

APPLICATION FOR PLANNING PERMISSION 14/00499/MSC FOR THE ERECTION OF 10 DWELLINGHOUSES, FORMATION OF ACCESS AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 1, 2, 3 AND 4 OF PLANNING PERMISSION 13/00484/DPP) AT LAND 180M SOUTH EAST OF EDINBURGH COLLEGE, DALHOUSIE ROAD, DALKEITH

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 10 dwellinghouses; formation of two vehicular access roads and associated works (approval of matters specified in conditions 1, 2, 3 and 4 of planning permission 13/00484/DPP) at land 180m south east of Edinburgh College, Dalhousie Road, Dalkeith. There have been no representations received. A consultation response has been received from the Council's Policy and Road Safety Manager. The relevant development plan policies are RP7, RP13, RP20, RP22, RP25, HOUS3 and DP2 of the Midlothian Local Plan. The recommendation is to refuse planning permission.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located adjacent to Dalhousie Road along the southern approach into Eskbank. It is identified in the Local Plan as being within the built up area.**
- 2.2 The site consists of a triangular area of pastoral land in use for grazing horses. A power line runs through the middle of the site. The site of the former Jewel and Esk Valley College bounds the site to the north and is subject to a grant of planning permission for 140 residential units (13/00181/DPP). This permission is being implemented. To the south east, the site is bound by a high stone wall behind which is the woodland known as Kirk Bank Wood. Bank Wood lies within the confines of Newbattle Abbey designed landscape and is also located within Newbattle Conservation Area. Dalhousie Road bounds the site to the west. The levels at the western part of the site are fairly flat with the land falling away from the centre of the site towards the south eastern boundary.**

3 PROPOSAL

- 3.1 The application seeks to discharge the conditions attached to a grant of planning permission in principle for residential development of the site. The details comprise the erection of 10 two-storey, five bedroom detached houses. Five of the houses have integral double garages, four have detached double garages and one has an attached double garage. Planning permission is also sought for the siting of a temporary sales marketing suite.
- 3.2 All of the houses are two-storey with conventional eaves height.
- 3.3 The proposed materials comprise a buff brown split faced reconstituted stone base course, tuscan on magnolia dry dash render walls, dark grey concrete roof tiles, UPVC windows and white UPVC external doors and garage doors.
- 3.4 Two new vehicular access points are proposed off Dalhousie Road along the western boundary of the site.
- 3.7 An underground SUDS tank is proposed at a point on the southern extremity of the site, immediately to the south of plot 10.
- 3.8 The applicant has submitted in support of the application a design and access statement, a badger survey, a site investigation report and a sunlight and daylight analysis.

4 BACKGROUND

- 4.1 Planning permission for residential development, 09/00345/OUT, was granted in July 2010 subject to conditions.
- 4.2 Planning application 13/00484/DPP to removal condition 14 of planning permission 09/00345/OUT was granted in March 2014 subject to securing developer contributions and conditions; condition 14 stated:

14. Before development commences details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, shall be submitted to and approved by the Planning Authority and the completed development shall accord with those details.

Reason: *To ensure this development complies with the on-site carbon emission reduction targets and BREEAM requirements of Policy NRG3 in the Adopted Midlothian Local Plan."*

- 4.3 In granting planning permission to remove condition 14 of planning permission 09/00345/OUT the Planning Authority reviewed the other conditions and granted permission subject to the following conditions:

1. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. 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.*

2. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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 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 and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
 - vii drainage details 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 a report on a walkover survey of the site and its boundaries for badger setts undertaken by a suitably qualified ecologist to identify any badger setts on the site. If badger setts are found no work shall commence within

- 30 metres of the setts until suitable mitigation has been carried out to the approval of the Council in liaison with Scottish Natural Heritage, and any necessary licenses have been issued; and
- xii any trees and shrubs removed from the site shall be done so out with the bird breeding season (March-August inclusive) unless with the prior approval of the Planning Authority. Where any vegetation has to be removed within the bird breeding season it shall be checked for nesting birds prior to clearance. If nesting birds are found it shall not be disturbed or damaged.

