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**APPLICATION FOR PLANNING PERMISSION (12/00339/DPP) FOR THE  
ERECTION 60 DWELLINGHOUSES; FORMATION OF ACCESS ROAD AND CAR  
PARKING; FORMATION OF SUDS POND AND ASSOCIATED WORKS ON PART  
OF SITE U, LAND AT SOUTH MAYFIELD, MIDLOTHIAN**

Report by Head of Planning and Development

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of 60 dwellinghouses, the formation of an access road and car parking, the provision of open space, the formation of a Sustainable Urban Drainage System (SUDS) and associated works on land south of Mayfield. There has been 12 letters of representation, a petition with 241 signatures and consultation responses from Scottish Natural Heritage, the Scottish Environment Protection Agency, Scottish Water, Mayfield and Easthouses Community Council, the Coal Authority and the Council's Commercial Services, Policy and Road Safety Manager and Director of Education and Communities. The relevant development plan policies are RP20 and DP2 of the Midlothian Local Plan (MLP). The recommendation is to grant planning permission subject to conditions and the prior signing of a legal agreement to secure developer contributions.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site comprises four hectares of undeveloped land predominantly in agricultural use. The site is known as 'Hilltop' and is the highest most eastern part of allocated housing site U (South Mayfield) in the 2003 MLP and committed site h38 in the 2008 MLP. The site descends steeply from east to west with a gradient of 1:10. From the site there are long distance views over Newtongrange to the Pentland Hills and towards Edinburgh.
- 2.2 The site is bound by existing houses to the north, agricultural land with Cushat Wood beyond to the east, a combination of Mansfield Cottage and agricultural fields to the south and Mansfield Road with the remainder of site U to the west.
- 2.3 Mayfield Industrial Estate is located nearby to the west of the site.

**3 PROPOSALS**

- 3.1 Detailed planning permission is sought for:

- i. the erection of 60 houses;
- ii. the formation of an access to the site off Mansfield Road and a new distributor road;
- iii. the formation of a SUDS pond; and
- iv. the provision of an equipped play area and an area of open space.

3.2 The proposed housing mix comprises:

- |                           |     |
|---------------------------|-----|
| • 10 terraced houses      | 17% |
| • 15 semi-detached houses | 25% |
| • 35 detached houses      | 58% |

3.3 The proposed development comprises 29 three bedroom houses and 31 four bedroom houses.

3.4 All of the houses are two-storey with conventional eaves height. The affordable houses are indicated on the site layout as being terraced.

3.5 Proposed materials include a mixture of red and buff coloured brick, white dry dash render and a mixture of grey and red coloured concrete roof tiles.

3.6 A SUDS pond is proposed in the north west corner of the site.

3.7 The applicant has submitted in support of the application a design and access statement, a habitat survey report, a tree and arboricultural constraints report and an ecology report.

## 4 BACKGROUND

4.1 A development brief for the site was approved by the Planning Committee on 4 April 2005 with an estimated 40 to 50 dwellings to be provided on Hilltop.

4.2 In July 2008 a planning application (08/00515/FUL) was submitted for the erection of 867 dwellinghouses, land for 87 affordable residential units, associated roads, cycleways, landscaping, SUDS pond and detention basin and land for a primary school on sites Q, R (which neighbour site U to the west) and on the part of site U not included in this current application. In February 2009 the Planning Committee refused this planning application, primarily for reasons of inadequate layout and design quality.

## 5 CONSULTATIONS

5.1 The following consultation responses have been received:

5.2 The **Scottish Environment Protection Agency (SEPA)** raises no objection to the proposed development with the proviso that SUDS proposals are in accordance with the recommendations of CIRIA Manual C697 'The SUDS Manual' and foul drainage is connected to a Scottish Water sewer. In this respect they recommend that it be made a condition of a grant of planning permission that details of SUDS for the proposed development be submitted for the prior approval of the Planning Authority. SEPA raise no concerns over flooding.

