



**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
19/01039/PPP FOR RESIDENTIAL DEVELOPMENT; FORMATION OF
ACCESS ROADS AND ASSOCIATED WORKS AT LAND NORTH OF
SEAFIELD ROAD, BILSTON**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for planning permission in principle for residential development on land to the north of Seafield Road, Bilston. There have been four representations and consultation responses from the Coal Authority, the Scottish Environment Protection Agency (SEPA), Scottish Water, Transport Scotland, the Council's Archaeological Advisor, Damhead and District Community Council, Roslin and Bilston Community Council, the Council's Policy and Road Safety Manager, the Council's Flooding Officer, the Council's Education Resource Manager, the Council's Environmental Health Manager and the Council's Land and Countryside Manager.
- 1.2** The relevant development plan policies are Policy 5 and 7 of the South East of Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Plan 2017 (MLDP).
- 1.3** The recommendation is to grant planning permission in principle subject to conditions and securing developer contributions towards necessary infrastructure and affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site is to the north of Bilston and forms the north-eastern part of allocated housing site, Hs16, identified in the Midlothian Local Development Plan (MLDP). Access is proposed through Phase 1 of the Hs16 site, which fronts onto Seafield Road to the south. Phase 2 of Hs16 is located to the immediate west of the application site. Phase 1 of Hs16 is currently under construction and planning permission for the second phase has been granted.

- 2.2 The site area is 12.9 hectares. The site is fairly level with gentle undulation, sloping down a little to the south east. The site is currently in agricultural use.
- 2.3 There are two modest watercourses one running north south to the site's western boundary and a second to the east.
- 2.4 There are footpath links around the site, in particular there is a core path to the south and east.
- 2.5 There are trees and planting in the main to the boundaries of the site, with an area of planting to the west of the site area, forming two rows of planting. There is some planting to the south of the site and between the fence line of existing housing and the fence line to the site.
- 2.6 Immediately to the east of the site is the access road serving Pentland Plants and other properties from the A701. Greenhouses/glasshouses associated with Pentland Plants are close to the boundary of the application site to the east.
- 2.7 To the north west of the site is the Pentland Biomass site, which produces woodchip. Wood stacks associated with the Biomass business are visible from the application site and the noise of machinery and vehicles on the site can be heard on the application site and from the adjacent residential area.

3 PROPOSAL

- 3.1 The proposal is for planning permission in principle. The applicant has submitted an indicative layout for the site which shows the majority of the housing located towards the south and eastern parts of the site, with the northern and to a more limited extent the western extent of the site forming open space with routes through the site linking west and east to the north and linking north south to the west of the site. The northern area includes formal play and an informal kick about area, outdoor gym equipment and an outdoor learning space as well as allotments. The indicative plan identifies an area of substantial tree/woodland planting to the northern boundary of the site. The western area of open space incorporates the main existing tree planting on the site and forms an extension of an area of existing private open space to the south.
- 3.2 Between this site and the Corby Craig housing development to the south is an area of planting. The western area of open space includes a swale and new planting. Formal footpath links on the edge of the development area link to informal paths within the northern and north-western part of the site. To the east the exiting watercourse forms part of an area of open space. There is a SUDS feature to the south eastern boundary of the site.

- 3.3 The main vehicular route through the site runs east west. The indicative layout shows tree planting through the site and a planted square area towards the east and close to the proposed SUDS feature. Both footpath and vehicular routes are shown linking the development to the un-named lane that links the A701 to Pentland Plants and other farms and properties.
- 3.4 The indicative built development appears to show mainly two storey housing with some flatted blocks along the main spine road and close to open space. The open space to the east has houses overlooking it, in the main. The open space to the north does not have housing facing onto it, with most properties having their gable elevations towards this open space.
- 3.5 The application is accompanied by:
- An indicative layout;
 - A pre-application consultation report (PAC);
 - A design and access statement (DAS);
 - A planning statement;
 - A transport assessment (TA);
 - A drainage layout;
 - A flood risk assessment (FRA), including amendments;
 - A preliminary ecological appraisal;
 - A statement on energy;
 - An archaeological evaluation written scheme of investigation;
 - A landscape strategy plan; and,
 - A site investigation report.

4 BACKGROUND

- 4.1 Planning permission was granted in September 2018 for the erection of 155 dwellinghouses and 36 flats as the first phase of Hs16 (17/00968/DPP) to the south west of this site. Construction has commenced on site.
- 4.2 In August 2019 the planning authority issued a screening opinion (19/00717/SCR) for the site advising that an Environmental Impact Assessment (EIA) Report is not required to be submitted with a planning application.
- 4.3 The applicants carried out a pre-application consultation (19/00641/PAC) for residential development and associated works in July – September 2019. The pre-application consultation was reported to the Planning Committee at its meeting in October 2019 and covered phases 2 and 3 of Hs16 (the current application is phase 3).
- 4.4 Planning permission was granted in April 2021 for the erection of 31 dwellinghouses as the second phase of Hs16 (19/01019/DPP) to the west of this site.

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application, but advises that the application site falls marginally within the defined Development High Risk Area; therefore within the site and surrounding area there are mining features and hazards which need to be considered in relation to the development of the site. The Coal Authority's information indicates that oil shale mining has taken place at shallow depth beneath the site. However, the site contains no recorded or suspected coal mining related legacy.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application (following the submission of additional information to address the concerns raised and an earlier SEPA objection).
- 5.3 In response to the applicants revised FRA (ref: 1702-207, Terrenus Consulting, 09 July 2021) has been submitted and SEPA make the following comments:
- It is noted in Section 3.6.4 (Contributing Catchment) that the catchment area has been revised to 0.142 km², from 0.27 km² in the previous iteration of the FRA which represents almost a 50% reduction in contributing catchment area. Terrenus has outlined that the reduction in catchment area, "was generated using the SCALGO Live software² terrain data analysis and was checked against the flow accumulation process of the QGIS software". SEPA have reviewed Figure 7 which demonstrates the spatial extent of the contributing catchment area which is slightly lower than the SEPA estimate. However, SEPA are satisfied that Terrenus has undertaken a site walkover and validated the revised catchment against other available mapping data;
 - As a result of catchment size reduction, SEPA also note that the design flow estimates have reduced accordingly (Table B). Based on the revised catchment descriptors, we note that the 1 in 200 year + 35% climate change flow is comparable with the previous 1 in 200 year flow estimate. Based on the results of the updated hydraulic model (Section 3.7 and Figure 16A), SEPA are satisfied that the information submitted demonstrates that the proposed engineering works to open up a further 90m of channel will be able to convey the 1 in 200 year + 35% climate change flow which represents flow associated with the larger catchment area derived in the previous FRA report;
 - A comparison of pre and post development flows at the culvert outlet have been presented (in Figures 16B and 16C). The query from SEPA was in regard to pre and post development flows at the culvert inlet, however the necessary information can be deduced from Figure 16A. The model outputs demonstrate a negligible effect on the flood peak and timing and a small reduction in blockage risk at the downstream area of the site in the post development scenario. The FRA therefore demonstrates that the

proposed channel engineering works will result in an overall reduction in floodplain extent without increasing flood risk to the site or to downstream receptors and therefore addresses the concern regarding pass forward flows. It is anticipated that the proposed surface water management measures will to attenuate a proportion run-off that would otherwise enter the small watercourse. However, surface water management is a matter for the Flood Risk Management Authority (Midlothian Council) to comment on;

- In line with the request for proposed channel cross sections and dimensions, we have reviewed drawing (ref: 21906/SK/01A) which demonstrates the proposed channel works on a plan view and at key cross sections. Based on the updated modelling (Figure 16A) we note that no out of bank flooding is predicted in the post development scenario under a 1 in 200 year plus climate change scenario. Therefore, we are satisfied that the proposed engineering works will not increase flood risk to development within the site;
- It is noted that watercourse crossings are proposed over the new open channel section for access purposes. We advise that all crossings are designed to have a neutral effect on flood risk and should be properly maintained to reduce the potential risk from structure blockage. Similarly, SEPA recommend adoption of appropriate buffer strip distances between proposed development and the open channel in order to allow for access and maintenance. We advise that these matters are discussed with the Flood Risk Management Team at Midlothian Council at the detailed design stage to ensure flood risk mitigation measures are appropriate on site;
- SEPA support the recommendation in the Terrenus FRA to set finished floor levels at or above the 1 in 200 year + 35% climate change + freeboard level. It is for Midlothian Council as Flood Risk Management Authority to comment on the acceptability of freeboard and access/egress measures;
- The drawing showing the western culvert diversion has been removed from the FRA. SEPA therefore assume this is no longer part of the proposed development plan in line with the discussions held with the applicant and consultant on the 22 June meeting. Confirmation that the western culvert diversion had been removed was received from the applicant; and
- On the basis of the information supplied, the post development scenario will result in a neutral effect on flood risk downstream. SEPA advise that all plans supplied as part of the planning application are reviewed to make sure none of them contain the western culvert diversion. If any plans do contain the western culvert these should be clearly identified as superseded and replaced with plans which do not contain the western culvert. This is necessary to ensure there will be no engineering works other than those which have been assessed in the FRA report. On the understanding that this will be done before the planning application is determined, SEPA remove their objection to the proposed development on flood risk grounds.

