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**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE 18/00535/PPP FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS AT SITE HS19 LAND TO THE NORTHWEST OF MOAT VIEW, ROSLIN, MIDLOTHIAN**

Report by Director of Education, Communities and Economy

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

- 1.1** The application is for planning permission in principle for residential development on land to the northwest of Moat View, Roslin. The site comprises the western part of allocated housing site Hs19 in the Midlothian Local Development Plan 2017. There have been 72 representations and consultation responses from the Scottish Environment Protection Agency, the Coal Authority, the Roslin & Bilston Community Council, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Housing Planning and Performance Manager, the Council's Environmental Health Manager, the Council's Policy and Roads Safety Manager and the Council's Land Resource Manager.
- 1.2** The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies 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.
- 1.3** 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 located on the northern edge of Roslin, separated from the village by the disused rail line which is now Core Path 29. Core Path 27, which connects Roslin to a network of other paths in the wider countryside, with agricultural fields beyond bounds the site to the north. The Kill Burn cuts through the said agricultural fields. The site is approximately three quarters of allocated housing site Hs19 – the other quarter is the subject of a separate undetermined planning application (18/00703/DPP) for 54 dwellings and associated works and bounds the site to the east, beyond which is Main Street (the B7006). Core Path 29 with residential properties in Moat View beyond bound the site to the

south. Core Path 29 with a combination of woodland and housing, both constructed and under construction in the CALA Homes development known as Chapel Lawns beyond bounds the site to the southwest. Existing woodland bounds the site the west. The site is approximately 11.5 hectares.

- 2.2 The site comprises two gently sloping agricultural fields divided by a post and wire fence. The site falls gently from the south/southwest to east/northeast. A discontinuous tree lined hedgerow crosses the site from the southeast to the northwest near the centre of the site. Close to the northern end of the western boundary of the site there is a copse of mature trees. The site is enclosed to the north/northwest and along the western and south western edges by scrub and semi-mature trees. Additionally, the application site includes part of Core Path 29 and part of Core Path 27.
- 2.3 The existing built form of Roslin comprises primarily a mixture of mostly two-storey detached, semi-detached and terraced houses within good sized plots.

### **3 PROPOSAL**

- 3.1 The application is for planning permission in principle for residential development including the formation of two vehicular accesses, one from the south western boundary via the spine road within the neighbouring Chapel Lawns development, which is accessed off Penicuik Road (B7003), and the other from a point on the eastern boundary of the site via the proposed spine road within the neighbouring site the subject of planning application 18/00703/DPP, accessed from Main Street (B7006).
- 3.2 The applicant has submitted a masterplan comprising a design concept for the whole of site Hs19 and has superimposed onto its eastern part the proposed layout the subject of undermined planning application 18/00703/DPP. If the site were built out in accordance with the masterplan and the eastern part of site Hs19 built out as proposed in application 18/00703/DPP there would be a total of 272 dwellings built on site Hs19. The masterplan indicatively shows up to 221 dwellings on the site the subject of this application. The average housing density across the site is approximately 18 dwellings per hectare and comprises:

<u>House type:</u>	<u>Number</u>
<b>Private</b>	
4-bed detached	73
4-bed demi-detached	50
3-bed terrace	27
3-bed cottage flat	8
2-bed cottage flat	8
Total Private	<u>166</u>

## **Affordable**

2-bed flat	28
3-bed terrace	23
4-bed semi-detached	4

Total Affordable: 55

3.3 The following pedestrian connections are shown in the masterplan: (i) three connections to the north linking to Core Path 27; (ii) three connections to the south to Core Path 29; (iii) a link to Core Path 29 in the west; (iv) a cycleway/footway connection to the south west across Core Path 29 into the Chapel Lawns development; and (v) a cycleway/footway connection to the east onto the existing footway alongside the B7006.

3.4 The application is accompanied by:

- A pre-application consultation (PAC) report;
- A planning statement;
- A transportation assessment;
- A tree survey;
- A flood risk assessment;
- An ecological impact assessment;
- A coal mining risk assessment;
- An archaeological desk-based assessment;
- A drainage assessment report;
- A utilities appraisal;
- A geo-environmental & geotechnical phase 1 investigation report;
- A masterplan framework; and
- A construction traffic management plan.

## **4 BACKGROUND**

4.1 The applicants carried out a pre-application consultation (18/00139/PAC) for a residential development and associated works in February – May 2018.

4.2 An Environmental Impact Assessment (EIA) Screening Opinion (18/00242/SCR) for residential development with associated access, open space and associated works was submitted in April 2018. It was determined that that an EIA was not required.

## **5 CONSULTATIONS**

5.1 The **Scottish Environment Protection Agency (SEPA)** does not object to the application.

5.2 The **Coal Authority** does not object to the application subject to securing, by way of a condition on any grant of permission, a site

investigation and appropriate remediation measures to mitigate the sites coal mining legacy.

