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**APPLICATION FOR PLANNING PERMISSION 22/00066/DPP FOR  
ERECTION OF 96 DWELLINGS; FORMATION OF ACCESS ROAD, CAR  
PARKING, SUDS, LANDSCAPING AND ASSOCIATED WORKS AT LAND  
AT NEWBYRES SITE B, RIVER GORE ROAD, GOREBRIDGE**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of 96 dwellings, the formation of access road, car parking, sustainable urban drainage system (SUDS), landscaping and associated works on land at Newbyres Site B, River Gore Road, Gorebridge.
- 1.2 There have been 71 representations (69 objections and two in support) and consultation responses from the Coal Authority, the Scottish Environment Protection Agency (SEPA), Scottish Water, Network Rail, the Council's Archaeological Advisor, the Council's Ecological Advisor (TWIC), the Council's Policy and Road Safety Manager, the Council's Flooding Officer, the Council's Education Resource Manager, the Council's Land Resources Manager and the Council's Senior Manager Protective Services.
- 1.3 The relevant development plan policies are Policy 5 and 7 of the South East of Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT 1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV17, ENV18, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4 At its meeting of 11 October 2022 the Committee deferred consideration of the application to enable additional clarity to be provided on education matters – additional information is provided in the Education comments set out in paragraphs 5.9 – 5.12 of the report. In response to the deferral the applicant has provided a benefits statement reaffirming their commitment to the site and highlighting the employment opportunities the site offers locally, a copy of the statement is set out in paragraph 3.6 of the report.
- 1.5 The recommendation is to grant planning permission subject to conditions and the applicant entering into a planning obligation to

**secure contributions towards necessary infrastructure and the provision of affordable housing.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 The application site occupies some 4.57 hectares of land on the western edge of Gorebridge. It includes the majority of the land (apart from an area of approximately 1 hectare of land adjacent to its south western corner) comprising the allocated, committed, housing site h24 in the Midlothian Local Development Plan 2017. Mature woodland bound the site to the northwest and west and playing fields in Gore Glen lie beyond the woodland further to the northwest. Existing private houses and their associated gardens bound the site to the north, northeast and east. These private houses are part of the development known as the Birchwood Estate. The Borders Railway line bounds the site to the south.
- 2.2 The site is on the southwest facing slope of the Gore Water Valley. There is an average gradient of around 1 in 15 over the major part of the site, which increases to up to 1 in 8 in more localised areas towards the southern site boundary. The majority of the site is rough grassland.

## **3 PROPOSAL**

- 3.1 Detailed planning permission is sought for 96 residential dwellinghouses with associated roads, landscaping, open space, footpath/cycle ways, a sustainable urban drainage system (SUDS) and other associated works. The details comprise:
- 96 dwellinghouses, including affordable housing (24 dwellinghouses);
  - Formation of one new primary vehicular access road taken from River Gore View and an internal loop road within the site;
  - Two private drives to serve houses;
  - Provision of a 3m wide multi-user cycle path centrally from the north of the site to the south west of the site;
  - Open space located centrally within the site. A further area of open space is delivered around the proposed SUDS pond at the south west corner of the site;
  - Provision of a SUDS pond at the south west of the site with associated infrastructure;
  - Provision of visitor parking including electric vehicle parking;
  - Provision of a series of 2m wide pedestrian footpaths throughout the site;
  - The provision of landscaping and new planting; and
  - Provision of new equipped play area at the north east of the site.

- 3.2 With respect to the proposed housing, the average housing density comprises approximately 21 dwellings per hectare (considered to be low density) and would consist of the following housing mix:

House Type:	Number:
<b><u>Affordable Housing:</u></b>	
2-bed	12
3-bed	12
<b><u>Market Housing:</u></b>	
2-bed	8
3-bed	11
4-bed	46
5-bed	7
Total Dwellings	96

- 3.3 The proposed dwellinghouses are formed of 16 housetypes, all of which show two storey buildings with pitched roofs. All have primary ridge lines perpendicular to their front elevation. The roofs will be pan-tiled to reflect existing development in the area. The primary building material will be brick, and the site will exhibit three primary varieties of brick to promote variation.
- 3.4 Boundary treatments are proposed to be timber fencing on the majority of rear boundaries with some walling proposed for prominent, highly visible boundaries.
- 3.5 The application is accompanied by the following documentation:
- Previously confirmed Pre-Application Consultation Report (PAC);
  - Design and Access Statement (DAS)
  - Acoustic Report (June 2022);
  - Noise Survey (April 2016);
  - Odour Assessment (September 2017);
  - Odour Survey And Risk Assessment (August 2022);
  - Previously submitted Transport Assessment and Appendices (TA);
  - Previously submitted Flood Risk Assessment (2012);
  - Previously submitted Site Investigation Report (March 2007);
  - Preliminary Ecology Assessment (October 2021);
  - Tree Survey (March 2021);
- 3.6 In response to the Committee's deferral of the application at its meeting of 11 October 2022, the applicant has provided a benefits statement reaffirming their commitment to the site and highlighting the employment opportunities the site offers locally – the statement is as follows:

“Persimmon Homes have a longstanding association with the Midlothian Council area and over time, with the assistance of the Council, have delivered a large number of family homes across the

Council area, including the provision of much needed affordable housing units.

This current application will allow Persimmon Homes to continue their long established presence in Gorebridge, with the development representing a logical continuation of our ongoing phase of development at Newbyres.

Persimmon Homes are fully accredited with the Living Wage Foundation, meaning all of our employees and subcontractors are paid, as a minimum, the Real Living Wage. Persimmon Homes are also one of Scotland's largest employers of bricklaying apprentices, which allows us to ensure that our developments bring a number of opportunities for local young people to develop new skills and to develop their careers.

Our current phased development at Newbyres supports a daily work force of between 55-60 people, a high proportion of which, around 60% and including both the Site Manager and Assistance Site Manager, are local residents.

It is also of relevance to note that around 10 locally based subcontractors benefit directly from this development. The proposed development, once approved, will protect these much needed local jobs for a further period of 3 years beyond the end date of the current phase of development.

Aside from these considerations, it is also noteworthy that through the planning gain contributions captured as an integral part of both the proposed and previous developments at Gorebridge, Persimmon Homes have, over the years, assisted in the delivery of much needed local infrastructure and affordable housing."

## **4 BACKGROUND**

- 4.1 The site, together with the further area of land referenced in paragraph 2.1 of this report, was first allocated for residential development in the 2003 Midlothian Local Plan.
- 4.2 In August 2011 the Council granted detailed planning permission (07/00351/FUL) for the erection of 76 houses, the formation of an access road, SUDS pond and associated works on the site. This permission was not implemented and has expired.
- 4.3 The applicant carried out a pre-application consultation (13/00609/PAC) for residential development on the site in 2013.
- 4.4 Application 17/00435/DPP for the erection of 117 dwellinghouses and associated works on the site was withdrawn.

