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**APPLICATION FOR PLANNING PERMISSION (12/00743/PPP) FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED CAR PARKING AND ACCESS ON ALLOCATED HOUSING SITE H15, LAND WEST OF ROSLIN, PENICUIK ROAD, ROSLIN, MIDLOTHIAN**

Report by Head of Planning and Development

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**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 H15, Roslin; which has an indicative capacity of 50 units. There have been 49 letters of representation and consultation responses from the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) the Council's Director of Education and Children's Services and the Council's Policy and Roads Safety Manager . The key relevant development plan policies are policy HOU3 of the approved Edinburgh and the Lothians Structure Plan 2015 and policies RP20 and HOUS1 of the adopted 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 western edge of the built up area and within the settlement boundary of Roslin. The site is bounded by existing housing and a pharmacy/medical practice to the east, Penicuik Road (B7006) to the south west, a combination of a tree belt and an agricultural field to the north west and north east. The site extends to 4.5 hectares.
- 2.2 The agricultural field comprising the site is gently sloping and is accessed by a gate off the B7006 at the south west corner.

**3 PROPOSAL**

- 3.1 This application proposes planning permission in principle for residential development on the site and for the formation of an associated access off the B7006.
- 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 proposes between 50 and 90 houses on the site. It is stated in the masterplan that the development mix could typically be two and two and a half storey houses. The development is anticipated to include the following mix of dwellings:

- Semi-detached 30%
- Detached 70%

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

3.4 The application is accompanied by a pre-application consultation report, a transportation assessment and ecological walkover survey report.

## 4 BACKGROUND

4.1 Pre-application consultation 12/00379/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 78 (a mid range density figure stated in the applicants' masterplan, as a likely number of units) dwellings, there would arise a demand for the following number of pupils:

- Primary Non Denominational 22
- Primary Denominational 2
- Secondary Non denominational 16
- Secondary Denominational 2

5.2 The primary school provision would be at the Roslin Primary School and St Margaret's RC Primary School.

5.3 In allocating the site for housing in the 2008 Local Plan, with an indicative capacity of 50 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 50 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 require to be borne by the applicant.

5.5 The **Scottish Environment Protection Agency (SEPA)** welcome the general proposals for the treatment of surface water by a sustainable urban drainage system (SUDS) as outlined in the Masterplan Report. They request that a condition be imposed on a grant of planning permission requiring full details of the finalised surface water management scheme to be submitted for the prior approval of the Planning Authority in consultation with SEPA.

5.6 **Scottish Natural Heritage (SNH)** was consulted, but has no comment.

5.7 The Council's **Policy and Road Safety Manager** has requested details of access, parking, footpaths, SUDS and a Green Travel Plan are submitted as part of the matters specified in conditions applications.

## 6 REPRESENTATIONS

6.1 49 letters of objection have been received. The main points of objection raised are as follows:

- Harm to ecology;
- Loss of trees and plants;
- Loss of open space;
- Will devalue existing neighbouring properties;
- The existing road infrastructure is not of an adequate standard to cope with the increase in use of it resulting from the development;
- There exists inadequate education resources to meet the increase in demand resulting from the development;
- Loss of views; and,
- Will spoil the peaceful character of the village.

## 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 the 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 **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.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.

- 7.9 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.
- 7.10 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

- 7.11 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 HOUS3: 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.
- 7.12 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.
- 8.3 The number of units proposed in the masterplan submitted with the application is between 50 and 90 units, potentially more than the 50 allocated. However, a development greater than 50 dwellings may be acceptable if a detailed proposal of good layout, form and design, and which accords with detailed development plan policies, in particular policy DP2, is forthcoming. Nevertheless this application is only for the

principle of the proposed development and 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, landscaping or nature that the residential development would take. 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. The number, positioning, height, scale, form, appearance of buildings 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 in principle.

#### Access and Transportation Issues

- 8.4 The existing road infrastructure is of a standard which can accommodate the increase in traffic generated by the proposed development. Details of the design of the vehicular access, parking arrangements and cycling/pedestrian routes through the site shall be the subject of a matters specified in conditions application. In addition details of the green travel plan recommended in the transport statement submitted with the application should be submitted for the prior written approval of the Planning Authority. These controls can be secured by conditions imposed on a grant of planning permission.

#### Developer Contributions

- 8.5 In accordance with policy HOUS4 the provision of 25% affordable housing is required to be provided on the site. The applicant has confirmed their commitment to meet the required provision. The nature of, and the delivery of the affordable housing requirement will be secured through a Section 75 Legal Agreement.
- 8.6 The development cannot be accommodated without increased 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.
- 8.9 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.
- 8.10 A developer contribution is also required towards a community facility/community space.

## **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, in accordance with the strategic provisions of 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 contributions towards education provision, the maintenance of children's play provision, community facilities, and any identified roads/transport requirements.

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 open space, structural landscaping, the 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 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 (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 RP8, RP20, RP31 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin 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.*

5. Development shall not begin 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 and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian accesses;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a 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;
- vii proposed car parking arrangements;
- viii proposed bus stops/lay-bys and other public transport infrastructure;
- ix a programme for completion for the construction of access, roads, footpaths and cycle paths; and,
- x proposed on and off site mitigation measures identified by the traffic assessment 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.*

6. 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.*

7. 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.*

8. 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.*

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**Head of Planning and Development**

<b>Date:</b>	<b>9 April 2013</b>
<b>Application No:</b>	12/00814/PPP
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<b>Background Papers:</b>	12/00379/PAC