APPENDIX B

RELEVANT POLICIES OF THE ADOPTED MIDLOTHIAN LOCAL PLAN 2008

THE NATURAL HERITAGE

RP1 PROTECTION OF THE COUNTRYSIDE

Development in the countryside will only be permitted if:

A. it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or
B. it is within a designated non-conforming use in the Green Belt; or
C. it accords with policy DP1.

All such development will need to:

A. demonstrate a requirement for a countryside location;
B. be of a scale and character appropriate to the rural area;
C. be well integrated into the rural landscape;
D. avoid a significant permanent loss of prime quality agricultural land; and
E. take account of accessibility to public transport and services (where appropriate).

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).

RP5 WOODLAND, TREES AND HEDGES

Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance.

Where an exception to this policy is agreed, any trees lost will be replaced with equivalent.
RP7  LANDSCAPE CHARACTER

Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement.

New developments will incorporate proposals to:

A. maintain the local diversity and distinctiveness of landscape character including natural and built heritage features of landscape value such as woodland, hedges, ponds, stone walls and historical sites; and
B. enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features.

RP13  SPECIES PROTECTION

Development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require:

A. measures for mitigation; and
B. measures for enhancement or sustainable habitat replacement, where appropriate.

RP14  HABITAT PROTECTION OUTWITH FORMALLY DESIGNATED AREAS

In the assessment of planning applications for development that would affect sites which contain habitat of some significance (although insufficient to justify a formal natural heritage designation), effects on the habitat, including the expected results of mitigation measures, will be taken into account.

THE BUILT HERITAGE

RP21  COMMUNITY IDENTITY AND COALESCENCE

Development will not be permitted which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are proposed which would maintain visual separation and protect community identity. Such measures, which may include landscaped buffer zones and other community woodland, shall be tailored to the particular circumstances of the location.
RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
   - the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
   - the Conservation Area will be enhanced as a result of the redevelopment of the site; and
   - there is no alternative location physically capable of accommodating the proposed development.

B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

RP28 SITE ASSESSMENT, EVALUATION AND RECORDING

Where any development proposal 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 impact of the proposal on the archaeological resource.

Unless the Council is satisfied to the contrary, such an assessment will require a field evaluation of the site to determine:

A. the character and extent of the archaeological remains;
B. the likely impact of the proposed development on the features of archaeological interest; and
C. ways in which the proposed development can be designed to preserve the archaeological interest.
Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource *in situ*, the developer will be required to make arrangements for an archaeological investigation. The scope of this will be appropriate to the physical character of the site and proportionate to the importance of the information expected to be recoverable. Except for sites of minor local interest, this investigation will normally include excavation and recording prior to the start of development, followed by analysis and publication of the field data.

**RP32 PUBLIC RIGHTS OF WAY AND OTHER ACCESS ROUTES**

Development which could lead to the loss of a right of way, cycle path, bridleway, or other access route (including those defined by the Council’s Core Paths Plan and Outdoor Access Strategy, once approved) will not be permitted except where the developer makes arrangements for an acceptable alternative route.
COMPENSATION ARRANGEMENTS

COMD1  COMMITTED DEVELOPMENT

Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing requirements, as listed in Appendix 1 and identified on the Local Plan Proposals Map*. These include:

- sites in the established housing land supply, including the provision of affordable housing as specified for inclusion within particular sites in the base land supply (Appendix 1A.1-1A.3)**;
- sites in the established economic land supply (Appendix 1B) (refer also to policy ECON4);
- the Shawfair new community, and expansion of Danderhall, as detailed in the Shawfair Masterplan and Design Guide, and including Shawfair town centre and the redevelopment of the former Monktonhall Colliery site (refer to the Local Plan Proposals Map for the defined area and Appendix 2 for relevant detailed policies and proposals included for information only);
- the site for the Midlothian Community Hospital at Bonnyrigg/Eskbank;
- sites allocated for new primary schools as listed in Appendix 1C;
- consented sites for the provision of park and ride facilities at Sheriffhall (extension);
- the extension of the Drummond Moor landfill site in connection with the provision of a Waste Management Complex (provided it can be shown to contribute to the Best Practicable Environmental Option for Municipal Waste);
- essential infrastructure required to enable development sites included in the established housing and economic land supply to be implemented (Appendix 1D); and
- leisure and community facilities to meet deficiencies exacerbated by the additional housing arising from sites included in the established housing land supply (Appendix 1E).

* Shown on Local Plan Proposals Map for information only.

** For housing sites listed in Appendix 1A.2, there is a requirement for the provision of 5 -10% affordable housing units, an estimate of which is included in the site capacities identified. For sites listed in Appendix 1A.3, there is a requirement for the provision of 20% affordable housing units, included in the site capacities identified. Levels of affordable housing provision will be agreed through negotiation between the Council and the developer/landowner. These may be adjusted where the Council is satisfied that this has been fully justified.
HOUSING

AFFORDABLE HOUSING

Within the residential sites allocated in this Local Plan (proposals HOUS1 and HOUS2), and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site capacity (and included within that total capacity), as follows:

A. for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
B. for sites of between 15 and 49 units (or 0.5 to 1.6 hectares in size) there will be no provision for the first 14 units thereafter 25% of the remaining units will be for affordable housing;
C. for sites of 50 units and over (or larger than 1.6 hectares in size), there will be a requirement for 25% of the total units to be for affordable housing.

