



Midlothian

**APPLICATION FOR DETAILED PLANNING PERMISSION 19/00648/DPP
FOR THE ERECTION OF THREE DWELLINGHOUSES; FORMATION OF
ACCESS AND ASSOCIATED WORKS AT LAND ADJACENT TO 94
EDMONSTONE ROAD, DANDERHALL**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of three dwellinghouses on land adjacent to 94 Edmonstone Road, Danderhall. There have been no representations and consultation responses from the Council's Archaeology Advisor and the Council's Policy and Road Safety Manager.**
- 1.2 The relevant development plan policies are STRAT2, DEV2, DEV5, DEV6, DEV7, IT1, TRAN5, ENV11, ENV24, ENV25, IMP1 and IMP2 of the Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary infrastructure.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is located to the east of the residential properties at 94 Edmonstone Road, Danderhall. The application site comprises a parcel of relatively flat land measuring approximately 0.2ha in area. The application site is currently overgrown with shrubs and self-seeded trees. There are some small outbuildings located within the northern part of the site.**
- 2.2 There is a natural stone boundary wall to the front of the application site, which fronts Edmonstone Road, and suggests that the site once formed part of the garden of the main house at 94 Edmonstone Road. This house is a large, three storey, traditional villa which has been extensively extended to the rear and subdivided over the years into three dwellings.**
- 2.3 To the north of the site is land which was previously farmland and forms part of the Shawfair development area (allocated site h44, North Danderhall). The eastern boundary is partly defined by a brick wall and**

planting. To the east of the site is an area that was formerly playing fields that will form the car park associated with the new Danderhall Primary School, which is currently being constructed (planning application 18/00735/DPP). Beyond this is Danderhall Bowling Club.

- 2.4 On the opposite side of Edmonstone Road, to the south, and to the west are residential properties. The surrounding residential properties within the area are a mix of single and two story buildings of various design styles and material finishes.

3 PROPOSAL

- 3.1 Planning permission is sought for the erection of three dwellinghouses. A similar proposal was granted planning permission in 2011 but was not implemented.
- 3.2 The dwellings are to be set back to the rear of the site and arranged around a parking courtyard. The two dwellings set furthest back to the rear of the site are two storeys in height and are attached via a single storey double bay garage which looks to serve one of the dwellings. The third house is a single storey dwelling with living accommodation afforded in the roof space; this dwelling faces, at a slightly offset angle, onto the other two dwellings. At the eastern boundary, in-between the single storey and one of the two storey dwellings, are two single storey double bay garages which will serve two of the dwellings.
- 3.3 The two storey dwellinghouses have pitched roofs measuring some 5.1 metres to the eaves and 8.9 metres to the ridge. Each two storey house will comprise of five bedrooms, one en-suite, two bathrooms, utility room, kitchen and living room. There is an enclosed area of private garden ground to the rear of each dwelling. The single storey dwellinghouse has a pitch roof measuring some 2.7 metres to the eaves and 6.6 metres to the ridge. The single storey dwelling comprises of four bedrooms, one en-suite, two bathrooms, utility room, kitchen and living room. There is an enclosed area of private garden ground to the rear of this dwelling that backs onto Edmonstone Road. The associated double bay garages are approximately 6 metres by 6.3 metres and measure some 5.3 metres to the ridge.
- 3.4 All three dwellings and associated garages are of a traditional style with pitched roofs. Details of the external finishes have not been specified on the submitted plans, however, the submitted elevation plans and site sections are illustrated to show that the dwellings and garages are finished in a combination of render and stone with a slate or tiled roof with dark brown framed windows and doors within the dwellings and green double garage doors.
- 3.5 Vehicle access to the site is to be taken directly from Edmonstone Road through a gap which is to be formed within the existing stone boundary wall. There is an existing bus stop and shelter located at the

front of the proposed entrance which will be required to be removed and re-located.

