



APPLICATION FOR PLANNING PERMISSION 13/00247/DPP, FOR THE ERECTION OF 17 FLATTED DWELLINGS AND FORMATION OF ASSOCIATED ACCESS ROAD AND CAR PARKING AT LAND TO SOUTH OF 1A EASTFIELD DRIVE, PENICUIK

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 17 flatted dwellings on amenity ground to the south of 1A Eastfield Drive and to the rear of Loanburn Avenue. There have been 21 letters of representation and consultation responses from Scottish Environment Protection Agency (SEPA) and the Council's Director of Education, Communities and Economy. The relevant development plan policies are RP8, RP20 RP32, HOUS3 and DP2 of the Midlothian Local Plan and policy HOU2 of Edinburgh and the Lothians Structure Plan 2015. The recommendation is to grant planning permission subject to conditions and securing developer contributions.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is owned by Midlothian Council. It is amenity ground and the site of former lock up garages. It sits to the rear of 46 to 70 Loanburn Avenue, and is accessed from Eastfield Drive, between numbers 1A and 9.
- 2.2** There are four terraced properties facing on to the existing access lane (1 to 7 Eastfield Drive). The access lane is narrow and has no segregated footpath.
- 2.3** The site is bounded to the east and north by the properties on Eastfield Drive and Loanburn Avenue, and to the south and west by the Loan Burn and amenity ground. There is a public footpath and right of way through the site following the line of the burn.
- 2.4** The locality is predominantly residential. Surrounding properties are exclusively 2 storeys, with the exception of the property on the west side of the access road which is single storey with accommodation in the roof space. To the north side of the access on Eastfield Drive there are industrial units.

3 PROPOSAL

- 3.1 The proposal is for the erection of 17 flats. There are to be six, 1 bedroom flats and eleven 2 bedroom flats. The accommodation is arranged in a terrace of three storey flats stepped horizontally. The proposal is part of the Council's social housing programme.
- 3.2 The site access is to be widened to 5.5 metres forming a shared surface roadway, with porous pavements. A 2 metre wide footpath will be provided on the east side of the lane in front of the existing housing. This will link to the path along the Loanburn. On the west side of the lane a 0.5 metre verge is proposed with a vehicle barrier and a timber fence behind. A retaining wall is required due to the height difference.
- 3.3 A parking courtyard with 21 spaces and turning head suitable for refuse vehicles is proposed to the front of the proposed flat blocks.

4 BACKGROUND

- 4.1 There is no history of planning applications on this site.
- 4.2 The applicant is Midlothian Council. The Council's Scheme of Delegation requires applications which are submitted by the Planning Authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.1 The **Director of Education, Communities and Economy** has advised that a development of 17 dwellings would give rise to five Primary Non Denominational pupils and four Secondary Non Denominational pupils. The non-denominational primary school is Strathesk and the non-denominational secondary is Penicuik High School. Strathesk Primary School has insufficient spare capacity for this development. Therefore additional capacity would need to be provided at Strathesk Primary School. Penicuik High School has sufficient spare capacity for this development.
- 5.2 The Council's **Policy and Road Safety Manager** has no objection to the application.
- 5.3 The **Scottish Environment Protection Agency (SEPA)** initially objected to the proposal due to its proximity to a watercourse and the lack of any information regarding flood risk. On receipt of further information from the applicant this objection has subsequently been withdrawn.

6 REPRESENTATIONS

- 6.1 There have been 21 representations received in connection with this application. The issues raised are as follows:

Against (20 representations);

- Too close to gardens on Loanburn Avenue;
- The height of the flats will lead to loss of privacy in neighbouring gardens;
- The access road will be a hazard to local children who also use this area for recreation. It is also a route to school;
- The sewage and drainage system will not cope with this development (there is a history of problems);
- Flood risk due to run off from hard surfaces into the burn;
- Three storeys is not in keeping with the heights of surrounding buildings;
- Reduction in daylight to neighbouring properties;
- Refuse area too close to existing houses;
- Impact on local bat population;
- Loss of parking for existing residents;
- Parts of the Loanburn had to be strengthened due to erosion. This development may increase risk of erosion and flooding;
- History of subsidence on this land. Nearby houses have been affected ;
- Light pollution to rear of existing houses from cars and streetlights;
- Inadequate amenity space;
- Inadequate parking. Should be 150% provision, at least for existing houses;
- This was the site of proposed Eastfield Clinic which was cancelled due to flooding of the site and subsidence issues;
- How will refuse lorries access the site; and
- Increase in activity behind house will lead to loss of amenity

In support (1 representation):

- The existing site is the source of anti-social behaviour and dog fouling and its redevelopment is welcomed.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Policy **RP8 Water Environment** aims to prevent damage to the water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.
- 7.3 Policy **RP20 Development within the Built-up Area** which advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area.

