



APPLICATION FOR PLANNING PERMISSION 14/00518/DPP FOR THE ERECTION OF 290 DWELLINGHOUSES, PROVISION OF LAND FOR BUSINESS PARK, FORMATION OF ASSOCIATED ACCESS ROADS AND SUSTAINABLE URBAN DRAINAGE (SUDS) AT LAND TO THE SOUTH OF GORTON LOAN, ROSEWELL

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 290 dwellinghouses, the provision of 2.08 hectares of land for a business park and the formation of associated access roads and a sustainable urban drainage system (SUDS) at land to the south of Gorton Loan, Rosewell. There has been 23 letters of representation and consultation responses from the Rosewell & District Community Council, the Scottish Environment Protection Agency (SEPA), East Lothian Archaeological Service, 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, RP27, RP28, HOUS1, HOUS4, COMD1, 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.

2.0 BACKGROUND

- 2.1** At its meeting of 3 March 2015 the Planning Committee deferred consideration of the application. The Committee:
- (a) Agreed to continue consideration of the application for one cycle to the Planning Committee on 21 April 2015, so that the position in relation to educational provision could be clarified;
 - (b) Agreed that in the interim the issue of digital technology provision be taken up with the developer; and
 - (c) Noted that Officers would review the position in relation to digital technology provision, seeking the views of Scottish Government and others, and report back to Committee, as necessary, on the potential scope for introducing appropriate Supplementary Planning Guidance

- 2.2 A copy of the planning application report presented to the March Committee is attached to this report.

3.0 EDUCATION PROVISION

- 3.1 The Head of Education made comment in response to the planning application consultation process. The comments are contained within the report presented to Committee at its meeting of 3 March 2015.
- 3.2 The primary non-denominational provision will be at Rosewell Primary School. Rosewell Primary School is subject to a phased extension and alteration programme. The first phase extension was approved by the Committee at its meeting of 26 February 2013 (13/00024/DPP) and has been built and is currently in use. This comprised an extension wrapping around the south and east corner of the school. The second phase consists of an internal reconfiguration of the school space and the third phase consists of a proposed extension to the east of the school connecting to the phase one extension. The extension of the school has been planned in phases, to reflect demand resulting from the graduated increase in the pupil population as developments in Rosewell come forward.
- 3.3 Secondary non-denominational provision will require additional capacity and, accordingly, developer contributions will be required towards the consequential costs of this augmented capacity.
- 3.4 Pupils from the proposed development will be in the catchment area for Lasswade High School. Although the 2014 Pupil Census states that Lasswade High School is at a 96.6% occupancy level it does not translate that the proposed development will trigger a requirement to add an extension to the school in the short term. If the Lasswade High School is required to be extended to accommodate an increase in its pupil population it is anticipated that an extension will not be required for a further 8 – 10 years.
- 3.5 A report regarding the catchment review programme was presented to Council at its meeting of 18 December 2014. The report outlined potential options regarding the Council's secondary school estate. The consequence of decisions to be made by the Council regarding the Midlothian wide strategy will impact on any decision to extend Lasswade High School in the future.
- 3.6 The catchment review programme report identified the potential to change the secondary school provision in the A701 corridor with the scope of developing a new school in the Loanhead/Bilston area. One consequence of this potential option is a review of catchment areas which will potentially free capacity at Lasswade High School.

- 3.7 Regardless of which educational strategy the Council decides upon a developer contribution from the applicant is required towards education provision.

4.0 BROADBAND

- 4.1 In response to the issue of digital technology provision being raised by the Committee, the applicant has advised that it is anticipated that fibre optic services are scheduled for rollout in the Rosewell area in 2015/16. This timetable is confirmed on the 'Digital Scotland' website. A consequence of this programme is that high speed fibre broadband should be available prior to the completion of any of the proposed dwellings. At this point it will be a decision for individual property owners/occupiers in discussion with their internet provider whether they wish to connect to high speed fibre broadband.
- 4.2 The proposed Midlothian Local Development Plan introduces a policy on digital infrastructure which outlines the planning approach to the delivery of digital services; including a requirement on new build homes and businesses to be designed in such a way to incorporate high speed broadband connections. This approach is subject to any changes that may be made to the Proposed Plan (to be published on 14 May 2015) by the Scottish Government Local Development Plan Report.

