



APPLICATION FOR PLANNING PERMISSION 17/00968/DPP FOR THE ERECTION OF 155 DWELLINGHOUSES AND 36 FLATTED DWELLINGS, FORMATION OF ACCESS ROADS, SUDS AND CAR PARKING AND ASSOCIATED WORKS AT LAND 470 METRES WEST OF CORBY CRAIG TERRACE, BILSTON

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 155 dwellinghouses and 36 flatted dwellings, the formation of associated access roads and a sustainable urban drainage system (SUDS) on land 470 metres west of Corby Craig Terrace, Bilston. There have been 11 representations and consultation responses from the Scottish Environment Protection Agency (SEPA), the Coal Authority, Transport Scotland, Damhead & District Community Council, the Council's Archaeology Advisor, the Council's Policy and Road Safety Manager, the Council's Head of Education, the Council's Land Resource Manager, the Council's Housing Strategy and Performance Group Manager and the Council's Environmental Health Manager.
- 1.2** The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East 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 adopted Midlothian Local Development Plan 2017.
- 1.3** The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure developer contributions towards necessary infrastructure and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is approximately 8.6 hectares of agricultural land to the west/north west of the settlement of Bilston and comprises part of allocated housing site Hs16 with an indicative capacity of 350 dwellings.
- 2.2** The site slopes upwards from the south west to the north east. There are open views from the site westwards towards the Pentland Hills and

the north west of Edinburgh. Much of the character of the site comes from its agricultural setting with existing farms and rolling countryside to the north and east.

- 2.3 Further to the west/north west of the site is land safeguarded as a potential housing allocation; identified for a potential 200 units, beyond which is the corridor of the safeguarded realigned A701 relief road. The remainder of site allocation Hs16 bounds the site to the north east. To the south is Seafield Road and to the west are existing residential properties with the A703 Seafield Moor Road beyond. An existing hedgerow interspersed with trees demarcates the northern, eastern and southern boundaries of the site.
- 2.4 The existing housing in the settlement of Bilston comprises predominantly two-storey detached, semi-detached and terraced houses. The character of the area comprises houses fronting onto streets with small front and rear gardens. The majority of the buildings are characterised by various forms of rendered and reconstituted stone wall finish.

3 PROPOSAL

- 3.1 The proposed development comprises:
- the erection of 135 two-storey buildings;
 - the erection of 20 two and a half storey (maximum 12 metres high) townhouses;
 - the erection of 3 three-storey flatted blocks (maximum 15 metres high) each containing 12 flats;
 - the formation of a vehicular access off Seafield Road;
 - the formation a primary road and secondary roads; and,
 - the formation of a SUDS basin in the south eastern corner of the site.
- 3.2 The proposal consists of:
- 78 detached houses,
 - 42 semi-detached houses,
 - 35 terraced houses, and
 - 36 flats in three-storey blocks.
- 3.3 The proposed housing mix comprises:
- 8 one bed units;
 - 54 two bed units;
 - 34 three bed units;
 - 91 four bed units; and
 - 4 five bed units.
- 3.4 Twenty-four different house/flat types are proposed. All the proposed houses have pitched roofs. Twenty four of the proposed houses are two and a half storey town houses, the remainder are two-storey in height

with conventional eaves and ridge height. The proposed 3 three-storey flatted blocks have hipped roofs.

- 3.5 The applicant proposes on-site affordable housing. The affordable units comprise 24 of the proposed flats, 18 semi-detached houses and 6 terraced houses. This equates to 25% of the proposed dwellings.
- 3.6 A new vehicular access is proposed off Seafield Road to the south of the site.
- 3.7 The application is accompanied by an indicative masterplan for the whole of site HS16. It illustrates how the proposed 'block' layout for the site fits with the wider area. It shows connections to future phases to the east and north. Also, it superimposes the planned realigned A701 relief road. The remainder of the wider Hs16 site (which is out with the application site) is set out as follows: (i) future development blocks with the potential for up to 155 residential units; (ii) a principal open space on the northern part of site Hs16 and a number of smaller open spaces throughout the development; (iii) three linear green open spaces incorporating SUDS running in a north west to south east orientation; (iv) a tree lined boulevard running in a south west to north east orientation, connecting the linear green spaces; (v) a site for allotments located near to the north east corner of the site; and, (vi) a 30 metre tree belt along the northern boundary and a 25 metre wide tree belt along the north eastern boundary of the site. The applicant confirms that the masterplan is indicative and may be subject to change at a later date as further phases of the wider development are delivered. However, it is the applicant's stated intention that the overall masterplan layout contains sufficient information to put in place a series of design principles to inform the future development phases.
- 3.8 The application is also accompanied by:
- a planning statement;
 - a pre-application consultation (PAC) report;
 - a design and access statement (DAS);
 - an engineering assessment and drainage assessment (incl. flood risk assessment);
 - a transport assessment;
 - an ecological assessment; and
 - an archaeological desk-based assessment.

4 BACKGROUND

- 4.1 The applicant carried out a pre-application consultation (15/00936/PAC) for a residential development in November 2015 – February 2016.
- 4.2 In November 2015 the planning authority issued a screening opinion (15/00937/SCR) for the site advising that an Environmental Impact Assessment submission is not required.

- 4.3 Planning application 16/00861/DPP for the erection of 176 dwellinghouses and 36 flatted dwellings; formation of access roads, car parking and associated works on the site was withdrawn.

5 CONSULTATIONS

- 5.1 The **Scottish Environment Protection Agency (SEPA)** object to the application on the grounds of lack of information relating to flood risk and drainage. SEPA have advised the applicant what additional information is required and the applicant is actively working to provide that. In addition, SEPA advise that a planning condition is imposed on a grant of planning permission requiring an energy statement to be submitted exploring the potential to link to other developments in the area to undertake a Community Heating Options Study, which would consider alternative types of providing heat (and electricity) within the site. It is recognised that substantive development is required to ensure a district heating scheme is viable. But this can be achieved through on site heat generation, co-location with an existing or proposed heat source or an existing or proposed heat network off site. A District Heating Feasibility Study should be prepared in line with the Scottish Government's online planning advice Planning and Heat.
- 5.2 The **Coal Authority** confirm that the site falls within a defined Development High Risk Area; which means the application site and surrounding area has the potential of coal mining features and hazards which need to be considered in relation to the determination of the planning application.
- 5.3 **Transport Scotland** raise no objection.
- 5.4 The **Damhead and District Community Council** object to the application on the following grounds:
- the development would result in the loss of prime agricultural land;
 - the site was once classified as green belt;
 - the existing road infrastructure is not of a standard to cope with the additional traffic arising from the development.
 - hundreds of new houses are planned at Auchendinny, Roslin, Penicuik West Linton, Bilston and Damhead. The proposed A701 relief road will not help, it will only increase bottlenecks on the A720 and other routes into Edinburgh;
 - the "transport assessment" is not an accurate assessment of the impact the increased traffic will have on the nearby A703 (Seafield Moor Road);
 - the proposed housing development lies close to Pentland Biomass wood chipping site on Pentland Mains Farm. This site is used for biomass production and the dust released from the chipping process presents a health hazard. Large clouds of dust have been observed hanging over the site in drier months. Noise levels emanating from the chipping process are also extremely disturbing and unlikely to be amenable to a nearby housing development.