- 7.4 Policy **RP32 Public Rights Of Way and Other Access Routes** protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route.
- 7.5 Policy **HOUS3 Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brown field land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.
- 7.6 Policy **DP2 Development Guidelines** which is a set of criteria covering design, sustainability, landscaping, open space, house layout, and parking.
- 7.7 Policy **IMP1 New Development** advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure, community facilities and services.
- 7.8 Policy **IMP2 Essential Infrastructure Required to Enable New Development to Take Place** aims to ensure that development does not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal, imposed through planning conditions and legal agreements to secure the appropriate developer funding and the proper phasing of development.
- 7.9 The provisions of Policies IMP1 and IMP2 are amplified in the Council's Supplementary Planning Guidance on Developer Contributions (March 2012).
- 7.10 The **Edinburgh and Lothians Structure Plan 2015 Policy HOU 2** supports the development of suitable brown field sites for housing through redevelopment, and where appropriate higher densities will be encouraged.
- 7.11 The relevant parts of the **Scottish Planning Policy (SPP)** will also be a material consideration. This policy sets out The Scottish Government's policy on the identification of housing requirements, the provision of land for housing and the delivery of homes through the planning system.

8 PLANNING ISSUES

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

Principle of Development

- 8.2 The site is a brown field site within the defined built up area of Penicuik and is suitable for development which is compatible with surrounding uses and which complies with development plan policies. In principle, given that surrounding use is residential, the use for residential purposes is acceptable. Both the SPP and the development plan are supportive of residential developments on brown field sites.
- 8.3 The site is close to local facilities and has good transport links to other parts of Penicuik and the wider area. It is the type of site where the amount of accommodation should be maximised to avoid creating pressures in less appropriate areas. The Structure Plan advises that where appropriate high density development in urban areas is to be encouraged. It is further advised that such development should not be at the expense of urban quality, nor should it result in over-development, town cramming, or loss of urban open space. For sustainability reasons, and to reduce pressures on green edge of town sites, it is important to make best use of sites within towns and to permit denser developments on such sites, so long as this does not compromise the character of the area and amenity of existing residents to an unacceptable degree.
- 8.4 This reflects the advice contained within the SPP (para. 80) which seeks more efficient use of land and buildings. It is stated that through good design it is possible to achieve a variety of forms of high-density living environments without overcrowding or loss of amenity. It is also made clear that 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.
- 8.5 In principle, the location is suitable for housing development at a scale that respects the surrounding area.

Layout and Form of Development

- 8.6 The site is in an open and slightly elevated position in relation to the burn, and as such the proposed development will be viewed by surrounding properties and from the public right of way through the site.

- 8.7 The proposed flatted blocks start off in alignment with the existing terrace of four, and then step back in respect of the alignment of the burn. The first and second blocks have been separated to reduce the visual impact of the blocks. The second and third blocks are connected, with the final part of the third block being lowered to two storeys, compared to the three storeys of the remaining block, to reduce the visual impact of the blocks.
- 8.8 In respect of the relationship of the proposed development with existing surrounding property there is a height difference of up to 2.6 metres between the existing two storey properties and the proposed three storey buildings. This height difference is acceptable because of the separation distances between the units, which is in excess of the policy standards. Furthermore, the end unit in block three as you move into the site has been dropped to two storeys as this building is closest to the existing properties in Loanburn Avenue. The heights of the buildings, whilst greater than those neighbouring the site, are not so different as to have an unacceptably detrimental effect on the character of the area, in terms of visual amenity
- 8.9 The site is close to the main road, adjacent to a well used pedestrian link, and is close to a local shopping centre and superstore.
- 8.10 In terms of visual amenity from adjoining streets, views to the Pentland Hills are presently enjoyed from Loanburn Avenue between the existing buildings and from the open space at Castlelaw Court, and the erection of three storey flats on this site would interrupt or obscure those views. A right to a view is not a planning consideration. The issue is one of potential loss of amenity, and that is not the case in respect of the impact of these proposals.

