



APPLICATION FOR PLANNING PERMISSION (17/00068/DPP) FOR THE ERECTION OF 544 RESIDENTIAL UNITS, FORMATION OF ACCESS ROADS, SUSTAINABLE URBAN DRAINAGE SYSTEMS AND ASSOCIATED WORKS AT LAND BETWEEN DEANBURN AND MAURICEWOOD ROAD, PENICUIK

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for detailed planning permission for the erection of 544 residential units; formation of access roads, sustainable urban drainage systems (SUDs) and associated works at land between Deanburn and Mauricewood Road, Penicuik. There has been 18 representations and consultation responses from the Scottish Environment Protection Agency (SEPA), Transport Scotland, The Coal Authority, Penicuik Community Council, the Council's Archaeological Advisor, the Council's Land Resources Manager, the Council's Housing Planning and Performance Manager, the Council's Policy and Roads Safety Manager, the Council's Head of Education and the Council's Environmental Health 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 COMD1, RP5, RP7, RP13, RP14, RP20, RP24, RP27, RP28, RP31, RP32, HOUS1, HOUS4, NRG3, TRAN1, IMP1, IMP2 and DP2 of the Midlothian Local Plan 2008 (MLP). Policies STRAT1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV22, ENV24, ENV25, TRANS1, TRAN2, TRAN5, IT1, NRG3, NRG4, NRG6, IMP1, IMP2 and IMP3 of the Proposed Midlothian Local Development Plan 2014 (MLDP) are significant material considerations**
- 1.3 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary infrastructure and the provision of affordable housing.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site comprises approximately 53.7 hectares of agricultural land to the north of the built up area of Penicuik. The site is split into six development areas: Bellwood, Nursery, Mauricewood, Mauricewood**

North, Deanburn and Rullion Road (these development areas are referenced on the attached location plan).

- 2.2 The site is steeply sloping from west to east and from south to north with approximately a 40 metre variation in levels across the site. Although some parts of the site are relatively flat, the gradient of some parts make access and development challenging. There are open views from the higher parts of the site over Penicuik, and out towards East Lothian.
- 2.3 The site lies between two major roads, the A701 to the east connecting Edinburgh and Peebles, and the A702 to the west connecting Edinburgh with Biggar. There is existing woodland planting in and around the site.
- 2.4 There is an existing road network around the site, and also through it. Rullion Road runs past the south east boundary, whilst Mauricewood Road runs north to south through the site. There are also existing pedestrian and cycle networks around the site.
- 2.5 There are significant constraints within the site which are indicative of its former uses (mining and agriculture) including: (i) a number of small watercourses and ditches; (ii) the Talla Aqueduct which enters and crosses the site from the south western boundary; (iii) the Megget Reservoir Aqueduct which crosses the north eastern part of the site; and, (iv) a number of mine shafts.
- 2.6 A combination of agricultural land, areas of woodland and the grounds of the category B listed Belwood House bound the site to the north. A combination of established residential development and the Taylor Wimpey residential development, the subject of detailed planning permission 12/00745/DPP for 422 houses and 36 flats and which is currently under construction, bounds the site to the east and south. Agricultural fields bound the site to the west.
- 2.7 The existing housing to the south within the existing settlement of Penicuik comprises predominantly traditional post war, two-storey terraced and semi detached houses and share the same form and character - typically fronting onto streets with front and rear gardens and either fenced or hedged boundaries. The majority of the buildings are characterised by various forms of rendered wall finish.
- 2.8 The south eastern part of the site; known as Deanburn (site h26) was allocated in the 2003 Local Plan with an indicative capacity of 90 units. The remainder of the site; known as North West Penicuik (site h58) was allocated in the 2008 Midlothian Local Plan with an indicative capacity of 400 units. These allocations are confirmed and the number of units revised in the Proposed Midlothian Local Development Plan to 109 units on site h26 and 385 units on site h58.

3. PROPOSAL

- 3.1 The application is for detailed planning permission for the erection of 544 residential units; which includes 120 affordable units (22% of total number of units) and associated works on the site.
- 3.2 The proposal consists of:
- 389 detached houses;
 - 20 semidetached houses;
 - 39 terraced houses;
 - 44 cottage flats (four-in-a-block);
 - 52 flats in three-storey blocks.
- 3.3 The proposed housing mix comprises:
- 56 one bed units;
 - 30 two bed units;
 - 95 three bed units;
 - 307 four bed units;
 - 56 five bed units.
- 3.4 Through an amendment made to the current application the housing mix/product within both the Rullion Road and Nursery East areas have been revised from the originally submitted scheme. A total of 120 affordable units (an increase from the originally submitted 109 units) are currently proposed as follows:
- Rullion Road layout comprising:
- 16 terraced houses;
28 cottage flats (four-in-a-block); and
24 flats in two three storey blocks
- Total 68**
- The Nursery (East) layout comprising:
- 8 semi detached houses;
16 cottage flats (four-in-a-block); and
28 flats in two three storey blocks
- Total 52**
- 3.5 The proposed buildings have a mixture of pitched and hipped roofs. The following proposed buildings are three-storey in height: (i) ten semi-detached town houses at the entrance to the Mauricewood area; (ii) two flatted blocks in the Rullion Road affordable area; and, (iii) two flatted blocks in the nursery (east) affordable area. The remainder of the proposed buildings on the site are two-storey in height with conventional eaves and ridge height.

- 3.6 The development consists of 6 development areas with the following unit numbers in each area:

Development Area

	Private	Affordable	Total
1. Belwood	162	-	162
2. The Nursery	78	52	130
3. Mauricewood	100	-	100
4. Mauricewood North	10	-	10
5. Deanburn	74	-	74
6. Rullion Road	-	68	68
Total	424	120	544

- 3.7 An Area of Improved Quality (AIQ) is proposed in the following four development areas: (i) Belwood; (ii) Nursery Area; (iii) Mauricewood; and, (iv) Deanburn. A total of 143 plots are included within the AIQs; which equates to 27% of the total number of units in the development. A combination of the following finishing materials are proposed within the AIQs: wet dash render, painted timber weatherboarding to vertical gables, cast stone detailing, natural grey slate, red clay pantiles, painted metal railings to front boundaries.
- 3.8 Outwith the AIQ the following finishing materials are proposed in combinations: a mixture of white, cream, stone, ochre and terracotta coloured dry dash render, painted timber weatherboarding to vertical gables, cast stone and grey concrete tile. Ground paving materials have not been specified.
- 3.9 Surface water treatment is a combination of SUDS basins and swales.
- 3.10 The layout incorporates a combination of traditional roads and footpaths as well as mixer courts/shared surfaces. There are proposed footpaths and cycleways within the site that connect to the existing footpath network within the area, including in neighbouring existing residential developments.
- 3.11 The proposed affordable units comprise a mixture of flats, cottage flats (four-in-a-block), terraced houses and semi-detached houses.
- 3.12 The application is also accompanied by:
1. a design and access statement;
 2. an archaeological Assessment;
 3. a transportation assessment;
 4. a flood risk assessment report;
 5. an ecology/ assessment;

6. a tree survey;
7. a woodland management plan;
8. a topographical survey;
9. a feasibility study for the provision of community heating; and,
10. a letter from the applicant seeking to justify the number of units proposed on the site being higher than the indicative numbers in the development plan.

3.13 An indicative phasing plan has been submitted with the application. The proposed phasing is as follows: Phase 1 - Belwood; Phase 2 - The Nursery; Phase 3 – Mauricewood and Mauricewood North; Phase 4 - Deanburn; Phase 5 - Rullion Road. Phase 5 is mostly affordable homes. The applicant states that some of the phases can be progressed together and it is likely an early delivery of affordable housing will come forward within the Nursery site. The applicant also states that phasing of the affordable housing element will be discussed in more detail and agreed with the Council. The phasing plan is not comprehensive as the road infrastructure; including the link road connecting Rullion Road and Mauricewood Road and the structural landscaping is not delineated.

4 BACKGROUND

- 4.1 The applicant carried out a pre-application consultation (ref.15/00987/PAC) for residential development on the site, which was reported to Committee at its meeting of 1 March 2016.
- 4.2 An environmental impact assessment (EIA) screening opinion request, 16/00403/SCR, for a proposed residential development on the site was submitted 31 May 2016. The applicant was advised that an EIA was not required under schedule 2 of the EIA Regulations.
- 4.3 Outline planning application 06/00474/OUT for residential development at land north-west of Deanburn, Penicuik is being held in abeyance, subject to the assessment of the current application. It is anticipated that this legacy application will be withdrawn by the applicant if planning permission is granted on the site.
- 4.4 Planning application 06/00475/OUT for the erection of 300 dwellinghouses at land between Deanburn and Mauricewood Road, Penicuik is being held in abeyance, subject to the assessment of the current application. It is anticipated that this legacy application will be withdrawn by the applicant if planning permission is granted on the site.
- 4.5 In 2006 the Committee resolved to grant planning permission (05/00784/FUL) for the erection of 109 houses and associated works on the allocated site at Deanburn (h26) subject to a legal agreement to secure developer contributions and planning conditions. The legal agreement was not concluded and as such planning permission was not issued. If the applicant wished to conclude this application then it would be reported back to Committee prior to any formal decision being issued because of the time period since the original resolution. It is anticipated

that this legacy application will be withdrawn by the applicant if planning permission is granted on the site.

