



**APPLICATION FOR PLANNING PERMISSION (13/00328/DPP) FOR THE
ERECTION OF 127 DWELLINGHOUSES AND 28 FLATS, FORMATION OF
ASSOCIATED ROADS AND CAR PARKING AND ASSOCIATED WORKS AT
LAND TO THE NORTH OF SEAFIELD ROAD, BILSTON, ROSLIN**

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 127 dwellinghouses houses and 28 cottage-style flats on land to the north of Seafield Road, Bilston. The application is a revision to a residential development previously considered and approved by the Committee. There have been six letters of representation and consultation responses from Scottish Environment Protection Agency (SEPA), the Coal Authority, the Council's Director of Education, Communities and Economy and the Policy and Road Safety Manager. The relevant development plan policies are HOU3 of the Edinburgh and the Lothians Structure Plan and RP20, HOUS1, HOUS4, IMP1, IMP2, IMP3 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 developer contributions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is located on an area of land directly to the north of Seafield Road, Bilston and to the west of the A701. The application site measures approximately 5.73ha and is situated at the north-eastern corner of Bilston, adjacent to Seafield Road.**
- 2.2 The application site is an area of gently undulating ground previously utilised as agricultural land. The site has not been used as agricultural land for a number of years. Work on the construction of an earlier phase of the residential development has already commenced.**
- 2.3 The site is bounded to the north by farmland and a plant nursery. Residential areas enclose the site to the south-west and south. Also to the south of the application site are a bowling club, miners' club and telephone exchange.**

3 PROPOSAL

- 3.1 The applicant proposes to amend the layout for part of the scheme previously approved through application 10/00135/DPP. An application (12/00622/DPP) for the amendment of the eastern end of the site was submitted in 2012 and approved in 2013. The part of the scheme currently being amended comprises at part of the original site that was not amended in the first phase changes. Where there were previously 118 houses approved the applicant now seeks permission for 155 dwellings, made up of 127 houses and 28 flats.
- 3.2 Across the entire site there would be an increase of 46 residential units from what was originally granted planning permission. The previous approval was for 152 residential units. This was subsequently increased to 161 as a result of a redesign of phase 1. The current proposal would increase the number of residential units to 198.
- 3.3 The proposed scheme provides 106 private houses and 49 affordable homes. Of the affordable homes 21 are semi-detached dwellings and 28 are two-storey cottage-style flats. Since submitting this planning application the applicant has redesigned the proposed development. The redesign has resulted in the removal of two blocks of three storey flats, replaced with the two storey cottage flats. The private houses are made up of 46 detached dwellings, 38 semi-detached houses and 22 terraced properties.
- 3.4 The mix of private houses will include sixteen 2 bedroom houses, thirty-two 3 bedroom houses, fifty-six 4 bedroom houses and two 5 bedroom houses. There will be twelve different private house types. The affordable units will comprise twenty-one 2 bedroom houses and twenty-eight 2 bedroom flats.
- 3.5 The increase in unit numbers results in some changes to the layout. The main site access is still to come along a spine road from the A701. Instead of there being two access points, from the spine road, in to this second phase of development there will only be one. In addition, the two parking areas that were to be accessed from Seaford Road have been removed and there is to be no vehicular access in to the site from that road.
- 3.6 All of the houses/buildings are two-storey in height and have pitched roofs.
- 3.7 The proposed palette of materials is similar to that already approved in phase 1 of the development. This includes grey and red concrete roof tiles, reconstituted stone, white and tuscan beige dry dash renders, white UPVC windows, fascias and soffits, precast cills and black doors and rainwater goods.
- 3.8 The proposed materials in the area of improved quality comprise natural slate, natural stone, reconstituted stone cills, white and tuscan beige wet dash renders, white UPVC windows, fascias and soffits and black doors and rainwater goods.

- 3.9 Surface water treatment will be via the previously approved SUDs basin at the far eastern end of the original site, adjacent to the A701. An informal kickabout pitch will also be located in this area. A small children's play park is also located in the earlier phase of development.

4 BACKGROUND

- 4.1 Planning application 10/00135/DPP for the erection of 152 dwellinghouses, formation of access road and car parking areas, sustainable urban drainage systems and associated works on land to the north of Seafield Road, Bilston was granted permission in May 2012.
- 4.2 Planning application 12/00622/DPP to amend the layout of phase 1 of the development previously approved through 10/00135/DPP was granted permission in February 2013. This application increased the number of units in phase 1 from 34 to 43.

