



APPLICATION FOR PLANNING PERMISSION 18/00703/DPP FOR THE ERECTION OF 51 DWELLINGS; FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS ON LAND 65M WEST OF ROSSLYN BOWLING CLUB, MAIN STREET, ROSLIN

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 43 dwellinghouses and 8 flatted dwellings; the formation of associated access road; and a sustainable urban drainage system (SUDS) on land 65m west of Roslyn Bowling Club, Main Street, Roslin. The site comprises the eastern part of allocated housing site Hs19 in the Midlothian Local Development Plan 2017. There have been 19 representations and consultation responses from the Scottish Environment Protection Agency, the Coal Authority, the Roslin & Bilston Community Council, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Housing Planning and Performance Manager, the Council's Environmental Health Manager, the Council's Policy and Roads Safety Manager and the Council's Land Resource Manager.**
- 1.2 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and Policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.**
- 1.1 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary infrastructure and the provision of affordable housing.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site comprises approximately 3.19 hectares of agricultural land located to the northern edge of Roslin. The application site is separated from the village by the disused rail line which is now Core Path 29. The site comprises the eastern extremity of allocated housing site Hs19.**

- 2.2 Part of Core Path 27, which connects Roslin to a network of other paths in the wider countryside and the agricultural fields beyond, bounds the site to the north. The Kill Burn cuts through the said agricultural fields. The B7006 (Main Street) bounds the site to the east, beyond which is the land previously occupied by the Roslin Institute and which is now allocated housing site Hs18. Core Path 29, with residential properties in Moat View beyond, bound the site to the south. The remainder of allocated site Hs19, which is the subject of planning application 18/00535/PPP, bounds the site to the west, beyond which is the Chapel Lawn residential development site (by CALA Homes). This site is partly occupied and partly under construction.
- 2.3 The application site comprises part of a gently sloping agricultural field of grass. The site falls gently from south to north. The site is enclosed to the north and south boundaries by scrub and semi-mature trees. There is an existing mature hedge along the length of the eastern roadside boundary.
- 2.4 The existing built form of Roslin comprises primarily a mixture of mostly two-storey detached, semi-detached and terraced houses within good sized plots.

3 PROPOSAL

- 3.1 The originally submitted planning application comprised a proposal for 54 dwellings, made up of 46 dwellinghouses and eight flats. The scheme has been amended to now comprise the erection of 43 two-storey houses; the erection of 8 two-storey cottage flats; the formation of a vehicular access off the B7006 (Main Street); the formation a primary road and secondary roads; and the formation of a SUDS basin in the north western part of the site.
- 3.2 The proposal consists of 38 detached house; five terraced houses; and, eight cottage flats. The proposed housing mix comprises eight two bed units; five three bed units; and 38 four bed units.
- 3.3 Seven different house/flat types are proposed. The buildings have a mixture of pitched roofs and hipped roofs. It is proposed to use dark grey roof tiles throughout. Render is proposed as the primary external wall finish material.
- 3.4 The applicant proposes on-site affordable housing. The affordable units comprise the eight proposed cottage flats and the five terraced houses. This equates to 25% of the proposed dwellings on this application site.
- 3.5 A new vehicular access is proposed off the B7006 (Main Street) at a point located centrally on the eastern boundary of the application site. The access road runs on an east/west axis, with the intention being

that this will also provide access to the remainder of the Hs19 allocated housing site to the west.

- 3.6 Given that the site forms an integral part of allocated site Hs19 it is accompanied by a masterplan that covers the whole of site Hs19. If the whole of site Hs19 were built out as delineated in the masterplan there would be a total of 272 units, which is 12 units more than the site allocation. On the basis of a development of this size the average housing density across the whole of site Hs19 would be some 19 dwellings per hectare. However, the density of the development the subject of this current application is lower, at 14 dwellings per hectare.
- 3.7 The application is accompanied by:
- A pre-application consultation (PAC) report;
 - A design and access statement;
 - A noise report;
 - A flood risk assessment report;
 - An arboricultural impact assessment;
 - A Site Investigation report;
 - A transport assessment;
 - An ecological report; and
 - An archaeological desk-based assessment.

4 BACKGROUND

- 4.1 The applicants carried out a pre-application consultation (17/00693/PAC) for a residential development and associated works in September – November 2018.

5 CONSULTATIONS

- 5.1 The **Scottish Environment Protection Agency (SEPA)** does not object to the application.
- 5.2 The **Coal Authority** advises that the application site does not fall within the defined Development High Risk Area and that a Coal Mining Risk Assessment is not required. If planning permission is granted it will be necessary to include the Coal Authority's Standing Advice on development in a low risk area within the decision notice as an informative note to the applicant in the interest of public health and safety
- 5.3 **Roslin & Bilston Community Council's** comments are summarised as follows:
- Request that a comprehensive masterplan be prepared, which considers the whole of the Hs19 site. The masterplan should take in to account the impacts on the local road network and the character of the surrounding area;
 - Development must be sensitive to Roslin's unique setting and history and development must not harm local tourism;

- The application proposes an unacceptable number and mix of units and does not comply with the MLDP allocation;
- Affordable housing should be better integrated within the development;
- Some of the proposed dwellings will have an unacceptable outlook;
- Better variety of house styles required;
- Dwellings should be energy efficient;
- Housing should complement or enhance the character of Roslin. This proposal is potentially contrary to policy DEV6;
- Houses along the eastern boundary of the site should be of a traditional design and constructed in traditional materials;
- Houses should be set further back along the spine road;
- Monoblock is not an appropriate surfacing material for the spine road;
- Road surfaces and other areas of surfacing should be porous;
- SEPA's concerns regarding groundwater in mine-workings and the open culvert should be addressed;
- The SUDS features on the two sites which make up Hs19 should be combined and the left-over space allocated for recreation;
- Houses and streets should be designed in order to be accessible for elderly and disabled;
- The temporary construction access is a road safety hazard;
- The removal of a hedge along the roadside boundary will breach the Wildlife and Countryside Act 1981.
- Footway links from the site to the B7006 are essential. The link must be behind the existing hedge;
- Consideration should be given to improving wider footway links;
- A roundabout should be provided at the access to the site;
- Hedges must not obstruct visibility splays;
- Works are required in order to ensure highway safety, including signal controlled pedestrian crossing;
- Development does not encourage sustainable modes of travel, particularly being remote from public transport corridors;
- Development will contribute to congestion;
- 'Attractive' access to public transport must be provided;
- Developers in the area must contribute to a range of road and access improvements, including: footway widening; a roundabout; new traffic island; pedestrian crossing; and improved routes to public transport.