5 CONSULTATIONS

- 5.1 In an initial consultation response **The Scottish Environment Protection Agency (SEPA)** objected to the application on the following two grounds: (i) the development may place buildings and persons at flood risk, contrary to Scottish Planning Policy; and, (ii) lack of information on the provision of heat and power to the proposed development. In the case of the latter SEPA informs that the proposed development offers the potential for a new district heating network to be created within the site. Therefore in line with government policy to connect to and/or develop district heating networks the applicant is required to meet their heat demands through district heating networks subject to the outcome of a feasibility statement. SEPA noted that it is not apparent from the planning application, or supporting documents, how it is proposed to address the provision of district heating within the proposed development. This could be accomplished through onsite heat generation, co-location with an existing or proposed heat source, or an existing or proposed heat network off site.
- 5.2 Following the submission by the applicant of further information relating to the Flood Risk Assessment submitted with the application and a feasibility statement on district heating, SEPA withdrew their objection regarding provision of heat and power to the proposed development. In addition, following the resolution of a technical issue relating to the size of a culvert and the subsequent updating of the Flood Risk Assessment, SEPA withdrew their objection to the application on grounds of flood risk.
- 5.3 **Transport Scotland (TS)** do not object to the application subject to the imposition of a condition on a grant of planning permission requiring that no more than 25 residential units on the site are occupied until works associated with the upgrading of the A702 (T)/Mauricewood Road roundabout, as illustrated in Fairhurst's Drawing No.86607/1006 Revision K, has been completed to the satisfaction of the Planning Authority, after consultation with TS. They state that the reason for this condition is to ensure the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is diminished. A contractor has been appointed by Taylor Wimpey to carry out the construction works on the roundabout and site construction works are imminent and scheduled to finish in June 2018.
- 5.4 The **Coal Authority** advises that the site falls within a defined Development High Risk Area and thus there is a potential risk posed to the development from past coal mining activity. Six recorded mine entries (shafts) are located within, or within 20m of the planning application boundary. Whilst the Coal Authority has some details relating to the locations and treatment of some of the shafts, the

locations and treatment details for others are largely unknown. They also inform that the site has also been subject to shallow coal mining and it likely to have been subject to historic underground unrecorded coal mining at shallow depth. The Coal Authority state that the applicant has provided confirmation that intrusive site investigations have been undertaken across the site and the site layout appears to have been informed by the presence and the commitment to locate investigate and treat (where necessary) the mine entries within the site. The Coal Authority has no objections to the planning application subject to the imposition on the grant of planning permission of a condition requiring: (i) the submission of a scheme of intrusive investigations for both the mine entries and shallow mine working; (ii) the undertaking of the scheme of intrusive investigations; (iii) the submission of a report of findings arising from the intrusive site investigations; (iv) the submission of a scheme of remedial works for approval and any remediation works to consolidate any shallow mine workings identified by the intrusive investigations; and, (v) the undertaking of the remedial works prior to commencement of the development.

5.5 **Penicuik Community Council** raises the following concerns:

- (i) Footpaths and cycleways within the site should link to existing rights of way and core paths which pass through or are adjacent to the application site;
- (ii) Developers allegedly illegally extinguished a right of way leading from Greenlaw Mains north to Belwood Road, linking up to a site to the rear of the Glencourse Barrack married quarters;
- (iii) There is a deficit of public parks in Penicuik suitable for use by dog walkers;
- (iv) Concern about the loss of a greenfield site and thus loss of an area suitable for childrens play and, dog walkers which is away from car traffic;
- (v) The woodland alongside Rullion Road is enjoyed by people as a safe recreation area and therefore should be preserved;
- (vi) Loss of habitat for wildlife;
- (vii) There should not be any additional housing development near the Old Roman Road/A702;
- (viii) The reason why the Council allowing the land comprising the application site to be included in the 2003 and 2008 Local Plans;
- (ix) The allocation of the site for housing is the only means by which the Council can increase its affordable housing stock;
- (x) The length of time it would take to build out the development;
- (xi) The architectural style of the Avant homes house types would be out of keeping with the character and appearance of the area;
- (xii) The traffic impact of the development considering the existing road infrastructure is not of an adequate standard to cope with the increase in use of it resulting from the development, thus raising road safety concerns, particular during periods of construction;
- (xiii) Disturbance to existing properties during periods of construction;

- (xiv) Insufficient capacity within existing schools to accommodate the school children arising from the development;
- (xv) Insufficient local amenities; including doctor surgeries and dental surgeries to cope with the increase in demand on them arising from the proposed development;
- (xvi) Loss of trees;
- (xvii) There is a need for a shop(s) /commercial use(s) as part of the overall development;
- (xviii) Concerns about flooding;
- (xix) Safety of SUDS provision;
- (xx) Too many houses are proposed on the site;
- (xxi) The proposed development is not sustainable;
- (xxii) Lighting of the development will be intrusive in the landscape;
- (xxiii) There will be no benefits to Penicuik arising from the development;
- (xxiv) There is insufficient public transport to serve the proposed development;
- (xxv) The neighbouring allotments require to be improved in terms of drainage, security and boundary fencing.
- (xxvi) Childcare facilities are required within the Deanburn, Cuikenbank area; and
- (xxvii) The data informing the traffic impact assessment accompanying the application is incomplete.

5.6 An initial archaeology desk based assessment and setting impact assessment was submitted as part of the planning application. This work identified the potential for archaeological remains within the site, particularly because the site lies in close proximity to the Inventory Battlefield of Rullion Glen. Accordingly, any groundbreaking works carried out as part of the development process are considered as having a potential archaeological impact and require a suitable mitigated response. As a result of this study the **Council's Archaeological Advisor** recommends a programme of archaeological works (Trial Trench Evaluation) be carried out in accordance with a written scheme of investigation which is to be submitted by the applicant in advance of the works commencing. The area to be investigated should be no less than 5% of the total site area and should target specific areas of the site identified by the Council's Archaeological Advisor in her consultation letter. The results of the initial investigations may indicate that further work is required to mitigate the impacts of the proposed development.

5.7 The Council's **Land Resource Manager** was consulted on the application and raises no objection. He does not advise of any rights of way or core paths being extinguished by the proposed development.

5.8 The Council's **Housing Planning and Performance Manager** made the following comments on the original proposed scheme of development for the affordable units within both the Rullion Road and Nursery areas: (1) It is welcomed that there will be an opportunity for construction work to commence on the western edge of the site in the Rullion Road affordable area at an early phase of the development; (2) The 'nursery' site of affordable is acceptable; and, (3) The proposed

blocks of flats with approximately 12 flats in each block totalling about 70 affordable units within the Rullion Road area is unsuitable for affordable housing as registered social landlords (including the Council) are keen to avoid large concentrations of all flats. Generally these are less popular with people on the Council waiting list. Areas where there are concentrations of flatted social housing tend to be our most difficult to let, hard to manage estates and with higher levels of deprivation and anti social behaviour. Therefore fewer tenement style flats are desired and instead more 'four in a block' type units would be preferred as they are more popular with tenants primarily because they have their own front door, access to a private garden, and from the outside they look and feel like they could be private housing.

5.9 Since making these initial comments the unit mix within the Rullion Road and Nursery (East) development areas have been revised by the applicant to address the Council's Housing Planning and Performance Manager's concerns. More 'four in a block' type units have been introduced and some flatted blocks removed. The Council's Housing Planning and Performance Manager confirms that he has no objection to the revised unit mix proposed for the Rullion Road and Nursery (East) development areas

5.10 The Council's **Policy and Road Safety Manager** raises no objection to the principle of the development, but recommends the following matters, in the different development areas, be secured by condition:

Belwood (Avant)

- (i) An additional 3m wide cycleway / footpath link should be provided in the vicinity of plot A75 linking the proposed internal road network with the main cycleway / footpath which will run along the northern boundary of the adjacent TW site. This will provide a convenient cycling / pedestrian link from the new development to the proposed commercial area which is to be built within the adjacent TW site.

Nursery (Affordable Housing)

- (ii) Secure, covered, lockable cycle parking facilities will be required for each dwelling which does not have access to a private rear garden. The buildings should have lockable doors with an automatic internal light and floor drainage. The internal cycle storage should take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each. These facilities should be located in secure locations within the site which can be overlooked by the properties they are serving. As an alternative, individual cycle storage unit/locker could be provided to the rear of dwellings to provide the necessary secure storage area. Details of the location and design of the proposed cycle parking should be submitted for approval.

