



**APPLICATION FOR PLANNING PERMISSION 16/00134/DPP FOR THE
ERECTION OF 179 DWELLINGHOUSES AND 20 FLATTED DWELLINGS,
FORMATION OF ACCESS ROAD AND CAR PARKING AND ASSOCIATED
WORKS AT LAND NORTH OF OAK PLACE, MAYFIELD**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 179 houses and 20 flatted dwellings, the formation of an associated access road and a sustainable urban drainage system (SUDS) on land north of Oak Place, Mayfield. There have been 8 representations and consultation responses from the Scottish Environment Protection Agency (SEPA), the Council's Archaeology Advisor, the Council's Policy and Road Safety Manager, the Council's Head of Education, the Council's Construction Services Housing Manager and the Mayfield and Easthouses Community Council.
- 1.2** The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.
- 1.3** The recommendation is to refuse planning permission.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is approximately 8.3 hectares of agricultural land and forms part of Lawfield Farm. The site slopes upwards from the south west to the north east. There are open views from the site westwards towards the Pentland Hills and the north west of Edinburgh. Much of the character of the site comes from its agricultural setting with existing farms and rolling countryside to the north and east. The site comprises allocated housing site h41, North Mayfield, with an indicative capacity of 63 dwellings. The site was original allocated in the 2003 Midlothian Local Plan.
- 2.2** To the south is a linear area of grassed open space with two-storey houses in Oak Place beyond. Allocated housing site h48, which is the vacant site of the former Bryans Primary School, bounds the site to the

south west. Right of Way (ROW 5-9) with agricultural land beyond, bounds the site to the northwest.

- 2.3 An existing core path (core path 5-11) dissects the site from the north east to the south west and is accessed from the junction of D'Arcy Road and D'Arcy Terrace in the south and Lawfield in the north.
- 2.4 The existing housing in the surrounding area comprises predominantly traditional post war, two-storey terraced and semi detached houses. The character of the area comprises houses fronting onto streets with small front and rear gardens and either fenced or hedged boundaries. The majority of the buildings are characterised by various forms of rendered and brickwork wall finish.

3 PROPOSAL

- 3.1 The proposed development comprises:
 - (i) the erection of 179 two-storey houses;
 - (ii) the erection of a linked row of cottage flats comprising a total of 20 flats;
 - (iii) the formation of a vehicular access off Oak Place and across the linear area of grassed open space to the south; and,
 - (iv) the formation of a SUDS basin in the south western corner of the site.
- 3.2 The proposal comprises 89 detached houses, 26 semi-detached houses, 64 terraced houses and 20 flats.
- 3.3 Twelve different house types are proposed and two flatted types. There are 20 two bed units, 97 three bed units and 82 four bed units.
- 3.4 All of the proposed houses and the proposed flatted buildings are two-storey and have pitched roofs.
- 3.5 The applicant proposes on-site affordable housing, but has not confirmed which plots are to be affordable. The planning statement submitted with the application states that the site requirement under the 2003 Midlothian Local Plan, when the site was allocated, was for 5-10%, which they are applying to the first 63 units of the site. The balance of the site is subject to a 25% on-site requirement.
- 3.6 A new vehicular access is proposed off Oak Place to the south. The section of the existing core path that bisects the site (core path 5-11) is to be retained as a pedestrian route. It is to be upgraded to a surfaced and lit footpath from D'Arcy Road/D'Arcy Terrace to Lawfield.
- 3.7 Materials specified for use within the site include renders, dark grey roof tiles and reconstituted stone detailing. No materials have been specified for the internal roads, mixer courts, parking courts and layby

parking and details of the percent for art requirement have been submitted.

