



APPLICATION FOR PLANNING PERMISSION 20/00538/DPP, FOR THE ERECTION OF 42 DWELLINGHOUSES AND FOUR FLATTED DWELLINGS; FORMATION OF ACCESS ROAD AND CAR PARKING AND ASSOCIATED WORKS AT LAND SOUTH EAST OF TYNEWATER PRIMARY SCHOOL, CRICHTON ROAD, PATHHEAD

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 42 dwellinghouses and four flatted dwellings; formation of access road and car parking and associated works at land to the south east of Tynewater Primary School, Crichton Road, Pathhead. There have been 41 representations of objection; one representation of support; one neutral representation; and consultation responses from Historic Environment Scotland, the Scottish Environment Protection Agency (SEPA), Scottish Water, Transport Scotland, Tynewater Community Council, the Council's Archaeology Advisor, the Council's Biodiversity Advisor, the Council's Education Resource Manager, the Council's Environmental Health Manager, the Council's Land Resources Manager, Midlothian Health and Social Care Partnership (MHSCP) and the Council's Policy and Road Safety Manager.
- 1.2** The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East of Scotland Strategic Development Plan 2013 (SESPlan1) and policies STRAT1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN5, IT1, RD1, ENV4, ENV6, ENV9, ENV10, ENV11, ENV15, ENV23, ENV25, 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 developer contributions towards necessary infrastructure and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is situated at the south western edge of Pathhead. The site is bounded to the northwest by Tynewater Primary School. To the north east the site is bounded by a cycle path and by structure planting at

Callendar Park. At the northern corner of the site the cycle path is adjacent to a construction site. To the east, south and southwest the site is bounded by an arable field. A Scheduled Monument (Pathhead, Roman camps, enclosures and pit alignment) is adjacent to the north east boundary of the site; there are no above ground features of the monument visible in the field.

- 2.2 The vehicular access to the site is from Crichton Road via a bellmouth junction and 24 metres long section of roadway. An unsurfaced core path crosses the site from north to south.
- 2.3 The site area measures 2.8 hectares in area. The site slopes down from east to west; there is a level change of 20 metres across the site. The site has for many years been used as an arable field, however it is currently fallow.

3 PROPOSAL

- 3.1 The proposal is for a residential development on allocated housing site VH1. The development area includes the whole of the allocated site plus land outwith the allocation site that will be used to provide access to the site and structural landscaping.
- 3.1 The proposed development comprises 46 dwellings of which 34 are private market dwellings and 12 are affordable units. The majority of the buildings are two storey with the exception of 4 semi-detached bungalows. The housing mix comprises:

<u>Number of Units</u>	
Flatted units	4
Terraced units	8
Semi-detached units	16
<u>Detached units</u>	<u>18</u>
Total	46

<u>Number of Bedrooms</u>	
One bed units	4
Two bed units	4
Three bed units	29
<u>Four bed units</u>	<u>9</u>
Total	46

- 3.2 The proposed development also comprises:
 - A vehicular access from the B6367 (Crichton Road);
 - A pedestrian path through the site along the approximate route of Core Path 7-18;
 - A landscaped buffer around the southern edge of the site; and
 - Three areas of informal open space forming a linear feature along a north east to south west axis.

- 3.3 The vehicular access utilises the existing bellmouth junction and roadway that was the subject of planning permission 05/00816/FUL.
- 3.4 Car parking provision is proposed on the site to align with the Council's parking standards (the provision of 108 parking spaces).
- 3.5 The application is accompanied by:
- A design and access statement;
 - A tree survey and arboricultural report;
 - An archaeological evaluation;
 - A construction environmental management plan (CEMP);
 - A drainage report;
 - An ecology assessment;
 - A landscape maintenance specification;
 - A landscape softworks specification;
 - A pre-application consultation (PAC) report;
 - A report on site investigations; and
 - A transport statement.

4 BACKGROUND

- 4.1 Planning permission 05/00816/FUL granted consent for a new bellmouth junction and roadway to replace an access that was lost when the neighbouring Tynewater primary school was constructed. The consent was issued on 22 December 2005.
- 4.2 In March 2018 the planning authority issued a screening opinion (18/00144/SCR) for the application site advising that an Environmental Impact Assessment (EIA) was not required.
- 4.3 The applicant carried out a pre-application consultation (19/00076/PAC) process, for residential development at the application site, in February to April 2019. The pre-application consultation accorded with the required regulations and was reported to the Planning Committee at its meeting of April 2019. A second voluntary virtual consultation was undertaken by the applicant in March 2020 (because of proposed changes to the scheme).
- 4.4 Application 19/00579/DPP for the erection of 56 dwellinghouses and eight flatted dwellings; formation of access road and car parking and associated works was registered on 17 July 2019. The applicant's agent was advised that the application would not be supported, due to its layout and the number of units; the application was withdrawn on 1 October 2019. The current application is a revised version of this proposal.