Mauricewood (CALA)

- (iii) A pedestrian/cyclist zebra crossing should be provided at the main pedestrian crossing point opposite plot 22. This should be formed as a humped zebra to provide traffic calming as well as a formal crossing point. This feature should be in place prior to 25% of the dwellings in this phase of the development being occupied.

Mauricewood North (CALA) and Rullion Road (Affordable Housing)

- (iv) Secure, covered, lockable cycle parking facilities will be required for each dwelling which does not have access to a private rear garden. This would appear to cover plots 1 - 73. The cycle storage buildings should have lockable doors with an automatic internal light and floor drainage. The internal cycle storage should take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each. These facilities should be sited in secure locations within the site which can be overlooked by the properties they are serving. Given the large number of flats in this location it may be better to have two buildings rather than a single, large structure. Details of the location and design of the proposed cycle parking should be submitted for approval.
- (v) Details of the proposed bin storage arrangements for the flats should be submitted. Two units are identified on the layout however the locations shown would result in restricted visibility for drivers using the adjacent parking spaces and the storage buildings should be setback into the landscaped areas by a minimum of 2m to provide improved sightlines.

General

- (vi) Details of the proposed new junctions and pedestrian crossing points onto Mauricewood Road and Rullion Road (identified in the Transport Assessment) should be submitted for approval. The final detailed design of these junctions and crossings will require a stage 2 Road Safety Audit.
- (vii) Two sets of bus stops and shelters should be provided at suitable locations on the spine road. The southern set should be in the vicinity of the affordable housing with the second set on the Nursery frontage. Details of the design and location of the stops and shelters should be submitted for approval.
- (viii) Traffic calming features will be required along the spine road to produce vehicle speeds in line with the road speed limit. As a possible bus route raised 'flat top' tables at road junctions and road humps would be suitable features to use. It is envisaged that 3 flat top tables and 4 road humps would be adequate for

this length of road. Details of the proposed design should be submitted for approval.

- (ix) Technical details for the 3 SUDs basins will be required. This will include engineering sections through the basins showing the invert level, 1:200y flood level, side slopes and the level of any nearby new road/footpath. The details should also show the anticipated overland flow route from the basins during extreme flood conditions.
- (x) Given the increase in children attending the local primary and secondary schools, additional cycle and scooter storage facilities should be provided at Mauricewood, Cuiken, Cornbank and Sacred Heart primary schools and at Beeslack, Penicuik and St Davids secondary schools. Details of the number and type of additional cycle parking facilities should be discussed and agreed with the Council.
- (xi) Once development of the housing on the western side of Mauricewood Road has commenced a safe route to school (SRTS) will be required from the new housing to the local primary schools (Cuiken / Cornbank). The present footpath network in this area is not adequate to cope with the level and type of pedestrian/cycle traffic this development will generate and a new or improved route will be required to provide a safe and attractive route to encourage active travel from the new housing to the local schools in line with current Council guidance. A number of possible routes have been investigated and following consideration of the various constraints in the area, a deliverable route has been identified. This route is shown on the Council drawing No. SRTS 001. The improvements will require widening of the existing footway along a section of Rullion Road and the widening of the existing footpath from Rullion Road to Cuiken Terrace. A new zebra crossing will also be required at a suitable point on Cuiken Terrace to complete the route to the school. Technical details of the proposed route should be submitted for approval with the completed route being available prior to the first dwelling in this phase of the development being occupied.
- (xii) The applicant should enter into a Section75 legal agreement to provide a financial contribution to the Councils A701 relief road scheme. This scheme is designed to improve vehicle access to developments along the A701 corridor and improve walking, cycling and public transport services on the by-passed section of the A701.
- (xiii) As this development will require changes to the existing speed limit on roads surrounding this site the developer should enter into a Section75 agreement to provide a financial contribution to the costs involved in drafting and promoting these changes.

(xiv) The proposed development would generate a need for additional cycle and scooter parking/ storage at the schools affected by the development. Therefore the developer should enter into a Section 75 agreement to provide a financial contribution to the costs involved in providing these additional parking/storage facilities.

5.11 The Council's **Head of Education** advise that the development would result in a demand for 168 primary school pupils and 120 secondary school pupils.

5.12 The site lies within the following school catchment areas:

Non-denominational primary -	Cornbank, Cuiken and Mauricewood Primary Schools
Denominational primary -	Sacred Heart RC Primary School
Non-denominational secondary -	Beeslack and Penicuik High Schools
Denominational secondary -	St David's RC High School

5.12 In the case of primary non-denominational school provision, a significant amount of new housing has already been allocated to the Penicuik area therefore additional primary school capacity will be required. A developer contribution will be required towards the cost of any additional provision.

5.13 Sacred Heart RC Primary School is at capacity and an extension will be required. A developer contribution will be required towards the cost of this extension.

5.14 In the case of secondary non-denominational school provision, a significant amount of new housing has already been allocated to the Penicuik area and therefore additional secondary capacity will be required. A developer contribution will be required towards the cost of any additional provision.

5.15 With regard to Secondary Denominational provision a contribution towards St David's High School is required.

5.16 The Council's **Environmental Health Manager** raises no objection to the application subject to the imposition of a condition on a grant of planning permission requiring a scheme to deal with any contamination of the site/previous mineral workings being approved in advance by the planning authority. Furthermore, the condition should require any necessary measures to decontaminate/remediate the site being fully implemented prior to any part of the site being occupied.

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

6 REPRESENTATIONS

6.1 There have been 18 objections received, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:

- the schools in the area are at, or over capacity;
- would put undue strain on already over stretched GP and dentist surgeries in the area;
- the lack of provision for expansion in GP services in the area and the absence of plans to expand these services is likely to lead to the closure of practice lists, leaving patients without basic medical care;
- insufficient infrastructure in Penicuik to support the development;
- concerns about child pedestrian safety as a consequence of construction vehicles being driven in close proximity to existing residences;
- harm to the rural character of the area;
- there should be buffers between the new development and existing properties to mitigate the impact;
- the loss of trees and shrubs to the detriment of the landscape character and amenity of existing properties;
- harm to the Penicuik community;
- existing road infrastructure is not of an adequate standard to cope with the increase in traffic resulting from the development;
- increased risk of flooding of neighbouring properties;
- the loss of fields used for recreational purposes;
- harmful to flora and fauna;
- the loss of animal and bird habitat;
- brownfield sites in Penicuik should be redeveloped for housing instead of the application site;
- the loss of a dog walking area;
- too many houses;
- the development is too dense;
- the site should be developed entirely for social housing;
- insufficient neighbour notification has been carried out;
- the proposed construction access roads raise road safety concerns;
- disruption during periods of construction would unduly harm residential amenity;
- undue damage to existing roads by construction vehicle movements;
- construction vehicle wheel wash facilities should be provided;
- the description of the application is misleading;
- dog waste bins should be provided at exits to the development;
- problems of insufficient drainage of surface water within the area;
- traffic associated with the development would increase pollution in Penicuik;
- noise nuisance to neighbouring properties during periods of construction;
- insufficient recreational facilities are proposed as part of the development;

- insufficient public transport to serve the proposed development;
- there should be a strategic review of the land assets of the MOD; including Glencourse Barracks, to determine how these facilities could be integrated into Penicuik's housing requirements. Planning applications for residential development should be refused until such review is carried out;
- harm to the setting of Mauricewood House and Stables and other existing neighbouring historic buildings;
- the SUDS proposals are inadequate to deal with water run-off from the site and consequential flooding of neighbouring properties;
- harm to the setting of Belwood House and Martyrs Cross House; both of which are listed buildings;
- the land at Mauricewood is of historic significance as it contains a mineshaft dating back to the late 19th century and a colliery disaster on 5 September 1889 when 63 miners lost their lives. It would be inappropriate to build a new development on top of this area;
- neither CALA nor Avant carried out adequate pre-application consultation on the application;
- concern about light pollution;
- the development would encroach on the canopy spread of the group of 7 mature beech trees; known locally as the Seven Sisters, located directly in front of Belwood House;
- harm to eastward views from Belwood House;
- the loss of privacy to residents of Belwood House;
- species of trees to be planted is not appropriate in some instances;
- too much access to the proposed areas of woodland; and
- More accesses through the site are required for walkers and dog walkers.

