



APPLICATION FOR PLANNING PERMISSION 14/00251/DPP FOR THE ERECTION OF 349 DWELLINGHOUSES AND ASSOCIATED WORKS ON AREA A, ON PART OF AREA B AND ON PART OF AREA C OF HOUSING SITE S, LAND TO THE EAST AND WEST OF HUNTERFIELD ROAD, GOREBRIDGE

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for erection of 349 dwellinghouses and associated works on area A, part of area B and part of area C of housing site S (h36), land to the east and west of Hunterfield Road, Gorebridge. There has been 4 letters of representation and a petition containing 127 signatures and consultation responses from the Council's Environmental Health Manager and the Coal Authority. The relevant development plan policies are COMD1, RP20, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan (MLP). The recommendation is to grant planning permission subject to conditions and securing developer contributions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site comprises a significant part of the site identified in the 2003 MLP as housing site S and committed development site h36 in the 2008 MLP. Housing site S is located on the northern part of Gorebridge and extends to some 23 hectares.
- 2.2** The site spans both sides of Hunterfield Road and is split into 3 separate development areas A, B and C.
- 2.3** Area A is located to the east of the B704/New Hunterfield Road and to the west of Greenhall Road.
- 2.4** Areas B and C are located to the west of the B704/New Hunterfield Road and to the east of the A7. These areas are bounded by these main roads, housing in Dundas Gardens and Arniston (Jubilee) Park. Playing fields at Glen View Park and mature woodland lie beyond the site boundaries to the south. Areas A and B are separated by New Hunterfield Road, a water course and an area of associated woodland.

- 2.5 The existing housing in the surrounding area comprises predominantly traditional post war, two-storey, semi detached, four in a block and terraced houses with more recent pockets of semi-detached cul-de-sac development. The housing comprises a diverse mix of architectural styles although the majority of houses are characterised by various forms of rendered wall finish.
- 2.6 The land across the development area slopes down from east to west. The steepest sections of the site are across the widest parts of areas B and C.
- 2.7 The application site is an integral component of a wider construction site (Site S). As part of previous planning permissions dwellinghouses in parts of areas B and C have been constructed and occupied and other areas are currently under construction. The wider site also includes land allocated for a primary school, open space and road infrastructure. Approximately 130 units have been constructed or are currently under construction.

3 PROPOSAL

- 3.1 The proposed development is for the erection of 349 dwellinghouses and associated works on area A, area C and on part of area B of housing Site S.
- 3.2 The application seeks planning permission for material changes to the currently approved layout of, the erection of different house types on and the erection of additional houses on areas A, B and C:

The proposed changes in **area A** are as follows:

	Approved	Proposed
Detached	45	90
Semi detached	12	34
Terraced	62	41
Flats	36	9
Total	155	174

The proposed changes in **area B** are as follows:

	Approved	Proposed
Detached	143	128
Semi detached	10	18
Terraced	29	71
Flats	27	27
Total	209	244

The proposed changes in **area C** are as follows:

	Approved	Proposed
Detached	34	42
Semi detached	6	14
Terraced	32	75
Flats	105	33
Total	177	164

- 3.3 The application will result in an additional 41 units (an increase from 308 to 349 units), an increase of 13%. 30 affordable housing units are included within the site. Outwith the area covered by this remix application a further 249 units have been granted planning permission in housing allocation Site S.

4 BACKGROUND

- 4.1 Planning permission 07/00352/FUL for the erection of 351 dwellinghouses and 192 Flats, roundabout access from A7 and Greenhall Road, open space, SUDS ponds and a site for a primary school was granted in August 2011.
- 4.2 Planning permission 08/00373/FUL for the erection of 15 dwellinghouses and 24 flatted dwellings and associated works on part of Area C within Site S was granted in July 2012.
- 4.3 Planning permission 11/00679/DPP for the erection of 28 dwellinghouses and associated work on part of Site S (amendment to the scheme of development the subject of planning application 07/00352/FUL) was granted in December 2011.
- 4.4 Planning permission 11/00682/DPP for the erection of 29 dwellinghouses and associated works, part of Site S (amendment to the scheme of development the subject of planning permission 11/00682/DPP) was granted in December 2011.
- 4.5 Planning permission 12/00269/DPP for the erection of 12 dwellinghouses (amendment to the scheme of development approved in terms of Planning Permission 11/00682/DPP) was granted in May 2012.
- 4.6 Planning permission 12/00272/DPP for the erection of 8 dwellinghouses (amendment to the scheme of development approved in terms of Planning Permission 11/00679/DPP) was granted in June 2012.
- 4.7 Planning permission 12/00289/DPP for the erection of 40 dwellinghouses (amendment to the scheme of development approved

in terms of Planning Permission 07/00352/FUL) was granted in July 2012.

