



APPLICATION FOR PLANNING PERMISSION 13/00239/DPP, ERECTION OF TWELVE FLATTED DWELLINGS, TWO DWELLINGHOUSES AND FORMATION OF ASSOCIATED CAR PARKING AND ACCESS AT LAND AT FORMER JACKSON STREET SCHOOL, JACKSON STREET, PENICUIK

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 14 dwellings on the grounds of the former Jackson Street School in Penicuik. There have been 10 letters of representation and consultation responses from the Council's Director of Education, Communities and Economy and the Policy and Road Safety Manager. The relevant development plan policies are RP20, RP22, HOUS3, IMP1, IMP2 and DP2 of the Midlothian Local Plan and policy HOU2 of Edinburgh and the Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to conditions and securing developer contributions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is the former Jackson Street School which has been demolished and the site cleared. The site has a frontage onto both John Street to the east and Jackson Street to the west and covers an area of approximately 2,025 sqm (0.50 acre).
- 2.2 The site is enclosed on its southern boundary by a brick wall and palisade fence and forms a mutual boundary with the neighbouring post office service yard and access road. On the north side there are sections of brick and masonry walling. The masonry elements are sections of the school structure which previously occupied the site. This walling is stabilised by three masonry buttresses.
- 2.2 Surrounding properties are generally residential two storey buildings. Exceptions include the Sacred Heart Church to the north and the royal mail delivery office and post office to the south.
- 2.3 The opposite side of the street on the John Street frontage lies within the Conservation Area and includes a number of mid-nineteenth century B and C(s) Listed Buildings, largely residential, with Victorian

semi-detached houses to the west. To the north are a number of traditional houses and flatted dwellings and a church, with retail and office buildings to the south. The predominant built form is characterised by two storey building heights and traditional materials such as stone, slate and timber. Distinct street frontages close to the pavement are a strong feature of both John Street and Jackson Street.

2.4 The site is immediately adjacent to the town centre.

3 PROPOSAL

3.1 The proposal is for a residential development comprising 12 flats and two dwellinghouses. The proposal is part of the Council's social housing programme.

3.2 The flats are in two blocks, each three storeys with two flats per floor. One block fronts John Street, and the other facing Jackson Street. The pair of semi-detached houses front onto Jackson Street, where the frontage is significantly wider than on John Street.

3.3 The style of roof between the two blocks is different. The flatted block fronting John Street has a traditional gable ended roof, which is in keeping with the majority of roofs on that street. The flatted block fronting Jackson Street is set back from the street and has a hipped roof, respecting the character of this street.

3.4 The submitted plans specify materials as being a white dry dash render, reconstituted stone details, slate colour concrete roof tiles and upvc windows and doors. The flatted blocks and dwellinghouses will be fitted with solar panels to the west side of the roof.

3.5 All gardens will be separated from the street by a stone wall with railings.

3.6 Surface water run-off attenuation, will be managed through the use of oversized pipes and porous paving.

4 BACKGROUND

4.1 There is no history of planning applications on this site.

4.2 The site was the subject of a planning brief which was prepared in 2007 for the sale of the vacant primary school site and building. Shortly after this the buildings were demolished.

4.3 The purpose of the Brief was to indicate the scope for development and the main planning and design principles for the development of the site.

- 4.4 The brief considered two options. Option A was for the retention of the building, now no longer an option. Option B was for the redevelopment of the site. Any redevelopment should incorporate; a pedestrian link from John Street, strong street frontages to both John Street and Jackson Street and parking shall be accessed from Jackson Street. The brief envisaged 12 two storey units (6 dwellings and 6 flats) being achievable.
- 4.5 The applicant is Midlothian Council. The Council's Scheme of Delegation requires applications which are submitted by the Planning Authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.1 The **Director of Education, Communities and Economy** estimates that a development of 14 dwellings would give rise to four Primary Non Denominational and three Secondary Non Denominational pupils. Cuiken Primary School has insufficient spare capacity for this development. Therefore additional capacity would need to be provided at Cuiken Primary School. Alternatively, a catchment review to rezone this site to Cornbank Primary School could be considered as this school has spare capacity. Penicuik High School has sufficient spare capacity for this development.
- 5.2 The Council's **Policy and Road Safety Manager** has no objection to the application.