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.*

3. Development shall not begin until an application for approval of matters specified in conditions for 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 (construction vehicles associated with the development shall only access and egress the site from the new access off Dalhousie Road via the A7. No construction vehicles shall access the site via Abbey Road or the Eskbank Toll Roundabout);
 - 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; and
 - viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

Prior to the occupation of any dwellinghouse a 2 metre wide cycleway/footway shall be formed from the application site to connect to the 2 metre wide cycleway/footway to be formed along the west boundary of the site of the former Jewel and Esk Valley College, which is subject to planning permission 13/00182/DPP for a residential redevelopment.

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.*

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

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

- 4.4 Application 14/00179/MS for the erection of 10 dwellinghouses; formation of access road and associated works (approval of matters specified in conditions 1, 2, 3 and 4 of planning permission 13/00484/DPP) was withdrawn by the applicant in May 2014.

- 4.5 The current application seeks to discharge the four conditions stated in paragraph 4.3 of the report.
- 4.6 The application has been called to Committee for consideration by Councillor de Vink to enable the Planning Committee to consider the planning merits of the application.

5 CONSULTATIONS

- 5.1 In a consultation response on the original outline planning application 09/00345/OUT both SEPA and Scottish Water raised no objection to the proposed development. Scottish Natural Heritage raised no objection to the application; however they recommended that conditions are imposed on a grant of planning permission to protect natural heritage interests. Historic Scotland recommended that if the site is developed that the mature woodland at Kirk Bank to the east is protected as it forms an important element of the landscape character of Newbattle Abbey designed landscape.
- 5.2 In a consultation response on the previous application 14/00179/MS the Council's Policy & Road Safety Manager raised no objection to the application subject to the following being submitted for the prior approval of the Council/being carried out: (i) The new footway at plot 1 should be extended to tie in with the new footway at the adjacent housing development, thereby providing a continuous pedestrian link from this development to Eskbank; (ii) To reduce the possibility of vehicles reversing onto the main road a vehicle turning area (suitable for a private car) should be provided within the driveway / garden area of plot 10. An AutoTrack or similar computer programme should be submitted showing that this manoeuvre can be achieved within the driveway area; (iii) The redundant field access at plot 10 should be removed and the verge / road kerb reinstated; (iv) A pedestrian crossing point over Dalhousie Road should be formed at a suitable point between the existing road junction to the college and the new junction into the development. The crossing should incorporate a localised road narrowing with dropped kerbs and verge crossings. Details of the proposed location should be submitted for approval; (v) and, (vi) Details of any changes to the existing street lighting along the site frontage to provide adequate light levels for the new footway should be submitted for approval.
- 5.3 The Council's Biodiversity Officer informed that he was content that the proposed development would not have any direct impact on the badgers or the wildlife site highlighted in The Wildlife Information Centre Screening Report and Environmental Health Manager raised no objections in principle to the proposed development subject to any site contamination issues being investigated and addressed prior to any development taking place. Additionally, that depending on the site layout of the detailed application, it is anticipated that acoustic double glazing would be required on living apartment windows overlooking Dalhousie Road in order to mitigate road traffic noise.

- 5.4 The consultation responses were a consideration in determining application 09/00345/OUT, the subsequent amendment application 13/00484/DPP and application 14/00179/MSD prior to its withdrawal. The comments made by consultees are relevant to the current application.

6 REPRESENTATIONS

- 6.1 No letters of representation have been received in respect of this current planning application.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

Midlothian Local Plan

- 7.2 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.
- 7.3 Policy **RP7: Landscape Character** which advises 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.
- 7.4 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.
- 7.5 Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.6 Policy **RP22 Conservation Area** states that within or adjacent to a conservation area, development will not be permitted which would have any adverse effect on its character and appearance.
- 7.7 Policy **RP25 - Nationally Important Gardens and Designed Landscapes** states that development will not be permitted which would harm the character, appearance or setting of a garden or designed landscape which is included in the Inventory of Historic Gardens and Designed Landscapes.