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

total site area which should be reported upon initially through a Data Structure Report (DSR).

- 5.5 The Council's **Head of Education** advises that a development of 51 dwellings would give rise to 16 primary school pupils and 13 secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Roslin Primary School, St Margaret's RC Primary School, Beeslack High School and St David's RC High School.
- 5.6 The **Midlothian Health and Social Care Partnership** was consulted on the application and has made no comment.
- 5.7 The Council's **Housing Planning and Performance Manager** confirms that he is satisfied with the proposed affordable housing layout on the site. The size breakdown of 62% 2 bed cottage flats and 38% 3 bed terrace is appropriate. His only comment is that he would like to see the delineation of gardens for the cottage flats as private gardens as this is a better option for cottage flats than a communal garden area. He notes that there appears to be an overhead power or telephone line that crosses over the garden area of one of the terraced houses. He requests that this arrangement be avoided to ensure that there aren't future management issues such as regular cutting back of trees to avoid touching the line.
- 5.8 The Council's **Environmental Health Manager** does not object to the application, subject to conditions being attached to any grant of planning permission ensuring that ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times.
- 5.9 A noise report has been prepared by KSG Acoustics, to support the planning application, with regards the potential for noise nuisance to the future occupants of the proposed dwellings from road traffic on Main Street. The Council's Environmental Health Manger has considered this report and has raised concerns regarding the external garden amenity noise criteria applied in the report. Rather than a design level to avoid 'the majority of people being seriously annoyed,' they advise that Midlothian Council's external daytime garden amenity standard in relation to anonymous noise 50 dB LAeq(16hr) is applied. They advise that an acoustic specialist identify noise mitigation measures necessary to ensure compliance with this standard. In addition, the Council's Environmental Health Manager advises that an acoustic specialist identify noise mitigation measures necessary to ensure compliance with the Council' internal standards, which are 35 dB LAeq(16hr) for daytime internal living apartment and 30 dB LAeq(8 hour) for night time in internal living apartments, which are consistent with that referred to in the acoustic report.
- 5.10 The **Council's Policy and Road Safety Manager** does not object to the application, subject to conditions being attached to any grant of

planning permission requiring the prior agreement of details of the SUDs basin and proposed surface water drainage system. In addition, with regards to the recommendation made within the Flood Risk Assessment report that an existing culvert under the track adjacent to the north of the site be upgraded to a minimum of a 1m diameter pipe to remove the over topping of the access track during flood conditions, he advises that technical details of the new culvert should be submitted for the prior approval of the planning authority in consultation with the Policy and Road Safety Manager.

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

6 REPRESENTATIONS

- 6.1 There have been 19 objections all of which can be viewed in full on the online planning application case file. One of the objections is from the Chapel Lawns resident's group 'CLAIM' (Chapel Lawns Action in Midlothian) which was set up to represent the collective views of residents in the neighbouring Chapel Lawns CALA Homes development. A summary of the objections are as follows:

- The masterplan submitted with the application does not demonstrate that there has been a cohesive, integrated approach to the development of site Hs19 and the Chapel Lawns development;
- The Council should be taking the lead of the masterplanning of the allocated housing sites in Roslin;
- Information has been submitted with the application to enable an informed assessment of the merits of the proposed development;
- There are insufficient public amenities and services; including health services in Roslin to meet the demand generated by the future occupants of the houses;
- The existing road infrastructure is not of a sufficient capacity to cope with the increase in use of them resulting from the development. The resultant increased congestion on neighbouring roads raises road safety concerns;
- Lack of services including, water, sewerage, retail facilities to support the proposed development;
- Would spoil the rural village character of Roslin;
- Insufficient health services including doctor's surgeries to meet the demand resulting from the development;
- Harm to/loss of wildlife habitat;
- Loss of trees;
- Loss of green space/green field;
- A brown field site should have been redeveloped for housing in lieu of the green field site;
- Concern about the safety of children during periods of construction;

- Harm to the character and visual amenity of the existing village or Roslin;
- The vehicular access to the site should be from the east off the B7006 and not from the west as it would have to cross over the Moat View Path (Core Path 29);
- Vehicular access across core path 29 should not be permitted as this would result in vehicle conflicts with ramblers, cyclists, dog walker and children;
- A crossing of core path 29 with a road would urbanise the core path, detrimental to its character;
- The crossing of core path 29 with a road would reduce the frequency of cycling and walking in Roslin, reducing safe access to local green space in Roslin;
- The severing of Core Path 29 with a through road would contravene the Council's Active Travel strategy and be in conflict with Core Path policy as laid down in the Land Reform Act 2003;
- The vehicular entrance to the site should be off a roundabout on the B7006 which could also serve the Roslin Institute (Hs18) site. There are road safety benefits to this as the roundabout would minimise the number of new vehicular accesses and would reduce vehicle speeds;
- Loss of protected flora and fauna;
- Would result in traffic congestion on existing roads in the vicinity of the site;
- Erode community identity;
- Loss of hedgerows and trees on the site that are a habitat to wildlife;
- Concerns over drainage and flooding;
- If a road within the proposed development extends up to the boundary with the neighbouring Chapel Lawns development and connects to Kilburn Wood Road within that development this would create a connecting road to/from Penicuik Road (B7003 and Main Street (B7006). The resultant through road would become a rat run;
- There is no a need for the site to be accessed from the B7003 via Kilburn Wood Road within the CALA Chapel Lawns development. Instead the site should be accessed from the east off the B7006;
- The Chapel Lawns development at Kilburn Wood Drive is promoted by CALA builders as a small cul-de-sac that includes a childrens play area and public open space. The road is suitable for residential access and its designated narrowness was not intended for through traffic. The front gardens are not deep, have no walls or fencing and the finished road surface is to be mon-blocked eventually. Thereby it is unsuitable as a through road to serve the development the subject of the current application. Moreover, there are safety concerns with the principal road in Chapel Lawns being used as a through adjacent to a childrens play area still to be formed in the Chapel Lawns development;
- No continuous cycle path is to be provided through Hs19 and the Chapel Lawns development;