Lower levels of provision, or a commuted sum, may be acceptable where this has been fully justified.
Supplementary planning guidance for the affordable housing provision shall provide advice on:

- the acceptable tenure split between social and low cost housing;
- possible delivery mechanisms;
- the scope for commuted sums; and
- other relevant matters as necessary.
TRANSPORTATION

TRAN1 SUSTAINABLE MODES OF TRANSPORT

Major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrian and cyclists, and accord with the Council’s Local Transport Strategy.

Proposals for all new major travel-generating developments, including phases of a major development area, shall be accompanied by a Transport Assessment and a Green Travel Plan, setting out what provisions or measures shall be taken to provide for, and encourage the use of, alternative forms of travel to the private car.

Reference should also be made to policies IMP1 (new development), IMP2 (essential infrastructure), DP2 (development guidelines) and RP32 (public rights of way and other access routes) and to Appendix 2E which sets out the policy for the road and bus network pertaining to the Shawfair area (for information only).

TRAN4 SAFEGUARDINGS FOR TRANSPORTATION SCHEMES

The Local Plan will safeguard land for the following transport proposals, taking into account any changes to safeguarding requirements arising from the Local Transport Strategy and/or Regional Transport Strategy:

Rail
Waverley – Shawfair to Tweedbank
Millerhill to Loanhead

Strategic Roads
A720 Sheriffffhall Junction Grade Separation
A701 Straiton to Milton Bridge Improvement
A720 City Bypass to B6415 Millerhill Road Link

Local Roads Serving New Developments
A6094 to A68 Bonnyrigg to Dalkeith Distributor - Hopefield Section
B6482 Bryans Road to Gawkshill Link
South Mayfield Distributor
Shawfair road network
Edgefield Relief Road
North West Penicuik Link

Park and Ride
Sheriffffhall (extension)
Lothianburn

Other Public Transport
Orbital Rapid Transit on A720 City Bypass
Shawfair Infrastructure
TRAN7 CYCLING

Midlothian Council will continue to support cyclepath proposals that contribute towards the completion and/or maintenance of National Cycle Route 1 from Edinburgh to Berwick-upon-Tweed through Midlothian, and other locally important cycle routes.
RETAILING

SHOP7 NEW NEIGHBOURHOOD SHOPPING FACILITIES

New neighbourhood shopping facilities will be permitted within the built-up area including where new housing developments are to take place, providing they do not undermine the vitality and viability of any of Midlothian’s town centres and they accord with all relevant Local Plan policies and proposals.

COMMUNITY FACILITIES AND RECREATION

COMF1 EDUCATION FACILITIES (PROPOSAL)

Midlothian Council supports the early implementation of new educational facilities to serve new housing development as follows:

A. Dalkeith – extension to new primary school at Wester Cowden;
B. Mayfield/Easthouses – extension to new Lawfield Primary School;
C. Redheugh/Prestonholm new community – new single-stream primary school;
D. Rosewell – extension to new Rosewell Primary School;
E. Loanhead – extension to Paradykes Primary School;
F. Roslin/Bilston – Bilston Annexe to be replaced by new Bilston Primary School;
G. Penicuik – extensions to either or both Cuiken Primary School and Cornbank Primary School.

An extension to St Andrew’s RC Primary School is also required in order to provide sufficient denominational primary school capacity to accommodate the new development.

With respect to providing sufficient capacity in the non-denominational secondary schools, additional accommodation will be required at Dalkeith, Lasswade and Newbattle High Schools to meet demand, in association with a strategic review of secondary school catchment area boundaries. Additional capacity at St David’s RC High School will also be required.
ENERGY

NRG3 ENERGY FOR BUILDINGS

The Council will require predicted CO$_2$ emissions associated with the life cycle of all new buildings and conversions to be minimised as far as is practicable.

In the case of residential development, proposals must compensate for any failure to optimise useful gains from passive solar energy by demonstrating achievement of a reduced level of CO$_2$ emissions.

Proposals with a total cumulative floorspace of 500 m$^2$, and windfall development of any size, should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO$_2$ in terms of the 2007 building regulations carbon dioxide emissions standard.

In the case of HOUS1 and HOUS2 sites; ECON1 and ECON2 sites (where proposals exceed 1000 m$^2$ total cumulative floorspace); and windfall developments (where proposals exceed 1000 m$^2$ total cumulative floorspace in the case of non-dwellings; and, in the case of housing sites, where proposals exceed 14 units or that the site is 0.5 hectares or more in size); proposals must demonstrate a “Good” or better BREEAM or bespoke BREEAM rating or its equivalent.
WASTE MANAGEMENT

WASTE MINIMISATION

Facilities for the separation and collection of waste will be required for all new development which generates waste. The siting, design, location of collection points and levels of provision should be discussed and agreed with the Council during the early stages of all proposed development.