- 4.8 Planning permission 12/00290/DPP for the erection of 22 dwellinghouses (Amendment to the scheme of development approved in terms of Planning Permission 07/00352/FUL was granted in August 2011.
- 4.9 Planning permission 12/00291/DPP for the erection of 44 dwellinghouses (amendment to the scheme of development approved in terms of Planning Permission 07/00352/FUL) was granted in July 2012.
- 4.10 Planning permission 14/00520/DPP for the erection of 43 dwellinghouses, the formation of an access road and associated works was granted in August 2014.
- 4.11 A planning application 14/00649/DPP for the erection of primary school and nursery; installation of MUGA (including floodlighting); the formation of car park and associated works was validated by the planning authority on 5th September 2014. That application is pending determination.
- 4.12 Site S was allocated in the 2003 MLP for an indicative 400 units and for the erection of a primary school.

5 CONSULTATIONS

- 5.1 The **Council's Environmental Health Manager** was consulted on the application and raises no objection to the application subject to it being made a condition of a grant of planning permission that contamination on the site be mitigated against.
- 5.2 The **Council's Policy and Road Safety Manager** advises that the proposed development is acceptable in transportation terms.
- 5.3 The **Council's Head of Education** advises that developer contributions for education provision are required for the additional units proposed in this application.
- 5.4 The **Coal Authority** informs that the site falls within a high risk area and therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the planning application. The applicant has demonstrated appropriate mitigation measures can be put in place to provide comfort for the Coal Authority.

6 REPRESENTATIONS

6.1 Four letters of representation and a petition containing 127 signatures has been received in relation to the application. The concerns raised are summarised as follows:

- Existing alleged problems of water runoff from area A causing flooding to neighbouring residences;
- The scale of development would put a strain on already overburdened local services;
- Existing problems of trespassing on existing residential properties;
- The development could result in dangerous gases being released from the ground into surrounding houses;
- Rats and mice would be displaced from the site into neighbouring houses and the consequential health risks;
- Risk of subsidence on neighbouring land and houses;
- Too many houses are proposed for the size of the site;
- Existing problems of noise pollution in New Hunterfield;
- Existing problems of crime in New Hunterfield;
- Existing problems of loss of privacy in New Hunterfield;
- Concern about lack of access to the proposed equipped children's play area from existing residences;
- Lack of integration with existing housing;
- The future occupants of the proposed dwellings would not be afforded adequate residential amenity;
- Would harm the privacy of existing neighbouring residences;
- Would decrease the market value of existing neighbouring residences;
- Would result in the loss of a well used dog walking route; and
- Loss of view to the Pentlands and Arthur's Seat.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:

Midlothian Local Plan:

- 7.2 Policy **COMD1: Committed Development** states that the Council will seek the early implementation of all committed development sites and related infrastructure, facilities and affordable housing requirements identified in the Midlothian Local Plan.
- 7.3 Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.

- 7.4 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in the Local Plan 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, for sites of 50 units or over.
- 7.5 Policy **IMP1: New Development**, ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are transport infrastructure, 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.
- 7.6 Policy **IMP2: Essential Infrastructure required enabling New Development to Take Place**, states that new development will not take place until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. This includes essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments. There is also essential additional education capacity to be provided.
- 7.7 Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy states the standards that should be applied when considering applications for dwellings.

National Policy

- 7.8 **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.
- 7.9 **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 planning issue to be considered in determining this application is whether the currently proposed development complies with development plan policies unless material planning considerations

indicate otherwise. The representation responses received and the consultation responses are material considerations.

The Principle of Development

- 8.2 The site is allocated for housing and is located within the built up area of Gorebridge where there is a presumption in favour of appropriate development. Furthermore the grant of planning permission 07/00352/FUL and the subsequent amendment applications, established the principle of residential development on this site.
- 8.3 The principal issues to be considered are therefore whether the current proposal, which is for material changes to the layout, the erection of different house types and the erection of additional houses on areas A, B and C of site S accords with the development plan.

Layout and Form of the Development

- 8.4 The layout and form of the amended development is comparable to the scheme approved by the Committee at its meeting in February 2011 (application 07/00352/FUL). The development comprises a mix of detached, semi detached and terraced two storey houses and three-storey blocks of flats. The siting of the different development components across the wider development area; roads, SUDS features, open space, location of the school and the residential zones remain the same. The changes relate to the repositioning of some dwellings within their plots and the replacement of large unit types with smaller units which in turn has freed up space to add additional units. Reconfiguring the layout has enabled the revised development to still meet the Council's parking standards and provide acceptable useable gardens.
- 8.5 In order to accommodate the additional 41 houses currently proposed on site S, the number of larger house types elsewhere on the site has been reduced and terraced houses have been substituted for flatted buildings. Policy DP2 requires the provision of the following minimum useable private garden areas for houses: (i) 110 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. A proportion of the proposed dwellinghouses have private rear gardens that fall below the minimum size set by Policy DP2. However, the majority of these dwellinghouses are relatively small terraced houses. In this case, if the minimum private rear garden size was adhered to the rear gardens of those houses would be overly long. Therefore, in this particular circumstance there is justification for the Planning Authority to allow a relaxation in the size of the rear gardens.
- 8.6 Adequate open space for sport and play exists in housing Site S for the enjoyment of the future occupants of the proposed houses. The open

space and landscaped areas within the wider site remain as approved in the original grant of permission. Furthermore the site adjoins Arniston (Jubilee) Park.