- The factor fees paid by residents of Chapel Lawn will increase owing to additional maintenance caused by the large volumes of construction traffic and also domestic traffic associated with the currently proposed development being driven on roads within Chapel Lawns;
- Increase in air pollution and resultant health implications of emissions from construction traffic and also domestic traffic associated with the currently proposed development;
- Pedestrian and road safety concerns of Kilburn Wood Drive (Chapel Lawns) being used as a through road owing to the juxtaposition of that road to the central open space and equipped play area within the Chapel Lawn development;
- Concern about undue noise and disturbance during period of construction;
- Concern that volume of construction traffic could cause damage to existing neighbouring properties in Chapel Lawns as a result of additional ground settlement and the resultant maintenance cost to these residents;
- Detrimental effect on the market value and rateable value of the houses in Kilburn Wood Drive;
- Concern that neighbour notification was not carried out in accordance with statutory requirements/not all neighbouring residents affected were neighbour notified;
- Construction access should not be via roads within the Chapel Lawns development on grounds of road safety and residential amenity;
- If a through road is formed through the site, the remainder of site Hs19 and Chapel Lawns this would create rat running between the B7006 and the B7003;
- The currently proposed development has not been designed/considered concurrently with the CALA- Kilburn Wood Drive development or the eastern part of site HS19 the subject of application 18/00499/MS;
- There are road safety concerns with the proposed access off the B7006;
- Given that the Council have title to core path 29 there is a possible conflict of interest;
- The Chapel Lawns development was granted planning permission on the basis of self-contained development, with no through vehicular access beyond the site;
- The proposals map in the LDP does not delineate a link road through site Hs19 and the Chapel Lawns site;
- The proposed development would have a negative effect on the market and rental value of existing properties in Chapel Lawns;
- The proposed new houses would not be affordable to the majority of the existing residents of Roslin;
- Concern about the impact of light pollution;
- The existing roadside boundary hedgerow has important wildlife value and should not be removed. If removed would breach the Wildlife and Countryside Act 1981;

- Permitting a through road from the site westwards over the UoE land and Chapel Lawns to the B7003 would result in noise nuisance, congestion and pollution;
- A road formed from the UoE land into the Chapel Lawns development would partly be on land which Cala or the owners of properties in Chapel Lawns have title to; and
- Compensatory hedgerow planting should be planted in the vicinity of core path 29 to compensate for damage to/loss of existing hedgerows on the site.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.

7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

7.4 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies.

7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable

housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.

- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.9 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.13 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.14 Policy **ENV2 Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.15 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.

- 7.16 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.17 **Policy ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.18 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.19 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.20 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.21 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.22 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.23 Policy **IMP1: New Development**. This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance

with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.

- 7.24 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.25 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.26 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.27 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.28 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.29 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.30 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that

“Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area”.

- 7.31 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.32 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.33 **The Scottish Government’s Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

The Principle of Development

- 8.2 The application site is part of an area allocated for housing (site Hs19) in the MLDP and is located within the built-up area of Roslin, where there is a presumption in favour of appropriate residential development. The indicative number of units allocated for site Hs19 in the MLDP is 260.
- 8.3 The planning application is accompanied by a masterplan layout plan which includes the whole of site Hs19, including the land which is the subject of a current application for planning permission in principle (18/00535/PPP). The detailed layout, the subject of this current application, stands to be considered in relation to the masterplan layout. The 51 dwellings proposed in this planning application, combined with the developer’s indicative aspirations for the neighbouring site of 221 dwellings will result in an overall development of 272 dwellings. Generally, the increased number of units, over the MLDP allocation, can be acceptable subject to the layout, form and design of the development being appropriate and that the impact of the development on the local infrastructure, including education provision, being suitably mitigated. These matters will be fully assessed in the following section of this report.

Layout and Form of Development

- 8.4 The proposed development is for 43 dwellinghouses and 8 flatted dwellings with an average density of 14 dwellings per hectare. This amounts to a relatively low density development in a suburban area and is not inherently out of character with the surrounding area. The development has been designed primarily as a traditional street layout with the integration of open space and planting. The street hierarchy includes the primary road laid out as a tree lined avenue. Secondary streets, as well as a network of local streets and shared surfaces, permeate the rest of the development. A number of 'homezones' with shared surface treatment will encourage a pedestrianised neighbourhood, with pedestrians taking priority over vehicles, in accordance with 'Designing Streets' principles.
- 8.5 A landscape strip incorporating a new hedge with a row of trees behind extends the entire length of the eastern roadside edge of the site. Along the length of the western edge of the site is the linear park. This green corridor widens at its southern end to form an informal pocket park and also widens at its northern end to accommodate a combination of communal open space, SUDS and a flood zone. Generally, the houses adjacent to the linear park front on to the open space, providing the houses with an attractive outlook and the open space and SUDS feature with passive surveillance. The orientation of buildings onto the primary streets, the soft landscaped edge to the eastern roadside boundary, the green corridor and the SUDS basin delivers a good quality layout with character and interest. The detailed layout relates sympathetically to the layout of the development delineated on the masterplan and proposed for the remainder of site Hs19 and would not adversely impact on the overall character of this area of Roslin.
- 8.6 The MLDP requires good levels of amenity for residential development. In this respect it is critical to ensure quality amenity in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so. The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. It is expected that each of the cottage flats is provided with a private garden of some 50 square metres; or alternatively, the equivalent of 50 square metres of open space, provided in an area of communal private space