Recycling points will be required for new major housing developments*. Recycling points shall not have a detrimental impact on the amenity of existing or proposed new housing and shall be laid out in a manner suitable for the depositing and uplifting of waste intended for recycling. In some circumstances, it may be acceptable for the recycling facility requirements for new domestic and commercial development to be combined.

Recycling points shall be required for retail development of more than 1000 m\(^2\) gross floorspace.

Development should comply with the Council’s supplementary planning guidance on waste separation, collection and recycling requirements, once prepared.

Proposals for new built development shall demonstrate that the generation of waste during the construction period has been minimised, that residual waste will be utilised in a sustainable matter, and that recycled construction and demolition wastes are incorporated into the proposal as far as reasonably possible.

*Supplementary planning guidance will provide advice on the appropriate thresholds for housing developments.
IMPLEMENTATION

IMP1 NEW DEVELOPMENT

Planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for:

A. essential infrastructure, including transport, required to enable the new development to take place (refer to policy IMP2);
B. contributions towards making good facility deficiencies resulting from, or exacerbated by, the new development (refer to policy IMP3);
C. affordable housing (refer to policy HOUS4);
D. landscaping, including its management for the longer term, and the retention of open spaces and amenity land;
E. public transport connections (including financial support for services) and bus stops and shelters;
F. parking in accordance with approved parking standards;
G. cycling access and cycling facilities;
H. easy and safe access and movement for pedestrians;
I. acceptable alternative access routes or public rights of way where existing routes would be lost as a result of the development;
J. access for people with mobility difficulties;
K. traffic and environmental management measures;
L. the protection and/or management of, and/or compensation measures for, any feature of the natural and built conservation interests affected by the development;
M. site assessment, evaluation and recording of any identified site of archaeological importance which could be affected; and
N. ‘Percent for Art’ and Areas of Improved Quality as identified through development briefs.*.

Development briefs or master plans will be prepared by the Council in conjunction with prospective developers for all allocated housing sites setting out the main planning and design principles upon which the development of the sites is to be based and aimed at:

- improving the quality of the built environment;
- creating an attractive sustainable place of individuality and character; and
- providing places which are safe and promote ease of movement, particularly for pedestrians.

These will address issues such as vehicle and pedestrian access, provision of public transport, house types, density, layout, design, landscaping, open space provision, the provision and location of facilities, and energy conservation, and will be a material consideration in respect of planning applications for the detailed development of the sites.

Where relevant, reference shall also be made to the detailed development policies DP1 (Development in the Countryside), DP2 (Development Guidelines), and DP3 (Protection of the Water Environment), in particular, and any other current or future supplementary planning guidance as produced by the Council.

* Promoters of new built developments of substantial scale and accessible to the public will be encouraged to enhance public enjoyment of them by incorporating artwork through the ‘Percent for Art’ scheme. A proportion of the capital budget of a building (ideally 1%) is set aside for commissioning new works by an artist, crafts-person or designer. Such a contribution can be in the

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form of, for example, sculpture, murals, tiling, paving design, stained glass or textiles.

**IMP2 ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE NEW DEVELOPMENT TO TAKE PLACE**

Development will not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. Planning conditions and legal agreements will be used to secure the appropriate developer funding and the proper phasing of development.

The developer will be required to fund:

A. the essential infrastructure including roads and schools required by the development either on-site or off-site in order for it to proceed;
B. the protection of valuable environmental assets within or adjacent to the development site, and compensation for any losses including alternative provision, where appropriate (refer to policy RP33); and
C. the relevant requirements of policy DP2.

The following essential requirements have been identified for the housing sites in Mayfield and Newtongrange:

**Mayfield/Easthouses**
- extension to new primary school at Lawfield
- contributions to extra capacity at Newbattle High School
- access and junction improvements

**Midlothian**
- additional denominational secondary school capacity (on Community Campus)
- water and drainage infrastructure (as required)
- contributions to Waverley rail line (A7/A68/Waverley Line Corridor only)

Note: There may be a requirement for additional works to upgrade access and junctions arrangements not specified in policy IMP2 as these may only be identified as the result of Transport Assessments. Similarly, there may be specific requirements arising from water and drainage and flood risk assessments.
DETAILED DEVELOPMENT POLICIES

DP1 DEVELOPMENT IN THE COUNTRYSIDE

1 New Housing
1.1 Single Houses (not related to Housing Groups / Farm Steadings)
New houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity (see policy RP1 - Protection of the Countryside and policy RP2 - Protection of the Green Belt for definition of respective acceptable countryside activities). Applicants will be required to show that the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long-term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements.

In approving the new house, the Council will require that it, and any other houses within the control of the applicant related to the same countryside activity, will be subject of an occupancy condition and/or a legal agreement. It will generally be the case that a legal agreement will be required. This will relate to the employment of the occupiers of the house or houses, and tie the new dwelling to the landholding associated with the countryside activity in question.

