



APPLICATION FOR PLANNING PERMISSION (16/00855/DPP) FOR THE ERECTION OF 28 DWELLINGHOUSES, FORMATION OF ACCESS ROAD AND ASSOCIATED WORKS AT LAND EAST OF DALHOUSIE DAIRY, BONNYRIGG, MIDLOTHIAN

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 28 dwellinghouses, the formation of access roads and associated works on land east of Dalhousie Dairy, Bonnyrigg. There has been 95 representations and consultation responses from the Scottish Environment Protection Agency (SEPA), East Lothian Archaeological Service, the Coal Authority, Bonnyrigg and Lasswade Community Council, the Council's Head of Education, The Council's Policy and Roads Safety Manager, the Council's Environmental Health Manager and the Midlothian Health and Social Care Partnership. The relevant development plan policies are policies 5, 12 and 13 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies RP1, RP2, RP4, RP8, RP27, RP28, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan 2008 (MLP). Policies STRAT3, DEV1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV 10, NRG 6, IMP1 and IMP2 of the Proposed Midlothian Local Development Plan 2014 (MLDP) are material considerations. The recommendation is to grant planning permission subject to conditions and securing developer contributions and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is part of a grassed agricultural field located immediately to the east of Dalhousie Dairy on the eastern edge of Bonnyrigg. The area of the site is approximately 1.99 hectares. It is the southern part of proposed housing site Hs10 in the Proposed MLDP. The site is bound by the steep wooded southern bank of the Pittendreich Burn to the north, by a grassed field with the A7 beyond to the east, a landscape mound with the B6392 beyond to the south east and a combination of the grounds of the house and outbuildings comprising Dalhousie Dairy and structural boundary landscaping of the existing Dalhousie housing area with houses in Peacock Avenue to the south west. Overhead electricity pylons run close to and parallel with the eastern edge of the site.

- 2.2 Views into the site can be gained from streets within the existing Dalhousie residential development to the west. Views into the site are limited along its southern edge due to an embankment which obscures the site from the B6392. The banking along the west edge of the A7 obscure views into the site from the east.
- 2.3 The existing built form of the Dalhousie housing development to the west comprises a mixture of two-storey detached, semi-detached and terraced houses.
- 2.3 All of the land subject to the planning application is outwith the settlement boundary of Bonnyrigg and is designated as countryside, green belt and prime agricultural land in the adopted Midlothian Local Plan (2008). The site is however identified in the MLDP as a proposed housing site.

3 PROPOSAL

- 3.1 The application proposes detailed planning permission for the erection of 28 houses. Through an amendment made to the current application the number of houses proposed on the site have been reduced from 30 to 28. The current proposal consists of 24 detached house and 4 terraced houses. Twelve different house types are proposed and the housing mix comprises:
- 9 three bedroom units;
 - 14 four bedroom units; and,
 - 5 five bedroom units.
- 3.2 The existing access road to Dalhousie Dairy off the B6392 is located at a point along the south eastern boundary of the site; this is to be upgraded to form the access to the development. The layout incorporates traditional roads and footpaths as well as mixer courts. The upgraded access road is delineated on the site layout plan as continuing northwards to a crossing over the Pittendreich Burn corridor. The road crossing over the burn corridor lies outwith the application site boundary, but is anticipated to enable development on the wider Hs10 site.
- 3.3 The house on plot 28 is a one and a half storey house which has accommodation in the roof space. All of the other houses are two-storey in height and have pitched roofs.
- 3.4 The proposed finishing materials within the Area of Improved Quality (plots 16-18 and 24-28) comprises wet dash render; Anstone Olde Weathered (split) reconstituted stone with grey mortar; buff coloured pre-cast stone details and slate.
- 3.5 The proposed finishing materials outwith the Area of Improved Quality comprises either (i) Ashton Cream dry dash render, Forticrete Anstone; Anstone Olde Weathered (split) reconstituted stone with grey mortar and a grey flat concrete roof tile, or (ii) Ashton Cream dry dash render,

Forticrete Anstone; Anstone Olde Weathered (split) reconstituted stone with buff mortar, buff coloured pre-cast stone details and red profiled roof tile.

- 3.6 Ground paving materials include a combination of red, buff and charcoal coloured interlocking pavements.
- 3.7 Surface water treatment is to connect into the existing sewer network.
- 3.8 The application is accompanied by: (i) a supporting planning statement; (ii) a design and access statement; (iii) a masterplan report covering the whole of site Hs10 which the application site forms a part of; (iv) a transportation assessment; (v) a flood risk assessment report; (vi) a site investigation report; and, (v) a report on a desk based archaeological assessment.

4 BACKGROUND

- 4.1 The applicant carried out a Pre-Application Consultation (16/00157/PAC) in March/April/May 2016 for a residential development on part of proposed housing site Hs10. A separate Pre-Application Consultation (16/00161/PAC) for the whole of Hs10 was also undertaken at the same time. A report on the Pre-Application Consultation was reported to the Committee at its meeting of 19 April 2016. The Committee expressed a clear desire to see access to the wider Hs10 site taken from the B6392 and across the Pittendreich Burn rather than through the existing residential estate at Dalhousie.
- 4.2 An Environmental Impact Assessment (EIA) Screening Opinion request, 15/00626/SCR, for a proposed residential development for the whole of site Hs10 was submitted 24 July 2015. The applicant was advised that an EIA was not required under schedule 2 of the regulations.
- 4.3 There is currently before the planning authority an undetermined application for planning permission in principle (16/00712/PPP) for a residential development of up to 300 dwellings on the whole of proposed housing site Hs10.
- 4.4 The current planning application has been called to Committee for consideration by Councillors Milligan, Baxter and Constable because of the concerns raised by local residents and because of the status of the Proposed MLDP.

5 CONSULTATIONS

- 5.1 In respect of both the current application and the separate application for planning permission in principle, 16/00712/PPP, the **Scottish Environment Protection Agency (SEPA)** confirm that they have no objection to the principle of the development proposed in these applications. However they object to the detailed design of the proposed pipe culvert detailed in the Masterplan accompanying the applications as

this does not accord with their 'Construction of River Crossings Good Practice Guide'. The Planning Authority has written to SEPA to ask them to withdraw their objection to the current detailed application given that it does not include the proposal for the water crossing. The Planning Authority is waiting for SEPA's reply.

