



APPLICATION FOR PLANNING PERMISSION 12/00059/DPP, ERECTION OF 8 FLATTED DWELLINGS AND ASSOCIATED VEHICULAR ACCESS AND PARKING (AMENDMENT OF PLANNING CONDITION 3 OF PLANNING PERMISSION 08/00252/FUL TO ALLOW A REVISION OF PARKING ARRANGEMENTS), 2A GEORGE DRIVE, LOANHEAD

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 8 flatted dwellinghouses to be used for ‘elderly amenity housing’. There have been three letters of representation. The relevant development plan policies are RP20, HOUS3 and DP2 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions and the prior signing of a legal agreement to secure the form of tenure.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is positioned to the rear of residential properties, a builder’s yard and King George’s Park. The site was formerly in industrial use, but is now vacant. The vehicle repair workshop that previously operated within the site has been demolished to make way for the proposed access. There is currently vehicular access to the site from George Drive and pedestrian access from Clerk Street.

3 PROPOSAL

- 3.1 The proposal is for the erection of a block of 8 flatted dwellinghouses to be used for ‘elderly amenity housing’ where at least one of the occupants must be aged 60 or over, and where neither of the occupants must be aged less than 55 years.
- 3.2 The proposed building is a two storey, flat roofed, structure with render and larch boarding walling and is identical to building approved under planning application 08/00252/FUL. However, the applicant is unable to secure control of the entire site, in particular that part of the site on which the car parking provision was to be originally provided. As a result the applicant has submitted a revised proposal with a reduced level of parking provision, but for occupants with low car ownership.

- 3.3 The site layout incorporates landscaping and parking for up to 4 vehicles (compared to the 12 spaces in the scheme approved under reference 08/00252/FUL). Vehicular access is from George Drive only. A pedestrian access is also available to Clerk Street.
- 3.4 In support of the application the applicant has submitted two parking surveys for the surrounding streets and a revised supporting planning statement regarding the reduced parking needs for the type of tenure proposed.

4 BACKGROUND

- 4.1 Planning application 11/00645/DPP for the revision to parking arrangements (Amendment to planning permission 08/00252/FUL - Erection of 8 flatted dwellings and associated vehicular access and parking), was withdrawn on 04 January 2012.
- 4.2 Planning application 09/00413/DPP for the revision to parking layout (Amendment to planning permission 08/00252/FUL - Erection of 8 flatted dwellings and associated vehicular access and parking), was refused on 21 July 2010, for the following reason;

“The proposed development by means of its below standard car parking provision will have a detrimental impact on highway safety and amenity of the future occupants of the flatted development and other road users. As such, the proposal is contrary to adopted Midlothian Parking Standards and Midlothian Local Plan policy RP20.”

The proposed parking provision was two spaces.

- 4.3 Planning application 08/00252/FUL for the erection of 8 flatted dwellings and associated vehicular access and parking, granted on 19 August 2009.

Condition 3 was as follows:

“Prior to the flats being occupied the access road, footpaths and parking areas approved and the fences required by condition 1(iii) shall be provided on site.”

- 4.4 Planning application 05/00513/FUL for the erection of 3 workshops with associated parking and access (from George Drive), at 27 Clerk Street, planning permission was granted on 4th October 2005.
- 4.5 Planning application 02/00751/OUT for outline planning permission for the erection of one dwellinghouse, granted 04 April 2003.
- 4.6 Planning application 01/00818/OUT for outline planning application for the erection of workshops and formation of new access following

demolition of existing workshop, at 2A George Drive and 27 Clerk Street, granted on 11 June 2002.

- 4.7 Planning application 01/00513/OUT for outline planning application for the erection of workshops, at 27 Clerk Street, application was withdrawn on 18 December 2001.
- 4.8 Under the Council's scheme of delegation, approved by Scottish Ministers on 16 July 2009 under the terms of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, applications may be called to the Planning Committee by a local ward member. Councillor Owen Thompson has formally requested that this application be determined by the Planning Committee.

5 CONSULTATIONS

- 5.1 The Council's Policy and Road Safety Manager advises that if the use is restricted to 'elderly amenity housing', this will reduce the parking demand. It is acknowledged that there is some public parking available on the surrounding road network, and that it is a significant improvement on the previous proposal (09/00413/DPP) for only two spaces. If it is to be approved then conditions should be imposed requiring fencing to the side and rear of spaces 3 and 4; and there should be a means of restricting vehicles from utilising the pend through to Clerk Street.

6 REPRESENTATIONS

- 6.1 Three representations have been made objecting to the application. The issues raised are as follows:
- Inadequate parking provision;
 - Land ownership information is incorrect about "communal area";
 - The number of available on street parking spaces is already inadequate; and
 - That the parking survey is inaccurate.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and 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 Midlothian Local Plan 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;

- 7.3 Midlothian Local Plan 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 brownfield 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;
- 7.4 Midlothian Local Plan Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings;
- 7.5 The Scottish Planning Policy (SPP) in respect of housing is also a material consideration. In the interest of sustainability it is good practice to make best use of brownfield sites within towns subject to the protection of the character of the area and amenity of existing residents. This reflects the advice contained within the SPP (para 80) which seeks more efficient use of land and buildings. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.