Any single new dwelling shall:

a) fit in the landscape and be of a character appropriate to existing houses in the local area;
b) be capable of being served by an adequate and appropriate access;
c) be capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses;
d) be no larger in size than required to fulfil the purpose for which the development has been allowed; and
e) incorporate sustainable building design.

1.2 Housing Groups
Where there are clearly identifiable groupings of 5 or more houses in close proximity, already located in the countryside and outwith village envelopes, it may be possible to supplement these with a limited number of additional dwellings subject to the following criteria:

a) the location is outwith the Green Belt;
b) the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period;
c) the location is close to local services (school, shops) and/or has access to a regular public transport service giving access to such facilities;
d) the new units fit in the landscape and are of a character and scale appropriate to the existing units;
e) the new units are capable of being served by an adequate and appropriate access;
f) the new units are capable of being provided with drainage and a public water supply at
reasonable cost, or an alternative acceptable private water supply, and avoid unacceptable discharge to watercourses;
g) the new units incorporate sustainable building design;
h) the new units enhance the landscape and appearance of the existing group of buildings; and
i) the new units will not result in ribbon development and the plot size/width should be similar to other units within the group.

Housing groups to which this policy may apply must form a cohesive entity. The new unit should generally be located within gaps in the group.

Supplementary planning guidance will be prepared identifying house groups to which this section of DP1 should apply. The success or otherwise of the new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.

1.3 Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside
Where it can be demonstrated that farm steadings or other group/s of non-residential buildings have become redundant, support will be given to their conversion or, where justified and not in the Green Belt, redevelopment. Where buildings are capable of renovation and conversion, and are examples of traditional, architectural or historic interest, their demolition and redevelopment will be resisted. Premature demolition of such properties, in advance of approval for replacement buildings, will be likely to result in the Council considering the replacement buildings proposal in terms of policy DP1 Section 1.1. Any increase in the footprint of the existing buildings shall require to be justified as being necessary to the overall quality of the development. In the case of conversion, the proposal shall meet the following criteria:

a) the building makes a significant and positive contribution to the landscape and its retention is considered to be beneficial to its surroundings;
b) the building is capable of conversion without requiring any alterations to its external appearance or any extensions other than of a minor nature, and provided that any such alteration or extension does not detract from its character or attractiveness;
c) the building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding;
d) the building is capable of being served by an adequate and appropriate access;
e) the building can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
f) the conversion of the building to such use is, in the particular circumstances of the case, the most satisfactory means by which it may be retained.

In the case of redevelopment, the resulting buildings will;

a) make a significant and positive contribution to the landscape;
b) be of a character and scale appropriate to its immediate surroundings;
c) be capable of being served by an adequate and appropriate access;
d) be capable of being serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
e) only exceptionally exceed 5 houses, unless the site is close to an existing settlement;

and, in both circumstances (conversion and redevelopment), criteria B, C and F of policy COMF4
will apply.

1.4 Rural Buildings of Value
There are a number of large rural non-residential buildings that are either listed or of other value to the local landscape and whose current use has or may become redundant. As a means of retaining or enhancing the building (and associated structures), and proposals being restricted to such properties lying outwith the Green Belt, there could be scope for some additional new development not normally supported in these locations if fully justified as necessary to enable the conversion / restoration.

The additional new development shall:

a) only be that necessary to effect the conversion / restoration and the new development is the only practical means by which the conversion / restoration can be achieved;
b) not detract from the character of the original building of value;
c) be of a scale and design to complement the original building;
d) be capable of being served by an adequate and appropriate access;
e) take cognisance of proximity to public transport services and other community facilities in considering the number of new dwellings; and
f) be capable of being serviced at reasonable cost and avoiding unacceptable discharge to watercourses.

Rosslynlee is a potential candidate for supporting such development. As a means to enable the conversion of the C(s) listed house, once it is no longer required for healthcare use, options will be considered for alternative use of the building along with some new development within the grounds that is required to support the agreed conversion. The site includes areas where redevelopment could be acceptable as a means to replace buildings that do not enhance the setting of the listed building. The site has a number of limitations, principally its remoteness from community facilities; lack of public transport provision; and substandard road access. Any conversion/partial redevelopment would have to be of a scale and design to address these issues appropriately. The Council will continue to work with interested parties to achieve an acceptable scheme for the Rosslynlee site.

In addition (and as an exception), to enable restoration / improvement to the fabric of Dalkeith Palace and/or the listed or other important structures within the grounds of Dalkeith Estate, consideration will be given to appropriate proposals within Dalkeith Estate that are complementary and associated with its current historic / tourist functions.
2 Design of New Housing
New houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and will in most instances be traditional in nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of high quality external finishing materials will be required. On open sites, or within areas of established sensitivity, such as Conservation Areas, Areas of Great Landscape Value or along the main tourist routes, new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes.