- 4.5 Application 19/00754/DPP for the formation of drainage attenuation and outfall was registered on 6 September 2019. The application related to the surface water drainage attenuation and drainage outfall that will serve the proposed development at the application site. The site is situated immediately to the south west boundary of the application site. The site boundary for the PAC application (19/00076/PAC) did not include the attenuation area within the red line boundary and consequently the attenuation area could not be included within application 19/00579/DPP without a revised pre-application consultation process being conducted. The application was withdrawn.
- 4.6 The open space at the northern corner of the site was the subject of planning application 18/00977/DPP for the erection of 10 flatted dwellings, the formation of an access road; and the formation of car parking. Planning permission was granted on 5 July 2019 – this permission is being implemented.

5 CONSULTATIONS

- 5.1 **Historic Environment Scotland** advises that “the proposals do not raise historic environment issues of national significance and therefore we do not object”. The response recommends that the marking out and fencing off of the area of the scheduled monument be secured via condition; and offers advice on the planting specification for the areas of structural landscaping within 20m of the boundary of the scheduled monument site.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application and make no site specific comments.
- 5.3 **Scottish Water** does not object to the application, but state that this does not confirm that the site can be serviced and that they will not accept any surface water connections into the combined sewer system. At the time of the consultation there was sufficient capacity in the Rosebery Water Treatment Works to service the development. There was also sufficient capacity for a foul only connection in the Pathhead Waste Water Treatment works to service the development.
- 5.4 **Transport Scotland** does not object to the application.
- 5.5 **Tynewater Community Council** objects to the application of the following grounds:
1. Impact on traffic volumes on the existing narrow access road;
 2. Impact on the five way crossing just south of the Lothian Bridge;
 3. Increase in pollution levels during and after construction;
 4. Increased pressure on already overstretched infrastructure, sewage, health centre and school;
 5. Impact on ability of school to expand at a later date;
 6. Inappropriate style and size of houses in this conservation village;

7. Concern over drainage provision and potential flooding in Ford;
8. Detrimental impact on the 'green' surrounds of the village as it provides a rich environment for children and wildlife; and
9. Concern at the inappropriate level of consultation with the community that took place.

The Community Council cannot identify any benefit to the village of Patthead and would prefer to see affordable homes built to ensure that long established local families can continue to live in the village.

- 5.6 The Council's **Archaeology Advisor** does not object to the application subject to any consent including a condition to secure a programme of archaeological (Evaluation) work.
- 5.7 The Council's **Biodiversity Advisor** has considered the Ecology assessment submitted with the application and confirmed that the survey followed recognised professional guidelines for assessing the ecological value of an area. The response notes that no protected habitats or species were found during the survey and therefore no mitigation was recommended.
- 5.8 The Council's **Education Resource Manager** advises that a development of 46 dwellings would give rise to 14 primary school pupils and 11 secondary school pupils. The site is in the catchment areas of Tynewater Primary School, St David's RC Primary School, Dalkeith High School and St David's RC High School. Developer contributions will be required towards the cost of additional denominational primary school capacity; and additional non-denominational secondary school capacity.
- 5.9 The response notes that Tynewater Primary School is currently at capacity however this is due to an unusually high cohort in 2019. The school has a number of children attending who reside in the catchment areas of other neighbouring schools. Plans to provide additional primary school capacity in the Dalkeith area are progressing and it is anticipated that after 2022 it will no longer be necessary to use Tynewater to accommodate pupils from outwith the catchment area.
- 5.10 The Council's **Environmental Health Manager** does not object to the application. Conditions should be attached to secure site investigations and mitigation measures to address any contaminated land issues that may be identified.
- 5.11 The Council's **Land Resources Manager** notes that there is a core path that passes through the application site; advice has been provided on the procedure for temporary diversion of a core path. The response also notes that the cycle path adjoining the north east boundary is a proposed core path and that members of the Midlothian Access Forum have identified an additional path that passes through the field to the

east of the application site and provides access to Callander Park; both the proposed and additional path are outwith the application site.