**5.3 Roslin & Bilston Community Council's** comments are summarised as follows:

- The application should be withdrawn and a fresh application submitted for the whole of site Hs19;
- The site entrance, through the adjacent site the subject of application 18/00703/DPP, onto the B7006 is flanked by two blind summits and floods on a regular basis. A separate site access direct from the B7006 should be provided (for residents and construction traffic);
- Concern at the existing capacity of the B7006 (for motor vehicles, pedestrians and cyclists) and its potential to accommodate traffic arising from housing sites Hs18 and Hs19;
- Increased traffic going through Roslin village will have an impact on highway safety, the operation of the bus services and safe routes to school (increased difficulties crossing the road);
- There should be no through road into the site via the existing Chapel Lawns development, creating a 'rat-run' linking the B7003 to the B7006;
- It is not possible to know how many houses are being proposed on site Hs19 as a whole – there is concern that the number of dwellings will exceed the indicative numbers in the MLDP;
- The application should not be approved until the details of the house designs, including proposed materials, have been submitted for consideration;
- There should be a good mix of housing including 25% affordable housing – there is a need for affordable housing in Roslin and Bilston;
- Three storey buildings would be inappropriate;
- All houses should be designed to enable 'care in the home' with level entry, doorways wide enough for wheelchairs, downstairs access to washing facilities (or a readily convertible room) and a downstairs room which can be used as a bedroom and is large enough to accommodate nursing equipment;
- Concern over traffic congestion in Roslin and along the A701; more should be done to reduce car based journeys;
- The traffic speed through Roslin should be reduced to 20mph;
- Appropriate opportunities/infrastructure for active travel should be provided;
- Dog waste bins should be provided;
- A footpath should be provided along the south side of the B7006 between the Bilston Roundabout on the A701 and the site;
- Appropriate onsite parking should be provided;
- Utilities (gas, electric, water, drainage and broadband) should be considered as part of the assessment and any required upgrades should be delivered by the developers;

- The development should include a strategy for energy efficiency, energy saving and resource conservation;
- Porous materials should be used throughout the site, all areas should have pavements which facilitate wheelchair access and the street design should be suitable for people with dementia;
- Tree-lined avenues and general tree planting is to be encouraged, existing trees need to be protected and appropriate separation between houses and trees should be secured;
- Land for food production should be incorporated into the scheme - allotments and community gardens;
- Additional health services should be provided/funded – local residents must be able to access the local medical centre;
- Developer contributions should be secured towards infrastructure and local services;
- A transport assessment which considers all the proposed residential developments in the area should be submitted for consideration; and
- Flood risk and the developments impact on archaeology shall be mitigated.

5.4 The Council's **Archaeology Advisor** informs that the site contains previously recorded archaeological sites and lies in close proximity to other known heritage assets, including the Inventory Battlefield site, the Battle of Roslin. Accordingly, the area is regarded as having archaeological significance with a high potential for the discovery of archaeological remains. As a consequence, there is a requirement for a programme of archaeological works to mitigate the impact of the proposed development upon the historic environment (a metal detecting survey and field evaluation by trial trenching of 5% of the total site area which should be reported upon initially through a Data Structure Report (DSR).

5.5 The Council's **Head of Education** estimates that an indicative 221 dwellings would give rise to 69 primary school pupils and 54 secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Roslin Primary School, St Margaret's RC Primary School, Beeslack High School and St David's RC High School.

5.6 The **Midlothian Health and Social Care Partnership** was consulted on the application and has made no comment.

5.7 The Council's **Housing Planning and Performance Manager** advises that 1,371 households on the Council's Housing List have chosen Roslin as an area they would choose to live. The Council would like to see the provision of predominantly smaller units; one and two bedroom properties rather than the predominance of three and four bedroom properties indicatively referenced by the developer. Four in a block (cottage style) flats are preferable and avoid a requirement for a common stair and affords occupants their own private garden area. It would also help the estate to look 'tenure blind'. It would be preferable to see some of the

indicatively shown terraced housing as two bedroom properties. In the proposed plans the two bedroom dwellings are all flats and a significant proportion of those on the Housing List state a preference for a house rather than a flat.

- 5.8 The Council's **Environmental Health Manager** does not object to the application, subject to conditions being attached to any grant of planning permission ensuring that ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times.
- 5.9 The Council's **Policy and Road Safety Manager** does not object to the application subject to the following issues being considered in the Matters Specified in Conditions application/s if planning permission is granted:
- a. The spine road running through this site (linking the residential development to the west with the development on the eastern side which is the subject of an undetermined planning application (18/00703/DPP) should be designed as a 6m wide road with the remaining residential roads being designed as a minimum of 5.5m wide. Sections of shared surface could be used in certain areas of the development if required;
  - b. A formal vehicle turning head will be required at the end of adopted public roads;
  - c. Any traffic calming which is required within the development should be provided by vertical traffic calming features at suitable locations;
  - d. Residential and visitor car parking spaces are required to be provided to meet current Council standards;
  - e. A suitable level of electric vehicle charging points should be provided within the development;
  - f. Secure, covered, lockable cycle parking facilities will be required for each dwelling which does not have access to a private rear garden. The buildings should have lockable metal doors with an automatic internal light and floor drainage. The internal cycle storage should take the form of standard 'Sheffield' type rack which can accommodate two cycles each. These facilities should be sited in secure locations which can be overlooked by the properties they are serving;
  - g. The detailed design of the internal road alignment where it joins the Chapel Lawns road network and the eastern road network within the site the subject of an undetermined planning application (18/00703/DPP) will require consideration and may involve a change of surfacing material, vertical traffic calming features, road markings or similar traffic management features;