3 House Extensions
Extensions to existing dwellings which could be used to provide a second dwelling will only be allowed if subject to a legal agreement preventing future subdivision. (Refer also to detailed development policy DP6 - House Extensions.)

4 Replacement Houses
The demolition of an existing dwelling in the countryside and its replacement by a new house on the same site will be permitted where:

a) the proposal relates to a complete dwelling (i.e. not the plot of a previous, now demolished, house); and
b) it can be demonstrated that the existing dwelling is incapable of renovation or improvements to allow its continued habitation; and
c) the size of the proposed dwelling is not significantly larger than the existing dwelling; and
d) the appearance of the new dwelling is a significant improvement on the existing property and therefore enhances the environment of the area; and
e) the existing dwelling is served by an adequate and appropriate access and is already serviced at reasonable cost with an acceptable discharge to local watercourses or to mains drainage; and
f) sustainable building design is incorporated.

5 Appearance of All Buildings
All new buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape, conform with the countryside policies, and incorporate sustainable building design.
DP2 DEVELOPMENT GUIDELINES

These policies apply to all proposals for development within this Local Plan area. They will form the basis for any briefs to be prepared for sites to be released for development through the Local Plan.

Developers will normally be expected to submit a statement with applications for major sites explaining their approach to the site with regards to the issue of design, sustainability, landscape and open space. The statement shall explain the way in which the Council’s design criteria have been observed. If the criteria have been departed from this should be noted, together with an explanation of the circumstances requiring this.

Irrespective of support for the principle of development in this Local Plan, all proposed developments which fall within the remit of the Environmental Impact Assessment (Scotland) Regulations 1999 (Schedules 1 and 2), will require the submission of an Environmental Statement in conjunction with the planning application.

A case for modification of the private open space standards may be accepted by the Council within the Local Plan area where the sites proposed to be developed are brownfield, infill, involve less than three houses, lie within Conservation Areas, or windfall. In such cases, a determining factor will be the existing character of the area surrounding the site. This may not necessarily dictate lower space standards. For example, in some Conservation Areas, the density of housing is very low. Such existing character may dictate very generous gardens in new housing development.

1 Design

The release of extensive areas of land, through the development sites in this Local Plan, offers an opportunity to create new, interesting and attractive environments.

The Council recognises that good design can:

a) promote sustainable development;
b) improve the quality of the environment;
c) attract business and investment;
d) reinforce civic pride and a sense of place; and
e) secure public acceptance of the need for new development.
For these reasons:
The Council will require good design in both the overall layout of sites and their constituent parts and a high quality of architecture in both the overall layout of sites and their constituent parts.

2 Sustainability

The Council will expect development proposals to have regard to the following principles of sustainability:

a) building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and utilising natural features;
b) fostering and maintaining biodiversity;
c) treating and conserving water on site in line with best practice and guidance on sustainable drainage;
d) reducing consumption of energy;
e) recycling of construction materials and minimising the use of non-renewable resources (refer also to policy WAST4 – waste minimisation);
f) facilitating accessibility and adaptability; and

g) providing for waste recycling in accordance with standards which will be set out in supplementary planning guidance on waste separation, collection and recycling requirements for new developments

3 Landscaping

All development proposals must be accompanied by a comprehensive scheme of landscaping. This will be designed to provide shelter, help create spaces, add colour and add to the interest and appearance of the development.

New tree planting will be used to define the edge of development areas within sites. The Forest Habitat Network (Forestry Commission Scotland) provides guidance in planning greenspace within new developments.

Where development sites abut the countryside, tree belts of an average of 30 metres wide will be required except where a development brief indicates a lesser figure will be acceptable. This width is required to ensure the effect of the planting is maintained as the trees mature.

Where distributor and access roads are to be tree lined as a landscape feature of the development site, space sufficient to provide for the span of the trees as they mature must be provided to each side of the road to be planted. The space to be provided will be influenced by the selection of tree species and design concept being followed.

A high standard of landscaping is required throughout sites. Tree and shrub species should be
selected primarily for their good appearance, hardiness, low maintenance and suitability to the character of the site and layout design.

Indigenous species should form the basis for landscape schemes.

Finishing materials, surface textures and street furniture, together with the design of walls and fencing should combine with the landscaping to establish a theme for the development as a whole.

When submitted to the Council, detailed applications for planning permission must be accompanied by proposals indicating the character and scale of the landscaping to accompany the new development.

Landscaped areas adjoining roads will be adopted by the Council on the same basis as other landscaped and open space areas provided as a result of development.

Where possible, topsoil should be left in situ on development sites. Where it would be sterilised by development, topsoil should be stored in a manner which preserves its intrinsic environmental value and reused in connection with the landscaping of the development site or, if not possible, elsewhere in site restoration, landscape enhancement and/or the creation of public open space.

