDs basin at the north east side of the development. Further clarity is required from the developer regarding the gradient of the basin and the surrounding land. There may be a requirement for a safety barrier to be erected along the access road to plots 19 and 20 in the interests of safety. This can be secured through a planning condition.
- 8.40 The developer has identified the route of the outflow from the SUDs basin into the local burn, to the east of the site. This outflow does not form part of the current planning application and does require planning permission. Should this scheme secure permission it is expected that the applicant will submit a further planning application for the SUDs outflow. The outflow from the SUDs basin into the local burn originates

from surface water only. The surface water will go through two levels of treatment before entering the watercourse. This is a standard approach and should ensure limited risk of pollutants reaching the watercourse from the site.

- 8.41 The developer has proposed a pumping station adjacent to the SUDs basin. While this pumping station is required in terms of the sewage infrastructure, not the SUDs, given its proximity to the basin and the fact that the pumping station is a heavily engineered feature it will be necessary to soften its appearance given its prominent position.

#### Play and other children's facilities

- 8.42 One objector has raised a concern regarding the provision of play equipment on site. They suggest that if the new development is served by its own children's play area this will limit opportunities for new and existing residents of the village to integrate. For clarity, there are no plans to accommodate play equipment within the application site. As outlined in the developer contributions section of this report it is intended that the developer will contribute funds to enhance provision at the existing play area in the village.
- 8.43 As a result of the development additional cycle and scooter parking provision will be made available at the local primary school.

#### Affordable housing provision

- 8.44 The developer has proposed the provision of five terraced houses within the application site for affordable housing.
- 8.45 In accordance with MLP Policy HOUS4 sites of 15-49 units are subject to a requirement for 25% of the units above 14 units to be affordable. This equates to 5 units based on the 34 total units.
- 8.46 Policy DEV3 of the MLP states that sites allocated in the previous local plan, which do not yet benefit from planning permission, will require to provide affordable housing based on 25%. This would result in a requirement for nine affordable units on the site.
- 8.47 While the Planning Authority will generally seek to ensure the maximum provision of affordable housing on sites there are some relevant factors in this case. The pre-application discussions regarding the development of this site stretch back a number of years and were based on the requirements of the current adopted local plan. In addition, the applicant contends that to provide nine affordable houses will threaten the economic viability of the scheme.
- 8.48 Council officers have engaged in extensive discussions with the applicants to challenge and test this assertion. The conclusion of that engagement is that, taking into account the overall merits of the

development, the provision of five affordable housing units is acceptable.

Impact on facilities and infrastructure

- 8.49 The objectors have highlighted concerns regarding deficiencies in local facilities and infrastructure.
- 8.50 The impact of the development on schools will be addressed through securing developer contributions towards increasing capacities of schools which have North Middleton in their catchment area. Moorfoot Primary School is only at capacity due to taking in pupils from out with its catchment. The Head of Education has stated that the school will be able to manage this matter in order to accommodate children from the development.
- 8.51 It is acknowledged that there is significant pressure on GP services in the area at present. While it is possible for new residents to register with GPs they may not be in the most convenient location. The Midlothian Health and Social Care Partnership are implementing a plan to expand the capacity of general practice in Midlothian which should address capacity issues in this area for the next four to five years. This includes the expansion of Newbyres Practice, the new Newtongrange Clinic which will open later in 2017, and the testing of new roles to work in General Practice to increase capacity.
- 8.52 Local residents have highlighted that public transport services to North Middleton are limited. They have suggested that the Council secure contributions from the developer towards improving the service. The Council is justified in seeking contributions from the developer towards the Borders Rail Line, as this has been identified through the local plan process. Bus services to North Middleton have not been identified as being an issue by the Policy and Road Safety Manager. The existing bus service has been reduced, but there may be more demand for an increased service should the development be carried out.
- 8.53 The developer had previously indicated that the site would be connected to the mains gas network. Local residents have advised that North Middleton does not benefit from being on mains gas. The developer was due to be investigating the options available regarding whether gas could be supplied to the development but has not, as yet reported back to the Planning Authority. In any event, it is not a requirement that the development is connected to mains gas. However, if mains gas infrastructure to the village is achieved it would have potential wider community benefit.
- 8.54 The sewage infrastructure is adequate to accommodate the proposed development.
- 8.55 With regards to the provision of Broadband, it is the developer's intention to service the development and provide fibre to all new homes

in the site. The developer has enquired with the provider whether enhancement to the Broadband services within the village are required.