- 7.8 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

Government Guidance:

- 7.9 Policy Statement for Scotland: Designing Places; Designing Streets and Planning Advice Note 67: “Housing Quality”

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The site is located within the built up area of Eskbank where there is a presumption in favour of appropriate development. Furthermore the grant of planning permission 09/00345/OUT and the subsequent amendment application 13/00484/DPP, established the principle of residential development on this site.
- 8.3 In September 2013 planning application, 13/00181/DPP, for the erection of 112 dwellinghouses and 28 flatted dwellings on the adjoining site to the immediate north, which is the site of the former Jewel and Esk Valley College, was granted planning permission. The approved housing scheme is currently under construction. This development was required to have a high quality layout and design to reflect its prominent location at the gateway to Eskbank, adjacent to the landmark building of the new College and its close proximity to the Dalkeith and Newbattle Conservation Areas. The proposed application site is equally prominently positioned and will be viewed in the context of the neighbouring development site and thus should have due regard to it.

Layout, Design and Form

- 8.4 The proposed development is for the erection of 10 large detached houses. Five of the houses have integral double garages, four have detached double garages and one has an attached double garage

- 8.5 The proposed '*hook shaped*' layout does not reflect the adjoining approved layout and would cause an unacceptable loss of amenity to future occupants. Owing to the number of units, their size, positioning and orientation the houses and detached double garages on plots 01-05 (the units in the curve of the hook) would be cramped and awkward relative to each other resulting in poor amenity to future occupants. For example; the outlook from the principal (front) elevation of plot 03 would be obliquely onto a gable wall of the house on plot 02 at a distance of only some 12 metres at the closest point. This circumstance is repeated for plot 04 fronting onto plot 05. This cramped form is exacerbated by the scale of the buildings, the dwellings being large five bedroom properties. Furthermore, the combined hard surface area of the driveways for plots 01, 02, 03, 04 and 05 at the entrance to the site appears unduly harsh adding to the dense urban form of the development.
- 8.6 Plot 01 is 3.8 metres away from the heel of the kerb on the roadside boundary, and given that its side elevation would face onto the road, the house would appear unduly prominent in the street scene and obtrusive from views outwith the site. This unit would distract from the attractive approach into/out of Eskbank along Dalhousie Road. The proposed window openings in the west (roadside) facing gable of this proposed house are not sufficient to mitigate the inappropriate positioning of the house on the site. The siting of this unit disrupts the linear form created by units 06 – 10 and the adjoining development on the former Jewel and Esk College site approved under permission 13/00181/DPP.
- 8.7 The form and design of the proposed buildings; including roof pitches, the proportions of the buildings and some window configurations do not relate well to each other resulting in an imbalance in the buildings design. This imbalance is partially caused by the large square footprint of the houses in relation to the height of the buildings. Moreover the pyramidal roof form would appear incongruous. The buildings do not relate sympathetically to the built form of the houses approved and being constructed on the neighbouring residential development site to the north on the former Jewel and Esk Valley College site.
- 8.8 The proposal for such large five bedroom detached houses and double garages of the number and size proposed has necessitated the positioning of the buildings on the site in the manner proposed. As a result, the houses on plots 04-10 are located on the south eastern part of the site, close to the boundary in close proximity of the mature trees in Kirk Bank Wood which overhang the southeast boundary. The deciduous trees which overhang the southeast boundary are some 16 metres in height and form a dense belt. The shade that they will cause will be more like that of a solid structure. The rear garden of each of these houses is tightly confined between the houses and the overhanging trees. As a consequence, the windows in the rear elevations of these houses and the restricted rear private gardens

would be significantly overshadowed by the trees in the adjoining wood. Consequently the future occupants of those houses would not be afforded adequate residential amenity. There may be a concern that future occupants of the dwellings would want the trees to be cut down if they block too much skylight or daylight. The applicant's agent was informed of this during pre-application discussions and advised that a development of either 10 smaller houses positioned on the western part of the site, which would thus have longer rear gardens; or a development of fewer large houses, could be considered more favourably. In both cases, the houses would be so removed from the south east boundary that neighbouring trees would not cause significant overshadowing.

