



**APPLICATION FOR PLANNING PERMISSION 19/00510/DPP FOR THE
ERECTION OF 12 FLATTED DWELLINGS; FORMATION OF ACCESS
ROADS AND CAR PARKING; AND ASSOCIATED WORKS AT LAND AT
WINDSOR SQUARE, PENICUIK**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 12 flatted dwellings on land at Windsor Square, Penicuik. There has been 33 representations from 28 different households and consultation responses from Scottish Water, the Council's Education Resources Manager, the Council's Policy and Roads Safety Manager and the Council's Environmental Health Manager. An objection has also been received from the Penicuik and District Community Council.
- 1.2** The relevant development plan policies are STRAT2, DEV2, DEV5, DEV6, DEV7, DEV8, TRAN5, IT1, ENV9, ENV10, IMP1 and IMP2 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.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site comprises 3 parcels of land within an established residential area in Penicuik: a former care home; a 2 storey house; and, an area of grassed public amenity space. The former care home is a modern single storey building with a footprint of 377 sqm; this building is currently unoccupied. The walls are finished with grey dry dash render; the doors and windows are brown coloured timber framed units; and the roof is finished with grey/brown profiled concrete roof tiles.
- 2.2** The only occupied building on the site is the 2 storey house; it was formerly used as accommodation for the caretaker associated with the care home and is now let as social housing. The walls are finished in off white dry dash render; the windows are brown coloured timber framed units; and the roof is finished with grey/brown profiled concrete

roof tiles. Both the house and the former care home are owned by the applicant, Ark Housing Association.

- 2.3 The final parcel of land is an area of grassed amenity space measuring 1160sqm. The space is predominantly open with the exception of three small groupings of trees and hedges. The amenity space slopes uphill slightly from north to south and noticeably downhill from west to east. The eastern edge of the amenity space is approximately 2m lower than the western edge. The amenity space is owned by the Council.
- 2.4 The immediate surroundings are entirely residential. The buildings are all modern two storey houses; mostly terraced with some semi-detached. The road layout at Windsor Square follows a one way system round the square, with traffic moving in a clockwise direction. The street has on-street parking on both sides, with parking spaces marked out on the street on the inner edge of the curve.

3 PROPOSAL

- 3.1 It is proposed to erect 12 two bedroom flats in three blocks of four flats. The buildings will be 17.5m wide, 8.8m deep, 5.5m tall to the eaves and 8.8m tall to the ridge of the roof. The walls of the buildings will be finished with white render; the roofs will be finished with red concrete pantiles; and the windows will be white uPVC units. Access to the upper flats will be via single storey porches on the front elevation of the blocks. Two of the blocks will be erected on land currently occupied by the curtilage of the existing buildings; the third block will be situated at the northern side of the site on land that is currently open space. An area of open space measuring 704sqm will be retained at the eastern side of the site. Parking will be via end on parking spaces in front of the buildings.
- 3.2 The 12 flats are to be all affordable housing units provided by a Registered Social Landlord (RSL), Ark Housing Association, and form part of the Council's Strategic Housing Investment Plan (SHIP).

4 BACKGROUND

- 4.1 Planning permission 572/86 was granted for the extension of the existing care home building to provide four extra bedrooms and the erection of a warden's house at 76 Windsor Square, Penicuik.
- 4.2 Planning permission 697/90 was granted for the construction of a vehicular access at 76 Windsor Square, Penicuik.
- 4.3 Planning application 18/00730/DPP for the erection of 20 flatted dwellings; formation of access roads and car parking; and associated works at land at Windsor Square, Penicuik was refused in January 2019. The reasons for refusal were as follows:

1. *The development would result in the loss of an area of open space that makes a positive contribution to the character and amenity of the surrounding area. The loss of the open space is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017.*
2. *The size, layout and allocation of private open space for the flats will provide an inadequate level of amenity for residents. The provision of private open space is contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017*
3. *The scale, proportions and design of the buildings are out of character with the surrounding area. The proposal is therefore contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.*
4. *The development would result in a reduction in width of the existing road at Windsor Square. The impact on the width of the road is a material consideration in the assessment of the planning application.*
5. *The development would create additional demand for parking while reducing the existing one-street parking capacity. The impact on parking is a material consideration in the assessment of the planning application.*
6. *The development includes a formal pedestrian footway with a sub-standard width. Pedestrian safety is a material consideration in the assessment of the planning application.*

- 4.4 The application has been called to Committee for determination by Councillor McCall. The reasons for the call-in are; concerns about waste water and the ability of the current system to cope with another 12 properties and the loss of green space.