- 4.5 The proposal is classed as a Major Development, as defined by the Town and Country Planning (Scotland) (Hierarchy of Developments) Regulations 2009. Therefore, the applicant has certain obligations in relation to pre-application consultation with the community. The applicant submitted a proposal of application notice to the Council (13/00609/PAC) and the application is accompanied by a pre-application consultation report which details the consultation methodology and the feedback gained from this process.

## 5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application and advise that “the content and conclusions of the information prepared by Mason Evans Partnership Limited is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** has lodged a holding objection to the application on flood risk grounds. Their objection is based on a lack of information provided by the applicant to date. They have further stated that this objection would further relate to SUDS and Drainage and the interaction with a burn adjacent to the site’s northwest boundary. It is noted that the applicant has subsequently submitted a Flood Risk Assessment (FRA) for consideration that may address the above concerns. However, until SEPA have been able to review this information, there is no guarantee that the FRA will adequately address Flood Risk and Drainage concerns they have raised.
- 5.3 **Scottish Water** does not object to the application. They advise that there is currently sufficient capacity within the Rosebery Water Treatment Works for future water supply. However, it was noted that capacity of the Gorebridge Waste Water Treatment Works could not be confirmed and that a detailed Pre-Development Enquiry is required to be provided to consider future connection. They also note that future capacity cannot be reserved and that capacity will be reviewed upon any formal connection application being submitted to Scottish Water. The capacity at the said facilities is a matter between the developer and Scottish Water and subject to a separate regulatory process outwith the remit of the Council.
- 5.4 **Network Rail** does not object to the application, but do raise a number of concerns for the development that would have to be addressed and suggest conditions to ensure:
- A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail’s boundary and provision for the fence’s future maintenance and renewal should be made.

- That no construction work will commence until a construction method statement, which includes plant details, locations and lifting plans, is submitted to the planning authority for approval in conjunction with Network Rail's Asset Protection Engineers.
  - No development shall take place on site until such time as a noise impact assessment has been submitted to and approved in writing by the planning authority.
- 5.5 The **Council's Archaeological Advisor** does not object to the application stating that the proposed application area was already subject to archaeological evaluation by trial trenching back in 2008, and no further archaeological works are recommended as a result of the proposal.
- 5.6 The **Council's Ecological Advisor – The Wildlife Information Centre (TWIC)** does not object to the application subject to a condition ensuring that the recommendations within the applicant's Ecological report/s are implemented. The recommendations are set out in section 8 of this report.
- 5.7 The **Council's Policy and Road Safety Manager** does not object to the application, but did raise concerns regarding the number of visitor parking spaces and the location of the electric vehicle charging parking spaces and the need for further details to be secured by conditions. Amendments to the proposed development have subsequently been undertaken to address the concerns.
- 5.8 The Council's **Flooding Officer** does not object to the application but requests that further details regarding SUDS should be provided. These should include cross-sections showing the proposed invert level, 1:200 year flood level (0.5% probability of flooding) + CC (Climate Change) and any retention required due to the change in ground levels. The sections should include the maintenance access track required by Scottish Water and the road, cycleway/footway and verge arrangement to the north.
- 5.9 The **Education Resources Manager** does not object to the application. The development would give rise to 27 primary school pupils and 19 secondary school pupils (an additionality of 6 primary school pupils and 4 secondary school pupils when compared to the planned position based on the MLDP and the previous grant of planning permission) and that developer contributions towards education facilities would be required. The catchment schools are:
- Non-denominational primary Gorebridge Primary School
  - Denominational primary St Andrew's RC Primary School
  - Non-denominational secondary Newbattle High School
  - Denominational secondary St David's RC High School

- 5.10 The site has been allocated for housing since the 2003 Midlothian Local Plan with an indicative capacity of 76 units (based on a previous grant of planning permission) – this site is one of a number allocated for housing in the Gorebridge area since 2003. In order to accommodate the pupils that would arise from the planned houses in Gorebridge, which amount to approximately 1,300 dwellings the following additional developer funded capacity interventions have taken place:
- An extension of capacity at Gorebridge Primary school
  - An extension of capacity at Stobhill Primary School
  - The provision of the new two stream Gore Glen Primary School
  - An extension of capacity at St Andrew's RC primary school
  - A replacement Newbattle High School with increased capacity.
- 5.11 The Council utilises a primary school pupil product ratio of 0.28 per dwelling when calculating anticipated primary school pupil numbers from developments and also for the purposes of negotiating developer contributions with applicants. 76 dwellings have already been planned for (based on a previous grant of planning permission). 96 dwellings are now proposed which means that the development is likely to give rise to an additional 6 primary school pupils over and above what was already planned for. The additionality of pupils would not lead to a capacity breach in terms of the catchment primary schools.
- 5.12 In relation to secondary education this site falls within the catchment of Newbattle High School. A new enlarged Newbattle High School has been delivered within recent years, however given the planned housing growth within the catchment, which includes larger allocated sites than the application site such as Redheugh East (700 dwellings) and Redheugh West (550 dwellings proposed), there will in due course be a requirement for a further additional secondary education capacity solution to be identified and agreed by the Council (not on the back of this individual application). The Council utilises a secondary school pupil product ratio of 0.2 per dwelling when calculating anticipated secondary pupil numbers from developments and also for the purposes of negotiating developer contributions. 76 dwellings were already planned for this site. 96 dwellings are now proposed which means that the development is likely to give rise to an additional 4 secondary school pupils over and above what was already planned for. The additionality of pupils would not lead to a capacity breach in terms of Newbattle high school.
- 5.13 The Council's **Land Resources Manager** does not object to the application.
- 5.14 The Council's **Senior Manager Protective Services** does not object to the application, subject to conditions securing:

- a. An updated site investigation report shall be submitted to and approved by the Council. This will need to include recommendations for further remediation as required by the findings where necessary.
- b. Validation reports to be completed prior to occupation of dwellings.
- c. Limits to construction hours.
- d. The preparation of a Construction and Environmental Management Plan (CEMP) covering the following matters:
  - Noise control measures
  - Dust control measures
  - Plant and Machinery
  - Vehicle movement routes
  - Site Management
- e. The installation of trickle ventilation on properties closest to the Borders Railway to allow for ventilation with closed windows and thus mitigate noise.

