



APPLICATION FOR PLANNING PERMISSION (12/00219/DPP) FOR THE ERECTION OF 110 DWELLINGHOUSES AND 30 FLATTED DWELLINGS, FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND AT FORMER JEWEL AND ESK VALLEY COLLEGE, DALHOUSIE ROAD, ESKBANK, DALKEITH

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

1.1 The application is for the erection of 110 houses and four blocks of flats containing a total of 30 flats on the grounds of the former Jewel and Esk Valley College in Eskbank. Two letters of representation and consultation responses from the Council's archaeological adviser, Scottish Water, the Lothian Wildlife Information Centre and the Council's Land Resource Manager have been received. The relevant development plan policies are HOUS3, HOUS4, RP20 and DP2 of the Midlothian Local Plan and policy HOU2 of the Edinburgh and the Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to the prior signing of a legal agreement and conditions.

2 LOCATION AND SITE DESCRIPTION

2.1 The application site is the former Jewel and Esk Valley College (J&EVC) site. The former college buildings have been demolished and the site is cleared. The site extends to 6.37 hectares. The site does not include Pinnocchio's children's nursery at the entrance to the site.

2.2 The site is located on the southern edge of the built up area of Eskbank. Rear gardens of the large detached houses in Dalhousie Crescent bound the site to the north. The grounds of the police station bound the site to the north east and the woodland surrounding Newbattle Abbey bounds the site to the south east. This woodland is within the Newbattle Conservation Area. Dalhousie Road bounds the site to the south west. Eskbank and Ironmills Conservation Area is located nearby to the north of the site.

3 PROPOSAL

3.1 This application seeks planning permission for the erection of 110 houses and four blocks of flats containing a total of 30 flats.

3.2 The proposed houses comprise 80 detached houses and 30 semi-detached houses. Fourteen different house types are proposed.

- 3.3 Thirty one 3 bedroom houses, twenty nine 4 bedroom houses and fifty 5 bedroom houses are proposed. Twenty six 2 bedroom flats and four 3 bedroom flats are proposed.
- 3.4 The site is to be accessed from two points; there being the existing access off Ancrum Bank and a new access from Dalhousie Road. Forty two dwellings would be accessed from Ancrum Bank and 98 dwellings would be accessed from Dalhousie Road. The two roads are not linked in order to prevent through traffic. However, an emergency vehicle breakthrough is provided. The layout comprises a mixture of traditional road and footpaths and shared surfaces, the latter prioritising pedestrian and cycle movement. A footpath is continued along Dalhousie Road into the site entrance.
- 3.5 All of the houses are two-storey in height. Other than the 16 houses that front onto the principal square within the proposed development which have gabled roofs, the houses have hipped roofs. Two 3-storey flatted blocks are located on the western part of the site, one each either side of the proposed Dalhousie Road access. Two 2-storey flatted blocks are located in the middle of the site.
- 3.6 Materials are specified as a combination of smooth white render, dark grey panelled external walls, timber panelling, thin grey roofing tiles, dark grey Upvc downpipes and gutters, dark grey framed timber windows installed with a combination of clear and opaque glass, glass balustrades to terraces and dark grey aluminium roller shutter garage doors.
- 3.7 Surface water treatment will be via porous paving in shared surface areas, parking bays and filter trenches. The surface water will be attenuated using underground storage units provided in the public open spaces.
- 3.8 A new stone wall is proposed along the roadside boundary of the site. A children's play area is proposed in the middle of the principal open space. For the per cent for art requirement it is proposed to locate public art features in this part of the site. No details have been submitted of the art features.
- 3.9 A design statement, drainage strategy, a site investigation report and tree survey report have all been submitted with the application.

4 BACKGROUND

- 4.1 In April 2007 outline planning permission (06/00347/OUT) was granted for the redevelopment of the site for housing.
- 4.2 In October 2008 reserved matters approval (08/00410/RES) was granted for the redevelopment of the site for 125 residential units and associated works. Planning permission 08/00410/RES was not implemented.
- 4.3 In June 2010 planning permission was granted for matters specified in conditions 1(d), 2(c) and 2(l) of outline planning permission 06/00347/OUT. This permission together with reserved matters approval (08/00410/RES) amount to a full planning permission for the residential redevelopment of the site. Planning permission 08/00410/RES was not implemented.