- 8.56 Electricity infrastructure is in place in North Middleton. The responsibility for ensuring that the village is adequately serviced is down to the electricity operator and supply companies.

#### Coal Mining Legacy

- 8.57 The site is in an area identified as being at low risk of coal mining legacy.

#### Archaeology

- 8.58 The control required by the Council's Archaeological Advisor in the consultation response could be secured by a condition imposed on a grant of planning permission.

#### Carbon reduction and energy efficiency

- 8.59 The applicant has submitted an Energy Statement to accompany the planning application. The applicant has suggested that photo voltaic solar panels will be used in order to reduce carbon and increase energy efficiency.
- 8.60 Given the lack of clarity regarding whether gas will be used to heat the homes, due to the lack of gas infrastructure in the area, it is not possible to calculate whether the development complies with the relevant policies. It will, therefore, be necessary to condition that the development complies with the terms of policies NRG3 and NRG4 of the MLDP.

#### Biodiversity

- 8.61 While some objectors have raised concerns regarding the impact of the proposed development on wildlife there have been no protected species identified in the area during the screening of the application.
- 8.62 The Council is seeking to encourage biodiversity across the area. This requirement is not reduced on development sites. Small measures can help encourage wildlife. In this case, it would be appropriate for the developer to provide features which encourage biodiversity, such as swift/bat boxes and some meadow planting in the small communal area.

#### Percent for art

- 8.63 The percent for art requirement provides an opportunity to support a local craftsman and provide a feature which helps the development create an identity. This requirement can be covered by planning condition.

## Planning Obligations

- 8.64 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15)
  - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
  - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
  - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
  - be reasonable in all other respects.
- 8.65 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the MLP, the MLDP and Midlothian Council Developer Contributions Guidelines (Supplementary Planning Guidance) and Supplementary Planning Guidance (SPG) on Affordable Housing both approved in March 2012.
- 8.66 This proposed development of 34 dwellings has been assessed in relation to the above guidance and it is considered that a Planning Obligation is required in respect of the following areas;
- Education provision
  - Affordable housing
  - Borders Rail
  - Children's Play
  - Maintenance of Open Space
- 8.67 **Denominational Primary School Capacity:** The Head of Education has advised that as St Andrews RC primary school is at, or near, capacity an extension to it will be required and this development will be required to make a proportionate contribution to that.
- 8.68 **Denominational Secondary School Capacity:** The Developer Contributions SPG requires that all new residential units in Midlothian contribute towards Midlothian additional denominational secondary school capacity at the Dalkeith Schools Community Campus.
- 8.69 **Non Denominational Secondary School Capacity:** The Head of Education has advised that as a significant amount of new housing has already been allocated to Newbattle High School additional capacity will be required. The development will therefore be required to make a proportionate contribution to additional secondary school capacity.