- Supervision and enforcement of noise controls has proved difficult;
- previous housing developments such as Cameron Gardens, Bilston were approved by the Scottish Government Reporter's Enquiry Unit with the recommendation that any further development would result in unacceptable loading of infrastructure and damage visual amenity. This development runs counter to that official finding by the Reporter to the Local Plan Enquiry; and
- another pre-application consultation with the local communities should be arranged as application 16/00861/DPP was withdrawn.

5.5 A desk-based appraisal of the site was undertaken in order to examine the possible implications of the proposed development on the historic environment. The appraisal identified a number of archaeological sites within the surrounding area and has identified the potential for previously unknown archaeological remains within the proposed development area. As a result of this study the **Council's Archaeology Advisor** confirms that there is a requirement for a programme of archaeology works (field evaluation by trial trenching) to mitigate the impact of the proposed development upon the historic environment. All work should be carried out under the terms of a written scheme of investigation which will need to be approved by the planning authority prior to works commencing. The area to be investigated by trial trench evaluation should be no less than 5% of the total site area.

5.6 The Council's **Policy and Road Safety Manager** raises concerns over the proximity of the proposed development boundary to the land corridor which requires to be safeguarded for the A701 road realignment. The developer has restricted the initial phase of development by providing a buffer strip between the proposed housing and the indicative road corridor. The indicative road corridor shown on the applicants layout is based on the Midlothian Local Development Plan visualisation of the possible routes. The Council has commissioned a detailed site investigation to determine the ground conditions within the proposed A701 corridor. The findings of this site investigation will inform the road design process and allow the range of possible road alignments to be refined and a preferred road alignment identified. The applicant's masterplan indicates the proposed roundabout on the A703 as being centred on the existing road. However, it is envisaged that this roundabout will be located 'off-line' from the A703 probably to the east of the shown location. This will have implications for the new A701 alignment as the new road will require to tie-in to the roundabout design. Given the present level of uncertainty over the horizontal and vertical alignment of the new road and the final location of the new roundabout it is advised that it would be premature to give consent to any development which might restrict the design of the new road and may result in additional road construction costs or even the inability to achieve an acceptable road alignment. Consequently, the Policy and Road Safety Manager objects to the application. However, if the residential proposal could be amended to provide an additional area of land which could be left undeveloped until the detailed design of the new road was established then this position would be reconsidered.

5.7 In addition, the Council's **Policy and Road Safety Manager** recommends the following detailed matters be secured by condition if planning permission is granted:

1. A minimum visibility splay of 4.5m by 70m should be provided at the proposed vehicle access onto Seafield Road with the visibility splay being shown on the layout to allow any landscaping to be located to the rear of the splay.
2. The existing highway verge along the site frontage with Seafield Road should be converted to a 3m wide cycleway footway to provide a continuous pedestrian/cycling link to the existing footway network at the neighbouring new development on Seafield Road.
3. The existing 20mph zone on Seafield Road should be extended to cover the site frontage with appropriate traffic calming features and signage. At least two formal pedestrian crossing points should be provided within this new zone. Zebra crossings on flat top tables have been used in the nearby development and their use, with intermediate speed humps, may provide the best design solution. Details of the traffic calming features should be submitted for approval.
4. The proposed 2m wide footpath at the south east corner of the site linking the development to Seafield Road (and to the pedestrian footbridge crossing Bilston Burn to Park Avenue) should be increased in width to form a 3m wide cycling/pedestrian link.
5. To provide improved access to public transport services on the A701 the existing pedestrian link from Castlelaw Crescent, through Bilston Park to the A701 should be upgraded by the provision of street lighting to allow its safe use during the hours of darkness.
6. Visitor and residents parking should be provided to meet current Council parking standards. Parking requirements are based on the number of bedrooms per dwelling and can be accessed on the Council website. Residential garages are not counted as parking spaces as they can be used for a number of other domestic purposes and long, single width, driveways are counted as single parking spaces as they cannot be independently used by more than one vehicle. The layout should be updated to ensure that the proposed parking meets Council standards.
7. The external cycle parking building for the 12 flats at plots 166 – 177 should have a lockable door with an automatic internal light and internal floor drainage. The internal cycle storage should take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each, requiring 6 racks for the 12 flats. The lockable doors should be designed to provide an adequate level of security and should be of a robust material, ideally metal or some form of mesh

which will provide security while still offering passive surveillance of any activity within the cycle store. The door should be designed to be visible from the flats.

8. A standard road with of 5.5m should be provided for the internal roads. Localised reductions in road width can be considered where additional traffic calming is considered necessary however long sections of narrow roads should be avoided.
 9. Details of the proposed surface water management scheme should be submitted for consideration. The Council no longer accepts porous paving construction for adopted roads and other forms of treatment will be required. The Engineering Assessment & Drainage Report from Indev Consult Ltd. (dated December 2016) makes reference on page 7 to the use of roadside filter trenches/swales running adjacent to the carriageways however the layout indicates a tree planted verge on both sides of the main access road. Additional verge width may be required if the verge is to accommodate both trees and drainage.
 10. As detailed in the comments from SEPA the proposed SUDs feature would be located in an area currently identified on the SEPA flood maps as suffering from flooding during the 1:200 year flood event. As such the feature would require to be relocated to an area outwith the floodplain or resized to accommodate the additional volume. Details of the SUDs basin with sections showing how it relates to the proposed footways and verges should be submitted for consideration.
 11. A 450mm diameter culvert is proposed under the new access road leading into this development. As a potentially adoptable structure this culvert would require to be designed to meet the access and maintenance needs of the Council and it is likely that a larger structure (probably a formal road culvert) will be require at this location. Technical details of the proposed structure should be submitted for consideration.
- 5.8 Furthermore, the Council's **Policy and Road Safety Manager** recommends: (i) the applicant should provide a financial contribution to the Councils A701 road scheme (this scheme is designed to improve vehicle access to developments within the A701 corridor and improve walking, cycling and public transport services on the by-passed section of the A701); and (ii) as the development will require changes to the existing speed limit on Seafield Road and the introduction of a new 20mph zone over the site frontage the developer should provide a financial contribution to the costs involved in drafting and promoting these changes.
- 5.9 The Council's **Head of Education** advises that the proposed development of 191 dwellings could be expected to generate the following number of pupils:

