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**APPLICATION FOR PLANNING PERMISSION 14/00518/DPP FOR THE ERECTION OF 290 DWELLINGHOUSES, PROVISION OF LAND FOR BUSINESS PARK, FORMATION OF ASSOCIATED ACCESS ROADS AND SUSTAINABLE URBAN DRAINAGE (SUDS) AT LAND TO THE SOUTH OF GORTON LOAN, ROSEWELL**

Report by Head of Communities and Economy

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for the erection of 290 dwellinghouses, the provision of 2.4 hectares of land for a business park and the formation of associated access roads and a sustainable urban drainage system (SUDS) at land to the south of Gorton Loan, Rosewell. There has been 21 letters of representation and consultation responses from the Rosewell & District Community Council, the Scottish Environment Protection Agency (SEPA), East Lothian Archaeological Service, the Coal Authority, the Council's Policy and Road Safety Manager, the Council's Head of Education and the Council's Environmental Health Manager. The relevant development plan policies are RP5, RP20, RP27, RP28, HOUS1, HOUS4, IMP1, IMP2, IMP3 and DP2 of the adopted Midlothian Local Plan 2008 (MLP). The recommendation is to grant planning permission subject to conditions and securing developer contributions.

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site extends to approximately 17 Hectares and is roughly grassed. It is the site of a former open cast coal quarry that was backfilled some 20 years ago. The application site comprises 3 allocated sites: (i) site H10 - Gorton Loan, Rosewell, allocated for housing in the 2008 adopted Midlothian Local Plan with an indicative capacity of 120 units; (ii) site h22 - Rosewell Mains, Rosewell, identified as established housing land in the 2003 Midlothian Local Plan with an indicative capacity of 150 units and which is now a committed development site; and, (iii) site e24 - Gorton Loan, which was allocated for business and industry in the 2003 Midlothian Local Plan and is now part of the Council's established economic land supply.
- 2.2** The application site is bounded by; the A6094 to the north and north west, Gorton Road and residential properties to the north east, Gorton

Loan and the former Rosewell Main Steading to the east, residential properties in Carnethie Street to the south east and residential properties in Lindsay Circus to the south.

- 2.3 The existing housing in the surrounding area comprises predominantly traditional post war, single-storey and two-storey detached, semi detached and terraced houses with more recent pockets of detached and 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 and brickwork wall finish.

### **3 PROPOSAL**

- 3.1 The residential component of the proposed development is for the erection of 290 dwellinghouses and the formation of associated access roads and sustainable urban drainage system (SUDS). All of the proposed buildings are two-storey.
- 3.2 Proposed external finishing materials outwith the Area of Improved Quality includes: Red Rosemary Clay roofing tiles, facing brick and reconstituted stone. Proposed external finishing materials outwith the Area of Improved Quality includes: grey concrete tiles, dry dash render and reconstituted stone, brick and GRP (glassfibre reinforced plastic) for door canopies.
- 3.3 Ten house types are proposed. The dwelling mix includes 206 detached houses, 44 semi-detached houses and 40 terraced houses. There are to be 20 two bedroom units, 92 three bedroom units and 178 four bedroom units.
- 3.4 The applicant proposes that 40 single-storey terraced houses on plots 251-290 be the affordable units.
- 3.5 The proposed business park measures approximately 2.4 hectares in area including land along boundaries for structural landscaping.
- 3.6 A principal vehicular access to the site; which will serve both the proposed houses and the business park, is proposed from a new roundabout formed on the A6094 at a point near to the northern extremity of the site. Two secondary vehicular accesses are proposed off Gorton Road, one of which would be a secondary access to the proposed business park. Four of the proposed houses are also accessed off Gorton Loan.
- 3.7 A SUDS pond is proposed on the southern extremity of the site.
- 3.8 The application is accompanied by a Pre-Application Consultation Report, a Design and Access Statement, a Ground Conditions Survey, a Coal Mining Risk Assessment, an Ecological Walkover Survey, a

Transport Statement, an Archaeological Desk Based Assessment and a report on an archaeological evaluation of the site.

## **4 BACKGROUND**

- 4.1 Pre Application consultation 10/00270/PAC for a residential redevelopment was received in August 2013.

