



APPLICATION FOR PLANNING PERMISSION (12/00814/PPP) FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED CAR PARKING AND ACCESS ON ALLOCATED HOUSING SITE H13, LAND SOUTH WEST OF BILSTON, SEAFIELD MOOR ROAD, BILSTON, MIDLOTHIAN

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for planning permission in principle for residential development on Midlothian Local Plan allocated housing site H13, Bilston; which has an indicative capacity of 150 units. There has been 9 letters of representation, and consultation responses from the Council's Director of Education and Children's Services, the Council's Policy and Roads Safety Manager and the Council's Archaeological Advisor. The key relevant development plan policies are policy HOU3 of the Edinburgh and the Lothians Structure Plan 2015 and policies RP20 and HOUS1 of the Midlothian Local Plan (2008). The recommendation is to grant planning permission subject to conditions and the prior signing of a legal agreement to secure developer contributions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located immediately to the south western edge of the built up area of Bilston. The site is bound by the existing settlement of Bilston to the north east, the A701 to the south east and Seafield Road (A703) to the south west. Seafield Road with residential properties beyond bounds the site to the north. The site lies essentially within a "V" shape formed by the two roads. The site extends to 17.30 hectares.**
- 2.2 The two agricultural fields comprising the site are divided by a small burn that flows into the Bilston Burn to the north east. The site is predominately flat, but with a domed area in the centre of the southern part. There is some vegetation including scattered mature trees along the boundary, which screen the site when approaching from the south along the A701; however, the site is generally open to view from both the A701 and the A703 and from the area of existing housing to the north east, The site is afforded views southwards towards woodland and Roslin Glen beyond. The site is presently served by two farm accesses, one off Seafield Road to the north and the other off the A701.**

- 2.3 The existing built form of the western edge of Bilston comprises a mixture of mostly two-storey detached, semi-detached and terraced houses within generous plots.

3 PROPOSAL

- 3.1 This application proposes planning permission in principle for residential development on the site and for the formation of two associated accesses, one off the A703 and the other off the A701.

- 3.2 Although the application is for the principle of the proposed development the applicant has submitted with it an indicative masterplan comprising a design concept for the development of the site. The masterplan discusses issues relating to design, access, landscape, open space, drainage/SUDS and phasing and indicatively shows up to 250 houses and a care home on the site. On the basis of a development of this size the average housing density across the whole site is anticipated to be between 19 and 21 dwellings per hectare. It is stated in the masterplan that the development mix could typically be two and two and a half storey houses and three-storey flats. The development is anticipated to include the following mix of dwellings:

- Flats: 5%
- Terraced/townhouses 15%
- Semi-detached 10%
- Detached 70%
- Care home

- 3.3 Two points of pedestrian connection are provided into the existing settlement, most notably a pedestrian/cycle connection through a central green corridor towards the existing recreation ground, school and central greenspace. Paths within the site provide connectivity with nearby employment/recreational routes at Easter Bush/Bush Estate, and nearby bus service provision on the A703 and A701.

- 3.4 The applicant confirms that 25% of the dwellings will be affordable housing.

- 3.5 The application is accompanied by a pre-application consultation report, a transportation assessment, a landscape and visual impact assessment and ecological walkover survey report.

4 BACKGROUND

- 4.1 Pre-application consultation 12/00376/PAC for a residential development was received in June 2012.

