



**APPLICATION FOR PLANNING PERMISSION (13/00181/DPP) FOR THE
ERECTION OF 112 DWELLINGHOUSES AND 28 FLATTED DWELLINGS,
FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED
WORKS AT LAND AT FORMER JEWEL AND ESK VALLEY COLLEGE,
DALHOUSIE ROAD, ESKBANK, DALKEITH**

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 112 houses and two blocks of flats containing a total of 28 flats on the grounds of the former Jewel and Esk Valley College in Eskbank. Two letters of representation have been received. The relevant development plan policies are RP5, RP20, HOUS3, HOUS4, IMP1, IMP2 and DP2 of the Midlothian Local Plan and policy HOU2 of the Edinburgh and the Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to conditions and the prior signing of a legal agreement to secure developer contributions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is the former Jewel and Esk Valley College (J&EVC) site. The former college buildings have been demolished and the site has been cleared. The site extends to 6.37 hectares. The site does not include Pinnocchio's children's nursery at the entrance to the site.**
- 2.2 The site is located on the southern edge of the built up area of Eskbank. The site is bound; by the rear gardens of the houses in Dalhousie Crescent to the north, the grounds of the police station to the north east, Dalhousie Road to the south west and the woodland surrounding Newbattle Abbey to the south east. This woodland is within the Newbattle Conservation Area. Eskbank and Ironmills Conservation Area is located nearby to the north of the site.**

3 PROPOSAL

- 3.1 The proposed development is for the erection of 112 houses and two blocks of flats containing a total of 28 flats. The proposed development is materially different to the previously approved schemes, referred to in section 4 of this report, in terms of the arrangement of buildings and the house and flat types proposed.**

- 3.2 The proposed houses comprise 94 detached houses and 18 semi-detached houses. Fourteen different house types are proposed.
- 3.3 Eighteen 3 bedroom houses, eighty three 4 bedroom houses, three 5 bedroom houses and eight 6 bedroom houses are proposed. Twenty eight 2 bedroom flats are proposed.
- 3.4 The site is to be accessed from two points; there being the existing access off Ancrum Bank and a new access from Dalhousie Road. 44 dwellings would be accessed from Ancrum Bank and 96 dwellings would be accessed from Dalhousie Road. The two roads are not linked in order to prevent through traffic. However, an emergency vehicle breakthrough is provided. The layout comprises a mixture of traditional road and footpaths and shared surfaces, the latter prioritising pedestrian and cycle movement. A footpath is continued along Dalhousie Road into the site entrance.
- 3.5 All of the houses are two-storey in height and have pitched roofs. Two 3-storey flatted blocks are located in the middle of the site.
- 3.6 Materials specified for use outwith the area of improved quality include a mixture of white and magnolia coloured dry dash render, reconstituted stone , dark grey concrete roof tiles with mock joints, white upvc windows and black UPVC guttering and downpipes.
- 3.7 Materials specified for use within the area of improved quality include magnolia coloured dry dash render, natural slate, reconstituted stone, white UPVC windows and black UPVC guttering and downpipes.
- 3.8 Surface water treatment will be via porous paving in shared surface areas, parking bays and filter trenches. The surface water will be attenuated using underground storage units provided in the public open spaces.
- 3.9 A new stone wall is proposed along the roadside boundary of the site. A children's play area is proposed in the middle of the principal open space. For the per cent for art requirement it is proposed to locate public art features in this part of the site. No details have been submitted of the art features.
- 3.10 A design statement, an access statement and a tree survey report have been submitted with the application.

4 BACKGROUND

- 4.1 In April 2007 outline planning permission (06/00347/OUT) was granted for the redevelopment of the site for housing.
- 4.2 In October 2008 reserved matters approval (08/00410/RES) was granted for the redevelopment of the site for 125 residential units and associated works. Planning permission 08/00410/RES was not implemented.

- 4.3 In June 2010 planning permission was granted for matters specified in conditions 1(d), 2(c) and 2(l) of outline planning permission 06/00347/OUT. This permission together with reserved matters approval (08/00410/RES) amount to a full planning permission for the residential redevelopment of the site. Planning permission 08/00410/RES was not implemented.
- 4.4 Pre Application consultation 11/00829/PAC for a residential redevelopment was received in December 2011.
- 4.5 In September 2012 planning permission 12/00219/DPP was granted for the erection of 110 dwelling houses and 30 flatted dwellings; the formation of associated access roads and car parking; and associated works on the site. Planning permission 12/00219/DPP has not been implemented.

5. CONSULTATIONS

- 5.1 The **Director of Education** has advised that the applicant will be required to make developer contributions towards non-denominational primary school provision in the area as well as an extension to Dalkeith High School. A contribution will also be required towards the denominational secondary school.