## **6 REPRESENTATIONS**

6.1 There have been 71 representations received, which can be viewed in full on the online planning application case file. 69 of representations object to the application and two support the application. A summary of the main points raised are as follows:

- The infrastructure, services and facilities within Gorebridge are insufficient to cater for new housing development;
- The traffic on local roads has increased and concern that the relevant information submitted is out of date;
- The proposed access route is down a narrow road and residents amenity would be harmed by increased traffic;
- The Ecology report has not addressed the developments impact on hedgehogs sufficiently;
- The development would result in the loss of valued open space used for walking by local residents;
- The development takes access from development served by one main vehicular access point - this is a safety concern;
- The proposed access would cut through existing green space;
- Development would generally harm the wildlife in the area;
- Safe routes to school need to be secured;
- Construction vehicles would damage roads and cause nuisance;
- Public consultation was only carried out by the developer in 2013;
- The proposed development does not take into account existing trees;
- The Transport Assessment is out of date;
- The SUDS need to be completed prior to the completion of the housing because of concerns over flood risk;
- The developer needs to consult with Scottish Water regarding the adoption of the SUDS;
- The area of open space appears to be reduced;
- The relevant consultees were not consulted;



- The development would deliver houses to help meet a national shortfall;
- Footpaths should be lit;
- Larger houses are needed for working from home purposes;
- Some of the proposed dwellings are too high for the site;
- The 2005 development brief has not been taken into account;
- The development would hinder efficient water supply;
- The proposal states that emergency vehicles could access the site via a footpath along the side of Arniston Rangers Football Pitch – this is incorrect;
- Development should extend the existing path at the south west of the site to join up with the bottom of Birchwood to allow cyclists and walkers a path around the development to access Gore Glen;
- The privacy of existing residents would be reduced;
- The proposed development exceeds the capacity of the site;
- The proposed development does not respond positively to existing development;
- The pumping station is located at a higher level than some dwellings;
- Solar Panels should be provided on all homes;
- The proposal does not provide any affordable housing;
- The development would spoil a rural outlook; and
- The equipped play area would attract anti-social behaviour.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017.
- 7.2 SESplan June 2013 is older than five years. A replacement SESplan was prepared but rejected by Scottish Ministers in May 2019. The Planning etc. (Scotland) Act 2019 removed the duty to prepare Strategic Development Plans, placing strategic planning matters within a National Planning Framework 4 (NPF4) to be prepared by Scottish Ministers. Once approved, NPF4 (which was subject to consultation until 31 March 2022 and is expected to be adopted in autumn 2022) will form part of the development plan alongside local development plans. Until NPF4 is approved, SESplan remains part of the development plan albeit increasing out of date.
- 7.3 The following policies are relevant to the proposal:
- Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)
- 7.4 **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.

- 7.5 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for greenfield housing development proposals either within or outwith the identified strategic development areas may be allocated in local development plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) the development will be in keeping with the character of the settlement and local area; (b) the development will not undermine green belt objectives; and (c) any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.6 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.7 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.8 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.9 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.10 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.11 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive

scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.

- 7.12 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.13 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.14 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area.
- 7.15 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.16 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.17 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.
- 7.18 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.19 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in

the site's pre-developed condition, and to avoid any deterioration of water quality.

- 7.20 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.21 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.22 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.23 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.24 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.25 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.26 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.27 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.28 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and

shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.

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

#### National Policy

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

*The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.*

- 7.36 SPP promotes a plan-led system and the starting point for any assessment of an application for planning permission, unless material considerations justify a departure. SPP requires planning authorities to maintain a five year supply of effective housing land at all times. Where a shortfall emerges, specific provisions within SPP allow for the assessment of additional sites not allocated for housing to be considered to make up the shortfall. Sustainable development can be defined by the 13 principles of sustainable development set out in paragraph 29 of SPP.
- 7.37 The Scottish Government policy statement Creating Places emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.38 **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.
- 7.39 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

### The Principle of Development

- 8.2 The site is allocated for housing (site h24) in the MLDP and is located within the built up area of Gorebridge where there is a presumption in favour of appropriate residential development. This presumption in favour of appropriate residential development is further reinforced by the previous grant of planning permission (07/00351/FUL) for 76 units – the site's continued allocation for 76 units reflects this grant of planning permission (now expired). The site has been allocated for housing since the 2003 Midlothian Local Plan and contributes towards the Council's housing land supply. No material considerations have been presented to outweigh the presumption in favour of development.

### The Supply of Effective Housing Land

- 8.3 The Council is required to maintain a *five year supply of effective housing land* (enough land allocated and coming forward for housing to meet its housing targets over the next 5 years) at all times (SPP paragraph 125). The number of homes required in a local authority area is identified through the Strategic Development Plan (SESplan) and is met by the development strategy and policies of the MLDP. Where a shortfall in the supply of effective housing land emerges, sites that are not allocated for residential development should be considered as possible additional sites to make up the shortfall.
- 8.4 A recent planning appeal decision in relation to residential development at Stobs Farm, Lady Brae, Gorebridge (Reporter's ref: PPA-290-2061, Midlothian Council's ref: 21/00252/PPP) is reported elsewhere on the Committee agenda. Whilst the proposed housing development was dismissed the Reporter did assess submitted evidence in regards to housing land supply. The Scottish Government Reporter concluded that it would be impossible to calculate how much effective housing land would be enough for at least five years as the SESplan published figures only extend to 2024 and SESplan2 was rejected (as previously reported to Committee) and the Scottish Government has not yet adopted National Planning Framework 4 (NPF4) which will set the new housing targets for local planning authorities – the Reporter therefore made an assumption that Midlothian does not have an effective housing land supply. Although, this is an assumption which the Council may consider to be unreasonable and unfair, the appeal decision is of significant weight as to provide further impetus to support the granting of planning permission for residential development on allocated housing sites such as the one proposed.

### Layout, Form and Density

- 8.5 The policy framework for the assessment of the design and layout of proposed new developments is provided by Scottish Planning Policy 2014 (SPP) and the MLDP. Scottish Planning Policy requires that planning should support development that is designed to a high quality which demonstrates the six qualities of a successful place. The six qualities are:
- Distinctive.
  - Safe and Pleasant
  - Welcoming
  - Resource Efficient.
  - Adaptable
  - Easy to Move Around and Beyond
- 8.6 MLDP Policy DEV6: Layout and Design of New Development requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. It logically follows that a proposed development that fails to demonstrate the six qualities of a

successful place and/or the requirements of Policy DEV6 should not be supported and therefore should be refused planning permission.