- 3.8 A planning statement, design and access statement, drainage strategy, transport statement, housing land assessment, landscape appraisal, archaeological written scheme of investigation, ecology report and pre-application consultation (PAC) report have been submitted with the application.
- 3.9 The drainage strategy accompanying the application informs that the drainage design has been based on all foul water discharge from the site connecting to the existing combined sewerage system in Conifer Road. A hydro-brake is proposed to control the rate of surface water discharge into the existing combined sewerage system in Conifer Road. Two levels of SUDS treatment is proposed; which is: (i) gravel filter trenches at the rear of the adopted footways and private parking areas and driveways, which will provide initial source treatment of the roads run-off; and, (ii) a SUDS retention basin in the western corner of the site to provide attenuation. Any existing land drainage encountered during the course of the works will be fully grouted to ensure no ground water passes below the buildings or roads/car park areas on the site. Where this cannot be resolved by grouting, water will be re-routed around the infrastructure affected in a manner which helps to maintain the previous drainage characteristics of the site. The SEPA Flood Map indicates that the site is not in an area at risk of flooding from rivers.

4 BACKGROUND

- 4.1 The applicants carried out a pre-application consultation (13/00522/PAC) for a residential development in July, August and September 2013.
- 4.2 Subsequent to the application being registered on 4 March 2016, the applicant submitted a revised site layout plan that is significantly different to the originally submitted site layout and section drawings delineating the substantial raising in levels across the site to facilitate the proposed development. The applicants were also proposing to change the number of units on the site. The applicant was advised by the Planning Authority that the proposed amendments could not be made as part of the determination of the existing application; but instead, a revised planning application is required to be submitted for the revised scheme. The reason for this decision is that the amendments would result in a substantial change in the description and layout of the development. Therefore another application is required to take forward the variation which would give interested parties an opportunity to make representation. This position is in line with statutory requirements of *Circular 4/2009: Development Management Procedures*. The applicant has declined to submit a new planning application for the revised scheme. Therefore, the application stands to be determined on the basis of the originally submitted scheme of development, including the original proposed development

layout. The local community, residents and consultees were neighbour notified and consulted on the original submission.

- 4.3 The linear area of grassed open space to the south is part of a larger area of land for which planning permission 08/00175/FUL was granted in February 2009 for the erection of 49 houses and 48 flatted dwellings. However this development has not been implemented and the planning permission has expired.

5 CONSULTATIONS

- 5.1 The **Scottish Environment Protection Agency (SEPA)** does not object to the application. However, they advise that surface water quality issues and appropriate mitigation measures are conditioned and agreed with the Council prior to construction on site.
- 5.2 An initial desk-based appraisal of the site was undertaken in order to examine the possible implications on the historic environment from the proposed development. As a result of this study the **Council's Archaeology Advisor** confirms that there is a requirement for a programme of archaeology works (Evaluation) to mitigate the impact of the proposed development upon the historic environment. This should comprise a field evaluation by trial trenching which should be reported upon initially through a Date Structure Report (DSR) submitted to the archaeology advisor. The area to be investigated by trial trench evaluation should be no less than 10% of the total site area.
- 5.3 The Council's **Policy & Road Safety Manager** raises concerns and recommends the following changes to the proposed development:
1. The applicant has not demonstrated the Council's parking standards have been met.
 2. A 4.5m by 70m visibility splay should be provided at the proposed vehicle access onto Oak Place.
 3. The existing 2m wide grass verge on Oak Place, between the proposed site access and the existing footway at D'Arcy Road, should be replaced with a 2m wide public footway.
 4. The existing 2m wide grass verge on Oak Place, between the proposed site access and the existing bus stop, should be replaced with a 2m wide public footway.
 5. The existing (southbound) 3 bay bus shelter on Oak Place should be upgraded to a 5 bay shelter to accommodate the additional number of passengers the new housing will generate.
 6. The existing (northbound) bus stop should have a new 5 bay bus shelter installed to accommodate the additional number of passengers the new housing will generate.

