

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE 13/00780/PPP
FOR THE ERECTION OF 60 DWELLINGHOUSES; ERECTION OF
WAREHOUSE; EXTENSION TO EXISTING PETROL FILLING STATION
KIOSK AND ASSOCIATED WORKS AT LAND AT FORDEL, DALKEITH**

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for planning permission in principle for the erection of 60 dwellinghouses; erection of warehouse; extension to existing petrol filling station kiosk and associated works at land at Fordel, Dalkeith. There have been five letters of representation and consultation responses from the Scottish Environment Protection Agency, Scottish Water and the Council's Policy and Road Safety Manager and the Head of Education. The relevant development plan policies are RP1, RP7, RP8, RP28, HOUS3, HOUS4, ECON8, TRAN1 and DP1 of the Midlothian Local Plan and policies 1, 5, 7 and 8 of the South East Scotland Strategic Development Plan. The recommendation is to refuse planning permission.
- 1.2** At its meeting of 25 February 2014 the Planning Committee deferred consideration of the application to enable a Committee site visit to take place. The Committee also asked that it be advised of possible alternative uses for the site.

2 SITE VISIT

- 2.1** A Committee site visit is scheduled to take place on Monday 26 May 2014.

3 ALTERNATIVE USES

- 3.1** The site is located within the countryside on the north side of the A6106 (former A68) to the south east of Dalkeith and north east of Whitehill. A significant area of the site can be considered to have been previously developed.
- 3.2** Existing buildings presently in use include the petrol filling station and kiosk; the equestrian/countryside retail outlet, the office building, the gardening retail unit and the warehouse building. Vacant buildings include the cafe and the shower block for the caravan site. The hardstanding around the petrol filling station, retail uses and warehousing is still in use. The hardstanding previously used as a caravan/mobile home storage area is vacant.

- 3.3 Support has already been given to the extension of the existing countryside related retail activities in the granting of planning permission (08/00262/FUL – which has not been implemented), this use would still be supported.
- 3.4 Other uses that could be supported under the current local plan would predominantly fall under policies ECON7: Tourist Accommodation, ECON8: Rural Development and DP1: Development in the Countryside.
- 3.5 Policy ECON7: Tourist Accommodation could potentially support a hotel development and/or self catering tourist accommodation where it can be located in an unobtrusive manner within the landscape and is of a character and scale in keeping with its rural setting.
- 3.6 Policy ECON8: Rural Development permits proposals that will enhance rural economic development opportunities or are businesses best suited to a rural location. Such uses could include an equestrian business (or expansion of the existing business on site), a horticultural business, a cat and dog kennels or agricultural machinery sales. Any such proposal would be permitted provided they accord with other relevant local plan policies, protect residential amenity, and meet normal development management criteria.
- 3.7 Policy DP1: Development in the Countryside permits the redevelopment of non-residential buildings in the countryside, where they have become redundant. In the case of redevelopment, the resulting buildings must make a significant and positive contribution to the landscape; be of a character and scale appropriate to its immediate surroundings; be capable of being served by an adequate and appropriate access; be capable of being serviced at reasonable cost and with no unacceptable discharge to watercourses; and would only exceptionally exceed 5 houses. The redevelopment should have a comparable floorspace to the rural buildings being replaced.

4. FURTHER SUBMISSIONS BY THE APPLICANT

- 4.1 As a consequence of the deferral by the Planning Committee the applicant has submitted additional information to be considered as part of the application for the erection of 60 dwellinghouses, erection of warehouse and extension of petrol filling station kiosk.
- 4.2 The submission advises that the proposed footpath link to Whitehill (1.3k by road) provides reasonable access to public transport at Whitehill. It also advises that a bus stop would be proposed at the front of the development to facilitate the new bus service that would be required to serve the Fordel View development. This would make the proposed development dependant on another proposed development which has not been granted planning permission.

- 4.3 Foul water drainage from the site will need to be conveyed to the point of discharge on the public network identified by Scottish Water following the Drainage Impact Assessment (DIA) process. A possible gravity outlet has been identified 1km to the west of the site. An alternative pumped solution to Scottish Water's apparatus at Whitehill may be possible.
- 4.4 Surface water drainage from the site will be conveyed to a Sustainable Urban Drainage Systems (SUDS) basin to the western boundary of the site and conveyed off site to the minor watercourse to the north. The basin will attenuate the surface water flows and control the discharge to the watercourse in order that the off-site flows are restricted to green field runoff thereby creating a no net detriment situation. By embracing SUDS and with the appropriate levels of treatment the development could satisfy SEPA's objection and could be resolved by condition.
- 4.5 The applicant has submitted an indicative drawing to demonstrate how 60 units could be accommodated within the site. However, the applicant has offered to reduce the level of housing to 40 dwellings. The principle justification for the development is to provide investment to allow the existing business to continue, supporting the existing 27 jobs. As the application is for planning permission in principle the proposed numbers are only indicative and would be subject to a matters specified in condition application if the Committee is minded to grant planning permission.
- 4.6 Petrol sales from the site have fallen from 7 million litres per annum in 2008, to 2.4 million litres per annum now. This is likely to be further eroded if the Fordel View development goes ahead.

5 ADDITIONAL CONSULTATION

- 5.1 **Scottish Environment Protection Agency (SEPA)** initially objected to the application on the grounds of lack of information on proposals for foul and surface water drainage and a lack of information on the ability of this site, once developed, to accommodate these facilities. Following the submission of further supporting information, SEPA agreed to remove the objection (26 March 2014), but this is conditional on it being demonstrated in a matters specified in condition application, that adequate Sustainable Urban Drainage can be accommodated within the site.

6 REPRESENTATIONS

- 6.1 One further representation has been received commenting upon the proposed upgrade of the footpath to Whitehill. It states that this path although adopted is privately owned by several parties, not including the applicant; and that these parties would have to be consulted and agree to the upgrading, i.e. drainage, fencing etc. The representation also contends that the number of houses proposed is excessive.

7 SUMMARY

- 7.1 The Committee is requested to refer to the report on the application submitted to the meeting on 25 February 2014 which sets out all of the policy matters and offer material considerations. Having considered the further representation from the applicant, the revised response from SEPA, and the additional representation, the recommendation remains that of refusal of the application for the reasons itemised below.

8 RECOMMENDATION

- 8.1 That planning permission be refused for the following reasons:
1. *The redevelopment of the site for residential purposes is contrary to policies RP1 and DP1 of the Midlothian Local Plan as it is not an accepted countryside use and the level of redevelopment far exceeds the existing footprint of development on site.*
 2. *Notwithstanding reason no.1 above, it is also the case that the proposal is contrary to policy TRAN1 as it would result in a major travel generating use in a location with poor access to public transport and with no immediate prospect of improved services; and is contrary to Strategic Development Plan Policy 8 in that the site is not a sustainable transport location.*
 3. *The level of development proposed would be contrary to policies RP7 and HOUS3 as the density of housing proposed would not be appropriate to the rural location and it would be out of scale and character with the area to the detriment of the visual amenity of the landscape.*

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Head of Communities and Economy

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Application No: 13/00780/PPP (Available online)

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Background Papers: 13/00478/PAC