- 8.7 All of the detached houses have rear gardens that either meet or exceed the minimum size requirement. All of the five terraced houses have rear gardens that fall below the minimum size. However, if the minimum garden standard were to be applied to these five houses they would have overly long gardens. The small gardens of these houses are therefore justified in design terms. All of the cottage flats have a rear private garden. Four of the cottage flats have rear private gardens that fall below the minimum size. However, they fall only marginally below the standard. Given that these cottage flats front on to the green corridor this provides some additional amenity and compensation for the reduced size of their rear gardens. The smaller rear gardens of some of these cottage flats should be weighed against the fact that a large proportion of the private houses have very large rear garden sizes. Overall, the proposed gardens sizes on this site are appropriate.
- 8.8 The spatial separation between the dwellings meets the minimum standards.
- 8.9 The location of the affordable units in the scheme and the grouping of them into one area as opposed to distributing them throughout the development is acceptable in planning terms. The affordable housing is sufficiently well integrated in to the development and provides for easier future management of these properties. The Council's Housing Planning and Performance Manager does not raise a concern over the location of or distribution of the affordable units on the site.
- 8.10 The mix of dwelling types and sizes is acceptable. The development comprises a mix 2, 3 and 4 bedroom units. This equates to a relatively healthy mix for a site of some 51 units, providing homes for a number of differently sized households.
- 8.11 The architectural styles of the houses and flatted buildings are relatively traditional in form and complement the character and visual amenity of the area. Accordingly, in terms of architectural style, the proposed buildings would not harm the character or visual amenity of Roslin. Policy, and good practice, requires that there is an added emphasis on the quality of design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials, both in building finishes and also in boundary treatment and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The buildings along the eastern edge of the site, which are those closest to Main Street, are identified as being within an area of improved quality (AIQ) in terms of design and materials. An AIQ seeks to add interest and character to developments, particularly in developments of the scale proposed. The location of the proposed AIQ, being the units alongside Main Street, is appropriate. It should, therefore, be made a condition of a grant of planning permission that samples of the external finishing materials to be used within the AIQ be submitted for the prior written approval of the planning authority.

- 8.12 Elsewhere in the development, in order that the external finishes of the buildings are complementary to each other and appropriate to the character and visual amenity of the area, it should be made a condition of a grant of planning permission that samples of finishing materials are submitted for the prior approval of the planning authority.
- 8.13 The proposed buildings in terms of their two-storey height, proportion, scale and positioning on the site would not appear dominant or incongruous within the area.
- 8.14 No details of the 'percent for art' for the development; an artistic feature that would add interest and local reference to the development, have been submitted with the application. It should be made a condition of a grant of planning permission that details of percent for art for the development be submitted for the prior written approval of the planning authority.
- 8.15 All of the proposed buildings are sufficiently distanced from existing neighbouring houses so as not to give rise to any demonstrable harm to their residential amenity in terms of loss of daylight, loss of sunlight or overlooking. There would be no significant harm to the amenity of any existing neighbouring property from the proposed development.

Open Space and Play Areas

- 8.16 The green corridor, which widens out at both its northern and southern ends to provide space for informal ball games and children's informal play, provides a satisfactory quality and quantity of communal open spaces. A cycleway/footway runs alongside/through the green corridor providing pedestrian and cycle connections north-south through the site and to the core paths at either end. The masterplan delineates an equipped children's play area and adjoining informal play on part of the green corridor on the western part of site Hs19, which is the subject of application 18/00535/PPP. The proposed play area and informal play provision would provide sufficient play provision for the whole of site Hs19 in terms of quantity, quality and accessibility including the currently proposed 51 units the subject of this current application.
- 8.17 A developer contribution to the provision of the equipped play area and informal play for site Hs19; or alternatively, towards the upgrading of existing play provision located elsewhere in Roslin can be secured through a legal planning agreement.

SUDS and Flooding

- 8.18 The SUDS comprise a combination of a SUDS detention basin, an underground attenuation tank and filter trenches. The SUDS proposal for the site has been designed to function independently of the SUDS proposed for the remainder of site Hs19. The SUDS basin is located on the north western part of the site. It is formed as a relatively shallow impress and does not include any heavy engineering works such as

retaining walls. Thereby it would appear as a relatively naturalistic and soft feature which would not detract from the landscape character and visual amenity of the area. The shallow nature of the SUDS basin would permit passive surveillance of it from the proposed houses fronting onto the open space. The land on the northern part of the green corridor under which the SUDS attenuation tank is sited would form part of the useable recreational open space on the northern part of the green corridor.

- 8.19 In response to a concern raised by SEPA the applicant submitted information identifying an exclusion zone around the proposed flood plain with no land raising or development within the floodplain. SEPA subsequently confirmed that they are satisfied that no development, including buildings and no land raising, is proposed within the exclusion zone. In addition, they confirm that the proposed SUDS scheme is out with the functional floodplain and thereby have no objection to the application.
- 8.20 The flood risk assessment submitted with the application recommends that the existing culvert in the vicinity of the north western corner of the site be upgraded to 1 metre diameter. On the recommendation of the Council's Policy and Road Safety Manager it can be made a condition of a grant of planning permission that technical details of the upgrading of the culvert be submitted for the prior approval of the planning authority in consultation with the Policy and Road Safety Manager. In addition, on the recommendation of the Council's Policy and Road Safety Manager, it can be made a condition of a grant of planning permission that details of the SUDS basin and proposed surface water drainage system for the internal road network be submitted for the prior written approval of the planning authority.