7. A plan should be provided showing the residential and visitor parking spaces. Parking should be provided to meet current Council standards which are based on the number of bedrooms.
8. An AutoTrack or similar computer programme showing the swept path of an HGV driving round the internal road network should be submitted for consideration.
9. The proposed internal access road is shown as finishing at the western boundary of the site. This would place it adjacent to the cycleway/footpath to be provided as part of the Lawfield Steading development. This section of internal road should be closed off with only a 3m wide pedestrian/cycle access provided over the last 5m section.
10. All flats which do not have access to a private rear garden will require secure, covered, residential, lockable cycle parking facilities. These are best placed within the building but could also be sited in secure locations within the site which are overlooked by the properties they are designed to serve.
11. Details of the location of the bin stores for the flats and their HGV access should be shown on the layout. If the bin stores are to be located within the rear parking area then a HGV turning head will be required within the parking area.
12. A 3m wide cycleway/footpath should be provided from the south west corner of the site, running along the northern edge of the adjacent Council owned site to provide a walking/cycling link to Conifer Road. This route would provide the main active travel route to Lawfield Primary School.
13. The proposed footpath across the landscaped area on the southern edge of the site should be aligned to join with the existing pedestrian link leading down to Oak Place.
14. Details of the proposed SUDs basin should be submitted for consideration with cross sections through the basin showing the land form and gradients on each side of the basin. Vehicle access to the basin will be required for maintenance.

5.4 The **Head of Education** advises that the proposed development of 199 dwellings could be expected to generate the following number of pupils:

Primary	47
Secondary	60

5.5 The site for this development lies within the following school catchment areas:

Non-denominational primary	Lawfield Primary School
Denominational primary	St Luke's RC Primary School
Non-denominational secondary	Newbattle Community High School
Denominational secondary	St David's RC High School

- 5.6 **Primary Non-denominational** provision for the Easthouses/Mayfield area is within the catchment of Lawfield Primary School, which has insufficient spare capacity to accommodate this development. A contribution will be required towards the cost of providing additional capacity. The erection of 199 units is significantly more than the indicative site capacity of 63 units, and would create a need to provide more primary capacity than planned in the extension of Lawfield Primary School. Currently Education has no solution for the provision of this additional capacity and cannot therefore support approval of the application.
- 5.7 **Primary Denominational** provision will be at St Luke's RC Primary School, which has insufficient spare capacity for this development and additional primary capacity will be required. A contribution will be required towards the cost of additional capacity.
- 5.8 **Secondary Non-Denominational** provision will be at Newbattle High School. A significant amount of new housing has already been allocated to Newbattle High School and additional secondary capacity will be required. A developer contribution will be required towards the cost of any additional provision.
- 5.9 With regard to **Secondary Denominational** provision a contribution towards St David's High School, Dalkeith is required.
- 5.10 The **Council's Construction Services Housing Manager** requests that if planning permission is granted then the Planning Authority should ensure that ground drainage is contained within the application site and does not spill onto the neighbouring land of the former Bryans Primary School (allocated housing site H48), which the Council have title to. The concern is that the Council should not be responsible for dealing with ground drainage from the application site.
- 5.11 **Mayfield and Easthouses Community Council** raise the following concerns:
- the increase in population of Mayfield as a result of the development combined with other developments in the area will have a negative impact on the area and would bring no significant benefits to the community in Mayfield;
 - the site is very visible from long distances and the layout does not avoid the higher parts of the site;
 - the use of 3 storey apartment blocks will be highly visible making the development look ugly;
 - there is no spare education capacity for this site within the school catchment area;
 - no increased/improved infrastructure or service provision is being proposed by the applicant to meet the probable demand generated by the proposed development. The strain on local infrastructure and services as a result of the proposed development will be exacerbated by the development of other housing sites in the area including at the former Bryans Primary School site, which is likely to

be developed with substantially more residential units than the indicative number it was allocated for in the local plan;

- there is presently no capacity within the GP surgeries, which are not accepting new residents of Mayfield;
- other than education contributions the applicant will make minimal financial contribution or will avoid making any financial contribution toward essential infrastructure deficiencies and deficiencies in local facilities and amenities, including investment in town centre regeneration;
- the proposed houses would be occupied by people who will commute to work in Edinburgh and who will not use local amenities and services and thus will not be integrated into the local community; and
- the landowner's return on investment and share of developer profit will be substantially more than it would have been if the site was developed for 63 units as it is indicatively allocated for in the 2003 Midlothian Local Plan.