- 5.12 **Midlothian Health and Social Care Partnership (MHSCP)** offered no comments on the current application. MHSCP was also consulted on application 19/00579/DPP and offered no comments on that proposal.
- 5.13 The Council's **Policy and Road Safety Manager** does not object to the application. The response includes a number of comments in relation to the details of layout and finish materials of roads and footpaths; these points have been addressed via correspondence between the consultee and the applicant's roads engineer. A revised site plan has been submitted to address the points raised. The consultee has no comments to make on the surface water drainage scheme.

6 REPRESENTATIONS

- 6.1 The application has received 43 representations; of which 41 are objections; one is a neutral representation and one is in support, which can be viewed in full on the online planning application case file. One of the objections is on behalf of Tynewater Parent Council who conducted a survey of parents of children who attend the primary school; 57 parents responded to the survey. The grounds for objection are as follows:

- The pre-application online consultation was insufficiently advertised resulting in a low response. A further event should be carried out;
- Pathhead does not currently have any access to public transport;
- The site is used by protected species including brown hares;
- The local primary school is at capacity and cannot accommodate further pupils;
- The local medical centre is at capacity and cannot accommodate further patients;
- The access to the site will cause congestion on Crichton Road and threaten the safety of school children;
- The proposed number of dwellings is too large an increase for a village of Pathhead's size;
- The development will have a detrimental impact on the biodiversity of the area;
- Building works will have a detrimental impact on the amenity of school children and local residents;
- The density of the development is out of keeping with the character of the village;
- The development will result in an unacceptable loss of green space;
- The developer should contribute towards facilities in the village;

- The proposed development does not address the local need for housing which centres on Council housing and affordable family properties.
- The development will have a detrimental impact on the junction of Crichton Road, Pathhead Main Street (A68) and the road to Ford;
- The occupants will need to rely on cars for transport and this will have a detrimental impact on air quality;
- The loss of the willows adjacent to the school will have a detrimental impact on local wildlife and local amenity;
- Trees at Crichton Road and the Dreepy Burn should not be felled as part of this application;
- Care should be taken to ensure that the water environment of the Dreepy Burn is safeguarded;
- The development is close to local walking routes and will affect access to the countryside;
- If the proposal is approved speed limits should be reduced in Ford, Edgehead and Whitehill and traffic calming measures put in place;
- A segregated cycle lane should be created on the unclassified road passing through Ford, Edgehead and Whitehill;
- Surface water run-off from the development into the Dreepy Burn will increase flood risk in Ford;
- The dominant house type in Pathhead is single storey and therefore the development will be out of character with the village;
- There is no clear strategy for high energy efficiency, zero carbon emission or short and long-term sustainability;
- A flawed methodology is used to generate the trip generation figures in the Transport Statement;
- Archaeology trial trenches should be dug;
- The development targets Green Belt land when brownfield sites are available;
- The site should be used as allotments or an educational meadow;
- The development does not respect the character of Pathhead and Ford Conservation Area;
- The development will increase traffic volumes on Lothian Bridge and this will increase the hazards for pedestrians using the bridge; and
- The proposal will create additional pressure on sewerage facilities and water supplies.

6.2 The neutral representation makes the following points:

- The applicant should pay the costs of upgrading the B6367 to accommodate the increased traffic;
- The applicant should manage construction traffic to ensure safety for the school;

- The five way junction where Crichton Road joins the A68 should be upgraded and the applicant should meet the costs;
- The applicant should contribute towards upgrading local facilities such as the school and GP surgery; and
- The Council should ensure that the affordable housing is genuinely affordable.

6.3 The representation in support of the application did not offer any reasons for support.

7 PLANNING POLICY

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

Edinburgh and South East Scotland Strategic Development Plan 2013 (SESPlan1)

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 **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP. The majority of the application site was allocated as a housing site (VH1) in the Midlothian Local Plan 2008; the site has an indicative capacity of 35.

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). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 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.
- 7.12 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.13 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on *Development in the Countryside and Green Belt*.

- 7.14 Policy **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.
- 7.15 Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.
- 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 **ENV23: Scheduled Monuments** states that development which could have an adverse effect on a scheduled monument, or the integrity of its setting, will not be permitted.
- 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 **IMP1: New Development** seeks to ensure 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.

- 7.23 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.
- 7.24 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 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.

- 7.29 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”.
- 7.30 **Designing Streets** is the Scottish Government’s policy statement on street design. It 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.