5. CONSULTATIONS

- 5.1 **Roslin and Bilston Community Council** were consulted and have not objected to the application.
- 5.2 **Damhead Community Council** were consulted but and not objected to the application.
- 5.3 The Council's **Policy and Road Safety Manager**, was consulted in respect of transport related issues and has made no comment on the application.
- 5.4 The Council's **Director of Education, Communities and Economy** has indicated that there is insufficient primary school capacity at Roslin Primary School to accommodate this development. However, development contributions from this and other developments will provide for a new school in Bilston. Secondary School catchments will be reviewed. There is some spare capacity at Penicuik High School, but Beeslack High School is at capacity. The developer will be required to contribute towards secondary school accommodation.
- 5.5 **Scottish Environment Protection Agency (SEPA)** has objected to the application. However, they have stated that they will remove their objection subject to the planning authority attaching a planning condition covering details of an appropriate SUDs system being proposed.
- 5.6 The **Coal Authority** has objected to the planning application. They state that insufficient information has been submitted to fully address issues of historic undermining. They requested the submission of a Coal Mining Risk Assessment (CMRA). The CMRA was submitted by the applicants and is currently being considered by the Coal Authority.

6 REPRESENTATIONS

- 6.1 Six letters of representation have been received in connection with this application. Whilst four object to the proposals, the remaining two are from neighbours that have raised positive and negative issues regarding the development.
- 6.2 All of the representors are concerned regarding the proposal to site two three storey flatted blocks on the site. Some are concerned regarding vehicular access arrangements and are pleased to see no vehicle access on to Seafield Road. One representor would like to see an access onto Seafield Road to cut congestion at the A701 junction. Some of the representors are concerned with the principle that the developer can return to have an application for more units considered by the Council.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:

The Edinburgh and Lothians Structure Plan

- 7.2 Edinburgh and the Lothians Structure Plan 2015 Policy HOU3 seeks to provide sites for residential development in two core development corridors in Midlothian, the A701 being one of these corridors.

Midlothian Local Plan

- 7.3 The application site is identified in the adopted Midlothian Local Plan as being located within the built-up area of Bilston. 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 Proposal **HOUS1: Strategic Housing Land Allocations** of the local plan identifies the application site as H14: Seafield Road East, with an indicative capacity of 150 units. Housing developments on strategic housing land allocations will be approved where they accord with policies IMP1, IMP2, IMP3 and DP2. There should also be consideration of policy HOUS4.
- 7.5 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in the 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, for sites of 50 units or over.
- 7.7 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.

- 7.8 Policy **IMP1** of the adopted local plan seeks contributions towards essential infrastructure and environmental requirements. Policy **IMP2** identifies the requirement for developer contributions towards the new Bilston Primary School. Policy **IMP3** requires contributions towards a community facility/community space in Bilston.

National Policy

- 7.9 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.10 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise. The letters of representation and the responses from consultees are material considerations.

The Principle of Development

- 8.2 The site is an allocated housing site situated within the extended settlement boundary of Bilston. The principle of residential redevelopment on the site has been established by its allocation in the local plan. This position was reaffirmed by the Committee's decision to grant planning permission 10/00135/DPP.

Layout and Form of the Development

- 8.3 The local plan allocation for this housing site was 150 units. The Committee supported a scheme of 152 dwellinghouses. Subsequent to this, in 2012, the applicant sought, and was granted, permission to redesign the layout of the first phase of development. This redesign resulted in a further nine houses being accommodated on the site, taking the overall number of consented units to 161 dwellinghouses.
- 8.4 The current proposal is for 127 houses and 28 flats, an increase of 42 residential units on this part of the site. The redesign of the layout, if approved, would result in a total of 198 residential units on the whole of this allocated housing site.
- 8.5 Whilst the proposed development would result in an increase of 32% in unit numbers on the original allocation this is not necessarily a reason for refusing the application, should the detailed aspects of the proposal be acceptable and if a good level of amenity can be achieved.

- 8.6 Taking in to account the Council's policy on the provision of affordable homes when delivering a scheme of the scale proposed the requirement is for 49 affordable units. These affordable units are proposed to be delivered on this site in the form of 21 two bedroom terraced and semi-detached houses and 28 two bedroom flatted units. These units are to be sited in the area to the north and west of the existing Bowling Club.
- 8.7 After submitting the planning application the applicant decided to amend some of the proposed scheme. One of the main amendments related to the removal of two 3 storey flatted blocks, each containing 12 flats, from the proposed scheme. These flats were replaced with two storey cottage-style flats. This resulted in a reduction in the overall number of units on the site from 206 to 198. In addition, this amendment addressed one of the main concerns being raised by the objectors. The objectors were concerned regarding the introduction of three storey buildings in to a settlement where there were no properties of that scale.
- 8.8 Policy DP2 sets out detailed guidance regarding design, layout, open space and landscaping for new housing development. It forms the basis for assessing residential development proposals. In general the proposed development accords with the main requirements of the policy, with regards to design of layout, landscaping, relationship of houses to open space, distance between houses and garden sizes.
- 8.9 However, there are some areas of the proposed development that have garden sizes that are lower than the standards set out in policy DP2. These reduced garden sizes can be justified in that some of the affected dwellings are terraced, where it is difficult to comply with the standards in the policy without creating very long and narrow garden areas, and the resulting form of development and mix of house types provide an interesting scheme in urban design terms. The more dense development area, to the urban side of the development, balances well with the less dense areas to the periphery of the site. Providing different housing densities creates variety and interest within the scheme, and accords with the principles of 'Designing Streets'.
- 8.10 The arrangement of buildings, positioning of open/green/landscaped spaces and scale and massing of the proposed development is acceptable. A cycle/walkway runs from north to south between buildings at the western side of the development. In the main, front elevations of properties overlook the green space, thus providing an appropriate level of passive surveillance.
- 8.11 The play area is to be accommodated in the first phase of the development, and good pedestrian links to this play area are to be provided within the site. In addition, cycleways and footpaths will link to the existing facilities within Bilston.