6 REPRESENTATIONS

6.1 There have been 8 representations received, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:

- insufficient infrastructure to cope with the number of houses proposed including the road infrastructure, schools, doctor and dental surgeries and bus service;
- loss of/harm to biodiversity;
- there is already a lack of amenities, facilities and infrastructure within the Mayfield area;
- noise nuisance from construction activity and from traffic;
- the location of the site access should be moved to make space for a parking area for Finlay Place;
- concerns about pollution;
- road and pedestrian safety concerns;
- the existing road infrastructure is not of a standard to cope with the increase in use of it resulting from the development;
- during periods of construction there would be traffic congestion;
- during periods of construction residents of dwellings in Oak Place who would usually park their vehicles on Oak Place would no longer be able to do so; but instead they would have to park elsewhere on roads within the existing housing development resulting in parking congestion;
- during bad weather future residents of the proposed houses would park on Oak Place;
- the land comprising the site may be unstable/unsafe owing to old mine workings in the area;
- loss of trees;
- concern about flooding to neighbouring properties as a result of rain run-off from the site;
- deer who reside/forage on the site will be displaced;

- loss of view; and,
- increased traffic in the area.

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:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.6 Policy **STRAT 1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.7 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.
- 7.8 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.

- 7.9 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.10 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.11 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.12 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.13 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.14 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.
- 7.15 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.16 Policy **ENV2 Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.17 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.18 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of

the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.

- 7.19 **Policy ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.20 **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.
- 7.21 **Policy ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.22 **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.
- 7.23 **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.
- 7.24 **Policy NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.25 **Policy IMP1: New Development.** This policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.

- 7.26 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.27 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.28 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.
- 7.29 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.
- 7.30 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.31 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.32 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that
- "Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area"*.

- 7.33 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.34 **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.
- 7.35 **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 are material considerations.

The Principle of Development

- 8.2 The site is allocated for housing and is located within the built up area of Mayfield where there is a presumption in favour of appropriate development. The principle of residential development on the site was first established by its allocation for housing within the 2003 Midlothian Local Plan and again in the 2008 Midlothian Local Plan. The site is now a committed development site in the Midlothian Local Development Plan 2017 (MLDP) with an indicative allocation of 63 residential units.
- 8.4 In the applicants planning statement they seek to justify the higher unit numbers proposed (199) compared to the allocated number (63) on the following grounds:
- the allocation of the site for housing in the 2003 Midlothian Local Plan with a notional capacity for 63 units was not based on a detailed appraisal and layout of the site;
 - the adopted (*at the time the application was submitted*) Midlothian Local Plan 2008 is out of date and the Council is not meeting their housing land supply requirements. Given this, additional housing land is required and the Council should support opportunities to maximise capacities of the existing site allocations;
 - notwithstanding the site's allocation, the proposal to increase the site capacity should be assessed against the provisions of Scottish Planning Policy (SPP) in terms of identifying any adverse impacts that would "significantly and demonstrably outweigh the benefits" when assessed against the wider policies of the SPP - the applicant claims that the proposal constitutes sustainable development with no adverse impact which would "significantly and demonstrably outweigh the benefits"; and
 - the range of housing proposed, including on-site affordable provision, would provide economic benefits including local

employment opportunities, increased local spend and support for the Mayfield town centre.

- 8.5 In response, it is relevant to note that Midlothian has an up to date adopted local plan which sets a development strategy which includes sufficient housing allocations to meet its housing requirements and in doing so having an effective housing land supply. The MLDP was adopted 7 November 2017 following a local plan examination where the Reporter concluded that there is a 5-year effective housing land supply in Midlothian. Furthermore the Reporter did not agree that more units than the indicative number in the Plan would have to come forward on this site or other allocated sites in order for the Council to meet its 5 year effective housing land supply requirement.