4 BACKGROUND

- 4.1 In 2001 a planning permission in principle application, 00/00374/OUT, for a residential development was refused by Committee for the following reasons:
1. *In the Villages and Rural Area local plan, the application site is shown as part of housing site B. Access to the main part of housing site B is by means of the application site. Development of the application site on its own is likely to prejudice the successful development of the remainder of housing site B.*
 2. *In the finalised Shawfair local plan Danderhall North is one of the three areas proposed for residential development. Danderhall North is immediately to the north of the application site. The location of vehicle and pedestrian access to Danderhall North has not yet been determined. It is likely that the application site could provide a convenient and attractive vehicle or pedestrian access to Danderhall North, in which case its development at the present time is premature and may prejudice the provision of such access.*
- 4.2 In 2011 planning application 08/00708/FUL, for the erection of three dwellinghouses and associated works including creation of access, was granted planning permission subject to conditions and a planning obligation to secure developer contributions and the relocation of the bus stop. This consent has not been implemented.
- 4.3 The current application has been called to Planning Committee for consideration by Councillor Curran because of concerns that the development could have a potential detrimental impact on Danderhall Miners Club.

5 CONSULTATIONS

- 5.1 The Council's **Archaeology Advisor** noted that the application site lies within the grounds of the former 17th century Woolmet House, which is now demolished. Other archaeological sites are recorded in the wider landscape, including the cropmark remains of a fort. The proposed development site lies within an area of archaeological potential and may contain previously unknown buried remains relating to the former Woolmet House and grounds, Woolmet Farmstead, and other remains dating from the prehistoric period onwards. The application site has potential archaeological significance and therefore there is a requirement for a programme of archaeological works (desk-based assessment and trial trench evaluation) to be carried out to record the historical remains and to determine whether the development will disturb any buried archaeological deposits.

- 5.2 The Council's **Policy and Road Safety Manager** does not object to the application and did not raise any concerns in terms of parking or road safety.

6 REPRESENTATIONS

- 6.1 No representations have been received.

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 Development Plan 2017 (MLDP). The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **STRAT2: Windfall Housing Sites** supports housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.3 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.4 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.5 Policy **DEV6: Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet set criteria.
- 7.6 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.7 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.8 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.

- 7.9 Policy **ENV11: 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 (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.10 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.11 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.12 Policies **IMP1: New Development and IMP2: Essential Infrastructure Required to Enable New Development to Take Place** require the developer to deliver, or contribute to, the required infrastructure to mitigate the impact of the development.

National Policy

- 7.13 The **SPP** (Scottish Planning Policy) sets out Government guidance for housing. 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.
- 7.14 The **SPP** encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.15 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places.

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 consultation responses received are material considerations.

Principle of Development

- 8.2 As the planning application relates to a non-allocated housing site the development proposal must comply with the terms of policy STRAT2 of the adopted local development plan. Policy STRAT2 states that housing developments on non-allocated sites can be permitted where they satisfy a number of criteria. Policies IMP1 and IMP2 of the adopted local development plan seek contributions towards essential infrastructure, environmental and community facility requirements.
- 8.3 The application site is identified in the adopted MLDP as being located within the built-up area of Danderhall. As such the site is not inherently unsuitable for residential development and the consultations carried out have not highlighted any overriding reasons as to why the site could not be developed for residential purposes. Furthermore, planning permission was previously granted in 2011 for a similar residential development. Generally, it is considered that a residential use of the site is compatible with the character of the area.
- 8.4 The principal planning issues relate to the assessment of the appropriateness of the scale, mass and proportions of the development, the elevation design, material finish, layout, amenity space, access and parking, impact on local amenity. With regards to the application consideration must also be given to the possibility of significant archaeological interest within the site.