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 response received are material considerations.
- 8.2 The grant of planning permission under application 08/00252/FUL established that a residential land use is acceptable on this site and that the design and scale of the block of flats was compatible to the neighbouring properties. This was based on the provision of appropriate parking.
- 8.3 The primary issues in the consideration of this application are parking provision and road safety. In particular, whether or not the proposed level of parking is acceptable, if the parking and access arrangements are acceptable in terms of the safety of pedestrians and other road users, and whether the means of access to the site is acceptable.
- 8.4 The original planning permission for 8 private residential flats was approved for a site area that included land that was not under the

applicant's control. The applicant was not able to gain control of that land, and as this land was required to accommodate the majority of the parking, the development has not been able to proceed as approved. The applicant previously proposed a similar development for elderly amenity housing, however he had tried unsuccessfully to argue that 2 parking spaces would be sufficient for the development, and the previous application was refused on this basis (application 09/00413/DPP).

- 8.5 The proposed building, open space standards and landscaping remain the same as previously approved.
- 8.6 The proposal also includes parking provision for four cars. These spaces are on land wholly within the applicant's control. However, as this is still only 50% parking provision, the applicant proposes to develop the site for 'elderly amenity housing'.
- 8.7 'Elderly amenity housing' requires a lower parking requirement than private residential housing, and in Midlothian such developments have been permitted with parking as low as 32% (Newmills Road, Dalkeith for example). Furthermore, the application site is located on the edge of Loanhead town centre, close to local amenities and adjacent to a regular bus service (Lothian Buses route 37). There is also evidence in the applicant's supporting parking assessment that indicates that there is adequate spare capacity for on street parking. This however conflicts with representations received from two neighbours. On the occasions where Council officers have visited the site, both during the working day and in the early evening, it has been witnessed that a significant number of vacant on-street parking spaces were available.
- 8.8 The national average age for persons living in 'elderly amenity housing' is 78 and the car ownership for this median figure is significantly lower than the average across the population. On average, for the size of units proposed at George Drive, i.e. two bedroom apartments, the parking provision (as concluded from detailed surveys carried out by McCarthy and Stone, a leading developer in the elderly housing market) is around 0.44 spaces per apartment. This gives a figure of 3.52 for 8 apartments, which is in line with the proposed provision of 4 spaces. Visitor parking can be accommodated on surrounding streets.
- 8.9 As this is a proposal for the redevelopment of a previously developed site, with limited open space to accommodate parking, and given the nature of the proposed use and its proximity to town centre facilities, the proposed reduced level of car parking is considered acceptable in this case.
- 8.10 Government advice (SPP) on housing development highlights the need to make best use of brown field sites within urban areas to reduce the pressures on demands to release green-field sites. This should not however lead to cramming of development onto sites at the expense of

amenity or town character. In this case the site is not being overly developed. The building that is the subject of this application has already been assessed as acceptable in design terms and the proposal makes good use of a derelict site, providing a much needed form of residential property. It will enhance the character of the area and add to the variety of house tenure in the area.

- 8.11 The Council's Policy & Road Safety Manager has agreed that the provision of four parking spaces, along with a legal agreement controlling the occupancy to elderly persons, could be supported subject to conditions relating to restrictions to prevent vehicles from utilising the pend through to Clerk Street. The combination of the proximity to local town centre services and a regular bus route, the low parking demand for elderly residents, and the availability of on street parking, is all evidenced in the revised planning statement and support a presumption in favour of development. A further parking assessment has also been carried out in relation to claims that the development would cause unacceptable impacts upon the on-street parking situation in George Drive. As stated in the assessment above, there is evidence to accept the proposed level of parking provision.
- 8.12 With regards to access, this remains via George Drive, as previously approved. The applicant will be required to erect signage advising that vehicular access will be via George Drive only. Access is not in any case permissible to Clerk Street as this is a private lane. Pedestrians may be allowed to use this route. Fencing or railings will have to be erected along the north side of car parking space 4, and fencing shall be erected to ensure pedestrians from the flats are directed safely around the area within which vehicles may be manoeuvring.
- 8.13 In conclusion, the provision of four parking spaces and a legal agreement requiring the occupation of the flats as 'elderly amenity housing' is sufficient to ensure that any impacts on parking in surrounding streets is kept to an acceptable level. The development makes good use of the site and will make a positive contribution to the character and the amenity of the area.

8 RECOMMENDATION

- 8.1 Grant planning permission for the following reason;

The development makes good and positive use of a derelict brown-field site within the town centre, it will enhance the character and amenity of the area and provide a greater mix of housing tenure to the area, and the revised proposal with four car parking spaces will ensure that this will have no significant adverse impact upon on-street parking levels in the immediate vicinity of the development.

Subject to:

The prior signing of a legal agreement ensuring the development is for 'elderly amenity housing'.

and the following conditions;

- 1 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.

- 2 Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting in communal areas 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 shall be completed prior to the flats being occupied.
 - vii drainage details and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing; and
 - ix proposed footpaths.

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.*

- 3 Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by 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.*

- 4 Prior to the occupation of the development hereby approved, the access road and the four parking spaces shown on drawing reference CO/04/01 revision C shall be completed and available to occupants of/visitors to the development.

Reason: *In order to ensure that there is adequate parking provision for the occupants of the development.*

- 5 Prior to the occupation of the first residential unit on site there shall be a fence or railings erected alongside the north side of parking space number 4 on drawing reference CO/04/01 revision C, and a similar fence provided to replace the bollards to the rear of 2 and 4 George Drive, the details of which shall be submitted to and approved by the planning authority.

Reason: *To delineate the edge of the site boundary and to discourage access towards Clerk Street and in the interest of pedestrian safety.*

- 6 The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

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Application No: 12/00059/DPP (Available online)
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Validation Date: 7th February 2012
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Background Papers: 11/00645/DPP; 09/00413/DPP; 08/00252/FUL;
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