5. CONSULTATIONS

- 5.1 As a requirement of conditions imposed on a grant of the previous planning permissions ref.08/00410/RES and 06/00347/IOUT an archaeological investigation of the site has already been carried out. The **Council's Archaeological Adviser** informs that owing to the extent to which the site has been grubbed up following the demolition of the buildings and areas of hardstanding no further archaeological work is necessary.
- 5.2 **Scottish Water** advises that while not objecting to the application they do not guarantee a connection to SW infrastructure. They confirm that there is currently capacity within the water network and at nearby waste-water treatment works to service the proposed development.
- 5.3 The **Lothian Wildlife Information Centre** states that it should be confirmed by the applicant that the badger exclusion work required by the Planning Authority has been carried out.
- 5.4 The **Council's Land Resource Manager** informs that an equipped play area is required to be provided on the site.

6 REPRESENTATIONS

- 6.1 Two letters of representation have been received in connection with this application. The main points of objection relate to:
- Double yellow lines should be instituted along Dalhousie Road;
 - A mirror should be installed on Dalhousie Road giving vision in both directions along the road;
 - The manoeuvring of construction vehicles into, out of and on the site and the noise emissions from them should be restricted;
 - The roofs of the new buildings should be clad in slates owing to the prominence of the site;
 - The proposed flatted buildings will be out of character with the Conservation Area.
 - Concern that the road network is not of a standard to cope with the increase in use of it resulting from the development and will lead to traffic congestion;
 - Concern about existing incidences of drivers of vehicles on adjoining roads speeding;
 - Concern about existing problems with commuters to Edinburgh parking their vehicles in the area;
 - Already too much development in the area;
 - The application site incorporates a strip of land some one metre wide on its northern extremity that the owners of the neighbouring houses in Dalhousie Crescent have title to.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan 2008, adopted in December 2008. The following policies are relevant to the proposal:

The Edinburgh and Lothians Structure Plan

- 7.2 Edinburgh and the Lothians Structure Plan 2015 Policy **HOU2: Brownfield Housing Sites** supports the development of suitable brownfield sites for housing through redevelopment, and higher densities will be encouraged where appropriate;

Midlothian Local Plan

- 7.3 Midlothian Local Plan Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.
- 7.4 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.5 Midlothian Local Plan Policy **HOUS3: Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.
- 7.6 Midlothian Local Plan Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in the Local Plan and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site, for sites of 50 units or over.
- 7.7 Midlothian Local Plan Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.
- 7.8 Midlothian Local Plan Policy **IMP1: New Development**, this policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are transport infrastructure, landscaping, public transport connections, including bus stops and shelters, parking in accordance with approved standards, cycling access and facilities, pedestrian access, acceptable alternative access routes, access for people with mobility issues, traffic and environmental management issues,

protection/management/compensation for natural and conservation interests affected, archaeological provision and 'percent for art' provision.

- 7.9 Midlothian Local Plan Policy **IMP2: Essential Infrastructure Required to enable New Development to Take Place**, states that new development will not take place until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. This includes essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments.

National Policy

- 7.10 The Scottish Planning Policy (SPP) in respect of housing is also a material consideration. In the interest of sustainability it is good practice to make best use of brownfield sites within towns subject to the protection of the character of the area and amenity of existing residents. This reflects the advice contained within the SPP (para 80) which seeks more efficient use of land and buildings. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.11 **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.
- 7.12 **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.
- 8.2 The principle of the residential redevelopment of the site has been established by the grant of outline planning permission 06/00347/OUT and by the subsequent grant of reserved matters approval 08/00410/RES and matters specified in conditions 10/00172/MSC. The residential development will not conflict with adjacent uses.
- 8.3 Outline planning permission 06/00347/OUT was granted subject to a S75 legal agreement to secure developer contributions in relation to education, affordable housing and any roads improvements required as a result of the development.