## **5 CONSULTATIONS**

- 5.1 The **Head of Education** advises that the development of 290 dwellings could be expected to generate the following number of pupils:

Primary Non Denominational	82
Primary Denominational	8
Secondary Non denominational	59
Secondary Denominational	6

- 5.2 Primary Non-Denominational provision will be at Rosewell Primary School. The applicants will be required to make a developer contribution towards the extension of Rosewell Primary School.
- 5.3 Primary Denominational provision will be at St Matthew's RC Primary School which currently has sufficient capacity for the development.
- 5.4 With regard to Secondary Non-Denominational provision this will require additional capacity provision and, accordingly, developer contribution will be required towards the consequential costs of this augmented capacity.
- 5.5. With regard to Secondary Denominational provision a contribution of £135 per house towards St David's High School is required.
- 5.6. The **Council's Environmental Health Manager** recommends the imposition of conditions in respect of ground contamination remediation and noise mitigation. With regards to the latter it is recommended that the uses on the business park be restricted to those which can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In addition the Manager recommends that noise emission levels from the business park be restricted.
- 5.7 The Council's **Policy and Road Safety Manager** has requested further access, parking, footpath, SUDS and public transport infrastructure details and a Green Travel Plan. These details can be covered by condition.
- 5.8 The **Scottish Environment Protection Agency (SEPA)** initially objected to the application on the grounds of lack of information in respect of surface water drainage and potential impact on the water

environment. They subsequently removed their objection following the submission of additional information on drainage submitted by the applicant's agent. They highlight that the applicant should ensure that the calculated retention time is taken into account when considering the SUDs pond outfall and the alignment of the swale outfall discharging into the SUDS pond.

5.9 The **Coal Authority** informs that the site falls within the defined Development 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. They state that they concur with the recommendations of the Coal Mining Risk Assessment Report submitted with the application that coal mining legacy potentially poses a risk to the proposed development and that further site investigation works should be undertake prior to development in order to locate the mine entries and that the shallow coal mining working should be subject to a programme of consolidation. The Coal Authority recommends that the Council impose a planning condition on a grant of planning permission requiring these site investigation works be remedial measures prior to commencement of development. Subject to this the Coal Authority raises no objection to the planning application.

5.10 **Rosewell & District Community Council (RDCC)** makes the following comments:

- (i) The development will inevitably affect the setting of the Category B-listed St Matthew's RC Church adjacent to the site, but acknowledge that it is not a statutory requirement for Historic Scotland to be consulted on planning applications for development affecting the setting of Category B listed buildings;
- (ii) Ground movement during investigative and construction work could affect the fabric of the Church. They acknowledge that this is a legal matter and not a planning matter and therefore not a material consideration in the determination of the planning application;
- (iii) The RDCC is happy with the design of the development, which conforms to the Designing Streets policy guidelines. However, they request that the design of the houses fronting onto Carnethie Street are sympathetic to the existing cottages opposite the development;
- (iv) The RDCC is pleased that there will be some affordable housing provision;
- (v) To help foster community integration, the RDCC considers that it would be beneficial if the toddlers' play area delineated on an application drawing as being provided in the development could also be enjoyed by existing local children;
- (vi) Residents are naturally concerned that sewerage issues are effectively addressed;

- (vii) There is a risk of subsidence to existing properties arising from ground movement incurred during site investigations, preparation of the site, construction work and routes taken by HGV site traffic. For this reason, HGV site traffic should access the site only from the A6094 Rosewell Bypass entrance on to Carnethie Street (Bonnyrigg direction) and no HGVs should enter the main village streets;
- (viii) The RDCC has concerns about the future increase in traffic emanating from other consented and proposed development in the vicinity of the site. In addition, there is a concern that increased use of the Roslin Glen Road could lead to further subsidence – the RDCC says that cracks have already appeared on this road following expensive repair work;
- (ix). Rosewell has a limited bus service and no night bus service, and residents incur expensive taxi fares if they do not wish to rely on private transport outwith scheduled bus times;
- (x) Broadband speeds are extremely slow and will not be an inducement to new residents considering purchasing properties in Rosewell;
- (xi) The development raises questions over how and when developer contributions will be utilised; and
- (xii) The village has no community centre and this has made it very difficult to encourage integration between new and existing residents. This problem will only worsen as new developments are built. It is important that Rosewell retains its village atmosphere, albeit that significant new development is proposed. A community hub will go a long way to addressing this important issue. Therefore a developer contribution should be sought towards this community facility.

5.11 **East Lothian Archaeology Service** informed that the area is regarded as being of potential archaeological significance. Although there has been no archaeological work carried out on the proposed site, the archaeological remains throughout the area suggested that archaeological remains may be encountered during groundbreaking operations. Consequently any archaeological remains that may survive *in situ* could provide important information about the known prehistoric remains in the area. Any groundbreaking works carried out as part of the development process are considered as having a potential archaeological impact and require a suitable mitigated response. It is therefore recommend that a Watching Brief of all ground breaking work (such as foundations and services etc.) be carried out on the undisturbed areas of the site at the north and east parts of the site subject to ground breaking work including landscaping, foundations and service etc.