- 5.3 **Scottish Water** raises no objection to the planning application. However, they state that they are unable to reserve capacity at their water and waste water treatment works and that any planning approval does not guarantee a connection to their infrastructure.
- 5.4 **Scottish Natural Heritage (SNH)** raises no objection to the application, informing that there is no need for a bat activity survey to be carried out because any potential impacts on the local bat population will be reduced/off-set through effective implementation of the proposed landscaping.
- 5.5 **Mayfield & Easthouses Community Council** requests that the concerns raised by members of the public are taken into account.
- 5.6 The **Coal Authority** informs that the proposed development lies within a coal mining area. In the circumstances the applicant should take account of any coal mining related hazards to stability in their proposals.
- 5.7 The Council's **Commercial Services** informs that there are no formal or informal access routes (Core Paths/Right of Ways) that cross the site.
- 5.8 The Council's **Policy and Road Safety Manager** raises no objection subject to conditions.
- 5.9 The Council's **Director of Education and Communities** has advised that there is presently spare denomination and nondenominational primary education capacity for the proposed development. However, the applicants will be required to make developer contributions towards providing additional secondary non-denominational school capacity. In addition, the applicants will be required to make developer contributions towards an extension to St David's High School.

## **6 REPRESENTATIONS**

- 6.1 Seven letters of objection have been received from local residents and a petition signed by 241 people has been collated by the Community Council. The points of objection raised are as follows:
- an insufficient number of parking spaces have been provided;
  - the existing road infrastructure is not presently of a standard to cope with the increase in volume of traffic generated by the proposed development;
  - concern about the safety of pedestrian; particularly children going to and from school, crossing Westhouses Road;
  - there is an inadequate bus service;
  - direct and indirect harm to wildlife, including bats;
  - light pollution;
  - there is not the demand or need for the proposed houses in the area owing to the current economic climate;
  - given that all of the proposed houses are two-storey none of them are suitable for the elderly or disabled;

- the proposed house sizes and mix; including the absence of single-storey houses, is not conducive to a balanced community;
- inadequate children's play areas have been proposed in the development;
- child safety concerns with the SUDS pond;
- the affordable housing being located on the west side of the site is inconveniently sited at the furthest distance on the site to the public transport and services;
- existing problems of insufficient drainage and flooding of properties in Mayfield;
- road safety concerns over flood water;
- there does not presently exist a bus service that goes via the Edinburgh Royal Infirmary Hospital;
- road safety concerns with the proposed new access and internal access road owing to the steepness of the site;
- would spoil the rural setting of the existing neighbouring farmhouse, cottage and outbuildings at Mansfield;
- two-storey buildings would appear intrusive;
- the formation of the new access off Mansfield Road will necessitate the removal of 30% of the existing hedgerow along the west roadside boundary of the site;
- concern about the adequacy of existing sewerage treatment facilities in the area;
- concern about disruption to electricity supply in the area during periods of construction;
- existing problems of fly tipping which would be exacerbated by the proposed development;
- existing problems of motor bikes being driven illegally and which would increase as a result of the development;
- noise pollution from the future residents of the houses.
- increase in traffic noise;
- concern about there being an unduly long period over which construction will take place;
- concerns about dirt and dust pollution from the development;
- would put an undue burden on existing local services which are already under strain;
- the development would have a negative impact on the value of neighbouring properties during periods of construction and these neighbouring properties should be compensated for this;
- would increase the burden on Midlothian Council's services which are already under pressure;
- the proposed development would appear intrusive; and
- concern about emergency vehicle access being hindered in the winter owing to the steepness of the site.

## **7 PLANNING POLICY**

- 7.1 The current development plan comprises of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan,

adopted in December 2008. The following policies are relevant to the proposal.

