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**APPLICATION FOR PLANNING PERMISSION 14/00481/DPP FOR THE ERECTION OF 199 DWELLINGHOUSES AND 12 FLATTED DWELLINGS, FORMATION OF ACCESS ROADS AND CAR PARKING AND ASSOCIATED WORKS AT LAND AT HARVIESTON FARM, POWDERMILL BRAE, GOREBRIDGE**

Report by Head of Communities and Economy

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## **1.0 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

**1.1 The application is for the erection of 199 houses and 12 flatted dwellings and the formation of associated access roads and sustainable urban drainage systems (SUDS) at land at Harvieston, Gorebridge. There has been five representations and consultation responses from Moorfoot Community Council, Gorebridge Community Council, the Scottish Environment Protection Agency (SEPA), the Coal Authority, the Council's Policy and Road Safety Manager, the Council's Head of Education and the Council's Environmental Health Manager. The relevant development plan policies are RP5, RP20, COMD1, HOUS1, HOUS4, IMP1, IMP2, IMP3 and DP2 of the adopted Midlothian Local Plan 2008 (MLP). The recommendation is to grant planning permission subject to conditions and securing developer contributions and the provision of affordable housing**

## **2.0 LOCATION AND SITE DESCRIPTION**

**2.1 The application site is located on the edge of the built up area of Gorebridge. It extends to approximately 11.39 hectares and is mostly an agricultural field in use for grazing. The application site also includes the Category B listed Harvieston Lodge (also known as North Lodge), Harvieston Lodge gates, gate piers and boundary walls and in addition the access track to Harvieston House and Harvieston Cottage. It comprises the majority of site h23 - Harvieston, allocated in the 2003 Local Plan for 200 dwellings and the provision for affordable housing. The application site excludes the steeply sloping land on the north eastern and eastern extremity of allocated site h23. There is an average gradient of between 1 in 20 and 1 in 30 across the site, which is increased to a 1 in 6 gradient in localised areas towards its north eastern boundary. Immediately beyond the north eastern boundary of the site the ground falls very steeply towards the Gore Water. There are attractive views in from the open countryside from the north east, east and south east across the Gore Water valley from the surrounding road network.**

- 2.2 The site is bounded by; a high stone wall to the north west along Powdermill Brae (the B6372 classified road) with houses in the Birkenstone Estate beyond, the west bank of the Gore Water with the open countryside to the east, a combination of mature woodland within the grounds of Harvieston House (a Category C listed Nineteenth Century mansion house) to the south and a high stone wall along the west roadside boundary with the A7.
- 2.3 The site is on the southern edge of the built up area of Gorebridge. The existing neighbouring houses within the neighbouring Birkenstone Estate on the opposite side of Powdermill Brae comprise predominantly traditional post war, two-storey semi-detached council housing with rendered walls and slated roofs. To the south west, on the opposite side of the A7, is a small and attractive hamlet of traditional stone built houses at Bellsmeads.

### **3.0 PROPOSAL**

- 3.1 The proposed development is for the erection of 199 two-storey houses and a single three-storey block of flats containing 12 flats.
- 3.2 All of the houses have pitched roofs. The three-storey block of flats; which is located on the northern eastern part of the site, has a hipped roof.
- 3.3 The proposal comprise 109 detached houses and 40 semi-detached houses, and 50 terraced houses. Ten different house types are proposed. All the house types are high speed fibre broadband compliant.
- 3.4 4 one bedroom units, 35 two bedroom units, 69 three bed units, 92 four bed units and 11 five bed units are proposed.
- 3.5 There are two separate vehicular accesses proposed off Powdermill Brae, both of which have a pedestrian footway alongside them. The existing access road to Harvieston House, which is accessed at the north west corner of the site and which bisects the site, is closed off. A new access to Harvieston House is proposed to the south of the site and will be subject of a separate planning application.
- 3.6 Segregated pedestrian access into the site is to be formed at a number of points: (i) at the north west corner of the site at the junction of the A7 and Powdermill Brae at the point where the existing access road (to be closed) to Harvieston House accesses the site; (ii) off Powdermill Brae at a point close to the north east corner of the site; and, (iii) from the footway running alongside the A7 at an approximate midpoint along the western boundary of the site.
- 3.7 Materials specified for use outwith the area of improved quality include a mixture of dolowhite on white dry dash and wet dash render, slate grey coloured concrete roof tiles, red coloured concrete roof tiles, precast stone cills and lintels, black finished G.R.P (glass reinforced polyester)/steel external doors and garage door, white UPVC window frames, black UPVC rainwater goods, brindle coloured monoblock parking courts, grey tegular mixer courts.

- 3.8 Materials specified for use within the area of improved quality include the same materials as is proposed outwith the area of improved quality except that the render would be a mixture of white wet dash render and Tuscan beige dry dash render.
- 3.9 Surface water treatment allows for two levels of treatment for surface water including porous paving and filter trenches within the house plots and an attenuation basin at the north eastern corner of the site with an outfall to the Gore Water.
- 3.10 A children's play area is proposed on the principal open space, located in the middle of the site. For the percent for art requirement it is proposed to locate a public art feature in the north west corner of the site. However, no details have been submitted.
- 3.11 A design and access statement, an ecology report, an archaeology report, a noise report and a coal mining risk assessment report have been submitted with the application.

