



APPLICATION FOR PLANNING PERMISSION 21/00732/DPP FOR THE ERECTION OF 100 DWELLINGS (INCLUDING AMENDMENT TO PREVIOUSLY APPROVED SITE LAYOUT AND HOUSE TYPES); FORMATION OF ACCESS ROADS, CAR PARKING, OPEN SPACE, SUDS AND ASSOCIATED WORKS AT LAND BETWEEN ROSEWELL ROAD AND CARNETHIE STREET (DOCTOR'S FIELD) ROSEWELL

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 100 dwellinghouses, the formation of associated access roads and a sustainable urban drainage system (SUDS) on land between Rosewell Road and Carnethie Street, Rosewell.
- 1.2 There have been five representations and consultation responses from the Coal Authority, Scotland Environmental Protection Agency (SEPA), Scottish Water, NatureScot, Rosewell & District Community Council, the Council's Senior Manager Protective Services, the Council's Policy and Road Safety Manager and the Council's Land Resources Manager.
- 1.3 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4 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 site is mostly agricultural land to the immediate north east of the village of Rosewell and comprises allocated housing site Hs14 with an indicative capacity of 60-100 dwellings. The site includes: (i) a section of the south embankment of Core Path 3-7 to the immediate north west, which forms part of the Penicuik-Musselburgh footway and

cycleway (NCR196); (ii) part of Cemetery Road along its south western edge; and, (ii) Rosewell Road along its south eastern edge. The site is the final area of land allocated for housing within the boundary formed by the Rosewell bypass.

- 2.2 The site is triangular in plan form, extending the existing allocated site of Rosewell North (Hs14). The site is at the gateway to the village from the north.
- 2.3 Core Path 3-7 which bounds the site to the north west provides an important link between Rosewell and Bonnyrigg. The core path itself lies in a cutting some 4.5 metres below the level of the application site. Beyond the core path is Rosewell Road (A6094) known as the Rosewell Bypass. Carnethie Street bounds the site to the east/south east. Cemetery Road with houses beyond bound the site to the south west. The commercial boarding dog kennels and cattery known as Candidacasa is located nearby to the north east of the site.
- 2.4 The existing housing in the settlement of Rosewell comprises a mixture of predominantly traditional single-storey terraced cottages and more modern two-storey detached, semi-detached and terraced houses. The character of the area comprises houses fronting onto streets with small front and rear gardens. The majority of the buildings are characterised by various forms of brick, rendered and reconstituted stone wall finish.

3 PROPOSAL

- 3.1 The proposed development comprises:
- 92 two-storey, pitched roof houses;
 - 8 cottage flats;
 - the formation of a vehicular access off Cemetery Road;
 - the formation of internal roads;
 - the formation of a SUDS basin in the eastern extremity of the site;
 - the installation of an pumping station; and
 - the erection of acoustic fencing along some of the rear gardens of the proposed new dwellings.

- 3.2 The housing mix, consists of seven different house types, comprising:

Cottage flats	8	one bed units	8
terraced houses	17	two bed units	0
semi-detached houses	0	three bed units	17
<u>detached houses</u>	<u>75</u>	<u>four bed units</u>	<u>75</u>
Total	100	Total	100

- 3.3 The applicant proposes 25 onsite affordable housing units comprising 8 one bed units and 17 three bed units.

- 3.4 The drainage strategy includes a dry SUDS basin in the north corner of the site with a surface water connection to the north via an unnamed ditch close to the northern boundary of the site which joins a burn via a culvert. The site is shown on the SEPA flood maps as being outside of the area which is at risk from extreme fluvial or tidal flooding and the site is therefore not at risk from flooding in the 1 in 200 year event.
- 3.5 The layout seeks to deliver a site dominated by detached properties, aside from those at the north and north east of the site that include cottage flats and terraced houses.
- 3.6 The eastern most buildings on the site comprising plots 81-100, which are nearest to the Candidacasa boarding kennels, are designed with noise mitigation to safeguard their future occupants from noise nuisance from barking dogs within the boarding kennels. The living areas, dining area and bedrooms within these units are located on the quiet (west) side with windows facing into rear gardens. The kitchens, bathrooms, stores and circulation space within those units are located on the noise vulnerable (east) side. These houses together with lengths of acoustic fencing linking them, form an unbroken acoustic barrier to mitigate noise nuisance to them and their rear (west) private gardens. Although the front entrance to these dwellings are located to the north/east side of the buildings no front gardens are proposed and thus no private outdoor amenity space. The applicant confirms that the open space and landscaping on the east side of these properties is to be factored. These proposed acoustic fences will mitigate noise nuisance from adjacent roads and commercial noise associated with the neighbouring commercial dog kennels.
- 3.7 The application is also accompanied by:
- a drainage statement;
 - a flood risk and drainage strategy;
 - a pre-application consultation (PAC) report;
 - a design and access statement (DAS);
 - a noise impact assessment;
 - an ecology assessment;
 - an archaeological evaluation;
 - an openreach high speed broadband report;
 - a geoenvironmental interpretive report;
 - a site investigation report;
 - a transport statement; and,
 - a tree report.

4 BACKGROUND

- 4.1 The applicant carried out a pre-application consultation (15/00774/PAC) for a residential development on the site, which was reported to Committee at its meeting of November 2015.