5 CONSULTATIONS

- 5.1 The Council's **Director of Education and Children's Services** has advised that based on an illustrative figure of up to 250 dwellings, there would arise a demand for the following number of pupils:
- Primary Non Denominational 68
 - Primary Denominational 7
 - Secondary Non denominational 48
 - Secondary Denominational 5
- 5.2 The primary school provision will be at the planned new Bilston Primary School and St Margaret's RC Primary School. The applicants will be required to make developer contributions towards the Bilston Primary School.
- 5.3 In allocating the site for housing in the 2008 Local Plan, with an indicative capacity of 150 units, it was anticipated that Secondary School provision could be accommodated at Beeslack High School and St David's RC High School subject to freeing up capacity by restricting placement requests from outwith the catchment area and by a review of catchment areas.
- 5.4 The current position identifies that capacity at Penicuik High School will also have to be used if freeing up capacity at Beeslack High School by restricting placement requests from outwith the catchment area and by a review of catchment areas does not achieve the accommodation as originally anticipated. Any additional demand generated by additional residential units above the indicatively allocated 150 units cannot be accommodated without extending Beeslack High School or Penicuik High School and therefore a contribution towards the consequent cost of additional secondary school accommodation will be borne by the applicant.
- 5.5 The Council's **Policy and Road Safety Manager** has requested details of access, parking, footpaths, SUDS, public transport infrastructure and a Green Travel Plan are submitted as part of the matters specified in conditions applications.
- 5.6 The Council's **Archaeological Advisor** informs that the site is of potential archaeological significance. There is a recorded earth mark in the south eastern part of the proposed development site which is still visible and there are also prehistoric crop marks located to the north west and south east of the site. Accordingly, the area is regarded as having archaeological significance with a high potential for the discovery of archaeological remains. As a consequence, there is a requirement for a programme of archaeological works (Archive Assessment and Evaluation) to be carried out to record the upstanding historical remains and to determine whether the development will disturb any buried archaeological deposits.

6 REPRESENTATIONS

6.1 Eight letters of objection have been received. The main points of objection raised are as follows:

- The proposal for 250 dwellings and a care home is excessive given that the site is allocated for only 150 dwellings;
- The land is greenbelt and should not be built on;
- Loss of views;
- There should be green open spaces located between the existing neighbouring houses and the proposed new houses;
- The existing mature trees along boundaries of the site should be safeguarded;
- More trees should be planted along boundaries of the site;
- The affect on the landscape character and amenity of the area will be significant and not moderate as stated in the report on the landscape impact assessment submitted with the application;
- There exists inadequate school provision to serve the pupils that would result from the development;
- The existing road infrastructure in Bilston is not currently of a standard to cope with the increase in use of it resulting from the development; and
- There are insufficient public amenities and services in Bilston to meet the demand generated by the future occupants of the houses.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan (ELSP) 2015, approved in June 2004, and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Midlothian Local Plan Policy **RP8: Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.
- 7.3 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.
- 7.4 Midlothian Local Plan Policy **RP28: Site Assessment, Evaluation and Recording** states that where any development proposal could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the impact of the proposal on the archaeological resource.
- 7.5 Midlothian Local Plan Policy **RP31: Open Space Standards** advises that the Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining the minimum open space standards in respect of all new development, and until that

is available the requirements for open space provision are as set out in policy DP2.

- 7.6 Midlothian Local Plan Policy **HOUS1: (Strategic Housing Land Allocations Proposal)** states that housing development to meet the Structure Plan strategic housing land requirements will be permitted on sites identified in the Local Plan Proposals Map provided it accords 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 on these allocated sites.
- 7.7 Midlothian Local Plan 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.
- 7.10 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. The Council's "Supplementary Planning Guidance on Affordable Housing" was published in March 2012.
- 7.11 Midlothian Local Plan 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.
- 7.12 Midlothian Local Plan 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.

- 7.13 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.