- 7.2 In the adopted Midlothian Local Plan 2008, site U is identified as being part of the Council's established housing land supply which Policy COMD1 (Committed Developments) applies. In the current adopted Local Plan the development area is identified for residential development for 499 units including the provision of 5-10% affordable housing units.
- 7.3 Midlothian Local Plan Policy **COMD1: Committed Development** states that Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing requirements;
- 7.4 Midlothian Local Plan Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings;
- 7.5 Midlothian Local Plan Policy **RP5: 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, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance;
- 7.6 Midlothian Local Plan Policy **RP7: Landscape Character** which states that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;
- 7.7 Midlothian Local Plan Policy **RP13: Species Protection** requires that any development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require: A. measures for mitigation; and B. measures for enhancement or sustainable habitat replacement, where appropriate;
- 7.8 Midlothian Local Plan Policy **RP14: Habitat Protection Outwith Formally Designated Areas** requires that where a development affects sites which contain habitat of some significance, effects on the habitat as well as mitigation measures will be taken into account;
- 7.9 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;

- 7.10 Midlothian Local Plan Policy **RP31: Open Space Standards** advises that the Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining the minimum open space standards in respect of all new development, and until that is available the requirements for open space provision are as set out in policy DP2;
- 7.11 Midlothian Local Plan Policy **RP32: Public Rights Of Way and Other Access Routes**, protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route;

#### National Policy

- 7.12 The Scottish Planning Policy (SPP) in respect of housing is also a material consideration. In the interest of sustainability it is good practice to make best use of brownfield sites within towns subject to the protection of the character of the area and amenity of existing residents. This reflects the advice contained within the SPP (para 80) which seeks more efficient use of land and buildings. 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;
- 7.13 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources;
- 7.14 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

## **8 PLANNING ISSUES**

- 8.1 The main 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 principle of residential development on this site was established by its allocation within the adopted 2003 MLP. This allocation was then continued in the adopted 2008 MLP.

#### Layout and Form of the Development

- 8.3 The proposed development does not accord with the development brief in terms of the number of dwellings proposed. The brief states that this part of site U; known as Hilltop, has a potential capacity of between 40 and 50

dwellings. A total of 60 dwellings are proposed for the application site. However, if the layout and design of the proposed development is nonetheless acceptable and generally complies with the Council's development plan policies, then it could be acceptable in planning terms.

- 8.4 The approved development brief outlines clear character zones and provides direction to the type and style of the urban form and layout. In the case of Hilltop it was envisaged that this part of site U would have a '*rural feel*' and a lower density when compared to the rest of site U. This is principally to ensure that there is variance to the density and built form of sites Q, R and U.
- 8.5 The layout and design of the proposed development deviates from the brief and instead of a looser, rural, low density layout, a linear two-storey built form of development is proposed. To facilitate the site layout it is proposed to recontour the site to create platforms on which the two-storey houses will be erected. This in turn necessitates areas of terracing with high retaining walls. This is not in accordance with the development brief, which suggests the use of split-level houses on the steeper slopes. Nevertheless the proposed two-storey house layout with the buildings laid out along the contours is acceptable for the following reasons. Firstly, the houses on the highest part of the site would not be higher than existing trees on the south eastern extremity of the site and those in Cushat Wood which will provide a backdrop to the houses. Therefore, the houses would not break the skyline. Secondly, the proposed retaining structures within the rear gardens; although high, are to be crib structures which will be planted to soften their visual impact and they will therefore not appear unduly imposing. Thirdly, the existing neighbouring houses in Mayfield, to the north of the site; which sit on the same slope as the site, are also two-storey in height and the proposed new houses can be viewed sympathetically in relation to them.
- 8.6 Although, the proposed housing development forms its own residential cluster, it will be interpreted as an extension to Mayfield. The '*uniform*' two storeys, traditional form of housing proposed is acceptable considering the mixed housing forms and tenure throughout Mayfield as a whole. The scheme has a mix of detached, semi detached and terraced properties.
- 8.7 The proposed external finishing materials include a mixture of facing brick, dry dash render and a mixture of grey and red concrete roof tiles. These materials and the proposed combination of use of them on the site are acceptable in principle. To safeguard the character and amenity of the area it should be made a condition of a grant of planning permission that samples of the proposed materials are made available for the prior approval of the Planning Authority.