- 4.2 An environmental impact assessment (EIA) screening opinion request, 15/00810/SCR, for a proposed residential development on the site was submitted 8 October 2015. The applicant was advised that an EIA was not required under schedule 2 of the EIA Regulations.
- 4.3 Application ref: 18/00403/DPP for the erection of 100 dwellinghouses and associated works was reported to Committee on 8 October 2019 and subsequently approved subject to conditions and the conclusion of a planning obligation. The proposed development seeks to remix that planning consent. That application secured consent for 4 cottage flats, 12 terraced houses, 38 semi-detached houses and 46 detached houses.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to the following conditions:
- No development shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as identified within the Geo-Environmental Interpretative Report (Ref: A089992, dated 5 January 2016) prepared by White Young Green, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.
 - Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application and reiterate their comments to the previous application. With regard to previous mine workings it is recommend that if stabilisation works are required to facilitate the development then an appropriate risk assessment for the proposed stabilisation of the mine workings is produced prior to development works taking place. Such a risk assessment should primarily serve the developer, to ensure no pollution occurs as a result of the onsite activity. If the preliminary and simple risk assessment identified that the site is at a higher risk and conceptually complex, then a complex risk assessment is required. With regards to air quality SEPA state that due to the previous land use as a coal mine, ground gas (methane and carbon dioxide) risk has been assessed as part of the geo-environmental interpretative report submitted in support of the application. SEPA advises that this is better interpreted by the Council's contaminated

land specialist consultant (Protective Services) to form an opinion on whether the methodology used in the assessment is correct - no ground gas protection has been proposed. In terms of air quality management SEPA advise that there is no requirement for an assessment for methane or carbon dioxide. SEPA have considered the district and community heating options study prepared to review the feasibility of a district heating scheme as part of the proposed development and accept the conclusions put forward which are; a scheme is not feasible for this site.

- 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 Rosewell 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.
- 5.4 **NatureScot** does not object to the application.
- 5.5 **Rosewell and District Community Council** object to the application on the following grounds:
- The site is part of the countryside and is prime agricultural land and as such the development would not be appropriate in the context of the MLDP;
 - There is a lack of existing local facilities and public transport opportunities to serve the development;
 - The development of the site would erode the village's character where traditional materials are utilised;
 - HGV movements in the area are causing subsidence to existing properties. They request that HGV site traffic access be from the A6094 only;
 - The previous mineral workings on the site are of concern and agree with comments made by the Coal Authority;
 - The proposed drainage layout will not be sufficient to cater run off from the site and flooding at the old railway bridge to the west of the site;
 - Renewables should be used as part of the application;
 - The local highway network is not suitable to cater for the quantum of development;
 - Local bus services are in sufficient to serve the development; and
 - There is insufficient education capacity.
- 5.6 The **Council's Senior Manager Protective Services** does not object to the application subject to the following conditions:
- Housing on plots 89-100 inclusive, as detailed on plan 18128(PL)001X, shall be of house type L, orientated with living apartments to the west elevation;

- Housing on plots 81-88 inclusive, as detailed on plan 18128(PL)001X, shall be of house types H/I, orientated with living apartments to the northwest elevation;
- There shall be no private amenity space other than car parking spaces to the east of the properties, i.e. facing the nearby kennels;
- The building line shall be no closer to the animal boarding kennels than that detailed in plan, ref 18128(PL)001X submitted in support of the application;
- Internal levels from road traffic noise shall meet Midlothian Council's design targets for daytime and night time noise sources without specific character (previously referred to as anonymous noise sources) in living accommodation, that is 30 dB(A) LAeq, 8 hour in bedrooms and 35 dB(A) LAeq, 16 hour in living rooms. It is further recommend that the internal levels are assessed post completion and before occupation to ensure that these levels have been achieved;
- The line of acoustic fencing shall be provided in accordance with the RMP technical report no. R-7365E-RGM-RRM report dated 24 January 2022 and plan reference 18128(PL)001X; and
- On completion of the decontamination/remediation works and prior to any part of the development 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 part of the development shall be occupied unless or until the planning authority have approved the required validation.

5.7 The **Council's Policy and Road Safety Manager** does not object to the application subject to the following conditions:

- The existing road verge from the proposed 3m wide cycleway/footpath at plot 5, along the side of plot 6, should be converted to a public footway to provide access from the development to the existing cycleway/footpath which runs along the northern boundary of the site;
- Details of the proposed publicly available electric vehicle charging units to be located within the development should be submitted for approval; and
- Details of the proposed SUDS basin should be submitted for approval. The details should include cross-sections showing the 1:200 + CC water level and the relationship between the 1 in 4 side slopes and the cycleway/footpath which runs along one side of the basin. A 1m wide level grass verge will be required between the edge of the cycleway and the start of the basin side slopes.

5.8 The **Council's Land Resources Manager** does not object to the application but request that new paths should link into the existing Core Paths where practicable.

6 REPRESENTATIONS

6.1 There have been five representations received, which can be viewed in full on the online planning application case file. All of the five representations object to the proposed development. A summary of the main points raised are as follows:

- The development, in association with others taking place and planned in the area will compromise road safety - of particular concern is the junction between A6094 and Rosewell Road;
- The 30mph speed limit should be extended to the north east corner of the development;
- The layout is an improvement on the previous proposal;
- The housetypes are considered uninspiring;
- Failed opportunity for future proof the development, including the continued provision of gas boilers within the development. Solar panels and electric car charging points should be provided;
- Construction traffic running along the south east boundary of the site is of concern;
- Construction traffic entrances are too close to the Old Manse property located to the south east of the development;
- The proposed change of use would harm the amenity, outlook and value of existing residential properties;
- The proposed development would overlook the Old Manse property;
- The setting of the C Listed Old Manse would be harmed by the development;
- The density of the development is too high;
- Views available of the Pentland Hills looking west across the site should be maintained;
- The site is part of the countryside and is prime agricultural land and as such the development would not be appropriate in the context of the MLDP;
- There is a lack of investment into infrastructure and facilities in the local area; and
- Concern that the proposed development does not do enough to mitigate flooding.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the adopted Midlothian Local Development Plan 2017 (MLDP). 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 out with 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 **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 60-100 housing units on the site (Hs14). The settlement statement in the MLDP states that: "The stability of the ground will have to be assessed given the history of mining in the area. In addition, the neighbouring dog kennels may cause some noise disturbance, which will have to be taken into account in the design of the development. This possible limitation has been considered in assessing site capacity."
- 7.5 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.
- 7.6 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.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 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.