Access and Transportation Issues

- 8.21 The proposed access and road arrangements are acceptable in terms of meeting traffic capacity and promoting pedestrian and traffic safety. The proposed development is well integrated to existing pedestrian, cycle and public transport infrastructure. The proposed private and visitor parking meets the Council's parking standards. The Council's Policy and Roads Safety Manager raises no concern with the Transportation Assessment report submitted with the application.

Access to/from the site to the western part of site Hs19

- 8.22 The masterplan accompanying the application delineates an area of 'white land' on the western edge of the site between the site and the site the subject of planning application 18/00535/PPP. Therefore the principal road within the application site is not delineated as connecting to the principal road within the remainder of allocated housing site Hs19. The planning authority considers that the principal road on the current application site should link to the principal road in site identified in planning application 18/00535/PPP in order to achieve an unbroken

route through the site Hs19 and beyond through the Chapel Lawns development to Penicuik Road (the B7003). This will allow vehicles from the development to exit to the east or the west. If there is no link through vehicles would have to retrace their route and then travel through Roslin using Main Street/Penicuik Road. The provision of an unbroken route through the development accords with the Policy Document 'Designing Streets' which states that "connected or permeable networks encourage walking and cycling, and make navigation through places easier...generally recommend that streets with one-way operation are avoided. They require additional signage and result in longer vehicle journeys and higher speed."....Internally permeable neighbourhoods lacking direct connection with each other - to be avoided". Alongside the aforesaid through road there should be cycleway/footway that would link the existing footpath alongside the B7003 Penicuik Road with the existing footpath alongside the B7006 Main Street. The provision of this accords with the requirements of policy TRAN1 of the MLDP.

- 8.23 If vehicles could not be driven westwards from the site to the remainder of site Hs19 and continue onto Penicuik Road via Chapel Lawns this would result in longer car journeys and resultant higher vehicle CO2 emissions, poorer air quality and road congestion issues, contrary to policy TRAN1 (sustainable travel) of the MLDP. The creation of an artificial obstruction to traffic flow within the development, effectively forming a cul-de-sac, would result in additional wasted mileage with associated environmental impacts and potentially result in additional traffic using Main Street and Penicuik Road.
- 8.24 Accordingly, it should be made a condition of a grant of planning permission that, notwithstanding that delineated on the masterplan submitted with the application, the proposed principal (spine) road on the current application site is formed up to and on the boundary with the University of Edinburgh site, which is the subject of separate application 18/00535/PPP. The applicant confirms that they accept this condition provided that the timescale for completion of the link road is linked to the occupation of the thirtieth dwelling. They state that the construction of the road and associated services would have a significant impact on the cashflow of the development prior to the receipt from any house sales. They advise that they would also be unable to maintain access to this route at such an early stage of development as it will be through an active building site. Additionally they state that having this route open would inhibit their ability to construct the site safely, putting their site team, future customers and members of the public at risk. The planning authority considers that it is reasonable for the link road to be formed prior to occupation of the thirtieth dwelling on the site and that the said condition should be worded accordingly.

Construction Access

- 8.25 The applicant proposes that construction traffic will access the site from a temporary entrance on Main Street, at a point near to the northern end of the eastern roadside boundary. This temporary access will be separate from the proposed residential access. The temporary construction access is acceptable in planning terms. In the interests of road safety it should be made a condition of a grant of planning permission that it is closed by a date to be approved in advance by the planning authority. In addition, in the interests of safeguarding the residential amenity of existing neighbouring properties and the amenity of the area it should be made a condition of a grant of planning permission that the following construction management measures are implemented with any modifications to them to be agreed in writing in advance by the planning authority: (a) all HGV and abnormal load drivers shall be restricted to a designated route when approaching and leaving the site, which will avoid heavy traffic travelling through Roslin Village; (b) construction traffic to access the site shall be from the direction of the A701 to avoid Roslin Village; (c) delivery times shall be restricted to the period 0900 to 1600 hours Monday to Friday and 0900 to 1300 on Saturdays. Furthermore, where practical, deliveries to the site shall be programmed to ensure that they are out with school drop off and collection times.

Landscaping

- 8.26 The landscape strategy submitted with the planning application is generally acceptable in principle. The tree lined avenue design approach to the principal road will provide an attractive formal route through the site, linking to the principal road within the western part of site Hs19.
- 8.27 There is an existing hedge running alongside the eastern roadside boundary of the site. The hedge has good amenity value. However it is necessary to remove it to facilitate the formation of: (i) a two metre wide footway along the eastern boundary of the site; (ii) the access off Main Street and achievement of visibility spays on both sides of that access; and, (iii) a separate temporary construction access off Main Street. The 2 metre wide footway is essential infrastructure required to enable safe pedestrian access to and from the site and safe pedestrian access to the existing bus stop on the opposite (east) side of Main Street. The benefits of allowing the proposed development on the site, which includes the provision of affordable housing, and the above-mentioned pedestrian links outweighs the benefits of retaining the hedge. A landscape strip is to be formed behind the proposed new 2 metre wide footpath, in which the applicant proposes to plant a new hedge with a row of trees behind it. When planted the proposed new hedge and trees will adequately compensate for the loss of the hedge. It should therefore be made a condition of a grant of planning permission that the new hedge and trees are planted as replacement to the hedge to be removed. The removal of the hedge is justifiable in

planning terms and the planning authority considers that permitting its removal will not contravene the Wildlife and Countryside Act 1981, as has been claimed by Roslin & Bilston Community Council. However, as is always the case, the developer will need to be careful not to disturb or harm any protected species in removing a hedge with habitat potential.