- 8.7 The currently proposed house types are harmonious with those approved on the remainder of site S. The currently proposed layout and house types are acceptable and the proposed development does not undermine the objectives of MLP Policy DP2. The same house types have been approved elsewhere on the development site.

Transportation Issues

- 8.8 The proposed development is acceptable in transportation terms. The development will have the capacity to be safely and conveniently accessed by private modes of transport and service vehicles. Parking provision meets the Council's standard of 150%. The road layout remains comparable to the one approved under the original consent. Areas B and C are accessed off the A7 and area A is accessed via Greenhall Road.

Developer Contributions

- 8.9 Planning permission 07/00352/FUL was granted subject to a S75 legal agreement to secure developer contributions in relation to education, affordable housing and other essential infrastructure required as a result of the development. There will be a need for additional contributions for the additional units proposed in this current application.

Other Matters

- 8.10 The following matters raised in letters of representation are not planning matters and therefore are not material considerations in the determination of the application:
- Existing problems of trespassing on existing residential properties;
 - Whether rats and mice would be displaced from the site into neighbouring houses and the resultant health risks;
 - Existing problems of noise pollution in New Hunterfield;
 - Existing problems of crime in New Hunterfield;
 - Existing problems of loss of privacy in New Hunterfield;
 - The affect of the proposed development on the market value of existing neighbouring residences;
 - Loss of a dog walking route; and
 - Loss of view to the Pentlands and Arthur's Seat.

9 RECOMMENDATION

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

The proposed development site is identified as being part of the Council's safeguarded housing land supply within the adopted Midlothian Local Plan, and accords with policies COMD1, RP20 and DP2. The presumption for development is not outweighed by other material considerations.

subject to:

- (a) the prior signing of a legal agreement; securing developer contributions towards education provision, community facilities (Gorebridge Hub) and off site highway improvements (a section of Engine Road is to be resurfaced for pedestrian and cycle use) and securing the provision of affordable housing.
- (b) The following conditions:
 1. Development shall not begin until details of the phasing of the development have 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, the SUDS provision and transportation 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 the future occupants of the development and occupants of dwellings on the wider development area.*

2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space, SUDS features 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 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. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play equipment;
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (20% of the proposed dwellings).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. 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. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by

the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i. the nature, extent and types of contamination on the site;
- ii measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
- iii measures to deal with contamination encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

5. 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 traffic light junctions off Barleyknowe Road/Greenhall Road and off New Hunterfield Road opposite Greenhall Crescent;
- vi proposed pelican crossing on New Hunterfield Road linking development zones A and B;
- vii 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;
- viii proposed car parking arrangements;
- ix proposed bus stop facilities; and
- x a programme for completion for the construction of access, roads, footpaths, cycle paths and bus stops.

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.*

6. 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 IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

7. Development shall not begin until a scheme of archaeological investigation has been undertaken in accordance with details submitted to and approved in writing by the planning authority. The investigation shall include an archive assessment and an evaluation of 5% of the site.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

8. No house 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.*

9. Prior to any dwelling being occupied the over-head power lines on the site shall be diverted or put underground in accordance with details to be approved in advance by the Planning Authority and no overhead wires, cables or telecommunication masts shall be introduced onto the site without the prior written approval of the planning authority.

Reason: *To ensure that the appearance of the development is not spoiled by over-head power lines, wires and telecommunication masts in accordance with Policy UTIL2 of the Midlothian Local Plan.*

10. No construction, engineering or other works shall take place out with the hours of 8.00am to 7.00pm on Mondays to Fridays and

8.00am to 1.00pm on Saturdays unless otherwise agreed in writing with the planning authority.

Reason: *To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution.*

Ian Johnson
Head of Communities and Economy

Date: 1 October 2014

Application No: 13/00752/DPP (Available online)
Applicant: Persimmon Homes East Scotland Ltd
Unit 1, West Inch Business Park, Oldwell Court,
Bathgate

Validation Date: 16 May 2014

Contact Person: Adam Thomson, Senior Planning Officer

Tel No: 0131 271 3346

Background Papers: File 07/00352/FUL can be viewed online.