#### Public and Private Space

- 8.8 Policy DP2 requires an area of open space for children's play to be provided on site. An area of open space for children's play/recreation with play equipment installed on it is proposed in a central location. Proposed houses front onto it providing passive surveillance.

- 8.9 In addition to the children's play area a significant area of informal open space is to be provided along the south eastern boundary of the site. This area measures approximately 1.2 hectares (30% of the site) and will be landscaped to provide an attractive informal recreational space.
- 8.10 The private (rear) garden ground of twenty four of the proposed dwellings falls short of the minimum standards set by adopted Midlothian Local Plan Policy DP2. Policy DP2 requires the provision of the following minimum useable private garden areas for the houses: (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. The Council has in the past granted planning permission for residential developments that did not meet the minimum garden standards, on some plots where site specific circumstances provide justification. This is a reasonable approach to take. Given the steep sloping nature of the site and the provision of open space outlined in paragraphs 8.8 and 8.9 of this report, a reduction in the size of the rear private gardens of some of the proposed houses is justified, and acceptable.
- 8.11 In determining planning applications for development on other sites throughout Midlothian the Council has been consistent in not accepting parts of gardens with gradients in excess of 1:5 as being useable garden ground. Additionally the Council has in the past imposed by a condition on a grant of permission that the gradient of rear gardens shall not exceed 1:8. The Council, in stating gradients of 1:5 in the brief, has considered the topography of this site and adjusted the gradient requirements accordingly. This is a reasonable approach to take. The proposed gardens comply with the gradient requirements.
- 8.12 The spacing between the proposed houses complies with the minimum standards set by adopted Midlothian Local Plan Policy DP2, with the exception of one plot. In this case the spatial separation is 12 metres between a rear elevation and neighbouring gable elevation rather than the policy standard of 16 metres. This exception is considered acceptable considering the neighbouring gable elevation does not have a window opening and therefore will not result in unacceptable overlooking. Furthermore, the dwellinghouse has been re-orientated within its plot at the request of the planning authority to provide passive surveillance of the proposed SUDS pond.
- 8.13 The proposed boundary landscaping ensures the development would not spoil the setting of the existing neighbouring farmhouse, cottage and outbuildings at Mansfield.

#### SUDS

- 8.14 The proposed SUDS pond is positioned in the northern corner of the site and immediately to the north of the site access. The land about it will be re-contoured to provide as gradual sloping edges as possible considering the topography of the site. Furthermore, five houses on the site have been

orientated so that their front elevations face in the direction of the pond and thus securing adequate passive surveillance in the interests of safety.

- 8.15 The overall SUDS scheme, including pond, swales and porous paving, will ensure that there will be no net detriment to the locality's drainage.

#### Access and Transportation Issues

- 8.16 The Council's Policy and Road Safety Manager raise no objection to the application subject to the following details being approved in advance by the Council: (i) details of the proposed alterations to the existing junction of Westhouses Road and Mansfield Road and the pedestrian links from the site; (ii) details of the new junction of Mansfield Road with the internal access road. This will also require the formal 'stopping-up' and removal of the short, redundant section of Mansfield Road; and, (iii) details of the two new bus shelters being provided at the existing bus stops on Westhouses Road. Subject to these recommended controls; which can be secured by a planning condition/legal agreement, the proposed development can be safely accessed. The existing road infrastructure is of an adequate standard to cope with the increase in use as a result of the proposed development. Adequate parking spaces; including visitor spaces have been proposed and the development is located in relatively close proximity to an existing bus route and bus stops.
- 8.17 No Core Paths or Rights of Way cross the site.