- 8.7 It is considered that the majority of dwellings achieve good sized gardens having regard to Midlothian's established approach on garden size for dwellings with 3 apartments (rooms excluding kitchens and bathrooms – i.e. bedrooms and living rooms) to deliver 110sqm and of 4 or more apartments to deliver 130sqm. It is further assessed that the spacing between proposed new dwellings within the site and existing dwellings (outside the site) is adequate. Whilst there are some instances where separation distances falls marginally below the prescribed requirement for Midlothian, they are minor shortcomings for front to front distances, Midlothian seeks to achieve a 22m separation. The narrowest such separation within the proposals is between plots 87 and 22 with a separation of 20m. This falls 2m below the set guidance. Most dwellings fronting each other are at an angled orientation to other dwellings. On balance sufficient privacy is considered to be provided for dwellings.
- 8.8 Similarly, Midlothian seek a 25m distance between 'back to back' elevations. This is not achieved at every dwelling. The shortest back to back distance is at plots 32 and 29 which achieve just over a 23m separation. Whilst this is slightly below the requirement there is a level change and the disparity is minor and the relationship between these properties is at a slight angle. As such, it is considered that on balance sufficient 'back to back' distances are achieved across the site.
- 8.9 The details of the proposed houses in terms of materials and the scale of the buildings is set out at paragraph 3.3 of this report. It is assessed that these are acceptable and compatible to the sites location and the adjacent settlement.
- 8.10 The primary vehicular entry into the site is a key visual receptor for the site. River Gore View is characterised by open amenity space between it and Kirkhill Court to the southeast. This open space provides vistas to the southwest. It is considered vital that the proposed development respond positively to this open space. The development seeks to introduce additional open space to the southwest of the existing open space. This open space funnels down through the site towards the southwest, extending the continuity of the existing built form at River Gore View and Kirkhill Court. Within this area development has avoided turning its back to existing development. In combination with the levels at the site, the proposed area of open space would allow/retain some longer vistas from the existing built up area.
- 8.11 In addition to the above the siting of the proposed Area of Improved Quality (AIQ), an area of enhanced design quality, around the proposed area of open space is considered to be to its benefit and of reflects good design principles. The higher quality materials combined with the open space will provide an attractive setting at the heart of the



site. Open space at the centre of the site and around the proposed SUDS pond is given a large degree of overlooking to promote positive surveillance for these areas.

- 8.12 A 3m wide multiuser route from the main vehicular entrance through the central open space and then to the west corner provides a clear and legible access route for users. Whilst this is only shown to be provided up to the boundary of the site, land to the west of the site is within the Council's ownership and it will be a requirement of any development that the proposed multiuser route be connected to the core path network.
- 8.13 It is regrettable that the proposed substation at the entrance to the site is located so prominently. Landscaping is proposed to soften this feature.
- 8.14 The levels on the site pose a significant challenge. The proposed development has sought to address this through a number of means. The provision of extended garden areas for those located centrally in the site avoids the need for retaining features at these locations. Whilst this does result in some garden areas having a 1:6 grading, sufficient flat garden is provided within these plots.
- 8.15 The need for retention features within the site still exists. Midlothian generally seeks that no retaining features be in excess of 1m in height. There are still some requirements for 1.2m retaining structures between some dwellings. The majority of proposed retention between houses is less than 1m. It is proposed to apply a condition requiring all retaining features over 1m in height to be cribblock to allow for opportunities to plant them to soften their impact.
- 8.16 The SUDS Pond is logically located at the lowest point of the site. The proposed permanent water level is circa 3m below the encircling maintenance track. Considering the depth requirement of the feature a pond is considered appropriate and would appear more natural than a basin. The proposed pond would further provide biodiversity benefits to the development and wider environment. Dwellings proposed to the east and north of the pond provide some passive surveillance of the pond, in addition to the multi user route adjacent to the pond.
- 8.17 The proposed development does result in a large degree of on plot parking in front of dwellings. This is mitigated in some instances by parking down the sides of dwellings, lessening their presence on the street. Despite this, bay and parallel parking is still required on streets. These are generally located away from the central open space. Landscaping is further proposed to be introduced into the scheme to lessen the visual impact of parking.
- 8.18 The proposed development further seeks to deliver dwellings at important locations with dual aspect features. Where otherwise a

dwelling might present a blank/bland gable to a vantage point the development has proposed enhanced gable detailing to minimise a stark outlook from gable features.

- 8.19 Secondary streets, such as private drives and parking courts are appropriately differentiated with block paving.

#### Landscaping and Open Space

- 8.20 The site's location does mean that it boasts views to the south and west towards the Pentland Hills, in turn the application site is to a degree visible. However, the proposals would sit in the context of existing development and the site has been allocated for development of 76 dwellings. Whilst the proposed numbers are in excess of this, the additional impact is not considered to be significant in landscape terms. The proposed development is therefore considered to comply with MLDP policy DEV7.
- 8.21 As has already been considered above, the positioning of open space is appropriate. The quantum of open space has further been assessed against MLDP policy DEV9 and associated Appendix 4 of the MLDP.
- 8.22 The proposed development would generate circa 220 persons/population. Appendix 4 seeks that per 1000 population the following areas of open space are required:
- Amenity Open Space – 1.6ha
  - Equipped Play Space – 0.25ha
  - Informal Play Space - 0.55ha
- 8.23 The proposed development delivers 0.3ha of amenity space and designates an area of 0.05ha for an equipped play area. In addition, it should be noted that the proposed amenity open space measurement does not include areas around the proposed SUDS pond. Whilst this area will be graded and less useable than the central open space, it will provide some amenity area. No space is marked for informal play. Whilst the Amenity open space falls short of the proposed standard, the provision of onsite play is considered to be a benefit for the site and the wider local area facilitating integration with the neighbouring community.
- 8.24 It is assessed the development does have access to the core path network and other open spaces within proximity to the site. Furthermore, there are easy walking connections to local facilities. The provisions are therefore considered to be on balance compatible with the objectives of MLDP policy DEV9 and Appendix 4

## Access and Transportation Issues

- 8.25 The Council's car parking standards give rise to a requirement for 48 visitor parking spaces within this development. 44 spaces are proposed throughout the development via parallel and bay parking features offset from the highway. This represents a minor shortfall on what would be required by guidance.
- 8.26 Paragraph 42 of Scottish Planning Policy requires that new development is to be safe and pleasant and Paragraph 271 requires that development proposals take account of the implications on road safety. Despite the minor shortfall in spaces, the provision is considered to be acceptable when the development is considered as a whole and its proximity to local bus services (circa 400m walk from the edge of the site). Local bus services on Main Street and the B704 provide services 29, 48, 339, N3, R1, R2 and X29 with up to 5 buses arriving in an hour. Facilities within the town centre within a similar walking distance and Gorebridge Train Station is within a 10 minute walk and under 1km away (circa 800m).
- 8.27 The provision of suitable pedestrian and cycle routes and the linking of such routes to existing routes beyond the site are a key component of a new development. They provide much needed permeability, improved accessibility and assist in integrating a new development into an existing neighbourhood. In this instance there is a proposed pedestrian and cycle links through the central open space connecting to the existing core path network past plots 37 – 41. This is considered to be acceptable.
- 8.28 A further footpath connection is proposed to the east of plot 49 that connects to River Gore Road. At the southeast of the site a possible path connection to existing footpaths is proposed. It is acknowledged that a connection is not able to be achieved at this time due to it being the site boundary. Whilst a cycle pedestrian link at this location may be promoted by the Green Network Supplementary Planning Guidance, the proposed development would provide a multi user route that would provide access to Main Street (B704) within a similar travel time.
- 8.29 The central loop road within the site is further defined with paved surfacing at junctions and turns in the road. This is beneficial in encouraging road users to slow down.
- 8.30 Access to public transport is achieved through bus stops found at Hunterfield Road, within a 5 minute walk of the edge of the site. Electric vehicle charging parking spaces are proposed within the site. A total of six are proposed.
- 8.31 The proposed development is considered to comply with MLDP policies TRAN1 and TRAN5.

