



APPLICATION FOR PLANNING PERMISSION (12/00745/DPP) ERECTION OF 422 DWELLINGHOUSES AND 36 FLATTED DWELLINGS; FORMATION OF ASSOCIATED ACCESS ROAD AND PARKING AREAS; PROVISION OF OPEN SPACE INCORPORATING FOOTPATHS, AREAS FOR PLAY AND SPORT, SUSTAINABLE URBAN DRAINAGE FEATURES AND LANDSCAPING; AND OTHER ASSOCIATED WORKS AT LAND AT GREENLAW MAINS, MAURICEWOOD ROAD, PENICUIK

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 **The application is for the erection of 422 dwellinghouses and 36 flatted dwellings, the formation of an access road and car parking, the provision of open space, the formation of a Sustainable Urban Drainage System (SUDS) and associated works on land at Greenlaw Mains, Mauricewood Road, Penicuik. There have been 59 letters of representation and consultation responses from Transport Scotland, Scottish Natural Heritage, the Scottish Environment Protection Agency, Scottish Water, Sport Scotland, Penicuik Community Council and the Council's Policy and Road Safety Manager, Environmental Health Manager and Director of Education and Communities. The key relevant development plan policies are COMD1, RP20, RP31 and DP2 of the Midlothian Local Plan (MLP). 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 site is in the Mauricewood area at the northern edge of Penicuik. It is sited between Mauricewood Road to the west and Belwood Road to the east. The site is bounded by existing housing to the south and east (Boyd Orr Drive, Namur Road, Inkerman Court, Breck Terrace, Livesey Terrace, Red Fox Crescent, and Greenlaw Grove). To the north is land allocated for housing (site H16) in the Midlothian Local Plan (2008). This is the subject of a current planning application (06/00475/FUL).
- 2.2 The site has a history of mine workings and has also been in agricultural use, though the majority of the site has laid fallow for several years. There is a burn crossing the site running north of and parallel to Boyd-Orr Drive and then turning to head south towards Edinburgh Road (A701). There is a substantial (900mm) water supply pipe crossing the site from south to north, which is a public water supply for Edinburgh from Talla reservoir in the Scottish Borders.

A lesser (400mm) water main runs along the north and northwest boundary of the site.

- 2.3 The site is significantly sloping, rising up from the east to the west. Between plots 63 and 415 there is a height difference of 25 metres.

3 PROPOSALS

- 3.1 Detailed planning permission is sought for:

- i. the erection of 422 dwellinghouses and 36 flatted dwellings;
- ii. the formation of two access roads into the site, including one from Mauricewood Road requiring a roundabout, and a new junction on Belwood Road;
- iii. the formation of pedestrian links into the site
- iv. the formation of SUDS;
- v. the provision of land for a small commercial centre (the details of which will be subject to a separate planning application); and
- vi. the provision of an equipped play area and areas of open space.

- 3.2 The proposed housing mix comprises:

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|---------------------------|-----|
| • 36 flatted units | 8% |
| • 156 terraced houses | 34% |
| • 56 semi-detached houses | 12% |
| • 210 detached houses | 46% |

- 3.3 The proposed development comprises 36 two bedroom flats, 46 two bedroom houses, 127 three bedroom houses, 229 four bedroom houses and 20 five bedroom houses.

- 3.4 All of the houses are two-storey with conventional eaves height, and the flatted blocks are three storeys beneath eaves level. There are some houses with developed roof space, and these have a larger roof with a steeper pitch. The affordable houses are indicated on the site layout as being terraced and flats.

- 3.5 Proposed materials include a mixture of render (four colours are proposed) and precast masonry for walls, with a natural clay roof tile in both a slate and a red finish.

- 3.6 The SUDS proposals comprise three basins; one in the main parkland area near to the play park; one adjacent to the flatted blocks just west of the linear park; and one in the north east corner near to Livesey Terrace. Basins are dry features which only become waterlogged during flood events.

- 3.7 The applicant has submitted in support of the application a design and access statement, a PAC report, a site constraints report, a site investigation report, a preliminary risk assessment (including an ecological review of the site), a SUDS strategy, tree survey and a traffic assessment.