Primary pupils	59
Secondary	43

- 5.10 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

- 5.11 The erection of 191 units on part of housing allocation site Hs16 the subject of this current application is significantly higher than the proportionate (of the whole of site Hs16) indicative site capacity of 150 units. This would create a need to provide for more primary school places than has been planned for. A significant amount of new housing has already been allocated to the Bilston area and therefore additional primary capacity will be required. A developer contribution will be required towards the cost of any additional provision, which will comprise an extension to the Bilston Primary School.
- 5.12 Primary Denominational provision will be at St Margaret's RC Primary School, which is at or near capacity from committed development in the Bilston/Loanhead area. A contribution will be required towards the cost of additional capacity.
- 5.13 Secondary Non-Denominational provision will be at Beeslack Community High School. A significant amount of new housing has already been allocated to Beeslack High School therefore additional secondary capacity will also be required. A developer contribution will be required towards the cost of any additional provision.
- 5.14 With regard to Secondary Denominational provision a contribution towards St David's High School, Dalkeith is required.
- 5.15 The Council's **Land Resources Manager** confirms that no core path or right of way falls within the application site boundary.
- 5.16 The Council's **Housing Strategy and Performance Group Manager** does not object to the affordable housing element of the proposed development.
- 5.17 The Council's **Environmental Health Manager** raise concerns regarding noise and contaminated land. Pentland Biomass currently operates a wood chipping facility nearby to the north of the application site. Condition 3 attached to the planning consent for this operation (16/00879/S42) states:

"3. 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.”

- 5.18 Noise measurements taken during an investigation in January 2017 suggest that, while chipping, the 52 dB 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 proposed development, which would have a clear line of sight to the wood chipping operation, would be worst affected, but it is also 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 is proposed in this application will make it impossible for Pentland Biomass to operate without breaching their planning consent. It is also likely to result in noise complaints from prospective residents of the development.
- 5.19 Another possible source of noise is the planned re-routing of the A701. The two possible routes run close to the northern edge of the proposed development. They advise that the possible impact of this on future residents should also be assessed. Therefore, they advise that the following further Information is required to be submitted for consideration of the Planning Authority:
1. A noise impact assessment of the noise levels of the wood chipping operation and the new road on prospective residents.
 2. Any proposed mitigation measures (e.g., acoustic barrier; single aspect design; etc.)
- 5.20 Until a suitable noise impact assessment with regard the impact of noise from the wood chipping operation on the future residents has been undertaken and necessary mitigation measures have been identified, they cannot support the application.
- 5.21 There is a historical landfill site to the north east of the site. Should the development proceed it is recommended that the imposition of a planning condition to deal with any contamination of the site and/or previous mineral workings.

6 REPRESENTATIONS

- 6.1 There have been 11 objections received, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:
- allowing three-storey buildings on the site would set an undesirable precedent for three-storey flatted buildings elsewhere in Bilston;
 - insufficient infrastructure to cope with the number of houses proposed including the road infrastructure, schools, doctor and dental surgeries, public transport;

- the site is within a flood plain. The proposed development would create a flood risk to existing neighbouring properties;
- existing ongoing problems with flooding and inadequate drainage within the neighbouring Cameron Gardens/Corby Craig (Taylor Wimpey) development site;
- the design and access statement submitted with the application is incomplete and as a consequence the proposed development is not in keeping with the area;
- the trees on the site that would be felled to facilitate the development are home to birds of prey;
- there is a cesspit within the vicinity of plots 190/191. Concern about how this will be dealt with and alternative arrangements for grey water and sewerage;
- three-storey flatted buildings would be visually intrusive and incongruous in the area as there are no existing three-storey buildings in Bilston;
- clarity is required as to why Midlothian Council is allowing volume housing developments in Loanhead, Bilston and Roslin and other sites in the vicinity of the A701;
- loss of wildlife and their habitat;
- harm to biodiversity;
- loss of privacy to the existing house and private garden of the residence known as Woodfield Cottage; in particular from plots 16-19 of the development;
- concern about light pollution to the residency known as Woodfield Cottage; in particular from outdoor security lighting of the houses on plots 16-19 of the development;
- concern about noise disturbance to Woodfield Cottage from activity within rear gardens of proposed houses on the site which are located closest to Woodfield Cottage;
- concern about loss of light to the rear windows of Woodfield Cottage from high boundary treatments along the south western boundary of the site;
- concerns about proximity of proposed houses to Woodfield Cottage and the implications of this on fire safety;
- concern about access for maintenance of the stone boundary and outbuildings wall along the south west boundary of the site and of outbuildings of neighbouring residences that abut the south west boundary of the site;
- concern about the impact of the development on a drainage ditch located on the site alongside the south western boundary and the effect of alterations to that drainage arrangement on the property known as Woodfield Cottage;
- a 10-15 metre wide hedgerow interspersed with trees should be planted and maintained between the rear garden boundary of the proposed houses and the south western boundary of the site;
- single-storey or one and a half storey houses would be more appropriate along the south western boundary of the site;

- no details of proposed site levels have been submitted with the application and concern about the site levels being raised and the consequential impact on privacy of Woodfield Cottage;
- concern about water run-off from the site flooding neighbouring gardens;
- concern about continuation of rights of access by residents of Woodfield Cottage through the existing gate to enable maintenance of the stone wall boundary;
- there is an alleged 'Right of Way' within the site that runs alongside the stone boundary wall along the west boundary of the site. If the proposed development were to proceed it would result in the closure of the Right of Way;
- concern that no single-storey buildings are proposed in the development. Single-storey buildings would be more in keeping with the area and would be a more appropriate accommodation for elderly residents moving into the area. Single-storey buildings should be proposed along the western side of the site to address privacy and intrusion concerns of the neighbouring residences to the immediate west of the site;
- the assessment of external finishing materials of existing surrounding buildings is not comprehensive as 10 neighbouring single-storey houses have been omitted from the assessment;
- an up-to-date comprehensive engineering assessment and drainage report should be submitted with the application;
- the information submitted with the application is insufficient for a comprehensive assessment to be made of the full effects of the proposed development;
- concerns about cars from the Cameron Gardens/Corby Craig development being parked on Seaford Road owing to inadequate car parking within that development;
- a brownfield site should be redeveloped for housing instead of the application site;
- there should be a safe walking route to school between Damhead area through to Bilston Primary School via the proposed Corby Craig housing development;
- the applicant has been slow to address the security and privacy concerns raised with existing residents within the Cameron Gardens/Corby Craig development site (the same applicant as the current proposal); and
- concern that the applicant has been slow to address snagging issues raised by existing residents within the Cameron Gardens/Corby Craig development site.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the adopted Midlothian Local Development Plan 2017 (MLDP). 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** sets out design guidance for new developments.
- 7.9 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.