- 8.32 The Council's Policy and Road Safety Manager is satisfied that transportation, access and parking matters have either been addressed or can be addressed through the imposition of conditions on a grant of planning permission.

#### Archaeology

- 8.33 MLDP policy ENV25 requires that where a site 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 the likely impact of the proposal on the archaeological resource. In relation to this site a desktop assessment was carried out followed by a scheme of investigation of trial trenching in accordance with a written scheme of investigation agreed by the Council's archaeological adviser at the time of the original planning permission for this site. No features of artefacts of archaeological interest were identified as a result of that investigation and the proposed development is acceptable in terms of archaeology in terms of MLDP policy ENV25.

#### Ecology and Biodiversity

- 8.34 The applicants submitted a Preliminary Ecological Appraisal dated June 2022 in support of the application. This has been reviewed by the Council's Ecology Consultee, TWIC. Whilst they have minor comments on the data compiled within the report they assess it as being of a professional standard and do not raise any objections to the proposed development and information submitted.

- 8.35 Whilst no objection is raised against the application the report does make recommendations for mitigation of impact of what habitat does exist on the site. These recommendations include:

- Broadleaf woodland should be retained;
- Tree root protection barriers should be utilised;
- Pre work checks should be undertaken;
- Excavations made during construction should be covered and means of escape provided if mammals were to enter;
- vegetation clearance should not be completed during the breeding bird season (March to August inclusive)
- Light should be temporary during construction and development should avoid permanent light spill on existing hedges and woodland; and
- Any permanent lighting should be designed to be 'bat friendly' and should not illuminate bat commuting, foraging and roosting habitats within or adjacent to the site.

- 8.36 In addition the report suggests the following opportunities for biodiversity gain, these include, but are not limited to:

- Any vegetation planting should include a wide range of native species of local provenance, including berry or nectar producing plants;
- The creation of species-rich grasslands or flower meadows in the public open spaces;
- Any areas of proposed soft landscaping should be enhanced for invertebrates by including nest boxes and/ or log piles; and
- The planting of the borders of any SUDS ponds with native aquatic species would enhance habitat for invertebrates and increase the waterbodies value as a foraging and breeding resource for amphibians.

8.37 The above mitigation and enhancements can be secured by appropriate conditions on any grant of planning permission.

#### Flood Risk and Drainage

8.38 The proposed development seeks to drain the development via a SUDS Pond (permanently wet) at the lowest part of the site to the southwest. No objection has been raised in regards to the proposed drainage system, but it has been set out by the Council's Flooding Officer that additional details of the proposed SUDS pond will be required. This can be secured by condition on any grant of planning permission. As such the proposed development would seek to deliver SUDS that would comply with MLDP policy IMP3.

8.39 The site is not located within an area identified by SEPA's flood maps as being susceptible to either river flooding or surface water flooding. However, SEPA have raised an objection to proposals based on a lack of information in respect of flood risk and surface water drainage and that it may place buildings and persons at flood risk contrary to SPP and with a potential impact on the water environment.

#### Potential Impact of Railway Noise

8.40 MLDP policy ENV18 seeks to protect residential development from noise sources without placing undue pressure on existing noise generating uses. The site is within close proximity to the Borders Rail that bounds much of the site's southern boundary. A noise report has been submitted with the application to determine whether the existing railway would generate noise sufficient to have a negative impact on the proposed dwellings. It has been reviewed by the Council's Senior Manager Protective Services and found that noise levels internally and externally within the completed development will meet the requirements of the Scottish Government's Planning Advice Note relating to noise (PAN1:2011) and the accompanying Technical Advice Note (TAN) with the exception of the internal L<sub>Amax</sub> levels at night within the nearest residential receptors which are predicted to exceed the recommended L<sub>Amax</sub> of 42 dB by 8 dB when windows are open for ventilation. Mitigation of this noise is proposed within the submitted Noise Report

and suggests either a 4.3m acoustic barrier at the end of gardens binding the railway, or that affected bedrooms were fitted with acoustically attenuated trickle ventilators which would allow the windows to remain closed and provide adequate ventilation. Considering the amenity issues that might persist with a 4.3m fence at the end of gardens, it is agreed with the applicant that the latter mitigation feature (ventilation) should be delivered for plots 9 – 27. The proposals are therefore considered to comply with MLDP policy ENV18

#### Potential Impact of Odour

- 8.41 The site is located close to the Gorebridge sewage works and there is the potential that odours from this facility could be harmful to the amenity of future residents of this site. The applicants have provided an assessment of the odour impact which has been considered by the Council's Senior Manager Protective Services, who is in agreement with the methodology of the survey and assessment and noted that two further rounds of monitoring had been undertaken as requested. The assessment has deemed that the site has the potential to have slight adverse effects from odour from the nearby sewage works as a worst case scenario and the overall assessment deems that odour impacts at proposed sensitive receptors are considered to be not significant. On this basis they raise no objection to the application. The proposals are therefore considered to comply with MLDP policy DEV2 in this regard.

#### Ground Conditions

- 8.42 In this instance the site falls within the Coal Authority defined Development High Risk Area due to previous mineral workings. In the context of the site investigation report provided, neither the Coal Authority or the Council's Senior Manager Protective Services have objected to the application and are satisfied that in relation to this particular issue it would be acceptable for planning permission to be granted, subject to the imposition of suitable conditions in relation to addressing matters of contamination and ground conditions. The proposals are therefore considered to comply with MLDP policy ENV16.

#### Developer Contributions and Affordable Housing

- 8.43 As noted earlier in this report planning permission was granted in 2011 for 76 dwellings. The planning permission together with the one relating to site h36 (North Gorebridge) were bound by a planning obligation to secure developer contributions towards:
- primary education capacity;
  - secondary education capacity;
  - Improvements to Gorebridge Town Centre;
  - Community Facilities;
  - Off site play facilities;

- The provision of 30 affordable dwellings within Site h36 (North Gorebridge) to meet the requirement arising from both sites; and
- The transfer of land for a primary school within allocated site h36.