- 3.8 Changes have been made to the layout since the submission of the application; however these have not altered the character of the application or the number of units. The changes were required to protect the secondary water main crossing the site along the north and north west boundary. It is not possible to plant medium or large trees over the water main and as such the layout was adjusted to allow trees to be accommodated outwith the path of the water main. As a consequence a cycleway is proposed over the water main and the tree planting is repositioned to the inside edge of this route. A number of units have also been repositioned.

4 BACKGROUND

- 4.1 The site was allocated for an indicative 324 houses in the 2003 MLP. The 2008 MLP continued this commitment to residential development. The Council approved a development brief for the site (Greenlaw) and the neighbouring site (Deanburn), which is also allocated for housing, in 2004.
- 4.2 Pre Application consultation 11/00676/PAC for a residential development was received in November 2011.
- 4.3 Planning application 12/00085/DPP for the erection of 519 residential units and associated developments was submitted in March 2012, but was subsequently withdrawn in November 2012.
- 4.4 Planning application 05/00889/FUL for the re-alignment of junction and construction of roundabout at the junction between the A702 and Mauricewood Road was approved 20 December 2006.

5 CONSULTATIONS

- 5.1 The following consultation responses have been received:
- 5.2 The **Scottish Environment Protection Agency (SEPA)** requires that SUDS proposals be in accordance with the recommendations of CIRIA Manual C697 'The SUDS Manual' and foul drainage is connected to a Scottish Water sewer. SEPA is satisfied that the surface water drainage proposal outlined is acceptable in terms of water quality as it provides the required level of treatment for surface water run-off from the development. SEPA raised some concerns regarding the initial lack of any flood risk assessment given the presence of a watercourse with a number of proposed crossings which were initially not detailed. The relevant supplementary information was then submitted to SEPA by the applicant. Based on the information submitted, it was clear that the placement of the dwellings along the south boundary on slightly higher ground would protect the development and would also act as a barrier to existing housing. A full assessment was detailed in the appendix to SEPA's response. In conclusion, SEPA has withdrawn its earlier objection to the proposed development on flood risk grounds. This is subject to certain conditions;

- Finished floor levels should include a minimum of 600 mm freeboard allowance above the 0.5% AEP (1:200) flood levels including an allowance for climate change and be raised an appropriate height above surrounding ground levels.
- Finished ground levels should slope away from buildings to reduce the risk of surface water ponding next to properties.
- Access strips must be provided to ensure that the watercourse and cut-off drain can be adequately inspected and maintained.
- Details of the provision of a drainage solution should be provided to manage floodwater spilling from Mauricewood Road.
- Details of the provision of an adequate Sustainable Drainage System (SUDS) which will be capable of reducing surface water runoff rates from the developed site for events up to the 1 in 200 year return period to no greater than a 1 in 2 year return period greenfield runoff rate.
- Details of the provision of safe overland flowpaths from SUDS ponds to deal with events that could exceed the design storm.

5.3 **Scottish Water** raises no objection to the planning application. However, they state that they are unable to reserve capacity at their water and waste water treatment works and that any planning approval does not guarantee a connection to their infrastructure.

5.4 **Sport Scotland** has no objections to the principle of the development, and welcomes the addition of a further 7-a-side playing field in the detailed masterplan. The applicant should ensure that the pitches are constructed to appropriate standards, ensuring a suitable gradient and drainage of playing surface. A proper maintenance regime should also be provided to ensure the pitches are kept at a good standard. The final quality specification of the pitch should be signed off by a recognised pitch consultant to ensure the good standards are met.

5.5 **Transport Scotland** raises no objection to the planning application on the condition that prior to the occupation of any part of the development the modifications to the A702(T)/Mauricewood Road junction shall be completed in accordance with Fairhurst Drawing No. 86607 / 1006 Revision D, to the satisfaction of the planning authority in consultation with Transport Scotland.