- 7.9 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.
- 7.10 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).
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 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.
- 7.13 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.14 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.
- 7.15 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.
- 7.16 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 **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.
- 7.19 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.20 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.
- 7.21 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.
- 7.22 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.23 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.
- 7.24 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.

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

National Policy

- 7.26 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.
- 7.27 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.
- 7.28 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*.
- 7.29 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.
- 7.30 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"*.
- 7.31 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.32 **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.

- 7.33 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 and representations received are material considerations.

The Principle of Development

- 8.2 The site is allocated for housing (site Hs14) in the MLDP and is located within the built up area of Roswell where there is a presumption in favour of appropriate residential development. The indicative number of units allocated for site Hs14 in the MLDP is 60 -100.
- 8.3 The settlement statement in the MLDP states that the stability of the ground will have to be assessed given the history of mining in the area. In addition, the neighbouring Candidacasa dog kennels may cause some noise disturbance, which will have to be taken into account in the design and layout of the development. These two factors may have an impact on the site capacity, seeing a development at the low end of the unit range (60 units), however if these issues are successfully mitigated the site capacity could be at 100 residential units.
- 8.4 As highlighted in this report, extant planning permission (18/00403/DPP) exists for 100 dwellings at the site. Development has not commenced on the site, however the applicant has commenced submitting information pursuant of discharging conditions.
- 8.5 In light of the site's allocation and the extant planning permission the principle of a residential development is well established.

Layout and Form of Development

- 8.6 The proposed development is for 100 dwellinghouses with an average density of 20 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 with the integration of open space and planting.
- 8.7 The general layout proposed reflects that approved under application 18/00403/DPP. The street hierarchy includes a central loop around dwellings and open space located centrally in the site which acts as primary road. Secondary streets continue to the east and north of the site and are differentiated with shared surfaces. At the peripheries of the site private driveways have also been proposed.

- 8.8 A central formal open space orientates the development. This formal space is addressed with buildings facing onto it from the north and east, with dwellings to the west side onto it, but screened through proposed walling and landscaping. A second open area is proposed in the south east corner of the site. The built development in this corner is positioned back from Rosewell Road to respect the built form created from the existing neighbouring housing development to the west, thus retaining views towards St Matthew's Church to the west.
- 8.9 The orientation of houses fronting the central open space, the secondary open space (in the south of the site) and the SUDS basin provide natural surveillance and delivers a good layout with character and interest.
- 8.10 The principle change from the approved layout are the housetypes proposed. The proposed scheme moves away from utilising smaller semi-detached properties and has sought to deliver larger detached dwellings. This approach does increase demand for space. 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 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. The majority of the proposed dwellings meet the requirements. There are a number of affordable terraced units that do not meet the standard. However, there appears to be an acceptable balance between delivery of generous garden areas and depth that would generally mean the proposed private amenity space within the development is acceptable.
- 8.11 This new development manages to deliver the spatial separation between the houses and falls only marginally short of the minimum standard where it does not meet the minimum. In the case of those that fall marginally short the shortfall would not result in significant harm to the amenity of those properties in terms of overlooking or intrusiveness and thus is not significant.
- 8.12 Whilst the number of detached properties is significantly greater than the approved layout, the general approach does reflect adjacent development recently completed to the south of the site which presents detached dwellings at its northern boundary. The approach can be seen to continue the detached theme, whilst the proposed affordable terraced reflect those delivered within the adjacent development.
- 8.13 The proposed Area of Improved Quality (AIQ) for this site has been altered from the approved to comprise dwellings primarily focussed at the entrance to the site, those dwellings around the central open

space, and those on the northern part of the site fronting onto the SUDS basin. In terms of the number of dwellings included, the locations and built form the proposed AIQ is acceptable.

- 8.14 The distribution of external materials and colours of the buildings both within and outwith the AIQ requires refinement but appear to be improved from the extant permission in that they deliver a simpler more sympathetic response to existing buildings at adjacent development. There is a clear dependence on render within the development with the provision of two colours. Samples of the materials utilised will be required. Some housetype elevations appear to include a material change on projecting gables. It is positive that this change is across the vertical emphasis of the housetypes in question. However additional detail will be required by condition to confirm this.
- 8.15 The proposed affordable housing has raised no objections from the Council and discussions have been progressed with a Registered Social Landlord (RSL) on this front. The quantum of affordable units is appropriate according to policy DEV3. The location of the affordable units reflects the extant planning permission.

Open Space, Play Areas

- 8.16 The proposed open spaces are similar in size compared to the extant planning permission. The open space in the south east corner has slightly reduced, as has the northern area. However, the central area has increased in size modestly. Some details of the proposed equipment have been proposed, but the final details of the equipped space will be required by condition. The presence of a shared surface route adjacent to the north open space is not considered to be an improvement as it delivers a physical barrier between dwellings and the open space. However, the removal of the pumping station from the central open space to sit adjacent to the SUDS basin is considered to be an improvement. The central open space has further been improved by the location of visitor parking on one side, rather than wrapping around three sides. On balance the changes are considered acceptable.

Foul Pumping Station and Electricity Substation

- 8.17 The foul pumping station and electricity substation have been relocated to the north of the SUDS basin and to the south boundary respectively. In general, these are considered more acceptable locations for this infrastructure as they are removed from a focal feature centrally in the development.
- 8.18 Details of the design and appearance of the electricity substation chamber and pumping station should be secured by a condition on a grant of planning permission. Subject to this the visual impact of the

foul pumping station and electricity substation would be adequately mitigated.