5.12 **Scottish Water** has made no comment.

## 6 REPRESENTATIONS

6.1 Twenty one written representations have been received in relation to the application including a petition containing 24 signatures. The issues raised are summarised as follows:

- The proposed affordable houses (those on plots 238-290 inclusive) should be sited further back or there should be a buffer zone of planting between them and the houses in Cochrina Place.
- By positioning the affordable house into one area that area will become a ghetto. The affordable houses should be distributed throughout the site.
- There should not be access from the development site to the private land to the rear of Cochrina Place.
- Concern about loss of bird nesting habitat.
- Loss of amenity of the existing neighbouring houses.
- Inappropriate mix of house types – terraced and semi-detached houses will detract from the character of the area.
- Too many houses proposed for the site.
- Insufficient green open space is being provided in the development for dogs resulting in green spaces within neighbouring sites being used by the future occupants of the proposed houses.
- Concern about unauthorised use of an existing tree belt that the occupants of houses in Fairmeadow have title to.
- Existing pedestrian and road safety concerns with Gorton Road which will be exacerbated by the proposed development.
- Concern that the existing road infrastructure in the area is not of a sufficient standard to cope with the increase in traffic arising from the development.
- The development will put an undue strain on existing services and facilities in Rosewell which will not be able to cope with the increase in demand on them.
- Insufficient capacity at the existing primary school in Rosewell.
- Concern about damage to existing drains; including field drains, which prevent flooding at Cochrina Place/Gorton Loan.
- Concern about existing problems of flooding at Cochrina Place/Gorton Loan and that no details have been submitted with the application on how this will be addressed in the development.
- The developer should upgrade the access track to the rear of Cochrina Place and Gorton Loan.
- Concerns about the development causing land shift and subsidence to properties in Cochrina Place.
- Concern about the effects of the development on wildlife - flora and fauna.
- Concern about noise during periods of construction.
- Concern about noise from the new residences; including traffic noise.
- Concerns about loss of sunlight and daylight to neighbouring properties.

- Loss of views.
- The scale of the development should be reduced significantly.
- Concern about dust nuisance.
- Insufficient neighbour notification and consultation has taken place.
- The proposed affordable homes should be located on a different location on the site.
- Overlooking and loss of privacy to neighbouring houses and garden.
- The development contravenes the Human Rights Act.
- There should be a buffer between the development and neighbouring residential properties.
- The size of the rear private gardens of a number of the proposed houses fall short of the minimum size set by adopted Midlothian Local Plan Policy DP2.
- The proposed development is an overdevelopment of the site.
- The density of the proposed development is not in keeping the existing density in the vicinity of the site.
- Insufficient open space and structural landscaping has been incorporated into the development.
- It is unclear where the area of improved quality is to be located.
- The proposed development would result in parking congestion on neighbouring roads, particularly on sections of road close to the local shops.
- Concern about cars associated with the development obstructing the existing bus stops in Carnethie Street.
- In the event of planning permission being granted the hours of construction should be restricted to safeguard the amenity of neighbouring noise sensitive properties and in the interests of health and safety in particular the safety of children travelling to the primary schools in the village.
- The proposed development will negatively affect the peaceful character of the village, changing its character to that of a commuter town.
- The proposed development; including the two-storey house types, is out of keeping with the character of the area.
- Would result in a diminishing of the market value of existing neighbouring properties.
- There is no need for the proposed development.
- Concern about nuisance, disruption and littering caused by contractors surveying the site.
- Concern that the proposed development will obstruct access to the driveway of No.12 Gorton Loan.
- Concern about the absence of a turning head on Gorton Loan to allow service vehicles serving the existing and proposed houses accessed off Gorton Loan to manoeuvre and turn on Gorton Loan.
- Concern about the existing condition of Gorton Loan.
- Concern about Gorton Loan not being of an adequate standard to be used as an access into the development site.