- 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). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** states that the Council requires the early implementation of the transport interventions arising in connection with the development strategy of the Plan, and the committed development supported by the plan. This includes the A701 Relief Road and A702 link with associated new junctions.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 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 pre-developed 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 the 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.

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The site is part of a larger site allocated for housing (site Hs16) in the MLDP and is located within the built up area of Bilston where there is a presumption in favour of appropriate residential development.
- 8.3 The indicative number of units allocated for site Hs16 in the MLDP is 350. This application is for 191 units on part of site Hs16. If the whole of site Hs16 was built out at the same density as is proposed in the current application then up to 528 units could be built on the site. However the submitted masterplan illustrates 155 units, open space and areas of landscaping on the remainder of site Hs16. Accordingly, if the wider site is built out as illustrated in the masterplan then the number of units that would be built on the whole of site Hs16 would be 346 units, which is 4 units lower than the allocation. However, the masterplan is illustrative only and therefore there is some uncertainty as to the exact total number of units that will come forward on the whole of site Hs16.

Layout and Form of Development

- 8.4 The proposed development is for 155 dwellinghouses and 36 flatted dwellings with an average density of 22.4 dwellings per hectare. This amounts to an average/medium density development in a suburban area. The development has been designed primarily as a traditional street layout with the integration of open space and planting. The street hierarchy includes a tree lined avenue that traverses the site and acts as a primary road. Secondary streets as well as a network of local streets and shared surfaces permeate the rest of the development. A number of 'homezones' with shared surface treatment will encourage a pedestrianised neighbourhood. A central formal open space orientates the development. This formal space is addressed on all sides with buildings facing onto it. The orientation of buildings onto the primary streets, the central open space and the SUDS basin delivers a good layout with character and interest.
- 8.5 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and the separation distances between dwellinghouses to mitigate against overlooking, loss of privacy

and a sense of overbearing on neighbours. The required spatial standards were set out in the superseded Midlothian Local Plan 2008 and are likely to be incorporated into the supplementary guidance on 'Quality of Place' which is currently being drafted following the adoption of the MLDP in November 2017. These dimensional standards help those in the planning process quantify what good levels of amenity are and therefore it is reasonable to expect housing developments to meet these requirements unless there is justification not to do so. The requirements with regard usable private garden sizes should be: (i) 100 square metres for terraced houses of 3 or more apartments; (ii) 110 square metres for other houses of 3 apartments; and (iii) 130 square metres for houses of 4 apartments or more. 24 of the proposed houses have rear private gardens that fall below this standard. Only seven detached/semi-detached houses have rear gardens that fall below the minimum size, but they only fall marginally below and not significantly to compromise the residential amenity of the future occupants of the houses. The majority of the houses that have rear gardens that fall below the minimum standard are narrow fronted terraced houses. In this case, if the minimum garden standard was applied to these houses they would have overly long gardens. The small gardens of these houses are therefore justified in design terms. It is expected that each of the flats is provided with the equivalent of 50 square metres of open space, provided in an area of communal private space. Only one private flatted block meets the required standard. One of the affordable flatted blocks has 33 square metres of communal outdoor space per flat and the other affordable flatted block has 36 square metres. One of the affordable flatted blocks fronts onto the principal open space, which provides some compensation for the reduced size of communal garden ground. The smaller communal garden ground of the affordable flats should be weighed against the fact that a large proportion of the private houses have very large rear garden sizes. The Council's Housing Strategy and Performance Group Manager does not object to the affordable housing element of the proposed development.

- 8.6 The mix of house types and sizes is acceptable. The residential units comprise a mix of types - 2, 3, 4 and 5 bed detached, semi-detached, terraced houses and flats, which is a relatively healthy mix providing homes for a wide selection of the community including first time buyers and families. The architectural styles of the houses and flatted buildings are relatively traditional in form and complement the character and visual amenity of the area. Accordingly, in terms of architectural style the proposed buildings would not harm the character or visual amenity of Bilston. Policy and good practice requires that there is an added emphasis on the quality of 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 boundary treatment and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. None of the proposed buildings on the site are identified as being within an area of improved quality (AIQ) in terms of design and materials. An AIQ seeks to add interest and character to developments, particularly in

developments of the scale proposed. The absence of an AIQ is to the detriment of the design of the scheme. It should therefore be made a condition of a grant of planning permission that details of an AIQ within the site comprising a minimum of 20% of the dwellings on the site be submitted for the prior written approval of the planning authority. The units along the main avenue and around the central open space are an obvious location for the AIQ.

- 8.7 Elsewhere in the development, in order that the external finishes of the buildings are complementary to each other and appropriate to the character and visual amenity of the area it should be made a condition of a grant of planning permission that samples are submitted for the prior approval of the planning authority.
- 8.8 No details of the 'percent for art' for the development; an artistic feature that would add interest and local reference to the development, has been submitted with the application. It should be made a condition of a grant of planning permission that details of percent for art for the development be submitted for the prior written approval of the planning authority.
- 8.9 The 20 two and a half storey townhouses and 3 three-storey flatted blocks in terms of their height, proportion, scale and positioning on the site would not appear dominant or incongruous within the area. The positioning of the townhouses and flatted buildings mostly around the central open space allows for better enclosure of the space providing a stronger frontage and definition of the space. Furthermore they provide some variation in heights across the development which adds interest to the built environment.
- 8.10 The spatial separation between the houses on plots 78-81 and plots 88-91 fall 0.5 metres short of the 25 metre minimum standard. However, in this particular case the shortfall would not result in significant harm to the amenity of those properties in terms of overlooking and thus is not significant. Other than these plots the separation between the dwellings on the site meets the desired standard.
- 8.11 The eastern part of the site is being raised by up to 1.67 metres to achieve the foul and surface water connections to the south. This increase in levels would not have an unduly dominant effect on neighbouring properties or the landscape character and amenity of the area. The proposed finishing levels across the remainder of the site are acceptable.
- 8.12 All of the proposed buildings are sufficiently distanced from existing neighbouring houses so as not to give rise to any demonstrable harm to their residential amenity in terms of loss of daylight, loss of sunlight or overlooking. There would be no significant harm to the amenity of any existing neighbouring property from the proposed development.