- 5.2 An initial archaeology desk based assessment and setting impact assessment was submitted as part of the planning application. This work identified the potential for archaeological remains within the site, particularly relating to the prehistoric period and the scheduled ancient monument (cropmark) located nearby to the north of the site. In addition, archaeological work undertaken in advance of residential developments to the west and north east of the proposed development site had identified archaeological remains associated with the 18th and 19th centuries. Accordingly, any groundbreaking works carried out as part of the development process are considered as having a potential archaeological impact and require a suitable mitigated response. Therefore, **the Council's Archaeological Advisor** recommends a programme of archaeological works be carried out (trial trenching) in accordance with a written scheme of investigation which is to be submitted by the applicant in advance of the works commencing. The results of the initial investigations may indicate that further work is required to mitigate the impacts of the proposed development.
- 5.3 **The Coal Authority** advises that the site falls within the defined Development High Risk Area and thus there is a potential risk imposed to the development from past coal mining activity. Therefore, they recommend further intrusive site investigation works be undertaken prior to development commencing on site in order to establish the exact situation regarding coal mining legacy issues. Accordingly, they request that the planning authority impose a planning condition should planning permission be granted, requiring further site investigation works be done prior to the commencement of development. Subject to the imposition of a condition to secure the required investigation the Coal Authority raises no objection to the proposed development.
- 5.4 **Bonnyrigg and Lasswade Community Council (BLCC)** considers that granting planning permission for the current application, whilst application 16/00712/PPP is undetermined, would be premature. Many of the issues raised in respect of the undetermined planning permission in principle application in respect of the whole of site Hs10 relate to the wider community and cannot be addressed in a detailed application relating to only part of the entire site. These issues include concerns with regard school provision, traffic impacts, availability of general medical practitioner provision and other community facilities. It is therefore their assumption that the application is the first tranche of development of Hs10 and not a site for 30 houses (since amended to 28 dwellinghouses) to be considered in isolation. BLCC states that their major concern regarding the current detailed application is with the access road. They note that the crossing over the Pittendreich Burn is not part of the current application. Nevertheless they state that it would

be preferable to have the crossing and the road built first, and that a planning condition be imposed to secure this. This would ensure there can be no need to use another entrance to the northern part of site Hs10 during its construction phase at some subsequent time. It is also considered that the proposed road off the B6392 is adequate, especially as a construction access for 300 houses. The site layout plan delineates a road that is not wide enough to allow for the separation of motor vehicles, cyclists and pedestrians; which is the standard of road that they consider is required. With Midlothian Council consulting on its first ever Active Travel Strategy it is vital this is translates into development happening on the ground. They add that they would expect there to be an unbroken route through site Hs10 that encourages not just cyclists but also pedestrians and the disabled so that they may reach the national cycleway on the northern boundary of site Hs10 as well as the rest of the town. This should be put in place before any dwellings are built. They conclude by stating that while they realises that house building is needed and accepts Hs10 is a suitable site, they must object to the current application as long as the crossing over the burn and road which would link the two parts of site Hs10 is not included in the detailed planning application. They request that it be made a condition on a grant of detailed planning permission that the road crossing and road are built first.

- 5.5 The Council's **Head of Education** advises that based on a development of 28 dwellings there would arise a demand for the following number of pupils:

• Primary Pupils	14
• Secondary Pupils	10

- 5.6 The site lies within the following school catchment areas:

Non-denominational primary	Bonnyrigg Primary School
Denominational primary	St Mary's RC Primary School
Non-denominational secondary	Lasswade High School
Denominational secondary	St David's RC High School

- 5.7 Bonnyrigg Primary School is at capacity. A significant amount of new housing has already been allocated to the Bonnyrigg area therefore additional primary school capacity will be required. The construction of a new school building at the former Hopefield Primary School is planned to be completed by August 2018. This would give sufficient spaces across the five Bonnyrigg primary schools to accommodate all catchment pupils resident in the area, including from the site the subject of this current planning application. A contribution will be required towards the cost of providing this additional capacity.
- 5.8 The agreed strategy for the provision of primary school places for the wider Bonnyrigg area to support delivery of the proposed MLDP is to extend Lasswade Primary School. However, in accordance with a decision by Council in May 2016 a feasibility study was undertaken on

expanding the capacity at Lasswade to 3 stream school and concluded that it is not feasible to provide a larger primary school on the current school site, due to ground conditions and the design of the existing school. As such work is progressing on identifying an alternative viable location for an extended Lasswade Primary School. One option being explored is to locate a new school within the wider Hs10 site.

- 5.9 St Mary's RC Primary School has sufficient capacity to accommodate this development.
- 5.10 A significant amount of new housing has already been allocated to Lasswade High School and additional secondary capacity will be required. A developer contribution will be required towards the cost of any additional provision.
- 5.11 With regard to Secondary Denominational provision a contribution towards St David's High School is required.
- 5.12 The **Council's Policy and Road Safety Manager** raises no objection to the principle of the development. However recommends the following controls be secured by conditions imposed on a grant of planning permission: (i) details of the proposed upgrading of the existing vehicle access from the B6392 be submitted for approval. It is envisaged that as this access will serve both this site and the more northern site, then some localised road widening of the B6392 to form a dedicated right turn lane into the site entrance and a pedestrian crossing island on the access road will be required; (ii) upgrading of the current public transport infrastructure at the existing bus stops adjacent to the site entrance on the B6392. The introduction of a signal controlled pedestrian crossing point linking the two bus stops will be required which would probably require the relocation of one of the stops to accommodate the crossing. A new shelter is required at the eastbound bus stop; (iii) given the current uncertainty over the final technical design of the proposed road bridge / culvert over the Pittendreich Burn, the 4 plots adjacent to the structure (plot 16, 17, 18 and 28) should not be consented at this time but held in abeyance until a detailed design for the structure and its landscaping has been approved; (iv) the existing section of 2m wide public footway leading from the site entrance to the A7 should be increased in width to a minimum of 2.5m to allow its use as a cycleway/footpath. This widening will not be possible over the short bridge section on the approach to the A7 however the remainder of the route should be suitable for widening with the bridge section being treated as a localised narrowing; (v) details of the SUDS and surface water drainage required for the development should be submitted for approval; (vi) details of the street lighting required for the development should be submitted for approval; (vii) the developer should enter into a legal agreement to provide a financial contribution to the Councils A7 Urbanisation/Environmental Scheme. This scheme is designed to improve walking, cycling and public transport access along this section of the A7 and its implementation will improve access by non-car users and encourage active travel; and, (viii) measures to close-

off the vehicle / pedestrian access to the proposed burn crossing should be put in place until the next phase of development is ready to commence.