Layout and Form of Development

- 8.6 The proposed development is for 179 dwellinghouses and 20 flatted dwellings with an average density of 24 dwellings per hectare. This amounts to a relatively high density development in a suburban area. The development has been designed to include a series of formal streets along a grid like pattern which includes pockets of informal amenity space, shared surfaces, footpaths, landscaping and a landscape buffer on the boundary of the site.
- 8.7 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 creating 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. 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. 93 of the 179 proposed houses have rear private gardens that fall below this standard. It is expected that each of the flats is provided with the equivalent of 50 square metres of open space, provided in an area of communal private space – the proposed flats do not meet this required standard. The flats are provided with 221 square metres of communal open space rather than 1,000 square metres.
- 8.8 Open space for children's play in new developments should accord with the National Playing Field Association (NPFA) standards, which is currently set at 0.6-0.8 hectares of useable open space per 1000 population. In assessing the area requirement, the potential population of a housing development will be used for the basis of the calculation.

Based on a population of 2.4 persons per household an open space of 1.46 hectares is the minimum requirement for the number of houses proposed in this planning application. Two areas of open space are proposed in the development. At some 0.6 hectares in area the smaller of the two spaces is too small to be classed as useable and as such does not count towards children's play space. Essentially the only useable open space in the proposed development is a triangular area of grass located at a point on the eastern extremity of the site. However, at only 1.25 hectares the open space falls short of the minimum required size for a development of the number of units proposed. It is not big enough to contain both an equipped children's play area of the size required for the size of development proposed and a kick about pitch for informal ballgames. Thereby there is inadequate open space for children's play and recreation for the future occupants being proposed.

- 8.9 The spatial separation between a number of proposed dwellings on the southern boundary of the site and those existing dwellinghouses in D'Arcy Crescent is below the standard expected. The distance between these units is 21 metres rather than the required 25 metres, giving rise to mutual overlooking and loss of privacy.
- 8.10 The proposed erection of a significantly higher number of dwellings than allocated has a consequence of increasing the need to adjust levels across the site. The most significant increase in levels is on the western extremity of the site where the levels are delineated on a section drawings submitted with the application as being raised by 5 metres. The proposed increase in levels is substantial and would appear both in short views and in long views as a visually dramatic, contrived and intrusive engineering operation in the landscape that would be detrimental to the landscape character and visual amenity of the area. Reducing the number of houses on the site would enable the levels to be gradually graded to incorporate the development into the landscape.
- 8.11 The SUDS retention basin in the western extremity of the site is located at the lowest grade of the site. No section drawings through the SUDS basin showing the land form and gradients on each side of the basin have been submitted. Owing to the site levels and the relatively confined area in which the SUDS basin is located it would have to be formed as a deep basin with high mounded embankments. Such an engineered structure would not appear as a naturalistic and soft attractive feature in the landscape; but instead it would appear as a visually intrusive structure in the landscape that would be detrimental to the landscape character and visual amenity of the area. The confined area of land in which the SUDS is located and its unduly steep embankments would significantly restrict the scope for planting on the site to mitigate its visual impact. Moreover the high embankments of the SUDS basin would prohibit passive surveillance of it from the proposed houses fronting onto it. The absence of adequate passive

surveillance of the SUDS basin would pose a safety and security hazard.

- 8.12 A large proportion of the proposed houses have been orientated perpendicular to the slope of the site and as a consequence high retaining structures would be required to facilitate the erection of the buildings. Full details of the site levels and the position and heights of retaining structures have not been submitted with the application. Therefore it remains to be demonstrated by the applicant that the contiguous height of retaining structures and boundary fences and walls would not be unduly high so as to impose themselves on the proposed houses or appear unduly intrusive in the landscape. Furthermore, owing to the positioning of the buildings perpendicular to the slope the principal elevation of the dwellings would not have westward views towards the Pentland Hills, Arthur's Seat and Edinburgh Castle. The layout has not been designed for its setting taking into account the topographical constraints or the opportunities the site presents; but instead, it has primarily been designed to maximise the number of residential units that can be accommodated on the site.
- 8.13 The proposed erection of 199 residential units on the site is an overdevelopment which is demonstrated by a significant number of usable gardens falling below an acceptable size, limited open space for children's play, ground levels which will be incongruous to the landscape, retaining structures being erected to the detriment of future occupants and the close proximity of proposed and existing dwellings. The assessment set out in paragraphs 8.6 to 8.12 demonstrates that the development would be detrimental to the residential amenity of the future occupants of the proposed dwellings and the landscape character and amenity of the area.
- 8.14 The development consists of traditional styles of dwellings, being two-storey with pitched roofs. This reflects its siting in Mayfield and this general approach to house design is acceptable. However, there would be a requirement for an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in the boundary treatments and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups of buildings or key individual buildings. None of the proposed houses on the site are identified as being within an area of improved quality (AIQ) in terms of design and materials. An AIQ seeks to add interest and character to developments, particularly in developments of the scale proposed. The absence of an AIQ is to the detriment of the design of the scheme. The overall design of the scheme is further undermined by the absence of 'percent for art' for the development, an artistic feature that would add interest and local reference to the development.