5.6 **Scottish Natural Heritage (SNH)** raises no objection to the application in principle but have set out a list of further details it would like to incorporate into the development. These are;

- Full details of any areas of tree or habitat retention and measures to protect such areas during construction.
- Full details of soil retention and / or protection during construction.
- Full details of all site levels and topography, including how these integrate with the detailed design of swales and other SUDS proposals.
- Full details of all proposed planting and seeding, including measures to protect such planting from browsing animals during establishment.
- Full details for all proposed paths, play areas and the recreational area pavilion.

- Full details of all other public realm, including street trees and associated landscape.
- Full details of establishment and maintenance proposals (including funding) for long-term maintenance and management of the site.
- The site should be visited by a suitably qualified ecologist to provide a brief assessment of the site, its context and the habitat, flora and fauna present, identification of the presence of any protected / invasive or notable species, and identification of any required mitigation.
- Any mature trees scheduled for removal should be surveyed for roosting bats by a suitable qualified ecologist prior to works commencing.
- Any vegetation clearance work should be timed so as to avoid the bird breeding season (April-August inclusive). However, if this is unavoidable, appropriate surveys should be carried out prior to works commencing, in order to identify any nest sites requiring protection and / or removal under licence. The permanent loss of such habitat should be compensated through the provision of alternative nesting opportunities, e.g. artificial nest boxes, at appropriate locations.

5.7 **Penicuik and District Community Council** opposes any further development in the Deanburn/Mauricewood/Belwood area than that which is allocated. The Community Council re-emphasised its comments to the 2005 Midlothian Local Plan consultation. General concerns regarding traffic and educational resources are raised as is the lack of any local facilities, pedestrian access and public transport, and the future responsibility for the upkeep of the open spaces.

5.8 The Council's **Policy and Road Safety Manager** raises no objection subject to standard conditions.

5.9 The Council's **Director of Education and Children's Services** has advised that it is expected that a development of 458 dwellings would give rise to the following number of pupils:

▪ Primary Non Denominational	128
▪ Primary Denominational	13
▪ Secondary Non Denominational	92
▪ Secondary Denominational	9

5.10 In allocating the site for housing in the 2003 Local Plan, with an indicative capacity of 324 units, it was anticipated that Mauricewood Primary School could be extended to meet the demand arising from the Greenlaw development site and that Secondary School provision could be accommodated at Beeslack High School subject to freeing up capacity by restricting placement requests from outwith the catchment area and by a review of catchment areas. The demand from the neighbouring housing sites (H16) allocated in the 2008 Local Plan will be accommodated at Cuiken and Cornbank Primary Schools and Penicuik High School. The applicants will be required to make developer contributions towards providing a further two classrooms plus extensions to ancillary/core school accommodation at Mauricewood Primary School. The Sacred Heart RC Primary School is

operating near to capacity and to provide capacity for pupils arising as a consequence of this development priority will be given to applicants of the Roman Catholic faith with any subsequent placing requests may be refused.

- 5.11 The current position identifies that capacity at Penicuik High School will also have to be used if freeing up capacity at Beeslack High School by restricting placement requests from outwith the catchment area and by a review of catchment areas does not achieve the accommodation as originally anticipated. The additional demand generated by the additional 134 residential units above the indicatively allocated 324 units cannot be accommodated without extending Beeslack High School or Penicuik High School and therefore a contribution towards the consequent cost of additional secondary school accommodation will be borne by the applicant.
- 5.12 The Council's **Environmental Health Manager** has advised in respect of ground contamination issues that there is no objection subject to the carrying out of a site survey and the provision of a detailed schedule of remedial and/or protective measures.