- h. The proposed public footpath shown running through the landscaped area between plot 214 and plot 99 should be formed as a 3m wide cycleway/footpath;
- i. The proposed footpath between plots 221 and 214 should be formed as a 3m wide cycleway/footpath to provide a more direct route for cyclists through the development;
- j. A raised zebra crossing style feature is shown where the internal road network crosses the existing cycleway/footway network. This may not be the best feature to use in this location and technical details of the proposed crossing point would be required;
- k. The existing footpath link running from plot 3 to the public footway on Moat View to the south will function as a main pedestrian/cycling route to the local primary school and formal street lighting should be installed on this link;
- l. The existing rural Core Path 27 runs along the northern boundary of this site and this residential development will result in an increase in the level of usage of this path. Details of how the core path is being integrated into the development should be provided;
- m. Four footway links are shown leading onto Core Path 29. These links should be formed as adoptable 3m wide cycleway/footpath links to allow their use by both cyclists and pedestrians; and
- n. Details of the proposed surface water management proposals (SUDS) for the site will be required, this would include technical details of the SUDS basin with sections showing the relationship of the basin to the roads/verge.

5.10 The following additional comments are made on the indicative masterplan:

- a. Some sections of footway are redundant and could be changed to grass verge;
- b. Some sections of road would be suitable to operate as a 'shared surface';
- c. The developer has indicated that they intend to provide a separate construction vehicle access to serve the site from the eastern section of the B7006. This would remove the need for construction vehicles to travel through the village and details of this access should be submitted for consideration;
- d. Some local residents have voiced concerns that the internal access road through this site could function as a 'rat run' linking the B7003 to the B7006. It would appear unlikely that this route

would prove attractive to passing traffic looking to travel from one side of Roslin to the other. The route through the development has been designed as a traffic calmed, non-direct route which would allow vehicles from the development to exit to the east or the west. The design also allows any delivery or service vehicles entering the development to continue through without being required to retrace their route and then travel through Roslin using Main Street/Penicuik Road. The creation of an artificial obstruction to traffic flow within the development, forming two cul-de-sacs, would result in additional wasted mileage with associated environmental impacts and potentially result in additional traffic using Main Street/Penicuik Road.

- 5.11 The **Council's Land Resources Manager** requests that both Core Path 27 and Core Path 29 remain open and unobstructed by the development and that the development is sufficiently permeable to not prejudice any future expansion of links and/or connections to the wider path network.

## 6 REPRESENTATIONS

- 6.1 There have been 72 objections all of which can be viewed in full on the online planning application case file. One of the objections is from the Chapel Lawns resident's group 'CLAIM' (Chapel Lawns Action in Midlothian) which was set up to represent the collective views of residents in the neighbouring Chapel Lawns CALA Homes development. A summary of the objections are as follows:

- The loss of green fields, the land is greenbelt and should not be built on – brownfield sites should be developed instead;
- Loss of views - views from properties in Marmion Avenue would be obstructed by the development;
- The existing mature trees and hedges on the site should be retained and safeguarded;
- More trees should be planted on the site than are indicated on the masterplan;
- There is not adequate school provision to serve the pupils that would result from the development;
- Increased strain on existing utilities and services;
- The proposed development will have a negative impact on tourist visits to Roslin Chapel;
- There are insufficient public amenities and services in Roslin (in particular health services/doctors surgeries);
- The existing road infrastructure does not have sufficient capacity to cope with the proposed increase in use resulting in increased congestion and road safety concerns;
- The development will spoil the village's rural character, erode its identity and increase coalescence with Bilston;
- The size and architectural form of the new housing will be at odds with the established character of Roslin;

- Loss of, and harm to wildlife habitat;
- Concern about the safety of children during periods of construction;
- A developer contribution should be sought for a new community hall in Roslin and/or for a new play park/skate park/bike trail;
- Inadequate details/information have been provided by the applicant regarding the delivery of essential infrastructure required to facilitate the development including education provision and roads;
- The vehicular access to the site should be from the east off the B7006 (Main Street) and not from the west as it would have to cross over the Moat View Path (Core Path 29);
- The developer should make a financial contribution towards the implementation of the Council's Active Travel Strategy, including improved bus services;
- Safety concerns over the SUDS basin, risk of children drowning;
- Loss of prime agricultural land which has the potential for being used for bio fuels;
- The development would spoil the entrance into Roslin;
- There is not a local housing shortage that justifies the scale of development proposed;
- Increased littering and dog fouling;
- The vehicular entrance to the development should be off a roundabout for reasons of road safety;
- The increase in traffic generate by the development would result in an increase in particulates in the air and thus a decrease in air quality;
- Loss of protected flora and fauna;
- The site is of archaeological significance and this should be taken into consideration in the determination of the application;
- The development should not disturb Roslin Moat Nature reserve;
- A new park should be provided within the development;
- A new leisure facility should be provided in the development;
- The access road crossing core path 29 will increase risks to cyclists, dog walkers, ramblers and children using the path;
- The Council's policy on core paths requires that they are not altered to be an urban roadside footway unless designed as a cycleway;
- Concerns over drainage and flooding;
- Settlement coalescence between Straiton, Loanhead, Bilston and Roslin should not be allowed to occur;
- The methodology and thus the conclusions of the traffic assessment submitted in support of the application is flawed;
- If a road within the proposed development extends up to the boundary with the neighbouring Chapel Lawns development and connects to Kilburn Wood Road within that development this would create a connecting road to/from the B7003 to the B7006. The resultant through road would become a rat run;
- There is no a need for the site to be accessed from the B7003 via Kilburn Wood Road within the CALA Chapel Lawns development. Instead the site should be accessed from the east off the B7006;