5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application. However, cannot confirm whether there is sufficient capacity at Rosebery Water Treatment Works; it is recommended that the applicant submit a Pre-Development Enquiry Form to Scottish Water to allow for assessment of capacity. The Penicuik Waste Water Treatment Works has sufficient capacity at present.
- 5.2 The Council's **Education Resources Manager** advises that a development of 12 dwellings would give rise to four primary school pupils and three 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 areas of Strathesk Primary School, Sacred Heart RC Primary School, Beeslack and Penicuik High Schools and St David's RC High School.

- 5.3 The Council's **Policy and Road Safety Manager** does not object to the application subject to the submission of surface water drainage details.
- 5.4 The Council's **Environmental Health Manager** does not object to the application subject to conditions being attached to any grant of planning permission to secure site investigations and mitigation measures to address any land contamination and appropriate construction hours for a residential area.
- 5.5 **Penicuik and District Community Council** objects to the proposal for the following reasons:
- The views of local residents have not been taken fully into consideration;
 - The proposal will result in the loss of an area of public open space;
 - The proposal will result in the loss of on-street parking spaces;
 - Flats are not in keeping with semi-detached houses and would be a blot on the landscape.

6 REPRESENTATIONS

- 6.1 There has been 33 representations, from 28 different households, objecting to the application all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:
- Flats are out of character with the existing housing in the area;
 - Access for emergency services is already difficult;
 - The green space is a valuable play space for local children;
 - The volume of traffic will impact on pedestrian safety;
 - The development will create an increased demand for parking;
 - Parking is already difficult in the area;
 - The height of the buildings will result in a loss of sunlight for existing properties;
 - A new playpark would attract children from a wider area and encourage anti-social behaviour;
 - Flats will overlook houses;
 - An area of natural green space with 6 trees on it will be lost;
 - There are existing problems with foul water drainage capacity in the area;
 - The space would be better used as allotments;
 - The development will result in a loss of views of the Pentlands;
 - If Ark buy the green space it would be easier for them to eventually build on it;
 - The residents of Windsor Square don't want a playpark on the green space;
 - The amenities and utilities which service the Square would be put under strain by increasing the local population;

- Ark should develop their site and leave the existing green space for the residents of Windsor Square;
- The planning application does not state how much green space will be acquired by Ark Housing;
- The Council should not sell public owned land to a non-Midlothian Housing Association;
- The Scottish Water consultation response states that drainage cannot be guaranteed;
- No mention of the provision of disabled parking spaces;
- Inadequate lighting for the new dwellings;
- The addition of 12 dwellings would be a huge increase which would completely alter the character of the street;
- Loss of daylight;
- The loss of the open space would mean that children would need to cross Windsor Drive, which is a busy road and a bus route, to get to the nearest green space at Ladywood Park;
- The application form states that no trees will be felled, this is unlikely as the location of the trees will mean they will need to be felled;
- The illustration drawings submitted with the application show a car heading in the wrong direction round the one way system;
- There are already issues with surface water flooding during times of severe weather;
- A new use could be found for the existing building;
- Do Ark Housing Association own the land? No title deeds can be obtained from Registers of Scotland;
- Loss of the green space will have a detrimental impact on the health of local children; and
- There are lots of bats at dusk and they appear to roost in the existing building.

6.2 One of the objections has been submitted on behalf of the Windsor Square Residents' Committee. Their grounds for objection are as follows:

- The application form has been filled out incorrectly. A public right of way will be impeded by the formation of 2 parking spaces on the open space;
- The Scottish Water consultation response states that Scottish Water cannot confirm that this development can currently be serviced;
- There are 2 large drain covers within the grassed area. What will happen to these drainage pipes?
- The application form states that no trees will be felled. There are in fact 3 trees on the site;
- Why have no roof plans or landscape plans been submitted?
- If parking and street lighting were a concern in relation to the previous application then they are still a concern;

- The illustration drawings submitted with the application show a car heading in the wrong direction round the one way system; and
- It has been confirmed to Windsor Square Resident Committee that the Architect has already had conversations with Mr Graeme King in relation to the current green land to enquire about purchasing the rest of the green space within Windsor Square. If this was granted, this will allow Ark Housing to develop more houses and will not need permission from any of the residents.

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 2017 (MLDP). The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017

- 7.2 Policy **STRAT2: Windfall Housing Sites** permits housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.3 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.
- 7.4 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.5 Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.6 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.
- 7.7 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A. Result in a permanent loss of the open space; and/or
 - B. Adversely affect the accessibility of the open space; and/or

- C. Diminish the quality, amenity or biodiversity of the open space; and/or
- D. Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.

- 7.8 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.
- 7.9 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.

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.