6 REPRESENTATIONS

- 6.1 59 letters of objection from 42 households have been received from local residents. The points of objection raised are as follows:
- Back to back housing with no buffer between the proposed new and existing development;
 - Loss of amenity ground;
 - Increased traffic;
 - Local road infrastructure not suitable and in need of repair;
 - Pressures on local schools;
 - Pressure on local drainage;
 - Play park is on contaminated land;
 - The site is rich in wildlife;
 - No biodiversity study has been carried out;
 - The site is a nesting area for various bird species;
 - Used by deer, badgers and fox;
 - Proposed wildlife corridors are inadequate;
 - It is proposed to build upon an area of amenity space behind Namur Road which was formed as part of the original Greenlaw Mains estate and which is maintained by Midlothian Council. Earmarked as common ground in 1970's plan;
 - Due to constraints on the site the proposed housing is crammed in and is out of keeping with the character of the area;
 - Lack of any contextual drawings (such as street elevations);
 - The landscaping plan is out of date and does not reflect site layout changes;
 - Tree survey will be out of date by February 2013;
 - Lack of information regarding drainage connection to Edinburgh Road. Need to ensure that pedestrian access is maintained and that the impact on trees is known;

- No details of local centre;
- Lack of any flood risk assessment despite some history of flooding;
- The geological survey is out of date;
- Houses proposed too close to the boundary;
- Loss of daylight due to difference in levels;
- Height of new houses is not clear;
- Lack of any bungalows for elderly or infirm;
- No details of proposed bus route;
- Negative impact on the existing community at Greenlaw Mains/Mauricewood;
- Road safety concerns due to increased traffic on local roads;
- 3 storey flats not appropriate at this level;
- Lack of capacity in local schools;
- Proposed tree planting not possible due to location of water main on north boundary;
- Structure planting to boundaries should be native species;
- Planting on boundary may lead to loss of daylight to existing properties;
- Concerns that building may worsen existing drainage problems;
- Belwood Road/Edinburgh Road junction not suitable for buses; and
- The transport assessment makes a conservative estimate of 98 extra vehicles at rush hour for a development of 458 houses.

6.2 Following the amendments brought about by the impact of the secondary water main, a further notification was carried out to affected parties. One further response was received from the neighbour at Lammermuir, Belwood Road. No new issues were raised.

7 PLANNING POLICY

7.1 The current development plan comprises of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal.

7.2 In the adopted Midlothian Local Plan 2008, site H25 (Greenlaw) is identified as being part of the Council's established housing land supply which Policy COMD1 (Committed Developments) applies. In the current adopted Local Plan the development area is identified for residential development for an indicative 324 units including the provision of 5-10% affordable housing units (2003 local plan standard).

7.3 Midlothian Local Plan Policy **COMD1: Committed Development** states that Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing requirements;

7.4 Midlothian Local Plan 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;

- 7.5 Midlothian Local Plan Policy **RP5: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance;
- 7.6 Midlothian Local Plan Policy **RP7: Landscape Character** which states that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;
- 7.8 Midlothian Local Plan Policy **RP8 Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs;
- 7.9 Midlothian Local Plan Policy **RP13: Species Protection** requires that any development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require: A. measures for mitigation; and B. measures for enhancement or sustainable habitat replacement, where appropriate;
- 7.10 Midlothian Local Plan Policy **RP14: Habitat Protection Outwith Formally Designated Areas** requires that where a development affects sites which contain habitat of some significance, effects on the habitat as well as mitigation measures will be taken into account;
- 7.11 Midlothian Local Plan Policy **RP15 Biodiversity Action Plan** requires that development proposals shall demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new habitats, and provide for the effective management of these habitats;
- 7.12 Midlothian Local Plan 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;
- 7.13 Midlothian Local Plan Policy **RP28 Site Assessment, Evaluation and Recording**, protects any potential archaeological resources by ensuring the site is assessed;
- 7.14 Policy **RP30 Open Space In Towns And Villages** advises that development on open spaces not covered by policy RP29 will not be permitted where: these form a visually important part of the settlement or an integral part of the layout of adjacent buildings; it would result in the loss of an attractive landscaped area; it would result in the loss of land important to informal

recreation; or it would result in a material change in the character of the locality, unless it can be demonstrated that suitable alternative open space of similar quality can be provided in an appropriate nearby location.