- The Chapel Lawns development at Kilburn Wood Drive was promoted by CALA as a small cul-de-sac that includes children's play area and public open space. The road is suitable for residential access and its designated narrowness was not intended for through traffic. The front gardens are not deep, have no walls or fencing and the finished road surface is to be mono-blocked eventually. Thereby it is unsuitable as a through road to serve the development the subject of the current application;
- The factor fees paid by residents of Chapel Lawn will increase owing to additional maintenance caused by the large volumes of construction traffic and domestic traffic associated with the proposed development using Kilburn Wood Drive;
- The masterplan does not show the proposed development integrating well with the existing settlement of Roslin;
- Loss of open space;
- Artic lorries should be prohibited from using the Roslin Glen road;
- The speed limit on existing roads in Roslin should be reduced to 20mph and speed bumps should be introduced in lieu of traffic islands;
- Too many houses are proposed for Roslin;
- Increased CO2 emissions will contribute to global warming;
- The construction jobs generated by the development will not benefit the local population;
- Concern about undue noise and disturbance during the period of construction;
- During the construction of the neighbouring CALA development there have been problems with flooding of neighbouring properties;
- With the amount of new development proposed in Roslin it is not possible to create sustainable communities;
- The size of and the location of the open space on the site as delineated in the masterplan would not mitigate against the loss of the site to development;
- The Midlothian Local Development Plan needs to be reconsidered in light of Brexit;
- Detrimental effect on the market value and rateable value of the houses in Kilburn Wood Drive;
- Concern that neighbour notification was not carried out comprehensively;
- Construction access should not be via Kilburn Wood Drive on grounds of road safety and residential amenity;
- If there is to be a through road from the neighbouring CALA Homes development (Kilburn Wood Drive) then the route should be meandering so as to prevent excessive vehicle speeds which would compromise road safety and to discourage rat running between the B7006 and the B7003;
- Concern about cumulative impact of traffic generated by the current application site and other allocated/consented housing sites in the west of Midlothian including Penicuik;
- The site is contaminated and there are unresolved ground conditions which are a risk to health. The risks are: (i) mine entries

within/near to the site; (ii) potential for mine gas migration to the surface; (iii) former railways; (iv) areas of infilled/made ground unsuitable for placement of foundations; (v) silage leachate; (vi) fly-tipping; (vii) Japanese knotweed;

- Loss of privacy for existing residences;
- The proposed development has not been designed/considered concurrently with the CALA- Kilburn Wood Drive development or the eastern part of site HS19 the subject of application 18/00703/DPP;
- Harm to landscape views of the Pentland Hills from the existing settlement;
- Access to the site via Chapel Lawns is contrary to the MLDP which requires the protection, safeguarding and enhancement of Core Path 29 and does not state that there is a requirement for a vehicular link to be formed between Chapel Lawns and allocated housing site Hs19;
- The introduction of a walking and cycling only link between Chapel Lawns and the application site would enhance the active travel network within the Roslin area, encouraging more trips on foot and by bike;
- The Council may be in breach of contract with a third party by entering into an agreement with the applicant - the University of Edinburgh, to permit rights of access over Core Path 29/title to part of Core Path 29 on which the link road would cross over. Additionally, the Council, by selling title to part of Core Path 29 is showing bias in favour of the University of Edinburgh over the concerns of the local community. The Council's decision to sell part of Core Path 29 to the applicant is pre-emptive of any decision on the current planning application. This therefore raises the question whether the Council can remain impartial in determining the application;
- A road link from the B7006 to the application site negates the need for a link further west to Chapel Lawns. A suitably worded planning condition should be imposed on a grant of planning application 18/00703/DPP to ensure that a link road on that site is provided early in the development in order to facilitate development of that neighbouring site and the site the subject of this current application concurrently and to ensure that such a road is open at all times; and
- A condition should be imposed requiring construction traffic to only access the current application site from the B7006.

## **7 PLANNING POLICY**

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and adopted the 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 outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

#### Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **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 260 housing units on the site (Hs19).
- 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** sets out design guidance for new developments.
- 7.9 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 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). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.

- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.13 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 environmental.
- 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 issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

### The Principle of Development

- 8.2 The site is part (approximately three quarters) of a site allocated for housing (site Hs19) in the MLDP and is located within the built up area of Roslin where there is a presumption in favour of appropriate residential development. The indicative number of residential units allocated for site Hs19 in the MLDP is 260. The application is for an indicative 221 dwellings and the undetermined application on the neighbouring site, application 18/00703/DPP, is for 51 dwellings – an overall total of 272 dwellings. The increase in the number is acceptable subject to the layout, form and design of the proposed development being acceptable and the impact of the development on infrastructure, including education provision, being appropriately mitigated.

### Layout and Form of Development

- 8.3 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application:

- layout, form and design of any proposed buildings;
- proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
- details of landscaping and boundary treatments;
- provision of open space and play areas/facilities;
- percent for art;
- sustainable urban drainage systems;
- details of road, access and transportation infrastructure;
- sustainability and biodiversity details;
- archaeology mitigation details;
- the provision of broadband infrastructure; and
- ground conditions/mitigation of coal mining legacy.