5 RECOMMENDATION

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

The proposed development site is identified as being part of the Council's safeguarded/committed housing land supply and economic land supply within the adopted Midlothian Local Plan 2008 and accords with policies COMD1 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:

- a. the prior signing of a legal agreement to secure the provision of affordable housing and securing developer contributions towards education provision, the Borders Rail Line, children's play provision and community/leisure facilities: and
- b. 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. 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.*

3. 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 neighbouring former Rosewell Mains site 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.*

4. 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. An enhanced quality of materials shall be used in the area of improved quality which shall include the following plots: 001, 006, 010, 011, 012, 037, 038, 039, 040, 041, 042, 043, 044, 061, 062, 078, 079, 080, 081, 082, 094, 095, 096, 100, 101, 102, 103, 104, 118, 123, 124, 125, 126, 135, 151, 152, 162, 163, 164, 171, 176, 177, 183, 184, 185, 186, 187, 196, 209, 210, 227, 228, 229, 230, 231, 233, 234, 235, 236, 237 and 244. 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.*

5. 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.

6. Development shall not begin until details of the site access, roads, footpaths, cycle ways 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 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 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;
 - vii 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.

7. 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.*

- 8. 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.*

- 9. 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.*

- 10. 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.*

- 11. Prior to the first occupation of any dwelling on phase 3; or by a different date to be approved in writing by the planning authority, the following shall be formed and made available for use to the approval of the planning authority and thereafter shall be retained unless otherwise approved by the planning authority:
 - i. A three metre wide hard surfaced and lit cycleway/footpath with a half meter verge either side of it on the area of land cross hatched in red on docketed plan titled: "14 0550 Annotated"; and,

- ii. A Zebra crossing or a different form of safe link from the three metre wide hard surfaced cycleway/footpath required by i. above to the footpath on the north side of Gorton Road.

There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason: *To ensure the provision of a safe and convenient pedestrian and cycle route from the site to the primary school in Rosewell in the interests of pedestrian safety and the amenity of the future occupants of the houses.*

12. Notwithstanding that stated on application drawings the uses on the business park on the northern part of the site shall not include any general industrial uses falling within Class 5 of the Town and Country Planning (Use Classes) (Scotland) Order 1997); but instead, they shall only be light industrial uses or office, research and development uses falling within class 4 of the aforesaid Use Classes Order and which can be carried out in any residential area without detriment to residential amenity.

Reason: *Owing to the close juxtaposition of existing houses and proposed houses on the site to the proposed business park, general industrial uses would have the potential to give rise to significant harm to the amenity of existing and proposed neighbouring residential properties by reason of noise, vibration, smell, fumes dust or grit etc. It is therefore necessary to restrict the uses to those that can be carried out in a residential area without significant harm to residential amenity.*

13. The noise insulation properties of the commercial buildings erected on the business park on the northern part of the site shall be such that no A weighted continuous equivalent noise level emitting from within or from equipment installed on the buildings, measured over any five minute period at any place on the site boundary. (LAeq(5min.)) shall cause an increase in the existing measured background noise level defined as the level exceeded for 90% of the time and A weighted (LA90).
14. The level of noise emitting from within the business park hereby approved shall comply with Noise Rating curve NR25 (window open standard) when measured within any neighbouring noise sensitive premises.

Reason for 13 & 14: *Owing to the close juxtaposition of existing houses and proposed houses on the site to the proposed business park, general industrial uses would have the potential to give rise to significant harm to the amenity of existing and proposed neighbouring residential properties by reason of noise.*

It is therefore necessary to restrict noise emissions from the business park in the interests of safeguarding the amenity of existing and proposed neighbouring noise sensitive properties.

15. 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.*

16. Once installed the play equipment required by condition 1xii & 15 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 every six months in accordance with a schedule of maintenance to be submitted and approved in writing by the local planning authority within 1 month from the date of installation.

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.*

17. 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.*

18. No electricity substation shall be erected within the site unless details of its position and appearance have been submitted to and approved in writing by the Planning Authority and any substation which is required shall be so located, or have a means of enclosure, as to prevent it having an adverse impact on the design and appearance of any open space or adjoining property.

Reason: *To ensure that any substation is unobtrusive and not unduly close to any occupied building.*

19. 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.*

Ian Johnson
Head of Communities and Economy

Date:	14 April 2015
Application No:	14/00518/DPP (Available online)
Applicant:	Bett Homes Limited, Argyll Court, The Castle Business Park, Stirling
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Validation Date:	16 July 2014
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Background Papers:	File 13/00270/PAC can be viewed online.