- 8.9 In support of the application the applicant's agent has submitted a shadow analysis of the proposed development to seek to demonstrate that the proposed houses would not unduly overshadow one another and that the rear gardens shall not be unduly overshadowed and would enjoy good access to sunlight. However, there are fundamental questions over the accuracy of the data used in the analysis. Furthermore, the analysis cannot be accurately tested because of the lack of data provided, including the height and position of the trees in Kirk Bank Wood. Therefore the conclusions drawn in the sunlight analysis are not substantiated by the analysis. Consequently the shadow analysis submitted by the applicant's agent is of very limited value, and is not given credence in this report to Committee.
- 8.10 From the above assessment the conclusion is that the development sought in this application amounts to an overdevelopment of the site contrary to adopted Midlothian Local Plan Policies DP2, HOUS3 and RP20.

Landscaping Issues

- 8.11 On the southern approach to the site along Dalhousie Road from Hardengreen roundabout the road is contained on both sides with high stone roadside boundary walls with woodland behind. At the southern extremity of the application site the woodland opens out.
- 8.12 On the neighbouring former Jewel and Esk Valley College site, with the exception of the two houses on either side of the entrance to that site (plot 45 and 88 of that development), which have a gable wall onto Dalhousie Road, the houses closest to Dalhousie Road are set back from the road with their rear gardens between the houses and the road. The visual impact of these houses will be softened by the two metre wide tree lined landscape strip to be formed between the proposed high roadside boundary stone wall to be erected on the western boundary of these plots and the carriageway of Dalhousie Road. The high stone wall and tree lined landscape strip will provide a strong visual boundary along Dalhousie Road and continue the attractive leafy entrance into Eskbank. The two houses on either side of the access off

Dalhousie Road (plot 45 and 88 of that development) are positioned closer to the road than the other houses. The closer position of these houses to the road is justified as they will be viewed as gateway buildings on what is a long liner roadside frontage. Notwithstanding their positions, the said tree lined landscape strip extends up to the access junction so that it is between both plots 45 and 88 and the carriageway of Dalhousie Road. Sufficient space has been retained between these plots and the adjacent landscape strip for trees to be planted in the landscape strip which will be able to mature and which will not in the future cause nuisance to the future occupants of the houses on these plots which could lead to pressure for them to be felled.

- 8.13 In allocating the site which is the subject of this current planning application within the settlement boundary of Eskbank in the Midlothian Local Plan, the Reporter recommended that the development on the site could be designed so as to have no adverse effect on the residential amenity of any existing or new housing with an appropriate area of structural planting between the development and the road (section 21.16 of the Report of Local Plan Inquiry into objections to the Finalised Midlothian Local Plan refers). In order for such a landscaped area to be effective without causing future problems for the residents then it should take the form of a hedge with a line of trees planted alongside it. As explained above, a tree lined roadside edge will be provided unbroken on the consented neighbouring former Jewel and Esk Valley College site to the immediate north of the application site and it will mirror the tree lined roadside boundary on the other side of Dalhousie Road. However, the proposed development prohibits the formation of a continuous line of trees along the roadside boundary. Insufficient space has been left between the house on plot 01 and the heel of the 2 metre wide footway/cycleway to be provided alongside the road for the planting of a tree(s) next to the gable wall of that house without intruding on the house and the amenity of its future occupants, leading to pressure for the trees to be felled. Similarly, insufficient space has been left between the house on plot 10 and the heel of the 2 metre wide footway/cycleway to be provided alongside the road for the planting of a tree(s) next to that house without intruding on that house and the amenity of its future occupants. Furthermore, the proposed positioning of an underground SUDS tank immediately to the south of the principal vehicular access would prevent the planting of a tree(s) along that part of the roadside boundary.
- 8.14 Consequently, the landscape proposals are not considered to be acceptable as only a fragmented line of trees with low groundcover shrubs is proposed along the roadside edge. Moreover, given the fragmented landscaping, the houses on the northern part of the site; (in particular the dwelling on plot 01) will be exposed in views along Dalhousie Road, exacerbating the obtrusiveness and the cramped appearance of the development.