4 Open Space

Open space is an essential part of the built environment. It provides amenity to those whose property adjoins or is close to it. It can provide pedestrian or cycle routes. Open space allows opportunities for play and exercise whether of a formal or informal character. It gives the opportunity within settlements for the creation of natural habitats and shelter for flora and fauna. It can create the setting to important private and civic buildings and be an integral part of the character of settlements. Policies RP29 and 30 provide for the protection of open spaces. The proposed growth of Midlothian’s settlements as a result of this Local Plan must be accompanied by open space provision on a scale and in a manner commensurate with its importance to the lives of future communities in these areas.

The following standards do not take account of the need for informal amenity open space, infrastructure tree planting and passive recreation areas such as parks, open spaces and footpath networks. In determining the need for such additional open space the Council will take account of the area surrounding the site. Major development sites will be subject to a brief that will identify such needs.

Open spaces designed for children’s play should be large enough to absorb such activity with minimum disturbance to local residents or undue damage to grass and planted areas. Similarly, the location of pitches for older sections of the population within open spaces should take account of the potentially adverse effect on amenity if situated too close to housing.

4a Open Space required for Sport

Unless otherwise determined within development briefs for housing sites proposed in this Plan,
provision for outdoor sport will be made in accordance with the National Playing Field Association’s (NPFA) minimum standards and the Council’s open space strategy, once approved.

4b Children’s Play Space

The design and location of play spaces should be convenient to their users. They should be subject to passive supervision and open sunlight during the majority of the day. They should be fenced in order to avoid children running out of the play area and to discourage dogs making their way in.

In general terms, their design and location should accord with the advice provided in SPP 11 Open Space and Physical Activity and PAN 46 Designing Out Crime.

Provision for children’s play space will normally be provided within new housing areas in accordance with the NPFA’s recommendations.

This standard is currently set at 0.6 - 0.8 hectares per 1000 population. In assessing the area requirement, the potential population of a housing development will be used for the basis of calculation.

The NPFA recommends that a hierarchy of open spaces be available for children’s play, the largest spaces providing for the most extensive range of equipment and facilities and combined with land used for other formal recreational use. Smaller open spaces, recommended by the NPFA at the bottom of the hierarchy perform an important visual amenity function. These spaces will normally be no less than 0.04 hectares in extent. Whether such small spaces will require any equipment placed within them is dependent on the character of housing surrounding the space and the distance to the nearest play area. In small, medium to low density developments, no equipment is likely to be required. Site and distance criteria for such spaces should be as recommended by the NPFA’s The Six Acre Standard. Larger equipped play areas serving neighbourhoods should be provided as recommended by the NPFA. It may not always be appropriate to provide spaces to the minimum recommended size. However, an area of open space accommodating play equipment within a housing area should not be less than 0.1 hectares.

4c Maintenance of Play Equipment and Open Spaces

Arrangements for the long-term maintenance of open spaces shall be agreed with the Council prior to consent being issued. Maintenance arrangements can be through adoption by the Council or through alternative measures, either being subject to agreement with the Council.

Acceptable provision, including long-term funding for the maintenance of open spaces, landscaping and play equipment will be a prerequisite of planning permission for new residential and other developments.

For the purposes of this section, “long-term” will typically be a period of at least 15 years.
4d Retention of Open Spaces

Public open spaces provided in association with new development will be subject to conditions and, where appropriate, agreements requiring that they continue in use as communal open space.

4e Provision of Play Facilities for Children

Equipment for communal play will be required in association with all new residential development, with the exception of housing specifically designed for the elderly.

Acceptable levels of provision are currently found to be established where the developer provides equipment to a value based on the sum of £250 per child bed space (as at 2006 price, subject to price index adjustment). The cost per child bed space figure may be subject to negotiation for larger developments where the economies of scale can be brought into effect.

Child bed spaces are the number of bedrooms in a house less the principal bedroom. In the case of houses having secondary bedrooms of exceptionally large size, it may be considered necessary to take the view that these could be occupied by more than one child.

Where the number of houses or the application site is too small to satisfactorily accommodate children’s play, an amount of equipment based on the above standard must still be provided, for installation in an existing park accessible to the new housing.

5 Housing: General Considerations

The detailed planning, layout and appearance of new housing developments must reflect national planning advice and guidance. In accordance with the encouragement therein of imaginative and innovative design, proposals showing exceptional ingenuity may be exempted from the usual space requirements, provided that the quality of public and residential amenity is demonstrably not compromised.

Many large companies use standard house types in the interests of efficiency and economy for their particular organisation. Such an approach may not always provide an acceptable design. Developers will be expected to be flexible in their use of house types and if necessary modify their range to meet the Council’s requirements for specific sites.

The main aims are to achieve comfortable, safe, well-designed living environments with a distinct sense of place, and a high quality of design and finish.
5a Housing: Detailed Considerations

Care is required in grouping of buildings. The houses forming a group must relate well in terms of scale, angle and alignment of roof pitch, choice of finishing materials and detailing.

A good level of security for the residents of a scheme must be provided and in this respect attention should be paid to linking buildings together by means of walls or garages. Open spaces should be designed as features to be looked onto from the front and sides of houses as should pedestrian routes and roads. Houses should not, as a general rule, be designed to back onto such features.