Site Layout, Amenity and Design

- 8.5 The policy DP2 Development Guidelines, from the now superseded 2008 Midlothian Local Plan, set out the development guidelines that are to be applied for residential developments. The policy set the standards that should be applied when considering applications for dwellings. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance (SG) on Quality of Place which is currently being drafted.
- 8.6 Care and consideration has been taken to design an attractive residential development arranged around a parking courtyard which respects the setting and the buildings within the local area. The dwellings are set back into the plot to ensure that the views of the attractive neighbouring dwellings at 94 Edmonstone Road, are retained. This also ensures the proposed dwellings do not visually detract from the street scene.
- 8.7 The proposed development is for three dwellinghouses over the 0.2 hectare site which creates a low density development. The layout consists of a single vehicle access (cul de-sac) running into the site from Edmonstone Road with three dwellings arranged around a parking court yard area. The proposed parking courtyard area to the

front of the dwellings will provide each dwelling with two parking spaces located to the front of each property. Together, the orientation of buildings around the parking courtyard, the layout and the relationship between the buildings both proposed and existing, creates a development which is compatible with its surroundings and provides good amenity.

- 8.8 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so.
- 8.9 The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. Each of the proposed dwellings exceed the private open space required.
- 8.10 The requirements with regard to spaces between houses may vary on the type of houses and the nature of the sites. Certain minimum standards must be observed as follows (i) back to back distances, whether between single storey or two storey houses, of 25 metres; (ii) between gable and rear of such property 16 metres; and (iii) between front elevations 22 metres. The development does not comply with the standards set out for distances between the fronts of the proposed houses. However, the private garden ground for the dwellings far exceeds the minimum standards and the courtyard layout creates a pleasant space which will add to the amenity for future residents makes up for the failure to comply with the minimum front to front distance.
- 8.11 With regards to existing properties, there is some 6.8 metres between the gable end of 94 Edmonstone Road and one of the two storey dwellings; there are no windows proposed within the gable end of the application dwelling. It is considered that this is an adequate separation between the gable ends of the existing and proposed dwelling. The proposal does not raise overlooking concerns nor will the development have an adverse impact upon the outlook of the neighbouring properties due to the siting, scale and design of the development proposal. Overall, it is considered that the residential development is configured so as to mitigate against overlooking, loss of privacy and a sense of overbearing on neighbours, both proposed and existing.

- 8.12 Danderhall Bowling Club is approximately 70 metres east of the application site. In between the application site and Danderhall Bowling Club will be the car park associated with the new Danderhall Primary School, which is currently being constructed (planning application 18/00735/DPP). It is unlikely that the social activities linked to the bowling club will have a significant impact upon the amenity of the proposed residential development due to the separation distance.
- 8.13 The architectural styles of the houses are relatively traditional in form (square/rectangular single and two storey buildings with pitched roofs) and complement the character of the area. As previously noted, details of the external finishes have not been specified on the submitted plans, however, the submitted elevation plans and site sections are illustrated to show that the dwellings and garages are finished in a combination of render and stone with a slate or tiled roof with dark brown framed windows and doors within the dwellings and green double garage doors. In principle, the proposed materials suggested are compatible with the surrounding area and are acceptable. However, in order to confirm the external finishes of the buildings and ensure that they complementary to each other and appropriate to the character of the area, it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the planning authority.
- 8.14 The majority of the existing southern stone boundary wall is to be retained; a vehicle opening is to be formed within the wall. Details of boundary treatments to the north, east and west of the application site have not been detailed within the application submission, but can be covered by a condition on a grant of planning permission.
- 8.15 The development as a whole provides good levels of amenity to future occupants, has a considered layout and design which links to the local area.

Landscaping

- 8.16 Limited details have been provided in relation to landscaping. A condition will be attached on a grant of planning permission requiring landscaping details to be submitted to the planning authority so as to ensure that the landscaping is of a high quality that complements and enhances the development proposal.

Access and Transportation Issues

- 8.17 A new vehicle access is to be taken from Edmonstone Road. This is an appropriate place to access the site. The proposed development provides a total of six off-street car parking spaces as well as each dwelling being provided with a double bay garage. This level of parking provision does not fully comply with the Council's standards (it does not provide formal visitor spaces). The Council's Policy and Road Safety

Manager offered no objection and did not raise any concerns in terms of parking or road safety.