8.44 Since the lapse of the 2011 planning permission the MLDP has been adopted and it states at paragraph 3.2.6 that “The MLDP affordable housing requirement supersedes previous Local Plan provisions for affordable housing; for the avoidance of doubt, the 25% affordable housing requirement will apply to all housing sites allocated in previous Local Plans that do not have an extant planning consent”. As such additional affordable housing will be required – at the time of granting the previous permission the requirement was a 5% -10% affordable housing provision. 24 affordable housing units are being proposed.

8.45 Despite the earlier agreement, if the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a new planning obligation to secure:

- A financial contribution towards additional primary education capacity;
- A financial contribution towards additional secondary education capacity;
- A financial contribution towards Borders Rail,
- A financial contribution towards Gorebridge Town Centre;
- A financial contribution towards Community Facilities;
- A financial contribution towards off site play;
- Open space maintenance; and
- The provision of affordable housing (25%).

8.46 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraph 15);
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
- be reasonable in all other respects.

8.47 The requirements as set out above for any proposed planning obligation would meet the above tests.

## Other Matters

- 8.48 Regarding matters raised by representors and consultees and not already addressed in this report:
- The technical documentations submitted to the application have been reviewed by the relevant consultees, and whilst some of these are dated, they have been considered fit for purpose and no objections have been raised from consultees on this basis; and
  - Comments raise concern that the applicant advised that an emergency access route is available adjacent to the Arniston Rangers football ground - this has not been raised as a concern by the Council's Policy and Road Safety Manager.
- 8.49 The following matters raised in the representations are not material considerations in the determination of the application:
- The development would spoil a rural outlook; and
  - The equipped play area would attract anti-social behaviour.

## **9 RECOMMENDATION**

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

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

Subject to:

- a. the prior signing of a planning obligation to secure:
- A financial contribution towards additional primary education capacity;
  - A financial contribution towards additional secondary education capacity;
  - A financial contribution towards Borders Rail,
  - A financial contribution towards Gorebridge Town Centre;
  - A financial contribution towards Community Facilities;
  - A financial contribution towards off site play;
  - Open space maintenance; and
  - The provision of affordable housing (25%).



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

b. SEPA withdrawing their holding objection.

c. the following conditions:

1. The development to which this permission relates shall commence not later than the expiration of three years beginning with the date of this permission.

***Reason:*** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. Development shall not begin until details and, if requested, samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

3. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

4. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i. other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;

- ii. existing trees, landscaping features and vegetation; including hedges, 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

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

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

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

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

- v. a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
- vi. proposed car parking arrangements; and
- vii. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

- 7. Prior to the commencement of development details of a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal shall be prepared and submitted to the planning authority for approval in writing. Thereafter development shall accord with approved details.
- 8. Prior to the commencement of development a construction method statement, which includes plant details, locations and lifting plans, shall be prepared and submitted to the planning authority for approval in conjunction with Network Rail's Asset Protection Engineers. Thereafter development shall be carried out in accordance with the method statement approved in writing by the planning authority.

***Reasons for conditions 7 and 8:*** *To ensure safeguarding of Borders Rail infrastructure.*

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

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

10. 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, as well as mammal passage points in walls and fences, has been submitted to and approved in writing by the planning authority. The scheme shall include an implementation timeline and the recommendations set out within section 8 of the submitted Preliminary Ecological Appraisal (PEA) dated 16.06.2022 and prepared by Envirocentre. 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 ENV 15 of the Proposed Midlothian Local Development Plan 2017.*

11. Notwithstanding the docketed report Mason Evans Report on Plot 3 Gorebridge – Report on Site Investigations, Persimmon Homes (East) Scotland Ltd dated March 2007 ref 2006/42. No development shall take place until an updated Report on Site Investigations is prepared and submitted to the planning authority for approval in writing. The updated report shall include a fully informed desk study review and shall address/include:
  - i. All relevant appendices referred to within the Report on Site Investigations, Persimmon Homes (East) Scotland Ltd dated March 2007 ref 2006/42;
  - ii. Commentary on potential mine workings and ground gas risks
  - iii. Assessment of Radon Gas levels;
  - iv. Additional justification for limited number (9 in total) of soil samples with associated commentary on likely impact on human health;
  - v. Updated commentary on human health, water environment and ground gas risk assessments;
  - vi. water supply pipe risk assessment which shall be consulted on with Scottish Water; and
  - vii. Recommendation for any further required remediation works necessary based on the findings of this updated report.

**Reason:** *To ensure that all potential sources of contamination have been thoroughly assessed against up-to-date guidance and to secure appropriate remediation.*

12. On completion of the decontamination/remediation works identified in compliance with condition 11 above and prior to any dwellinghouse being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwellinghouse shall be occupied unless or until the planning authority have approved the required validation.

***Reason:*** To ensure compliance with policy ENV16 of the MLDP 2017.

13. Development shall not begin until details of a scheme to deal with surface water drainage has been submitted to and approved in writing by the planning authority. This shall include an updated cross section through the proposed SUDS pond which shows water levels and 1:200 year + climate change flooding level. 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 that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9 and ENV10 of the Midlothian Local Development Plan 2017.

14. Construction on site shall be limited to the following hours:
- Monday to Friday - 8am – 7pm
  - Saturday - 8am – 1pm
  - Sunday - No working

***Reason:*** To preserve the amenity of the residential environment in accordance with policy DEV 2 of the Proposed Midlothian Local Development Plan 2017.

15. Development shall not begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of construction access routes;
  - ii. signage for construction traffic, pedestrians and other users of the site;
  - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
  - iv. details of piling methods (if employed);
  - v. details of any earthworks;
  - vi. control of emissions strategy;
  - vii. a dust management plan strategy;
  - viii. waste management and disposal of material strategy;

- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0800 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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:*** *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

- 16. Development shall not commence until details of the double glazed window units and the accompanying acoustic trickle ventilation on properties at plots 9 to 27 to allow for ventilation with closed windows to achieving satisfactory internal noise levels, is prepared and submitted to the planning authority for approval in writing. Thereafter development shall be carried out in accordance with these approved details.
- 17. Correct installation of the double glazed window units and accompanying acoustic trickle vents agreed by condition 15 shall be verified after the completion of the dwellings, by an appropriately qualified Acoustic Consultant and accredited /chartered member of the Institute of Acoustics or the Association of Noise Consultants. Verification will compose of a written report.

***Reason:*** *To mitigate noise from the Borders Railway and thus allow development to comply with policy ENV 18 of the Proposed Midlothian Local Development Plan 2017.*

- 18. Development shall not commence until details are prepared and provided demonstrating the proposed cycle way / footpath proceeding to the south west of the site shall connect to the core path network and route code MID/8-23/1.
- 19. Prior to the occupation of the first dwellinghouse, the cycleway / footpath and connection referred to in condition 18 shall be completed and safe to use, unless otherwise agreed in writing with the planning authority.