- 5.13 The **Council's Environmental Health Manager** raises no objection to the application subject to the imposition of a condition on a grant of planning permission requiring a scheme to deal with any contamination of the site/previous mineral workings being approved in advance by the planning authority. Furthermore, the condition should require any necessary measures to decontaminate/remediate the site being fully implemented prior to any part of the site being occupied. In addition, an assessment of road traffic noise be undertaken to identify any mitigation measures that may be necessary to ensure that the future occupants of the houses on the site enjoy adequate residential amenity.
- 5.14 The **Midlothian Health and Social Care Partnership** is concerned about the impact of new house building on health and care services. Midlothian has insufficient capacity in General Practice leading to five practices restricting access to new patients. This site is within the boundary of four general practices and the closest three practices to this site 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. Whilst the Partnership has a plan to expand the capacity of general practice in Midlothian, this may be insufficient in this area depending on the rate of house building and lead to practices formally closing their lists leading to no provision for new patients.
- 5.15 **Scottish Natural Heritage** (SNH) was consulted on the application and has made no comment.
- 5.16 **Scottish Water** was consulted on the application and has made no comment.

6 REPRESENTATIONS

- 6.1 Ninety five objections have been received. The main points raised are as follows:
- Concerns that the entrance to the wider site, Hs10, will be via Bairds Way/Gladstone Gait rather than off the B6392 with the resulting increased pedestrian safety risks for the existing residents of the neighbouring housing development.
 - The current planning application cannot be considered in isolation from the undetermined application for planning permission in principle (16/00712/PPP) for the residential development of the whole of site Hs10. In assessing the current detailed planning application the planning authority must ensure that the crossing over the Pittendreich Burn that will connect the southern and northern site is not thwarted. It should therefore be made a condition of any grant of planning permission that the crossing is formed and the road over

the crossing is of an adequate standard to accommodate the volume and load of traffic for the whole of site Hs10. If a stringent control is not imposed then the applicant/developer could renege on the undertaking to form the crossing and instead take access at a point on the west boundary of the site off Baird's Way/Gladstone Gait.

- There should only be one vehicular access to the northern part of site Hs10; which is off the B6392 via a new crossing over the Pittendreich Burn.
- In the interests of road safety it is essential that the access to the site off the B6392 be formed as a roundabout and not as a junction as currently proposed.
- Currently the schools in the area are at, or over capacity and any new houses on Hs10 should also have a new school built to accommodate the additional children they will bring into the area.
- If as a result of this development the school rolls within the area are increased, then the quality of the education of the children at those schools will suffer.

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, adopted in December 2008. The Proposed Midlothian Local Development Plan 2014 has been submitted to the Scottish Ministers and is subject to an examination which is likely to be concluded in summer 2017. As this plan is at an 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. The following policies are relevant to the proposal:

South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5** (HOUSING LAND) requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 12** (GREEN BELTS) requires Local Development Plans to define and maintain Green Belts around Edinburgh whilst ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated. Local Development Plans should define the types of development appropriate within Green Belts.
- 7.4 **Policy 13** (OTHER COUNTRYSIDE DESIGNATIONS) requires Local Development Plans to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the

Green Belt as appropriate. Opportunities for contributing to the Green Network proposals should also be identified.

The Midlothian Local Plan 2008 (MLP)

- 7.5 Policy **RP1: Protection of the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1.
- 7.6 Policy **RP2: Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that:
- A. are necessary to agriculture, horticulture or forestry; or
 - B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
 - C. are related to other uses appropriate to the rural character of the area; or
 - D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt.

- 7.7 Policy **RP4: Prime Agricultural Land** states that development will not be permitted which leads to the permanent loss of prime agricultural land (Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agricultural system) unless: A. the site is allocated to meet Structure Plan requirements; or B. there is a location justification for the development which outweighs the environmental or economic interest served by retaining the farmland in productive use; and C. the development accords with all other relevant Local Plan policies and proposals.
- 7.8 Policy **RP8: Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.
- 7.9 Policy **RP27: Other Important Archaeological or Historic Sites** states that development will not be permitted where it could adversely affect an identified regionally or locally important archaeological or historic site or its setting unless the applicant can show that: (A) there is a public interest to be gained from the proposed development which outweighs the archaeological importance of the site; (B) there is no alternative location for the proposal; and, (C) the proposal has been sited and designed to minimise damage to the archaeological interest.

- 7.10 Policy **RP28: Site Assessment, Evaluation and Recording** states that where any development proposal 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 impact of the proposal on the archaeological resource.
- 7.11 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in this Local Plan and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site capacity, as follows:
- for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
 - for sites of between 15 and 49 units (or 0.5 to 1.6 hectares in size) there will be no provision for the first 14 units thereafter 25% of the remaining units will be for affordable housing
 - for sites of 50 units and over (or larger than 1.6 hectares in size), there will be a requirement for 25% of the total units to be for affordable housing.
- 7.12 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 transport infrastructure, landscaping, public transport connections, including bus stops and shelters, parking in accordance with approved standards, cycling access and facilities, pedestrian access, acceptable alternative access routes, access for people with mobility issues, traffic and environmental management issues, protection/management/compensation for natural and conservation interests affected, archaeological provision and 'percent for art' provision;
- 7.13 Policy **IMP2: Essential Infrastructure Required to enable New Development to Take Place**, states that new development will not take place until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. This includes education provision, essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments;
- 7.14 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.