#### Ecology

- 8.18 SNH does not advise of the need for a bat activity survey. They consider that any potential impacts on the local bat population are likely to be reduced/off-set through effective implementation of the proposed landscaping.
- 8.19 The planning authority has not been presented with any evidence of other wildlife on the site in need of protection.

#### Developer Contributions

- 8.20 Given that the site was allocated for housing in the 2003 MLP the affordable housing requirement is 5 – 10% which is a minimum of 3 units. The delivery of the affordable housing provision will be secured through a Section 75 Legal Agreement.
- 8.21 The development cannot be accommodated without increased secondary educational capacity and, if approved, developer contributions would be required in this regard.
- 8.22 There is a requirement to provide play facilities for children. As detailed above the applicant proposes to provide an equipped children's play area on site. The delivery of children's play provision can be secured through a condition and a contribution towards its maintenance secured as part of the Section 75 Legal Agreement.

- 8.23 A developer contribution is also required towards community facilities. The 2008 MLP and subsequent approved supplementary planning guidance (2012) identify this as improved library facilities at Mayfield.

#### Other Matters Raised by Representations

- 8.24 The nature of the proposed development is unlikely to give rise to significant nuisance or significant risk to human health as a result of dust deposition during periods of construction. However, if dust deposition were to become a problem it could be addressed through environmental health legislation.
- 8.25 The nature and scale of the proposed development is unlikely to result in extraordinary levels of noise and disturbance during periods of construction. If noise nuisance were to arise it could be dealt with through environmental health legislation.
- 8.26 The following matters raised in letters of representation are not material considerations in the determination of the application:
- light pollution;
  - concern about disruption to electricity supply in the area during periods of construction.;
  - whether or not the development would have a negative impact on the value of neighbouring properties during periods of construction and whether these neighbouring properties should be compensated for this;
  - whether or not there will be an unduly long period over which construction will take place;
  - existing problems of fly tipping in the area;
  - whether existing local services are under strain; and
  - whether there would be any significant disruption to existing neighbouring dwellings as a result of future changes to the electricity supply in the area.
- 8.27 Issues raised by the representors have been largely addressed above. With regards to the matters raised in letters of objection and not addressed above:
- 8.28 If the Council were minded to approve the application it should be subject to a planning condition controlling the phasing of the development.
- 8.29 If the Council were minded to approve the application it should be subject to a planning condition controlling the location and details of site offices and compounds.
- 8.30 The application is sufficiently detailed to show the nature of the proposed development.

## **9 RECOMMENDATION**

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

*The development site is identified as being part of the Council's allocated and safeguarded housing land supply within the adopted Midlothian Local Plan and the proposed layout and design accords with adopted Midlothian Local Plan Policies RP20 and DP2. The presumption for development is not outweighed by other material considerations.*

Subject to the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, children's play provision and community facilities.

and the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

***Reason:*** *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc Act 2006).*

2. Development shall not begin until details of the phasing of the development have 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, the SUDS provision, transportation infrastructure etc. 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 the future occupants of the development.*

3. Notwithstanding that delineated on docketed drawings the proposed external finishing material and colours proposed for the buildings and boundary treatments shall be made available for the prior approval of the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** *In the interests of safeguarding the character and visual amenity of the area.*

4. Notwithstanding that delineated on docketed drawings the following shall be used for the buildings:
  - i. Red coloured facing brick as the principal brick wall finish.
  - ii. Dark grey coloured flat concrete roof tiles with a thin leading edge and a mock joint.

**Reason for 4i:** *To ensure a satisfactory appearance of the development in the interests of safeguarding the character and visual amenity of the area.*

**Reason for 4ii:** *To ensure that the flat roof tile used gives the appearance of a slate.*

5. Notwithstanding that delineated/specified on application drawing samples of the hard ground cover surface materials shall be submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *In the interests of safeguarding the character and visual amenity of the area.*

6. No development shall take place until the following information has been submitted to and approved in writing by the Planning Authority:

(i) a full site survey showing:

- a. the datum used to calibrate the site levels,
- b. levels along all site boundaries,
- c. levels across the site at regular intervals,
- d. floor levels of adjoining buildings.