Landscaping and SUDS

- 8.19 The SUDS retention basin is located on the north corner of the site and does not include any heavy engineering works such as retaining walls. Thereby it would appear as a relatively naturalistic and soft feature which would not detract from the landscape character and visual amenity of the area. The combination of the basin and proposed landscaping would permit passive surveillance of it from windows of properties to the south.
- 8.20 Good landscaping will enhance the design, form and environmental credentials of the development. The landscape plan submitted with the application details trees planted along the proposed vehicular and pedestrian routes. Whilst this will provide an attractive outlook for dwellings there is some concern that the majority of the proposed trees along the roads are situated on house plots meaning that their removal is possible in the future. The establishment of these trees will be required through condition.
- 8.21 Existing hedges at the site's east and south boundaries have landscape value and should be incorporated into the development in line with the Midlothian Green Network Supplementary Guidance.
- 8.22 It is essential that the existing hedge or a replacement hedge screen the acoustic fencing on the site. The proposed landscape scheme is not comprehensive and thereby it should be made a condition on a grant of planning permission that a detailed landscaping scheme for the development be submitted for the prior approval of the planning authority. Any new landscape planting will need to provide:
- Hedging consistently along plot fronts of a native, broadleaf species (e.g. *Fagus*, *Carpinus*) rather than laurel, this includes plots 81-100;
 - Bulb planting should be incorporated at key open space locations;
 - A biodiverse lawn mix is to be specified for service strips and verges along the western boundary, this should be capable of being maintained under a relaxed mowing regime to allow flowering;
 - Proposed hedgerow and grass strip at the side of Plot 47 to be replaced with nectar rich shrub planting, to benefit wildlife and add seasonal interest;
 - In regards to the SUDS; A planting specification is required to be included for marginal/emergent planting, and maintenance notes are to be included for SUDS planting; and
 - Specification notes to be added to allow for mulch application to all shrub, hedgerow and tree planting. Maintenance notes to be added to allow for topping up of mulch, to suppress weed growth.

- 8.23 The above details will be assessed in the discharge of conditions.

Access and Transportation Issues

- 8.24 The proposed development remains acceptable in transportation terms. Subject to the recommended transportation conditions the road infrastructure will be of an adequate standard to cope with the additional traffic using it and the Council's Policy and Road Safety Manager raises no objection to the application. The proposed parking provision within the development is acceptable and meets the Council's standards.
- 8.25 In the interests of road safety and the amenity of the existing residents of Rosewell it should be made a condition on a grant of planning permission that construction, HGV and delivery vehicles associated with the development or visiting the site shall only access and egress the site via the A6094 Rosewell Bypass entrance onto Carnethie Street (the northern junction travelling towards Bonnyrigg). No construction, HGV and delivery vehicles associated with the development or visiting the site shall travel south through the village along Carnethie Street.

Green networks and pedestrian and cycle links

- 8.26 MLDP policy ENV2 (Midlothian Green networks) requires new development sites to fully incorporate green network opportunities into their design and implementation. This can potentially be delivered through a combination of path networks, open space and sustainable urban drainage systems. The principal road through the site comprises a tree lined avenue with a footpath/cycleway alongside it. There are adequate footpath/cycle links to/from the site and Cemetery Road to the west and Carnethie Street to the south.
- 8.27 The proposed cycle/footway connections are comparable to the extant permission. The settlement statement in the MLDP states that connections from and through the site to Core Path 3-7; which forms part of the Penicuik-Musselburgh footway and cycleway/NCR196, should be provided. The proposed development includes a connection to this route at the north of the site, and delivers a widened multi user surface along a short section of Cemetery Road (west of plot 6) to the north connecting to the aforementioned route. This responds to the Midlothian Green Network Supplementary Guidance, adopted in August 2018 which seeks to increase connectivity with the cycle route to the north west of the site.
- 8.28 It is noted that levels at the north of the site are a challenge. No details of the north connection to the Core Path have been provided at this time. These will be required by condition. The Council's position in relation to this has not changed from that expressed to Committee for application 18/00403/DPP. This was that "*there is significant justification for the Council to insist that the applicant/developer form*

the graded link path instead of a stepped path as proposed by the applicant. The provision of the graded link path can be secured by a condition imposed on a grant of planning permission.”

- 8.29 Considering these links the proposed development will comply with MLDP policy ENV2 and will meet the aspirations of the Scottish Government policy statement 'Designing Streets' which requires that a connected permeable network be provided for in new developments.

Ground Conditions

- 8.30 The control referred to by the Council's Senior Manager Protective Services in respect of ground contamination/previous mineral workings and the same control in respect of previous mineral workings recommended by the Coal Authority can be secured by a condition imposed on a grant of planning permission. A site investigation report, dated November 2021 prepared by David R Murray and Associates was latterly submitted. It was noted by the Coal Authority that the report author informs that *“no further discussion on mineral stability matters is therefore provided in this report, however, we can confirm that recommendations for a scheme of consolidation works have been made to treat both the workings and the abandoned mineshafts. These works will require to be carried out in advance of any future development works at this site”*. In light of the above, previous comments and required conditions remain valid and relevant to the decision making process.
- 8.31 As per the extant planning permission, whilst the MLDP identifies an indicative capacity of the site of 60 it has been established that a higher capacity can be accommodated reasonably on the site.
- 8.32 It is noted that grouting works associated with the extant permission have been agreed under condition 7 of that planning permission. As such, condition 7 of the extant permission will be reapplied in part to reflect the progress.

Feasibility of Communal Heating System

- 8.33 As part of the extant permission the planning authority and SEPA agree that the feasibility study submitted by the applicant into the provision of a community heating system for the new development satisfactorily demonstrates that such a system is not at this present time technically or financially viable for the development site.

Ecology

- 8.34 The submitted Ecology Report does not recommend against the development on grounds of impact on biodiversity. The submitted report included the core path along the north boundary as previously local sightings of badgers on this route have been reported.

- 8.35 No evidence of great crested newts, otter, badgers or water voles were identified on the site. The recommendations of the ecology assessment should be complied with. In order to secure this a condition requiring a biodiversity action plan should be added to any proposed grant of planning permission.
- 8.36 It is noted that as of the 21.02.2022 a bat and bird box plan (ref: 18128(PL)004 was added to the application. Considering the timeframes for Committee, the Council's ecological consultee has not been able to review this. It is noted that the submitted ecological report refers to bat boxes on dwellings which is not proposed on the aforementioned plan. This plan is therefore not approved and details should be included within the biodiversity action plan.