#### **4.0 BACKGROUND**

- 4.1 In September 2004 a planning application 04/00724/FUL was submitted for the erection of 252 residential units with garages, parking, construction of access roads, footpaths and other associated works on the site. The application was withdrawn in May 2006.
- 4.2 In June 2007 a planning application 07/00455/FUL was submitted for the erection of 245 residential units and other associated works on the site. The Planning Committee resolved to grant planning permission subject to the conclusion of a Section 75 Legal Agreement. The application was withdrawn in July 2013 prior to the legal agreement being concluded.
- 4.3 Pre Application consultation 11/00663/PAC for a residential redevelopment on the site was received in September 2011.
- 4.4 When the current planning application was submitted in July 2014 planning permission was sought for 245 units comprising 221 houses and 24 flatted dwellings. In response to comments from the planning authority, consultation responses and representations made by interested parties, the number of dwellings proposed has reduced to the currently proposed 211 units comprising 199 house and 12 flatted dwellings.
- 4.5 The design, strategic road layout and density of the development are guided by an approved Development Brief, approved in March 2005.

#### **5.0 CONSULTATIONS**

- 5.1 The **Coal Authority** have advised that the site is located within an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has obtained appropriate up-to-date

coal mining information for the site and has used this to inform their Coal Mining Risk Assessment (July 2014) which accompanies the application. On this basis the Coal Authority has no objection to the proposed development.

**5.2 Moorfoot Community Council** objects to the proposed development, making the following comments:

- i. The density of the development is too high.
- ii. The scale and materials of the proposed buildings is not in keeping with neighbouring buildings.
- iii. The design of the houses does not reflect the indigenous housing style within the area, including those properties at Bells mains.
- iv. The affordable units should be designed to reflect the private houses in the development.
- v. The height of the buildings should be kept low with varied roof lines. Three-storey buildings would dominate the sky line.
- vi. Higher buildings should not be positioned at the edges of the site; but instead, they should be located at the centre to reduce visual impact.
- vii. All buildings should be set back from the existing roads bounding the site to reduce visual impact and so the future occupants of the house are not adversely affected by undue noise.
- viii. The line of houses closest to and parallel to Powdermill Brae and the A7 should be positioned so that they are staggered and they should have varying roof forms.
- ix. Slate should be used on the roofs.
- x. The play area should be increased in size and be centrally positioned on the site.
- xi. The development should incorporate community garden/allotments to facilitate and encourage local vegetable growing to increase self-reliance and reduce transport demand.
- xii. A shop incorporated into the development site would reduce car journeys and transport demand.
- xiii. Cyclepath and walkways should be provided, particularly to give access to the Borders Railway Station at Gorebridge. There should be an investigation into the feasibility of providing a cycle and pedestrian path from the northern corner of the site, across the Gore Water directly to the station.
- xiv. The possibility should be investigated of using hydro energy or other renewable energy sources for the development. This should include solar panels on all houses and the possibility of a community based ground source heat pump systems.
- xv. Concern about the impact on education facilities.
- xvi. Concern about impact on local medical facilities.
- xvii. A pub or cafe could be built on part of the site to encourage social activities and build community spirit.
- xviii. Every device possible should be used to reduce the impact of greatly increased traffic on and around the A7 with attention to the safety of junctions especially on the A7. The current plans should inevitably lead to a large increase in vehicles accessing the A7 to/from Powdermill Brae - a junction with poor sight lines.

- xix. The dependence of the development on the private car is unacceptable. The developer should be taking initiatives to contribute to national and local policies of reducing the number of vehicles on the road.
- xx. The Category B Listed gatehouse should be preserved for the benefit of the community.
- xxi. The appearance and impact of the development on the local landscape is of great importance to the existing local community.
- xxii. The building types and style have not been designed to be in keeping with the existing established character of the area.
- xxiii. It remains to be demonstrated how the development will contribute towards new social housing in Midlothian.
- xxiv. The proposed affordable housing provision is too low at only 5.6%, which is at the bottom end of the range of 5%-10% required in the 2003 Local Plan.
- xxv. Concern that the proposed development does not include a public footpath to the Gore Water.
- xxvi. It is not demonstrated in the application how the proposed development will incorporate low or zero carbon technologies and the lack of such is unacceptable.

5.3 **Gorebridge Community Council** objects to the application on the following grounds:

- i. Too many houses are proposed.
- ii. The three-storey flatted block is too high; only buildings no higher than two-storey should be built on the site.
- iii. A suitable width of space should be left between the houses and the listed stone roadside boundary wall along Powdermill Brae.
- iv. The responsibility for future maintenance of the listed stone roadside boundary wall along Powdermill Brae and the listed Harvieston Lodge has not been confirmed.
- v. Concern over increased pressure on already stretched medical facilities in Gorebridge.
- vi. Concern about road safety at the junction of the A7 and Powdermill Brae.