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 Plan (MLP), adopted in December 2008. The Proposed Midlothian Local Development Plan 2014 (MLDP) has been subject to an examination by the Scottish Ministers and was reported to the Council at its meeting of 26 September 2017 with a timetable to adopt the plan by the end of 2017. The Council approved the modifications proposed by the Scottish Government Reporter (with the exception of one proposed technical modification in relation to the Midlothian Science Zone) and referred the plan back to Scottish Ministers who have confirmed they are not going to intervene in the adoption of the plan. At the time of drafting this Committee report it is scheduled to report the MLDP to Council at its meeting of 7 November 2017 for adoption. As this plan is at a very advanced stage of preparation and represents the settled view of the Council it is a material consideration of significant weight in the assessment of the application. If the Council adopts the MLDP its policies shall supersede those in the MLP and will form the basis of the assessment of this application. The report identifies the relevant MLP policies in this section of the report but the assessment of the application is primarily against the policies in

the MLDP because of its advanced stage. The following policies are relevant to the proposal:

Edinburgh and 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 Plan 2008 (MLP)

- 7.4 The MLP policies relevant to the application which are to be superseded by the MLDP are:
- Policy COMD1: Committed development;
 - Policy RP5: Woodland trees and hedges;
 - Policy RP7: Landscape character;
 - Policy RP13: Species protection;
 - Policy RP14: Habitat protection outwith formally designated areas;
 - Policy RP20: Development within the built up area;
 - Policy RP24: Listed buildings;
 - Policy RP27: Other important archaeological or historic sites;
 - Policy RP28: Site assessment, evaluation and recording;
 - Policy RP31: Open space standards;
 - Policy RP32: Public rights of way and other access routes;
 - Policy HOUS1 Strategic housing land allocations (proposal);
 - Policy HOUS4: Affordable housing;
 - Policy NRG3: Energy for buildings (dwellings);
 - Policy TRAN1: Sustainable modes of transport;
 - Policy IMP1: New development;
 - Policy IMP2: Essential infrastructure required to enable new development to take place; and
 - Policy DP2: Development guidelines.

Midlothian Local Development Plan (MLDP)

- 7.5 Policy **STRAT 1: Committed Development** seeks the early implementation of all committed development sites and related

infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.

- 7.6 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.
- 7.7 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.
- 7.8 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.9 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.10 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.11 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.
- 7.12 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*.
- 7.13 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.

- 7.14 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.
- 7.15 **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.
- 7.16 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.
- 7.17 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.18 Policy **ENV22: Listed Buildings** states that development will not be permitted which would adversely affect the setting of a listed building. New development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.
- 7.19 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.
- 7.20 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.

- 7.21 Policy **TRANS1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.22 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A701 realignment.
- 7.23 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.
- 7.24 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.25 Policy **NRG3 Energy Use and Low & Zero-Carbon Generating Technology** requires that each new building shall incorporate low and/or zero-carbon generating technology projected to contribute an extra percentage reduction in greenhouse gas emissions beyond the emissions standard to which the building is subject under the Building Regulations.
- 7.26 Policy **NRG4: Interpretation of Policy NRG3** interprets Policy NRG3.
- 7.27 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.28 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.
- 7.29 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.

- 7.30 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.
- 7.31 Supplementary Guidance and other non-statutory planning guidance referred to in the MLDP; which includes; inter alia the following topics, has not yet been brought forward by the Council:
- Affordable and Specialist Housing;
 - Quality of Place;
 - Open Space Standards;
 - Midlothian Green Networks;
 - Community Heating;
 - Developer Contributions.

National Policy

- 7.32 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.
- 7.33 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.
- 7.34 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.*
- 7.35 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.
- 7.36 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”.

- 7.37 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.38 **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.
- 7.39 **The Scottish Government’s Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The site is allocated for housing and is located within the built up area of Penicuik where there is a presumption in favour of appropriate development. The principle of residential development on this site is established by its allocation for housing within the adopted Midlothian Local Plan 2003 (Deanburn – site h26) and the MLP (North West Penicuik – site h58). The MLDP continues this commitment to residential development, but revises the number of units to 109 on site h26 and 385 on site h58 (a total of 494).
- 8.3 The proposed development is for 544 residential units, approximately 10% more than the indicative number set in the development plan. However the figure set in the MLDP is an indicative figure and the proposed level of variation is within the tolerances of the allocation and can be supported if the impact of the increase can be mitigated in terms of education provision and its impact on infrastructure.
- 8.4 Furthermore, allowing some manageable generosity on sites helps deliver good quality layouts, rather than schemes based solely on numbers and ensures the Council delivers its housing requirement without having to support/allocate unplanned sites if during the local plan period it becomes evident that a particular housing site cannot be delivered.

Phasing

- 8.5 The indicative phasing plan submitted with the application is not comprehensive and thus it should not be approved. It should be made

a condition of a grant of planning permission that a comprehensive annotated phasing plan and phasing schedule is submitted for the prior written approval of the planning authority. The structural landscaping for the site should be completed in the early phases of development to enable it to grow and become established to complement the built form as it comes forward. In addition, the affordable housing area(s) should be included on the phasing plan and phasing schedule. It is reasonable for the Council to expect some affordable housing units and the link road connecting Mauricewood Road to Rullion Road to come forward on the site as early as practicable. Furthermore, the phasing should address the timing of delivery of safe routes to school and other pedestrian and cycling connections through the site.

Layout and Form of the Development

- 8.6 The density of the development is appropriate to the established density of Penicuik. In terms of the number of units, their size, massing and positioning on the site, the houses would not appear cramped or an unsympathetic development on the site.
- 8.7 Spatial policies and good practice require the provision of appropriate useable private garden areas for houses: (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. Ninety four (17%) of the proposed houses have rear private gardens that fall below the stated requirement. In calculating the area of the useable rear gardens areas, slopes in excess of 1:3 have not been included. Twenty three of those houses are small terraced houses. In the case of these terraced houses if the minimum private rear garden size was adhered to the rear gardens would be overly long. Four of the townhouses have rear gardens that fall notably short of the minimum private garden ground. However these four houses are of enhanced design and external finishes, and a relaxation of the private garden size on design grounds is justified in this particular case. Furthermore, these four townhouses front onto a large area of public open space in the development, which in part compensates for their smaller rear gardens. The mixture of properties with larger and smaller rear gardens creates variation in the layout and visual diversity to the development. This justifies allowing a relaxation in the size of the gardens of 94 dwellings in this particular case. Furthermore, the areas of open space located throughout the site provide good quality amenity and help offset concerns about rear garden sizes.
- 8.8 The development has been designed primarily as a traditional street layout with the integration of open space and planting. There are three primary streets in the development, which are all accessed off a new access off Mauricewood Road. These primary streets are defined by an avenue of tree planting, which would provide attractive routes through the development. The principal open spaces in the development are mostly in the form of linear parks, which follow the

route of the watercourses/aqueducts that cross the site. The orientation of buildings onto the primary streets, the linear parks and the SUDS basins delivers a good layout with character and interest. The street pattern reflects the existing housing in the northern part of Penicuik and is designed to adapt to the irregular shape of the site. The distances between properties are either in compliance with or do not fall significantly short of the set spatial standards. The only exceptions being in the case of the back to back distance between houses on eight plots and the back to gable distance between six plots. However the distances are only marginally below the recommended 25 metres and 16 metres respectively. Therefore, the future occupants of these houses would still be afforded adequate residential amenity. The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable. The development has been designed to include a series of linear streets and loops, some of which are laid out with 5.5 metre wide shared surfaces in block paving with 2 metre wide grassed service strips/verges on both sides. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.

Design and Materials

- 8.9 The mix of house types and sizes is acceptable. The architectural styles of the houses and flatted buildings are 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 north west Penicuik. 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 proposed four Areas of Improved Quality (AIQ) comprises buildings fronting onto the linear parks, the other principal open spaces, SUDS features and at the entrance to the Mauricewood development area. In principle, the locations of the AIQ within the scheme are acceptable. The pallet of materials specified for each of the AIQ is different, thus providing variety in the development. Variation and distinction is also achieved within the AIQ owing to differences in boundary treatments within each AIQ. In terms of the number of dwellings included (26% of the total); the locations, building form, boundary treatments and external finishing materials and colours of the proposed AIQs are acceptable.
- 8.10 Elsewhere in the development, in order that the external finishes of the buildings are appropriate to the development and its location it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the Planning Authority. The materials and distribution of materials will be complementary to each other and appropriate to the character and visual amenity of the area.

- 8.11 The majority of the houses will be two-storeys in height. The proposed three-storey flatted buildings within the Rullion Road area and the three-storey townhouses at the entrance in the Mauricewood area provide some variation and interest to the built form. These buildings are not unduly high so as to impose themselves or appear obtrusive within the locality.
- 8.12 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.
- 8.13 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority. The 'percent for art' adds interest and individuality to the development.
- 8.14 The proposed development by means of its layout, form and separation would not harm the setting of neighbouring listed buildings including the category B listed Belwood House, and the category B listed Martyrs Cross House or any other neighbouring historic building.