- 7.15 Midlothian Local Plan Policy **RP31: Open Space Standards** advises that the Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining the minimum open space standards in respect of all new development, and until that is available the requirements for open space provision are as set out in policy DP2;
- 7.16 Midlothian Local Plan Policy **RP32: Public Rights Of Way and Other Access Routes**, protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route;
- 7.17 Midlothian Local Plan Policy **TRAN1 Sustainable Modes of Transport** states that major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrian and cyclists, and accord with the Council's Local Transport Strategy. All major travel-generating developments shall be accompanied by a Transport Assessment and a Green Travel Plan, setting out what provisions or measures shall be taken to provide for, and encourage the use of, alternative forms of travel to the private car;
- 7.18 Midlothian Local Plan Policy **SHOP7 New Neighbourhood Shopping Facilities** states new neighbourhood shopping facilities will be permitted within the built-up area including where new housing developments are to take place, providing they do not undermine the vitality and viability of any of Midlothian's town centres and they accord with all relevant Local Plan policies and proposals.
- 7.19 The **Edinburgh and Lothians Structure Plan 2015** policies relevant to the proposals are;
- 7.20 Policy **HOU 1: Existing Housing Sites** which supports the development of:
- a. existing housing sites identified in Housing Land Audit 2001 (effective and constrained);
 - b. emerging local plan sites, identified in the Supporting Statement.
- 7.21 Policy **HOU 5: Infrastructure** advises that the development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required improvements are provided or committed. The infrastructure requirements in the Action Plan may be supplemented by site-specific requirements identified in local plans. Planning permission should not be granted for housing development until all relevant infrastructure in the Action Plan and/or local plan is provided or committed.
- 7.22 Policy **HOU 6: Community Facilities and Amenities** advises that in addition to the requirements set out in HOU5, contributions will be required from the housing developers to remedy any deficiencies in local facilities and

amenities, which result from the additional housing. Local plans should set out the potential deficiencies pertaining to particular sites/communities.

National Policy

- 7.23 **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;
- 7.24 **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 issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The representations and consultation responses received and the approved development brief for the site are material considerations.

The Principle of Development

- 8.2 The principle of residential development on this site is established by its allocation within the adopted 2003 Midlothian Local Plan (MLP). This allocation was then continued in the adopted 2008 MLP. It should be noted that there is a small triangular area of ground to the rear of Namur Road which is not included in the H25 committed housing site. This is a small area of amenity ground that belonged to the original development of the Mauricewood estate in the 1970's and which was subsequently owned by Midlothian Council prior to its sale to the applicant. Whilst proposing a significantly greater number of residential units, the principle of the development accords with the objectives of the approved development brief for the site.

Layout and Form of the Development

- 8.3 The proposed development is laid out in a series of linked character areas separated by some significant open spaces. There are three main areas; the Belwood Road section of the site, which is the area north east of the linear park, and the two Mauricewood Road sections which are both south west of the linear park and which are separated from one another by the burn and recreational park area (north and south).
- 8.4 The predominant house type is a four bedroom detached house, however there is an acceptable mix of house types ranging from 2 bed flats to 5 bedroom detached units.
- 8.5 The Belwood section contains 214 units, with a mix that is reflective of the overall site housing mix. A strong entrance design has been created with mirrored units lining the access road, which leads to a public square directly

ahead with a block of 12 flats to the far side. The road layout is such that it would not encourage “rat running” through the development, it being an indirect route via a series of linked streets. The southern edge of this area forms a strong frontage onto the linear park. There are two other linear green spaces running through this area and houses have been orientated so as to front onto these.