Open Space and Play Areas

- 8.13 One area of open space is proposed in the development. At some 1.36 hectares in area the open space is large enough to contain an equipped children's play area, an informal children's play area and a kick about pitch for informal ball games. The principal open space proposed in the application would be connected by a tree lined boulevard to a number of useable open spaces elsewhere on allocated housing site Hs16, which together provide a hierarchy of linked open spaces. No details of children's play proposals have been submitted with the application. The open space assessment for Bilston identifies a significant deficit in equipped play spaces in Bilston. The conclusion from this assessment is that a development of the size proposed requires a neighbourhood play area comprising both an equipped neighbourhood play area, and an informal children's play e.g. a combination of mounds, sunken pipes, willow walls etc. Subject to details of the equipped and informal children's play equipment being submitted for the prior approval of the planning authority and the future provision of additional open space in the later phases of development, the proposed open space and children's play provision for the development would be acceptable in terms of quantity, quality and accessibility.
- 8.14 The SUDS retention basin is located on the south eastern corner of the site. The applicant confirms that the SUDS proposal for the site has been designed as part of the wider strategy for the wider Hs16 site. The SUDS basin is formed as a relatively shallow impress and does not include any heavy engineering works such as retaining walls. Thereby it would appear as a relatively naturalistic and soft feature which would not detract from the landscape character and visual amenity of the area. The shallow nature of the SUDS basin would permit passive surveillance of it from the proposed houses fronting onto it.
- 8.15 The landscape strategy submitted with the application is acceptable in principle. The tree lined avenue nature of the principal road will provide an attractive formal route through the site linking to future phases. However, no detailed landscape proposals have been submitted with the application. It should be made a condition of a grant of planning permission that a detailed landscaping scheme for the development be submitted for the prior approval of the planning authority.
- 8.16 MLDP policy ENV2 (Midlothian Green networks) requires new development sites to fully incorporate green network opportunities in their design and implementation. This can potentially be delivered through a combination of path networks, open space and sustainable urban drainage systems. The principal road through the site comprises a tree lined avenue with a footpath/cycleway alongside it that will connect Seafield Road to the existing nearby Taylor Wimpey development to the east, known as Cameron Gardens. It will link the open spaces within the wider masterplan site, thus providing an acceptable green network. There exists an existing safe route to school from Seafield Road to/from Bilston Primary School located nearby to the

south of the site. Given the provision of the tree lined avenue, footpath/cycleway the proposed development complies with policy ENV2 (Midlothian Green networks) of the MLDP and meets the aspiration of the Scottish Government policy statement 'Designing Streets' that a connected permeable network be provided for in new developments.

Access and Transportation Issues

- 8.17 In the applicant's planning statement it states that the application site area takes cognisance of the wider site and the corridor for the A701 realignment options corridor. Furthermore, it is stated that the outer edges of the A701 options corridor are a sufficient distance from the outer boundary of the site so that the proposed development will not impact upon it physically, nor will the amenity for the new residents be affected by the realigned road.
- 8.18 At this present time the horizontal and vertical alignment of the future A701 relief road and details of the works associated with that road; including the location of the roundabout on the A703 are unknown. The planning authority considers that it would be premature to allow any development on the part of the site comprising plots 12-43 (inclusive) and plots 101-148 (inclusive) unless and until the detailed design of the A701 relief road and associated works are approved by the Council as this could require modifications to the design of the road that may result in additional road construction costs or could thwart an acceptable road alignment. In addition, the planning authority should ensure that the development has a satisfactory interface with the A701 relief road corridor in the interest of the amenity of the area and the amenity of the future occupants of the houses. Therefore the development shall be phased so that there is no development on the development plots nearest to the western and north western boundary of the site; which includes plots 12-43 (inclusive) and plots 101-148 (inclusive) unless and until: (i) the Council has approved a detailed design for the A701 relief road and associated works; and, (ii) the planning authority has confirmed in writing to the applicant/agent that the detailed design has been approved and works can commence on the aforesaid plots or part thereof. When, following the grant of planning permission for the current application, the Council approves a detailed design for the A701 relief road and associated works that includes any land comprising plots 12-43 (inclusive) and plots 101-148 (inclusive) then an amended scheme of residential development for the land comprising those plots that takes into account the approved detailed design of the future A701 relief road and associated works, shall be submitted for the prior written approval of the planning authority. This control can be secured by a condition imposed on a grant of planning permission. Those units outwith the restricted area will comprise phase one of the development and will consist of 111 units. Phase one will take approximately 3 years to build out and it is reasonable to conclude that the final design for the realigned A701 will be completed prior to this date enabling phase two

(the restricted area) to be built as a continuation in the site's development.

- 8.19 The Transportation Assessment (TA) demonstrates to the satisfaction of the Council's Policy and Road Safety Manager that that proposed access and road arrangements are acceptable in terms of meeting traffic capacity and promoting pedestrian and traffic safety.
- 8.20 Except for the Council's Policy and Road Safety Manager recommendation relating to visitor and residents parking, the other transportation recommendations can be secured by either a condition imposed on a grant of planning permission or by a developer contribution secured by a planning obligation. Subject to these recommended controls there will be adequate and safe footpath and cycleway connections to/from the site to existing bus stops and public transport networks in Bilston to serve the proposed development.
- 8.21 The parking requirement of 100% parking for the affordable housing area on the site has been met. Outwith the affordable housing area there is a mixture of double width driveways and long single width (ribbon) driveways within the curtilages of the houses. In assessing parking requirement the Council's Policy and Road Safety Manager counts the ribbon driveways in the development as being one resident parking space. Consequently, there is a technical deficit in the number of residential parking spaces on the site. In total, the applicant has provided 385 parking spaces on the site (just over 2 spaces per residential unit), this provision drops to 351 spaces (approximately 1.85 spaces per residential unit) if long single lane driveways are counted as providing one parking space rather than two spaces.
- 8.22 However, the applicant state that the Council's approved parking standards make no reference to the stated interpretation, advising that the standards state: *"In line with 'Designing Streets' advice, spaces can be a mixture of driveways and on-street. It is assumed that at least the visitor parking element is provided out with the curtilage."* It also states that *"Garages are not accepted as parking space provision"* but a position on single driveways is not specified. It is reasonable to conclude that property owners with large driveways will park two vehicles on a long driveway if other parking is not available.
- 8.23 A consequence of concluding long driveways only provide a singular space is requiring additional parking provision along street frontages dominating roadways and routes through the development to the detriment of the overall layout and street scene, harming the social and play function of the street and potentially causing danger to cyclists. This is not in line with Scottish Government guidance 'Designing Streets'. In practice family members manage their own parking within the curtilage. Moreover, visitors will also park within the curtilage of the property they are visiting in preference to a visitor parking space. For these reasons the planning authority accepts the

use of ribbon driveways as providing two off street parking spaces in some areas of the development.