**Reasons for conditions 17 and 18:** To ensure that appropriate pedestrian and cycling access is achieved by the development.

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

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

21. Prior to the first occupation of any of the dwellings on plots 1 and 2, 57 – 64 and 94 – 96 an equipped neighbourhood children's play area and shall be formed/constructed on the central open space (fronted by plots 1 and 2) and made available for use in accordance with detailed drawings and a written specification to be submitted to and approved in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

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

22. Notwithstanding the docketed Site Layout (ref: 02-01-NEW rev AB) a schedule of improved quality materials for the identified area of improved quality shall be prepared and submitted to for approval by the planning authority. Samples shall be provided. Thereafter development shall accord with these approved samples.

**Reason:** *In the interest of protecting the character and appearance of the area so as to comply with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.*

23. Any retaining walls in excess of 1.2m in height shall be crib lock wall or other similar product that allows planting within the walling. Details, including sections, of such retaining walls shall be prepared and submitted to the planning authority for approval in writing. This shall take place prior to the implementation of any such retention features. Development shall thereafter be in accordance with approved details.

**Reason:** *To reduce the impact on amenity resulting from retaining walls, and to ensure compliance with policy DEV 2 and 6 of the Proposed Midlothian Local Development Plan 2017.*

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 11 November 2022

**Application No:** 22/00066/DPP

**Applicant:** Persimmon Homes

**Agent:** N/A

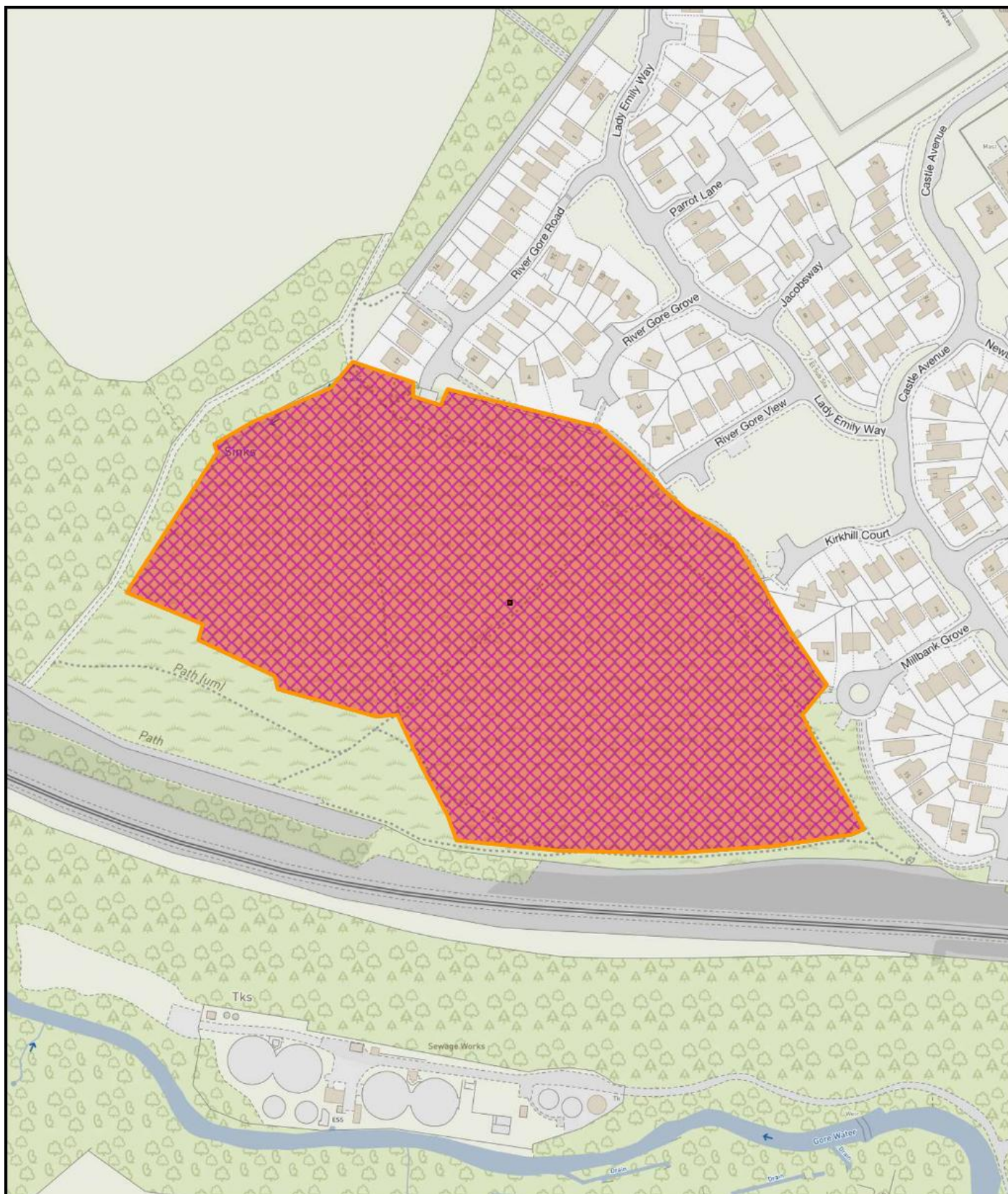
**Validation Date:** 9 February 2022

**Contact Person:** Hugh Shepherd

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**Background Papers:** 07/00351/FUL, 13/00609/PAC, and 17/00435/DPP





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

## **Erection of 96 dwellings and associated works Newbyres Site B, River Gore Road, Gorebridge**

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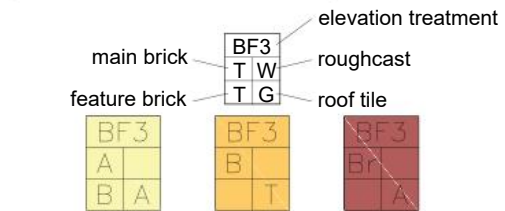
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MATERIAL FINISHES



MATERIALS CODING:

Elevation Treatment  
BF3 - Full Brick  
Roof tiles  
A - Seawave Anthracite (Pantile)  
T - Seawave Terracotta (Pantile)

Bricks  
B - Cussworth River  
A - Thoresby River  
Br - Sherborne River

Doors/Windows  
Front doors to be steel painted black.  
Rear/side doors to be steel painted black.  
Garage doors to be steel painted black.  
Windows to be white uPVC.  
Fascias to be white uPVC.  
RWP's to be black uPVC.