- 8.15 The woodland belt along the north eastern and western countryside edge of the site would provide an adequate landscape buffer between the site and the countryside.

Transportation Issues

- 8.16 The site layout plan has a number of omissions: (i) the house and flat plots are not numbered; (ii) the number of bedrooms in each house and flat is not identified; (iii) the parking spaces designated as public visitor spaces are not identified; and (iv) the affordable units are not identified. Consequently, it cannot be assessed whether the proposed parking provision meets the Council's parking standards.
- 8.17 The existing road network outwith the site is of sufficient standard to accommodate the increase in traffic generated during the construction of the site and once the development is occupied. However an Autotrack showing the swept path of an HGV driving round the internal road network has not been submitted for consideration. Therefore, it has not been demonstrated that service vehicles can be manoeuvred through the site without posing a risk to pedestrians and other road users and also damage to property.
- 8.18 The new footpath/cycleway running in a north east to south west orientation is to be formed through the site. It will replace the existing section of core path (core path 5-11 of the Council's Core Path Plan) that bisects the site.
- 8.19 MLDP policy ENV2 (Midlothian Green networks) requires new development sites to fully incorporate green network opportunities in their design and implementation. This can potentially be delivered through a combination of path networks, open space and sustainable urban drainage systems. The MLDP identifies a key issue facing Mayfield is the importance of retaining and enhancing the core path network into the countryside and the need to improve access to services and employment. With regards to site h41 the MLDP states that the layout and access options should consider the relationship with the committed housing site at Bryans (h48) to deliver a better design/layout solution. However, the proposed development does not include a footpath/cycle link from the south western corner of the site onto the footpath and cycle network at Conifer Road to/from Lawfield Primary School located nearby to the north west of the site. The desire route to/from Lawfield Primary School is from a point in the south west corner of the site, which route would be the Safe Route to/from the School. Given the absence of the said footpath/cycle the proposed development is contrary to policy ENV2 (Midlothian Green networks) of the MLDP and does not meet the aspiration of the Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.

Other Material Planning Considerations

- 8.20 There are a number of outstanding issues which are material to the assessment of the application, but are matters which are usually addressed by way of planning conditions on grant of planning permission for a residential development. These outstanding matters include:
- mitigating ground contamination/instability;
 - archaeology;
 - bin stores at the flats;
 - details of SUDS to mitigate flood risk;
 - a biodiversity and sustainability strategy;
 - a community heating strategy.

Developer Contributions

- 8.21 If planning permission were granted it should be subject to the conclusion of a Planning Obligation to secure the provision of affordable housing and developer contributions towards (i) primary and secondary denomination and non-denominational education; (ii) equipped children's play provision and/or maintenance; (iii) town centre improvements; and (iv) a community facility.
- 8.22 The MLDP requires a 25% affordable housing provision, this would equate to 50 residential units. The applicant is proposing up to 40 residential units, this equates to 20% affordable housing provision. This level of provision is contrary to development plan policy and unreasonable considering the applicant's aspirations to exceed the sites allocation of 63 units. The applicant is proposing 5-10% affordable housing for the first 63 units (the number of units the site was originally allocated for in the 2003 local plan) based on the policy in 2003 and 25% for the balance of 136 units. A total of 37 to 40 units. The 5-10% requirement in the 2003 local plan, which was also protected in the 2008 local plan, has been superseded by the 25% requirement in the adopted MLDP. The applicant has not provided any justification in terms of site viability to relax the required 25% affordable housing provision.
- 8.23 The erection of 199 units is significantly more than the indicative site capacity of 63 units and would create a need to provide more primary non-denominational capacity than has been planned for in the extension to Lawfield Primary School. As a consequence there is no education solution to meet the demand that would arise from the proposal. Therefore the Council's Head of Education recommends that the planning application is refused.