- 8.24 The number of visitor parking spaces provided on the site is adequate. The parking standards indicate that a case can be made to move away from the stated parking requirements and uses the example of locations which are close to a high frequency, quality bus service within short walking distance. In this case, at Bilston, there is good access to public transport. Given this the parking standards of 2.5 spaces per 3 or 4 bedroom house could be relaxed.

Other Environmental Matters

- 8.25 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.
- 8.26 The principle of residential development on the site is established by its allocation for housing within the MLDP. In allocating the site the Council has accepted the proposed residential development's proximity to Pentland Plants Ltd operations at Pentland Mains Farm, which includes a wood chipping facility; and also the juxtaposition of the application site to the safeguarded A701 relief road corridor. In the absence of a noise impact assessment considering the impacts, on future residents of the proposed dwellings, from the wood chipping operation and the traffic using the planned relief road any recommended proposed mitigation measures e.g. acoustic barrier or single aspect designed houses, cannot be determined. If planning permission is granted without noise mitigation measures being secured by a planning condition(s) and future residents of the proposed dwellings raise a noise complaint(s) regarding operations at Pentland Plants, the planning authority may investigate whether there is a breach of condition 3 of permission ref.16/00879/S42, which restricts the noise emissions from Pentland Plants Ltd. If complaints of noise nuisance are substantiated then planning enforcement action could be taken to remedy the breach. Therefore, whilst it is recognised that there is sensitivity between the different neighbouring uses and activities there are means to address the issues without refusing planning permission on the allocated housing site.
- 8.27 There are no statutory or non-statutory environmental designations to the site. An ecological assessment of the site, dated September 2016, was submitted with the application. It informs that an ecological assessment of the site was undertaken in December 2015, a bird survey in June 2016 and a bat survey in June and August 2016. The September 2016 survey informs that the site is an arable field and is limited in terms of habitat and biodiversity, with no notable or rare plant species. Hedgerows and trees edging the site are thin and lack structure and diversity. The trees are confined to the southwest

corner and are few in number, with single trees on the east boundary. In the wider landscape the site would be regarded as unexceptional. The ecological assessment makes a number of recommendations to mitigate the impact of the development. Notwithstanding, given that the ecological assessment was carried out over one year ago there is a requirement for an updated ecological assessment of the site as findings are only valid for 18 months for bats and only one year for anything else. The requirement for a new ecological survey can be secured by a condition imposed on a grant of planning permission.

- 8.28 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.
- 8.29 SEPA confirmed that it is their view that the proposed development offers the potential for a new District Heating Network to be created within the site. Consequently, SEPA advise that a condition be imposed on a grant of planning permission requiring that the applicant undertake a Community Heating Options Study, which considers alternative types of providing heat (and electricity) within the site. The approach proposed by SEPA can be secured by a condition imposed on a grant of planning permission.
- 8.30 The proposed development would not give rise to significant levels of light pollution, above that generated by existing development in the area or by the proposed A701 realignment, such as to have a significant detrimental effect on the character and amenity of the area or the amenity of existing residential properties or the residential amenity of the proposed new dwellings.

Bilston Primary School

- 8.31 The existing non-denominational primary school is Bilston Primary School, which is presently a single stream school which has been designed with the potential to be extended to form a two-stream school within the existing school grounds. If all of the MLDP strategic housing sites within Bilston are developed with the number of units allocated in the MLDP, the school will have to be extended to form a two-stream school to accommodate the children that will arise from these sites. However, when the school is extended to form a two-stream school it will not have capacity to accommodate the additional children that would arise from a greater number of units being built on the strategic housing sites. There is no scope within the existing school site to accommodate a further extension to that school. A notable excess of units on site Hs16 and/or on any other of the allocated sites in the Bilston area would require the provision of additional primary capacity. However, the principle of extending the Bilston Primary School is acceptable, such that the planning authority can consider a greater number of units on Hs16 site. In order to extend the school the Council would have to acquire title to land adjacent to the existing school site. The land required to extend the

school is situated between the existing school site and committed housing site h55 Seafied Moor Road, Bilston (this site was allocated in 2008 Midlothian Local Plan as site H13).

Developer Contributions

- 8.32 If planning permission were granted it should be subject to the conclusion of a Planning Obligation to secure the provision of affordable housing and developer contributions towards (i) primary and secondary denomination and non-denominational education; (ii) equipped children's play provision and maintenance; (iii) the A701 relief road; (iv) the costs involved in drafting and promoting the required changes to the existing speed limit on Seafied Road and the introduction of a new 20mph zone over the site frontage; (v) the provision of affordable housing (25%); and (vi) maintenance of open space.
- 8.33 The applicant is proposing 48 affordable residential units. This equates to 25% affordable housing provision, which is the required affordable housing provision.

Other Matters raised by Representors and Consultees

- 8.34 The existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter which would need 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.
- 8.35 The proposed development is unlikely to result in extraordinary noise and disturbance during periods of construction. If a statutory noise nuisance were to arise this could be controlled through Environmental Health legislation.
- 8.36 No evidence has been submitted to substantiate the claim made in a letter of objection that trees on the site that would have to be felled to facilitate the development are home to birds of prey.
- 8.37 Sufficient information has been submitted with the application to enable to the planning authority to assess the application.
- 8.38 In November 2015 the applicants carried out a pre-application consultation (15/00936/PAC) for a residential development on the site. There is no legislative requirement for a further pre-application consultation to have been carried out in order for the current planning application to be validated by the planning authority. The withdrawal of an earlier application and the submission of an amended scheme do not trigger a requirement to re-run the pre application consultation process.

- 8.39 No core path or known right of way would be affected by the proposed development.
- 8.40 The following matters raised in letters of objection are not material considerations in the determination of the application:
- fire safety implications because of the proximity of houses on the site to Woodfield Cottage;
 - existing alleged problems of inadequate drainage within the nearby Cameron Gardens/Corby Craig housing development;
 - whether there is adequate parking within the nearby Cameron Gardens/Corby Craig development and alleged parking congestion on Seafield Road as a consequence of this;
 - whether there are any existing brownfield sites in Midlothian that should be built on instead of the application site; and
 - the response time by Taylor Wimpey to security and privacy concerns and to address snagging issues raised by residents within the nearby Cameron Gardens/Corby Craig development.
- 8.41 The following concerns raised in letters of objection are legal matters between individuals/landowners and not material planning considerations:
- access for maintenance of the stone boundary wall on the south west boundary of the site and of outbuildings of neighbouring residences abutting the south west boundary of the site; and
 - title to the application site and right of access through an existing pedestrian gateway within the south western boundary stone wall.