6 REPRESENTATIONS

- 6.1 There have been 10 representations received in connection with this application. The issues raised are as follows:
- Penicuik needs more amenities and community facilities, not more houses;
 - This is a strategic location near the town centre which should be put to better use;
 - The site is opposite a conservation area and materials should be a high specification to reflect this;
 - There should be more use of stone, timber and slate as stated in the design brief for the site;
 - Three storeys is not in keeping with the heights of surrounding buildings, and is contrary to the development brief for the site;
 - The original building was a landmark building of Victorian character and this should be reflected in the replacement buildings;
 - The site would be well suited for sheltered housing for elderly handicapped due to proximity to services and facilities;
 - The site has the potential to be an important landmark site;
 - The mass of buildings on Jackson Street is out of character and dominates adjoining properties;

- It will have a significant impact on the character of Jackson Street;
- Parking will not be adequate leading to further pressures on Jackson Street;
- Loss of daylight to 15 Jackson Street; and
- This is a busy route to school and traffic calming measures would be required in the event of the scheme going ahead.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Policy **RP20 Development within the Built-up Area** which advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area.
- 7.3 Policy **RP22 Conservation Areas** which advises that within or adjacent to a Conservation Area development will not be permitted which would have any adverse effect on its character and appearance.
- 7.4 Policy **HOUS3 Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brown field land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.
- 7.5 Policy **DP2 Development Guidelines** which is a set of criteria covering design, sustainability, landscaping, open space, house layout, and parking.
- 7.6 Policy **IMP1 New Development** advises that 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 necessary infrastructure, community facilities and services.
- 7.7 Policy **IMP2 Essential Infrastructure Required to Enable New Development to Take Place** aims to ensure that development does not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal, imposed through planning conditions and legal agreements to secure the appropriate developer funding and the proper phasing of development.

- 7.8 The provisions of Policies IMP1 and IMP2 are amplified in the Council's Supplementary Planning Guidance on Developer Contributions (March 2012).
- 7.9 The **Edinburgh and Lothians Structure Plan 2015 Policy HOU2** supports the development of suitable brown field sites for housing through redevelopment, and where appropriate higher densities will be encouraged.
- 7.10 The relevant parts of the **Scottish Planning Policy (SPP)** will also be a material consideration. This policy sets out The Scottish Government's policy on the identification of housing requirements, the provision of land for housing and the delivery of homes through the planning system.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The site is a brown field site within the defined built up area of Penicuik and is suitable for development which is compatible with surrounding uses and which complies with development plan policies. In principle, given that surrounding uses are residential, ecclesiastical and business, the use for residential purposes is acceptable. Both the SPP and the development plan are supportive of residential developments on brown field sites.
- 8.3 This is a previously developed site in the town centre close to local facilities and with good transport links. It is the type of site where the amount of accommodation should be maximised to avoid creating pressures in less appropriate areas. The Structure Plan advises that where appropriate high density development in urban areas is to be encouraged. It is further advised that such development should not be at the expense of urban quality, nor should it result in over-development, town cramming, or loss of urban open space. For sustainability reasons, and to reduce pressures on green edge of town sites, it is important to make best use of brown field sites within towns and to permit denser developments on such sites, so long as this does not compromise the character of the area and amenity of existing residents to an unacceptable degree.
- 8.4 This reflects the advice contained within the SPP (para. 80) which seeks more efficient use of land and buildings. It is stated that through good design it is possible to achieve a variety of forms of high-density living environments without overcrowding or loss of amenity. It is also

made clear that 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.

Layout and Form of Development

- 8.5 The John Street frontage needs to recognise the character of the adjacent listed buildings and Conservation Area. Design and materials need careful consideration to contribute to the visual qualities of the surroundings. Layout, boundary treatments and landscaping need to define the site as well as using opportunities to create viable internal amenity space.
- 8.6 The site has two frontages, to John Street and to Jackson Street. The buildings proposed are a mix of three and two storeys. Concerns have been raised that this is not in keeping with the height of the surrounding two storey dwellinghouses.
- 8.7 With regards to design the two frontages have quite different contexts. John Street is on a main road and tourist route and to the opposite side there are properties within the Penicuik Conservation Area. It is also adjacent to the town centre which has retail and commercial uses. Jackson Street is a quieter residential street. Both streets have a dominant building height of two storeys, and adjacent to the site on Jackson Street there is a one and a half storey dwellinghouse.
- 8.8 The original submission was for two three-storey flatted blocks with gable ended roofs and a pair of semi-detached two storey houses. It was accepted that this scale can be accommodated on John Street. However on Jackson Street this appeared to be out of character with the existing streetscape. Initially the applicant was asked to reduce the height to two storeys on this frontage. This was deemed by the applicant to have an unacceptable impact upon the viability of the project, and an alternative solution was sought. Some changes to the elevation have been made, along with an increased setback of the building, and an alteration to the roof design giving the building a hipped roof. Whilst not having as dramatic an affect as reducing the block by one storey, these alterations have brought about a significant improvement to the relationship of the building to surrounding properties to an extent where the development is acceptable. This is demonstrated in the cross sections and contextual street elevations provided. The sections show that the roof ridge of the proposed building is only marginally higher than that of the building opposite and to the south (by 74cm), and is marginally lower than that of the building opposite and to the north (by 27 cm). The eaves height is however greater and the length of the building and of the roof ridge is noticeably greater on the proposed block.