Midlothian Local Development Plan (MLDP)

- 7.15 Policy **STRAT3** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 300 housing units on the site (Hs10).
- 7.16 Policy **DEV1** 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.
- 7.17 Policy **DEV2** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.18 Policy **DEV3** seeks an affordable housing contribution of 25% from sites allocated in the MLDP.
- 7.19 Policy **DEV5** sets out the requirements for development with regards to sustainability principles.
- 7.20 Policy **DEV6** sets out design guidance for new developments.
- 7.21 Policy **DEV7** sets out the requirements for landscaping in new developments.
- 7.22 Policy **DEV9** sets out the necessary open space for new developments.
- 7.23 Policy **TRAN1** aims to encourage sustainable modes of travel.
- 7.24 Policy **TRAN2** highlights the various transport interventions required across the Council area, including the A7 urbanisation scheme.
- 7.25 Policy **TRAN5** seeks the provision of electric vehicle charging points in new developments.
- 7.26 Policy **IT1** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.27 Policy **ENV10** requires that new development pass surface water through a sustainable urban drainage system (SUDS).
- 7.28 Policy **ENV24** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting and policy **ENV25** 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.

- 7.24 Policy **NRG6** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.25 Policy **IMP1 and 2** identify the need to make provision, or contribute towards a provision, of infrastructure and facilities needed to deliver a service, which arise from the proposed development.

Scottish Planning Policy

- 7.26 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing.
- 7.27 **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.
- 7.28 **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 proposed site is not allocated for housing and as such is contrary to the development plan.
- 8.3 The application site is located within the Green Belt, as indicated in the MLP, and as such any development on the site should comply with both policy 12 of SESplan and policy RP2 of the MLP. Development will not be permitted in this area unless it is essential for the furtherance of agriculture, horticulture, forestry, outdoor sport or outdoor recreation and are related to other uses appropriate to the rural character of the area. The policy does not support residential developments in the Green Belt and the proposed development is not required in connection with an established use in the Green Belt. Thereby the proposed development is contrary to development plan policy.
- 8.4 The proposed development is also contrary Policy RP1 (Protection of the Countryside) of the adopted MLP as the development is not required for the furtherance of an agricultural use or other use appropriate to the countryside. Furthermore, the proposed

development would result in the permanent loss of prime agricultural land contrary to adopted MLP policy RP4 (Prime Agricultural Land).

- 8.5 However, there are significant material considerations which could outweigh this policy position. The emerging MLDP allocates site Hs10, which the application site is a part of, for 300 dwellings. The allocation of this site does form part of the Council's settled preferred development strategy. Site Hs10 is one of a suite of sites in the A7 corridor identified in the development strategy to meet the strategic housing land requirements of SESplan. The MLDP is currently subject to examination with an anticipated adoption in 2017.
- 8.6 In response to consideration being given to delaying the determination of the application until after the adoption of the MLDP. The applicants have advised that their house building team, currently on site at Hopefield Bonnyrigg, are scheduled to finish on site shortly and to ensure the continued employment of the team a new site is required to commence in the coming months. The application site would be that new site and would help retain jobs and skills in Midlothian.
- 8.7 Scottish Government Reporters considering two recent housing appeals; land north and south of Lasswade Road, Esbank (reported to Committee at its meeting of January 2016) and land west of The Cottage, Hardengreen, Dalkeith (reported to Committee at its meeting of August 2016) concluded that Midlothian did not have an effective housing land supply (sufficient land allocated to build houses). Since these appeal decisions Midlothian has deposited its MLDP with the Scottish Government and as such those proposed sites in the plan can now be considered in an assessment of its housing land supply. This is because the MLDP reflects the settled opinion of the Council. It can therefore be reasonably argued that the application can be supported to meet the Council's housing requirements. In considering the stated appeal decisions the Committee requested they consider sites which could be considered as premature (determined before the adoption of the MLDP) rather than risk an applicant appealing against non determination. Although the applicant wants to positively work with the Council this application is one which could be appealed if the Council does not consider it timeously.

Layout and Form of the Development

- 8.8 Through an amendment made to the current application the number of houses proposed on the site has been reduced from the originally proposed 30 to 28. The density of the development is 14 dwellings per hectare, which is relatively low. This equates to a density appropriate to a housing site on the periphery of the built up area of Bonnyrigg.
- 8.9 MLP policy DP2 requires the provision of the following minimum useable private garden areas for houses: (i) 110 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of

4 apartments or more. All of the proposed detached houses have rear private gardens that comply with/exceed the Council's minimum requirement set out in the DP2 Guidelines in the MLP. The four terraced houses have small rear private gardens. In the case of these houses if the minimum private rear garden size was adhered to the rear gardens would be overly long. Overall in the development the terraced units with smaller rear gardens balance the detached houses with larger rear gardens. The mixture of properties with larger and smaller rear gardens creates variation in the layout and visual diversity to the development. This justifies allowing a relaxation in the size of the terraced house gardens in this particular case.

- 8.10 The layout provides a strong frontage onto the access road with the introduction of terraced blocks and the use of dual aspect house types. The primary road is defined by a tree lined verge with a remote 2.5 metres wide cycleway/footway running parallel to and behind the verge. Elsewhere in the development a traditional street layout of detached houses is proposed.
- 8.11 MLDP policy DEV 9 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. However supplementary guidance has not yet been prepared. Notwithstanding, at this time the open space requirements for the site should be considered against the open space requirements, including children's play space, set down in MLP policy DP2.
- 8.12 The application site is cut off from the remainder of site Hs10 by the Pittendreich Burn and will continue to be so until a road crossing over the burn is formed. It could be some time before the crossing is formed and open space on the northern part of site Hs10 is formed and made available for use. For a housing site of the size of the application site; which comprises family houses of 3, 4 and 5 bedrooms, it is reasonable to assume that these houses could be occupied by families with children of school age. Given this, a fairly large communal usable open space is required on the application site. A communal open space measuring some 804 square metres is proposed centrally located on the site. It is fronted onto by proposed houses to the north and east and thus would have adequate passive surveillance. On the proviso that: (i) it is formed and made available for use prior to the first occupation of the houses fronting onto it; (ii) a 1 metre high metal railing incorporating a pedestrian gate is erected along its roadside (north and eastern) edges; (iii) a hedge is planted along its western and southern edges; which edges abut gardens of neighbouring houses in the scheme, it would provide an acceptable quantity and quality of open space for children's play in the development. The provision of the open space can be secured by a condition imposed on a grant of planning permission. Subject to this the proposed open space

complies with the requirements for open space set down in adopted MLP policy DP2 and complies with the principles of MLDP policy DEV9.