8 PLANNING ISSUES

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

Principle of Development

- 8.2 The majority of the application site is an allocated housing site (referred to as site VH1 in the Midlothian Local Plan 2008 and site h59 in the MLDP) which is located within the built-up area of Pathhead where there is a presumption in favour of appropriate development. Policies STRAT1 and DEV2 support the principle of development within the built-up area subject to the details of the proposal being acceptable. The principle of residential development at this location is acceptable.
- 8.3 Whilst there is a presumption in favour of appropriate residential development on the site; there is also a presumption that as the site borders the countryside it will be used to accommodate the majority of the necessary elements of the development e.g. landscaping, surface water drainage provision, open space provision and access. The earlier proposal for the site (reference 19/00579/DPP) made use of land outwith the allocation for access, surface water drainage attenuation and structural landscaping. This would have resulted in a 29% increase in landtake over and above the allocated site and was one of the reasons that the earlier proposal could not be supported and was withdrawn.
- 8.4 The revised layout that forms the current application accommodates all of the housing, recreational open space, surface water drainage attenuation and structural landscaping within the allocated site. The access to the site is outwith the allocated site and is within land identified as countryside in the MLDP; the land does not form part of

the green belt. The location of the access has been accepted by the planning authority since the site was first allocated as there is not an alternative appropriate access to the site. The scale and layout of the bellmouth junction field access, which was granted consent in 2005, was designed with the intention to facilitate development of the land adjoining the primary school.

- 8.5 The proposed layout includes 42 houses and 4 cottage flats giving a total capacity of 46 units. The site was allocated with an indicative capacity of 35 units and the proposed development represents an increase of 31% above the indicative capacity. The current proposal represents a reduction of 18 units from the 2019 scheme which was 83% above the indicative capacity. An increase in unit numbers is acceptable if the scheme is of good design and layout and the impact of the development can be mitigated.

Layout and form of the development

- 8.6 The proposed layout includes a mix of house types all of which utilise conventional mass house builder styles and finish materials. The mix of house types includes cottage flats and detached, semi-detached and terraced houses. The development includes 11 different house types (including the cottage flat blocks) with no house type having more than 4 units; this will ensure that the development will create a diverse visual appearance and create visual interest.
- 8.7 The proposed layout has 2 points where it creates links with the existing village. At the northern corner of the site there will be a sloping landscaped area with a link to the existing cyclepath. This area will provide separation from the new Council housing, thereby respecting the amenity of residents, and will create a landscaped approach to the development that will wrap round the western boundary and provide a buffer between the school and the new development. At the eastern end of the cyclepath, where it makes a 90 degree turn to follow the western edge of Callander Park, the development will have a landscaped open space. The open space and cyclepath will have similar levels and this will create an attractive pedestrian access that will allow the open space to flow into the village's existing path network.
- 8.8 The proposed layout's main area of open space is a linear space which crosses the site from north to south in three sections. The linear open space aligns itself with the route of the core path and this will ensure that the core path is maintained and enhanced. The houses adjoining the central open space will have their principal elevations facing onto the open space and this will create an attractive and usable central space for the development.
- 8.9 The proposed layout provides acceptable separation distances between properties within the development and this will ensure that new residents will have acceptable levels of privacy. The mix of

gardens sizes will ensure that all of the proposed properties will be provided with adequate levels of usable private garden space.

Affordable Housing

- 8.10 The proposed layout provides 12 affordable housing units, this represents 26% of the total number of units. The affordable housing comprises 4 x 1 bed cottage flats; 4 x 2 bed mid terrace houses; and 4 x 3 bed end terrace house. The affordable housing is situated in an area at the northern corner of the site, close to the Council housing development that is currently under construction.

Access and Transportation

- 8.11 The application is supported by a Transport Statement which provides estimates for trip generation created using TRICS which is a system that compiles the results of over 8000 directional transport surveys relating to more than 110 types of development. The system uses data from across the UK and Ireland and allows users to set various constraints in order to generate estimated figures based on surveys from similar sites. TRICS is a widely used by transport consultants and roads authorities.
- 8.12 As part of the process of compiling the Transport Statement a traffic count was undertaken by the applicant's consultants in February 2019. The count was carried out during the AM (07:15-08:15) and PM (15:00-16:00) peaks and counted the traffic passing through the Crichton Road and Edgehead Road junction, and the Edgehead Road, A68 Main Street and Hill Road junction.
- 8.13 TRICS data was used to estimate the trips generated by the development during AM and PM peaks. The Transport Statement estimates that the development will generate 12 arrivals and 19 departures during a typical AM peak and 22 arrivals and 12 departures during a typical PM peak. As is noted above, TRICS is widely used by both transport consultants and roads authorities and its methodology is considered sound by transport engineering professions.
- 8.14 Using junction modelling software the results of the traffic count and the trip generation estimates have been used to calculate the existing and proposed capacities of the two junctions. The statement concludes that the junctions are currently working within capacity and that they will continue to do so after the addition of the traffic estimated to be generated by the development. The statement and its conclusions have been assessed by Transport Scotland (the Roads Authority with responsibility for the A68 Main Street trunk road) and the Council's Policy and Road Safety Manager. Neither have objected to the application and neither have recommended improvements to Crichton Road or the survey junctions. On the basis of the consultation responses from the expert transportation consultees it is concluded that

the surrounding road network can accommodate the additional traffic likely to be generated by the proposal.