- 8.15 The site is identified within the settlement boundary of Eskbank in the Midlothian Local Plan. According to the Reporter's findings as noted above (p. 180 - 185, section 21), the site can accommodate development providing that no development takes place within the canopy spread of the trees growing within the woodland along the southeastern boundary of the site (section 21.19) - (the woodland forms part of the Newbattle Abbey Designed Landscape and Newbattle Conservation Area). This requires that no development takes place within the 5 - 6m overhang of the trees. Taking this into account the house and garage on plot 10 and the garage on plot 04 are too close to the trees in the neighbouring woodland. Additionally, the proposed levels plan submitted with the application delineates engineering works to heighten the ground level on the east side of plots 05, 06, 07 and 08. This would be under the canopy spread of the trees growing within the woodland. Furthermore, the proposed indicative drainage layout plan delineates the formation of a proposed storm sewer along the eastern part of plots 05, 06, 07, 08, 09, 10 and a subsurface attenuation feature on the southern extremity of the site, all of which would be under the canopy spread of the trees growing within the woodland. The engineering and installation of the drainage system would damage the roots of the overhanging trees, resulting in the loss of these trees.
- 8.16 Owing to the fact that the ground slopes away from the road there is a concern that the levels of the site will have to be increased significantly, leading to some of the proposed houses sitting within the crown of the trees in the neighbouring wood. The applicant's agent has submitted section drawings across the site which show the site levels raised underneath the crown spread of trees in Kirk Bank Wood, which could result in the future loss of these trees.
- 8.17 For all of the above reasons the proposed development is not acceptable in landscape terms and would neither preserve or enhance; but instead, would harm the landscape character and appearance of the area including Newbattle Abbey Designed Landscape and Newbattle Conservation Area, contrary to adopted Midlothian Local Plan Policies RP7, RP22 and RP25.

Transportation

- 8.18 The existing road infrastructure is of a standard to accommodate the increase in traffic generated by the proposed development. The Council's Policy and Road Safety Manager makes a number of recommended controls which are: (i) The new footway at plot 1 should be extended to tie in with the new footway at the adjacent housing development, thereby providing a continuous pedestrian link from this development to Eskbank; (ii) To reduce the possibility of vehicles reversing onto the main road a vehicle turning area (suitable for a private car) should be provided within the driveway / garden area of plot 10. An AutoTrack or similar computer programme should be submitted showing that this manoeuvre can be achieved within the

driveway area; (iii) The redundant field access at plot 10 should be removed and the verge / road kerb reinstated; (iv) A pedestrian crossing point over Dalhousie Road should be formed at a suitable point between the existing road junction to the college and the new junction into the development. The crossing should incorporate a localised road narrowing with dropped kerbs and verge crossings. Details of the proposed location should be submitted for approval; and, (vi) Details of any changes to the existing street lighting along the site frontage to provide adequate light levels for the new footway should be submitted for approval. These transportation requirements for a residential development on the site are controlled by conditions 2 and 3 of planning permission 13/00484/DPP. The currently submitted scheme of development does not incorporate these transportation requirements.

Matters Raised in Planning Supporting Statement

- 8.19 In their supporting statement submitted with the application, the applicant makes reference to other approaches into the settlements of Eskbank and Dalkeith where there are different building lines next to roadside boundaries and different roadside boundary treatments and landscaping. These other existing approaches to the settlements cannot be considered as setting a precedent for the application site. Furthermore, it adds to the visual interest of settlements that the different approaches into a settlement are of a different character. The planning authority; in assessing the appearance of the development from Dalhousie Road and the suitability of the development on this prominent entrance to Eskbank and Dalkeith has given due consideration to the site specific circumstances; in particular the established character of this part of Eskbank including the approved development currently under construction on the neighbouring former Jewel and Esk Valley College site to the north.