Open Space and Play Areas

- 8.15 The proposed play/recreation consists of a mix of formal, informal and naturalistic play provision comprising: (i) an informal 'kick about' pitch within the main open space within the Belwood character area; (ii) a formal equipped neighbourhood childrens play area in an area of open space between Mauricewood and Rullion Road character areas; and, (iii) a trim trail incorporating 12 individual pieces of outdoor gym equipment of largely timber construction at points within the principal open spaces in the development.
- 8.16 In terms of its size and location the kick about pitch is acceptable. It will benefit from an adequate level of passive surveillance from the proposed dwellings that will look onto it. It is sufficiently large to absorb such activity with minimum disturbance to local residents. The equipped childrens play area is on three tiers, taking advantage of the sloping site and incorporating a number of natural features which will be integrated within the landscape and will provide fun interaction for children. It incorporates play equipment for toddlers as well as children of both early primary and late primary school age. Two pieces of inclusive play equipment are included; which are an at-grade roundabout and a basket swing. Where possible timber play equipment is used. Bespoke pre-cast concrete benches will be positioned at points within the play area. Dog bins and dog on lead signage is positioned at entrances to the play area. In terms of their location within the development, size, quantity, form, design and

materials and nature the proposed equipped neighbourhood play area is appropriate for this development and is acceptable. The linear parks and other principal open spaces in the development present an opportunity for sport or outdoor recreation for the future residents of the proposed dwelling. The proposed trim trail extends through the principal spaces, providing a degree of connectivity of use between them. Although the trim trail provides a selective outdoor sport resource, it does not dominate the spaces or preclude the use of them for other recreational uses. On these counts the trim trail is a good addition to the development. Together the proposed open spaces, play and recreation proposals are appropriate for a residential development of the size proposed.

Landscaping

- 8.17 Owing to the elevated nature of the site the landscape visual impact (LVI) of the site and the impact on the setting of the Pentland Hills is a material consideration. In long views the most visually sensitive part of the site is the western part which includes the development areas of Mauricewood North and Rullion Road and part of the new distributor road which will connect these development areas with Rullion Road. Through negotiations with the applicant the built form and layout of these development areas has been changed in order to facilitate substantial boundary planting along the east side of the new distributor road. Such landscaping will provide adequate visual containment of the site to mitigate its impact on the setting of the Pentland Hills AVLG.
- 8.18 The development to the east of Belwood House (Plots nos. 17 – 22 & 39) lies outwith the vista of Belwood House, thus retaining important views from this listed building and thus safeguarding its settling.
- 8.19 To facilitate the provision of sightlines as well as pavements along Mauricewood Road, earthworks including cutting into higher ground is required as well as the felling of a significant number of trees. Replacement tree planting is proposed in this application as compensation for the loss of the trees resulting from the earthworks. The replacement tree planting will satisfactorily mitigate the loss of the trees.
- 8.20 Located on the northern part of the Bellwood development area is a group of seven mature beech trees standing on a slightly raised knoll with the land dropping gradually to the north. These trees are within the vista of Belwood House and appear to have been planted as a strategically placed group. An arboricultural report on the seven trees informs that two of them are severely damaged and should be removed. The remaining five trees are generally in fair condition and are worthy of retention. The nearest proposed dwellings (plots 17-22) are located at a minimum of some 23 to 25 metres from the three nearest trees, which is just within the potential falling distance of them but far enough away as to present minimal risk to safety. A roadway is proposed between plots 17 to 22 and the tree group. The footprint of

this encroaches slightly into the root protection zone of one of the trees on one side only. This is by a very small amount and is considered negligible incursion. The roadway falls outwith the canopy spread and root protection area of the other retained trees. The ground levels are to be raised slightly to accommodate the roadway. This is beneficial in that it will prevent any ground excavation or lowering of levels in the vicinity of the trees. The arboricultural report makes a number of recommendations to protect the, to be retained, five trees during construction. It can be made a condition of a grant of planning permission that the recommendations in the arboricultural report are adhered to.

- 8.21 The landscape proposals submitted with the application require some refinement in order to be acceptable in planning terms. Therefore, if the Council were minded to grant planning permission it should be subject to a planning condition(s) requiring the prior submission and approval by the Planning Authority of revised detailed landscape plans including planting specifications and a woodland management plan. The details should include mitigation measures to be carried out to safeguard biodiversity and natural heritage; and measures to ensure sustainability in landscape terms.

SUDS and Flooding

- 8.22 The SUDS proposals as delineated on the application comprise three SUDS basins, designed as relatively soft features in the landscape. The SUDS scheme will ensure that there will be no net detriment to the locality's drainage whilst providing a locally attractive space which enhances biodiversity.

Access and Transportation Issues

- 8.23 The Transportation Assessment (TA) demonstrates to the satisfaction of the Council's Policy and Road Safety Manager that that proposed access and road arrangements are acceptable in terms of meeting traffic capacity and promoting pedestrian and traffic safety.
- 8.24 The proposed affordable flatted blocks incorporate integral cycle stores within the buildings. The size and nature of these cycle stores is acceptable in planning terms. The proposed cottage flats incorporate cycle stores under the stairwell of the flats, which is also adequate in terms of cycle parking provision. This proposed cycle store provision meets the requirements of the recommendations of the Council's Policy and Road Safety Manager.
- 8.25 As recommended by the Council's Policy and Road Safety Manager, it should be made a condition of a grant of planning permission that an additional 3m wide cycleway/footpath link be provided in the vicinity of plot A75 of the Belwood development area, which will link the proposed internal road network with the main cycleway/footpath which will run along the northern boundary of the adjacent Taylor Wimpey

site. This will provide a direct cycling/pedestrian link from the new development to the proposed commercial area which is to be built within the adjacent site which is under construction. To facilitate this it will require the reconfiguration of a number of proposed house plots along the boundary with the adjoining site.

- 8.26 There is an existing public footway alongside Rullion Road which will be the desire route for access to both Cuiken Primary School and Cornbank Primary School by occupants of new dwellings on the west side of Mauricewood Road. At present the public footway alongside Rullion Road is some 1.8 metres wide. The widening of the footway along Rullion Road to 2.8 metres will provide a segregated footway and cycleway and thus a portion of the safe route to school (SRTS). To facilitate the widening of the footway the carriageway of Rullion Road would be reduced to 5.6 metres. This is acceptable in transportation terms. The Council have title to Rullion Road and therefore there is no title incumbent to the footway being widened to 2.8 metres. The applicant has confirmed to the Planning Authority that they are agreeable to undertaking the widening of that section of footway. However, the Council does not have title to the area of open space between Rullion Road and Cuiken Terrace on which a remote section of footway lies. Nevertheless that section of remote footpath would still function as part of the SRTS, albeit at some 1.8 metres wide. The Planning Authority does not consider that it is reasonable in planning terms to insist that the applicant/developer widen that remote section of footway to 3 metres to form a cycleway/footway given that neither the Council nor the applicant has title to the land on which it lies. Furthermore, the widening of that section of remote footway would necessitate the replacement of street lighting and also the felling of a row of trees that have amenity value. On balance the Planning Authority does not consider it expedient to impose a condition on a grant of planning permission requiring that the remote section of footway be widened. A new zebra crossing at a suitable point on Cuiken Terrace is also required to complete the route to the school.
- 8.27 Except for the Council's Policy and Road Safety Manager recommendation relating to the remote section of footpath, the other transportation recommendations can be secured by either a condition imposed on a grant of planning permission or by a developer contribution secured by a Section 75 Legal Agreement. Subject to these recommended controls there will be adequate and safe footpath and cycleway connections to/from the site to existing bus stops and public transport network in Penicuik to serve the proposed development.

Ground Conditions

- 8.28 The control referred to by the Council's Environmental Health Manager in respect of ground contamination/previous mineral workings and the same control in respect of previous mineral workings recommended by

the Coal Authority can be secured by a condition imposed on a grant of planning permission.

Archaeology

- 8.29 The control required by the Council's Archaeological Advisor can be secured by a condition imposed on a grant of planning permission.