5.4 The **Head of Education** advises that the development of 211 dwellings could be expected to generate the following number of pupils:

Primary Non Denominational	59
Primary Denominational	6
Secondary Non denominational	42
Secondary Denominational	5

5.5 Primary Non-Denominational provision in the Gorebridge area has been allocated. All developers of new housing for the Gorebridge area are required to contribute towards the cost of providing additional capacity.

- 5.6 Primary Denominational provision will be at St Andrews RC Primary School, which is currently operating at capacity and as a consequence of this development and others in the catchment area an extension will be required. A developer contribution will be required towards the cost of this extension.
- 5.7 Secondary Non-Denominational provision will be at Newbattle High School. Additional secondary school capacity will be required and as a consequence a developer contribution will be required towards the consequential costs of this additional provision. The additional provision is provided in the proposed new Newbattle High School which has been designed to meet this additional demand and is predicated on funding from developers.
- 5.8 With regard to Secondary Denominational provision a contribution of £135 per dwelling towards St David's High School, Dalkeith is required.
- 5.9 The **Council's Environmental Health Manager** advises that any site contamination issues be investigated and addressed prior to development taking place. In addition, they recommend that the hours of operation and construction including delivery of plant, machinery and materials, be restricted owing to the proximity of the site to neighbouring residential properties.
- 5.10 With regard to the proposed development, there is concern regarding potential noise levels from traffic using the A7 as a result of an existing break in the wall which runs along the roadside boundary with the A7. They accept that the barrier effect of the wall will provide an acceptable internal noise environment for ground floor apartments. However they raise concern about living apartments at first floor level. In light of this they recommends the following: (a) the 2 metres high wall along the roadside boundary of the A7 be retained and the existing gap in the wall be repaired to provided a complete barrier effect for the entire site or a suitable alternative barrier be erected, the mass and specification of which should be approved in advance by the planning authority; (b) a suitable standard of glazing be provided to ensure that the internal noise level of upper storey living apartments does not exceed the indoor ambient noise criterion given in BS 8233.
- 5.11 The **Council's Policy and Road Safety Manager** has requested further details of access, parking, footpaths, SUDS and public transport infrastructure. These details can be covered by condition.
- 5.12 The **Scottish Environment Protection Agency (SEPA)** initially objected to the application on the grounds of lack of information in respect of flood risk surface water drainage and proposals to divert a culvert (cundy). They subsequently removed their objection following the submission of additional information on drainage submitted by the applicant's agent.
- 5.13 **Scottish Water** has made no comment.

## 6.0 REPRESENTATIONS

6.1 Five representations objecting to the application have been received. Four written representations were received from the same household and these are considered as one objection. The main points of objection relate to:

- The proposed location of the bus stop/terminus will decrease the market value of properties in Birkenstone on the opposite side of Powdermill Brae.
- Loss of view of green space from properties in Birkenstone on the opposite side of Powdermill Brae
- A wall should be reinstated along the roadside boundary of the proposed bus terminus and Powdermill Brae to absorb noise from the operation of the bus terminus and to provide privacy to houses in Birkenstone on the opposite side of Powdermill Brae.
- Powdermill Brae is not of a sufficient standard to cope with the additional traffic that will be generated by the proposed development.
- The existing driveway to Harvieston House will be lost.
- The Historic association of the listed lodge will be diminished.
- Proposed three-storey buildings on the site will be out of keeping.
- The proposed development is cramped with too many houses proposed and it amounts to an overdevelopment of the site.
- Insufficient green open space is proposed in the development.
- The lack of community facilities in the development is unfortunate.
- Gabion baskets/retaining structure erected at the eastern edge of the site where the site drops sharply to the Gore Water will appear unduly incongruous and imposing from the opposite side of the valley and will harm the landscape character of the area.
- Concern that the proposed access road on the site has not been designed to allow for service vehicles to manoeuvre over it without difficulty.
- Concern that the new access driveway to Harvieston House and Harvieston Cottage that the developer intends to form will not be formed before works commence on the application site.
- Concern about the suitability of the proposed new access road to Harvieston House, which is the subject of planning permission 08/00091/DPP.
- Concerns about the design and geometry of the new access driveway to Harvieston House and Harvieston Cottage.
- Concerns that the new access driveway to Harvieston House will not incorporate gates and cattle grids.
- Concern about possible damage to the property which the owners of Harvieston Cottage have title to.
- Concern about noise, disturbance from the proposed development and problems of littering being a nuisance to the occupants of Harvieston Cottage owing to the close juxtaposition of that neighbouring property to the site.
- Concern about noise nuisance and disturbance to nearby residences resulting from the use of the proposed football kick about pitch and the children's play area.