- 8.6 The Mauricewood north section contains the main road through the site as well as the main recreational open space. It also allocates land for the small local centre (retail/commercial). The housing in this section is all two storey with no flats, but it has a good mix of house types and sizes. Strong frontages are presented to the linear park and to the recreational park.
- 8.7 The Mauricewood Road south section is delineated by the burn alignment which also forms the edge to the recreational park. A strong two storey frontage of detached, semi-detached and terraced houses is proposed fronting onto the burn and park. Further to the north of this section the buildings are orientated around an area of open space containing a SUDS basin, and there are two three storey flatted blocks here. These blocks front onto the basin and also onto the linear park and will form a strong frontage onto this large area of open space.
- 8.8 With regards to distances between buildings, there is general compliance with policy DP2 with two noticeable exceptions. In the Mauricewood Road north site the properties either side of the pedestrian boulevard are 18 metres apart, rather than the 22 metre policy standard, and in the Mauricewood Road south site, along the pedestrian cycle link the elevations are 16 metres apart, rather than the 22 metre policy standard. In both cases the layout creates a desirable pedestrian thoroughfare which benefits from being closer and is acceptable in terms of design and residential amenity.
- 8.9 With regards to the distances between proposed and existing houses, the layout provides generous lengths of garden in excess of the policy standards on all mutual boundaries. Some concerns have been expressed by neighbouring proprietors; however it is clear that the proposed development will have no unacceptable impacts upon adjoining properties with regards to privacy, daylighting and overshadowing.
- 8.10 The applicant has achieved a good relationship between the layout of the houses and the open spaces such that there are no properties that are far from an open space or a pedestrian link to an area of open space. The development, despite its increase in the number of units proposed above the indicative capacity in the Local Plan, and the provision of land for a local centre, has managed to adhere to the principles of the original development brief for the site. In conclusion the layout and the form of development are acceptable.

Public and Private Space

- 8.11 Policy DP2 requires an area of open space for children’s play to be provided on site. An area of open space for children’s play/recreation with play

equipment installed on it is proposed in a central location. Proposed houses front onto it providing passive surveillance.

- 8.12 In addition to the children's play area a significant area of informal open space is to be provided and these areas have been well planned and integrated into the street design.
- 8.13 A large parkland area between the two Mauricewood Road sections is the principal recreational open space, including a large play park and two 7-a-side football pitches. The burn also forms the southern edge to this park and good use has been made of this feature. The burn corridor links this space to the main linear park area which itself continues beyond the housing development through the existing housing and on to the A701 (Edinburgh Road). Good pedestrian and cycle links are a feature of this development, into both the existing housing developments at Mauricewood and Belwood, to the future housing site to the north (H16,), and more strategically to Edinburgh Road via the new pedestrian bridge by Breck Terrace along the burn valley.
- 8.14 Two significant green areas extend into the Belwood Road section giving important amenity space and also enhancing the outlook for adjoining properties fronting onto the areas.
- 8.15 Smaller amenity spaces are found throughout the site in the form of public squares and community greens.
- 8.16 With regards to private amenity space, one of the principal concerns of the previous withdrawn planning application (12/00085/DPP) was that a large percentage (over 40%) of the houses had below standard garden sizes. This has now been resolved, along with an overall increase in public open space. There are still a small number of properties with below policy standard garden sizes, however this is restricted to the smaller mid-terraced properties. These properties are located in areas with good access to public open space. It is concluded that in the interest of the urban design of the development, and due to the large areas of accessible open space, this level of reduced garden sizes is acceptable.
- 8.17 Some objections have been raised regarding the "cramming" of units closely to one another and that this is out of character with surrounding developments. It is the case that the detached properties are built close together, and that most properties have integral front garages. Many of the street frontages therefore give the impression of being terraced when they are not. This is the trend for current housing developments and is a reaction to the demand for detached rather than terraced or semi-detached units. It is also recognised that there is national planning advice for the maximising of development on allocated housing land so as to reduce pressures on the release of further green field sites.
- 8.18 With regards to the landscaping of the site, the applicant has provided a landscape masterplan but not a detailed schedule for planting. The masterplan and the site plan show that there will be a strong containment by trees on both road boundaries and on the north west boundary to the

allocated (H16) housing site. Many of the existing trees are in poor health and new planting will be required. The wood lined nature of Mauricewood and Belwood Roads should be preserved and enhanced where possible and this will be achieved through the implementation of planning conditions. A consequence of the water main that runs along the north and north west boundary is the provision of a 3 metre walkway/cycleway above the water main, and to the inside of this the provision of a tree belt. This walkway/cycleway connects Mauricewood and Belwood Roads.