Developer Contributions

- 8.37 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to modify the existing planning obligation in order that this new planning permission is also bound by it. The planning obligation provides for the following;
- A contribution towards primary (including nursery) and secondary education provision;
 - A contribution towards public transport (including Borders Rail);
 - A contribution towards community facilities;
 - A contribution towards off site play facilities;
 - Maintenance of open space including children's play areas/open space and SUDS; and
 - Provision of affordable housing (25%).
- 8.38 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)
 - be reasonable in all other respects.

The requirements set out for the proposed planning obligation meet the above tests.

Other Matters

- 8.39 Regarding matters raised by representors and consultees and not already addressed in this report:
- It is noted that information indicating progress in delivering broadband for the site is underway and has been submitted with the application – a condition is still recommended to secure superfast broadband infrastructure;
 - The proposed development is considered to be sufficient distance from the Old Manse to avoid overlooking and the development does not impinge on its setting;
 - Construction traffic will be limited in their direction so that they should not approach the site through Rosewell. This will be secured by condition.
 - The site is an allocated housing site in the MLDP and is not protected as countryside or prime agricultural land.
- 8.40 The following matters raised in the representations are not material considerations in the determination of the application:
- The effect of the proposed development on property values/prices;
 - Loss of view; and
 - Any damage to existing neighbouring properties as a result of construction traffic movements and liability for subsequent repairs.

9 RECOMMENDATION

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

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 legal agreement to secure:
- A contribution towards primary (including nursery) and secondary education provision;
 - A contribution towards public transport (including Borders Rail);
 - A contribution towards community facilities;
 - A contribution towards off site play facilities;
 - Maintenance of open space including children's play areas/open space and SUDS; and
 - 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. 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 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.*

2. Notwithstanding that delineated/specified on application drawings the external finishing materials of the buildings hereby approved and the distribution of the external finishing materials of the buildings is not approved. Development shall not begin until the following have been submitted to and approved in writing by the planning authority:
(i) marked up housetypes elevations with details of proposed material finish (ii) samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. An enhanced quality of materials shall be used in the Area of Improved Quality which shall comprise the buildings and boundary walls on plots 1-2, 42, 51-52, 57-58, 62-63, 68-69, 70 and 89-96. 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 appropriate distribution and use of quality materials to reflect its setting 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 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.*

4. 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.*

5. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the houses/flats on plots 2, 42, 51-52, 57 and 62, 63, 68 and 69, 59-63 and 86-91 an equipped neighbourhood children's play area and shall be formed/constructed on the central open space (adjacent to the south east of plots 51 and 52) 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.*

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. Development shall not begin until details the condition of the site on completion of the specified decontamination measures are submitted to and approved by the planning authority. On completion of the decontamination/ remediation works referred to above and prior to any residence on the site 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 residence on the site shall be occupied unless or until the planning authority have approved the required validation.

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

8. 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.*

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

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

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. 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.*

11. Development shall not begin until details, including a timetable of implementation, of superfast 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.*

12. A detailed plan and elevation drawings and details of the finishing materials and colours of the electricity station and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the planning authority.

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

13. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design and technical details to be submitted for the prior written approval of the planning authority.
 - i. Before the first occupation of the 25th dwelling on the site a Zebra crossing shall be formed on Cemetery Road in a location to be approved in advance by the Planning Authority.

Reason: *To ensure the timeous provision of a safe pedestrian link from the site to the footway network within the existing neighbouring housing development to the south west in the interests of road and pedestrian safety.*

14. Unless otherwise agreed in writing with the planning authority, notwithstanding that delineated on docketed drawings, prior to the first occupation of the twenty-fifth dwelling on the site or by a different date to be agreed in advance with the planning authority, a 3 metre wide ramped/graded link cycleway/footway incorporating lighting along the length, shall be formed/erected from an adopted footway within the development and from a point to the south east of the proposed pumping station at the north of the site on plan ref. 18128(PL)001Z 1:500 (Proposed site layout) and connecting to Core Path 3-7 (Penicuik-Musselburgh footway and cycleway -NCR196). Detailed drawings and a written specification of the link footpath/cycleway, including section drawings at 4 metres intervals across it, details of any required retaining structures and details of a scheme of landscaping of the ground disturbed during its construction, shall be submitted to an approved in writing in advance by the planning authority. The cycleway/footway shall be surfaced in bitumen macadam/tarmac to the approval of the planning authority.

Reason: *To ensure the provision of a safe pedestrian and cycle route to/from the site and the adopted footways/cycleways in the adjacent development thus providing a continuous, safe pedestrian and cycle route to/from Core Path 3-7 in the interest of pedestrian*

and cyclist safety and the amenity of the future occupants of the dwellings hereby approved.

To ensure that the proposed development complies with policy ENV2 (Midlothian Green networks) of the MLDP and Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.

15. Notwithstanding that delineated on docketed drawings, prior to the first occupation of the twenty-fifth dwelling on the site or by a different date to be agreed in advance with the planning authority, a 3 metre wide link cycleway/footway incorporating lighting along the length, shall be formed/erected from an adopted footway within the development and from a point on the proposed cycle/ pedestrian link to the south east of plot 6 along Cemetery Road to the north west connecting to Core Path 3-7 (Penicuik-Musselburgh footway and cycleway -NCR196). Detailed drawings and a written specification of the link footpath/cycleway, including section drawings and details of a scheme of landscaping of the ground disturbed during its construction, shall be submitted to an approved in writing in advance by the planning authority. The cycleway/footway shall be surfaced in bitumen macadam/tarmac to the approval of the planning authority.