Principle of Development

- 8.2 The application site is located within the built up area of Penicuik where there is a presumption in favour of appropriate development. In such circumstances MLDP policy STRAT2 supports the principle of windfall housing development. The application site is situated within a residential area and as such the site is not inherently unsuitable for residential development and the consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for residential purposes. Generally, it is considered that a residential use of the site is compatible with the character of the area. The principal planning issues relate to the assessment of the appropriateness of the scale, mass and proportions of the development, the design, material finish, layout, amenity space, access and parking and impact on local amenity.

Loss of Open Space

- 8.3 MLDP policy DEV8 (Open Spaces) states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. These spaces are generally public parks; civic spaces; recreation areas; and natural and semi-natural areas within built-up areas. The open space at Windsor Square is not one of the spaces identified on the Proposals Map as being protected under policy DEV8. Whilst the open space is not protected by policy DEV8 this is a reflection of its size rather than an assessment of its quality and amenity value to local residents.
- 8.4 The shape of the space, the fact that it is predominantly grassed and the excellent passive surveillance afforded by its central location within a group of houses all mean that the space is highly effective as a safe informal play space for children. While there are other larger open spaces and formal play areas in the wider surrounding area they are not as easy for younger unaccompanied children to access due to their distance from Windsor Square and the nature of the roads that must be crossed to access the areas. Many of the representations received have highlighted the benefits of the space and its importance to the local residents.
- 8.5 The previous scheme was for 20 flats and would have resulted in the complete loss of the open space. The loss of the space was one of the reasons for refusal of application 18/00730/DPP. The current proposal has reduced the number of flats by eight and will allow for the retention

of the majority of the open space. An area of 721sqm will be retained, this represents 62% of the existing area.

- 8.6 The space that will remain will be of usable size and will continue to benefit from excellent passive surveillance. The space will continue to be centrally located and this will allow it to be a valuable community space which helps to define Windsor Square's character as a "square" centred on a shared space. Whilst the proposal will result in a reduction of open space when compared to the existing situation, this must be balanced against the provision of 12 modern social housing flats and the removal of a redundant building. On balance the loss of a portion of the open space will not have a significant enough impact on the character and amenity of the local area to warrant refusal of the application.

Design, Layout and Finish Materials

- 8.7 The three blocks of flats will all be two storey buildings with conventional pitched roofs – this reflects the existing dwellinghouses in Windsor Square. The buildings are conventionally proportioned and detailed and are in keeping with the character of the surrounding area. Whilst the designs and finish materials do not match those of the majority of the buildings at Windsor Square, it is common for urban streets to include a variety of designs and finishes reflecting different phases of development; the existing care home building and former caretaker's house are an example of this.
- 8.8 Windsor Square, at present, does not have any flats, however the mixing of two storey houses and flats is a common feature of streets throughout Midlothian and beyond. The proposed development would constitute 23.5% of the housing units at Windsor Square and would not represent a significant change in character.
- 8.9 The blocks will have a strong relationship with the streetscape and this will maintain the existing streetscape character of the houses within the central portion of Windsor Square. The scale and location of the buildings will ensure that there will be no significant loss of daylight, sunlight or privacy when compared to the existing situation.
- 8.10 The Scottish Water consultation response confirmed that it has no objection to the proposal. The response also confirms that Scottish Water cannot confirm whether there is 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 assessment of capacity. It is also confirmed that the Penicuik Waste Water Treatment Works (i.e. foul water waste) has sufficient capacity at present. Finally the response also confirms that Scottish Water will not accept connection of surface water drainage into their combined sewer system, except for limited exceptional circumstances on brownfield sites.

- 8.11 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. Ark Housing Association submitted a PDE in December 2019 and Scottish Water confirmed in their response that there was sufficient water capacity and foul water capacity to accommodate the development.
- 8.12 Engineers acting for the applicant have calculated the surface water run-off that the proposed development will generate and the capacity of the attenuation that would be required to ensure that discharge rates comply with Scottish Water standards. Provisional agreement has been reached with Scottish Water for the relocation of the existing surface water drain that passes through the area of green space and for connection of the surface water drainage from the site into the Scottish Water network.
- 8.13 Enabling works to facilitate connections to utilities infrastructure (such as the relocation of the surface water drain) are a common part of the development process; usually details are provided at a post decision phase as part of the information submitted to discharge conditions and to secure a building warrant. In this instance the planning authority asked for more information at the application phase as it was aware that Scottish Water had recently started to take a firmer position on surface water drainage connections (for many years it was a relatively straightforward process for applicants), in particular on brownfield sites such as the site at Windsor Square. The Council as both planning authority and flood protection authority is satisfied that the applicant has provided sufficient information to demonstrate that the site can be safely drained of surface water run-off. Finalised details of the drainage scheme can be secured via condition.

Parking and Access

- 8.14 The proposed layout provides 12 allocated spaces in front of the flats and eight visitor parking spaces adjacent to the blocks. The parking provision comfortably exceeds, by 67%, the Council's parking standards for social housing which requires one space per flat. The additional parking will provide visitor parking comparable with private housing and will also provide an additional two spaces to compensate for a loss of two on street parking spaces. The Council's Policy and Road Safety Manager has considered the proposal and is satisfied that the parking and access arrangements are acceptable. As is standard practice within Midlothian finalised details of surfacing materials and lighting provision will be secured via condition and through the roads construction consent process (RCC).

Biodiversity

- 8.15 The Council screens all planning applications against a range of biodiversity constraints such as nature conservation sites, areas of ancient woodland and areas with recorded sitings of protected species. If the screening process identifies constraints within an application site the Council may ask an applicant to submit reports demonstrating that the constraints have been considered and, if necessary, mitigation measures prepared. Appropriate mitigation measures will then be secured by condition. The biodiversity screening process did not identify any biodiversity constraints that apply to this application site.

Landscaping

- 8.16 Currently there are three trees and some areas of shrubs within the open space. There are two trees and various hedges/shrubs on the care home site. The trees will be felled to accommodate the development. As is standard practice a landscaping plan will be secured by condition; compensatory planting will be secured as part of the landscaping plan.

Other Matters

- 8.17 The ownership of the site is not a material planning consideration. The applicant has completed the necessary owner's notification required under planning legislation. Should the applicant wish to consider the development of the remaining area of open space at some point in the future that would require a further application for planning permission which would be assessed on its merits in relation to policies in place at the time of the application.

Developer Contributions

- 8.18 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:
1. Necessary to make the proposed development acceptable in planning terms (paragraph 15);
 2. Serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 3. 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);
 4. Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23);
 5. Be reasonable in all other respects.

- 8.19 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements (a form of planning obligation) are set out in the MLDP and Midlothian Council's Developer Contributions Guidelines (Supplementary Planning Guidance).
- 8.20 This proposed development of which the principal element is the provision of 12 flatted dwellings has been assessed in relation to the above guidance and it is considered that a planning obligation is required in respect of the following matters:
- The proposed development in conjunction with housing identified in the MLDP give rise to a need for additional primary school capacity in the Penicuik area. A proportionate contribution will be sought;
 - The proposed development in conjunction with housing identified in the MLDP give rise to a need for additional secondary school capacity in the Penicuik area. A proportionate contribution will be sought; and
 - The MLDP identifies the provision of the A701 Relief Road as being key to accommodating development within this transport corridor. A proportionate contribution will be required from this development.

9 RECOMMENDATION

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

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 STRAT2, DEV2, DEV5, DEV6, DEV7, TRAN5, IT1, ENV9, ENV10, IMP1 and IMP2 of the Midlothian Local Development Plan 2017.

- 9.2 Subject to:

- i) The prior signing of a legal agreement to secure:
- a contribution towards education provision; and
 - a contribution towards the A701 Relief Road.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused for none compliance with MLDP policies IMP1 and IMP2.

Subject to the following conditions:

1. The development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the Planning Authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i. the nature, extent and types of contamination on the site;
 - ii. measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
 - iii. measures to deal with contamination encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.
2. On completion of any required decontamination/ remediation works, referred to in Condition 1, and prior to any dwelling on the site being occupied, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling on the site shall be occupied unless or until the planning authority have approved the required validation.

Reason for conditions 1 and 2: 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.

3. 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 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 (3vi). 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.*

4. 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.*

5. 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.*

6. 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.

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*

7. 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.*

8. 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 an 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.*

9. 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.*

10. 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/dwellings built on the site 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 10 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.*

11. Development shall not begin until 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;
 - 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);
 - xiii. details of the location and content of any soil or rubble stockpiles; the dimensions of each stockpile; the expected after-use for each stockpile; and
 - xiv. details of measures to control surface water run-off from the site during construction.

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*

Peter Arnsdorf
Planning Manager

Date: 25 May 2020

Application No: 19/00510/DPP

Applicant: Ark Housing Association, The Priory, Canaan Lane, Edinburgh

Agent: N/A

Validation Date: 10 June 2019

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Background Papers: 17/00740/DPP

Attached Plans: Site Plan, Elevations and Floor Plans



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

Erection of 12 flatted dwellings, formation of access roads and car parking and associated works at Land At Windsor Square, Penicuik

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