- 5.4 **Scottish Water** does not object to the application. However, this does not confirm that the proposed development can currently be serviced. Advice is given in relation to water and foul drainage. According to Scottish Water's records, the development proposals may impact on existing Scottish Water assets. The applicant should identify any potential conflicts with Scottish Water's assets and contact the Asset Impact Team directly. The applicant should be aware that any conflict with assets identified may be subject to restrictions on the proximity of construction. This is a matter between the applicant and Scottish Water and not for the planning authority.
- 5.5 **Transport Scotland** do not object to the application on condition that the development is limited to a maximum of 214 units as this is the limit of units identified in the submitted transport assessment.
- 5.6 The Council's **Archaeological Adviser** states that an initial desk-based appraisal of the above planning application has been undertaken in order to examine the possible historic environment implications of the proposed development. A Programme of Archaeological Works (Evaluation) is necessary with regard to the above planning application and can be secured by condition.
- 5.7 The **Damhead and District Community Council (DDCC)** made the following comments:
- There is concern about the stability of the land because of the history of shale mining;
 - There is concern about noise and dust from the Pentland Biomass wood chipping operation and safety concerns regarding the stacks of tree trunks on the site;
 - There is not the infrastructure to support the development - the local GP practices are at capacity; there isn't sufficient public transport; and other facilities such as community facilities and education need increased capacity because of increased demand;
 - The north-west boundary of the adjacent Cameron Gardens was represented as a defensible boundary, presumably against further housing development, success of this proposal will represent an abrupt change to this planning strategy – a new planting buffer will be required;
 - The A701 relief road will not help traffic flow but transfer bottlenecks on to the A720, as well as other routes to and from Edinburgh. Many of those routes including the A701 face increased traffic flow. The 214 units planned will only exacerbate these problems. The A701 relief road will not relieve traffic flows but create another 'defensible boundary', until the net expansion plan;
 - There is concern about the reduction in section 75 payments required (under 20/00246/LAA) and there is a concern that a similar reduction will be requested in relation to this development.

5.8 The **Roslin and Bilston Community Council (RDCC)** area is immediately to the south of the site and have made the following comments:

- RDCC support the DDCC comments;
- The land is not suitable for housing development because of its past history of shale mining, subsidence and contamination from waste tips;
- There is uncertainty about the route of the proposed A701 Relief Road;
- The sites proximity to the Pentland Biomass operation;
- The applicants need to undertake a programme of archaeological research, an audited transport assessment and a pre development enquiry with Scottish Water to give reassurance about surface water drainage;
- There is concern regarding the three storey flats;
- The houses must be designed so that they can be adapted for care at home and must be designed with high levels of sustainability;
- Car parking, including electric vehicle charging, must be adequate and cycle parking provided;
- This is a thoughtfully designed site, and it's good to see adequate growing space in the form of allotments - also the provision of play areas and a kickabout pitch. These features need to be maintained in the detailed design;
- It is essential that the whole site is designed to suit the requirements of 'care in the community' – securing the essential principles of creating an accessible and inclusive environment. The development should also comply with The RTPi report on Dementia and Town Planning. The site should cater for the Equalities Act, be accessible to disabled people and those with less fluent movement;
- All drives and road surfaces should be porous;
- We would also like to see the use of common utilities service ducts, which allow minimal disruption of utilities during maintenance and future modification;
- The two access routes need to be carefully considered given the congestion in roads locally. Concerns are expressed regarding the construction access for the development and the impact on the local road network. Wheel washing is suggested as a result of any mud on the roads;
- Consideration should be given to enhancing travel by public transport, foot, and bicycle. Ideally all new residents should be provided with details of the public transport options that already exist, and those that are planned. In addition to the safe route to Bilston Primary School, there needs to be a safe route to the planned new secondary school on the A701. Bicycle routes to join the excellent Roslin Shawfair cycle track should be put in place before construction, and footways to the bus stops on the A701 and A703 be firmed up;

- RBCC state that the surgery at Roslin is at capacity, as is the one in Loanhead, which will be struggling to cater for all the development in the area. RBCC have a guarantee that space will be found somewhere in Midlothian, but somewhere off a direct bus route, or at the end of a long car journey, is simply not appropriate. This problem needs to be faced and tackled before any more development begins;
- As regards other utilities, the undertaking by the Developer at the very beginning of the planning process was that they would take responsibility for seeing that this would be provided. This undertaking needs to be honoured and enforced; and
- The RDCC question what mitigation measures have been put in place to remedy the problems of underlying shale mines, historic waste-tips and recent subsidence.

5.9 The Council's **Policy and Road Safety Manager** does not object to the application subject to the following matters being addressed by conditions:

- Details of the proposed internal road, footway and cycleway network;
- Details of the proposed residents and visitor parking arrangements;
- Details of the proposed electric vehicle charging points within the site; and
- Details of the proposed surface water management plan for the development.

5.10 The Council's **Flood Officer** indicates that following consideration of the information contained in the SEPA consultation response (dated 19th July 2021), there are no further comments on this application in relation to flooding matters.

5.11 The Council's **Education Resource Manager** does not object to the application, but advises that the proposed development of up to 214 dwellings would give rise to the following number of pupils:

Primary Pupils	66
Secondary Pupils	52

The site for this development lies within the following school catchment areas:

Non-denominational primary -	Bilston Primary School
Denominational primary -	St Margaret's RC Primary School
Non-denominational secondary -	Beeslack Community High School
Denominational secondary -	St David's RC High School

A significant amount of new housing has already been allocated to the Bilston area therefore additional primary and secondary school capacity will be required. A developer contribution will be required towards the cost of providing additional primary school capacity.

- 5.12 The Council's **Environmental Health Manager** advises that the proposed development (more so than phases 1 and 2) would bring proposed housing significantly closer to an existing 'noise generating' process, namely a wood chipping operation. Pentland Biomass currently operate a wood chipping facility to the north west of the site. Condition 3 attached to the planning consent for this operation (16/00879/S42) states:

No 15 minute "A weighted" equivalent noise level shall exceed 52 dB at any point 10 metres away from the façade or any reflecting surface of any noise sensitive property, and no less than 3.5 metres away where this is not possible.