Pre-Application Discussions

- 8.20 The proposed scheme of development sought in this planning application is similar to a scheme of development submitted to the planning authority for comments in July 2013 and again in February 2014. During these pre-application discussions the applicant was advised that the size of the houses and garages proposed and their positioning on the site, their architectural form and style and the landscape design of that proposed development did not respect the character and amenity of the area including that of the neighbouring approved development on the former Jewel and Esk Valley College site. Thereby, such a scheme of development could not be supported. The applicant was advised that a scheme of up to 10 smaller houses positioned toward the western part of the site and arranged in a row along with houses fronting onto Dalhousie Road incorporating an unbroken roadside landscape strip planted with a continuous line of trees would be more appropriate. The planning authority advised that such a layout would respect the neighbouring development on the

former Jewel and Esk Valley College site, would have a strong roadside frontage and the houses would benefit from adequate residential amenity. Therefore the planning authority could consider such a proposed development more favourably. However, the applicant declined to submit such an amended scheme of development. Therefore, the scheme of development proposed in this current planning application stands to be determined as submitted.

Procedures

- 8.21 The principle of development has been granted by application 09/00345/OUT and 13/00484/DPP. The current application is a Matters Specified in Conditions application (MSC) submitted for the approval of the details of the scheme. A MSC application can be either granted permission or refused. It cannot be granted subject to further planning conditions; as the expectation on the applicant is that all the appropriate details are submitted prior to determination.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be refused for the following reasons:

1. The proposed development is incongruous to its setting, owing to the number of proposed dwellings, their size, proportions, positioning, orientation, architectural form and style and the absence of a continuous row of trees along the roadside boundary. The proposed development would not be sympathetic to the neighbouring housing development to the immediate north at the former Jewel and Esk Valley College site; but instead, would be a cramped and unsympathetic development that would amount to an overdevelopment of the site, detracting from the established character and visual amenity of the area. The proposed development is contrary to policies RP7, RP20, HOUS3 and DP2 of the Midlothian Local Plan and also contrary to the Scottish Government's Policy Statements in Designing Places and Designing Streets as well as Planning Advice Note 67: "Housing Quality".
2. Owing to their size and positioning the proposed house and garage on plot 10, the garage on plot 04, the engineering works to heighten levels on plots 05, 06, 07 and 08, the formation of the proposed storm sewer near to the eastern boundary of plots 05, 06, 07, 08, 09, 10 together with the formation of the subsurface attenuation feature on the southern extremity of the site would all result in harm to, and potentially the loss of, overhanging trees within the Bank Wood. Thereby the proposed development would have a harmful effect on the landscape character and appearance of Newbattle Abbey Designed Landscape and Newbattle Conservation Area, contrary to adopted Midlothian Local Plan Policies RP7, RP22 and RP25.

3. As a consequence of the number of proposed dwellings and the size and positioning of the houses on plots 03-10, the rear elevation windows and the rear private gardens of those said properties would be significantly overshadowed by the mature, densely planted trees in Bank Wood which overhang the south east boundary of the site. Therefore the future occupants of those houses would not be afforded adequate residential amenity.
4. The transportation information required to be submitted by conditions 2 and 3 of planning permission 13/00484/DPP has not been submitted and as such cannot be approved. The regulations require the applicant to submit the appropriate details prior to the determination of a matters specified in condition application.

Ian Johnson
Head of Communities and Economy

Date: 19 August 2014

Application No:	14/00179/MSC (Available online)
Applicant:	Mr Arthur Mann, Miller Homes, Miller House, 2 Lochside View, Edinburgh Park, Edinburgh, EH12 9DH
Agent:	Bob Salter, Geddes Consulting, The Quadrant, 17 Bernard Street, Edinburgh, EH6 6PW
Validation Date:	1st July 2014
Contact Person:	Adam Thomson
Tel No:	0131 271 3346
Background Papers:	09/00345/OUT, 13/00463/PREAPP & 14/00179/MSC