The Edinburgh and Lothians Structure Plan

- 7.14 The Edinburgh and the Lothians Structure Plan 2015 sets out the strategic housing land policies for the Lothians which are aimed at meeting housing needs, providing choice and supporting the economy without damaging environmental quality. **Policy HOU3: Strategic Housing Land Allocations** identifies strategic housing land allocations in two core development areas in Midlothian, one of which is the A701 corridor in which the application site is located.
- 7.15 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

The Principle of Development

- 8.2 The principle of residential development on this site is established by its allocation for housing within the adopted 2008 MLP, with an indicative capacity of 150 units. Two particular factors influenced this indicative figure: (a) to ensure that there is scope, through the planning application process, to provide for substantial structural planting to mitigate landscape impact and to provide a strong defensible Green Belt boundary; and, (b) to accommodate the additional space requirements for the new primary school to be built in the place of the existing school annexe located on neighbouring land to the east of the site.
- 8.3 Development of the site will be required to include substantial structural planting along the Seafield Moor Road and A701 boundaries in order to comply with paragraph 3.2.30 and policy DP2 of the adopted Midlothian Local Plan. The site is highly visible from both the Seafield

Moor Road and the A701, but the A701 frontage is much more exposed due to the land falling away on the eastern side of the A701 and also the openness of the adjacent countryside. Therefore any development along this frontage needs to be pulled back to accommodate a planted edge. Continuing development right up to the roadside edge would amplify the existing prominence of this part of Bilston. The landform and the adjacent countryside along Seafield Moor Road make this edge less exposed and it could therefore be argued that the structure planting along this edge could be narrower.

- 8.4 The illustrative masterplan submitted with the application does not delineate how a development of up to 250 dwellings; 70% of which would be detached houses, and a care home, could all be accommodated on the site which is allocated for only 150 dwellings. However, a development greater than 150 dwellings may be acceptable, if a detailed proposal of good layout, form and design, accordance's with detailed development plan policies, in particular policy DP2, is forthcoming.
- 8.5 The submitted illustrative materplan does not address the structural landscaping requirement for the site. The structural landscaping should be wide enough to incorporate large growing tree species without causing undue shade to the new dwellings.
- 8.6 The care home illustrated on the northern end of the eastern part of the site in the masterplan is not part of the strategic housing allocation of the site. A care home is a materially different use from residential (houses and flats) and falls within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. However, a care home may be acceptable as long as it does not undermine the objectives of the development plan and can be considered compatible to the main residential use of the site. Procedural, if planning permission in principle is granted for the proposed residential use, this does not agree the principle of the care home and as such a separate detailed planning permission for the care home will be required as it can not be assessed as part of any subsequent matters specified in conditions application.
- 8.7 The applicant has confirmed to the Planning Authority that the masterplan submitted with the application is solely for illustrative purposes only and it does not provide any indication of the number of units, scale, density, form or nature that the residential development would take. Therefore the masterplan is not to be given consideration in the assessment of this application. It is on this basis that the application stands to be determined. In granting planning permission in principle, permission is not granted for the details delineated/illustrated on the masterplan or for the number of units indicated. The number, positioning, height, scale, form, appearance of the residential buildings (houses and flats) and details of the position and layout of road infrastructure, open spaces and landscaping etc of buildings are all for consideration in a further application(s) for matters specified in

conditions imposed on a grant of planning permission is principle. Nevertheless, it is relevant to note that, in its current form, the illustrative masterplan does not accord with the provisions of the adopted Midlothian Local Plan.

- 8.8 The domed part of the southern part of the site is very prominent and any building on this part of the site would be highly prominent not only locally but also from further afield. Accordingly, open space use would be more appropriate at this location. This was a matter raised and confirmed through the inquiry into the current Local Plan. Therefore, this will be a material consideration in the assessment of matters specified in conditions applications in terms of the siting of buildings and the landscaping proposals.

Access and Transportation Issues

- 8.9 Details of the proposed new access points into the site from the A703, A701 and Castlelaw Crescent should be submitted for the prior approval of the Planning Authority. Also, suitable walking and cycling routes should be provided linking the new housing with the local primary school and the rest of Bilston. This would normally take the form of a 3m wide cycleway/footpath. Additionally, a Residential Green Travel Plan should be submitted for the prior approval of the Planning Authority. All of these controls can be secured by a condition imposed on a grant of planning permission.
- 8.10 Furthermore, to facilitate a residential development on the site improvements will be required to the existing public transport infrastructure on the roads surrounding this site including: (i) the upgrading of the 2 existing bus stops and shelters on the A701 site frontage to accommodate the increase in use. These stops may require to be relocated to provide convenient access for users; (ii) the provision of a pedestrian crossing facility linking the bus stops; and, (iii) the provision of 2 additional bus stops; including shelters and real time information panels, on the A703 site frontage. These off site works can be secured by a legal agreement.