- 5.13 Noise measurements taken during an investigation in January 2017 suggest that, while the chipper is operational, the 52dB limit would be substantially exceeded 10 metres from the facades of many of the proposed residential properties. The proposed residential properties along the northern edge of the development, that will have a clear line of sight to the wood chipping operation, will be worst affected, but it is also very likely to affect the amenity of other proposed residential properties. Extrapolating from the results of previous noise monitoring and using these to predict the equivalent noise levels at the location of the proposed residential properties indicates that a decision to develop the site, as proposed in this application, will likely result in noise complaints from the prospective residential properties and make it impossible for Pentland Biomass to operate without breaching their planning consent.
- 5.14 An additional potential source of noise is the planned re-alignment of the A701. The two potential routes for the new road run close to the northern edge of the proposed development and the possible impact of this on future residents should also be considered.
- 5.15 It is noted that there is also a historic domestic/commercial landfill site to the north west of the site along with an inert landfill site on most of the proposed site area. An intrusive site investigation report has been submitted with this application and an initial review of this has indicated that further work is required and the issues are detailed below:
- i) A number of the assessments hinge on the location, boundary and contents of the historical landfill site and the adjacent domestic landfill site. The report does not clearly demonstrate desk based research showing the location of the landfill. Following the completion of this further research we would recommend that the assessments are revised;
 - ii) The recommendation to locally remove asbestos is not considered to be acceptable as a single measure; a strategy for maintaining vigilance in terms of the potential presence of asbestos should be

- presented (including for example the potential for supplementary investigation and mitigation measures);
- iii) The water environment risk assessment in general and should be further justified in the context of the on-site and off-site landfill sites;
 - iv) We look forward to receiving a water supply pipe risk assessment, the assessment will also require the acceptance of Scottish Water;
 - v) The ground gas assessment requires further justification based on the landfill areas and potential concerns over the landfill boundaries expressed above. Furthermore, we look forward to the revised assessment based on the worst case scenario as set out in CIRIA C665; and
 - vi) The remediation methodology requires further justification, this could be undertaken via a revised report or via the completion of a Remediation Strategy (which will be required anyway).

5.16 In conclusion, the Environmental Health Manager has significant concerns relating to the site regards noise and contaminated land. It is recommended that planning permission be refused unless the applicant can demonstrate that either the 52dB limit (referenced above) can continue to be met in relation to the proposed residential properties or that necessary permanent mitigation measures can be implemented so that this level can be achieved.

5.17 Should the development be granted planning permission despite the above the Environmental Health Manager recommends the following conditions:

- 1) A noise impact assessment shall be submitted to demonstrate that the proposed site is suitable for residential development and in particular that the proposed residences will not be adversely affected by noise from either the wood chipping operations or from the realignment of the A701, or that acceptable acoustic standards can be achieved through suitable mitigation and building layout/design measures;
- 2) The 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.

- 3) On completion of the decontamination/remediation works referred to in condition 2 above and prior to the first dwellinghouse being occupied, a validation report or reports shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling house shall not be occupied unless or until the Planning Authority have approved the required validation;
- 4) The hours of construction operations (including deliveries) should be restricted to:
 - Monday to Friday - 8am – 7pm
 - Saturday - 8am – 1pm
 - Sunday - No working

- 5.18 The Council's **Land and Countryside Manager** does not object to the application but notes the following issues to be addressed:
- It is not clear whether the route shown on the core paths plan and indicated on the developer's indicative layout plan is to be retained in full;
 - At the northern end of the existing route it appears there is no through route beyond the boundary of the site. The site is required to be permeable at this point so that the believed right of way is not blocked as a consequence of this development;
 - The right of way across the site must not be closed before or during the construction works without written consent from the Land and Countryside Service. It is also noted that the line of the indicative route varies from the line of the existing right of way and as such it shall be subject to agreement on the final design and may require a Diversion Order.

6 REPRESENTATIONS

- 6.1 There have been four representations received, which can be viewed in full on the online planning application case file. A summary of the main points raised are as follows:
- There is a lack of sustainable transport infrastructure to service the development;
 - Without significant improvement to the A701, the increase in traffic will be problematic;
 - The existing Taylor Wimpey development has significant drainage issues that are unresolved and this proposal will add an additional burden on the system;
 - The area is a local wildlife space, and the introduction of a 'major development' would destroy habitats and greenfield space;
 - The site has a long history of oil shale works and there is a history of subsidence locally - there is concern about the housing development in relation to the ground conditions;
 - There is concern about contaminated land (including ground gas and vapours) from previous infilling of land;