- 8.4 The applicants have however submitted a masterplan setting out an indicative layout for the site. The masterplan shows an indicative 221 residential units on this application site and superimposes the proposed neighbouring development (also part of site Hs19) of 51 dwellings onto the plan. The masterplan gives an indication to the form the development will take, but should not be seen as a binding commitment

to the final layout. However the applicant is proposing a designed form of development and is seeking approval for their general approach, in particular, with regard the points of access, the general street alignment and the locations of the SUDS and open space.

- 8.5 The masterplan proposes a suburban layout of two storey dwellinghouses and flatted buildings of a similar density and character to the neighbouring residential estates. The density and layout is, in general terms, uniform across the site and would benefit from the introduction of some variation at the detailed stage to help create character areas within the development, which is appropriate for a development of this size. An area of improved quality comprising 20% of the dwellings is delineated. It comprises properties fronting onto the western end of the spine road and some properties fronting onto the principal area of open space – this is acceptable in principle but would need to be reviewed once a detailed layout has been agreed.
- 8.6 The layout includes two irregular width 'green' corridors; one in the western part of the site running in a northwest to southeast direction and incorporating a play park, an area of informal open space and landscaping. The second is in the eastern part of the site running in a southwest to northeast direction, co-located in this application site and that of application 18/00703/DPP, it incorporates informal play areas and a SUDS basin. These 'green' corridors and spaces provide good connectivity to Roslin and the surrounding countryside and good levels of amenity. Combined with a commitment to plant additional trees on the northwest boundary of the site to extend the existing area of woodland the overall landscape framework successfully incorporates the development into the landscape. The MLDP does not require open space within the site to be set aside for allotments/food growing.

#### Access and Transportation Issues

- 8.7 In some of the representations it is claimed that the Transportation Assessment (TA) submitted with the application is erroneous and cannot be relied upon. The Council's Policy and Road Safety Manager does not agree with this assertion. The TA demonstrates that the proposed access and road arrangements are acceptable in terms of meeting traffic capacity needs and promoting pedestrian and traffic safety.
- 8.8 The Council's Policy and Road Safety Manager's recommendations have either been addressed through changes made to the masterplan following negotiations with the applicant or can be secured by conditions imposed on a grant of planning permission in principle. Subject to these recommended controls there will be adequate and safe footpath and cycleway connections to/from the site to the existing footpath/cycleway network in Roslin.

### Access to Hs19 via the B7003 and Capel Lawns

- 8.9 The applicant, the University of Edinburgh (UoE), advises that in the sale of the land to the west of the application site (the CALA Homes development known as Chapel Lawns) the Deed of Conditions required the house builder to provide a 6m wide road between the B7003 (Penicuik Road) and Core Path 29 to allow full further vehicular and pedestrian access from site Hs19 to the B7003. Should the road not be completed by August 2019 the UoE retain the legal right to complete the road to ensure unhindered access. In addition to this legal right of access through the Chapel Lawns site the UoE purchased land from Midlothian Council in 2018. This agreement is that: (i) the acquired strip of land would be required for the purposes of construction of roads and pavements, the provision of street lighting, and the installation of services, all to an adoptable standard; (ii) whilst the roadworks are being undertaken, the UoE are to ensure that all reasonable steps are taken to maintain access over the existing Core Path and to make temporary access arrangements available to ensure use by members of the public at all times; (iii) following adoption of the road, the UoE are to re-convey to the Council for no consideration any part of the property which were not required for the road. The position as set out is noted in the assessment of the application, but it is a well established principle that access rights and land ownership are legal matters between parties and not material considerations in the assessment of a planning application.
- 8.10 The masterplan shows the principal (spine) road within the site extending up to the west boundary of the site and connecting to the principal road within the Chapel Lawns development, which is accessed off the B7003 Penicuik Road. It also shows the principal road within the site extending up to a point on the east boundary of the site and connecting to the principal road within the neighbouring development the subject of undetermined application 18/00703/DPP, which is accessed off the B7006 Main Street. This connectivity is good place-making and rational in traffic safety and access terms.
- 8.11 The unbroken route through the development has been designed as a traffic calmed, indirect route which would allow vehicles from the development to exit to the east or the west. This design allows delivery or service vehicles entering the development to continue through without being required to retrace their route and then travel through Roslin using Main Street /Penicuik Road. The provision of an unbroken route through the development accords with the Scottish Government policy document 'Designing Streets' which states that "connected or permeable networks encourage walking and cycling, and make navigation through places easier...generally recommend that streets with one-way operation are avoided. They require additional signage and result in longer vehicle journeys and higher speed."...Internally permeable neighbourhoods lacking direct connection with each other are to be avoided." Alongside the aforesaid through road there is delineated on the masterplan a cycleway/footway that would link the

existing footpath alongside the B7003 Penicuik Road with the existing footpath alongside the B7006 Main Street. The provision of this network accords with the principles of the MLDP which promotes enhanced connectivity. In allocating the site for housing the MLDP neither specifies nor excludes a stated point of access.