- 8.13 Generally, other than in respect of the required changes to the layout referred to above, the arrangement of buildings and scale and massing of the proposed development is acceptable. The development has been designed as a traditional street layout. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.

Design and Materials

- 8.14 The mix of house types and size of dwellings is acceptable. The architectural styles of the houses are relatively traditional in form and complement the character and visual amenity of the area. In terms of their size, massing and positioning on the site the dwellings would not appear cramped or an unsympathetic development on the site.
- 8.15 MLP policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The four houses on the north eastern part of the site which are those closest to the bridge crossing and the terraced houses that front onto the main road comprise the area of improved quality (AIQ) in terms of materials. The style and appearance of the buildings on these plots are relatively traditional, which is in keeping with the established character and amenity of the area. The proposed use of natural slate and wet dash render is acceptable within the AIQ. However, the use of Olde Heather Black (split) buff reconstituted stone and a grey mortar for areas of external waling is not appropriate. Therefore, it should be made a condition of a grant of planning permission that the use of these materials/finishes is not approved. It should be made a condition of a grant of planning permission that samples of the enhanced quality of materials to be used within the AIQ are submitted for the prior approval of the planning authority.
- 8.16 Elsewhere within the development, outwith the aforesaid plots the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings. The proposed use outside the AIQ of a combination of Ashton cream dry dash render, reconstituted stone, flat grey concrete roof tiles and profiled red coloured roof tiles is acceptable in principle subject to samples being submitted for the prior approval of the planning authority.
- 8.17 The proposed use in the development of a combination of red, buff and charcoal coloured interlocking pavements would not be appropriate. The colour(s) and combination of use of the hard surfacing materials in the development should be secured by a condition imposed on a grant of

planning permission and should reflect those materials used on the associated dwellinghouses.

- 8.18 The proposed house, plot 28, on the western extremity of the development site will be prominent in views from the west from outwith the site. This house is going to be a one and a half storey house (single-storey with dormers in the roof) and has been included within the AIQ and thus its external finishing material will be enhanced. Given this the proposed house on plot 28, although prominent on the site, will not appear unduly dominant or imposing. Therefore, it will not detract from the character and visual amenity of the area.
- 8.19 In terms of their size, height and positioning on the site the proposed houses would not give rise to significant overlooking or overshadowing of any other house within the development or unduly impose itself on any other house.
- 8.20 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.

Access and Transportation Issues

- 8.21 The principle of the proposed access to the site off the B6392 is acceptable in transportation terms. The site can be safely accessed and the local road infrastructure is of a standard to cope with the level of traffic using it to access the site. In addition, the proposed access off the B6392 is of an adequate standard to serve a residential development of the remaining part/northern part of site Hs10 if accessed from it via a crossing over the Pittendreich Burn. All of the controls outlined by the Council's Policy and Road Safety Manager relating to the access to the site, public transport infrastructure on the B6392 and pedestrians and cycle routes to and from the site can all be secured by a condition imposed on a grant of planning permission. Subject to these controls the future occupants of the houses will have safe and convenient access to and from the site.
- 8.22 The crossing over the Pittendreich Burn, which the Masterplan submitted with the application identifies as being the principal access to the northern part of site Hs10 is not part of this current detailed planning application. However on the site layout plan submitted with the current application, the proposed upgraded access road off the B6392 is delineated as continuing northwards to a proposed crossing over the burn. The Masterplan identifies the crossing over the burn corridor as the principal access to the whole of site Hs10. This is a significant material consideration in the assessment of this current detailed planning application. The crossing over the burn corridor would link the application site to the remainder of site Hs10, thus providing, pedestrians and cyclists with direct access to the national

cycleway on the northern boundary of site Hs10 as well as to the rest of the town.

- 8.23 The formation of the crossing over the burn will require engineering works including cutting, filling and embankment formation. It is likely that four of the proposed houses (plots 16, 17, 18 and 28); which are those closest to the watercourse, could not be constructed until after the proposed road crossing has been completed owing to the proximity of them to/part of them being built on the cutting/filling/embankments. If these four houses were built in advance of the road crossing being constructed then they could impede the future formation of the crossing. Therefore, it should be made a condition of a grant of planning permission that construction on plots 16, 17, 18 and 28 does not commence until after the road crossing is constructed in its entirety. The applicant has confirmed in writing to the planning authority that they accept the imposition of such a condition. Furthermore, given that full details of the design of the road crossing including levels of the embankments have not yet been approved by the Council, it should be made a condition of a grant of planning permission that houses on the said plots are not built unless and until full details including final levels of those plots and the finish levels of the adjoining land has been submitted to and approved in advance by the Planning Authority.
- 8.24 The MLDP will require new development sites to fully incorporate green network opportunities in their design and implementation. This can potentially be delivered through a combination of path networks, open space and sustainable urban drainage systems. The 2.5 metre wide cycleway/footway to be formed from the site to the A7 will form an integral part of the green network in this part of Midlothian and will contribute towards the delivery of the Midlothian Green Network as required in the MLDP.
- 8.25 If the Council chooses to support this application for detailed planning permission, a mechanism would require to be developed for contributions to be sought for the urbanisation of the A7 as defined in the MLDP.

Landscape

- 8.26 The primary street is defined by an avenue of tree planting, which would provide an attractive entrance to the development. The woodland buffer along the eastern edge of the site will enhance the landscape setting of the development. To ensure that this structural landscaping is planted early and thus become established at an early stage in the development helping to mitigate the landscape impact of the development it should be made a condition of a grant of planning permission that it is planted in the first phase of development. The scheme of planting specification, including for service strips can be secure by a condition imposed on a grant of planning permission. An area of land near to the north eastern corner of the site between plots 8 and 9 is constrained by an existing sewer. The resultant small area of

open space is not overlooked by any house in the development and thus it is important that it be landscaped to added to the aesthetic of the development. This can be secured by a condition on a grant of planning permission.

SUDS and Flooding

- 8.27 Where the Pittendreich Burn cuts through the site its southern bank forms a steep slope between it and the site the subject of this detailed planning application. At the closest point the Pittendreich Burn is some 15m north of the site. The Pittendreich Burn is some 12 metres below the level of the site where development is proposed. SEPA confirm that they are satisfied that the site is sufficiently elevated above the watercourses to address the flood risk concerns. A detailed SUDS scheme will be required as part of the landscaping condition.