6 REPRESENTATIONS

- 6.1 Two letters of representation have been received in connection with this application. The main points of objection relate to:
- The increase in height of the flatted buildings in the middle of the site from 3 to 4 storey, would result in overlooking of the residential properties on the south side of Dalhousie Crescent, harmful to their privacy;
 - The proposed 4-storey flatted blocks are out of keeping with the character of the area;
 - Land in the north west corner of the site has been raised in height to facilitate the erection of temporary accommodation for the college. The site has not been restored to its former height; and
 - A water supply pipe serving Pinoccios Nursery has been installed beneath the west and north boundaries of the application site on land to which the owners of Nos. 8, 9, 10, 11 and 12 Dalhousie Crescent have title.

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 (MLP), adopted in December 2008. The following policies are relevant to the proposal:

The Edinburgh and Lothians Structure Plan

- 7.2 Edinburgh and the Lothians Structure Plan 2015 Policy **HOU2: Brownfield Housing Sites** supports the development of suitable brownfield sites for housing through redevelopment, and higher densities will be encouraged where appropriate;
Midlothian Local Plan
- 7.3 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.
- 7.4 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.
- 7.5 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 brownfield 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.
- 7.6 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in the Local Plan and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site, for sites of 50 units or over.
- 7.7 Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.
- 7.8 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.
- 7.9 Policy **IMP2: Essential Infrastructure Required to enable 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.

National Policy

- 7.10 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. 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.
- 7.11 **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.
- 7.12 **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 representations responses received are material considerations.

The Principle of Development

- 8.2 The principle of residential redevelopment on the site has been established by the grant of outline planning permission 06/00347/OUT, reserved matters approval 08/00410/RES and matters specified in conditions 10/00172/MS. This position was reaffirmed by the Committee's decision to grant planning permission 12/00219/DPP at its meeting of August 2012.

Layout and Form of the Development

- 8.3 The proposed development is for 140 dwellings, the same number approved for the site by the grant of planning permission 12/00219/DPP. The number of dwellings means that the site would have an average density of 26 dwellings per hectare. This equates to a density appropriate to an edge of a town location. Within the site the lower density detached houses are appropriately located closer to the southern boundary where the site meets the Newbattle woodland and where they have been positioned to meet the necessary stand off distances from the existing woodland.

- 8.4 The distances between properties and the size of the rear gardens of the houses are in compliance with Policy DP2. The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable. Front elevations of properties overlook the open spaces thus providing passive surveillance. The development has been designed to include a series cul-de-sacs 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.
- 8.5 The development incorporates a central landscaped open space, with play area, providing a key useable focal point in the development. The provision of the play equipment can be secured by condition. The layout proposes a number of useable open spaces for recreation. The combined size of the open spaces meets the minimum size required by Policy DP2.
- 8.6 Midlothian Local Plan 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 walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The two 3 storey flatted blocks in the middle of the site (plots 53-66 and 67-80) are prominently positioned on the site and should comprise the area of improved quality in terms of both design and materials. Through negotiations with the applicant the height of these 2 flatted blocks has been reduced from four to three storey and their materials have been refined so that they are of an improved quality compared to the rest of the scheme. 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.
- 8.7 Elsewhere within the development, outwith the aforesaid plots the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings in Dalhousie Crescent. However, there is a mixture of architectural styles in the area ranging from traditional dwellinghouses to the contemporary college building. Accordingly, in terms of architectural style the proposed houses would not harm the character or visual amenity of the area. A simple palette of materials is proposed. 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.
- 8.8 In terms of their size, height and positions on the site the proposed buildings would not give rise to significant overlooking or overshadowing of any neighbouring properties or unduly impose themselves on them or appear obtrusive within the street scene.

- 8.9 The proposed scheme of landscaping for the site is acceptable. A mixed group of trees, mainly poplars, in the southern part of the site forms a prominent visual feature in the landscape. However the short lived nature and the limited extent of these species do not lend them to being retained as part of the new development. The replacement of these trees with new woodland tree planting is acceptable. In the reports on the previous planning applications a key consideration was the treatment of the boundary with Dalhousie Road. The preferred option identified in those reports is for the provision of a woodland edge to the road. What is proposed in this application is a 1.8 metre high natural stone wall along the length of the west boundary. Subject to this wall being erected and subject to the provision of a grassed verge planted with semi mature trees between it and the footpath there would be a strong boundary to the site and a pleasant entrance to Eskbank from the south. The trees would soften the approach into Eskbank and Ironmills Conservation Area. This proposal would be an acceptable alternative to a woodland edge to the road. At a height of 1.8 metres this wall will provide privacy to the rear gardens of the houses to which it will form a rear boundary. The required stand off distances from the trees within the woodland surrounding Newbattle Abbey has been achieved.
- 8.10 The proposed bin and cycle storage facilities within the proposed flatted blocks are acceptable.
- 8.11 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 of it resulting from the proposed development. Parking provision meets the Council's standard of 150%.
- 8.12 Adequate cycle and pedestrian links have been provided through the site given the desire lines which are likely to come about as a result of the operation of the new college on the other side of Dalhousie Road and the proposed Borders Rail station at Hardengreen.
- 8.13 The proposed electricity substation is prominently positioned in the north west corner of the site. No details of its appearance have been submitted with the application. To safeguard the character and amenity of the area it can be made a condition of a grant of planning permission that it be housed in a building finished in materials to be approved in advance by the Planning Authority.
- 8.14 The SUDs proposals as delineated on application drawings are acceptable.
- 8.15 No details of 'percent for art' for the development has 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.
- 8.16 A programme of archaeological works has already been carried out on the site which was a condition on a grant of the previous planning permission. There is no requirement for further archaeological works to be carried out.