All landscaping shown reflects the proposed scheme at the time of print. All prospective buyers are to refer to the current Landscape Layout for full details.

All front gardens to be turfed.

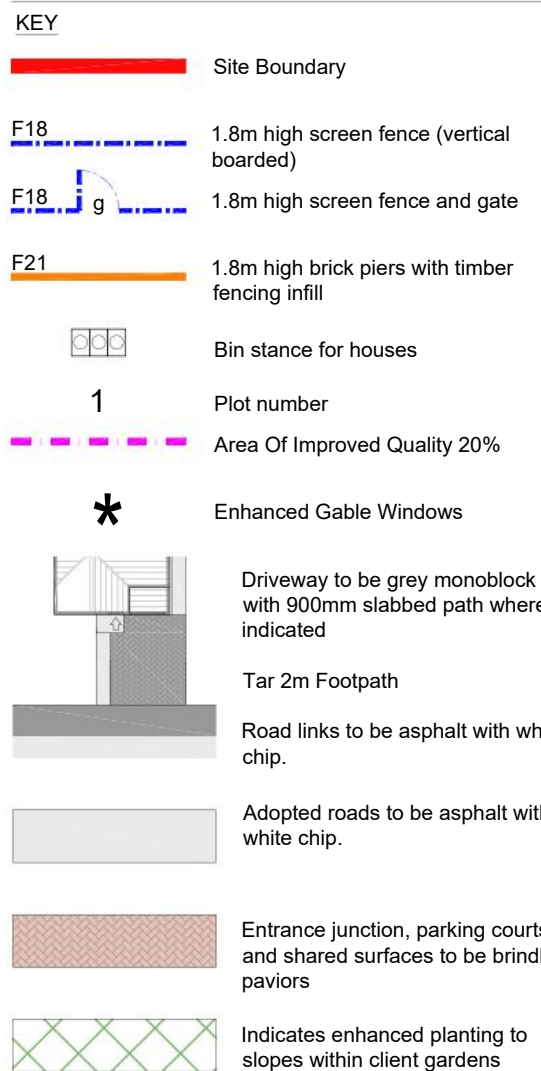
Paths to single dwelling to be 1.0m clear.

Pathways to communal areas to be 1.2m clear.

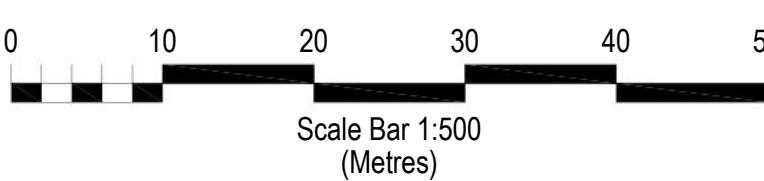
Pavements to be 2m wide unless otherwise stated (ie cycleways)

CONSTRUCTION

All houses on this site will be built in timber frame and to V5 specification. Refer to site specific drawing issue register for relevant drawings.



NORTH



Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

I CERTIFY THAT THIS IS THE ORIGINAL TRUE COPY OF THE DRAWING AS REFERRED TO IN OUR APPLICATION FOR BUILDING WARRANT. SIGNED ON BEHALF OF PERSIMMON HOMES (SCOTLAND) LTD

SIGN & DATE:

ACCOMMODATION SCHEDULE

House Type	Notes	Code	No
Portree	2 bed. terr.	613t	8
Newmore	3 bed. terr.	799t	8
Kearn	3 bed. det.	931d	3
Leith	4 bed. det.	1033d	8
Crammond	4 bed. det.	1146d	4
Eltrick	4 bed. det.	1212d	3
Balerno	4 bed. det.	1217d	8
Thurso	4 bed. det.	1233d	7
Thornton	4 bed. det.	1247d	6
Whithorn	4 bed. det.	1407d	10
Warriston	5 bed. det.	1481d	4
Stockbridge	5 bed. det.	1653d	3
Total PD Units			72
Braemar	2 bed. terr.	834	12
Threave	3 bed. terr.	953	12
Total HA Units			24
TOTAL UNITS			96

Denotes housing association plots.

CONSTRAINTS & PLANNING NOTES

- Garden Sizes to comply with MLC Local Plan
  - Detached / Semi Detached Dwelling
    - 110m<sup>2</sup> - 3 Bed
    - 130m<sup>2</sup> - 4 - 5 Bed
- Rear Elevation (Back to Back) = 25m  
Front Elevations (Front to Front) = 22m  
Gable to Rear or Front Elevation = 16m
- 44 Visitor Parking Bays (45% Parking Provision)
  - Public EV charging location. Charger to serve 2 no. bays (total of 6 EV charging bays on site).

AB	Footpath stopped up at Plot 9 as requested by Planner. Cycle Path diverted in South West corner due to levels to allow tie in with existing footpath link. Plots 44-48 re-arranged to allow garden sizes to comply with new rear fence line due to SEPA standstill from Drain 1 as noted in FRA.	16.09.22	AF
AA	Substation and switching station moved to allow for wayleave distance to plot 60.	18.08.22	GT
Z	Plots 1 and 2 moved due to levels issue on boundary	05.08.22	JH
Y	Key added to indicate affordable plots	04.08.22	JH
X	Plots 17, 28, 29, 37, 32 and 33 moved to meeting separation distance requirements	02.08.22	JH
W	Parking bays amended following planning feedback	27.07.22	JH
V	Further revise following planning feedback Minor increase to open space areas.	27.07.22	JH
U	Revised to include housing association plots. Minor amendments to improve open space	25.07.22	JH
T	1 unit removed due to feedback from planning.	04.07.22	JH
S	Layout amended following planning comments. Reroute of plots, including repositioning terraces to front open space. Updated SUDS feature. Basin swapped for pond, to promote biodiversity within the site.	17.06.22	JH
R	Revised to include housing association plots. Minor amendments to improve open space	07.06.22	JH
Q	Revised to include housing association plots. Minor amendments to improve open space	12.04.22	JH
P	Plots 33 and 43 amended following issues with drainage run repositioned to provide frontage to central open space. Units adjacent SUDS basin moved to provide habitat link to open space. Visitor parking bays amended to sit outwith road.	10.01.22	JH
N	Amended to increase average sq ft of house types. Back to back gardens in middle of site amended so that low level gardens have a planted buffer zone over slope.	15.11.21	JH
M	Updated to reflect planning feedback. Total unit numbers reduced from 104 to 96 units.	22.09.21	JH
L	Threave adjusted for plot specific arrangements. Area of Improved Quality indicated on layout.	13.09.21	JH
K	Layout finalised ahead of planning submission. Total unit numbers reduced from 117 to 104 units.	30.08.21	JH
J	Design amended following feedback from planning	25.08.21	JH

River Gore View  
Newbyres

Site Layout

02-01-NEW AB

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