Residential amenity and Open Space

- 8.11 The heights of the proposed buildings will have no significant effect upon daylighting, sunlight and overshadowing to existing properties on Loanburn Avenue. The only property likely to be effected is 1 Eastfield Drive. The development is directly to the south of this property, and there could be some overshadowing to the property due to the height of the building and its proximity to the adjoining house. There is an upper floor window in this gable, but this is a bathroom and daylighting is not considered to be critical to non-habitable rooms. To address this matter the applicant has amended proposals to move the first block forward, towards the burn, such that it will not project backwards beyond the rear building line of 1 Eastfield Drive.
- 8.12 The level of private and communal open space is acceptable and there is access to open space and a play park alongside the burn to the south. A developer contribution will be necessary for the child play equipment to be upgraded in the nearby play park.

- 8.13 One point of concern raised was that the development would create extra activity to the rear of existing houses. These are compatible uses and it is acceptable to have back to back gardens in residential developments. There is potentially more scope for inappropriate activities to take place under the present situation.

Parking and Access

- 8.14 The site has an existing access via Eastfield Drive. This is presently sub-standard and has no footpath. There is no formal parking area for the existing houses and only one has a private driveway. It is proposed to widen the access to address this concern.
- 8.15 The proposed parking provision is 100% and is provided in a small parking court at the entrance to the site; this incorporates a disabled space. The bin stores are also located in this area.
- 8.16 Four car parking spaces have been provided for the existing occupants of 1 to 4 Eastfield Drive. These are being provided as a direct replacement for the four spaces currently present. These spaces will need to be allocated specifically to the existing occupants.
- 8.17 Cycle parking has been provided for the flats with cycle lockers being located in rear garden areas. Details of these will be required by condition.
- 8.18 A new pedestrian link is to be created running along the south side of the access road into the development, and linking into the existing footpath that runs along the east side of the burn.
- 8.19 Suitable access and turning has been provided for service vehicles.

Other Matters not Previously Covered

- 8.20 Dependant upon the solution chosen to accommodate the demand on school places (para 5.1 refers), developer contributions may be required.
- 8.21 With regards to comments on road safety relating to safe routes to school, it is not anticipated that this development will have an adverse impact. It provides a new segregated surfaced pedestrian route through the site which is a positive attribute in this respect.
- 8.22 There are no objections to drainage or flooding issues. SEPA had originally objected due to the lack of information on any flood risk assessment, a standard requirement for housing adjacent to a watercourse.
- 8.23 Concern has been raised about flooding and drainage issues, including foul sewer problems. With regards to flooding, SEPA, and the Planning Authority are satisfied that the site will not flood under the 1:200 year

flood prediction levels. Also, the development will not lead to any notable increase in flooding up or down stream from the site.

- 8.24 With regards to drainage issues, in particular foul sewer drainage, the site is within the town centre and access to an acceptable main sewer system is achievable. The development will not be able to commence until such matters are satisfactorily dealt with by the applicants in liaison with Scottish Water.
- 8.25 With regards to bats, the wildlife information centre has advised that as there are no plans to carry out any work that affects the bridge crossing the burn (site of potential bat roost) there will be no adverse affect on the local bat population.
- 8.26 With regards to light pollution, the proposed residential development will include street lighting, which will be subject to a Roads Construction Consent, and will be comparable to the surrounding streets.
- 8.27 With regards to bin stores being too close to existing houses, they are on the opposite side of the road. However, it will be a requirement that these are screened by a wall or a fence.

9 RECOMMENDATION

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

The proposal comprises the redevelopment of a vacant area of ground previously occupied by lock up garages within the settlement boundary of Penicuik where there is a presumption in favour of appropriate development. The proposed scheme of development by means of its siting, form and design generally accords with the provisions of the approved Edinburgh and the Lothians Structure Plan and the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

Subject to developer contributions towards education provision and children's play provision.

Subject to the following conditions:

1. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii. existing features to be retained or removed during development and in the case of damage, restored;

- iii. proposed new planting in communal areas and open space, including trees, hedging and grassed areas;
- iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- vii. drainage details, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths (designed to be unsuitable for motor bike use); and
- x. proposed cycle parking facilities;

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 samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

3. Development shall not begin until details of the site access, internal vehicular circulation areas, footpaths, and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all vehicular surfaces in relation to a fixed datum;

- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities) and footpaths;
- iv proposed visibility splays, lighting and signage;
- v a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
- vi proposed car parking arrangements; and
- vii a programme for completion for the construction of access, roads, and footpaths.

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

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

4. Development shall not begin until 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.*

5. Prior to the occupation of any dwelling within the site, the pedestrian link through the site shall have been completed to an adoptable standard with street lighting.

Reason: *To ensure that the development is provided with adequate pedestrian links to public transport, to schools, and to other community facilities.*

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Application No: 13/00247/DPP (Available online)
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Validation Date: 02 April 2013
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Background Papers: