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

Report by Director of Education, Communities and Economy

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

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

## **2 LOCATION AND SITE DESCRIPTION**

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

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

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

### **3 PROPOSAL**

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

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

## **4 BACKGROUND**

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

## 5 CONSULTATIONS

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

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

## **6 REPRESENTATIONS**

- 6.1 No representations have been received.

## **7 PLANNING POLICY**

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

### Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

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

### Midlothian Local Development Plan 2017 (MLDP)

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

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

- 7.5 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 65 housing units on the site.
- 7.6 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.7 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.8 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.9 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.10 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.11 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.12 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.

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

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

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

#### National Policy

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



- 7.28 Designing Places, A Policy Statement for Scotland sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.29 The Scottish Government's Policy on Architecture for Scotland sets out a commitment to raising the quality of architecture and design.

## **8 PLANNING ISSUES**

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

### The Principle of Development

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

## Layout and Form of Development

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

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

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

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

#### Open Space and Play Areas

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

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

#### Access and Transportation Issues

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

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

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

#### Other Material Planning Considerations

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

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

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

#### Developer Contributions

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

### **9 RECOMMENDATION**

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

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

Subject to:

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

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

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

- iii) the following conditions:

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

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

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure, retaining walls and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used on the buildings in the areas of improved quality as outlined in green on approved drawing HD1033(PL)003 E. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

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



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

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

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

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

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

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

- v. proposed construction traffic access and haulage routes;
- vi. proposed car parking arrangements; and
- vii. a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

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

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

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

- 8. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider

- environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv. the condition of the site on completion of the specified decontamination measures.

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

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

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

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

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

- 11. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

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

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

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

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

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

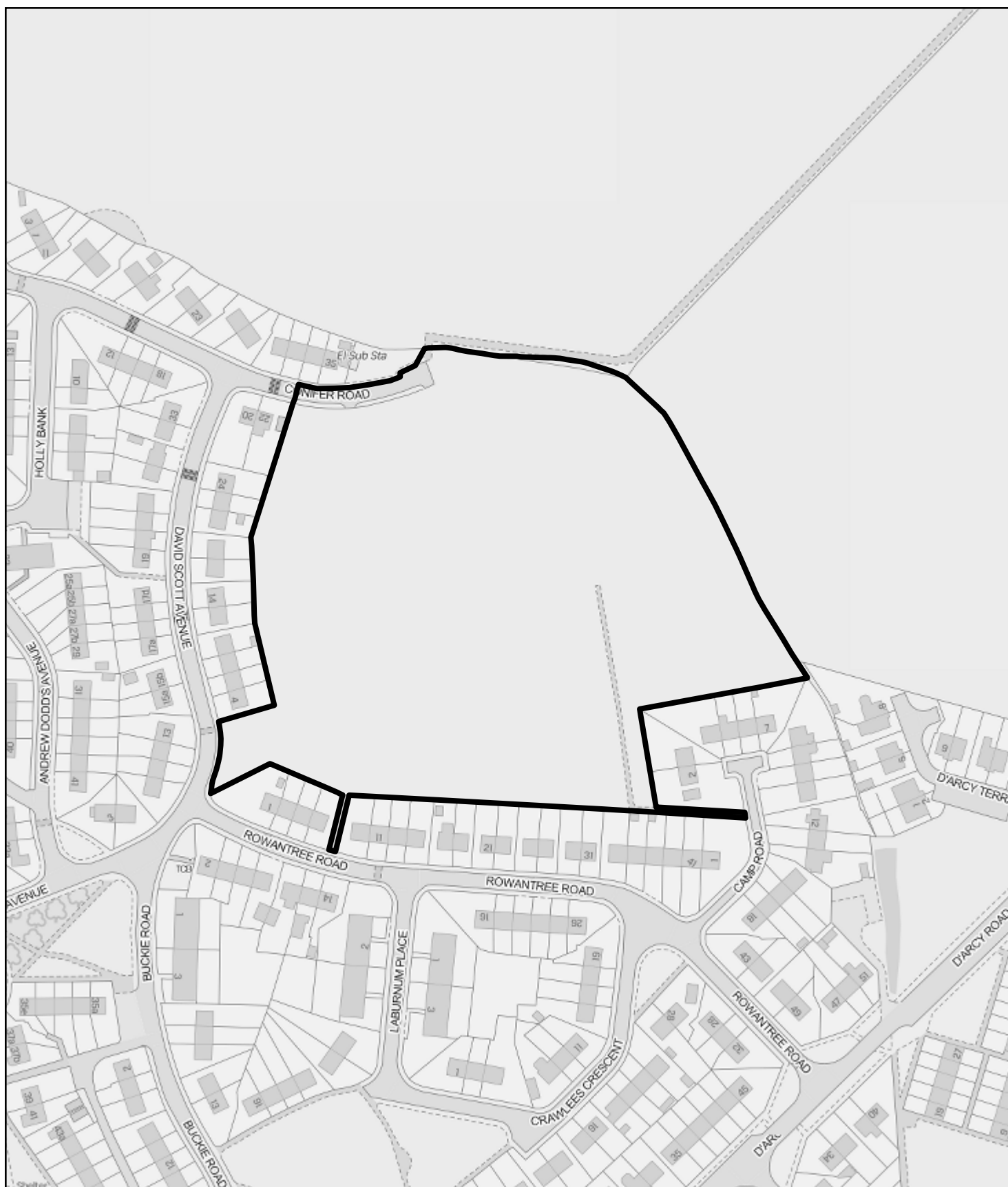
14. No development shall begin on any part of the site until the following additional procedures have been completed:

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

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

**Dr Mary Smith**  
**Director of Education Communities and Economy**

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



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

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

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