Reason: *To ensure the provision of a safe pedestrian and cycle route to/from the site and cycle route to/from Core Path 3-7 in the interest of pedestrian and cyclist safety, to ensure that the proposed development complies with policy ENV2 (Midlothian Green networks) of the MLDP and Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.*

16. 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.*

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no fence, gate, wall or other means of enclosure shall be erected within the confines of or around the perimeter of the electricity station and the foul pumping station unless a planning application for it with the necessary plans, has been submitted to and approved by the planning authority.

Reason: To ensure that any fence, gate, wall or other means of enclosure erected within or around the perimeter of the electricity station and the foul pumping station does not detract from the character and amenity of the area.

18. The internal room layout of the dwellings on plots 81-100 shall be as delineated on the approved house types for those plots.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011, or any subsequent Order amending, revoking or re-enacting that Order, no fence, gate, wall or other means of enclosure shall be erected around any part of the perimeter of the front (north east) garden / verge area of the dwellings on plots 89-100 or the front (south east) garden of the dwellings on plots 81-88.
20. The front (north east) building line of the dwellings 88-100 shall be no closer to the animal boarding kennels that that detailed in plan, ref 18128(PL)001X submitted in support of the application.
21. The design of the buildings hereby approved shall be such that internal noise levels within them meets Midlothian Council's design targets for daytime and night time noise without specific character (previously referred to as anonymous noise sources) in living accommodation, which is: (i) 30 dB(A) LAeq, 8 hour in bedrooms and 35 dB(A) LAeq, 16 hour in living rooms.
22. Internal noise levels within the buildings hereby approved shall be assessed by a suitably qualified noise consultant to the approval of the planning authority post completion of the dwellings and prior the first occupation of them. A report on the noise assessment(s) carried out shall be submitted to and approved in writing in advance by the planning authority. No dwelling shall be occupied unless and until the internal noise levels specified in condition 21 have been achieved.
23. Prior to the first occupation of the dwellings hereby approved, acoustic fencing delineated on docketed drawings ref: RMP technical report no. R-7365E-RGM-RRM report dated 24 January 2022 and plan reference 18128(PL)001X shall be erected in compliance with the approved plans. Thereafter they shall be retained in situ unless with the prior approval of the planning authority.

Reason for conditions 18-23: In the interests of safeguarding the amenity of the future occupants of the dwellings hereby approved from undue noise nuisance from neighbouring roads and the neighbouring commercial boarding kennels.

24. All construction, HGV and delivery vehicles associated with the development or visiting the site shall only access and egress the site via the A6094 Rosewell Bypass entrance onto Carnethie Street (the northern junction travelling towards Bonnyrigg). No construction, HGV and delivery vehicles associated with the development or visiting the site shall travel south through the village along Carnethie Street.

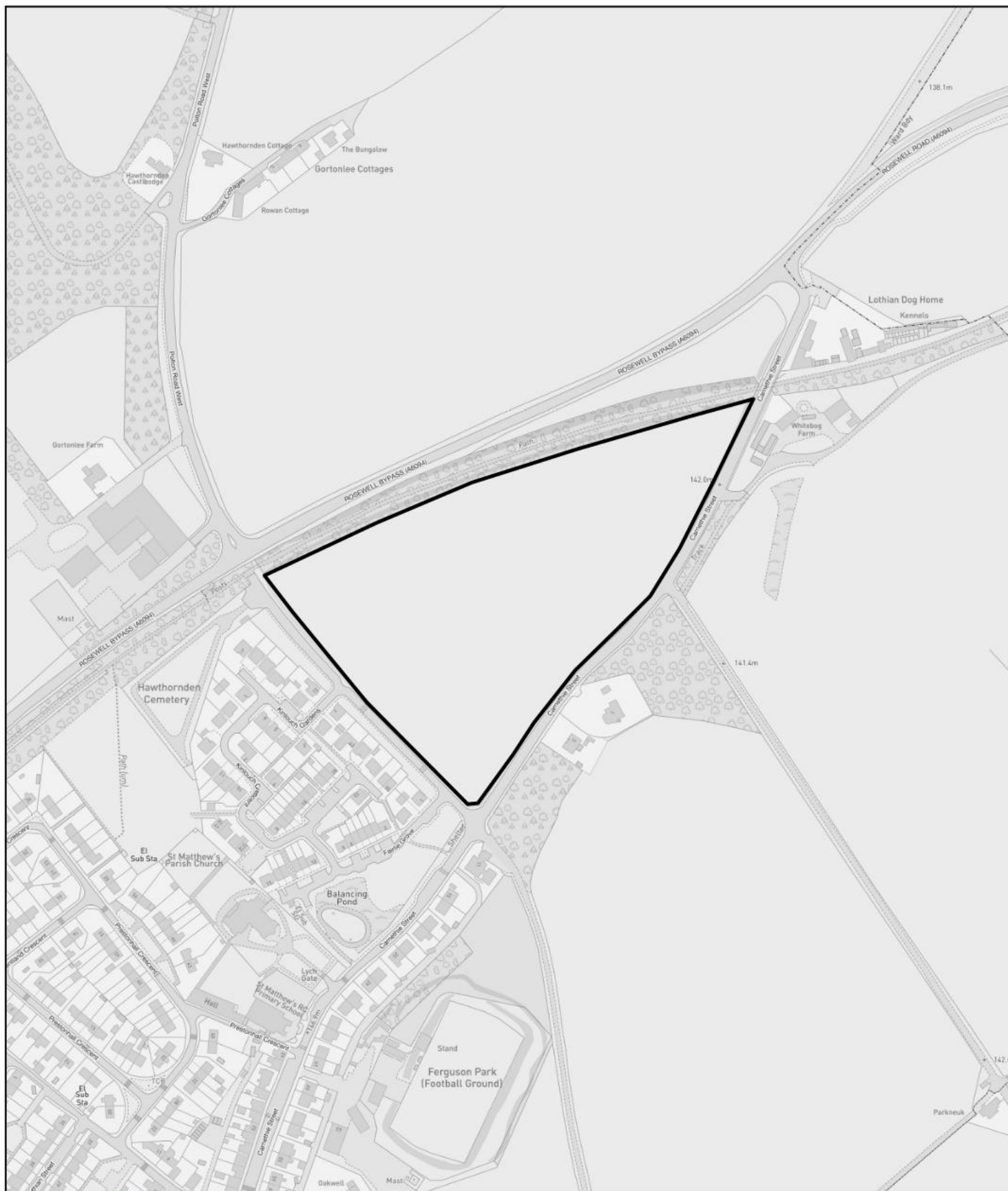
Reason: In the interests of road safety and the amenity of the existing residents of Rosewell