- 8.4 The number of dwellings previously approved for the site by the grant of reserved matters approval 08/00410/RES was 125. The currently proposed development is for 140 dwellings, which is the number estimated that could be accommodated on the site in the assessment of outline planning permission 06/00347/OUT. The currently proposed number of dwellings means that the site would have an average density of 26 dwellings per hectare. This equates to being medium density which is appropriate in an edge of a town location. The lower density detached houses are appropriately located closer to the southern boundary where the site meets the Newbattle woodland and where they have been positioned to meet the necessary standoff distances from the existing woodland.
- 8.5 With a few exceptions the distances between properties are in compliance with Policy DP2. The exceptions are: (i) the rear to back distance of the houses on plot 35 and plot 60, which is 14 metres and thus is 2 metres short of that set down by Policy DP2; (ii) the front to front distance of the houses on plots 126 and 127 which is some 18 metres and thus some 4 metres short of that set down by Policy DP2; and, (iii) the front to front distance of the houses on the northern extremity of the site, which is plots 8-15 and plots 34-42; which are some 21 metres and thus 1 metre short of that set down by Policy DP2. These distances are not significantly below that set down in Policy DP2 and would not result in significant harm to the amenity of the future occupants of the houses. Twenty seven houses on the site have rear gardens smaller than is needed to accord with Policy DP2. The majority of these houses are semi-detached and the majority fall only marginally below the minimum size. Furthermore they front onto communal open space, which provides adequate compensation for the reduction in private garden space. The small size of the gardens in these plots has to be balanced with the much larger gardens provided elsewhere on the site, a factor adding to the divergence of character between different parts of the site required to create an interesting place. Accordingly, reducing the number of houses in order to increase the unit size of gardens on these plots would not be justified.
- 8.6 The design statement submitted in support of the application sufficiently details the applicant's approach to the site with regards to the issue of design, landscape and open space.
- 8.7 The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable. Front elevations of properties overlook the open spaces thus providing passive surveillance to them. The development has been designed to include a series cul-de-sacs and loops some of which are laid out with 5.5 metre wide shared surfaces surfaced in block paving with 2 metre wide grassed service strips/verges on both sides. In the case of the shared surfaces, motorists will not perceive that they have priority over any other users of the road space and vehicle speeds will be reduced.
- 8.8 The development incorporates a central landscaped open space which provides a key useable focal point in the development. Within it is a proposed play area. No designs have been submitted of the proposed play equipment to be provided within it. The provision of the play equipment can be controlled

by a condition of a grant of planning permission. Owing to the size of the site, smaller useable open spaces for recreation are proposed. The combined size of the open spaces meets the minimum size required by Policy DP2.

- 8.9 Midlothian Local Plan Policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in finishes and also in walls and ground surfaces. The Council expects such treatment be focused on prominent landmark groups or key individual buildings. The 2 three-storey flatted blocks on the western side of the site (plots 43-51 and plots 88-96) and the 16 semi-detached houses fronting onto the principal open space (plots 80-87 and plots 134-140) are prominently positioned on the site and should comprise the area of improved quality in terms of both design and materials. Through negotiations with the applicant's agent the fenestration, materials and distribution of materials of the proposed building on these plots has been refined so that they are of an improved quality to the rest of the scheme. The style and appearance of the buildings on these plots are relatively traditional, which is in keeping with the established character and amenity of the area.
- 8.10 Elsewhere within the development, outwith the aforesaid plots the relatively traditional architectural style of the two proposed four flatted buildings and houses is to neighbouring buildings, including the new Jewel and Esk College building and the houses in Dalhousie Crescent. There is a mixture of architectural styles in the area. Accordingly, in terms of architectural style they would not harm the character and visual amenity of the area. A simple palette of materials is proposed. In order that the external finishes of the buildings are appropriate to the development and its location it should be made a condition of a grant of planning permission that samples of them are submitted for the prior approval of the Planning Authority.
- 8.11 The proposed scheme of landscaping for the site is acceptable. A mixed group of trees, mainly poplars, in the southern part of the site forms a prominent visual feature in the landscape. However the short lived nature and the limited extent of these species do not lend them to being retained as part of the new development. The replacement of these trees with new woodland tree planting is acceptable. In the reports on the previous planning applications a key consideration was the treatment of the boundary with Dalhousie Road. The preferred option identified in those reports is for the provision of a woodland edge to the road. What is proposed in this application is a stone wall along the length of the west boundary. Subject to the wall being a high stone wall between 1.8-2.5 metres in height and subject to the provision of a grassed verge planted with semi mature trees between it and the footpath this would provide a strong boundary to the site and a pleasant entrance to Eskbank from the south. The trees would soften the approach into Eskbank and Ironmills Conservation Area. This proposal would be an acceptable alternative to a woodland edge to the road. At a height of between 1.8 metres and 2.5 metres this wall will provide privacy to the rear gardens of the houses to which it will form a rear boundary. The required stand off

distances from the trees within the woodland surrounding Newbattle Abbey has been achieved.