- Concern about damage to neighbouring property during periods of construction.
- Concern about noise, traffic and litter nuisance to neighbouring properties.
- The application is not sufficiently detailed to show the exact nature of it.
- Concern about the future maintenance of the stone roadside boundary wall along the A7.
- The proposed three-storey flatted block is out of character with the area.
- Concern that the application does not include any proposals for the vacant Category B listed Harvieston Lodge located in the north west corner of the site.
- There is an opportunity to form a gateway feature to Gorebridge at the crossroads in the vicinity of Harvieston Lodge.
- The speed limit along the part of the A7 between Harvieston Mains Cottage and the Fushiebridge junction should be reduced to 30 MPH.

## 7.0 PLANNING POLICY

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

### 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.

### Midlothian Local Plan 2008

7.3 Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.

7.4 Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.

7.5 Policy **COMD1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing requirements. The application site is committed site h23.

7.6 Policy **HOUS1: Strategic Housing Land Allocations (Proposal)** states that housing development to meet strategic housing land requirements will be permitted on sites identified in the Local Plan provided they accord with Local Plan policies IMP1, IMP2, IMP3 and DP2. Reference should be made to policy HOUS4 with respect to the proportion of affordable housing to be provided.



7.7 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in this Local Plan and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site capacity, as follows:

- for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
- for sites of between 15 and 49 units (or 0.5 to 1.6 hectares in size) there will be no provision for the first 14 units thereafter 25% of the remaining units will be for affordable housing
- for sites of 50 units and over (or larger than 1.6 hectares in size), there will be a requirement for 25% of the total units to be for affordable housing.

Lower levels of provision, or a commuted sum, may be acceptable where this has been fully justified. Supplementary planning guidance for the affordable housing provision shall provide advice on: the acceptable tenure split between social and low cost housing; possible delivery mechanisms; the scope for commuted sums; and other relevant matters as necessary.

7.8 However, given that the site was allocated for housing in the 2003 Local Plan, the affordable housing requirement for the site is as is required by Policy HOUS5 (Affordable and Special Needs Housing) of the 2003 Local Plan which requirement is in the range of 5% - 10% of the total site for sites of 50 units or over. This commitment is outlined in Policy **COMD1: Committed Development**.

7.9 Policy **IMP1: New Development**, this policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are transport infrastructure, landscaping, public transport connections, including bus stops and shelters, parking in accordance with approved standards, cycling access and facilities, pedestrian access, acceptable alternative access routes, access for people with mobility issues, traffic and environmental management issues, protection/management/compensation for natural and conservation interests affected, archaeological provision and 'percent for art' provision.

7.10 Policy **IMP2: Essential Infrastructure Required to enable New Development to Take Place**, states that new development will not take place until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. This includes essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments.

7.11 Policy **IMP3: Developer Contributions Towards Facility Deficiencies** states that in addition to the essential infrastructure requirements set out in policy IMP1, contributions will be required for proposal HOUS1 and HOUS2

developers to remedy any deficiencies in local facilities and amenities identified within the community which result from the additional housing, including leisure, local shops (subject to favourable assessments of prospects for community viability) and open space. Legal agreements will be used to secure the appropriate developer contributions. For allocated housing sites in Gorebridge, contributions will be sought towards a community facility.

- 7.12 Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy states the standards that should be applied when considering applications for dwellings.

#### National Policy

- 7.13 **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.

- 7.14 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

### **8.0 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise. The representation responses and the 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 Gorebridge where there is presumption in favour of appropriate development. The principle of residential development on this site is established by its allocation for housing within the adopted Midlothian Local Plan 2003, with an indicative capacity of 200 units. This position was reaffirmed by the Committee's decision to grant planning permission 07/00455/FUL at its meeting in October 2007 and the sites continued allocation in the Midlothian Local Plan 2008 (MLP).

#### Layout and Form of the Development

- 8.3 The site consists of a field which has been allocated for housing in the local plan. The proposed development is for 199 dwellings and 12 flatted dwellings with an average density of 19 dwellings per hectare. This equates to a density appropriate to the established density of Gorebridge.
- 8.4 Policy DP2 requires the provision of the following minimum useable private garden areas for houses: (i) 110 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. Some 58 of the proposed houses have rear private gardens that fall below the Council's minimum requirement set out in the DP2 Guidelines in the MLP. The majority of those houses are small terraced houses. In the case of these terraced houses if the minimum private rear garden size was adhered to the rear gardens would be overly long. Overall in the development the units with smaller rear gardens balance those with larger rear gardens. The mixture of properties with larger and smaller rear gardens creates variation in the layout and visual diversity to the development. This justifies allowing a relaxation in the size of the gardens in this particular case. In addition, the areas of open space on and off the site help to offset concerns about rear garden sizes. The distances between properties are in compliance with Policy DP2. The arrangement of buildings, disposition of open space and scale and massing of the proposed development is acceptable. The development has been designed to include a series of cul-de-sacs and loops, some of which are laid out with 5.5 metre wide shared surfaces in block paving with 2 metre wide grassed service strips/verge. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.