- 8.12 Passive measures to traffic calming have been employed, with some reference to 'Designing Streets'. Curved sections of roads, pinch points and raised tables will all slow vehicle speeds. In addition, a shared surface will be constructed through the affordable homes section of the development. Shared surfaces encourage reduced vehicle speeds as motorists perceive that they do not have priority over any other users of the road space.
- 8.13 Midlothian Local Plan Policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. The proposed areas of improved quality are in 'landmark' positions and will contribute positively to the overall design of the development.
- 8.14 There is a mixture of architectural styles in the area ranging from traditional dwellinghouses to more modern housing stock. Accordingly, in terms of architectural style the proposed houses would not harm the character or visual amenity of the area. A simple palette of materials is proposed. In order that the external finishes of the buildings are appropriate to the development and its location, it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the Planning Authority.
- 8.15 In terms of their size, height and positions on the site the proposed buildings would not give rise to significant overlooking or overshadowing of any neighbouring properties or unduly impose themselves on them or appear obtrusive within the street scene.
- 8.16 The development will have the capacity to be safely and conveniently accessed by private modes of transport and service vehicles. The existing road network is of a sufficient standard to cope with the increase in use of it resulting from the proposed development. Parking provision meets the Council's standard of 150% for private homes and 100% for the affordable element.
- 8.17 Adequate cycle and pedestrian links have been provided through the site following expected desire lines which are likely to come about as a result of linking with the facilities in Bilston.
- 8.18 The SUDs proposals, as submitted by the applicant, do not provide sufficient information to satisfy SEPA. However, SEPA have stated that they would be content for this issue to be covered by a planning condition.
- 8.19 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.

- 8.20 A programme of archaeological works has already been carried out on the site which was a condition on a grant of the previous planning permission. There is no requirement for further archaeological works to be carried out.
- 8.21 The Coal Authority has not yet confirmed if they are satisfied that the applicant has adequately addressed the coal mining risk. Planning permission cannot be issued until the Coal Authority has been satisfied and removed their objection.

Developer Contributions

- 8.22 The previous grant of planning permission was subject to developer contributions being secured by a Section 75 legal agreement. A revised legal agreement is required for the proposed development. The legal agreement will seek contributions towards education provision and a community facility.

Summary

- 8.23 Whilst the current proposal represents a significant increase in unit numbers on the local plan allocation and the earlier consented scheme, it has been demonstrated that a good level of amenity and design can be achieved. The main concerns of the objectors have been addressed and there are no material reasons which would warrant refusal of this planning application.

9 RECOMMENDATION

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

The development lies within the built up area of Bilston where there is a presumption in favour of development. The site is allocated for housing through policy HOUS1 of the adopted Midlothian Local Plan and a similar scheme (ref. no. 10/00135/DPP) has previously gained planning permission. The development in terms of its layout, design, form and scale accords with good design principles and accords with policies RP20, DP2, HOUS1 and HOUS4 of the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material consideration.

Subject to:

- a. the prior signing of a legal agreement to secure contributions towards education provision and community facility;
- b. the Coal Authority removing their objection; and
- c. the following conditions:
 1. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings 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 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;
- x the specification for roads and footpath and details of proposed traffic calming features and transition zones where access road meets mixer courts; and
- xi percent for art.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority and the programme for completion and subsequent maintenance, condition 2(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. Prior to commencement of development samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures shall be submitted to and approved in writing by the planning authority. These materials shall also include those proposed in the area of improved quality. 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 adopted Midlothian Local Plan and national planning guidance and advice.*

3. Prior to the commencement of development details of the access arrangements and haulage routes for construction traffic accessing and leaving the site shall be submitted to and approved in writing by the planning authority. Thereafter all construction traffic shall access and leave the site in accordance 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.*

4. 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, unless an alternative phasing has been agreed in writing with the planning authority. 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.*

5. 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.*

6. Prior to the commencement of development, a scheme detailing two levels of surface water treatment shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in *The SUDS Manual* (C697).

Reason: *To ensure adequate protection of the water environment from surface water run-off.*

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Application No:	13/00328/DPP (Available online)
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Validation Date:	3 May 2013
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Background Papers:	10/00135/DPP, 12/00622/DPP