25. No development shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as identified within the Geo-Environmental Interpretative Report (Ref: A089992, dated 5 January 2016) prepared by White Young Green, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.
26. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason for conditions 25 & 26: To ensure that appropriate measures have been taken to stabilise the site and that these are completed.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date:	4 March 2022
Application No:	21/00732/DPP
Applicant:	Banks Property Dev Ltd, 2nd Floor, Block C, Brandon Gate, Leechlee Road, Hamilton, ML3 6AU
Agent:	Andrew Rule, BDW Trading Ltd, Telford House, 3 Mid New Cultins, Edinburgh, EH11 4DH
Validation Date:	3 September 2021
Contact Person:	Hugh Shepherd
Email:	hugh.shepherd@midlothian.gov.uk
Background Papers:	18/00403/DPP



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of 100 dwellings (including amendment to previously approved site layout and house types); formation of access roads, car parking, open space, SUDS and associated works at Land between Rosewell Road and, Carnethie Street (Doctor's Field), Rosewell,

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File No: 21/00732/DPP

Scale: 1:4,000





DATE	TIME	LOCATION	REMARKS
10/10/01	10:00	10126 PL 001Z	



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

TOTAL FLOOR AREA :

Sales Name:
House Type Code: Type D
Spec: A1
Drawn: GDT

Drawing No: 12
Checked: GDT

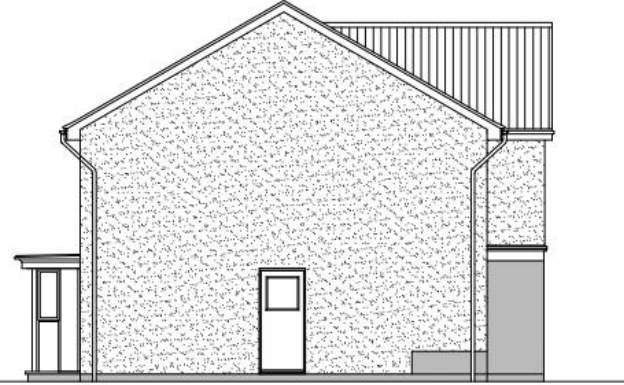
Date: Aug 20
Scale: N/A

DISCLAIMER TO HOME BUYERS:
This drawing is a preliminary drawing and the contents of this drawing may be subject to change during the progress of the build process. The layout, form, content and dimensions specified are intended for general guidance only. While we make every effort to ensure our drawings are up to date, they may from time to time be an incomplete design in updating these due to changes in the design process. The drawings are not intended to be used as a contract. The contents of this drawing do not constitute a contract. The contents of this drawing are for the purpose of entering into a contract to purchase any property.

Planning Layout 1 of 2
Please refer to Data Sheet for full revisions



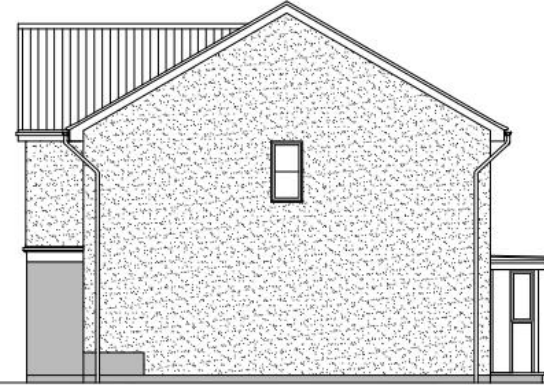
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



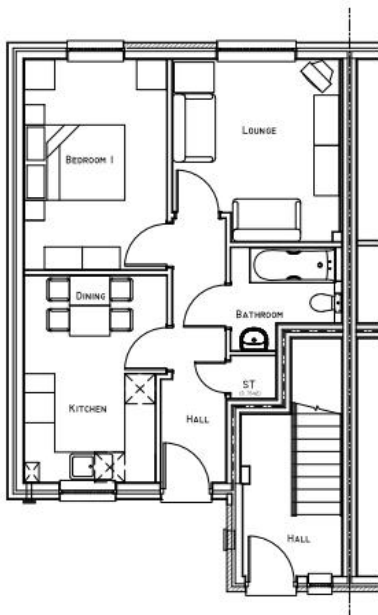
SIDE ELEVATION

TOTAL FLOOR AREA :

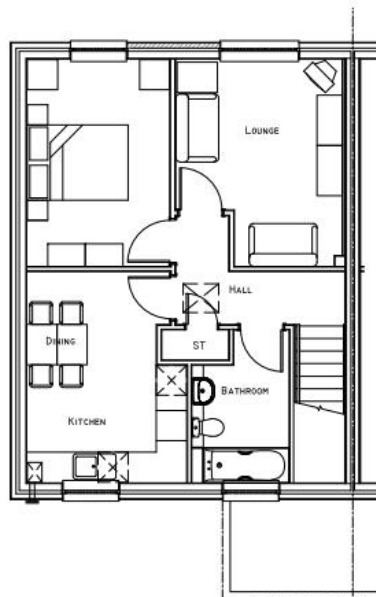
Sales Name:
House Type Code: Type E
Spec: A1
Drawn: GDT
Drawing No: 12
Checked: GDT
Date: Aug 20
Scale: N/A

WARNING TO HOMEOWNERS
This drawing is a preliminary drawing and the contents of this drawing may be subject to change during the progress of the build process. The layout, items, contents and dimensions specified are intended for general guidance only. Whilst we make every effort to ensure our drawings are up to date, they may from time to time be an inaccurate detail in updating them due to changes in advice, whether any alterations have been made to the drawing. The contents of this drawing do not constitute a contract and are not to be used for any purpose of showing into a contract to purchase any property.