9 RECOMMENDATION

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

The proposed development site is allocated in the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.

Subject to:

- i) the prior signing of a legal agreement to secure:
 - a contribution towards education provision;
 - a financial contribution towards the Council's A701 relief road and urbanisation scheme, which is designed to improve vehicle access to developments within the A701 corridor and improve walking, cycling and public transport services on the by-passed section of the A701;

- a financial contribution to the costs involved in drafting and promoting the required changes to the existing speed limit on Seafield Road and the introduction of a new 20mph zone over the site frontage;
- the provision of affordable housing (25%); and
- maintenance of open space.

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

ii) SEPA withdrawing their objection to the planning application prior to the decision being issued.

iii) the following conditions:

1. The indicative phasing plan submitted with the application is not approved. Development shall not begin until details of 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, childrens play provision, structural landscaping, the SUDS provision and transportation/roads infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

Reason: *To ensure the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.*

2. The development shall be phased in accordance with condition 1 so that there shall be no development on plots 12-43 (inclusive) and plots 101-148 (inclusive) or any associated road infrastructure north of the orange coloured line on annotated drawing titled "Indicative Site Layout (Annotated)", unless and until: (i) the Council has agreed a detailed design for the A701 relief road and associated works; and (ii) has confirmed in writing that the detailed scheme has been approved and works can commence on these plots or specified plots and associated road infrastructure. If the Council approves a detailed design of the A701 relief road and associated works that includes any land comprising plots 12-43 (inclusive) and plots 101-148 (inclusive) then an amended scheme of residential development for the land comprising plots 12-43 (inclusive) and plots 101-148 (inclusive) that takes into account the approved detailed design of the future A701 relief road and associated works, shall be submitted for the prior written approval of the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason: *At this present time there is uncertainty over the horizontal and vertical alignment of the future A701 relief road and works*

associated with it. It would be premature to allow any development on the part of the site comprising plots 12-43 (inclusive) and plots 101-148 (inclusive) unless and until the detailed design of the A701 relief road and associated works are approved by the Council as this could require modifications to the design of the road that would may result in additional road construction costs or could thwart an acceptable road alignment. In addition, the planning authority should ensure that the development has a satisfactory interface with the A701 relief road corridor in the interest of the amenity of the area and the amenity of the future occupants of the houses.

3. The external finishing material specified on application drawings/documents are not approved. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. An enhanced quality of materials shall be used in the area of improved quality which shall comprise no less than 20% of the number of dwellings on the site and not any of the affordable units. 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 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Notwithstanding that delineated on application drawing the development shall not begin until details of a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i other than existing and finished ground levels and floor levels for all buildings, open space 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, road verges and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of all soft and hard landscaping;
 - vii a woodland management plan for existing and proposed areas of woodland;

- viii a biodiversity action plan and maintenance plan to enhance the biodiversity value of the existing suds pond located nearby to the north east of the nursery area;
- ix drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- x proposed car park configuration and surfacing;
- xi proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
- xii details of existing and proposed services; water, gas, electric and telephone

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).

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 DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

5. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian access;
 - iii proposed roads (including turning facilities), footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - v proposed construction traffic access and haulage routes;
 - vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport:
 - vii proposed car parking arrangements;
 - viii an internal road layout which facilitates buses entering and leaving the site in a forward facing direction;
 - ix proposed bus stops/lay-bys and other public transport infrastructure;
 - x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
 - xi proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.

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

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

6. Notwithstanding the requirements of condition 1 of this planning permission, prior to the first occupation of any of the houses/flats on plots 28, 32-45, 82-97, 105-123 and 149-156 an equipped neighbourhood childrens play area and an adjoining informal natural childrens play space comprising a combination of mounds, ditches and hollows, sunken pipes, willow walls, domes and structures, log arrangements, stepping logs, play paths etc. shall be formed/constructed and made available for use in accordance with detailed drawings and a written specification to be submitted to and approved in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

Reason: *To ensure the timeous provision of an acceptable quantity and quality of equipped children's play in the development in the interests of the residential amenity of the future occupants of the houses and flats.*

7. Development shall not begin until details, including a timetable of implementation, of 'Percent for Art' have been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. 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.

On completion of the decontamination/ remediation works referred to above and prior to any residence on the site 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 residence on the site shall be occupied unless or until the planning authority have approved the required validation.

Reason: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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.*

- 9. No building shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

- 10. Development shall not begin until a programme of archaeological works (Trial Trench Evaluation) in accordance with a written scheme of investigation. The approved programme of works shall comprise a field evaluation by trial trenching reported upon initially through a Data Structure Report submitted to the planning authority and carried out by a professional archaeologist prior to any construction works or pre commencement ground works taking place. There shall be no variation therefrom unless otherwise agreed 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.*

- 11. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts 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 DEV5 of the Proposed Midlothian Local Development Plan 2017.*

12. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have 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 dwelling. 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.*

13. A detailed plan and elevation drawings and details of the finishing materials and colours of any electricity station(s) and pumping station(s) to be erected/installed on the site shall be submitted for the prior written approval of the planning authority.

Reason: *To safeguard the character and visual amenity of the area.*

14. Notwithstanding that delineated on docketed drawings the development shall conform to the following constraints in accordance with detailed plans/drawings and design and technical details to be submitted for the prior written approval of the planning authority:
 - i. A minimum visibility splay of 4.5m by 70m shall be provided at the proposed vehicle access onto Seafield Road.
 - ii. The existing highway verge along the site frontage with Seafield Road shall be converted to a 3m wide cycleway footway to provide a continues pedestrian / cycling link to the existing footway network at the nearby nearby Cameron Gardens/Corby Craig development..
 - iii. The existing 20mph zone on Seafield Road shall be extended to cover the site frontage with appropriate traffic calming features and signage. At least two formal pedestrian crossing points shall be provided within this new zone (Zebra crossings on flat top tables have been used in the nearby development and their use, with intermediate speed humps, may provide the best design solution). Details of the traffic calming features shall be submitted for approval.
 - iv. The proposed 2m wide footpath at the south east corner of the site linking the development to Seafield Road (and to the pedestrian footbridge crossing Bilston Burn to Park Avenue) shall be increased in width to form a 3m wide cycling / pedestrian link.