(ii) full details of the proposed finished floor levels of all buildings and hard surfaces.

The development shall be carried out only in accordance with the approved details. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved by the Planning Authority. The development shall be carried out in strict accordance with the levels approved.

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

7. Development shall not begin until details of the scheme of hard and soft landscaping works have 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, SUDS features 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 and open space, including trees, hedging, and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;

- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses 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, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths;
- x proposed children's play equipment; 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). 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 the same or a similar species to those originally required.

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

8. No trees or shrubs on the site shall be lopped, topped or pruned without the prior written approval of the Planning Authority.
9. All trees and shrubs to be retained shall be protected during periods of construction with a temporary protected fencing in accordance with the recommendations of the British Standard BS 5837: 20125 'Trees in Relation to Design, Demolition and Construction' and in accordance with details to be submitted for the prior approval of the Planning Authority. The temporary protective fencing so approved shall be erected prior to work commencing on site and shall be retained for the duration of construction works. Within the areas enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, or disposal of any waste or fires lit, all in accordance with the above names British Standards.
10. Any excavations within the canopy spread of trees to be retained shall be hand dug and any roots exposed shall be bridged.

***Reason for conditions 8-10:*** *To safeguard trees and shrubs on the site which make a valuable contribution to the character and visual amenity of the area.*

11. 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 or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
  - iv. the condition of the site on completion of the specified decontamination measures.

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

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

12. No house shall be occupied unless and until the following have been completed and made available for use:
- i. The driveway of the house, and the visitor parking spaces within the same phase of development have been formed and made available for use;
  - ii. The new junction of Mansfield Road (the C49) with the internal access road has been formed;
  - iii. The short redundant section of Mansfield Road has been removed;
  - iv. A bus shelter has been erected at each of the two existing bus stops on Westhouses Road.

There shall be no variation therefrom unless with the prior approval of the Planning Authority.

***Reason:*** *To safeguard the residential amenity of the future occupants of the houses and flats.*

13. Details of the following shall be submitted for the prior approval of the planning authority:
- i. The proposed alterations to the existing junction of Westhouses Road and Mansfield Road (C49);

- ii. The pedestrian links from the site;
- iii. The new junction of Mansfield Road (the C49) with the internal access road, including the removal of the short redundant section of Mansfield Road;
- iv. Details of the two bus shelters to be provided at the existing bus stops on Westhouses Road.
- v. A cross section through the filter trenches delineating how they will be constructed and their surface treatment.
- vi. The design and location of street lighting;

Development shall thereafter be carried out in accordance with the approved details prior to the occupation of any dwellinghouse unless agreed otherwise in writing with the planning authority.

***Reason for 13: In the interests of road safe and visual amenity.***

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

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

15. The siting of any temporary buildings, site cabins/compound and sales offices brought onto the site in association with the development shall be agreed in writing with the local planning authority. Thereafter any such buildings/structures shall be removed in accordance with a timescale to be agreed in writing with the planning authority prior to the siting/formation of the facility. Once the facility has been removed the land shall be returned to a state as agreed in compliance with the hard and soft landscape condition (condition 7).

***Reason: To minimise disturbance to nearby residential properties***

**Ian Johnson**  
**Head of Planning and Development**

**Date: 12 November 2012**

**Application No: 12/00269/DPP**  
**Applicant: Persimmon Homes East Scotland**  
**Validation Date: 2<sup>nd</sup> August 2012**  
**Contact Person: Adam Thomson**  
**Tel No: 0131 271 3346**  
**Background Papers: 11/00707/PAC**