- 8.12 If the application site and the adjoining sites to the east and west were not connected the travel route of vehicles being driven westwards from the eastern part of site Hs19 and vice versa would be unduly circuitous resulting in longer car journeys which in turn results in higher vehicle CO2 emissions, poorer air quality and road congestion contrary to the MLDP and established good practice. The creation of an artificial obstruction to traffic flow within the development, forming two cul-de-sacs, would result in additional wasted mileage with associated environmental impacts and potentially result in additional traffic using Main Street and Penicuik Road.
- 8.13 The route through the development sites connecting the B7006 and B7003 is a circuitous route to deter it from being seen as a short cut or 'rat run' to avoid heavy traffic or delays on the main road through Roslin. It is anticipated that it will be more efficient for motorists leaving or joining the A701 to do so at the appropriate point and then travel between the Bilston Roundabout and the Gowkley Moss Roundabout. Some residents in the Chapel Lawns development are requesting that no access into the site is taken from the west via Chapel Lawns. In this scenario the only alternative access to the site would be from the east via the spine road proposed as part of the development the subject of undetermined planning application 18/00703/DPP and outwith this applicants control. If this development did not come forward, in full or in part, and the spine road was not formed up to and on the boundary with the current application site, the proposed development would not be deliverable and would effectively be 'landlocked'. The consequence of this could be significant for Midlothian as it would have an allocated housing site that potentially will not be developed in the MLDP period and as such the Council may have to identify an alternative, as yet unallocated, site to meet its housing requirements.

#### Core Path 29

- 8.14 The MLDP by way of its Midlothian Green Network Supplementary Guidance adopted in August 2018 states that the Council expects additions to the path network to have a surface suitable for the intended uses. The guidance does not state that existing core paths should not be upgraded. Neither does it state that existing core paths should not be crossed by new roads or footpaths.
- 8.15 Linking the spine road within the site to the spine road within the neighbouring Chapel Lawns development would require crossing over Core Path 29. This is acceptable and can be done without jeopardising highway safety or compromising the integrity of the Core Path such as to discourage walking and cycling in the Roslin area. It is probable that the intersection between the road and the Core Path would be laid out

in the form of a flat topped table. The intersection can be designed to ensure ease of access along the Core Path for pedestrians, cyclists and horse riders. The detailed design of the crossing; including its surfacing material is for consideration as part of a future matters specified in conditions application.

#### Construction Access

- 8.16 In response to concerns raised regarding construction traffic the applicant submitted a statement of intended construction traffic management measures comprising: (a) the formation of a construction access off the B7006 (Main Street) separate from the new residential access proposed in application 18/00703/DPP; (b) all HGV and abnormal load drivers to be restricted to a designated route when approaching and leaving the site, which will avoid traffic going through Roslin Village; (c) construction traffic to access the site from the direction of the A701 to avoid Roslin Village; (d) controls to be put in place with the agreement of the planning authority to manage construction activity (within set hours); and (e) the restriction of delivery times to the period 0900 to 1600 hours Monday to Friday and 0900 to 1300 on Saturdays. And where practical, the programming of deliveries to site is to be outwith school drop off and collection times.

#### Affordable Housing

- 8.17 The mix of affordable housing units delineated on the masterplan, although indicatively meeting the required 25% provision requirement, is not, according to the Council's Housing Planning and Performance Manager, the most optimum unit mix based on the choice of households on the Council Housing List. The Council is seeking a mix of properties which includes a plentiful supply of one and two bed properties. To ensure that 25% of the onsite units are affordable of a model which meets the local demand it is appropriate to condition/and or secure by planning obligation not only the volume, but also the unit types of the affordable units.

#### Ecology

- 8.18 The Ecology report submitted in support of the application makes the following conclusions/recommendations: (i) mitigation of any adverse impact on bat (especially for pipistrelles) roosts, foraging areas and commuting corridors needs to be provided; (ii) the status of badger impact can change quickly and monitoring through updated surveys will be required prior to and during construction; (iii) retention and enhancing boundary habitat and woodland plantations will reduce potentially adverse impacts by maintaining and increasing bird nesting resource and foraging opportunities (If trees are to be felled in-season surveys will be required prior to felling); (iv) all birds and their nests are protected from disturbance at all times of the year and ground works should be timed out with the main breeding season (April-August inclusive). If this is not practical, then pre-commencement

breeding bird surveys are a legal obligation; and (v) as an enhancement to biodiversity, erect four Starling and six Tree Sparrow nest boxes in suitable locations. Blue and greenspace habitat, habitat enhancements and householders' gardens will increase net biodiversity because they support a much wider range of species than improved pasture. The recommended mitigation measures can be secured by conditions imposed on a grant of planning permission.

#### Feasibility of Communal Heating System

- 8.19 In order for the Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should support the transitional change to a low carbon economy including deriving *"11% of heat demand from renewable sources by 2020"* and supporting *"the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks"*. MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offer the potential for a new district heating network to be created within the site. Therefore, it should be made a condition of a grant of planning permission that a feasibility study for the provision of a community heating system for the new development undertaken by a suitably qualified engineer commissioned by the applicant be submitted for the approval of the planning authority.

#### Developer Contributions

- 8.20 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Section 75 planning obligation in respect of the following matters:
- A contribution towards education (including nursery) provision;
  - A contribution towards the A701 Relief Road;
  - A contribution towards community facilities/space;
  - Provision of affordable housing; and
  - Maintenance of children's play areas/open space.
- 8.21 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

I am satisfied that the requirements set out for the proposed Planning Obligation meet the above tests.

### Other matters

8.22 The concerns raised by objectors about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter which would need to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.