Other Matters raised by Representors and Consultees

- 8.24 The concerns raised by objectors about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter which would need to be addressed by the

Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.

- 8.25 The proposed development is unlikely to result in extraordinary noise and disturbance during periods of construction. If a statutory noise nuisance were to arise this could be controlled through Environmental Health legislation.
- 8.26 If planning permission is granted for the proposed development the subject of this planning application, it would not hinder or jeopardise the development of the grassed area of land the subject of expired planning permission 08/00175/FUL and for a development similar to the one the subject of that expired planning permission.
- 8.27 The matter raised by representors regarding loss of view is not a material consideration in the determination of the application.

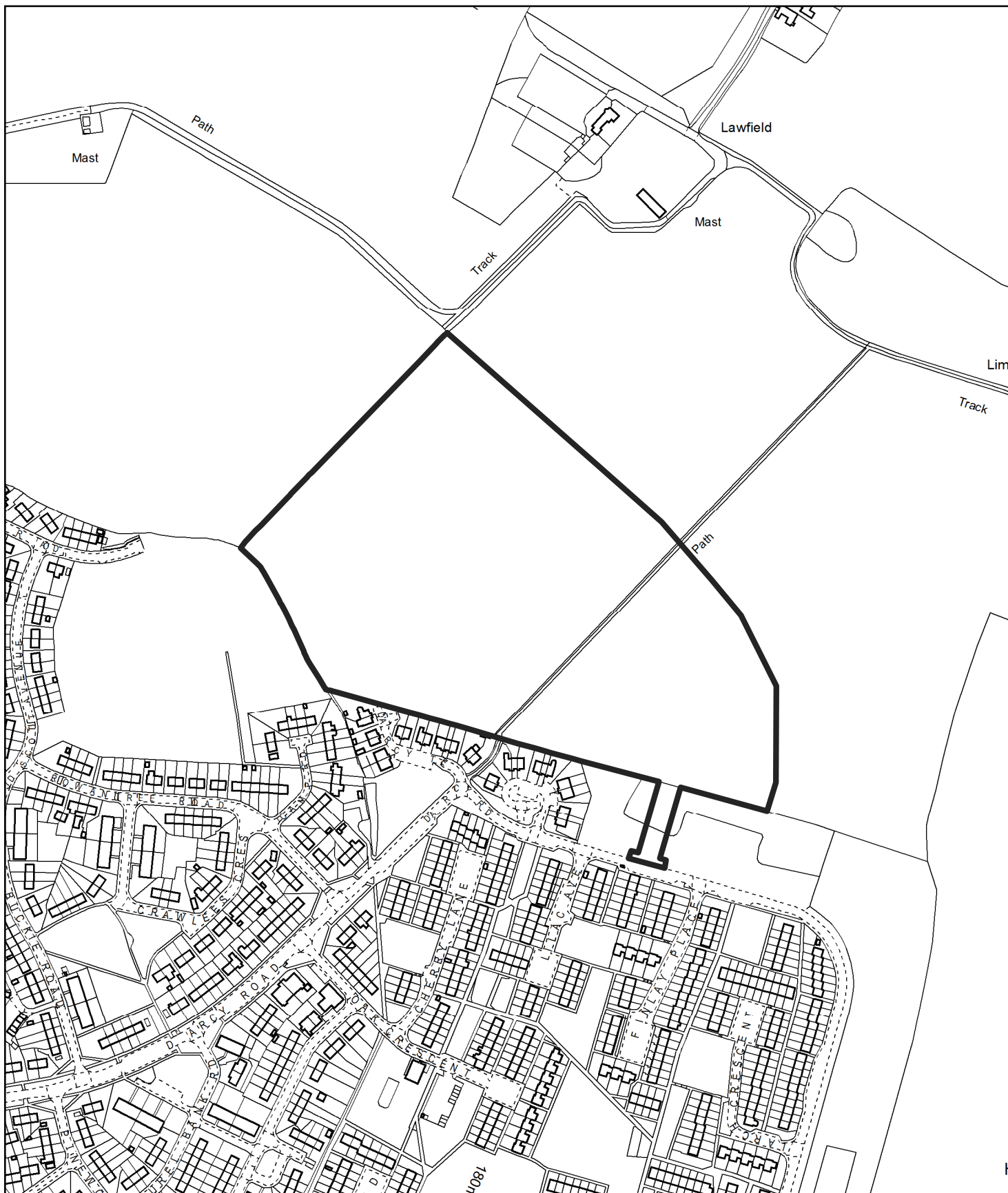
9 RECOMMENDATION

- 9.1 It is recommended that planning permission be refused for the following reasons:
 - 1. There is not an education solution to accommodate all of the school children that would arise from the proposed residential development of the site, in particular non-denominational primary school children and as such the proposed development does not accord with policies IMP1 and IMP2 of the Midlothian Local Development Plan 2017.
 - 2. The provision of up to 40 (20%) affordable housing units falls below the 25% (50 units) requirement set by policy DEV3 of the Midlothian Local Development Plan 2017. No reasoned justification, for the development in an area of housing need, has been submitted to support the below policy provision.
 - 3. The proposed development of the site for 199 residential units, when the site is allocated for 63 residential units, is an overdevelopment of the site which is detrimental to the character and amenity of the area and the future occupants of the development contrary to policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017. The overdevelopment of the site is demonstrated by the large proportion of the proposed dwellings having unduly small sized rear private gardens, there being inadequate communal open space and children's play areas, inadequate spacing between proposed and existing dwellings, excessive raising in site levels and likely engineering works, including retaining structures to facilitate the development and buildings not being optimally orientated relative to the sites contours.