Surface Water Drainage

- 8.15 The Scottish Water consultation response confirmed that it has no objection to the proposal. The response also confirms that there is currently sufficient capacity at Rosebery Water Treatment Works (this part of the response relates to the provision of water to the site); it is recommended that the applicant submit a Pre-Development Enquiry Form to Scottish Water to allow for an assessment of capacity. It is also confirmed the Pathhead Waste Water Treatment Works (i.e. foul water waste) has sufficient capacity for a foul only connection. The response also confirms that Scottish Water will not accept connections of surface water drainage into their combined sewer system, except for limited exceptional circumstances on brownfield sites.
- 8.16 These are all common consultation responses from Scottish Water and do not indicate any fundamental issues with the application site. It is Scottish Water's standard approach to provide a no objection response for planning consultations and advise that the applicant should submit a Pre-Development Enquiry (PDE) to Scottish Water – this is their separate assessment and regulatory framework.
- 8.17 The applicant has prepared a Surface Water Management Plan. Surface water will be treated via a bio retention swale for the roads; filter trenches for run-off from roofs; and porous paving for run-off from driveways. Surface water drains will feed to an underground attenuation unit from where discharge will outfall to the Dreepy Burn; discharge rates will be restricted to greenfield run-off rates to ensure that run-off into the burn does not exceed current levels.

Ground Conditions

- 8.18 The application submission includes a report on site investigations including details of a desk study and intrusive site investigations. The report has been considered by the Council's external peer reviewer who notes no issues with the assessments and recommendations. No mitigation measures are recommended.

Archaeology

- 8.19 The eastern edge of the site is 3.5m from the boundary of a scheduled ancient monument site (Pathhead, Roman camps, enclosures and pit alignment). The Council's archaeology consultee notes that the site lies adjacent to the scheduled monument and is within an area of archaeological potential. The Council's Archaeological Advisor recommends that if permission was to be granted any consent should include a condition to secure a programme of archaeological

(Evaluation) work in accordance with a written scheme of investigation which has been approved by the planning authority.

Biodiversity

- 8.20 An ecological assessment has been submitted in support of the application. The assessment concludes that the site currently supports a poor variety of habitats and that it has very limited potential to support any protected species and species of conservation concern. The Council's Biodiversity Advisor agrees with the findings of the assessment and has not recommended any further assessments or mitigation measures.

Trees and Landscaping

- 8.21 The site is not situated within the Pathhead and Ford Conservation Area and there are no tree preservation orders that apply to the site. The site currently contains six trees (willow) along the boundary with the school. The willows are in poor condition due to their proximity to the weldmesh fencing that surrounds the school. It is proposed that the trees be felled. The landscaping plan submitted with the application proposes a 17m wide landscape buffer along the boundary with the school that will consist of 1257sqm of structure woodland planting, 501sqm of native shrub mix planting and 490sqm of wildflower grass planting. In total the proposed landscaping plan provides 142 new trees, 3092sqm of structure woodland planting and 1483sqm of native shrub planting.

Education and Health capacity

- 8.22 The Council's Education Resource Manager has confirmed that Tynewater Primary School is currently at capacity, however analysis of intakes indicate that this is due to an unusually high cohort in 2019. The school has a number of children attending who reside in the catchment areas of other neighbouring schools. Plans to provide additional primary school capacity in the Dalkeith area are progressing and it is anticipated that after 2022 it will no longer be necessary to use Tynewater to accommodate pupils from outwith the catchment area. The Education Resource Manager is satisfied that the school can accommodate the anticipated pupil numbers generated by the development without the need for additional capacity at the school.
- 8.23 A number of objections have referred to the development creating extra demand at Pathhead Medical Centre. Midlothian Health and Social Care Partnership is a partnership between Midlothian Council and NHS Lothian; it is responsible for all community health and social care services for adults within Midlothian and provides the link between the Council and NHS Lothian. The Partnership was consulted on the application with specific reference to the proposal's impact on the

Medical Centre. The Partnership had no comments to make on the proposal.