- The site is prime agricultural land and green belt and is in agricultural use - crop growing is essential as the population grows;
- The roads infrastructure cannot cope with the traffic resulting from the development considering all the new development which has already taken place, is under construction, or is planned nearby and along the A701 corridor. There does not appear to be an assessment reviewing the overall development in the area, which includes Loanhead, Bilston, Roslin and Penicuik, all of which will have a significant impact on the traffic volume using the A701 and on local services;
- The accuracy of the Transport Assessment is questioned in relation to the impact on the Seafield Moor Road;
- Noise and dust from the nearby Pentland Biomass will impact on the proposed new housing. Enforcement of the noise levels imposed on this use have proved difficult;
- SEPA objected to this application and to the phase 2 application (19/01019/DPP) on the grounds of uncertainty over the effects on the surrounding hydrology and recommends the cumulative impact of the two applications is taken into account;
- Concerns of flooding of the properties on Seafield Moor Road caused by the Bilston Burn being flooded as a result of the development of this site and the adjacent sites;
- Concern about the likely effect of run off from the site and those adjoining to the east of the A703 entering the Boghall Burn watercourse upstream or downstream of the culvert under Seafield Moor Road;
- The SEPA officer who assessed the site in February 2020 noted water draining from the site onto Seafield Moor Road. There are no SUDS plans associated with this specific application therefore it is likely to increase this drainage problem. In addition to the run off to the Boghall Burn there is likely to be an increase in the flood risk due to the undersized culvert under Seafield Moor Road (as noted by SEPA), and at other points on the burn. The applicants note that "Any overland flow along Seafield Moor Road will be contained within the road and is in excess of 1.5m below the site" but do not address the impact on the road, surrounding properties or associated drainage, and indeed the point of egress onto the road is not appropriately covered in the FRA;
- The updated FRA clearly shows the potential of water run-off from the site entering Boghall Burn upstream of the Seafield Moor Road culvert. The applicants note "A failure of the local Scottish Water drainage systems below Seafield Moor Road may lead to overland flow along the roadway from north to south", but no SUDs are included in the site plans associated with 19/01019/DPP to ameliorate this potential issue. This is despite claims in this documents that "The proposed development will have an associated SUDS scheme". Therefore there is concern at the lack of assessment of the overall development of this application in conjunction with phases 1 and 3 and the lack of modelling on the effect on Boghall Burn;

- Recent heavy rainfall (overnight 11th-12th August 2020) resulted in Boghall Burn overflowing its natural watercourse and resulting in immediate flood risk to two properties adjacent to Seafield Mill. On this occasion there was limited ingress of water into the properties, but any potential increase in flow into Boghall Burn should be prevented. The Scottish Planning Policy notes that new developments should not: materially increase the probability of flooding elsewhere. We believe that there is insufficient evidence that this is the case for the development of these sites in the current application;
- Neighbour Notification letter has not been received; and
- A ditch shown to the west of the site on the Landscape Strategy Plan enters land owned by the Corby Craig Avenue residents and this is unacceptable.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires local development plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.

- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for greenfield housing development proposals either within or outwith the identified strategic development areas may be allocated in local development plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) the development will be in keeping with the character of the settlement and local area; (b) the development will not undermine green belt objectives; and (c) any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT3: Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 350 housing units on the site (Hs16) to 2024, with a further 200 units safeguarded for the longer term up (beyond 2024).

- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.9 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility).
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A701 realignment.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.

- 7.14 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.15 Policy **ENV2 Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the *Midlothian Green Network*.
- 7.16 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.17 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's predeveloped condition, and to avoid any deterioration of water quality.
- 7.18 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and environmental.
- 7.19 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.20 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.21 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.

- 7.22 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development 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 likely impact of the proposal on the archaeological resource.
- 7.23 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.24 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 education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; 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.
- 7.25 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 and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.26 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.27 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.28 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP

are developed within the local plan and local development plan policies.

- 7.29 The SPP states that *design is a material consideration in determining planning applications* and that *planning permission may be refused and the refusal defended at appeal or local review solely on design grounds*.
- 7.30 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.31 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that "*Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area*".
- 7.32 The Scottish Government policy statement, Creating Places, emphasises the importance of quality design in delivering good places.
- 7.33 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.
- 7.34 The Scottish Government's Policy on Architecture for Scotland sets out a commitment to raising the quality of architecture and design.
- 7.35 In particular reference to the SEPA objection and comments made in objections the following contents of SPP are important. In relation to Flood Risk SPP states at paragraph 256 the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The application site is part (phase 3 of 3 phases) of a site allocated for housing (site Hs16 – Seafield Road) as part of the Council's established housing land supply in the MLDP and is located within the built up area of Bilston where there is a presumption in favour of appropriate residential development. The indicative number of residential units allocated for site Hs16 in the MLDP is 350. The application is in principle, but with an indicative expectation of 214 dwellings being delivered as a phase 3 (phases 1 and 2 have secured 222 units) bringing the overall unit numbers up to 436 over the wider Hs16 site. An overall increase in unit numbers of approximately 25%. An increase in the number of houses could be acceptable subject to the layout, form and design of the proposed development being acceptable and the impact of the development on infrastructure, including education provision, being appropriately mitigated.

Indicative Layout

- 8.3 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions (MSC)) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application:
- layout, form and design of any proposed buildings – which will dictate the number of residential units;
 - proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
 - details of landscaping and boundary treatments;
 - provision of open space and play areas/facilities;
 - percent for art;
 - sustainable urban drainage systems (SUDS);
 - details of road, access and transportation infrastructure;
 - sustainability and biodiversity details;
 - archaeology mitigation details (if required);
 - the provision of broadband infrastructure;
 - ground conditions/mitigation of coal mining legacy; and
 - construction management, including hours of operation and haulage routes.
- 8.4 The site is accompanied by an indicative layout/masterplan, which indicates development to the southern part of the site with a large landscaped area to the north-west. Although the indicative layout is informative it is not recommended for approval.