- 8.18 As a result of creating an access into the site from Edmonstone Road, the existing bus stop and shelter will need to be relocated. The replacement of the existing bus stop and shelter can be secured by conditions on a grant of planning permission.
- 8.19 No details have been provided with regards to electric vehicle charging point provision. Each dwelling with a garage or private driveway is expected to have a dedicated vehicle charging point – the Council's aspirations in this regard can be secured by a condition on a grant of planning permission.
- 8.20 There are bus stops located within close proximity to the site on Edmonstone Road, where Prentice Coaches provides a bus, Monday to Saturday, (no.111 connecting the site to the Royal Infirmary and East Lothian).

Archaeology

- 8.21 The Council's Archaeology Advisor has recommended that survey work and a desk-based assessment and trial trench evaluation are carried out. The controls identified by the Council's Archaeology Advisor can be secured by condition.

Developer Contributions

- 8.22 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
 - necessary to make the proposed development acceptable in planning terms (paragraph 15);
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);
 - fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
 - be reasonable in all other respects.
- 8.23 The Council's existing guidance states that contributions in relation to developments of 3-9 dwellings will be sought, but that there will be an exemption from contributions for the first two units. In this instance, which is a three unit development, contributions will be sought from one of the units.

- 8.24 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Section 75 planning obligation in respect of the following matters:
- a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards public transport/Borders Rail; and
 - a financial contribution towards improvements to Sheriffhall roundabout.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The proposed development accords with the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form and design is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.

Subject to:

- i) The prior signing of a legal agreement to secure:
 - a contribution towards education provision;
 - a contribution towards community facilities;
 - a contribution towards Borders Rail/public transport; and
 - a contribution towards improvements to Sheriffhall roundabout.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

Subject to the following conditions:

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. 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, rain gardens, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas as well as root protection measures;

- iv. location and design of any proposed walls, fences and gates, including retaining walls and 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;
- 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); and
- x. 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 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 DEV2, DEV6 and DEV7 of the adopted 2017 Midlothian Local Development Plan and national planning guidance and advice.

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 DEV2 and DEV6 of the adopted 2017 Midlothian Local Development Plan and national planning guidance and advice.

5. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy DEV5 of the Adopted 2017 Midlothian Local Development Plan.

6. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: To ensure the development accords with the requirements of policy TRAN5 of the Adopted 2017 Midlothian Local Development Plan.

7. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Adopted 2017 Midlothian Local Development Plan.

8. No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological (desk-based assessment and trial trench evaluation) work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the adopted Midlothian Local Development Plan.