Developer Contributions

- 8.24 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Planning Obligation in respect of the following matters:
- A financial contribution towards additional primary education capacity;
 - A financial contribution towards additional secondary education capacity;
 - A financial contribution towards community facilities;
 - Affordable housing provision (a minimum of 25%);
 - A financial contribution towards public transport (Borders Rail and/or local bus services); and
 - A financial contribution towards children's play areas/open space.
- 8.25 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
- 8.26 The requirements as set out above for any proposed Planning Obligation would meet the above tests.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reasons:

The site is an allocated housing site and the proposed development will be in keeping with the scale and character of the surrounding area; will provide adequate open space and parking provision; and will not have a significant detrimental impact on the residential amenity of the area. The proposal therefore complies with policies STRAT1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN5, IT1, RD1, ENV4, ENV6, ENV9,

ENV10, ENV11, ENV15, ENV23, ENV25, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.

Subject to:

- i) the completion of a planning obligation to secure:
 - A financial contribution towards additional primary education capacity;
 - A financial contribution towards additional secondary education capacity;
 - A financial contribution towards community facilities;
 - Affordable housing provision (a minimum of 25%);
 - A financial contribution towards public transport (Borders Rail and/or local bus services); and
 - A financial contribution towards 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. Development shall not begin until the applicant has undertaken and reported upon a programme of archaeological (Evaluation) work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason: *To ensure the development does not result in the unnecessary loss of archaeological material.*

2. Development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, roads, parking areas and paths in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained, removed, protected during development (to BS 5837:2012) and in the case of damage, restored;
 - iii proposed new planting 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 shall be completed prior to the development being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August); unless a suitably qualified ecologist has carried out a walkover survey of the felling/removal area in the 48 hours prior to the commencement of felling/removal, and confirmed in writing that no breeding birds will be affected;
- vii proposed car park configuration and surfacing;
- viii details of the location, design, height and specification of proposed street lighting within the development;
- ix proposed footpaths; and
- x proposed cycle parking facilities

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 policy DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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

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

4. Development shall not begin until details of the provision and use of electric vehicle charging stations 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.*

5. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of high speed fibre broadband prior to the occupation of the building. The delivery of high speed fibre broadband shall be implemented as per the approved details or such alternative as may be approved in writing by the Planning Authority.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure; and to comply with policy IT1 of the Midlothian Local Development Plan 2017*

6. Development shall not begin until details of a scheme to deal with surface water drainage has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9 and ENV10 of the Midlothian Local Development Plan 2017.*

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

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

8. 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. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the Planning Authority.

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

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

- a) The developer has submitted to the Planning Authority details of the measures it proposes to ensure that all the flats/dwellinghouses built on plots 6 to 17 (inclusive) are occupied in perpetuity only as affordable housing as defined in the Midlothian Local Development Plan 2017;
- b) The Planning Authority has approved the measures, submitted to discharge requirement 9 a) above, in writing; and
- c) The developer has provided documentary evidence to the Planning Authority that the measures that the Planning Authority has approved are in place and the Planning Authority has confirmed in writing that the provision that has been made is satisfactory.

Reason: *The application has been assessed on the basis that the development provides affordable housing and this condition is essential in order to ensure that the flats/dwellinghouses remain available for occupation by people on modest incomes to meet locally the identified needs of people who cannot afford to buy or rent housing generally available on the open market.*

10. 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 construction access routes;
- ii. signage for construction traffic, pedestrians and other users of the site;
- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 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.*

11. Development shall not begin until a scheme of protection for the Scheduled Monument (Pathhead, Roman camps, enclosures and pit alignment – reference SM5819) has been submitted to and approved in writing by the Planning Authority. Development thereafter shall comply with the approved details, or such alternative as may be approved in writing by the Planning Authority.

Reason: *To safeguard the scheduled monument.*

Peter Arnsdorf
Planning Manager

Date:	8 May 2021
Application No:	20/00538/DPP
Applicant:	Muir Homes
Agent:	Jacqueline Forbes Consulting
Validation Date:	28 August 2020
Contact Person:	Graeme King
Email:	graeme.king@midlothian.gov.uk
Background Papers:	18/00144/SCR, 19/00076/PAC, 19/00579/DPP
Attached Plans:	Site Layout Plan, Landscape Plan and Cross Section Elevations Plan