Ground Conditions

- 8.28 The control referred to by the Council's Environmental Health Manager in respect of ground contamination/ previous mineral workings and the same control in respect of previous mineral workings recommended by the Coal Authority can be secured by a condition imposed on a grant of planning permission.

Noise

- 8.29 The recommendation by the Council's Environmental Health Manager for a noise assessment of the potential noise nuisance to the future occupants of the houses from road traffic on nearby roads can be secured by a condition imposed on a grant of planning permission. Any noise mitigation recommended in the report should be carried out prior to the first occupation of the houses affected.

Ecology

- 8.30 The report on the ecological survey of the whole of site Hs10 does not recommend against the development on grounds of impact on biodiversity. The report informs that the main areas of habitat interest are the wooded Pittendreich Burn corridor and the relatively unmanaged area of grassland to the northeast of the wooded corridor (outside the application site). The burn corridor is a sensitive habitat which can be carefully managed during the development of the site. It is set down in a cutting, and is very densely scrubbed through with a mix of trees and shrubs. The proposed Midlothian Local Development Plan for Dalhousie Mains Hs10 states that:

"There is a need to protect and enhance existing planting along the south-eastern edge and along Pittendreich Burn which should be utilised as part of the green network/open space in a similar manner to the existing Dalhousie housing area. The burn crosses the south eastern part of the site and flood risk assessment will be required to

ensure mitigation to avoid flood risk. SEPA requires the inclusion of a buffer strip alongside the watercourse, and that consideration be given to watercourse restoration.”

- 8.31 The ecological survey report recommends a number of controls to safeguard/enhance the biodiversity value of the Pittendreich Burn corridor. These recommended controls can be secured by a condition imposed on a grant of planning permission. The report states that otters are using the burn corridor. However, no holts or lying up places were recorded. The Pittendreich Burn lies close enough to the Dalhousie Burn which in turn runs to the River South Esk. Therefore, it is likely that otters are crossing from the watercourses to the Pittendreich Burn as they move through territory. To safeguard otters; which are a European protected species, it should be made a condition of a grant of planning permission that prior to works commencing on the application site the part of the Pittendreich Burn and burn corridor which lies within site Hs10 are checked by a qualified ecologist for otter holts or lying up places. If any are found then measures be taken to mitigate the impact of the development on the otters.

Developer Contributions

- 8.32 Site Hs10 (Dalhousie Mains, Bonnyrigg) is proposed to be allocated for housing in the Proposed Midlothian Local Development Plan (2014) with an indicative unit capacity of 300 units. This application (16/00855/DPP), as amended is for detailed planning permission for 28 residential units. If the Council is minded to grant planning permission for the development it will be necessary for the applicants to enter into a Section 75 planning obligation in respect of the following areas:

- Education provision
- Affordable housing
- Borders Rail
- A7 Urbanisation
- Children’s Play
- Maintenance of Open Space

Education

- 8.33 There is a requirement for an additional 3.5 streams of non denominational primary education in Bonnyrigg. The draft MLDP identifies that contributions will be equalised pro rata across the proposed allocated sites in Bonnyrigg toward this provision. The Council is developing an education strategy for Bonnyrigg which may see a new primary school being delivered on site Hs10.
- 8.34 The Council’s Head of Education has advised that there will be a requirement as per the Midlothian wide policy of a developer contribution towards denominational secondary capacity.

- 8.35 The Head of Education has advised that the proposed development lies within the catchment area of Lasswade High School and that contributions will be required to meet the required provision.

Borders Rail

- 8.36 The site is in the A7/A68 Borders Rail corridor and is specifically identified in the Proposed MLDP as being required to contribute towards the Borders Rail. As a consequence the applicant will be required to contribute towards the Borders Rail line.

A7 Urbanisation

- 8.37 The MLDP identifies the urbanisation of the A7 as being one of the infrastructure requirements of the plan with site Hs10 being required to contribute to that scheme.

Affordable Housing

- 8.38 In accordance with MLP policy HOUS4 and MLDP policy DEV3, sites of 50 units and over (or larger than 1.6 ha in size), are subject to a requirement for 25% of the units to be affordable. This equates to 7 units based on the 28 total units contained within this application. This is based on the site being considered as part of the larger Hs10 site allocation.
- 8.39 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 6th March 2012, paragraph 3.1).
- 8.40 The location and specification of the affordable housing units within the development shall be subject to the agreement of the Local Housing and Planning Authorities, and in accordance with the permitted plans for the site.
- 8.41 The developer shall enter into an agreement with the Council or a Registered Social Landlord to construct and develop 7 affordable units in accordance with the plans and specifications agreed by the Midlothian Council.

Children's Play

- 8.42 On commencement of development payment of a commuted sum towards Children's Play shall be paid.

Open Space and Maintenance

- 8.43 The responsibility for the maintenance of the open space (including any 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” change.

Archaeology

- 8.44 The control alluded to be the Council’s Archaeological Advisor in her consultation response could be secured by a condition imposed on a grant of planning permission.

Other Matters raised by Representors and Consultees

- 8.45 Issues raised by the representors and by consultees have been largely addressed above. With regards to the matters raised which have not been addressed above:
- 8.46 Whether or not there should be only one vehicular access to the northern part of site Hs10; which access should be off the B6392, via a new crossing over the Pittendreich Burn, is not a material consideration in the determination of this planning application. This will be a material consideration in the assessment of the undetermined application for planning permission in principle 16/00712/PPP.
- 8.47 Bonnyrigg Community Council notes that the crossing over the Pittendreich Burn is not part of the current planning application. Nevertheless they state that it would be preferable to have the crossing and road built first and that a planning condition be imposed to secure this. They submit that this would ensure there can be no need to use another entrance to the northern part of site Hs10 during its construction phase at some subsequent time. However, it would not be reasonable for the Planning Authority to impose such a condition. The proposed layout is designed to accommodate the crossing of the burn and the applicants have shown a commitment to deliver the crossing.
- 8.48 The concern raised by Midlothian Health and Social Care Partnership about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter which needs to be addressed by the Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis on which to resist or delay this application.
- 8.49 If the development is built out it would result in an increase in the school rolls within the area. However, this would not result in the maximum classroom size set by the Scottish Government being exceeded as additional provision will be provided as a consequence of this development.
- 8.50 The current planning application stands to be determined on its own merits. There is no substantive planning reason why the Council should not determine the application prior to determining the separate

application for planning permission in principle ref.16/00712/PPP for the residential development of the whole of site Hs10.