- 8.5 The site is bounded immediately to the north by an area of land that is identified as long-term safeguarded land for housing. This land is not allocated for housing but is land that will be considered for residential development in MLDP2 once the final route of the realigned A701 is determined.
- 8.6 The site is to the south of the two indicative alignments of the A701 Relief Road. This road forms part of the infrastructure to support the development strategy in the MLDP. The relief road is the subject of a current Scoping Request. A planning application for the relief road is expected to be submitted (following public consultation) in late 2021/early 2022.

Access and Transport Issues

- 8.7 The applicant's Transport Assessment has been accepted by both Transport Scotland and the Council's Policy and Road Safety Manager, neither object to the application. The proposed access is through the first phase of Hs16 and a connection to the development to the south east.
- 8.8 The information submitted does not specifically detail cycle/pedestrian links, although these are shown indicatively on the development framework for the site, further clarity on these links through and beyond the boundary of the site will be sought in appropriate conditions on this application and then agreed as part of the MSC process.

Noise

- 8.9 The Environmental Health Manager has recommended that the application be refused in relation to two noise issues, unless the noise issues can be mitigated. The first relates to the Pentland Biomass business located to the north-west of the site and the second relates to the potential impact of noise from the A701 Relief Road planned for the location to the north of the site and beyond the area of land that is safeguarded for longer-term housing development.
- 8.10 The delivery of the realigned A701 may result in the Pentland Biomass being relocated – as part of the MSC applications there will be a need for a noise assessment and mitigation measures, such as earth bunding and noise barriers. The timing of the development and occupation of housing on the site and the development of the road will be critical in terms of noise mitigation. A condition requiring the submission of a Noise Impact Assessment to identify any necessary noise mitigation measures at the site and/or any design details that have to be considered in order for acceptable noise levels to be achieved for occupiers of this site will be required.

Landscape and Open Space

- 8.11 Maximum retention and protection of existing trees and hedgerows and associated areas of grassland is to be encouraged with the exception of trees that are identified as dangerous or diseased by a tree survey. The applicant has shown these habitats as being incorporated into the green network proposals and enhanced with additional planting. The indicative layout sets out an appropriate scheme in general terms. Conditions on a grant of planning permission can secure appropriate survey work and retention of existing planting.
- 8.12 The relationship between the open space to the north of the site and the potential sources of noise mean that the positioning of housing in this location, may lead to the developer wanting to avoid fronting housing onto this part of the site. It is easier to mitigate potential noise impacts if there are fewer bedroom/living room windows facing towards the noise source. In this case the potential noise sources are to the north and therefore using the gables to this boundary, makes this particular layout less likely to be impacted from either the Pentland Biomass business or from the proposed realigned A701. As development in the area progresses and further survey work is completed, it may be possible to turn some of the houses along this boundary to provide passive surveillance to the open space to the north, giving these houses a better outlook.
- 8.13 There are opportunities within the site to create ecological enhancements in line with policy DEV5 Sustainability in New Development and in order to support the reduction of CO2 emissions in relation to the planting of trees, in line with provisions to address the climate change emergency. The conditions can support the appropriate ecological enhancements by securing the submission of a scheme of biodiversity for the site.
- 8.14 The submitted Phase 1 Habitat Study identifies ponds and watercourses on the site which should be incorporated into the proposed site layout and greenblue network proposals. These are not clearly identified on the indicative layout but are shown on the constraints plan within the FRA. It is proposed to open the culvert to the east of the site to support wildlife.
- 8.15 The table within Appendix 4 of the MLDP outlines open space standards that future development proposals will be required to meet with respect to open space quality, quantity and accessibility. A comprehensive review of open space provision against these requirements shall be undertaken as part of an assessment of any future MSC or detailed planning application.

Flood Risk and Surface Water Drainage

- 8.16 Flooding matters at the site have been resolved, SEPA have withdrawn their earlier objection to the proposal following the submission of further information and clarification from the applicant. The Council's Flooding Officer does not raise any objections in relation to this proposal. Details of a Sustainable Urban Drainage System (SUDS) can be secured by condition. Clarification that the culvert diversion noted on a superseded version of the Flood Risk Assessment and still shown on a landscape drawing is not approved as further clarification is still required.

Other Environmental Matters

- 8.17 Mitigation against concerns regarding ground conditions and contamination of the site and/or previous mineral workings can be secured by a condition imposed on a grant of planning permission and by the Council's Building Standards Service as part of the building warrant process.
- 8.18 The archaeological survey work and assessment required by the Council's Archaeological Advisor can be secured by a condition imposed on a grant of planning permission.

District Heating

- 8.19 In order for the Government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should "support the transitional change to a low carbon economy including deriving 11% of heat demand from renewable sources by 2020" and "support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks".
- 8.20 MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offer the potential for a new district heating network to be created within the site. Accordingly, a condition will be required on any grant of planning permission requiring that a feasibility study for the provision of a community heating system for any new development is undertaken by a suitably qualified engineer, commissioned by the applicant, and submitted for the approval of the planning authority.