- 8.28 An indicative soft landscaping schedule has been submitted with the application, which generally appears to be acceptable in principle. A detailed planting plan has not been submitted. It should be made a condition of a grant of planning permission that a detailed landscaping scheme for the development be submitted for the prior approval of the planning authority.
- 8.29 MLDP policy ENV2 (Midlothian Green networks) requires new development sites to fully incorporate green network opportunities in their design and implementation. This can potentially be delivered through a combination of path networks, open space and sustainable drainage systems. The principal road through the site comprises a tree lined avenue with a footpath/cycleway alongside it that will connect Main Street to the remainder of site Hs19 to the west. It will link the open spaces within the wider masterplan site, thus providing an acceptable green network. Given the provision of the tree lined avenue, footpath/cycleways including the one running along the length of the green linear park and the link to the core path network, the proposed development complies with policy ENV2 (Midlothian Green networks) of the MLDP and meets the aspiration of the Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.
- 8.30 The settlement statement in the MLDP states that the northern edge of the site will require substantial landscaping to help screen the development from the A701 in the form of a 20-30m wide woodland belt. A woodland is not proposed on the northern extremity of the site. However, there is an existing woodland to the immediate north of the site which will provide adequate screening of the site from the A701.

Noise Nuisance

- 8.31 The acoustic report prepared by KSG Acoustics, submitted in support of this application, considers the impact of road traffic noise. The Council's Environmental Health Manager raises a concern regarding the assessment criteria used by the applicant's acoustic consultant. Rather than be designed to a level to avoid 'the majority of people being seriously annoyed' the Environmental Health Manager states that the assessment should be based on Midlothian Council's external daytime garden amenity standard in relation to anonymous noise; whereby 50 dB $L_{Aeq(16h)}$ should be applied. In addition, they advise that an acoustic specialist should identify noise mitigation measures necessary to ensure compliance with this standard. Furthermore, they advise that the acoustic specialist should identify noise mitigation

measures necessary to ensure compliance with the Council's internal standards, which are consistent with that referred to in the acoustic report i.e. 35dB L_{Aeq} (16hr) for daytime internal living apartment and 30 dB L_{Aeq} (8 hour) for night time in internal living apartments. The recommendations made by the Environmental Health Manager in respect of noise mitigation can be secured by a condition(s) imposed on a grant of planning permission. The condition(s) should additionally ensure that any recommended and approved noise mitigation is carried out in full prior to the first occupation of the residential units affected.

Archaeology

- 8.32 The proposed development is in close proximity to the site of the Battle of Roslin. The programme of archaeological works recommended by the Council's Archaeological Advisor can be secured by a condition imposed on a grant of planning permission. Subject to these controls the archaeological value of the site will be adequately assessed and the impact on any identified archaeological resource mitigated.

Ecology

- 8.33 The Ecology Report submitted in support of the application does not identify flora or fauna on the site worthy of protection. The planning authority has not been presented with any evidence to the contrary. In the interests of encouraging biodiversity it should be made a condition of a grant of planning permission that a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development is submitted to and approved in writing by the planning authority. Subject to this the proposed development will comply with the requirements of policy DEV5 of the MLDP.

Energy Efficiency and Carbon Reduction

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

planning permission that a feasibility study for the provision of a community heating system for the new development undertaken by a suitably qualified engineer commissioned by the applicant be submitted for the approval of the planning authority.

- 8.35 It will be necessary for the developer to provide electric vehicle charging points across this development in order to encourage the move to more sustainable modes of travel.

Developer Contributions

If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Section 75 planning obligation in respect of the following matters:

- A contribution towards education (including nursery) provision;
- A contribution towards the A701 Relief Road;
- A contribution towards community facilities/space;
- Provision of affordable housing; and
- Maintenance of children's play areas/open space.

- 8.44 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraph 15)
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects

The requirements set out for the proposed Planning Obligation meet the above tests.

Environmental Impact Assessment (EIA)

- 8.45 The planning authority is of the opinion that the proposed development does not warrant an Environmental Impact Assessment (EIA) to be carried out in connection with this planning application. The reason for this is that the likely environmental impact of the proposed development on the application site would not be significant.
- 8.46 In reaching this screening opinion the planning authority has given due regard to the likely impact of the proposed development on air

quality. Given the nature of the proposed development the planning authority considers that an air quality or dust impact assessment is not required (neither the Council's Environmental Health Manager nor the Scottish Environment Protection Agency (SEPA) has advised the planning authority that an air quality or dust impact assessment should be carried out for the proposed development).

Other matters raised by representors and consultees

- 8.47 The concerns raised by objectors about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter would need to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.
- 8.48 Regarding matters raised by representors and consultees and not already addressed in this report:
- The planning authority has not received any evidence to substantiate the claim in a letter of objection that neighbour notification has not been carried out in accordance with statutory requirements;
 - The planning authority has not received any evidence to substantiate the claim made in a letter of objection that the application site ownership certification made on the application form is incorrect/false and thus that the application is not legally valid;
 - The planning authority has not been presented with any evidence that substantiates the claim that the methodology and thus the conclusions of the Traffic Assessment submitted in support of the application are flawed;
 - There is no statutory requirement for whole of site Hs19, to be considered in a single planning application. The application stands to be determined on its own merits;
 - The proposed development would not result in undue light pollution to existing neighbouring properties;
 - A site layout plan submitted with the application delineates an overhead electricity power line intersecting the site at a point in the south west corner. That overhead line does not cross over any proposed dwelling plot in the development; and,
 - The Planning Authority does not consider that the proposed development would have a significant negative impact on tourism in Roslin. No evidence has been submitted to substantiate the claim made in letters of objection that the proposed development would harm tourism in Roslin.
- 8.49 The following matters which have been raised in representations which are not material considerations in the determination of the application are:

- The durability and safety of road and footway/cycleway surfaces to be adopted by the Council will be given due consideration by the Council, as roads authority, when it considers a future application for road construction consent for them;
- Title to part of the application site is a legal matter;
- The claim made in a letter of objection that the Council may be in breach of contract with a third party by entering into an agreement with the applicant to permit right of access over Core Path 29/title to part of Core Path 29 over which the proposed link road would cross is a legal matter and not a material consideration in the determination of the application;
- Whether there is a possible alternative use(s) of the site;
- Whether or not there is a demand/need for new housing development within Roslin;
- Whether accessing the site from the west via Chapel Lawns would result in increased factor fees of the residents of Chapel Lawns;
- Any disruption to services of existing neighbouring properties during periods of construction including gas supply, electricity supply and water supply;
- Any damage to existing neighbouring properties as a result of construction traffic movements and liability for subsequent repairs;
- The effect of the proposed development on the market value and rental value of existing neighbouring properties; and,
- Whether there exists brownfield sites or other sites in Midlothian where the proposed development could be located instead of on the application site.