- 8.19 It is anticipated that the adjoining housing site (H16) will provide tree planting which will complement the planting on this site and will create a pleasant wooded setting for the walkway/cycle way. The current layout for the adjoining site already sets this strip aside for planting.
- 8.20 The open spaces are to be large enough to accommodate large growing trees to replace what is being felled without being too close to the proposed dwellings. This is especially important in the 'Linear Park' where there are constraints due to the way-leave associated with the water-main.
- 8.21 The area to the end of Namur Road is presently overgrown and has suffered from some tipping and this area will be cleared and replanted which will be a significant enhancement.
- 8.22 Overall the provision of public and private open space is acceptable and will provide an important resource to not only the occupiers of the development, but those living nearby, via the many pedestrian links to the site.

SUDS and Flooding

- 8.23 The proposed SUDS are principally by means of three retention basins which will handle run-off from the surfaced areas. These will be grassy depressions which will only become water filled during a flood event. They will outflow to the burn. There will be two levels of treatment provided, a requirement for major housing schemes. The first level will be via porous paving materials, and the second level will be in the basins.
- 8.24 The overall SUDS scheme, including pond, swales and porous paving, will ensure that there will be no net detriment to the locality's drainage.
- 8.25 Foul water drainage will be separate and will feed into the main foul water sewage system to the north side of Edinburgh Road.
- 8.26 All three of the basins are on sloping ground and therefore careful contouring of the ground will be required.
- 8.27 SEPA have concerns about potential flooding due to lack of information about the crossings to the burn, and also due to problems reading the topographical survey plan. Concerns have also been expressed by local residents about the high water table and potential flooding issues. Further levels information, details of bridges, and a flood risk assessment have been submitted by the applicants. Further to this SEPA have withdrawn an earlier objection.

Access and Transportation Issues

- 8.28 The principal access to the site is from Mauricewood Road, and will require the construction of a roundabout. This will be offset into the site. A second access is provided from Belwood Road and this will be a standard T-junction. Both will be within 30 mph speed restricted sections of road.
- 8.29 There will be a road linking both accesses, and this may in future be used by a local bus service. It is not a direct route through the site and therefore it would not encourage any “rat-running”. The route is fairly direct as far as the local centre, but then it takes a long and fairly convoluted route through the Belwood Road section.
- 8.30 Historically the development of this site has always required the upgrading of the Mauricewood Road junctions on the A701 and A702 and the Belwood Road junction on the A701. The Belwood Road/A701 junction upgrade has taken place following completion of the Ministry of Defence Housing. The Mauricewood Road junctions will be off site infrastructure requirements that will have to be met by the developer. The costs of these will be achieved through a legal section 75 agreement. Consent has already been granted for the A702 junction, and the consent has been retained by the commencement of works in December 2011. This will be a roundabout junction as per the Transport Scotland approved plans. The A701 junction is expected to be a traffic light controlled junction, and the details of this require to be agreed by the Council’s own roads division prior to the occupation of any dwellings.

Ecology

- 8.31 SNH does not object in principle, however due to the scale of the development and insufficient ecological work to date, a series of requirements will be conditioned. Conditions requiring a site assessment by a suitably qualified ecologist, survey of trees for roosting bats, and avoidance of vegetation clearance during the bird breeding season.
- 8.32 The planning authority has not been presented with any evidence of other wildlife on the site in need of protection.

Developer Contributions

- 8.33 Given that the site was allocated for housing in the 2003 MLP the affordable housing requirement is 5 – 10% which is a minimum of 23 units. The applicant has proposed 24 units which are within the flatted blocks in the Mauricewood Road south section. The delivery of the affordable housing provision will be secured through a Section 75 Legal Agreement.
- 8.34 The development cannot be accommodated without increased primary and secondary educational capacity and, if approved, developer contributions would be required in this regard.

- 8.35 With regards to primary education, a contribution equivalent to an extension of 2 classrooms and for ancillary accommodation at Mauricewood Primary School would be required.
- 8.36 With regards to secondary school education the applicant will be required to contribute towards the consequential cost of any additional secondary school accommodation as part of the Section 75 legal planning agreement.
- 8.37 There is a requirement to provide play facilities for children. As detailed above the applicant proposes to provide an equipped children's play area on site. The delivery of children's play provision can be secured through a condition and a contribution towards its maintenance secured as part of the Section 75 Legal Agreement.
- 8.38 Developer contributions are also required towards community facilities. However, in this instance the developer has proposed a local centre which will incorporate shops, a crèche and other uses appropriate to a local centre. It should be a requirement that these facilities be provided prior to the construction of the 325th dwellinghouse on site. This figure reflects one house more than the number of units originally allocated for this housing site.