- 8.5 The layout comprises a series of formal streets with the integration of open space and planting. The development incorporates a central landscaped open space with play area, providing a key useable focal point in the development. The provision of the play equipment can be secured by condition. The layout proposes a number of useable open spaces for recreation. The combined size of the open spaces meets the minimum size required by Policy DP2.

#### Design and Materials

- 8.6 The mix of house types and size of dwellings is acceptable. The architectural styles of the houses are traditional in form and complement the character and visual amenity of the area. In terms of the number of units, their size, massing and positioning on the site would not appear cramped or an unsympathetic development on the site.
- 8.7 Midlothian Local Plan Policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The houses that front onto the principal central open space and the three-storey flatted block comprise the area of improved quality in terms of materials. The style and appearance of the buildings on these plots are relatively traditional, which is in keeping with the established character and amenity of the area.
- 8.8 Elsewhere within the development, outwith the aforesaid plots the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings. The proposed use of render walling and concrete roof

tiles is acceptable in principle subject to samples being submitted for the prior approval of the planning authority. However, the proposed use of white render throughout is not acceptable and the introduction of a variety of coloured renders should be used to create a sense of place for future residents. For example, the units fronting onto the strip of open space adjacent to Powdermill Brae should be a distinct organic colour of render or an organic red brick at variance to the mass use of white render used through the rest of the site (not including the area of improved quality).

- 8.9 The proposed use of wet dash render for wall finishes within the area of improved quality is acceptable. However the proposed use of concrete roof tiles is not. It should be made a condition of a grant of planning permission that enhanced quality of materials; including natural slate for the roofs, are used within the area of improved quality in accordance with samples to be submitted for the prior approval of the planning authority.
- 8.10 The proposed three-storey flatted block is positioned on the eastern edge of the development site and will be prominent in views from outwith the site. Owing to the fact that the site is sloping from west to east the proposed three-storey flatted block on the eastern edge of the site will be built on falling ground and thus its solum will be at a lower level than the two-storey houses to the west of it. Through negotiations with the applicant the following amendments have been made to the flatted block: (i) it has been positioned west of its currently proposed position so that a front garden is formed between it and the road running along the eastern edge of the site; (ii) trees are to be planted in its front garden to soften views of it from the east; (iii) its roof pitch has been reduced from 35 degrees to 30 degrees in order to reduce the massing of the building; (iv) it has been included within the area of improved quality and thus its external finishing material will be enhanced. Given all of the above the proposed three-storey flatted block, although prominent on the site, will not appear unduly dominant or imposing. Therefore, it will not detract from the character and visual amenity of the area.
- 8.11 In terms of their size, height and position on the site the proposed two-storey houses on the site and the other proposed ancillary buildings would not give rise to significant overlooking or overshadowing of any neighbouring properties or unduly impose themselves on them or appear obtrusive within the street scene.
- 8.12 The proposed formation of openings through the Category B listed roadside boundary stone wall along Powdermill Brae would alter the appearance of the wall. Subject to the realigned sections of the wall being re-build in lime pointed stonework using the stone down-taking of the wall, the integrity of the wall would be preserved and the wall as amended would not harm the character and visual amenity of the street scene. The proposed openings in the wall are a consequential impact of allocating the site for residential development and the mitigation proposed is acceptable.

- 8.13 The proposed development will not harm the setting of the Category B listed Harvieston Lodge, gates and gatepiers or the setting of the Category C listed Harvieston House.
- 8.14 The proposed electricity substation is prominently positioned in the north east corner of the site. No details of its appearance have been submitted with the application. To safeguard the character and amenity of the area it can be made a condition of a grant of planning permission that it be housed in a building finished in materials to be approved in advance by the Planning Authority.
- 8.15 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.

#### Open Space and Play Areas

- 8.16 The development incorporates a principal central landscaped open space containing an equipped children's play area. This provides a focal point to the development. A separate open space is proposed flanking Powdermill Brae. It is mainly laid out as an open grassed area. As this area is the only land large enough to accommodate informal ballgames it is important that it is landscaped in a manner which reduces the impact of such activity on the adjacent properties. This can be secured by a condition imposed on a grant of planning permission.
- 8.17 The proposed equipped toddler's children's play area on the site has been positioned centrally in easy reach of all of the houses on the site. It will receive passive surveillance from the windows in the houses that front onto it. The play area will need to include play equipment provided/funded by the developers in accordance with Policy DP2 (paragraph 4e Provision of Play Facilities for Children) of the MLP. It should include two pieces of inclusive play equipment and have a number of good play items and a bench and litter bin located within the fenced off area allocated for play. There should also be an area of hardstanding at the pedestrian gate entrance as there will be higher wear in this area. These requirements can be secured by a planning condition.
- 8.18 The steeply sloping land immediately north east and east of the site, which is the remainder of allocated housing site h23 in the 2003 Local Plan and is within the ownership of the applicant, is presently rough grass in use for grazing. In the interests of safeguarding the landscape character and amenity of the area and the amenity of the future occupants of the dwellings on the site it should be made a condition of a grant of planning permission that this land is retained as an informal amenity landscaped open space as required by the approved development brief for the site. Subject to this, an adequate size of formal and informal open space will be provided for the recreation and enjoyment of the future occupants of the houses and flats on the site.
- 8.19 The 2003 Local Plan states that in the case of Harvieston the safeguarding of public access to the Gore Water is considered desirable. This is echoed in

the approved development brief for the site. However, there is not an existing clearly defined public footpath along the section of west bank of the Gore Water located immediately to the east of the site. Therefore, it would not be reasonable for the planning authority to insist that the developer form a footpath link from the development site down to the west bank of the Gore Water.