Feasibility of Communal Heating System

- 8.30 In an initial consultation response SEPA stated that 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. They highlight that 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"*. SEPA confirmed that it is their view that the proposed development offers the potential for a new District Heating Network to be created within the site. Consequently, SEPA objected to the application on the grounds of lack of information on the provision of heat and power to the proposed development. In response to SEPA's objection the applicants commissioned an engineer to undertake a feasibility study for the provision of community heating system for the new development.
- 8.31 The report considers the feasibility of a centralised CHP (Combined Heat & Power) & boiler system in energy centres in stand-alone buildings within the central landscaped areas of the development. The feasibility report concludes that: (i) At the time the site was purchased by CALA Homes (East Ltd) there was no requirement for the provision of the centralised system and this has not been allowed for within their business plan; (ii) The reduction in electrical costs would not be passed onto the residents; (iii) Whilst the technology and strategy for installing and running centralised energy centres incorporating CHP are improving, the adopting and setting up of an energy service company to run and operate the systems are still at an early stage - any costs associated with set up a system would be passed onto the home owners/occupiers. This reduces the financial benefits to the home owner/occupiers. The capacity investment of the system is still high in comparison to the more traditional gas and boiler installation; (iv) Whilst there is a government drive to make the energy market more competitive and simpler for the consumer to change suppliers, the provision of a district system, particular with CHP plant, will result in the house buyer tied down to one energy service company for their dual fuel tariff. This can have a negative impact on potential buyers and for anyone looking to sell in the future or lease the property; (v) The provision of a complicated district heating system incorporating

heat interface units, remote energy centres and distribution networks in relation to more simplistic and convenient boiler installations can potentially have a negative effect on potential buyers. This change in technology is still relatively new in the housing market, and it is this change, with a lack of knowledge on how the system works and its resilience that can put buyers off; (vi) The provision of a centralised system provides a small financial saving per annum. The CHP installation would have a payback on the capital investment within 12 years, excluding any maintenance costs and the financial asset of the gas network. These costs would need to be factored in prior to any decision been agreed; (vii) With existing developments, the full heating load already exist to retrofit a central heating system, making the system efficient from the start. With a new development with a build rate of circa 50 properties a year, the early provision of a central system along with the distribution network will be over sized to meet the initial loads. This will make the system inefficient unless a modular approach is taken, adding complexity and cost to the installation; (viii) In order to meet the government's drive for renewable energy and heat demand targets, SAP (Standard Assessment Procedure to measure energy efficiency) calculations will be carried out to ensure the proposed construction and servicing strategy for each property meets the energy performance and carbon dioxide emission targets set out within the Scottish Building Regulations "Domestic Handbook 2016". These could potentially be achieved through the provision of solar panels, mechanical ventilation heat recovery units, high specification efficient condensing boilers, hybrid source heat pumps and high performance thermal construction properties. Given all of these stated circumstances the report recommends that the development progress with more traditional gas networks with individual dwelling boilers. In a subsequent consultation response SEPA confirmed that the submission of the feasibility study is sufficient for them to remove their objection to the application on the grounds of lack of information in regards to district heating, low or zero carbon heat networks. The Planning Authority agrees with SEPA that the feasibility study into the provision of community heating system for the new development satisfactorily demonstrates that such a system is not at this present time technically or financially viable for this development site.

Ecology

- 8.32 The report on the ecological survey of the whole of the site does not recommend against the development on grounds of impact on biodiversity. The ecological survey report recommends a number of controls to safeguard/enhance biodiversity. These recommended controls could be secured by a condition imposed on a grant of planning permission.

Light Pollution

- 8.33 The proposed development would not give rise to significant levels of light pollution such as to have a significant detrimental effect on the

character and amenity of the area or the amenity of existing residential properties or the residential amenity of the proposed new houses.

Developer Contributions

- 8.34 If the Council is minded to grant planning permission for the development it will be necessary for the applicants to enter into a Section 75 planning obligation in respect of the following matters:
- Contribution to education provision;
 - Contribution to nursery provision
 - Contribution to Angle Park Pavilion
 - Contribution to New Pool and Library
 - Contribution to Traffic Regulation Order
 - Provision of affordable housing (22%);
 - Contribution to A701 Relief Road;
 - Contribution to Penicuik Town Centre Improvements;
 - Maintenance of open space;
 - Contribution to highway works including A702 roundabout ;
 - Cycle and scooter storage/parking equipment/facilities at the catchment schools; and
 - Restriction on development until A702 roundabout is delivered.

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

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

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

Affordable Housing

- 8.35 Affordable Housing by definition is to be 'housing of a reasonable quality that is affordable to people on modest incomes' (Supplementary Planning Guidance (SPG) Affordable Housing Adopted 6 March 2012, paragraph 3.1).

- 8.36 The specification of the affordable housing units within the development would be subject to the agreement of the Council as Local Housing and Planning Authority, and in accordance with the permitted plans for the site.
- 8.37 The south eastern part of the site (known as Deanburn - site h26) was allocated for housing in the now superseded 2003 Local Plan. The affordable housing requirement of the 2003 LP was 5%-10% of the total units. The remainder of the site (known as North West Penicuik - site h58) was allocated for housing in the Midlothian Local Plan (2008) with an indicative capacity of 400 units. These allocations are confirmed and the number of units revised in the MLDP to 109 units on site h26 and 385 units on site h58. The affordable housing requirement for site h58 is 25%. The applicant proposes a total of 120 affordable units on the application site, which equates to 22% of the total number of units proposed. The MLDP requires all allocated and committed sites to deliver 25% of residential units to be affordable unless unless it can be demonstrated this is not feasible. In a letter to the Planning Authority CALA Homes' seeks to justify the proposed 22% affordable units on the following grounds:
1. Part of the site (Site D - first allocated in the 2003 Local Plan) has the benefit of a minded to grant decision for 104 private and 5 affordable units) (ref.05/00784/FUL). Separate planning applications for the balance of the site (h58 - first allocated in 2008 Local Plan), were lodged in 2006 for 285 private (ref.06/00475/FUL) and 100 affordable units (ref.06/00474/OUT). The combined total equates to 389 private and 105 affordable units. The affordable percentage being 21%.
 2. In light of intervening changes to Building Regulations, CALA/Avant decided to lodge a new planning application to replace the historic applications with updated house types. This also allowed CALA/Avant to consult with the public given the time since original planning submission, and to show in detail the affordable housing product and layout.
 3. The current application comprises 424 private and 120 affordable homes, an increase to 22% of the total compared to the earlier applications.
 4. Whilst acknowledging that the Council's MLDP contains a policy provision where new applications should meet 25%, the current planning application was lodged in February 2017 under the policy position where previous lower affordable housing rates for historic sites were accepted. The negotiations with CALA/Avant's various landowners, and commitments to planning gain contributions were based on that assessment.

5. There are physical and cost constraints which mean that CALA/Avant cannot afford to reduce the scale of the private units (in exchange for additional affordable housing), namely:
 - i. The site is already very expensive to develop, given land remediation (grouting), topography, water supply improvements and the link road between Mauricewood Road and Rullion Road. This coupled with physical limitations of retaining TPO woodland and avoiding the 2 no. underground aqueducts serve to limit the area available for development.
 - ii. The development costs of the site have increased substantially over recent years, in particular the costs of diverting the Scottish Water apparatus at Martyrs Cross junction on A702.
 - iii. The combined costs of the new roundabout on the A702 (Martyrs Cross), improvement to Mauricewood Road and junction improvements to A701 have risen to £5.285m. This has meant that the planning gain obligations have risen by almost 30%.
 - iv. Notwithstanding these cost challenges, CALA and Avant remain committed to this longstanding development site. Assuming the Planning Permission is approved, CALA intend to commence construction in Spring 2018.

8.38 On balance the case put forward by CALA Homes provides reasoned justification for a 22% affordable housing requirement to be applied to the site instead of a 25% affordable housing requirement.

8.39 It is through an amendment made to the current application that the affordable unit product mix within the Rullion Road and Nursery areas have been changed, principally to reduce the number of flats within three-storey blocks within the Rullion Road area following concerns raised by the Council's Housing Planning and Performance Manager. To demonstrate to the Planning Authority that the currently proposed affordable unit product mix is deliverable CALA Homes/AVANT Homes have submitted to the Planning Authority a letter from Melville Housing Association's Development Manager confirming MHA's support for the affordable unit product mix.

8.40 Each of the proposed flatted blocks incorporates a cycle store integral to the building at ground floor level. Integral cycle storage should alleviate any safety and security concerns with detached cycle stores. The future occupants of the proposed affordable flats within Rullion Road will benefit from being located close to the neighbourhood children's play area. Furthermore, bus stops and shelters are to be positioned along Rullion Road which means that the affordable flats in both areas will be well connected to the public transport network. The treed embankment along the northern edge of the Rullion Road

affordable housing area will provide an appropriate landscape buffer along the countryside edge of the development that will mitigate the landscape visual impact of the built development.

- 8.41 On all of these counts the Planning Authority considers that the currently proposed affordable housing is largely acceptable in terms of unit mix, design and landscaping. Notwithstanding, the revised layout plan for each of the affordable housing areas were received relatively late in the application process. Owing to this, some minor amendment will be required to the layouts including the addition of boundary treatments, footpath connections etc.

Cycle and scooter storage facilities at catchment schools

- 8.42 A developer contribution is required for the provision of additional cycle and scooter storage facilities at Mauricewood, Cuiken, Cornbank and Sacred Heart primary schools and at Beeslack, secondary school. The Council is justified in requiring a contribution as the Council has a contact for the IBike programme which is being rolled out for all Midlothian Schools. Furthermore, securing provision of additional cycle and scooter storage facilities is further justified under Policy TRAN1: Sustainable Travel of the emerging MLDP which states that the Council will give priority to walking and cycling initiatives, including infrastructure to encourage sustainable modes of travel.