9 RECOMMENDATION

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

The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions. There would be no significant harm to the amenity of any neighbouring property. The presumption for development is not outweighed by any other material considerations.

Subject to:

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

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

ii) the following conditions:

1. No development shall take place on site until a detailed scheme to provide the road, verge and footway/cycleway outlined by an orange line on approved plan ref:16192(PL) 002 REV A - Annotated, which runs west from the B7006 and connects with the road built or to be built through the neighbouring University of Edinburgh site the subject of planning application 18/00535/PPP, has been submitted to and approved in writing by the Planning Authority. Prior to the occupation of the 30th Residential unit of the development the road and footway/cycleway shall be formed, laid out and constructed and be available for use up to and on to the site boundary with the University of Edinburgh site to the west, at no cost to the Council.

Reasons:

To ensure the proposed development is connected by road to the adjacent road network to the west providing a vehicular route connecting the B7006 and the B7003. If not connected the travel route of vehicles being driven westwards from the eastern part of site Hs19 and vice versa would be unduly circuitous thus resulting in longer car journeys and resultant higher vehicle CO2 emissions, poorer air quality and road congestion issues, contrary to adopted Midlothian Local Development Plan Policy TRAN1 (sustainable travel).

The site the subject of application ref.18/00535/PPP for planning application in principle and the site the subject of this current application together comprise allocated site HS19. A masterplan is required for the whole of site HS19 setting out the main planning and design principles upon which the development of the site will be based, including vehicular and pedestrian access etc. In accordance with the requirements of Midlothian Local Development Plan Policy TRAN1 and in the interests of pedestrian safety there should be a continuous east to west aligned footway/cycleway incorporated within the development on site HS19 and which connects to the existing public footpath alongside the B7003 Penicuik Road with the existing public footpath alongside the B7006 Main Street.

2. Prior to works commencing on site a section drawing along the principal road in the site as it extends into the site the subject of 18/00535/PPP; as delineated by a blue dashed lined on approved plan ref:16192(PL) 002 REV A - Annotated, shall be submitted for the prior written approval of the Planning Authority.

Reason: *To ensure that any difference in road level at the point where the principal road on the site connects to the principal road on the*

adjoining site the subject of planning application 18/00535/PPP is not prohibitive to the roads being connected as is required by condition 1.

3. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, structural landscaping, the SUDS provision and transportation/roads infrastructure including the construction of the principal road in accordance with the requirements of condition 1. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

4. The external finishing material specified on application drawings/documents are not approved. Development shall not begin until 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. An enhanced quality of materials shall be used in the area of improved quality. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

5. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas. The new planting shall include a replacement hedge along the entire length of the linear planning strip on the eastern roadside edge of the site and the planting of a trees behind (adjacent to the west) of the hedge and along its length;

- 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;
- ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- x proposed car park configuration and surfacing;
- xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xii details of existing and proposed services; water, gas, electric and telephone

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

Any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

Reason for 4iii: *To compensate for the loss of existing vegetation on the site including the roadside boundary hedge which has good amenity value.*

6. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities), footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - vii proposed car parking arrangements;
 - viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction; and,
 - x a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

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

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

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

On completion of the decontamination/ remediation works referred to above and prior to any residence on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No residence on the site shall be occupied unless or until the planning authority have approved the required validation.

Reason: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction*

workers, built development on the site, landscaped areas, and the wider environment.

9. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

10. Development shall not begin until a programme of archaeological works on the site (metal detecting survey and trial trench evaluation) in accordance with a written scheme of investigation has been carried out. The approved programme of works shall be reported upon initially through a Data Structure Report submitted to the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

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

11. 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 with the planning authority.

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

12. 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 each dwelling. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

13. A detailed plan and elevation drawings and details of the finishing materials of the electricity substation to be erected/installed on the site shall be submitted for the prior written approval of the planning authority.

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

14. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design and technical details to be submitted for the prior written approval of the planning authority:

- i. A minimum visibility splay of 4.5m by 70m shall be provided at the proposed residential vehicle access onto Main Street.

Reason: *In the interests of road and pedestrian safety.*

15. Prior to the occupation of the first dwelling on the site the culvert under the access track in the vicinity of the north western corner of the site shall be upgraded to a minimum 1 metre diameter pipe as recommended in the Flood Risk Assessment report submitted with and docketed to this planning permission in accordance with details to be submitted for the prior inspection and approval of the Planning Authority.

Reason: *This information has not been submitted with the application and is necessary in order for the planning authority to confirm that the site is not at risk of flooding.*

- 16 Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

17. Prior to the commencement of development a feasibility study on the operation of a community heating scheme for the development hereby approved, and if practicable other neighbouring developments/sites, in accordance with Midlothian Local Development Plan 2017 Policy NRG6, shall be submitted for the prior written approval of the planning authority. Should the planning authority conclude, on the basis of this study, that a scheme is viable, no dwelling on the site shall be occupied until a community heating scheme, and if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority.

Reason: *To ensure opportunities for the provision of a community heating system for the site is fully explored to accord with the requirements of*

policy NRG6 of the Midlothian Local Development Plan 2017 and in order to promote sustainable development.