- Concern about bollards positioned on Gorton Loan obstructing access to the garage of the house at 12 Gorton Loan.
- Insufficient information has been submitted with the application for it to be assessed.
- Possibility of an access road to the site to be formed through the neighbouring site at Rosewell Mains Steading.
- The number of new houses accessible from Gorton Loan should be restricted.
- Concern that the proposed development would result in coalescence of Roswell and Hopefield/Bonnyrigg.
- The existing bus service in Rosewell is inadequate.
- Concern about conflict between vehicles accessing the site off the proposed new roundabout access on the A6094 and cyclists using the cycle path that runs alongside that road.
- Concern about child safety on neighbouring roads.
- Concern about parking for construction workers associated with the development parking on neighbouring roads.
- The programme of archaeological works recommended by the Council's archaeological advisor should be carried out.
- Existing problems with inadequate broadband/internet access within the village.
- Concern that the future occupants of the houses will not integrate into the community.
- Concern about access to houses in Cochrina Place and Gorton Loan during periods of construction.

## 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:

### South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 Policy 2 (Supply and Location of Economic Land) requires local development plans to allocate sufficient land for business and industry and to provide a range and choice of marketable sites to meet the anticipated requirements.
- 7.3 Policy 5 (HOUSING LAND) requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.

### Midlothian Local Plan

- 7.4 Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland



which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.

- 7.5 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.
- 7.6 **Policy RP27: Other Important Archaeological or Historic Sites** states that development will not be permitted where it could adversely affect an identified regionally or locally important archaeological or historic site or its setting unless the applicant can show that: (A) there is a public interest to be gained from the proposed development which outweighs the archaeological importance of the site; (B) there is no alternative location for the proposal; and, (c) the proposal has been sited and designed to minimise damage to the archaeological interest.
- 7.7 **Policy RP28: Site Assessment, Evaluation and Recording** states that 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.
- 7.8 Policy **HOUS1: Strategic Housing Land Allocations (Proposal)** states that housing development to meet strategic housing land requirements will be permitted on sites identified in the Local Plan provided they accord with Local Plan policies IMP1, IMP2, IMP3 and DP2. Reference should be made to policy HOUS4 with respect to the proportion of affordable housing to be provided.
- 7.9 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in this 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 capacity, as follows:
- for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
  - 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
  - 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;

- 7.10 Policy **IMP1: New Development**, this policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are 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.
- 7.11 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. Contributions to meet the consequential impact of the development on education capacity are also required from this development.
- 7.12 Policy **IMP3: Developer Contributions Towards Facility Deficiencies** states that in addition to the essential infrastructure requirements set out in policy IMP1, contributions will be required for proposal HOUS1 and HOUS2 developers to remedy any deficiencies in local facilities and amenities identified within the community which result from the additional housing, including leisure, local shops (subject to favourable assessments of prospects for community viability) and open space. Legal agreements will be used to secure the appropriate developer contributions. For allocated housing sites in Rosewell, contributions will be sought towards a community facility.
- 7.13 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

- 7.14 The **Scottish Planning Policy (SPP)** in respect of housing is also a material consideration. In the interest of sustainability it is good practice to make best use of brownfield sites within towns subject to the protection of the character of the area and amenity of existing

residents. This reflects the advice contained within the SPP (para 80) which seeks more efficient use of land and buildings. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality.

- 7.15 **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.
- 7.16 **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 and the consultation responses received are material considerations.

### The Principle of Development

- 8.2 The site is allocated for housing and business/general industry and is located within the built up area of Rosewell where there is presumption in favour of appropriate development. The principle of residential development on committed development site h22 (Rosewell Mains) is established by its allocation for housing within the 2003 Midlothian Local Plan, with an indicative capacity of 150 units. The principle of residential development on site H10 (Gorton Loan) is established by its allocation for housing within the MLP, with an indicative capacity of 125 units. The principle of business/industrial uses on established economic land supply site e24 (Gorton Road) is established by its allocation for business/industrial use in the 2003 Midlothian Local Plan.
- 8.3 In this application the southern part of site e24 is proposed for houses. As a quid pro quo the northern extremity of site H10 is proposed as part of the business/industrial park. The area of land of the proposed business/industrial park is similar to that of established economic land supply site e24 and thus is acceptable in terms of its size.

### Layout and Form of the Development

- 8.4 The site consists of a field which has been allocated for both housing and business/industrial use in the local plan. The landform of the site sits slightly higher than the adjacent existing development and is generally sloping from north to south albeit the northernmost corner slopes to the north. The proposed development is for 290 dwellings with an average density of some 37 dwellings per hectare. This equates to a density appropriate to the established density of Rosewell.

- 8.5 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 houses have rear private gardens that fall below the Council's minimum requirement set out in the DP2 Guidelines in the Local Plan. Forty of those houses are small terraced houses. In the case of these terraced houses if the minimum private rear garden size was adhered to the rear gardens would be overly long. Overall in the development the units with smaller rear gardens balance those with larger rear gardens. The mixture of properties with larger and smaller rear gardens creates variation in the layout and visual diversity to the development. This justifies allowing a relaxation in the size of the gardens in this particular case. In addition the areas of open space on and off the site helps to offset concerns about rear garden sizes.
- 8.6 The layout comprises a series of formal streets with the integration of open space and planting. The street pattern reflects the existing housing in part and is designed to adapt to the irregular shape of the site. The distances between properties are generally in compliance with the spatial standards set by MLP policy DP2; the only exceptions being in the case of the back to back distance between houses on four plots. However the distances are only marginally below the recommended 25 metres and therefore not significantly below such that the future occupants of these houses would not be afforded adequate residential amenity. The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable. The development has been designed to include a series of linear streets and loops, some of which are laid out with 5.5 metre wide shared surfaces in block paving with 2 metre wide grassed service strips/verges on both sides. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.

#### Design and Materials

- 8.7 The mix of house types and sizes is acceptable. The architectural styles of the houses are traditional in form and complement the character and visual amenity of the area. In terms of the number of units, their size, massing and positioning on the site the houses would not appear cramped or an unsympathetic development on the site.
- 8.8 MLP policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in boundary treatment and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The houses fronting onto the open spaces, the houses fronting onto the SUDS pond and the open spaces

flanking the SUDS pond, houses fronting onto the principal road in the development, houses adjacent to the entrance to the site off the A6094 road and the houses accessed off Gorton Loan; which comprise 46 units in total, are all prominently positioned on the site. Therefore, these house plots should comprise the area of improved quality/enhanced key buildings in terms of both design and materials. The style and appearance of the buildings on these plots are relatively traditional, which is in keeping with the established character and amenity of the area. Materials in the Area of Improved Quality (AIQ) should be slate or clay tiles, good quality facing brick or wet dash render, and stone detailing for quoins, window and door surrounds, lintels and sills. Stone or smooth/high quality reconstituted stone shall be used for any under building and window frames shall be timber or UPVC.

- 8.9 Elsewhere within the development, out with the aforesaid plots the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings in Rosewell. Accordingly, in terms of architectural style the proposed houses would not harm the character or visual amenity of the area. In order that the external finishes of the buildings are appropriate to the development and its location it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the Planning Authority.
- 8.10 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.
- 8.11 In terms of their size, height and positions on the site the proposed buildings; the majority of which are two-storey in height, would not unduly impose themselves or appear obtrusive within the street scene. In terms of their size, height and positions on the site the proposed single-storey houses on plots 238-290 would be in keeping with the existing neighbouring single-storey houses to the immediate south and west which they will be seen in the context of. On the same counts they would not unduly impose themselves on the neighbouring single-storey houses. In respect of the relationship of the proposed development with existing surrounding properties, the proposed buildings are so removed from existing neighbouring houses so as not to give rise to any demonstrable harm to their residential amenity in terms of loss of daylight, loss of sunlight or overlooking.
- 8.12 The proposed development will not harm the setting of any neighbouring listed building, including St Matthews RC Church. St Matthews RC Church is separated from the proposed new dwellings by the provision of an area of open space alongside the SUDS pond.

#### Open Space and Play Areas

- 8.13 The development incorporates a principal central landscaped open space containing a kick about pitch and next to it an open space containing an equipped children's play area. This provides a focal point to the development. A SUDS pond is proposed on the southern end of the site and an area of open space is provided to the immediate north of it. The SUDS pond abuts an existing green open space in the neighbouring housing development to the south and together with the open space to the immediate north of the SUDS pond they will form an attractive linear green corridor. The combined size of the open spaces meets the minimum size required by policy DP2. Houses front onto the open space areas providing passive surveillance. The finished levels of the houses, usable open spaces, play area and SUDS can be conditioned to ensure that the passive surveillance is delivered.
- 8.14 The proposed equipped toddler's children's play area on the site has been positioned centrally in easy reach of all of the houses on the site. It will receive passive surveillance from the windows in the houses that front onto it. The play area will need to include play equipment provided/funded by the developers in accordance with Policy DP2 (paragraph 4e Provision of Play Facilities for Children) of the adopted Local Plan. It should include two pieces of inclusive play equipment and have a number of good play items and include a bench and litter bin located within the fenced off area allocated for play. There should also be an area of hardstanding at the pedestrian gate entrance as there will be higher wear in this area. This can be secured by a planning condition.

### SUDS

- 8.15 The SUDS proposals as delineated on the application comprise a pond, designed as a relatively soft feature, and required maintenance access track. The SUDS scheme will ensure that there will be no net detriment to the locality's drainage whilst providing a locally attractive space.

### Landscaping

- 8.16 A tree belt of some 20 metres deep is to be formed along the north eastern edge of the site which abuts the A6094 road and countryside beyond. This structural landscaping will create an adequate visual buffer and a good landscape fit. Additionally it will provide protection of the development against the prevailing winds from the Pentland Hills whilst at the same time it will not grow to an over-dominant feature casting a shade over the houses and rear gardens adjacent to it.
- 8.17 An existing woodland adjacent to the boundary with the neighbouring Rosewell Mains Steading site has good landscape value and will provide a landscape buffer to the development. Therefore this

woodland should be retained and protected. This can be secured by a planning condition.

- 8.18 Elsewhere in the development the proposed landscaping will integrate the development into the landscape. The tree lined boulevard proposed from the entrance to the development off the A6094 road up to the entrance to the principal open space will be an attractive entrance to the development.

#### Business/Industrial Site

- 8.19 Owing to the relatively close juxtaposition of existing houses and proposed houses on the site to the proposed business park on the northern part of the site, there is a concern that general industrial processes (falling within Class 5 of the Town and Country Planning (Use Classes) (Scotland) Order 1997) could not be carried out on the business park without detriment to the amenity of these existing and the proposed neighbouring houses by reason of noise, vibration, smell, fumes dust or grit etc. Consequently, if planning permission is to be granted for the proposed development it should be subject to a planning condition restricting uses on the business park to those falling within class 4 of the said Use Classes Order; which includes offices (financial, professional and other services), research and development processes and light industry which can be carried out in any residential area without detriment to residential amenity). In addition, the Council's Environmental Health Manager recommends in the interest of safeguarding existing and proposed neighbouring noise sensitive properties that it be made a condition of a grant of planning permission that noise emissions from the buildings erected on the business park be restricted. Subject to these recommended controls business and light industrial uses on the business park could coexist with the proposed houses and existing neighbouring houses without significant harm to their residential amenity

#### Transportation Issues

- 8.20 The development will have the capacity to be safely and conveniently accessed by private modes of transport and service vehicles. The existing road network is of a sufficient standard to cope with the increase in use resulting from the proposed development. Parking provision meets the Council's standard of 150%. Suitable access and turning has been provided for service vehicles. The proposed development raises no material road safety concerns.
- 8.21 At present there does not exist from the application site a safe pedestrian and cycle route to the primary school in Rosewell for the benefit of the future occupants of the houses that will be built on the application site. A safe route to the primary school is essential element of infrastructure which is required, and needs to be a segregated three metre wide hard surfaced cycleway/footpath with a half metre verge

either side of it. At this time the only possible route for it is through the site the subject of undetermined planning application ref.14/00471/PPP for the residential redevelopment of the site of the former Rosewell Steading. It would be made a condition of any grant of planning permission on application ref.14/00471/PPP that a 4 metre wide strip of land along the south east boundary of that site be omitted from the development to allow for the future formation on it of a segregated three metre wide hard surfaced cycleway/footpath with a half metre verge either side of, which will be the safe route to the primary school in Rosewell. To ensure the provision of a safe and convenient pedestrian and cycle route from the application site to the primary school in Rosewell in the interests of pedestrian safety and the amenity of the future occupants of the dwellings on the site, it should be made a condition on a grant of this current planning application that prior to the occupation of any of the dwellings on the site: (i) A three metre wide segregated hard surfaced and lit cycleway/footpath with a half metre verge either side of it be formed on the 4 metre wide strip of safeguarded area of land the subject of to be secured by a condition imposed on any grant of planning permission in principle ref.14/00471/PPP. That cycleway/footway will connect to a cycleway/footway on the site the subject of this current planning application to Gorton Loan which has a footpath on the north side of it; and, (ii) A Zebra crossing or a different form of safe link from the three metre wide hard surfaced cycleway/footpath to the footpath on the north side of Gorton Road.

- 8.22 Rosewell is presently served by the No.49 Lothian Region Transport bus service. It is a frequent service running every 15 minutes during peak times and during the day, and every 30 minutes off-peak and in the evenings.

#### Ecology

- 8.23 The report on the ecological survey of the site does not recommend against the development on grounds of impact on biodiversity.

#### Archaeology

- 8.24 In accordance with the recommendation of the Council's Archaeological Advisor an Archaeological Evaluation has been carried out on the site. The Council's Archaeological Advisor informs that this meets the archaeological requirements of the site and no additional archaeological works are required to be undertaken.

#### Developer Contributions

- 8.25 In accordance with policy HOUS4 the provision of 25% affordable housing is required to be provided on allocated housing site H10. 160 units are proposed on site H10 and thus the affordable housing requirement for that site equates to 40 units. Policy HOUS5 of the now



superseded 2003 Midlothian Local Plan requires the provision of between 5% and 10% affordable housing on committed development site h22. 130 units are proposed on site h22 and thus the affordable housing requirement for that site equates to 6.5 to 13 units. The applicant proposes 40 affordable units. These units are on plots 238-290 on which single-storey terraced houses are proposed. However, the proposed number of affordable units falls short of the minimum number required, which is 47 - 53. The delivery of and tenure of the minimum required number of affordable units can be secured through a Section 75 legal agreement.

- 8.26 The development cannot be accommodated without increased primary and secondary educational capacity and, if approved, the applicant will be required to contribute towards the consequential cost of any additional school accommodation as part of the Section 75 legal agreement.
- 8.27 A developer contribution is also required towards a community facility/community space.
- 8.28 Policy IMP2 also identifies the requirement for developer contributions from new housing allocations towards the reopening of the Borders Rail Line.

#### Other Matters raised by Representors and Consultees

- 8.29 The application is sufficiently detailed to show the nature of the proposed development.
- 8.30 The nature of the proposed development is unlikely to give rise to significant nuisance or significant risk to human health as a result of dust deposition during periods of construction. However, if dust deposition were to become a problem it could be addressed through environmental health legislation.
- 8.31 The nature and scale of the proposed development is unlikely to result in extraordinary levels of noise and disturbance during periods of construction. If noise nuisance were to arise it could be dealt with through environmental health legislation.
- 8.32 No evidence has been submitted to substantiate the claim made in a letter of representation that the development contravenes the Human Rights Act.
- 8.33 Issues raised by the representors have been largely addressed above. The following matters raised in letters of representation are not material considerations in the determination of the application:
  - The effect of the development on the market value of existing residences in the village;
  - whether existing local services are under strain;

- Whether there will be any damage to neighbouring buildings as a result of ground movement/vibrations associated with the movements of heavy construction vehicles or subsidence within the village;
- The effect of the development on broadband speeds/internet access.
- Existing problems of drainage within neighbouring properties;
- Problems with illegal parking on neighbouring bus stops;
- Loss of view; and
- Whether or not there is a need for the proposed houses.

## 9 RECOMMENDATION

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

*The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply and economic land supply within the adopted Midlothian Local Plan 2008 and accords with policies COMD1 and RP20. Furthermore, the development, subject to the recommended planning conditions, accords with good design principles and with Policies DP2, IMP1, IMP2 and IMP3 of the adopted Midlothian Local Plan 2008. The presumption for development is not outweighed by any other material consideration*

subject to:

- a. the prior signing of a legal agreement to secure the provision of affordable housing and securing developer contributions towards education provision, the Borders Rail Line, children's play provision and community/leisure facilities.
- b. The following conditions:
  1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS 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 cycle parking facilities;
- xi proposed area of improved quality; and,
- xii proposed play equipment.

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. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site including those within the neighbouring former Rosewell Mains site in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to

the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

4. Notwithstanding the material specified on drawings docketed to this planning permission, development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used in the area of improved quality which shall include the following plots: 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 080, 081, 082, 083, 084, 096, 097, 098, 101, 102, 103, 104, 117, 118, 123, 124, 125, 128, 133, 134, 151, 152, 165, 166, 167, 171, 172, 173, 183, 184, 210, 211, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240 & 247. 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.*

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. 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 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;
- vii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction; and
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

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

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

Before any part of the site is occupied for residential purposes, the measures to decontaminate 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.*

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. Development shall not begin until details of the access arrangements and haulage routes for construction traffic accessing and leaving the site have been submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accords with the approved details.

***Reason:*** *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

10. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

***Reason:*** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

11. Prior to the first occupation of any dwelling on the application site; or by a different date to be approved in writing by the planning authority, the following shall be formed and made available for use to the approval of the planning authority and thereafter shall be retained unless otherwise approved by the planning authority:
  - i. A three metre wide segregated hard surfaced and lit cycleway/footpath with a half meter verge either side of it on the area of land cross hatched in red on docketed plan titled: "14 0550 Annotated"; and,
  - ii. A Zebra crossing or a different form of safe link from the three metre wide hard surfaced cycleway/footpath required by i. above to the footpath on the north side of Gorton Road.

There shall be no variation therefrom unless with the prior written approval of the planning authority.

***Reason:*** *To ensure the provision of a safe and convenient pedestrian and cycle route from the site to the primary school in Rosewell in the interests of pedestrian safety and the amenity of the future occupants of the houses.*

12. Notwithstanding that stated on application drawings the uses on the business park on the northern part of the site shall not include any general industrial uses falling within Class 5 of the Town and Country Planning (Use Classes) (Scotland) Order 1997); but instead, they shall only be light industrial uses or office, research and development uses falling within class 4 of the aforesaid Use Classes Order and which can be carried out in any residential area without detriment to residential amenity.

**Reason:** *Owing to the close juxtaposition of existing houses and proposed houses on the site to the proposed business park, general industrial uses would have the potential to give rise to significant harm to the amenity of existing and proposed neighbouring residential properties by reason of noise, vibration, smell, fumes dust or grit etc. It is therefore necessary to restrict the uses to those that can be carried out in a residential area without significant harm to residential amenity.*

13. The noise insulation properties of the commercial buildings erected on the business park on the northern part of the site shall be such that no A weighted continuous equivalent noise level emitting from within or from equipment installed on the buildings, measured over any five minute period at any place on the site boundary. (LAeq(5min.)) shall cause an increase in the existing measured background noise level defined as the level exceeded for 90% of the time and A weighted (LA90).
14. The level of noise emitting from within the business park hereby approved shall comply with Noise Rating curve NR25 (window open standard) when measured within any neighbouring noise sensitive premises.

**Reason for 13 & 14:** *Owing to the close juxtaposition of existing houses and proposed houses on the site to the proposed business park, general industrial uses would have the potential to give rise to significant harm to the amenity of existing and proposed neighbouring residential properties by reason of noise. It is therefore necessary to restrict noise emissions from the business park in the interests of safeguarding the amenity of existing and proposed neighbouring noise sensitive properties.*

15. The play area and play equipment required by condition 1xii will include; inter alia: (i) two pieces of inclusive play equipment; (ii) a bench and litter bin located within the fenced off area; (iii) two sets of benches and a litter bin provided alongside the path out with the play area; and, (iv) an area of hardstanding at the pedestrian gate entrance where there will be higher wear.

**Reason:** *For the avoidance of doubt as to what is required for the provision of an acceptable play area.*

16. Once installed the play equipment required by condition 1xii & 15 will be retained and maintained in accordance with the specifications approved unless otherwise approved in writing by the local planning authority. Any damaged equipment, fencing or hard/soft surface shall be replaced every six months in accordance with a schedule of maintenance to be submitted and approved in writing by the local planning authority within 1 month from the date of installation.

**Reason:** *In the interests of the safety of the children playing in the play area and for ease of maintenance in the interests of safeguarding the amenity of the area.*

17. Measures shall be undertaken to ensure that the first occupants of any house fronting onto an open space containing a play area, play equipment or kick about pitch is aware of the proposed use of the space: evidence of the measures taken shall be provided to the planning authority in advance of the first occupation of the said houses.

**Reason:** *to ensure future residents are provided with information by the site developer of the location of formal play areas within the site, and to avoid future antagonism towards the provision of such facilities.*

18. No electricity substation shall be erected within the site unless details of its position and appearance have been submitted to and approved in writing by the Planning Authority and any substation which is required shall be so located, or have a means of enclosure, as to prevent it having an adverse impact on the design and appearance of any open space or adjoining property.

**Reason:** *To ensure that any substation is unobtrusive and not unduly close to any occupied building.*

19. 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.*



**Ian Johnson**  
**Head of Communities and Economy**

<b>Date:</b>	<b>13 January 2015</b>
<b>Application No:</b>	<b>14/00518/DPP (Available online)</b>
<b>Applicant:</b>	<b>Bett Homes Limited, Argyll Court, The Castle Business Park, Stirling</b>
<b>Agent:</b>	<b>Thomas Walker c/o Ark Architecture &amp; Design, 14 Royal Terrace, Glasgow, G3 7NY</b>
<b>Validation Date:</b>	<b>16 July 2014</b>
<b>Contact Person:</b>	<b>Adam Thomson, Senior Planning Officer</b>
<b>Tel No:</b>	<b>0131 271 3346</b>
<b>Background Papers:</b>	<b>File 13/00270/PAC can be viewed online.</b>