- 8.12 The proposed bin and cycle storage facilities within the proposed flatted blocks are acceptable.
- 8.13 In terms of their sizes, heights and positions on the site the proposed buildings would not give rise to significant overlooking or overshadowing of any neighbouring properties or unduly impose themselves on them or appear obtrusive within the street scene.
- 8.14 The development will have the capacity to be safely and conveniently accessed by private modes of transport and service vehicles. The existing road network is of a sufficient standard to cope with the increase in use of it resulting from the proposed development. Parking provision meets the Council's standard of 150%.
- 8.15 Adequate cycle and pedestrian links have been provided through the site given the desire lines which are likely to come about as a result of the operation of the new college on the other side of Dalhousie Road and the proposed Borders Rail Line rail stop at Hardengreen.
- 8.16 The proposed electricity substation is prominently positioned in the north west corner of the site. No details of its appearance have been submitted with the application. To safeguard the character and amenity of the area it can be made a condition of a grant of planning permission that it be housed in a building finished in materials to be approved in advance by the Planning Authority.
- 8.17 Subject to the recommended transportation controls the proposed development does not conflict with MLP Policies TRAN2 and TRAN11.
- 8.18 The SUDs proposals as delineated on application drawings are acceptable. SEPA has indicated its satisfaction with these proposals.
- 8.19 A condition of the grant of outline planning permission is for the development to include artwork through the percent for art scheme. No details of artwork for the development has been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.
- 8.20 A programme of archaeological works has already been carried out on the site which was a condition on a grant of the previous planning permission. There is no requirement for further archaeological works to be carried out.
- 8.21 There would be no harm to the character, appearance and setting of Newbattle Conservation Area or Eskbank and Ironmills Conservation Area.
- 8.22 Issues raised by the representors have been largely addressed above. With regards to the matters raised in the letters of objection and not addressed above:

- 8.23 Rejection of the proposal on transportation grounds would not be justified.
- 8.24 The application as originally submitted is legally valid.
- 8.25 In the event of planning permission being granted there is insufficient justification in planning terms for the Council to impose a condition on a grant of planning permission requiring double yellow lines to be introduced along Dalhousie Road or for a driver visibility mirror to be sited on Dalhousie Road.
- 8.26 The application is sufficiently detailed to show the nature of the proposed development.
- 8.27 Whether there is a need for the proposed development is not a material planning consideration.
- 8.28 Existing problems of drivers breaking the speed limit on nearby roads and existing instances of commuters to Edinburgh parking their vehicles in the area are not material considerations in the determination of this application.
- 8.29 The proposed development is unlikely to generate extraordinary noise and disturbance during periods of construction. If noise nuisance were to arise it could be controlled through Environmental Health legislation.

9 RECOMMENDATION

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

The development lies within the built up area of Eskbank where there is a presumption in favour of development. The principle of the redevelopment of the site for dwellings has been established by previous planning permissions. The currently proposed scheme of development broadly complies with the policies of the approved Edinburgh and the Lothian Local Plan and the adopted Midlothian Local Plan. There are design reasons that justify a relaxation in the size of the rear gardens required by adopted Midlothian Local Plan Policy DP2. The presumption for development is not outweighed by any other material consideration.

Subject to the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, children's play provision, town centre improvements and the Borders Rail Line.

and the following conditions:

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

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

2. Development shall not begin until details of the phasing of the development have been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of open space, the SUDS provision, transportation infrastructure etc. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

3. Notwithstanding that delineated on docketed drawings the houses/flats on plots 43-51, plots 88-96, plots 80-87 and plots 134-140 shall comprise the 'area of improved quality' for this development with an added emphasis on quality of materials. Prior to works commencing of development, samples of external finishing materials for those plots shall be submitted for the prior approval of the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure that an added emphasis on quality in materials for a prominent group of buildings on the site in accordance with adopted Midlothian Local Plan Policy DP2 and in the interests of safeguarding the character and visual amenity of the area.

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

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

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

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

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

(i) a full site survey showing:

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

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

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

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

8. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i existing and finished ground levels and floor levels for all buildings, open space, SUDS features and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas and open space, including trees, hedging, and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing;
 - ix proposed footpaths and cycle paths;
 - x proposed children's play equipment;
 - xi proposed cycle parking facilities;
 - xii details of existing and proposed services; water, gas, electric and telephone.

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

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

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

Reason for conditions 9-11: *To safeguard trees and shrubs on the site which make a valuable contribution to the character and visual amenity of the area.*

12. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and,

- iv. the condition of the site on completion of the specified decontamination measures.

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

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

13. 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.*

14. No house shall be occupied unless and until the driveway of the house, no flat shall be occupied until the parking space associate with it and no house or flat shall be occupied until the visitor parking spaces within the same phase of development as it has been formed and made available for use.

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

15. Details of the following shall be submitted for the prior approval of the planning authority:
 - i. the service vehicle parking area at the new sub-station;
 - ii. the proposed road narrowing immediately to the north east of plot 1;
 - iii. the design and location of street lighting;
 - iv. a cross section through the filter trenches them delineating how they will be constructed and their surface treatment.

Reason for 15 i-iii: *In the interests of road safety.*

Reason for 15 iv: *In the interests of safeguarding the character and visual amenity of the area.*

16. The application is approved subject to the following changes or requirements in accordance with an amended layout plan to be submitted for the prior approval of the Planning Authority:
 - (a) The back to back distance between the house on plot 9 and the house on plot 12 shall be no less than 25 metres;
 - (b) The front to front distance between the house on plot 13 and the house on plot 14 shall be no less than 22 metres; and,

(c) The front to front distance between the houses on plot 8-15 and the houses on plots 34-42 shall be no less than 22 metres.

Reason: *To ensure that the future residents of the houses have adequate privacy and residential amenity.*

17. Prior to any of the residences served by the Dalhousie Road access first coming into use the visibility splays of 4.5 metres x 70 metres delineated on the docketed site layout plan shall be provided and thereafter shall continue to be provided.

Reason: *In the interests of road safety.*

18. Notwithstanding that delineated on application drawings the substation shall be housed in a pitched roofed building and finished in materials to be approved in advance by the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

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

19. The trees planted within the site near to underground services and which roots will have the potential to damage those services shall incorporate a root management system comprising rootcells, root directors and an irrigation system in accordance with an installation specification to be submitted for the prior approval of the Planning Authority.

Reason: *To ensure that the tree planting is successfully established.*

20. Notwithstanding that delineated on docketed drawings a natural rubble stonework lime-pointed wall between 1.8 and 2.5 metres high shall be erected along the length of the west boundary of the site and set back 2 metres from the heel of the existing pavement along the east side of Dalhousie Road. A sample of the natural stone to be used for the wall shall be made available for the prior approval of the Planning Authority.

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

21. The bin and cycle stores hereby approved shall be erected and made available for use prior to the occupation of the flats that they will serve.

Reason: *In the interest of the amenity of the future occupants of the flats.*

22. All new trees along Dalhousie Road shall be planted so that they are behind the visibility splays of the new vehicular access. Any shrubs or plants planted within the visibility splays shall only be low level planting.

Reason: *In the interests of road safety.*

23. None of the houses on plots 1-7, plots 43-51, plots 88-96 or plots 97- 106 shall be occupied unless and until the section of the 1.8-2.5 metre high stone wall to be erected on the west roadside boundary of their plot has been erected in its entirety. The wall shall thereafter be retained at a height of 1.8-2.5 metres along its length unless otherwise approved by the Planning Authority.

Reason: *In the interests of safeguarding the character and visual amenity of the area and the amenity of the future occupants of the house and flats on the western part of the site.*

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

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

25. Construction vehicles associated with the development shall only access and egress the site from the new access off Dalhousie Road via the A7 Trunk Road. No construction vehicles shall access the site via Abbey Road or the Eskbank Toll Roundabout.

Reason: *In the interests of road safety.*

**IAN JOHNSON
HEAD OF PLANNING AND DEVELOPMENT**

Date: 21 August 2012

Application No: 12/00219/DPP (Available online)
Applicant: West Register (Realisations) Limited, 24-25 St Andrew Square, Edinburgh, EH2 1AP
Agent: Yeoman McAllister Architects, Waterside Studios, 64 Coltbridge Avenue, Edinburgh, EH12 6AH
Validation Date: 13th April 2012
Contact Person: Adam Thomson
Tel No: 0131 271 3346
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