Planning Layout 1 of 2
A
Please refer to Data Sheet
for full revisions
Feb 21



**GROUND FLOOR PLAN
(Type H)**

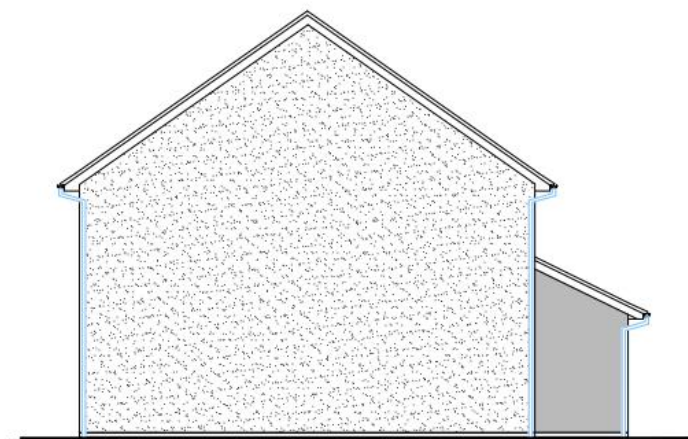


**FIRST FLOOR PLAN
(Type I)**



FRONT ELEVATION

REAR ELEVATION



SIDE ELEVATION



Barratt East Scotland
Telford House
3 Mid New Cullins
EDINBURGH
EH11 4DH

Tel: 0131 442 5700
Fax: 0131 442 5701

House Type Code

HVN COTTAGE FLATS

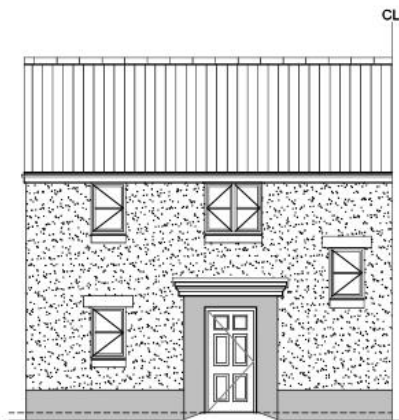
1 Bed Variation (Type H & I)

Cottage Flats - ROSEWELL

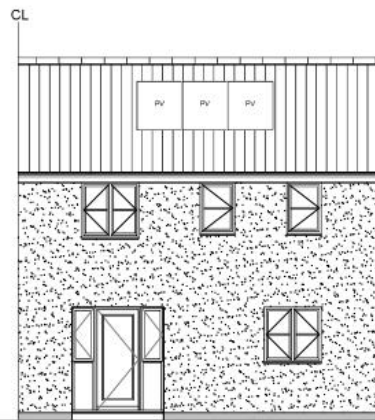
WARNING TO HOUSE-PURCHASERS, Property Misdescriptions Act 1991
Buyers are warned that this is a working drawing and the contents of this drawing may be subject to change at any time and alterations and variations can occur during the progress of the build process. As such the layout, form, content and dimensions of the finished construction may differ materially from those shown. Whilst we make every effort to ensure our drawings are up to date there may from time to time be an unavoidable delay in updating these due to changes in regulations and/or re-planning. Purchasers are advised to check with the Sales Advisor whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty.

PLANNING DRAWING

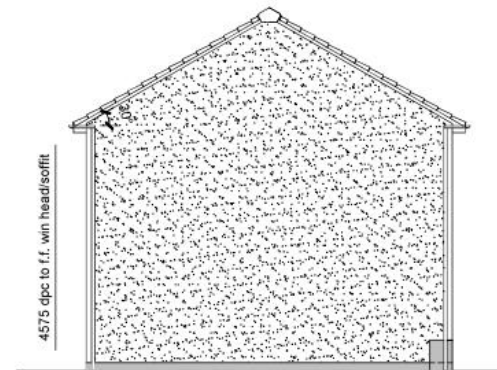
Date	May 2021	BIL/HVN-1BCF/01
Drawn by	BES	
Checked by		
Revision		Scale 1:100 @ A3



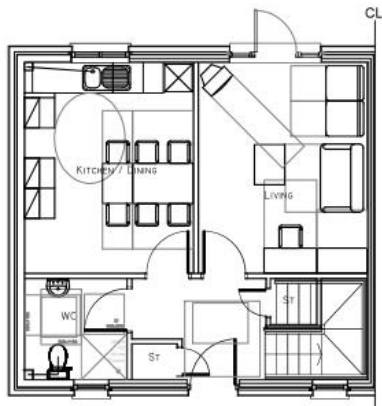
Front Elevation



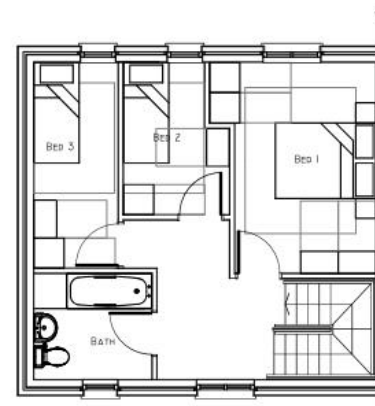
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Sales Name:

House Type Code: **3B4P (Type L)**

Spec: _____ Drawing No: _____

Drawn: RM Checked: AR Scale: 1:100@A3 Date: April 21

PLANNING

Rev:	Description: Refer to data sheet
------	-------------------------------------

Date:

Thermal Spec:

BLUE (det)



BARRATT
DEVELOPMENTS PLC