9 RECOMMENDATION

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

Although the site is not allocated for housing in the adopted local plan there are material considerations which outweigh a presumption against the development, including the site's allocation for housing in the Proposed Midlothian Local Development Plan, the delivery of housing to help meet Midlothian's housing requirements and to safeguard construction jobs of a local employer. The proposed detailed scheme of development is of good design in terms of its layout, form and landscaping and meets the requirements of detailed policies in the Midlothian Local Plan and the Proposed Midlothian Local Development plan.

Subject to:

- (i) the prior signing of a legal agreement to secure the provision of affordable housing, and contributions towards: education provision; off site children's play provision; open space maintenance; Borders Rail; and, A7 Urbanisation improvements.
- (ii) SEPA removing their objection to the application; and
- (iii) the following conditions:

1. The masterplan submitted with the application is not approved.

Reason: *The masterplan submitted with the application relates to the whole of site Hs10 which is the subject to an undetermined application for planning permission in principle ref. 16/00712/PPP.*

2. Notwithstanding that delineated on docketed drawing titled: 'Site Layout', construction of the house on each of plots 16, 17, 18 & 28 shall not commence unless and until detailed planning permission for a road crossing over the Pittendreich Burn connecting the application site with the northern part of site Hs10 has been granted by the planning authority and that crossing has been constructed in its entirety and is made available for use in accordance with the details so approved.

Reason: *The crossing over the Pittendreich Burn Corridor; which the Masterplan submitted with the current application identifies as being the principal access to the northern part of site Hs10 is not part of this current detailed planning application. The formation of the crossing over the burn corridor will require engineering works including cutting, filling and embankment formation. The proposed houses on plots 16, 17, 18 and 28 could not be constructed until*

after the proposed road crossing has been completed owing to the proximity of them to/part of them being built on the cutting/filling/embankments. If these four houses were built in advance of the road crossing being constructed then they could impede the future formation of the crossing.

3. Notwithstanding that delineated on docketed drawings the position on the plot, and the height and form of the house on plots 16, 17, 18 and 28 is not approved. A scale plan delineating finished ground levels of those plots and the finished floor levels of the houses on those plots; all in relation to a fixed datum, and revised floor plans and elevation drawings of the house types for these plots shall be submitted to and approved in advance in writing by the Planning Authority.

Reason: *The houses on plots 16, 17, 18 and 28 would be built on embankments of the crossing over the Pittendreich burn. Full details of the design of the road crossing including levels of the embankments have not yet been approved by the Council. The levels of the houses relative to the levels of the embankments require careful consideration by the Planning Authority to ensure that the houses are acceptably fitted into the landscape.*

4. Development shall not begin until a phasing plan of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, structural landscaping and landscaping in communal areas, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing plan unless agreed in writing with the planning authority.

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

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

- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii 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 (designed to be unsuitable for motor bike use); and
- x details of existing and proposed services; water, gas, electric and telephone.

6. 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). The scheme shall include the following; inter alia: (i) the planting of the woodland buffer along the eastern edge of the site in phase 1 of the development; (ii) the planting of the landscaping in the open spaces prior to the houses/buildings on adjoining plots being occupied; and, (iii) the landscaping of the area adjacent to plots 8 and 9 (which is constrained by the existing sewer) in a manner to deter its use as a play area and to deter loitering.

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 in the adopted Midlothian Local Plan and the Proposed Midlothian Local Development Plan and national planning guidance and advice.*

7. Development shall not begin until details of the following has been submitted to and approved in writing by the planning authority:
- i. the proposed upgrading of the existing vehicle access from the B6392, including details of associated localised road widening of the B6392 to form a dedicated right turn lane into the site entrance and the formation of a pedestrian crossing island on the access road ;
 - ii. the upgrading of the current public transport infrastructure at the existing bus stops adjacent to the site entrance on the B6392 including the introduction of a signal controlled pedestrian crossing point linking the two bus stops, the relocation of stops to accommodate the crossing and the provision of a new bus shelter at the eastbound bus stop;

- iii. except for over the short bridge section on the approach to the A7, the increasing in width to a minimum of 2.5m of the existing section of 2m wide public footway leading from the site entrance to the A7.
- iv. proposed cycle and pedestrian accesses;
- v. existing and finished ground levels for all roads, visitor car parking, pedestrian and cycle ways in relation to a fixed datum;
- vi. proposed visibility splays, traffic calming measures, street lighting and signage;
- vii. measures to close-off the vehicle/pedestrian access to the proposed burn crossing to be put in place until the burn crossing is completed and the development on the northern part of burn is ready to commence; and,
- viii. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

- 8. Prior to the first occupation of any of the house on plots 6, 7, 8, 11, 12, 13 the following shall be carried out in its entirety:
 - i. The central open space located to the immediate east of plot 23 shall be formed and made available for use; and,
 - ii. A 1 metre high metal railing incorporating a gate shall be erected along the roadside (north and east) boundaries of the central open space in accordance with details to be approved in advance by the Planning Authority.

Once formed the open space shall thereafter be retained as a communal open space unless otherwise approved by the Planning Authority.

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

- 9. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority.

Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, wet dash render, good quality natural or reconstituted stone which replicates as closely as possible natural stone and coloured masonry mortar which replicates as closely as possible the colour of the masonry, shall be used in the Area of Improved Quality which shall include plots 16-18 and 24-28 inclusive. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

10. 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.*

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. 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/remediate the ground conditions of the site shall be fully implemented in accordance with the approved scheme to the approval of the planning authority.

Reason: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate*

decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

12. Prior to works commencing on site a report on an assessment of the likely effects of road traffic noise on the amenity of the future occupants of the houses shall be undertaken by an acoustic specialist to identify any noise mitigation measures necessary to ensure compliance with the following criteria:
 - i. 50 dB LAeq(16hr) for daytime external garden amenity;
 - ii. 35 dB LAeq(16hr) for daytime internal living apartment; and,
 - iii. 30 dB LAeq(8 hour) for night time internal living apartment.