- 8.70 **Borders Rail:** The site is in the A7/A68 Borders Line Corridor. The 2008 Local Plan and the Proposed Midlothian Local Development Plan require that the site contributes towards the Borders Rail line.
- 8.71 A **traffic regulation order** will be required to be implemented in relation to the delivery of this development. A developer contribution to cover the costs of making the order will be required.
- 8.72 **Children Play and Open Space :** The 2012 SPG on developer contributions identifies that in relation to this specific site that a contribution to enhance the community play park would be sought.
- 8.73 **Affordable Housing :** In accordance with MLP Policy HOUS4 sites of 15-49 units, are subject to a requirement for 25% of the units above 14 units to be affordable. This equates to 5 units based on the 34 total units. Affordable Housing by definition is to be 'housing of a reasonable quality that is affordable to people on modest incomes (Supplementary Planning Guidance (SPG) Affordable Housing Adopted 6<sup>th</sup> March 2012, paragraph 3.1). MLDP Policy DEV3 requires a 25% provision (without the first 14 unit exemption on allocated sites), this would equate to 9 units. The securing of five units is addressed in paragraphs 8.44 to 8.48.
- 8.74 **Open Space Maintenance:** The responsibility for the maintenance of the open space (including the play area and SUDS) shall be the developers/ owners and provision shall be made in the deeds of sale of all housing units to contribute to the ongoing maintenance of these areas through a regular "factoring" charge.
- 8.75 The above provisions meet the tests set out in circular 03/2012 and comply with the policies within the MLP and MLDP. The applicant has agreed to enter in to a Section 75 Legal agreement with the Council to ensure developer contributions are provided.

#### Other matters

- 8.76 Local residents have raised concerns regarding the impact of pollution, noise and dust from the site, particularly during the construction phase. There may be some disturbance as a result of development, however developers are required to work within specific parameters and these are regulated by the Council's Environmental Health Service.
- 8.77 Some objectors have suggested that the developer is being asked for developer contributions of £500 per unit. The actual contribution figure will be significantly higher than this. The methodology behind the developer contributions calculation is carefully arrived at and, as mentioned previously, the figures required and the reasons for taking contributions satisfy the tests in place.

- 8.78 Objectors have raised concerns regarding the accuracy of the applicant's submissions. The applicant has corrected incorrect documents and statements.
- 8.79 Earlier in this report it was stated that the appropriate number of units on this site would be arrived at as a result of a scheme that is acceptable in urban design terms. It has been demonstrated that the 34 house development can be accommodated on this site while protecting, and potentially enhancing, the character and appearance of the area. In addition, the developer is funding the additional infrastructure improvements required as a result of this development.

## **9 RECOMMENDATION**

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

*By virtue of its scale, location, design and choice of materials the proposed development accords with policies RP5, RP6, RP7, RP20, RP22, HOUS2, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan 2008 and policies STRAT1, DEV1, DEV2, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV24, ENV25, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Proposed Midlothian Local Development Plan 2014. The layout and detailed appearance of the development will add interest to the street scene and it will not have a significant adverse impact on the amenity of nearby properties. The presumption for development is not outweighed by any other material consideration.*

Subject to:

- i) the prior signing of a legal agreement to secure the provision of affordable housing, and contributions towards education provision, Borders Rail, children's play provision and maintenance of play equipment. 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, the SUDs feature and roads, cycleways and paths 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 and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv. location and design of any proposed walls, fences and gates;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii. drainage details and details of 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);
- x. details of car park and footpath lighting.

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

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

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 and DP2 of the adopted Midlothian Local Plan, policy DEV6 of the Proposed 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 approved in writing with the Planning Authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of the kerb/verge arrangements between plots 19 and 20 and the SUDs basin have

been submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of road safety, given the close proximity of the access road to the SUDs basin.*

4. Development shall not begin until details of the access arrangements, landscape planting and surfacing at the proposed pumping station have been submitted to and approved in writing by the Planning Authority.

**Reason:** *In the interests of clarity and to ensure that the access to the pumping station operates successfully and safely and that the pumping station, which is a hard landscaped feature in a prominent location, is adequately screened from view.*

5. Development shall not begin until a traffic management plan related to the management of vehicles involved in the preparation and construction of the development hereby approved has been submitted to and approved in writing by the Planning Authority. Thereafter the construction traffic shall operate in compliance with the approved traffic management plan.