### SUDS

- 8.20 The SUDS detention basin takes up part of the steeply sloping land on the eastern extremity of the site. Through an amendment made to the current application the design of the SUDs has been improved to remove the requirement for retaining structures/walls, which would have appeared harsh. The proposed design presents a relatively soft feature in the landscape. The SUDS scheme will ensure that there will be no net detriment to the locality's drainage whilst providing a locally attractive space. The finished levels of the houses, usable open spaces, play area and SUDS can be conditioned to ensure that the passive surveillance is delivered.
- 8.21 The distance between the roadway and the edge of the SUDS feature is shown as being only 5m wide for a large proportion leading to the requirement for a steep slope along the roadside edge. Due to the change in levels it is likely that a roadside safety barrier or a series of bollards would be needed. To prevent the formation of a visual detrimental barrier, blocking the view of the SUDS basin, bollards would be a preferred solution. However if a barrier is required on safety grounds the design of such a barrier should be in the form of open metal railings. This can be secured by a planning condition.

### Landscaping

- 8.22 A tree belt with a varying depth between 6 metres and 31 metres is to be planted along the southern edge of the site which abuts the grounds of Harvieston House. This structural landscaping will create an adequate visual buffer to Harvieston House and will integrate the development into the landscape.
- 8.23 The tree lined boulevard proposed from the entrance to the development off Powdermill Brae road up to the entrance to the principal open space will be an attractive entrance to the development.

### Transportation Issues

- 8.24 The proposed access arrangements are acceptable in transportation terms. The accesses and internal road geometry is suitable for access and manoeuvring by service vehicles and raises no material road safety concerns. Adequate cycle and pedestrian links have been provided through the site. The Council's parking requirement for this development has been met which is 150% for the private dwellings and 100% for the affordable flats.

- 8.25 In the 2003 Midlothian Local Plan it is stated that some upgrading of the junction of Powdermill Brae with the A7 may be needed to facilitate the proposed development. It should be made a condition on a grant of planning permission that a detailed design for the improvements to the junction of Powdermill Brae and the A7 are submitted for approval. Subject to this condition the road network will be of a sufficient standard to cope with the increase use of it, resulting from the proposed development.
- 8.26 The removal of the existing access track on the site which serves both Harvieston House and Harvieston Cottage, to facilitate the proposed residential development, will remove the sole access to those neighbouring properties. In June 2008 planning permission 08/00091/FUL was granted for the formation of an access road off the A7 to serve both the neighbouring properties of Harvieston House and Harvieston Cottage. This new access road is required as a replacement for the existing access track to Harvieston House and Harvieston Cottage. Works have not commenced to form the new access road and planning permission 08/00091/FUL has expired. Works cannot commence to implement the development subject of this current planning application until a replacement access road is formed to Harvieston House and Harvieston Cottage. The location, design and details of that access road are matters to be considered by the planning authority in the assessment of a planning application to be submitted.

#### Ground Conditions

- 8.27 The controls referred to by the Council's Environmental Health Section in respect of ground contamination can be secured by a condition imposed on a grant of planning permission.

#### Ecology

- 8.28 The report on the ecological survey of the site does not recommend against the development on grounds of impact on biodiversity.

#### Developer Contributions

- 8.29 A Section 75 legal agreement is required for the proposed development to secure developer contributions.
- 8.30 Policy HOUS5 of the now superseded 2003 Midlothian Local Plan states that the provision of between 5% and 10% affordable housing on committed development site h23 may be required. 211 units are proposed on site h23 and thus the affordable housing requirement for the site equates to between 11 to 21 units. The applicant proposes 12 affordable flats, which are on plots 13-24. The Council requires 12 completed units (6%), to be provided on the site. The specification of the affordable housing units within the development shall be secured through a Section 75 legal agreement.

- 8.31 The development cannot be accommodated without increased primary and secondary educational capacity and, if approved, the applicant will be required to contribute towards the consequential cost of any additional school accommodation as part of the Section 75 legal agreement.
- 8.32 A developer contribution is also required towards: (i) equipped children's play provision; (ii) an informal play/kick about area; (iii) town centre improvements; and, (iii) a community facility.