Developer Contributions

- 8.17 The previous grant of planning permission was subject to developer contributions being secured by a Section 75 legal agreement. A revised legal agreement is required for the proposed development. The legal agreement will seek a commuted sum towards affordable housing provision and contributions towards education, town centre improvements, the Borders Railway and children's play provision/maintenance.

Other Matters Raised by Representations not Previously Addressed

- 8.18 Issues raised by the representors have been largely addressed above. With regards to the matters raised in the letters of objection and not addressed above:
- 8.19 The alleged unauthorised raising of land in the north west corner of the site is not a material consideration in the determination of this planning application.
- 8.20 Title to land under which a water supply pipe serving Pinoccios Nursery has been installed is a legal matter between the respective parties and is not a material consideration in the determination of this planning application.

9 RECOMMENDATION

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

The development lies within the built up area of Eskbank where there is a presumption in favour of development. The principle of the redevelopment of the site for dwellings has been established by previous planning permissions. The currently proposed scheme of development complies with the policies of the approved Edinburgh and the Lothian Local Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

Subject to the prior signing of a legal agreement to secure the provision a commuted sum towards affordable housing provision and contributions towards education, town centre improvements, the Borders Rail and children's play provision/maintenance.

and the following conditions:

1. Development shall not begin until details of the phasing of the development have been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of open space, the SUDS provision and transportation infrastructure. Development shall

thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on the future occupants of the development.*

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 that delineated on the docketed drawings the flats on plots 53-66 and 67-80 shall comprise the 'area of improved quality', with an added emphasis on the quality of materials. 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 on plots 53-66 and 67-80 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 that an added emphasis on quality in materials for a prominent group of buildings on the site in accordance with adopted Midlothian Local Plan Policy DP2 and in the interests of safeguarding the character and visual amenity of the area.*

4. 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 existing and finished ground levels and floor levels for all buildings, open space 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 on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play equipment;
- xi proposed cycle parking facilities;
- xii proposed woodland management plan for any existing, to be retained, and proposed woodland;
- xiii details of existing and proposed services; water, gas, electric and telephone; and
- xiv proposed area of improved quality.

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.*

5. All trees and shrubs to be retained shall be protected during construction with temporary protective fencing in accordance with the recommendations of the British Standard BS 5837: 20125 'Trees in Relation to Design, Demolition and Construction' and in accordance with details to be submitted for the prior approval of the Planning Authority. The temporary protective fencing so approved shall be erected prior to work commencing on site and shall be retained for the duration of construction works. Within the areas enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, or disposal of any waste or fires lit, all in accordance with the above names British Standards. Any excavations within the canopy spread of trees to be retained shall be hand dug and any roots exposed shall be bridged.

Reason: *To safeguard trees and shrubs on the site which make a valuable contribution to the character and visual amenity of the area.*

6. 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 or it has been confirmed in writing to the planning authority that there is no contamination/ground conditions requiring remediation. 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.*

7. No building 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.*

8. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;

- vi 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, 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.*

9. Notwithstanding that delineated on application drawings the substation shall be housed in a pitched roofed building and finished in materials to be approved in advance by the Planning Authority. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

Reason: *To safeguard the character and visual amenity of the area.*

10. The 1.8 metre high stone wall to be erected along the length of the west boundary of the site shall be a natural rubble lime pointed sandstone wall set back 2 metres from the heel of the existing pavement along the east side of Dalhousie Road. A sample of the natural stone to be used for the wall shall be made available for the prior approval of the Planning Authority.

Reason: *In the interests of safeguarding the character and visual amenity of the area.*

11. None of the houses on plots 29-35, plot 45 and plots 88--99 shall be occupied until the section of 1.8 metre high stone wall to be erected on the west roadside boundary of their plot has been erected in its entirety. The wall shall thereafter be retained at a height of 1.8 metres along its length unless otherwise approved by the Planning Authority.

Reason: *In the interests of safeguarding the character and visual amenity of the area and the amenity of the future occupants of the house and flats on the western part of the site.*

12. Development shall not begin until detail, including a timetable of implementation, of 'Percent for Art' has 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 adopted Midlothian Local Plan and national planning guidance and advice.*

13. Construction vehicles associated with the development shall only access and egress the site from the new access, or from a temporary access to agreed in writing by the planning authority, off Dalhousie Road via the A7 Trunk Road. No construction vehicles shall access the site via Abbey Road or the Eskbank Toll Roundabout.

Reason: *In the interests of road safety.*

Ian Johnson
Head of Planning and Development

Date: 21 May 2013

Application No: 13/00181/DPP (Available online)

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