Open Space Maintenance

- 8.43 The responsibility for the maintenance of the open spaces (including informal kick about pitch, childrens play area and equipment, trim trail and equipment and SUDS) shall be the developers/owners and provision would be made in the deeds of sale of all housing units to contribute to the ongoing maintenance of these areas through a regular "factoring" change. The developer would demonstrate to the satisfaction of the Council how these spaces and equipment would be maintained in perpetuity.
- 8.44 Subject to the recommended conditions of a grant of planning permission the proposed development complies with the relevant development plan policies.

Other Matters raised by Representors and Consultees

- 8.45 Issues raised by the representors and by consultees have been largely addressed above. With regards to the matters raised which have not been addressed above:
- 8.46 The concern raised in letters of objection about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter which would need to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can

involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis on which to resist or delay the application.

- 8.47 The application is sufficiently detailed to show the nature of the proposed development.
- 8.48 The application has been determined on its own merits, giving due consideration to all material considerations including the matters raised in consultation responses and letters of objection/representation. Planning decisions reached by the planning authority relating to other development sites and also relating to householder developments is not a material consideration in the determination of this planning application. Any future planning applications for development on other sites stand to be determined on their own merits.
- 8.49 The nature of the proposed development is unlikely to give rise to significant nuisance or significant risk to human health as a result of dust deposition during periods of construction. However, if dust deposition were to become a problem it could be addressed through environmental health legislation.
- 8.50 The nature and scale of the proposed development is unlikely to result in extraordinary levels of noise and disturbance during periods of construction. If noise nuisance were to arise it could be dealt with through environmental health legislation.
- 8.51 No evidence has been submitted to substantiate the claim made in a letter of representation that the development contravenes the Human Rights Act.
- 8.52 Any damage to and the requirement for future repairs to the haulage routes of construction vehicles associated with the development of the site is a legal matter and not a material consideration in the determination of this planning application.
- 8.53 Neighbour notification has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- 8.54 The pre-application consultation was carried out in accordance with the statutory requirements of the Planning etc. (Scotland) Act 2006. The Planning Authority has not received any evidence to the contrary.
- 8.55 Regarding matters raised by Penicuik Community Council: The alleged extinguishing of right of way located outside the application site is not a material consideration in the determination of this planning application.
- 8.56 There is no known protected species or flora and fauna on the site that merits special protection. The Planning Authority has not received any evidence to the contrary.

- 8.57 The Planning Authority cannot control the length of time taken to complete the whole development.
- 8.58 Whether the existing neighbouring allotments are in need of improvements in terms of drainage, securing and boundary fencing is not a material consideration in the determination of the application.
- 8.59 The transportation assessment; including the survey date/s that informed it, is adequate to assess the traffic impact of the development.
- 8.60 The following matters raised in letters of representation are not material considerations in the determination of the application:
- The effect of the development on the market value of existing residences in Penicuik;
 - Whether there will be any damage to neighbouring buildings and property as a result of ground movement/vibrations associated with the movements of heavy construction vehicles or subsidence within the village;
 - The effect of the development on existing broadband speeds/internet access and mobile phone reception of existing neighbouring properties;
 - Existing problems of drainage within neighbouring properties;
 - The parking of site contractor's vehicles on neighbouring adopted roads;
 - Loss of view;
 - The existing land assets of the MOD; including Glencourse Barracks and the potential redevelopment opportunity of these assets; and
 - Whether it is morally appropriate to build on the site.

9 RECOMMENDATION

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

The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the development plan. The proposed detailed scheme of development in terms of its layout, form, design and landscaping is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.

Subject to:

- i) the prior signing of a legal agreement to secure:
- a contribution towards Education provision;

- a contribution towards nursery provision;
- a contribution towards Angle Park Pavilion;
- a contribution towards Penicuik swimming pool and library;
- a contribution towards a Traffic Regulation Order;
- the provision of affordable housing (22%);
- a contribution towards the A701 Relief Road;
- a contribution towards Penicuik town centre improvements;
- maintenance of open space;
- a contribution towards highway works including the A702 roundabout;
- cycle and scooter storage/parking equipment/facilities at the catchment schools; and
- restriction on development until A702 roundabout delivered

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. 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. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

2. 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 and national planning guidance and advice.*

3. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of

hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i other than existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping;
- vii a woodland management plan for existing and proposed areas of woodland;
- viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the existing suds pond located nearby to the north east of the nursery area;
- 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 and national planning guidance and advice.*

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been

submitted to and approved in writing by the planning authority.
Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
- vii proposed car parking arrangements;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

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

5. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the houses on plots 89, 90, 96 and 97 of the Mauricewood development area and any of the terraced houses within the Rullion Road affordable development area, the equipped neighbourhood childrens play area with associated benches and bins delineated on docketed drawings No.1611.L.L.(93)002 rev A, shall be formed/constructed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the timeous provision of an acceptable quantity and quality of equipped children's play in the development in the interests of the residential amenity of the future occupants of the houses and flats.*

6. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the house on plots A60, A61, A62, A63, A64, A66, A67 and A68 of the Belwood

development area, the informal kick about pitch within Belwood Park; as delineated on docketed drawing 1611.L.G.(92)001 rev B, shall be formed and made available for use. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.

Reason: *To ensure the timeous provision of an informal kick about pitch in the development, in the interests of the residential amenity of the future occupants of the houses and flats.*

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 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.

Before any part of the site is occupied for residential purposes, the measures to decontaminate/remediate the ground conditions of the site shall be fully implemented in accordance with the approved scheme to the approval of the planning authority.

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.*

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

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

12. The recommendations made within Section 6.0 of the Mauricewood, Penicuik Preliminary Ecological Appraisal report, dated May 2016 and docketed to this planning permission shall be implemented in full in accordance with an action programme and timetable to be submitted to and approved in writing by the Planning Authority.

Reason: *In the interests of safeguarding biodiversity.*

13. 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 dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

14. No more than 25 residential units shall be occupied until works associated with the upgrading of the A702(T)/Mauricewood Road roundabout, as illustrated in Fairhurst's Drawing No.86607/1006 Revision K, have been completed to the satisfaction of the Planning Authority in consultation with Transport Scotland. There shall be no variation therefrom unless otherwise agreed in writing by the planning authority.

Reason: To ensure that the standard of infrastructure modification proposed to the truck road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

15. Detailed drawings and a written specification of the following shall be submitted for the prior written approval of the Planning Authority:
- (i) The pre-cast concrete benches;
 - (ii) The dog waste bins.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate designed street furniture.

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

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

17. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design details to be submitted for the prior written approval of the Planning Authority:
- i. In the Belwood development area an additional 3m wide cycleway/footpath link shall be provided in the vicinity of plot A75 linking the proposed internal road network with the main cycleway/footpath which will run along the northern boundary of the adjacent Taylor Wimpey site. This will provide a convenient cycling/pedestrian link from the new development to the proposed commercial area which is to be built within the adjacent TW site.
 - ii. In the Mauricewood area a pedestrian/cyclist zebra crossing shall be provided at the main pedestrian crossing point opposite plot 22. This shall be formed as a humped zebra to provide traffic calming as well as a formal crossing point. This shall be in place prior to the 26th unit in the Mauricewood area being occupied.
 - iii. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas secure, covered, lockable cycle parking facilities shall be provided for each flatted dwelling which does not have access to a private rear garden; which includes plots 35 – 59. The cycle parking buildings shall have lockable doors with an automatic internal light and floor drainage. The internal cycle storage shall take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each.

These facilities shall be sited in secure locations within the site that are overlooked by the properties they are serving.

- iv. In the Mauricewood Road North (CALA) + Rullion Road (Affordable) areas details of the bin storage arrangements for the flats shall be submitted and a suitable access route to the kerb provided. This will include the provision of an area of hardstanding in the vicinity of the pickup point.
- v. Details of the proposed new junctions and pedestrian crossing points onto Mauricewood Road and Rullion Road (identified in the Transport Assessment) shall be submitted for the prior approval of the Planning Authority.
- vi. Two sets of bus stops and shelters shall be provided at suitable locations on the spine road. The southern set shall be in the vicinity of the affordable housing with the second set on the Nursery frontage.
- vii. Traffic calming features shall be provided along the spine road to produce vehicle speeds in line with the road speed limit. As a possible bus route raised 'flat top' tables at road junctions and sinusoidal road humps would be suitable features to use. A minimum of 3 flat top tables and 4 road humps are required for this length of road.
- viii. Technical details for the proposed 3 SUDs basins are required including engineering sections through the basins showing the invert level, 1:200y flood level, side slopes and the level of any nearby new road / footpath. The details shall also show the anticipated overland flow route from the basins during extreme flood conditions.
- ix. Prior to the first occupation of any units on the west side of Mauricewood Road or by a different date to be agreed in advance by the Planning Authority, the section of footway along the south side of Rullion Road delineated by a purple coloured line on drawing No.SRTS001, titled: "SAFE ROUTES TO SCHOOL FOOTWAY/CYCLEWAY IMPROVEMENT, docketed to this planning permission shall be widened to 2.8 metres along its length and that widened footway/cycleway shall be marked out as a segregated pedestrian footway and cycleway.
- x. Prior to the first occupation of any units on the west side of Mauricewood Road a new zebra crossing shall be provided at a point on Cuiken Terrace. The location and details of the crossing shall be submitted for the prior written approval of the Planning Authority.