The night time sleep disturbance criteria shall be that contained in the WHO Night Noise Guidelines for Europe, LAmax of 42 dB(A).

Any recommended noise mitigation measures shall be implemented prior to the occupation of the houses.

Reason: *In the interests of safeguarding the residential amenity of the future occupants of the houses.*

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

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

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

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

15. The recommendations made within Section 8.0 of the Dalhousie Mains Ecological Assessment report dated October 2016 shall be implemented in full in accordance with an action programme and

timetable to be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of safeguarding biodiversity.*

16. Prior to works commencing on plots 9-18 and plot 28 a report on a walkabout survey to identify otter holts or lying up places on the part of the Pittendreich burn and burn corridor which lie within site Hs10 and is located to the immediate north of the application site shall be submitted to and approved in writing by the planning authority. Any recommended measures to mitigate the impact of the development on otters shall be carried in full.

Reason: *In the interests of safeguarding otters, a European protected species.*

17. 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.*

18. Prior to the commencement of development, the scope of and a subsequent report on a feasibility study of the operation of a community heating scheme for the development hereby approved as part of the wider HS10 site and; if practicable, other neighbouring developments/sites, in accordance with MLDP Policy NRG6, shall be submitted for the prior written approval of the planning authority.

19. No dwellinghouses on the site shall be occupied until a community heating scheme for the site and the wider HS10 site and; if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason for conditions 18 and 19: *To ensure the provision of a community heating system for the site which is a part of the wider Hs10 development site, to accord with the requirements of MLDP Policy NRG6 and in order to promote sustainable development.*

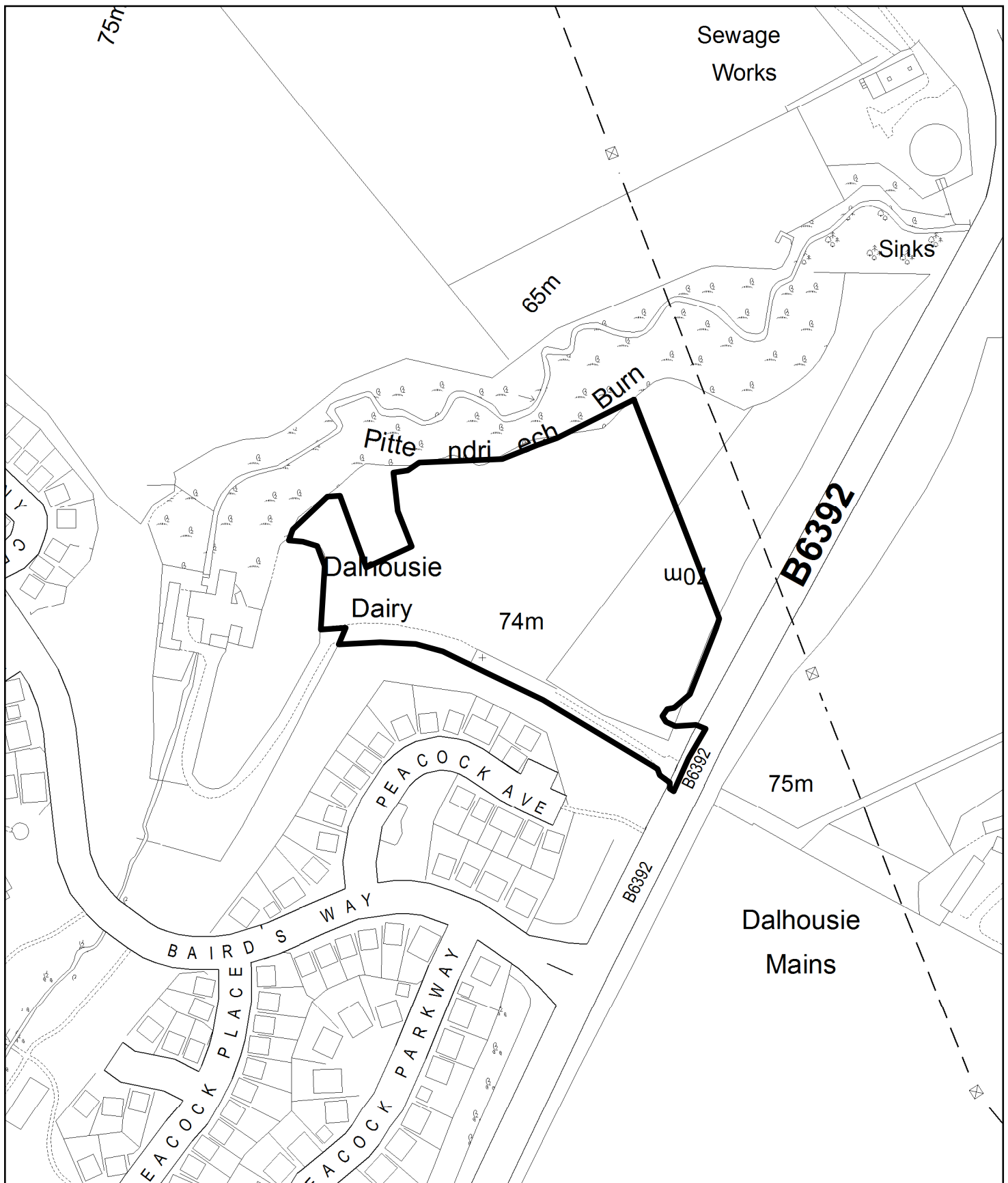
20. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout

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.*

Ian Johnson
Head of Communities and Economy

Date:	14/02/2017
Application No:	16/00855/DPP
Applicant(s):	Grange Estates (Newbattle) Limited, Westwood House, Royston Road, Deans Industrial Estate, Livingston, EH54 8AH
Validation Date:	5 th December 2016
Contact Person:	Adam Thomson
Tel No:	0131 271 3346
Background Papers:	15/00626/SCR & 16/00161/PAC



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

Erection of 29 dwellinghouses; formation of access roads and associated works at Land East of Dalhousie Dairy, Bonnyrigg

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File No. 16/00855/DPP

Scale: 1:2,500