Accommodation Schedule				
Private				
House Type	No.	sq.ft	%	Total sq.ft
Lewis Semi	2	878	5.88	1756
Kinkell Semi	14	953	41.2	13342
Kinkell Det	4	953	11.8	3812
Cheviot	5	1053	14.7	5265
Gigha	3	1161	8.8	3483
Wemyss	3	1255	8.8	3765
Lismore	1	1322	2.9	1322
Balgarvie	2	1482	5.9	2964
Total	34		100.0	35709
Affordable				
1 Bed Flat GF - G	2	609		1218
1 Bed Flat UF - G	2	749		1498
2 Bed Mid Terrace - B	4	841		3364
3 Bed End Terrace - D	4	983		3932
Total	46			45721
Net developable area			3.5 acres	
Net coverage			13063 sq.ft/acre	

BOUNDARY TREATMENT KEY	
	1800 Screen Fence
	900 3 Rail Boundary Fence
	900 Post and Wire Fence
	1800 Screen Wall

Rev	Note	by	date
N	Plots 37-39 amended. Plots 43,45,46 Boundary amended	JF	Dec 20
M	Boundary Treatments and Roads Finishes added	JF	Nov 20
L	Plots 11 & 12 handed	JF	Oct 20
K	Scheduled Monument boundary note added	JF	Sep 20
J	Minor footpath and parking amendments	JF	Apr 20
H	Boundary/Layout amended for Ancient Monument	JF	Apr 20
G	Agricultural Access added, plot 30 amended	JF	Apr 20
F	Landscape strip at plots 26/27 increased	JF	Mar 20
E	Layout revised increase stand-off from School	JF	Jan 20
D	Layout reworked to new boundaries and mix	JF	Oct 19
C	Footprints updated	JF	Aug 19
B	Boundary Amended	JF	July 19
A	Amended following Planners comments	JF	Feb 19

JACQUELINE FORBES CONSULTING
36 BRACKENBRAE AVENUE
BISHOPBRIGGS G64 2BW
07769 743628

JFC

Project
RESIDENTIAL DEVELOPMENT AT CRICHTON ROAD, PATHHEAD

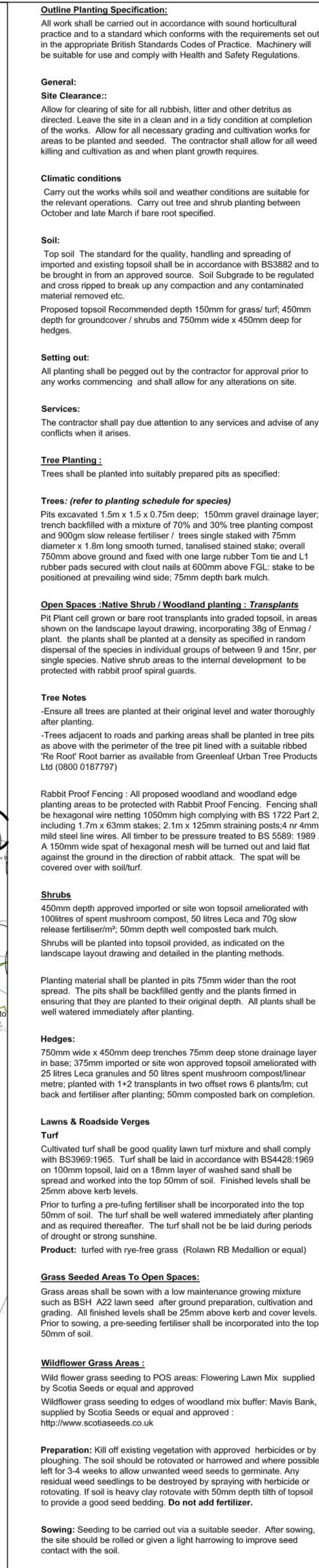
Client
MUIR HOMES LTD

Stage
PLANNING

Drawing
SITE LAYOUT PLAN With Boundary and Roads Finishes

Number	17.044.P.002	Revision	N
Scale	1:500	Sheet Size	A1
Date	JUNE 19	By	JF





B	24.09.20	CSC	Revised landscape proposals as per comments from HES. F & H2 Trees omitted and shrub edge species not altered to south east.
A	22.06.20	CSC	Revised landscape proposals as per architects revised layouts
Rev	Date	By	Amendments

CSC Landscape Design Ltd.