- v. Unless otherwise approved in writing by the planning authority standard road with of 5.5m shall be provided for the internal roads.
- vi. The external cycle parking building for the 12 flats at plots 166 – 177 shall have a lockable door with an automatic internal light and internal floor drainage. The internal cycle storage shall take the form of standard 'Sheffield' type racks which can accommodate 2 cycles each, requiring 6 racks for the 12 flats. The lockable doors shall be designed to provide an adequate level of security and shall be of a robust material, ideally metal or some form of mesh which will provide security while still offering passive surveillance of any activity within the cycle store. The door shall be designed to be visible from the flats.
- vii. The existing pedestrian link from Castlelaw Crescent, through Bilston Park to the A701 shall be upgraded by the provision of street lighting to allow its safe use during the hours of darkness.
- viii. Details of the proposed surface water management scheme.
- ix. Details of the SUDs basin including sections showing how it relates to the proposed footways and verges shall be submitted for consideration.
- x. Details of the culver proposed under the new access road leading into the development.

Reason for 14i-v: In the interests of road and pedestrian safety.

Reason for vi: To provide acceptable cycle parking in the interest of the amenity of the future occupants of the flats.

Reason for 14 vi: To provide improved access to public transport services on the A701 in the interest of the amenity of the future occupants of the dwellings on the site.

Reason for 14 viii-x: This information has not been submitted with the application and is necessary in order for the planning authority to confirm that the site is not at risk of flooding.

- 15 Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have 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.

16. Prior to the commencement of development a feasibility study on the operation of a community heating scheme for the development hereby approved, and if practicable other neighbouring developments/sites, in accordance with Midlothian Local Development Plan 2017 Policy NRG6, shall be submitted for the prior written approval of the planning authority. Should the planning authority conclude, on the basis of this study, that a scheme is viable, no dwelling on the site shall be occupied until a community heating scheme, and if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority.

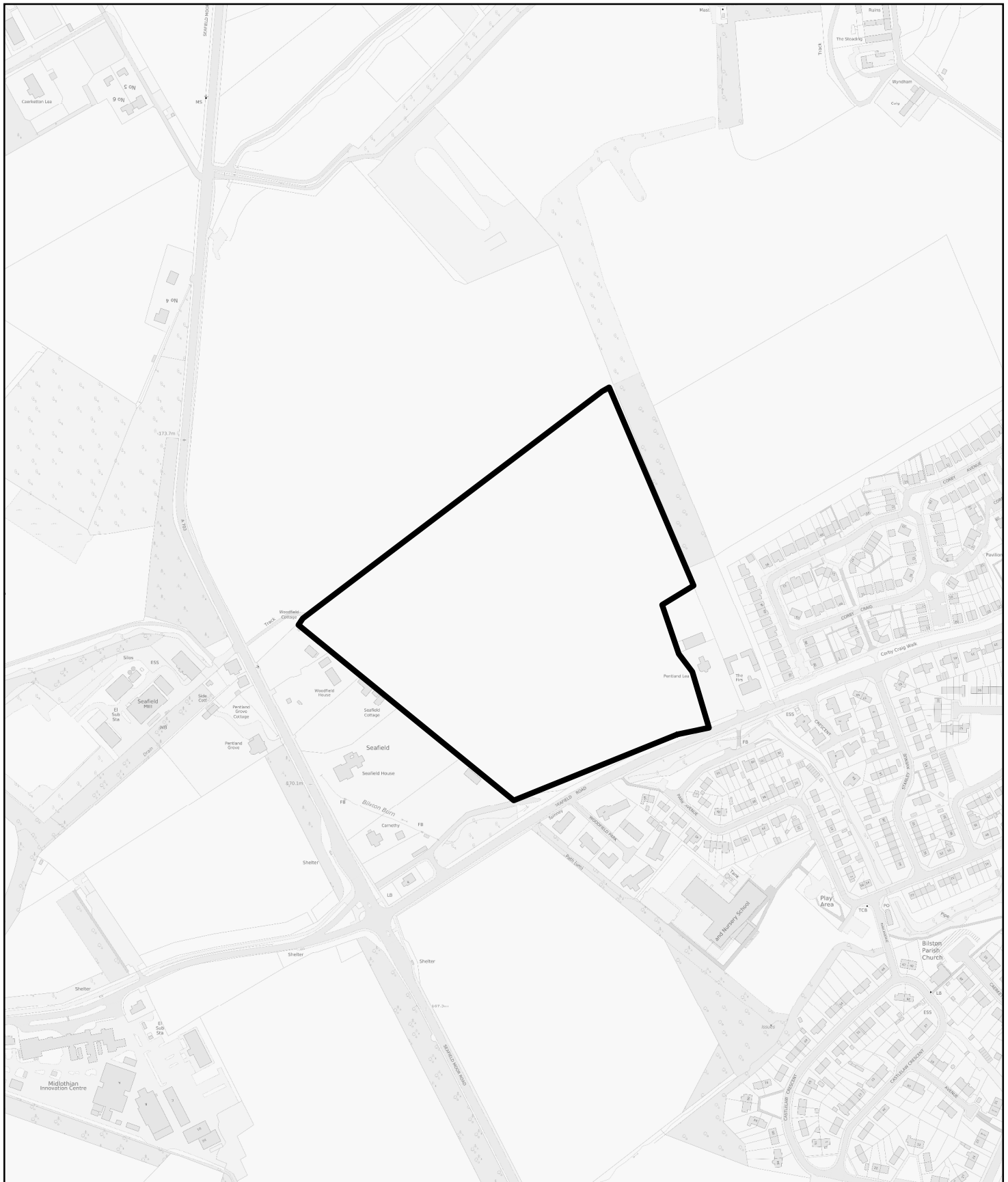
Reason: *To ensure opportunities for the provision of a community heating system for the site is fully explored to accord with the requirements of policy NRG6 of the Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

17. Prior to works commencing on site an additional ecological assessment of the site shall be carried out and a report on it shall be submitted for the prior inspection and approval of the planning authority. The scope of the additional assessment shall be agreed in advance in writing by the planning authority. The recommendations made within the new ecological assessment shall be implemented in full.

Reason: *In the interests of safeguarding biodiversity, including European Protected Species.*

Ian Johnson
Head of Communities and Economy

Date:	3 April 2018
Application No:	17/00968/DPP
Applicant:	Ms Pauline Mills, Taylor Wimpey/Hallam Land Management, 1 Masterton Park, South Castle Drive, Dunfermline, Fife, FK11 8NX
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Validation Date:	11 December 2017
Contact Person:	Adam Thomson, Planning Officer
Tel No:	0131 271 3346
Background Papers:	15/00936/PAC, 15/00941/SCR, 16/00861/DPP



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of 155 dwellinghouses and 36 flatted dwellings;
formation of access roads; car parking and associated works
at Land 470M West Of Corby Craig Terrace Bilston Roslin

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