4. The engineering works to re-grade the levels on the site; in particular on the western part of the site, would be unduly visually dramatic, contrived and intrusive in the landscape to the detriment to the landscape and character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
5. It has not been demonstrated to the Planning Authority that the contiguous height of retaining structures and boundary walls/fences required to be erected on the site to facilitate the proposed number of residential units and the proposed layout, would not impose themselves on the proposed houses or appear unduly intrusive, harmful to the character and amenity of the area. Therefore the proposed development is contrary to policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017.
6. Insufficient information has been submitted with the planning application to demonstrate to the Planning Authority that the SUDS detention basin would not pose a safety and security risk as a result of it not having adequate passive surveillance. Therefore the proposed development is contrary to policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017.
7. It has not been demonstrated to the Planning Authority that service vehicles can be manoeuvred through the site without posing a risk to pedestrians and other road users and also damage to property.
8. The proposed development does not provide a 'Safe Route to School' or 'Green Network' to Lawfield Primary School from a point in the vicinity of the south western corner of the site contrary to policies TRAN1, ENV2, IMP1 and IMP2 of the Midlothian Local Development Plan 2017 and the aspiration of the Scottish Government policy statement 'Designing Street' that a connected permeable network be provided for in new developments.
9. Insufficient information has been submitted with the application to enable the Planning Authority to assess whether the proposed parking meets the Council's parking standards.
10. No cycle parking is proposed for the flats. Therefore the future occupants of the proposed flats would not be afforded adequate residential amenity and the proposed development does not accord with Midlothian Council's cycle parking standards.

Ian Johnson
Head of Communities and Economy

Date: 22 December 2017
Application No: 16/00134/DPP
Applicant: C/O BDW Trading Limited, BDW Trading Limited
and Lord Ralph Kerr, Telford House, 3 Mid New
Cultins Edinburgh
Agent: EMA Architecture and Design
Validation Date: 04 March 2016
Contact Person: Adam Thomson, Planning Officer
Tel No: 0131 271 3346
Background Papers: 13/00522/PAC



**Education, Economy
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