Reason for 17i-viii: *In the interests of road and pedestrian safety.*

Reason for 17ix and 19x: *To ensure the provision of a section of safe pedestrian and cycle route to Cuiken Primary School and Cornbank Primary School in the interest of pedestrian and cyclist safety.*

18. Notwithstanding that delineated on docketed drawings the configuration of and the position of the dwellings on plots A01 and A02 of the Nursery development area are not approved. No works shall be carried out on the land comprising plots A01 and A02 unless and until either (i) a tree survey demonstrating that no tree(s) in the adjacent woodland are within the fall distance of the houses on plots A01 and A02 is submitted for the prior written approval of the Planning Authority; or alternatively, (ii) a revised layout plan for that part of the development site delineating the reconfiguration of plots A01 and A02 and the position on those plots of the houses on them such that they are out with the fall distance of the trees in the adjacent woodland, is submitted for the prior written approval of the Planning Authority.

Reason: *The information supplied does not demonstrate that the house on plot A02 is not within the fall distance of tree(s) within the adjacent woodland.*

19. Notwithstanding that delineated on application drawings the cycle stores of cottage flats delineated on drawing No.15124(PL)704 and also the cottage flats within the Rullion Road affordable area shall extend beneath each of the stairs so that bicycles can be wheeled into the store. Each cycle store shall have a secure lockable door and incorporate a light, a drain and a bike rack/attachment bar.
20. Notwithstanding that delineated on application drawings the cycle storage rooms of the Rullion Road and Nursery area flats shall have a secure lockable door and incorporate a light, a drain and at least one bicycle rack per flat.

Reason for conditions 19 & 20: *To ensure the provision of adequate secure bicycle parking for the flats that do not have a private garden, in the interests of the amenity of the future occupants of the flats.*

21. The road serving plots 17 - 22 of the Mauricewood development area shall be constructed using above ground construction methods that avoid excavation or lowering of levels of the raised knoll containing the group of seven Beech trees referred to in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017. A detailed methodology for the construction of the road to safeguard the five Beech trees

within the knoll that are to be retained shall be approved in advance by the Planning Authority.

Reason: *Allowing the development to cut into the raised knoll would encroach into the root zone of and thus would likely harm the mature Beech trees standing on the knoll. Five of those Beech trees are in fair condition and have landscape amenity value and thus should be protected. The loss of these trees would be to the detriment of the landscape character and amenity of the area.*

22. The recommendation made in the tree report titled: "Group of Seven Mature Beech Trees" by Donald Roger Associates Ltd, September 2017, shall be carried out in full and without any variation unless with the prior written approval of the Planning Authority.

Reason: *To ensure the retention of five Beech trees which have historic importance and are of landscape value.*

23. Notwithstanding that delineated on docketed drawing No.1611.L.D(94)00 rev A, the proposed three 5m long concrete benches within Area A are not approved.

Reason: *Five of the existing Beech trees within the raised knoll within area A are in fair condition and have landscape amenity values and thus they should be safeguarded and retained. The erection/siting of concrete benches within area A would result in harm to the roots of the retained trees, thus jeopardising their future survival.*

- 24 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 Proposed Midlothian Local Development Plan.*

25. Prior to development commencing, revised site layout plans and drawings of both the Rullion Road and Nursery affordable housing areas delineating all boundary treatments, all footpaths, surfacing materials and footpath lighting within those area shall be submitted for the prior written approval of the Planning Authority.

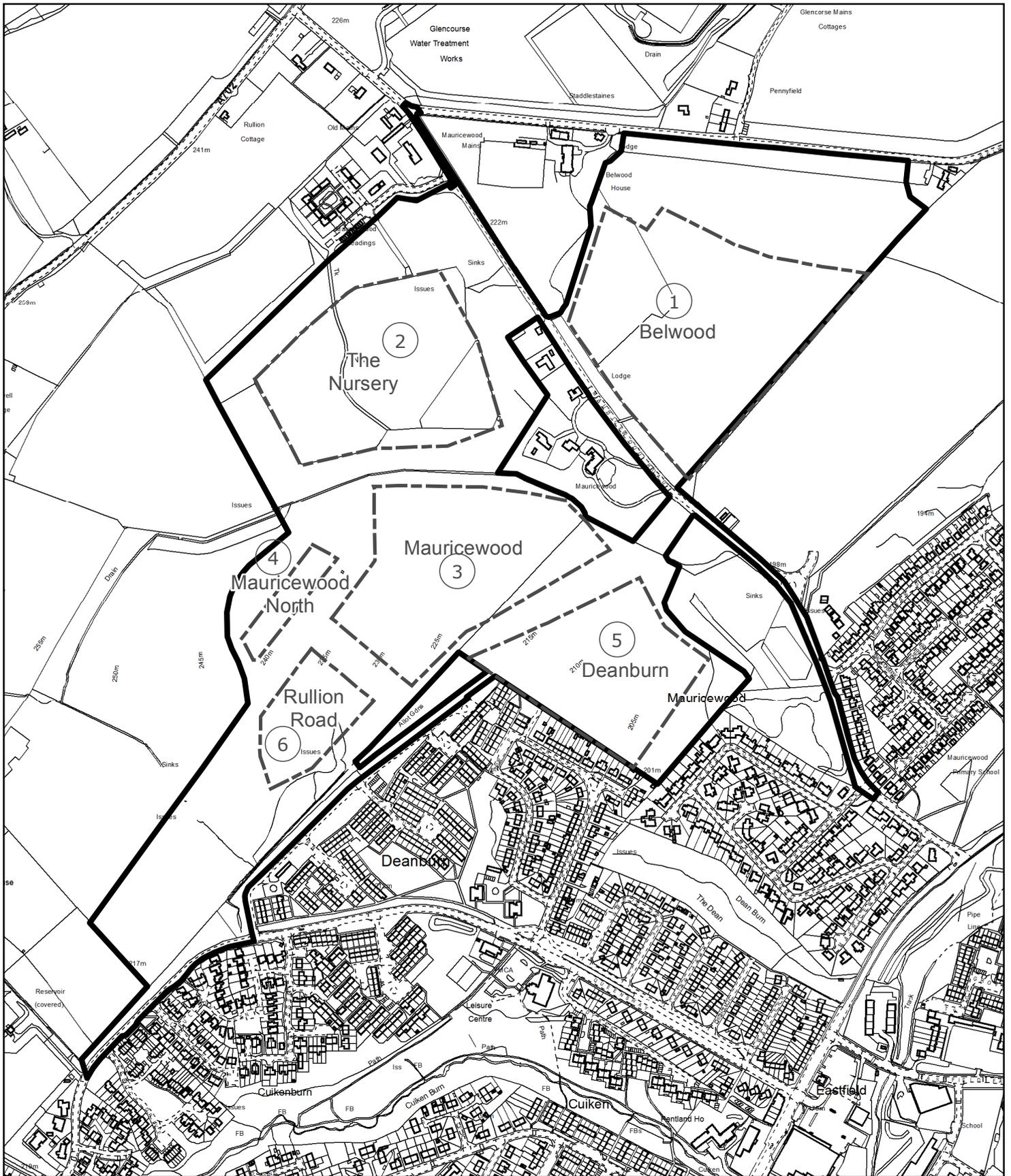
***Reason:** Modifications are required to/additional information is required in respect of the development within both the Rullion Road and Nursery affordable housing areas in order for the development within those areas to be acceptable in planning terms and to comply with the development plan.*

Ian Johnson
Head of Communities and Economy

Date: 07 November 2017

Application No: 17/00068/DPP
Applicant(s): CALA Management Limited and Avant (Scotland)
Ltd c/o Cairnlee House, Callendar Business Park,
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Validation Date: 8 February 2017
Contact Person: Adam Thomson
Tel No: 0131 271 3346
Background Papers: 05/00784/FUL, 06/00474/OUT, 06/00475/FUL,
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**Education, Economy
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Land between Deanburn and Mauricewood Road, Penicuik

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