Affordable Housing

- 8.21 There is no specific affordable housing mix identified within the indicative development framework, however, it is noted that the applicant agrees to the provision of 25% affordable housing. Accordingly a requirement to provide a minimum of 25% affordable housing will be required to be secured via a planning obligation. Further discussions with the Council's Housing Planning and Performance Manager will be required to confirm the optimum unit mix based on the Council's Housing List and/or to address any requisite demand within any chosen registered social landlord that would bring forward the affordable housing element within any future MSC application.

Other Matters

- 8.22 Concerns were raised by objectors regarding the existing capacity of general practice medical facilities within the immediate area, their accessibility, and the potential impacts of new housing on that capacity. This matter is required to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.
- 8.23 Regarding matters raised by representors and consultees and not already addressed in this report:
- The design and Access Statement does refer to three storey blocks of flats, mainly along the main route through the site and adjacent to open space. The height and location of three storey buildings will be considered in future applications however these blocks should not be omitted as a matter of principle at this stage in the process;
 - The Council's records show that neighbour notification was carried out early in 2020, shortly after the application was received; and
 - The cumulative impact of the growth proposed as part of the MLDP is assessed as part of that process.

Developer Contributions

- 8.24 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15)
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans

- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects

8.25 In relation to Midlothian Council, policies relevant to the use of Section 75 agreements are set out in the 2017 Midlothian Local Development Plan and Midlothian Council Developer Contributions Guidelines (Supplementary Planning Guidance) and Supplementary Planning Guidance on Affordable Housing both approved in March 2012.

8.26 The proposed development has been assessed in relation to the above guidance and it is considered that a planning obligation is required in respect of the following matters:

- A contribution towards education (including nursery) provision;
- A contribution towards the realignment of the A701;
- Maintenance of open space including children's play areas/open space, allotments and SUDS; and
- Provision of affordable housing (25%).

9 RECOMMENDATION

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

The site is allocated for housing and forms part of the Council's committed housing land supply within the Midlothian Local Development Plan 2017 where there is a presumption in favour of residential development. This presumption in favour of development is not outweighed by any other material considerations.

Subject to:

- a. the prior signing of a legal agreement to secure the provision of; affordable housing and contributions towards education (including nursery) provision, the realignment of the A701; and maintenance of children's play areas/open space, allotments and SUDS.

The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.

- b. the following conditions:

1. The proposed indicative layout (Indicative layout Drawing No. 01A 1:1000) submitted with the application is not approved.

Reasons: *To ensure the development is implemented in a manner which mitigates the impact of the development on existing land users, future occupants and addresses potential landscape and visual impacts. This requires consideration of separate Matters Specified in Conditions Planning Application(s) once a detailed design has been progressed. Whilst the proposed layout is indicative, there are initial reservations regarding potential development the northern part of the site and the noise source and potential noise source to the north of the site. This conflicts with the planning authorities desire to have better overlooking of the open space to the north of the site. Allotments require to be provided, green networks considered in detail, along with the provision of open space and ground conditions further considered. Resolution of these matters could require an amendment/reduction to the indicative developable areas within the proposed indicative layout. Additionally, the impact on local infrastructure and additional mitigation measures that could be required and needs to be assessed.*

2. No more than 214 residential units shall be erected on the site unless otherwise agreed by way of a planning application. The housing mix, densities across the site and the detailed layout is not approved and is subject to matters specified in conditions application/s, which will determine the final number of dwellinghouses on the site.

Reason: *The application has been assessed on the basis of a maximum of 214 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision and local transport routes, and additional mitigation measures may be required. Any such measures would need further assessment by way of a planning application. It should be noted that the application brings the total number of residential units on Hs16 to 436 units, which is some 25% higher than the indicative number for the site in the Midlothian Local Development Plan.*

3. 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, children's play provision, allotments and/or community growing 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.

Reasons: 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.

4. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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;
 - iii. the proposed roads, footways and turning facilities (designed to an adoptable standard) and cycle ways including suitable walking and cycling routes;
 - iv. proposed visibility splays, traffic calming measures, lighting and signage;
 - v. proposed car parking arrangements;
 - vi. proposed cycle parking/storage facilities;
 - vii. proposed connections to Core Paths and details of the provisions put in place to ensure their use during the construction period;
 - viii. proposed alignment, surface materials and widths (3m wide cycleway/footpaths) for Core Path upgrades;
 - ix. improvements to the existing bus stops and shelters; and
 - x. a programme for completion for the construction of access, roads, footpaths, cycle paths and associated works.

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.

5. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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. a tree survey and related root protection plan showing existing trees, landscaping features and vegetation to be retained; removed, protected during development (including details of this protection) 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 and the planting along the northern boundary shall be carried out in the first planting season following commencement of development on the site;
- vii. proposed car park configuration and surfacing;
- viii. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- ix. proposed play areas and equipment;
- x. allotments and/or community growing space;
- 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 asimilar 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 DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice. Also to ensure planting is carried out timeously to improve the amenity and setting of the development and to help to reduce CO2 emissions as part of a response to the Climate Change Emergency.*

- 6. Development shall not begin on an individual phase of development (identified in compliance with condition 3) 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 DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

7. Development shall not begin until an application for approval of matters specified in conditions for a scheme of effective drainage and flood management for the site has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. drainage details and sustainable urban drainage systems to manage water runoff;
 - ii. existing and proposed levels across the site using at least 1m contours and cross sections, where applicable; and
 - iii. finished floor levels of dwellings.

Reason: *The planning application is in principle and the details required are to ensure the surface water from the whole site can be appropriately treated and to ensure that levels on the site are appropriate in relation to flood risk.*

8. Development shall not begin until an application for approval of matters specified in conditions for 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; and
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work.
9. On completion of the decontamination/remediation works within Condition 8 above, a validation report confirming that the works have been carried out in accordance with the approved scheme.

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 for conditions 8 and 9: *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.*

10. Development shall not begin until an application for approval of matters specified, 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 DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

11. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure. The provision of appropriate digital infrastructure allows some residents to work from home more often. Homeworking helps to reduce travel, reducing CO2 emissions, important in terms of the Climate Change Emergency.*

12. Development shall not begin until an application for approval of matters specified in conditions for a scheme of biodiversity for the site, including the provision of house bricks and boxes for bats and birds throughout the development, a programme of ecological surveys (repeat survey work no more than 12 months in advance of the commencement of development on the site) and management proposals for any Invasive Non Native Species has been submitted to and approved in writing by the planning authority. The scheme shall incorporate the species mitigation and enhancements recommended within the Preliminary Ecological Appraisal Report prepared by RSK dated December 2019. Development shall thereafter be carried out in

accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

13. Development shall not begin until an application for approval of matters specified in conditions for the provision and use of electric vehicle charging stations throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

14. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and, if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.
15. No dwellinghouse on the site shall be occupied until a community heating scheme for the site, and; if practicable, other neighbouring developments/sites, if this proves feasible, is approved in writing by the planning authority. An approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason for conditions 14 and 15: *To ensure the provision of a community heating system for the site to accord with the requirements of policy NRG6 of Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

16. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
 - i. details of a construction access;
 - ii. signage for construction traffic, pedestrians and other users of the site;

- iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
- iv. details of piling methods (if employed);
- v. details of any earthworks;
- vi. control of emissions strategy;
- vii. a dust management plan strategy;
- viii. waste management and disposal of material strategy;
- ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and,
- xii. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *In order to control the construction activity on the site, ensure environmental impact during the construction period is acceptable and to ensure appropriate mitigation is in place.*

- 17. Development shall not begin until an application for approval of matters specified in conditions for a noise impact assessment demonstrating what mitigation measures will be put in place and/or how the development will be designed in order to achieve acceptable noise levels on the site for residents of the new dwellinghouses has been submitted to and approved in writing by the planning authority.

Reason: *There is concern that the wood chipping business and/or the new A701 Relief Road may impact negatively on the residents of the proposed development. In addition, there is concern that the wood chipping business maybe affected because of legitimate complaint from neighbouring residential units, contrary to the principle of 'agent of change'.*

- 18. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation has been submitted to and approved in writing by the planning authority.

Reason: To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.

19. Prior to the occupation of the first dwellinghouse the affordable housing mix in terms of; size of units (bedroom numbers), the type of units (dwellinghouses and/or flats) and the location of the units shall be approved in writing with the planning authority.

Reason: To ensure 25% of the units on the site are affordable housing units in accordance with policy DEV3 of the Midlothian Local Development Plan 2017 and that the units are appropriate in terms of their size and type to meet local need.

20. For the avoidance of doubt, there shall be no culvert diversion to the west of the site as indicated on drawing number 19-058-SK100 Revision C in the Flood Risk Assessment submitted in December 2019.

Reason: To define the terms of the consent and because the culvert diversion appears to be shown on the Landscape Strategy Plan ref. EH-LP-01 1:500. The applicant has confirmed that this culvert diversion is no longer proposed.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 19/01039/DPP
Applicant: Taylor Wimpey/Hallam Land
Agent: Barton Willmore
Validation Date: 19 December 2019
Contact Person: Joyce Learmonth
Email: Joyce.Learmonth@midlothian.gov.uk
Background Papers: 19/01039/PPP, 19/01019/DPP, 17/00968/DPP, 19/00717/SCR, 21/00516/SCO, 19/00641/PAC



Planning Service
Place Directorate
 Midlothian Council
 Fairfield House
 8 Lothian Road
 Dalkeith
 EH22 3AA

Application for planning permission in principle for residential access and associated works at Land North of Seafield Road, Bilston, Roslin,

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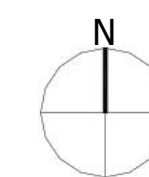
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File No: 19/01039/PPP

Scale: 1:6,000



Legend



Project
Bilston Phase 3

Drawing Title
Indicative Layout

Date 30.08.19	Scale 1:1000@a1	Drawn by DR	Check by CL
Project No 30380	Drawing No 01	Revision A	

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