SUDS and Flooding

- 8.11 The indicative 200 year flood risk map published by SEPA shows a small area of potential flood risk associated with the Bilston Burn located nearby to the north east of the site. Both fields appear to drain to the minor burn running through the centre of the site, and which discharges into the Bilston Burn to the northeast of the site. It should be made a condition of a grant of planning permission that a flood risk assessment report and proposed sustainable urban drainage details be submitted for prior approval of the Planning Authority.

Archaeology

- 8.12 The controls identified by the Council's Archaeological Advisor can be secured by a condition on a grant of planning permission.

Developer Contributions

- 8.13 In accordance with policy HOUS4 the provision of 25% affordable housing is required to be provided on the site. The applicant has confirmed that the required affordable housing will be met on site. The nature of, and the delivery of the affordable housing requirement will be secured through a Section 75 Legal Agreement.
- 8.14 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 planning agreement.
- 8.15 There is a requirement to provide play facilities for children. An equipped children's play area will need to be provided on site. The delivery of children's play provision can be secured through a condition and a contribution towards its maintenance secured as part of the Section 75 Legal Agreement.
- 8.17 A developer contribution is also required towards a community facility/community space. This could form part of the new school.

9 RECOMMENDATION

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

The site is allocated for housing in the adopted Midlothian Local Plan 2008 to meet the Council's Strategic Housing Allocations within the Edinburgh and the Lothians Structure Plan 2015. Therefore the principle of the residential development of the site is acceptable and complies with MLP Policy HOUS1 and ELSP Policy HOUS3. The presumption for development is not outweighed by any other material consideration.

Subject to the prior signing of a legal agreement to secure the provision of affordable housing and local road and transport improvements, and contributions towards education provision, the maintenance of children's play provision and community facilities.

and the following conditions:

1. The masterplan submitted with the application is not approved.

Reason: *The application is for planning permission in principle only and the details delineated within the masterplan are for illustrative purposes only.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding 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, structural landscaping, 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. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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 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 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 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 play areas and equipment;
 - xi proposed cycle parking facilities; and
 - xii proposed area of improved quality (minimum of 20% of the proposed dwellings).

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.*

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until a flood risk assessment for the development has been submitted to and approved by the Planning Authority. Any mitigation measures agreed shall be implemented in accordance with a timetable to be agreed in writing by the Planning Authority.

Reason: *To ensure that the dwellings built on the site are not at risk of flooding.*

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings). 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.*

6. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for 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, footways and cycle ways in relation to a fixed datum;
- ii the proposed vehicular, cycle and pedestrian accesses into the site from the A703, A701 and Castlelaw Crescent;
- iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking

- the new housing with the local primary school and the rest of Bilston;
- v proposed visibility splays, traffic calming measures, lighting and signage;
 - vi proposed construction traffic access and haulage routes;
 - vii a residential Green Travel Plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - viii proposed car parking arrangements;
 - ix proposed public transport infrastructure provision comprising new/upgraded bus stops and shelters and real time information on the A701 and A703;
 - x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
 - xi proposed on and off site mitigation measures identified by the residential Green Travel Plan submitted with the application.

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. 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.*

9. No building 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 building.*

10. Development shall not begin until a programme of archaeological works (archive assessment and evaluation) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area investigated shall be no less than 8% of the total site area.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

Ian Johnson
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Date: 9 April 2013

Application No: 12/00814/PPP

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