18. Prior to commencement of construction of the first residential building on the site a revised acoustic report prepared by an acoustic consultant on the impact of road traffic noise on the proposed residences applying Midlothian Council's external daytime garden amenity standards in relation to anonymous noise 50 dB LAeq(16hr) shall be submitted for the prior approval of the Planning Authority. If that said noise level is exceeded within any of the rear private gardens of the proposed dwellings then details of the mitigation measure(s) required to be put in place to ensure compliance with the said standard shall be submitted for the prior written approval of the Planning Authority. The mitigation measure(s) approved by the Planning Authority shall be implemented prior to the first occupation of the dwellings on the house/flat plots where the mitigation is required to be put in place and thereafter shall be retained.
19. Prior to commencement of construction of the first residential building on the site a revised acoustic report prepared by an acoustic consultant on the mitigation measures required to be put in place in order to ensure compliance with the Council's internal standards for the dwellings hereby approved, which standards are referred to in the report by KSG Acoustics and submitted in support of the application, and are: 35dB LAeq (16hr) for daytime internal living apartment and 30 dB LAeq (8 hour) for night time in internal living apartments, shall be submitted for the prior written approval of the Planning Authority. The mitigation measures, approved by the Planning Authority shall be implemented prior to the first occupation of the dwellings in which the mitigation is required to be put in place and thereafter shall be retained.

Reason for 18 & 19: *In the interests of safeguarding the residential amenity of the future occupants of the dwellings erected on the site.*

20. Notwithstanding that delineated on docketed drawings the 3 metre wide footway/cycleway running past plot 43 shall not terminate at the southern boundary of the application site; but instead, it shall extend southwards up to and on the boundary with core path 29.

Reason: *To ensure the provision of adequate pedestrian and cycle connections through the site in the interests of promoting sustainable travel in accordance with Midlothian Local Development Plan Policy TRAN1(sustainable travel).*

21. 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; and
- xii. controls on construction, engineering and any other operations (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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

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

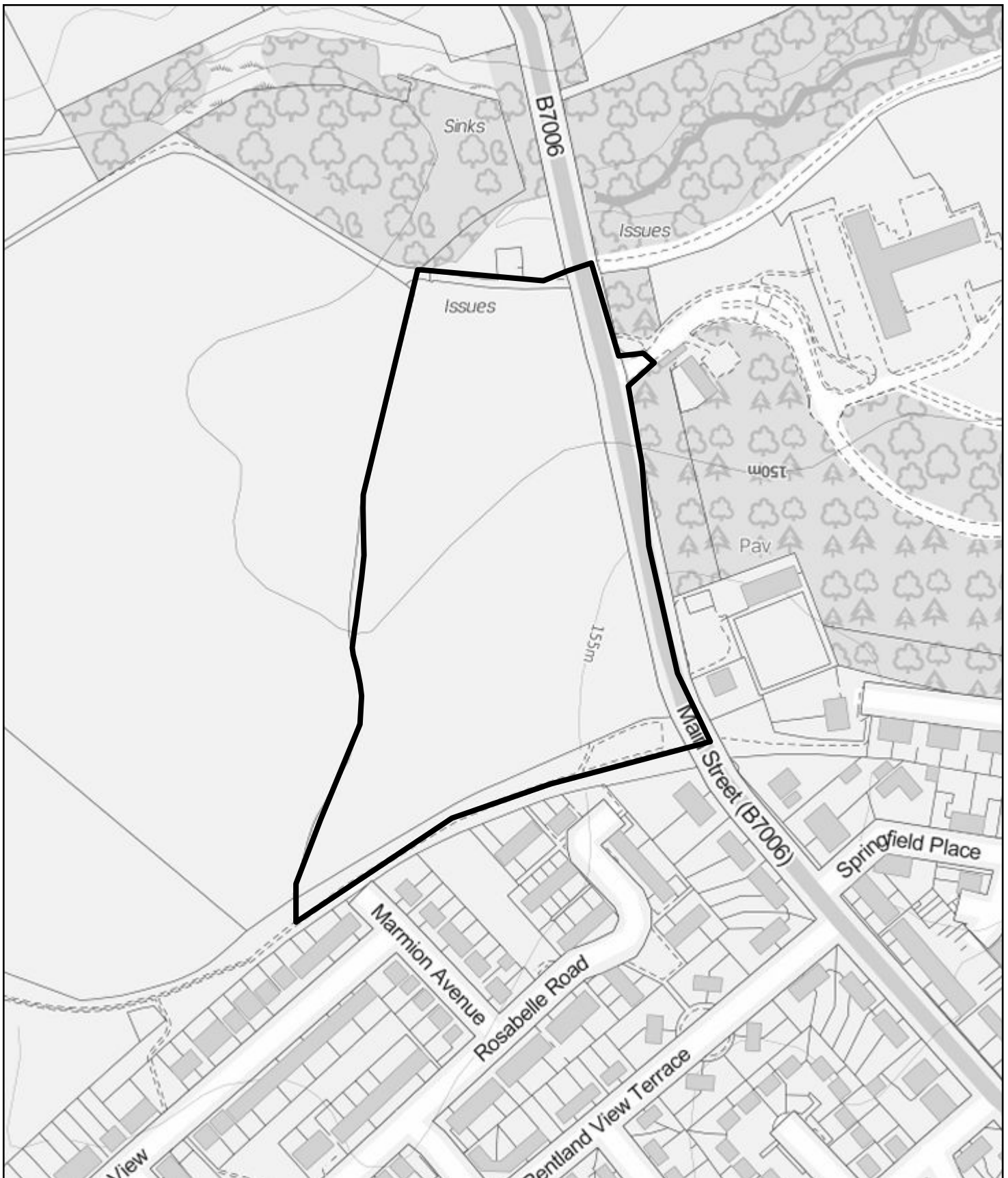
Mary Smith
Director of Education, Communities and Economy

Date: 22 March 2019

Application No: 18/00703/DPP
Applicant(s): BDW Trading Limited, Telford House, 3 Mid New Cultins, Edinburgh, EH11 4DH

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 Edinburgh, EH2 4JHQ

Validation Date: 20th September 2018
Contact Person: Adam Thomson
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Background Papers: 17/00693/PAC



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of 51 dwellings; formation of access roads and car parking and associated works at Land 65M West of Roslyn Bowling Club, Main Street, Roslin

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