#### Other Matters raised by Representors and Consultees

- 8.33 Issues raised by the representors and by consultees have been largely addressed above. With regards to the matters raised which have not been addressed above:
- 8.34 The application is sufficiently detailed to show the nature of the proposed development.
- 8.35 There is no requirement in the 2003 Midlothian Local Plan or the MLP for a public house, cafe, community facility or community garden or allotments to be accommodated on part of the site or for the developer to convert the existing vacant Harvieston Lodge on the site to a community use. The site is in reasonable proximity to the Gorebridge town centre.
- 8.36 The proposed development is unlikely to result in extraordinary noise and disturbance during periods of construction. If noise nuisance were to arise this could be controlled through Environmental Health legislation.
- 8.37 The following matters raised in letters of objection are not material considerations in the determination of this planning application:
- Title to and responsibility for future maintenance of the listed stone roadside boundary wall along Powdermill Brae and the listed Harvieston Lodge.
  - The affect of the development on the market values of existing neighbouring properties.
  - The future use of the vacant Category B listed Harvieston Lodge located in the north west corner of the site.
  - Existing problems of wind-blown litter and future concerns about wind-blown litter from the site during periods of construction.
  - Concern about damage to neighbouring property during periods of construction.
  - Loss of view of green space from properties in Birken side on the opposite side of Powdermill Brae

## **9.0 RECOMMENDATION**

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



*The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply within the adopted Midlothian Local Plan 2008 and accords with development plan policies COMD1, HOUS1 and RP20. Furthermore, the development, subject to the recommended planning conditions, accords with good design principles and with Policies DP2, IMP1, IMP2 and IMP3 of the adopted Midlothian Local Plan 2008. The presumption for development is not outweighed by any other material consideration*

Subject to:

- (i) The prior signing of a legal agreement to secure the provision of affordable housing and securing developer contributions towards education provision, children's play provision, an informal play/kick about area, town centre improvements; and, a community facility.
- (ii) and 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 notwithstanding that delineated on docketed drawings, existing and finished ground levels and floor levels for all buildings, open spaces, SUDS and roads in relation to a fixed datum;
    - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
    - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
    - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
    - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
    - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses/buildings on adjoining plots are occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
    - vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
    - viii proposed car park configuration and surfacing;
    - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
    - x proposed cycle parking facilities;
    - xi proposed area of improved quality; and,
    - xii proposed play equipment.

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.*

2. Development shall not begin until details of the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space and structural landscaping, the SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

3. The realigned sections of the roadside stone boundary wall along Powdermill Brae shall be built in lime bedded and pointed stonework using the stone doughtings of the wall, which doughtings are required to form the new accesses through it. Any deficit of natural stone shall be made up using natural to match as closely as possible; including technical qualities and colour as the existing natural stone of the wall in accordance with a sample to me provided for the prior written approval of the planning authority.
4. The mortar bedding and pointing of the realigned sections of the roadside stone boundary wall along Powdermill Brae shall be lime based to match the existing original lime bedding and pointing of the existing stone wall. Prior to the commencement of lime work a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime; aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialist analysis of and report on the existing wall, and a copy of this analysis and report shall be included with the detailed submission for this condition.

**Reason for conditions 3 & 4:** *In the interests of safeguarding the character, integrity and appearance of the listed wall, in the interests of safeguarding the character and appearance of the area.*

5. The upper storey windows installed in the window openings of living apartment rooms of the houses on plots 169-199 which face westwards onto the A7 shall be installed with glazing and window vents both designed to achieve a daytime internal noise level of no greater than 35 dB LAeq, 16 hours.

**Reason:** *To safeguard the residential amenity of the future houses adjacent to the A7.*

6. Other than at the point where the new pedestrian access is to be formed through it between plots 179 and 180 the existing roadside boundary stone wall along the A7 shall be retained at its current height along its whole length and all gaps or opening within it shall be infilled/built up in with lime pointed stonework all to match that of the existing wall.

**Reason:** *The roadside boundary wall will provide a degree of acoustic attenuation to the ground floor windows of and to the rear gardens of the houses immediately behind it and thus it should be retained in the interests of safeguarding the residential amenity of the future occupants of those houses.*

7. Prior to works commencing on site planning permission a planning application for the formation of a new access road to Harvieston House and Harvieston Cottage off the A7 shall have been granted by the planning authority and that access road shall be formed and made available for use in accordance with the details so approved.

**Reason:** *In the interests of road safety and the amenity of the occupants of both Harvieston House and Harvieston Cottage.*

8. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

9. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained and the trees overhanging the site including those within the grounds of the neighbouring Harvieston House in accordance with the recommendations of the British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction'. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

**Reason:** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

10. The external finishing materials and finishes specified for the buildings and hard surfaces are not approved. Notwithstanding the material specified on drawings docketed to this planning permission, 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. Notwithstanding that specified on application drawings an enhanced quality of materials; including natural slate for roofs, shall be used in the area of improved quality which shall include the following plots: 13-24, 28-30, 45-58 and 116-132 inclusive. 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.*

11. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

12. Development shall not begin until details of the following has been submitted to and approved in writing by the planning authority:
- 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. New traffic signals at the A7 / Powdermill Road junction;
  - vi. A new pedestrian crossing point at the Powdermill Brae / Lady Brae junction in the form of a pedestrian refuge island or localised narrowing of the road junction;
  - vii. Residential cycle parking for the 12 flats should be provided. A minimum of 6 'Sheffield' style rack should be provided (catering for 12 cycles) with an internal light and drainage required;
  - viii. The tree planted road verge opposite plots 39 – 44 and 59 – 66. The details shall include sections through the verge indicating the width and gradient to determine if any vehicle containment measures are required at this location;
  - ix. The bus terminus including an AutoTrack, visibility splays, road surfacing and the bus stop and shelter;
  - x. A programme for completion for the construction of access, roads, footpaths and cycle paths.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

13. Prior to any dwelling being occupied the requirement of condition 12v, 12vi & 12vii shall be formed/carried out to the approval of the planning authority.

**Reason:** *To ensure the safely and convenient access to the site in the interest of road safety.*

14. Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:

- i. A site survey (including bore hole testing where necessary) has been carried out to establish to the planning authority that the level of contamination of any land within the site is acceptable in relation to the proposed development, or that remedial and/or protective measures can be undertaken to bring the contamination to an acceptable level in relation to the proposed development, and
- ii a detailed schedule of any remedial and/or protective measures including their programming, is submitted to and approved by the planning authority.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented in accordance with the approved scheme to the approval of 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.*

15. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

**Reason:** *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

16. Development shall not begin until details of the access arrangements and haulage routes for construction traffic accessing and leaving the site have been submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accords with the approved details.

**Reason:** *To ensure the safety and convenience of existing local residents and those visiting the development site during the construction process.*

17. The buildings permitted shall not be occupied or brought into use until vehicular, cycle and pedestrian access details and routes have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

18. The play area and play equipment required by condition 1xii will include; inter alia: (i) two pieces of inclusive play equipment; (ii) a bench and litter bin located within the fenced off area; (iii) two sets of benches and a litter bin provided alongside the path out with the play area; and, (iv) an area of hardstanding at the pedestrian gate entrance where there will be higher wear.

**Reason:** *For the avoidance of doubt as to what is required for the provision of an acceptable play area.*

19. Once installed the play equipment required by condition 1xii & 18 will be retained and maintained in accordance with the specifications approved unless otherwise approved in writing by the local planning authority. Any damaged equipment, fencing or hard/soft surface shall be replaced in accordance with a schedule of maintenance; including repair timetable, to be submitted and approved in writing by the local planning authority.

**Reason:** *In the interests of the safety of the children playing in the play area and for ease of maintenance in the interests of safeguarding the amenity of the area.*

20. Measures shall be undertaken to ensure that the first occupants of any house fronting onto an open space containing a play area, play equipment or kick about pitch is aware of the proposed use of the space: evidence of the measures taken shall be provided to the planning authority in advance of the first occupation of the said houses.

**Reason:** *to ensure future residents are provided with information by the site developer of the location of formal play areas within the site, and to avoid future antagonism towards the provision of such facilities.*

21. The electricity substation shall be housed in a building. Detailed drawings of the building and details of its external finishing materials and finishing colours shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *To ensure that any substation is unobtrusive and does not detract from the character and appearance of the development.*

22. Prior to any dwelling being occupied the over-head power lines on the site shall be diverted or put underground in accordance with details to be approved in advance by the Planning Authority and no overhead wires, cables or telecommunication masts shall be introduced onto the site without the prior written approval of the planning authority.

**Reason:** *To ensure that the appearance of the development is not spoiled by over-head power lines, wires and telecommunication masts in accordance with Policy UTIL2 of the Midlothian Local Plan.*

23. Prior to the commencement of any work a site waste management plan shall be submitted for the prior written approval of the planning authority in consultation with the Scottish Environment Protection Agency and all works shall be carried out in accordance with the approved plan.

**Reason:** *To ensure that waste on the site is managed in a sustainable manner.*

24. If a road safety barrier is required between the road on the eastern part of the site and the SUDS basin, it shall comprise open metal railings of a design and finish to be approved in advance by the planning authority.

**Reason:** *To ensure the provision of a visually acceptable barrier in the interest of safeguarding the character and amenity of the area.*

25. The area immediately north east and east of the site, which is the remainder of allocated housing site h23 in the 2003 Local Plan, shall be retained as an informal amenity landscaped open space unless otherwise approved by the planning authority.

**Reason:** *In the interests of safeguarding the landscape character and amenity of the area and the amenity of the future occupants of the dwellings on the site.*

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 19 May 2015  
**Application No:** 14/00481/DPP  
**Applicant:** Taylor Wimpey East Scotland, 1 Masterton Park,  
South Castle Drive, Dunfermline  
**Agent:** N/A  
**Validation Date:** 31 July 2014  
**Contact Person:** Adam Thomson, Senior Planning Officer  
**Tel No:** 0131 271 3346  
**Background Papers:** 04/00724/FUL, 07/00455/FUL & 11/00663/PAC