Housing layouts should be designed to be convenient for pedestrians, with special attention being paid to the provision of direct footpath / cycleway links between houses, schools, shops and community facilities.

The housing layout and house types should be designed to provide for a high standard of passive energy gain; in this respect buildings should be arranged as to avoid unduly overshadowing one another.

5b Housing: Private Outdoor Space

Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Permanent overshadowing of these areas should be avoided and, wherever possible, such spaces should enjoy good access to sunlight. Where flats are proposed, such spaces should enjoy good access to sunlight and additional provision of amenity open space should be made, including sunlit areas convenient for residents to enjoy.

Private open space attached to the dwelling is required for all non-flatted properties. While recognising that individual preferences may vary, houses suitable for families should be provided with adequate usable private gardens. Such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily. It is also important to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. The usable garden area is defined as that part of the rear garden not occupied by a garage, or garage space, driveway or parking space.

For detached and semi-detached houses, private open space should be provided, as a minimum standard, on the following basis:

a) houses of 3 apartments should have usable garden areas no less than 110 m$^2$;
b) houses of 4 apartments or more should have usable garden areas no less than 130 m$^2$;

Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100 m$^2$. 
Where, particularly in the case of terraced houses because of the floor plan design, these criteria result in garden lengths in excess of the Council’s requirements, smaller garden areas will be acceptable. In such cases the amount of communal open space will normally require to be increased to compensate for the reduction in private open space. In exceptional cases, this principle may also apply to other types of houses.

Garden areas referred to above should be so designed and located so that a usable part of the garden area will enjoy at least three hours of any available sunlight on 1 March.

5c Space between Houses

Spaces between houses may vary depending on the types of houses and the nature of the sites. Certain minimum standards must be observed. These are as follows:

a) back to back distance, whether between single storey or two storey houses, of 25 metres;
b) between gable and rear of such property 16 metres; and
c) between the front elevations 22 metres.

Where housing is built across steeply sloping ground, the distance between buildings will require to be extended to avoid the higher properties being over dominant. In such situations, split-level housing should be considered as a means of reducing the distance houses are set apart.

Reduction in the distance between front elevations will be possible where there are positive reasons relating to the design of the layout and where the house design ensures no material loss of privacy as a result of overlooking from windows.

The length of individual rear gardens will vary but will normally be anticipated to be at least half the minimum back-to-back distance. Exceptions to this may be acceptable where distance standards are met, minimum garden size is achieved or where the houses back onto an open aspect.

Flatted properties should be provided with a communal private open space conveniently located for the residents. The area of land supplied for this purpose should be provided to half the standard used for terraced housing.

If essential to secure an appropriate attractive and well designed development, the above space standards may be relaxed. Such relaxation is expected to be confined to sites that have some unusual characteristic.

5d House Design

The Council wishes to encourage a high standard of design. Novel architectural solutions including those which meet the need for energy conservation and sustainability will be encouraged.

Conventionally designed housing should observe the following criteria:
a) roofs should be conventionally pitched and be symmetrical;
b) roof pitches should be not less than 35° and not greater than 45°;
c) there should be a dominant roof and ridge line where the floor plan is not a single rectangle as in ‘L’ or ‘T’ or other more irregularly shaped floor plans;
d) the dominant ridge line should normally run parallel to the road;
e) the colours of wall finishes and roof materials should be sympathetic to one another;
f) windows should have a vertical emphasis;
g) a variety of wall finishes on single buildings should be avoided;
h) variety of finishes on groups of buildings should generally be avoided, interest should be achieved by the use of different architectural detailing; and
i) underbuilding should be kept to a minimum and base courses should not be obvious if built from a different material from that of the rest of the wall.
5e Areas of Improved Quality

Within HOUS1, HOUS2 and HOUS3 sites of 15 units or more, it is desirable to seek, within limited parts of each site, an added emphasis on quality in design. This is to apply to individual buildings or groups of buildings, and in the use of materials both in finishes to dwellings (for example, slate and wet dash render, stone detailing, rosemary and clay pantiles) and also in walls and ground surfaces.

In this way development is likely to have the elements necessary to produce a ‘future’ conservation area. The Council expects such treatment will be applied to a minimum of 20% of the dwellings on the site and should be focused on prominent landmark groups or key individual homes.

6 Accessibility and Parking Provision

Proposals for new development will be required to:

a) incorporate measures to enable / encourage the use of alternative transport modes to the private car;


Detailed layout designs for developments, or phases thereof, will be accompanied by statements of the design measures taken, and on-site and off-site infrastructure to be provided, in the interests of enabling and encouraging residents and visitors to use alternatives to the private car.

7 Notifiable Installations

Proposed developments should take the presence of notifiable installations into account, and planning applications for development within the consultation distances of these installations will be referred to the Health and Safety Executive (HSE), and account taken of their response, in accordance with SOEnvD Circular 5/93. Similarly, proposals to site new notifiable installations in the vicinity of existing urban development will require consultation with the HSE.