**Reason:** *In the interests of road and pedestrian safety, in particular given the close proximity of the development site to Moorfoot Primary School.*

6. The dwellinghouses hereby approved shall not be occupied until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing by the Planning Authority. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

7. Prior to the occupation of any dwellinghouse on site a minimum visibility splay of 2.4m by 70m shall be provided at both vehicle entrances into the site. The visibility splay shall be shown on a site plan to be submitted and approved in writing by the Planning Authority. Any landscaping within the splay shall be removed and replaced to the rear of the splay.
8. The existing street lighting and 20mph speed limit on Borthwick Castle Road shall be extended over the site frontage with a suitable gateway feature being formed at the start of the residential development.
9. The pedestrian crossing point on Borthwick Castle Road shall be formed as a standard raised zebra crossing and a short section of

2m wide public footway shall link the new crossing to the existing public footway at the school access.

**Reason for conditions 7 - 9:** *In the interests of highway and pedestrian safety.*

10. Additional cycle and scooter parking facilities shall be provided within the school grounds at Moorfoot Primary School, in a position to be approved in writing by the Planning Authority, prior to the occupation of the first house unless an alternative timescale is approved in writing by the Planning Authority. Details of the cycle and scooter parking shall be approved in writing by the Planning Authority prior to the installation of the parking features.

**Reason:** *In order to encourage sustainable forms of travel in terms of complying with the aims of policy TRAN1 of the Proposed Midlothian Local Development Plan.*

11. Unless otherwise approved in writing by the Planning Authority the external materials on the buildings on plots 1-4, 7 -10, 15-17, 24 and 25, as identified on the approved site plan, shall be traditional natural materials.

**Reason:** *These plots are the most prominent on the application site and the use of traditional natural materials will ensure that the development enhances the character and appearance of the conservation area.*

12. Development shall not begin until temporary protective fencing is erected around all trees and hedges on the site to be retained and those trees off site which have a canopy which extends in to the application site. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the canopy unless otherwise approved in writing with the Planning Authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** *To ensure the development does not result in the loss or damage of trees and hedges which merit retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan, policies DEV7, ENV7 and ENV11 of the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

13. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise approved 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.*

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

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the adopted Midlothian Local Plan and policies ENV24 and ENV25 of the proposed Midlothian Local Development Plan.*

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

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

16. 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 Proposed Midlothian Local Development Plan.*

17. 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.*

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

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

19. Prior to the commencement of development details to demonstrate how the development complies with either policy NRG3 or NRG6 of the emerging Midlothian Local Development Plan shall be submitted to and approved in writing by the Planning Authority.
20. The dwellinghouses hereby approved shall not be occupied until the zero and/or low carbon equipment or community heating system approved as part of condition 10 of this permission is installed in accordance with a phasing scheme which is to be agreed in writing by the Planning Authority.