Other Matters Raised by Representations not Previously Addressed

- 8.39 There has been some concern expressed regarding the loss of an area of communal amenity space to the rear of Namur Road. This is an area of 0.28 acres which had been allocated as amenity space for the existing housing development. The land was sold to the applicant in 2007 and forms part of their proposed development site. As with any communal open space that is proposed for development, it is necessary to consider its loss or reduction in line with policy RP30. The provision of open space in the site means that the proposed development accords with development plan policies in this regard.
- 8.40 It is not considered that the ground forms a visually important part of the settlement. This would have been assessed in the comprehensive and widely consulted upon work leading to its allocation for housing in the 2003 Local Plan. Whilst it may in the interim period been assessed by some local residents for informal recreation the principle of the ultimate use of the land for housing has been established. The proposals include opportunities for informal recreation through the identification of major areas of readily accessible open space.

9 RECOMMENDATION

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

The site is allocated for housing in the adopted Midlothian Local Plan (2008). The proposed scheme of development by means of its siting, form and design also accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

Subject to the prior signing of a legal agreement to secure the provision of affordable housing and local road improvements, and contributions towards education provision, the maintenance of children's play provision and community facilities.

and the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc Act 2006).*

2. 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, transportation infrastructure etc. 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.*

3. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

4. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space, SUDS features and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;

- iii proposed new planting in communal areas and open space, including trees, hedging, and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied. 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;
- x proposed children's play equipment; and
- xii details of existing and proposed services; water, gas, electric and telephone.

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 the same or 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. 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.*

6. Prior to the occupation of any of the residential units hereby approved the upgrade to the Mauricewood Road/A702 junction shall have been completed, and carried out in accordance with the details approved under planning application 05/00889/FUL, unless otherwise agreed in writing with the planning authority in consultation with Transport Scotland.

Reason for 13: *In the interests of the safety of pedestrians and other road users and to ensure that the standard of junction layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.*

7. Prior to the occupation of any of the residential units hereby approved the upgrade to the Mauricewood Road/A701 junction shall have been completed, and carried out in accordance with details that shall be subject to the prior written approval of the planning authority.

Reason for 13: *In the interests of the safety of pedestrians and other road users and to ensure that the standard of junction layout complies with the current standards and that the safety and free flow of traffic is not diminished.*

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:
- vii proposed car parking arrangements;
- viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
- ix proposed bus stops/lay-bys and other public transport infrastructure;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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 for 13: *In the interests of road safe and visual amenity.*

9. 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.*

10. Prior to the commencement of any construction work on plots 277 to 458, details for the proposed local centre shall be submitted to and approved in writing by the planning authority. The submission will comprise a formal planning application in accordance with Development Management Regulations.

Reason: *To ensure that there are adequate local facilities provided in the area for the increased number of households proposed.*

11. Prior to the construction of the 325th residential unit on the site, work shall commence on the construction of the local centre, in accordance with the details approved under condition 10 above.

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. The siting of any temporary buildings, site cabins/compound and sales offices brought onto the site in association with the development shall be agreed in writing with the local planning authority. Thereafter any such buildings/structures shall be removed in accordance with a timescale to be agreed in writing with the planning authority prior to the siting/formation of the facility. Once the facility has been removed the land shall be returned to a state as agreed in compliance with the hard and soft landscape condition (condition 7).

Reason: *To minimise disturbance to nearby residential properties.*

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Head of Planning and Development

Date: 19 February 2013

Application No: 12/00745/DPP
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Validation Date: 13 November 2012
Contact Person: Kingsley Drinkwater
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Background Papers: 11/00676/PAC and 12/00085/DPP