8 Edinburgh Airport Safeguarding Zone

Planning applications for certain types of development within the consultation zone* for Edinburgh Airport will be referred to the British Airports Authority (BAA) for their interest, and account taken of their response, in accordance with The Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003 (see Circular 2/2003).

*For details of types of development and extent of area, refer to Edinburgh Airport Aerodrome Biotechnology and other knowledge-based industries b1 Pentland Science Park Penicuik Research & Development*

b2 Edinburgh Technopole, Bush Estate Penicuik Research & Development

b3 Gowkley Moss Penicuik Research & Development (& related
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<th>Penicuik Business Use manufacturing)</th>
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APPENDIX 1C NEW COMMITTED EDUCATIONAL INFRASTRUCTURE

New Developer-Funded Educational Infrastructure

The following new developer-funded educational infrastructure to serve committed new housing development (as identified in Appendix 1A) is to be provided in the following communities:

Danderhall/Shawfair – two new two-stream non-denominational primary schools, together with a denominational primary school, with nursery facilities at Shawfair new community and an extension to Danderhall Primary School and nursery facilities;

Dalkeith – a new two-stream primary school at Wester Cowden with nursery facilities and extensions to Dalkeith and St David’s High Schools;

Bonnyrigg – a new single-stream primary school with nursery facilities at Hopefield, and an extension to Lasswade High School;

Gorebridge – a new single-stream primary school with nursery facilities at North Gorebridge, an extension to Stobhill Primary School, and an extension to Newbattle High School;

Mayfield/Newtonrange – a new single-stream primary school at South Mayfield with nursery facilities and an extension to Newbattle High School; and

Penicuik – an extension to Mauricewood Primary School.

New Publicly-Funded Primary Schools Replacement schools through PPP:

Bryans and Langlaw Primary Schools located at Lawfield, Easthouses; Stobhill Primary School located at same site;
Gorebridge Primary School located at same site;
Loanhead and St Margaret’s RC Primary Schools located at Edgefield Road, Loanhead;
Eastfield and Ladywood Primary Schools located at Eastfield Road, Penicuik;
Pathhead, Cranston and Cousland Primary Schools located at Crichton Road, Pathhead;
Temple and Borthwick Primary Schools located at North Middleton.

Replacement schools through traditional funding:

Rosewell Primary School - site to be confirmed;
Bonnyrigg Primary School to be located at same site;
Cuiken Primary School, Penicuik to be located at same site; and
Woodburn Primary School, Dalkeith to be located at Wester Cowden.

Note: In addition, new or relocated nursery facilities are committed in some of the above and other locations.
APPENDIX 1D ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE COMMITTED DEVELOPMENT SITES TO BE IMPLEMENTED

In addition to the new developer-funded educational infrastructure listed in Appendix 1C, to be provided in relation to the committed housing sites listed in Appendix 1A, the following provision for essential infrastructure and environmental requirements is committed:

Danderhall/Shawfair (refer to Shawfair Masterplan and Design Guide supplementary planning guidance)
- a new town centre and related facilities;
- new roads, road improvements, paths and cycleways;
- structural landscaping;
- a district heating/combined heat and power scheme, if feasible;
- undergrounding of power lines

Gorebridge
- Powdermill Brae/A7 junction improvements;
- Engine Road improvements;
- improvements to Lady Brae including pedestrian access to proposed Gorebridge rail station on Waverley rail line

Bonnyrigg
- A6094 -A68 Bonnyrigg -Dalkeith distributor road (Hopefield Section)

Dalkeith
- Wester Cowden Road/Salter's Road improvements

Penicuik
- A702/A701 junction improvements

Mayfield/Newtonrange
- upgrading of B6482 (Blackcot to Gowkhill);
- distributor road (Bogwood Road to B6482)

Midlothian
- water and drainage infrastructure (as required).
APPENDIX 1E LEISURE AND COMMUNITY FACILITIES REQUIRED TO MEET DEFICIENCIES EXACERBATED BY COMMITTED HOUSING SITES

New developer-funded recreational and community facilities to meet deficiencies which will be exacerbated by the additional housing arising from sites included in the established housing land supply (as identified in Appendix 1A) are set out below. This list is as detailed in the 2003 Midlothian and Shawfair Local Plans; some of the facilities are already provided or are the subject of detailed evaluation.

**Danderhall/Shawfair (minimum provision) (refer to Shawfair Masterplan and Design Guide supplementary planning guidance)**

- community woodlands and parkland;
- 4 full size grass sports pitches;
- 1 full size synthetic sports pitch and floodlighting;
- 1 synthetic multi-sport area;
- 1 cricket square;
- 2 bowling greens;
- changing facilities

**Dalkeith**

- swimming pool;
- an 8-court indoor sports facility;
- a floodlit synthetic pitch;
- a community arts/leisure facility

**Penicuik**

- a swimming pool;
- a 4-court indoor sports facility;
- improved library provision;
- junior football pitch/public park improvements

**Bonnyrigg**

- improved sports/community facility

**Mayfield**

- improved library provision

**Gorebridge**

- a community/leisure facility