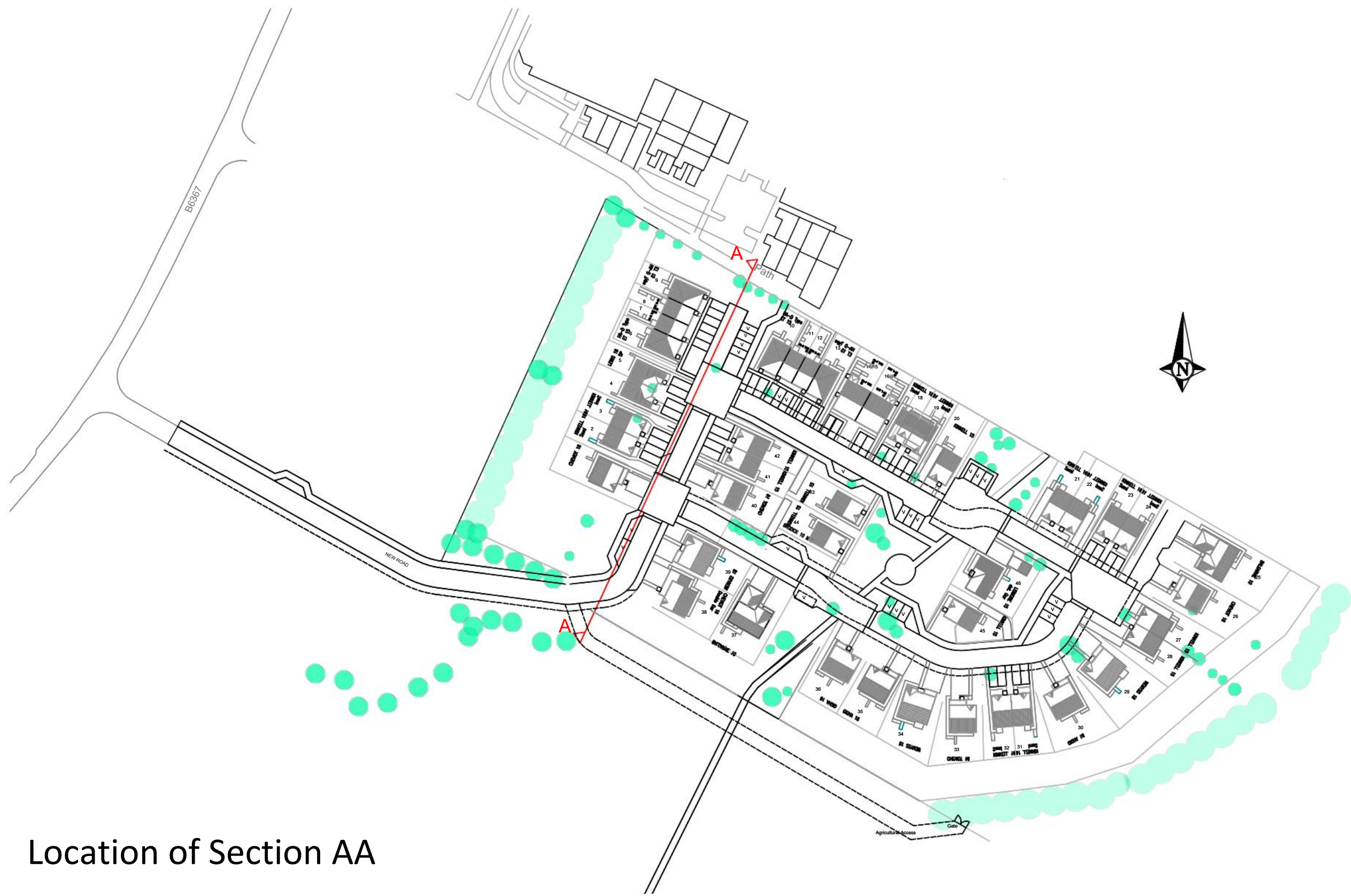
3b Parkhead Holdings
Linlithgow
EH49 7RF

Email: cat@scclandscapepdesign.co.uk

Date: JUN 19	Scale: 1:500 @A1	Drawn by: CSC
Client: MUIR HOMES		



Section AA



Location of Section AA

B A		Amended to reflect revised layout Finishes amended		jf jf	Aug 20 June 19
Rev	Note			by	date
<div>JFC</div> <div>JACQUELINE FORBES CONSULTING 36 BRACKENBRAE AVENUE BISHOPBRIGGS G64 2BW 07769 743628</div>					
Project RESIDENTIAL DEVELOPMENT AT CRICHTON ROAD, PATHHEAD					
Client MUIR HOMES LTD					
Stage PLANNING					
Drawing STREET ELEVATION AA					
Number	17.044.P.006		Revision B		
Scale	1:200 / 1:500		Sheet Size A1		
Date	JUN 19		By JF		