8.23 The following matters which have been raised in representations which are not material considerations in the determination of the application are:

- Loss of views;
- Procedural matters which are specified by the Scottish Government in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
- Private access rights is a matter between parties;
- The supply of utilities (water, gas and electric) is governed by a separate regulator process between the developer and service providers;
- Impact on property values/prices;
- The content of the pre application consultation report submitted with the application;
- Alleged breaches of contract between the Council and a third party over rights of access over a Core Path;
- Prejudging an alternate application on a different site, submitted by a different applicant;
- The provision of dog waste bins and there subsequent emptying;
- There is no statutory requirement to consider the whole of Hs19 as one site/development – the separate landowners are entitled to submit two separate applications for the relevant pockets of land. It is for the Council to ensure there is an appropriate relationship between the sites;
- Internal building layouts and accessibility is a consideration for the building warrant process rather than planning application process;

- A decision with regard the preferred speed limit through Roslin is for the Council as highway authority rather than as a planning authority;
- The quality of the road surfaces is a matter for the Council as highway authority rather than as a planning authority;
- An alternative 'brownfield' site for housing development – the sites selection for housing was part of the development plan process;
- An assessment with regard the need for housing has been done through the development plan process;
- Littering;
- Dog fouling;
- Factoring fees;
- The impact, or not, of Brexit

## 9 RECOMMENDATION

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

*The proposed development site is identified as being part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 and as such there is a presumption in favour of the proposed residential development. This presumption in favour of development is not outweighed by any other material considerations.*

Subject to:

- i) the prior signing of a legal agreement to secure the provision of affordable housing and contributions towards education provision, the A701 Relief Road, community facilities/space and the maintenance of children's play areas/open space.

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

- ii) the following conditions:
1. No more than 221 residential units shall be erected on the site unless otherwise agreed by way of a planning application. The following principles set out in the proposed indicative masterplan (Rev. K/28.02.19) are approved:
    - a. The vehicular points of access;
    - b. The landscape framework;
    - c. The siting of the open space, play area and SUDS basin; and
    - d. The primary street configuration and resulting housing pockets.

The housing mix, densities across the site and the detailed layout is not approved and is subject to matters specified in conditions application/s.

**Reason:** *The application has been assessed on the basis of a maximum of 221 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding 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, SUDS provision and transportation infrastructure.

The phasing of the transportation infrastructure shall include inter alia: (i) the construction of the principal (spine) road through the site up to and onto the boundary with the site to the east the subject of undetermined planning application 18/00703/DPP. The road shall connect to the principal (spine) road proposed in that application; and, (ii) the construction of the principal (spine) road through the site up to and connecting with the principal (spine) road within the neighbouring Chapel Lawns development to the west the subject of planning permission in principle 12/00743/PPP and matters specified in conditions approval 16/00299/MSC. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

**Reasons:** *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.*

*To ensure the proposed development is connected by road to the adjacent road network to the east and west providing a vehicular route connecting the B7006 and the B7003. If not connected the travel route of vehicles would be unduly circuitous thus resulting in longer car journeys and resultant higher vehicle CO2 emissions, poorer air quality and road congestion issues, contrary to adopted Midlothian Local Development Plan 2017 policy TRAN1 (sustainable travel).*

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for 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, footways and cycle ways in relation to a fixed datum;
- ii the proposed vehicular, cycle and pedestrian accesses into the site;
- iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Roslin;
- iv proposed visibility splays, traffic calming measures, Zebra crossing, lighting and signage;
- v proposed car parking arrangements;
- vi proposed cycle parking/storage facilities;
- vii proposed connections to Core Paths; and
- viii a programme for completion for the construction of access, roads, footpaths, cycle paths and associated works.

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.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings 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, shrubs, 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;

- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play areas and equipment (to include 7 pieces of equipment);
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (minimum of 20% of the proposed dwellings).

The landscaping scheme shall incorporate the recommendation made in the tree report submitted with the application titled: "Tree Survey" by Alan Motion Tree Consulting Ltd, July 2018.

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 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, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any

contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- i the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and,
- iv the condition of the site on completion of the specified decontamination measures.

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

**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.*

7. Development shall not begin until an application for approval of matters specified, 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 DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (field evaluation by trial trenching) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area to be investigated should be no less than 5% of the total site area with an additional 2% contingency should significant archaeological remains be encountered.

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

9. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

10. Development shall not begin until an application for approval of matters specified in conditions for a scheme of sustainability/biodiversity for the site, including the provision of house bricks and boxes for bats and birds throughout the development, a programme of ecological surveys (repeat survey work for bats and badgers no more than 12 months in advance of the commencement of development on the site) and management proposals for Invasive Non Native Species has been submitted to and approved in writing by the planning authority. The scheme shall incorporate the species mitigation recommended in sections 10.1.1, 10.1.2, and 10.1.3 of the Ecological Impact Assessment report prepared by Ironside Farrar, dated July 2018. 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 Midlothian Local Development Plan 2017.*

11. Development shall not begin until an application for approval of matters specified in conditions for the provision and use of electric vehicle charging stations throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

12. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.

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

***Reason for conditions 12 and 13:*** To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.

14. 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 building.

15. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of a construction access;
  - ii. signage for construction traffic, pedestrians and other users of the site;
  - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
  - iv. details of piling methods (if employed);
  - v. details of any earthworks;
  - vi. control of emissions strategy;
  - vii. a dust management plan strategy;
  - viii. waste management and disposal of material strategy;
  - ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
  - x. prevention of mud/debris being deposited on the public highway;
  - xi. material and hazardous material storage and removal; and
  - xii. controls on construction, engineering and any other operations (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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

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

16. Prior to the occupation of the first dwellinghouse the affordable housing mix in terms of; size of units (bedroom numbers), the type of units (dwellinghouses and/or flats) and the location of the units shall be approved in writing with the planning authority.

**Reason:** *To ensure 25% of the units on the site are affordable housing units in accordance with policy DEV3 of the Midlothian Local Development Plan 2017 and that the units are appropriate in terms of their size and type to meet local need.*

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

**Date:** 22 March 2019

**Application No:** 18/00535/PPP

**Applicant(s):** University of Edinburgh, Estates Department, Old College, South Bridge, Edinburgh, EH8 9YL

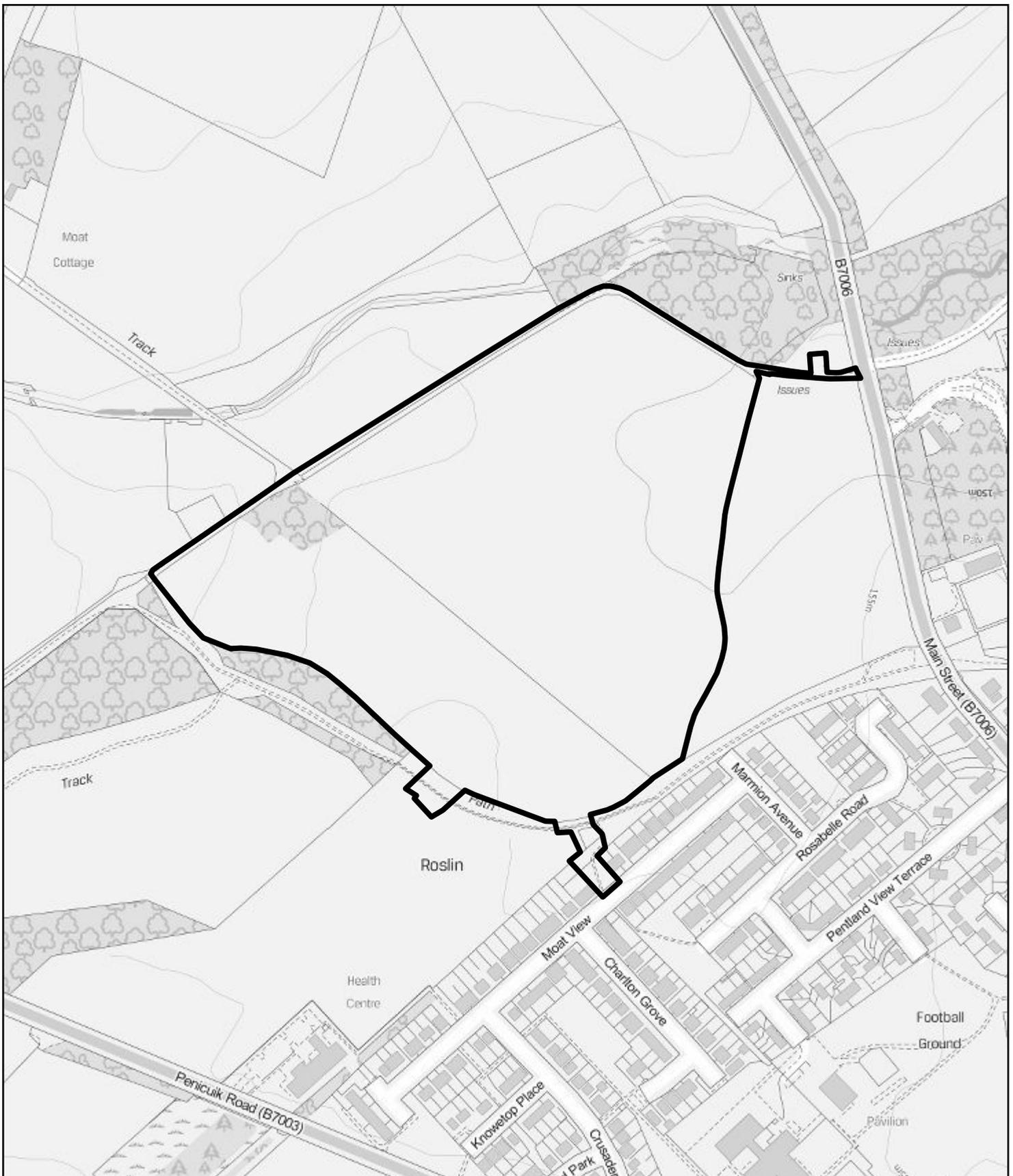
**Agent:** Albert Muckley, Ironside Farrar Ltd, 111 McDonald Road, Edinburgh, EH7 4NW

**Validation Date:** 24 July 2018

**Contact Person:** Adam Thomson

**Tel No:** 0131 271 3346

**Background Papers:** 18/00139/PAC, 18/00242/SCR & 18/00703/DPP



**Education, Economy  
& Communities**  
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Application for planning permission in principle for residential development at Land North West of Moor View, Roslin

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