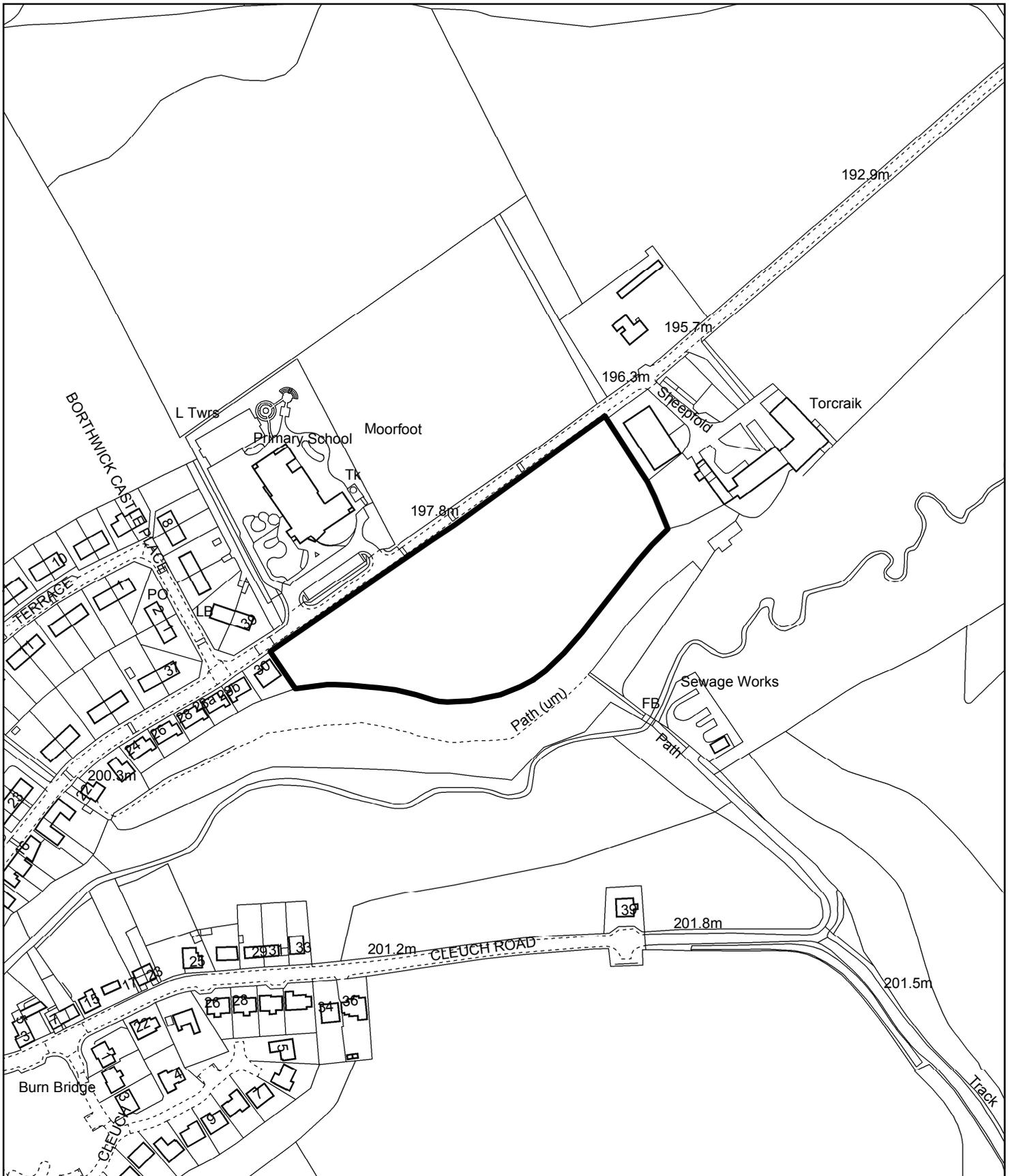
**Reason for conditions 19 and 20:** *To ensure this development complies with the on-site carbon emissions target stated in policy NRG3 of the emerging Midlothian Local Development Plan or secures the infrastructure for a community heating system in compliance with policies NRG3, NRG4 and NRG6 of the emerging Midlothian Local Development Plan, in order to promote sustainable development.*

**Note – if the Midlothian Local Development Plan is adopted at the Council meeting of 7 November 2017 the reasons to grant planning permission and the reasons for the conditions shall be amended to remove reference to those policies in the Midlothian Local Plan 2008 and the Proposed Midlothian Local Development Plan shall be referred to as the Midlothian Local Development Plan 2017.**

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

**Date:**

<b>Application No:</b>	17/00224/DPP
<b>Applicant(s):</b>	Miller Homes, Clydesdale House, 300 Springhill Parkway, Glasgow Business Park, Glasgow
<b>Agent:</b>	N/A
<b>Validation Date:</b>	31 March 2017
<b>Contact Person:</b>	Duncan Robertson
<b>Tel No:</b>	0131 271 3317
<b>Background Papers:</b>	



**Education, Economy  
& Communities**  
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Land south-west of Torcraik Farm, North Middleton,  
Gorebridge

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