- 8.9 Jackson Street is not a street of uniform height buildings, and the proposed development at two and three storeys will not appear significantly incongruous within this context; even though the adjacent building is one of the lowest in the street, its ridge height beneath the eaves of the proposed flatted block being 3.13 metres lower.
- 8.10 The property fronting on to John Street should respect the character of the area, and in this regard a good quality render will be required, with high quality pre-cast stone cills and lintels. The roof finish shall be natural slate. The entrance porches will have a roof covering which will give the appearance of a lead roll roof.
- 8.11 On the Jackson Street elevation, the wall materials should be the same. However a slim profile concrete roof tile would be acceptable.
- 8.12 The front gardens on the John Street frontage are short and incorporate low stone walls with railings to respect the character of adjoining residential properties. A similar design is on Jackson Street but with less of a wall and with more emphasis on railings. All windows and doors are to be white upvc.
- 8.13 With regards to heights, both elevations exceed the height of surrounding buildings, and that of the original building on site, but not significantly. Surrounding buildings, having been constructed between 50 to 200 years ago have generally got greater floor to ceiling heights, and therefore the three storey buildings are not significantly higher. This is demonstrated in the contextual elevations submitted as part of this application.
- 8.14 The heights of the buildings will have no significant effect upon daylight, sunlight and overshadowing. The most likely property to be effected is 15 Jackson Street. However, the development is to the north of this property and the relationship to the house is gable to gable, which means the flatted block will not be overbearing. Whilst there will be an impact in terms of the presence of a significant building adjacent to the property, the degree of impact is assessed to be acceptable.
- 8.15 With regards to distance between elevations, the development achieves more than 22 metre policy standard to existing properties opposite on both street frontages.
- 8.16 The level of private and communal open space is considered to be acceptable for a town centre location. There is not sufficient space for any play area or recreational open space. The nearest park is 160 metres to the north end of Jackson Street.

Parking and Access

- 8.17 The site has an existing access via Jackson Street. This is the best location for vehicular access as it avoids the busy A701 John Street traffic, and it is a wider frontage with better visibility. Access for parking

and refuse collection will be taken here between the flatted block and the semi-detached houses.

- 8.18 Parking provision is 100% and is well laid out in two lines of 7 spaces and incorporates two disabled spaces.
- 8.19 Cycle parking has been provided for the flats with cycle lockers adjacent to the vehicle turning area behind the flatted block on Jackson Street, and behind the John Street block fronting onto the pedestrian link.
- 8.20 A new pedestrian link is to be created running along the south side of the development, providing general pedestrian access from John Street through to Jackson Street.

Other Matters not Previously Covered

- 8.21 There are no objections to drainage or flooding issues. The proposed method of attenuation will be controlled by condition.
- 8.22 Dependant upon the solution chosen to accommodate the demand on school places (para 5.1 refers), developer contributions may be required.
- 8.23 With regards to comments on road safety relating to safe routes to school, it is not anticipated that this development will have an adverse impact. It does in fact provide a new segregated pedestrian route through the site which is a positive attribute in this respect.
- 8.24 It has been argued in some of the representations received that the site would be better used for services or facilities for the residents of Penicuik, rather than more housing; for example for leisure or recreational use. That is not the subject of this planning application, which requires to be determined on its own merits as submitted.
- 8.25 Although the site previously accommodated a 'landmark' building, that should not be an overriding consideration in its redevelopment. The scheme, as proposed in this application is an acceptable addition to the urban fabric of this locality.

9 RECOMMENDATION

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

The proposal comprises the redevelopment of a vacant, previously developed site within the settlement boundary of Penicuik where there is a presumption in favour of appropriate development. The proposed scheme of development by means of its siting, form and design accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The

presumption for development is not outweighed by any other material consideration.

Subject to developer contributions towards education provision and children's play provision, and

the following conditions:

1. 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 and roads in relation to a fixed datum;
 - ii. existing features to be retained or removed during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas and open space, including trees, hedging and grassed areas;
 - iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii. drainage details, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing;
 - ix. proposed footpaths (designed to be unsuitable for motor bike use); and
 - x. proposed cycle parking facilities;

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

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. 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.*

3. Notwithstanding the detailed specification of materials on approved drawings, the roofing material for the flatted block adjacent to John Street shall be natural slate, details of which shall be agreed under condition 2 above.

Reason: *To preserve the character of the area and the setting of the Penicuik Conservation Area.*

4. Development shall not begin until details of the site access, internal vehicular circulation areas, footpaths, 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 vehicular surfaces in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities) and footpaths;
 - iv proposed visibility splays, lighting and signage;
 - v 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;
 - vi proposed car parking arrangements; and
 - vii a programme for completion for the construction of access, roads, and footpaths.

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. 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.*

6. Prior to the occupation of any dwelling within the site, the pedestrian link from John Street through to Jackson Street shall have been completed.

Reason: *To ensure that the development is provided with adequate pedestrian links to public transport, to schools, and to other community facilities.*

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Validation Date: 28 March 2013
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Background Papers: