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**APPLICATION FOR PLANNING PERMISSION 14/00481/DPP FOR THE ERECTION OF 199 DWELLINGHOUSES AND 12 FLATTED DWELLINGS, FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND AT HARVIESTON FARM, POWDERMILL BRAE, GOREBRIDGE**

Report by Head of Communities and Economy

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

**1.1 The application is for the erection of 199 houses and 12 flatted dwellings and the formation of associated access roads and sustainable urban drainage systems (SUDS) at land at Harvieston, Gorebridge. There has been five representations and consultation responses from Moorfoot Community Council, Gorebridge Community Council, the Scottish Environment Protection Agency (SEPA), 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, COMD1, 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 and the provision of affordable housing.**

## **2.0 BACKGROUND**

- 2.1** At its meeting of 26 May 2015 the Planning Committee deferred consideration of the application. The Committee agreed to continue consideration of the application for one cycle to the Planning Committee on 25 August 2015, so that the applicant can reconsider their position regarding the provision of affordable housing.
- 2.2** The applicant original proposed 12 affordable flats on plots 13-24. This equated to 6% of the 211 units proposed on site being affordable housing units. The Committee considered that this level of provision was insufficient.
- 2.3** A copy of the planning application report presented to the May Committee is attached to this report.

### 3.0 PLANNING POLICY

- 3.1 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 policy is relevant to the provision of affordable housing:

#### Midlothian Local Plan 2008

- 3.2 Policy **COMD1: Committed Development** continues the commitment to sites allocated for housing in the 2003 Local Plan, with an affordable housing requirement for the sites as set by Policy HOUS5 (Affordable and Special Needs Housing). The affordable housing requirement set in the 2003 Local Plan is in the range of 5% - 10% of the total number of units on site for developments comprising 50 or more units.

### 4.0 AMENDED PROPOSAL

- 4.1 Following the decision of the Committee at its meeting of 26 May 2015 the applicant submitted an amended affordable housing proposal comprising 21 units on plots 9 -24 and 31 -35. The provision consists of a block of 12 flats and 9 terraced and semi detached dwelling houses.
- 4.2 The proposed amendment increases the level of affordable housing provision to 10% of the 211 units proposed on site. This is at the upper level of the range required by policy COMD1 of the MLP.
- 4.3 The substitution of 9 private dwelling houses with a further 9 affordable housing units has not resulted in a change in the layout of the scheme and as such the proposed layout, form and design of the development remains acceptable.

### 5.0 RECOMMENDATION

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

*The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the adopted Midlothian Local Plan 2008 and accords with development plan policies COMD1, HOUS1 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:

- (i) The prior signing of a legal agreement to secure the provision of affordable housing and securing developer contributions towards

education provision, children's play provision, an informal play/kick about area, town centre improvements; and, a community facility.

(ii) and 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. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space and structural landscaping, 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 existing land users and the future occupants of the development.*

3. The realigned sections of the roadside stone boundary wall along Powdermill Brae shall be built in lime bedded and pointed stonework using the stone doughtings of the wall, which doughtings are required to form the new accesses through it. Any deficit of natural stone shall be made up using natural to match as closely as possible; including technical qualities and colour as the existing natural stone of the wall in accordance with a sample to me provided for the prior written approval of the planning authority.
4. The mortar bedding and pointing of the realigned sections of the roadside stone boundary wall along Powdermill Brae shall be lime based to match the existing original lime bedding and pointing of the existing stone wall. Prior to the commencement of lime work a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime; aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialist analysis of and report on the existing wall, and a copy of this analysis and report shall be included with the detailed submission for this condition.

**Reason for conditions 3 & 4:** *In the interests of safeguarding the character, integrity and appearance of the listed wall, in the interests of safeguarding the character and appearance of the area.*

5. The upper storey windows installed in the window openings of living apartment rooms of the houses on plots 169-199 which face westwards onto the A7 shall be installed with glazing and window vents both designed to achieve a daytime internal noise level of no greater than 35 dB LAeq, 16 hours.

**Reason:** *To safeguard the residential amenity of the future houses adjacent to the A7.*

6. Other than at the point where the new pedestrian access is to be formed through it between plots 179 and 180 the existing roadside boundary stone wall along the A7 shall be retained at its current height along its whole length and all gaps or opening within it shall be infilled/built up in with lime pointed stonework all to match that of the existing wall.

**Reason:** *The roadside boundary wall will provide a degree of acoustic attenuation to the ground floor windows of and to the rear gardens of the houses immediately behind it and thus it should be retained in the interests of safeguarding the residential amenity of the future occupants of those houses.*

7. Prior to works commencing on site planning permission a planning application for the formation of a new access road to Harvieston House and Harvieston Cottage off the A7 shall have been granted by the planning authority and that access road shall be formed and made available for use in accordance with the details so approved.

**Reason:** *In the interests of road safety and the amenity of the occupants of both Harvieston House and Harvieston Cottage.*

8. 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.*

9. 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 grounds of the neighbouring Harvieston House 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.*

10. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be

used in the area of improved quality which shall include the following plots: 13-24, 28-30, 45-58 and 116-132 inclusive. 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.*

11. 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.*

12. Development shall not begin until details of the following has been submitted to and approved in writing by the planning authority:
- 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. New traffic signals at the A7 / Powdermill Road junction;
  - vi. A new pedestrian crossing point at the Powdermill Brae / Lady Brae junction in the form of a pedestrian refuge island or localised narrowing of the road junction;
  - vii. Residential cycle parking for the 12 flats should be provided. A minimum of 6 'Sheffield' style rack should be provided (catering for 12 cycles) with an internal light and drainage required;
  - viii. The tree planted road verge opposite plots 39 – 44 and 59 – 66. The details shall include sections through the verge indicating the width and gradient to determine if any vehicle containment measures are required at this location;
  - ix. The bus terminus including an AutoTrack, visibility splays, road surfacing and the bus stop and shelter;
  - x. 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.*

13. Prior to any dwelling being occupied the requirement of condition 12v, 12vi & 12vii shall be formed/carried out to the approval of the planning authority.

**Reason:** *To ensure the safely and convenient access to the site in the interest of road safety.*

14. 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. A site survey (including bore hole testing where necessary) has been carried out to establish to the planning authority that the level of contamination of any land within the site is acceptable in relation to the proposed development, or that remedial and/or protective measures can be undertaken to bring the contamination to an acceptable level in relation to the proposed development, and
  - ii a detailed schedule of any remedial and/or protective measures including their programming, is submitted to and approved by the planning authority.

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

**Reason:** *To ensure that any contamination on the site 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.*

15. 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.*

16. 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.*

17. 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.*

18. 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.*

19. Once installed the play equipment required by condition 1xii & 18 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 in accordance with a schedule of maintenance; including repair timetable, to be submitted and approved in writing by the local planning authority.

**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.*

20. 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.*

21. The electricity substation shall be housed in a building. Detailed drawings of the building and details of its external finishing materials and finishing colours shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

22. 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.*

23. Prior to the commencement of any work a site waste management plan shall be submitted for the prior written approval of the planning authority in consultation with the Scottish Environment Protection Agency and all works shall be carried out in accordance with the approved plan.

**Reason:** *To ensure that waste on the site is managed in a sustainable manner.*

24. If a road safety barrier is required between the road on the eastern part of the site and the SUDS basin, it shall comprise open metal railings of a design and finish to be approved in advance by the planning authority.

**Reason:** *To ensure the provision of a visually acceptable barrier in the interest of safeguarding the character and amenity of the area.*

25. The area immediately north east and east of the site, which is the remainder of allocated housing site h23 in the 2003 Local Plan, shall be retained as an informal amenity landscaped open space unless otherwise approved by the planning authority.

**Reason:** *In the interests of safeguarding the landscape character and amenity of the area and the amenity of the future occupants of the dwellings on the site.*

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

**Date:** 18 August 2015  
**Application No:** 14/00481/DPP  
**Applicant:** Taylor Wimpey East Scotland, 1 Masterton Park,  
South Castle Drive, Dunfermline  
**Agent:** N/A  
**Validation Date:** 31 July 2014  
**Contact Person:** Adam Thomson, Senior Planning Officer  
**Tel No:** 0131 271 3346  
**Background Papers:** 04/00724/FUL, 07/00455/FUL & 11/00663/PAC