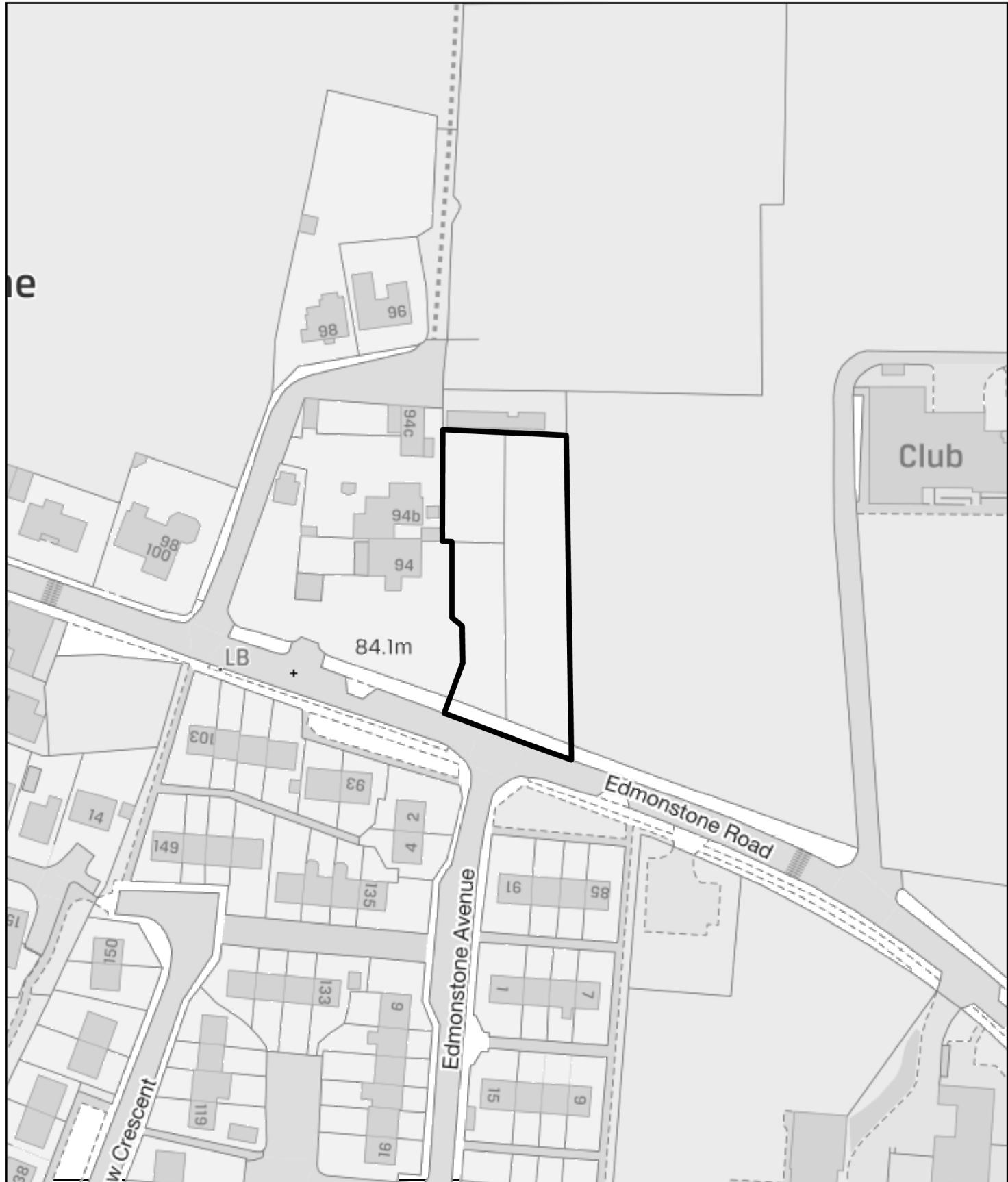
9. Unless otherwise agreed in writing by the planning authority, prior to the commencement of development the existing bus stop, located at the proposed vehicular access on drawing no. 07011 (00) 001 B, shall be removed.
10. Prior to the bus stop referred to in condition 9 being removed a replacement bus stop, including a shelter and associated works, shall be provided (constructed and operational) in a position to be agreed in writing by the planning authority.

Reason for conditions 9 and 10: To ensure that the existing bus stop and shelter are replaced prior to the removal of the existing bus stop and shelter, so as to ensure that the development proposal does not result in the loss of public transport facilities and comply with policy IMP1.

Dr Mary Smith
Director of Education Communities and Economy

Date: 8 November 2019

Application No: 19/00648/DPP
Applicant: Mr Sean Lynch
Agent: Andrew McCafferty
Validation Date: 12 August 2019
Contact Person: Whitney Lindsay
Tel No: 0131 271 3315
Background Papers: 08/00708/FUL and 00/00374/OUT



Midlothian

Education, Economy

& Communities
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of 3 dwellinghouses; formation of access and associated works at Land adjacent to 94 Edmonstone Road, Danderhall

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationery Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2019)

File No. 19/00648/DPP

Scale: 1:1,250

N