



**APPLICATION FOR PLANNING PERMISSION 18/00740/DPP, FOR
ERECTION OF 247 DWELLINGHOUSES; FORMATION OF ACCESS
ROADS AND CAR PARKING; SUDS FEATURES AND ASSOCIATED
WORKS ON PART OF SITE HS11 DALHOUSIE SOUTH, BONNYRIGG**

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 247 dwellinghouses on land to the east of the B6392, Bonnyrigg. The site comprises part of allocated housing site Hs11. There have been eight representations and consultation responses from The Coal Authority, the Scottish Environment Protection Agency, Scottish Water, Historic Environment Scotland, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Environmental Health Manager, the Council's Policy and Road Safety Manager and Bonnyrigg and Lasswade Community Council.**
- 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, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV22, ENV23, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the 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 site is located to the east of Bonnyrigg. The site is bound; to the west by the B6392 with residential properties beyond, to the east by an unclassified road which links Cockpen Road (B704) to the A7, underneath the Lothianbridge, Newbattle Viaduct (category B listed building), to the south by Cockpen and Carrington Church (category A listed building) and associated cemetery, and to the north by Dalhousie Mains House (a category B listed building).**

- 2.2 The site is approximately 23.7 hectares and slopes down to the east. It is currently in agricultural use and overhead lines cross the north eastern part of the site and the central part of the site. The confluence of the Dalhousie Burn and the River South Esk is to the northeast of the site.
- 2.3 There is a core path located to the southeast of the site and a national cycle route to the south. Other paths link to the town centre and to the A7 and onward to the Borders Rail Station at Eskbank. The A7 is to be the subject of an urbanisation scheme which will include proposed multi user paths. Links can also be made through nearby existing residential areas and the proposed development at Dalhousie Mains (Hs10) on the other side of the B6392.
- 2.4 The site is located adjacent to, but outwith, the Dalhousie and Cockpen Conservation Area. This conservation area is located to the east and south of the site. There is a known archaeological site and an artefact find-spot within the site.

3 PROPOSAL

- 3.1 The proposal is for residential development on part of allocated housing site Hs11. A central part of site Hs11 is subject to a separate planning application (18/00743/PPP).
- 3.2 The proposed development comprises 247 dwellings of which 240 are private market dwellings and seven are affordable units. All the dwellinghouses are two storey buildings with the exception of one bungalow (one of the affordable housing units). The housing mix comprises:

terraced units	14	three bed units	66
semi-detached units	22	four bed units	132
<u>detached units</u>	<u>211</u>	<u>five bed units</u>	<u>49</u>
Total	247	Total	247

- 3.3 The proposed development also comprises:
- Two vehicular accesses off the B6392;
 - Pedestrian and cycle path links to the B6392, the unclassified road to the east and throughout the site;
 - A landscaped buffer around the edge of the site;
 - An area of open space incorporating a play area, tree planting and sustainable urban drainage system (SUDS) basin in the central eastern part of the site;
 - An area of open space in the northern part of the site which could be used as a kickabout area;
 - An area of informal open space and landscaping in the southern part of the site in close proximity to the Cockpen and Carrington Church;

- An area of informal open space and landscaping, incorporating SUDS in the northern part of the site under the overhead power lines;
 - Areas of Improved Quality (AOIQ), incorporate enhanced materials of slate roof tiles, reconstituted stone and wetdash render, are proposed adjacent to the areas of open space in the south and north of the site and at the vehicular entrances to the site forming a 'gateway'. Materials outwith the AIQ include dry dash render and grey and red concrete roof tiles.
- 3.4 The vehicular access incorporates ghost islands and right-hand turn lanes on the B6392 for vehicles entering the site. A pedestrian light controlled crossing over the B6392 is proposed to the southwest of the site, this will form part of the safe route to school. A second proposed pedestrian crossing point is located more centrally on the western boundary.
- 3.5 Car parking provision is proposed on the site to align with the Council's parking standards.
- 3.6 The application is accompanied by:
- A design and access statement;
 - An archaeological desk top based assessment;
 - A biodiversity management plan;
 - A pre-application consultation (PAC) report;
 - A mineral risk assessment
 - A transport assessment

4 BACKGROUND

- 4.1 In June 2017 the planning authority issued a screening opinion (17/00399/SCR) for the site advising that an Environmental Impact Assessment submission is not required.
- 4.2 The applicant carried out a pre application consultation (17/00402/PAC) for residential development in May – August 2018. The pre application consultation was reported to the Committee at its meeting of August 2017.
- 4.3 An associated planning application for planning permission in principle (18/00743/PPP) for an indicative 73 affordable housing units on the central part of site Hs11 is elsewhere on the Committee agenda and is intrinsically linked to this application. The site layout drawing for this detailed application is included as the masterplan for this application.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application. However, further more detailed considerations of ground conditions and/or

foundation design may be required as part of any subsequent building warrant application.

- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application based on the information submitted by the applicant, subject to no development work taking place over the water main running through the site.
- 5.3 **Scottish Water** does not object to the application, but state that this does not confirm that the site can be serviced.
- 5.4 **Historic Environment Scotland (HES)** advise that Cockpen Parish Church is a cruciform-plan, Tudor-Gothic church with a half-engaged square-plan tower. It was designed by the noted architect Archibald Elliot in 1818-1820 and refitted by Peddie and Kinnear in 1886. The design for the tower was altered so it could be seen from both Dalhousie Castle and Arniston House. It is recommended that views of the church tower from the public road to the east would be better preserved by removing the proposed housing from the southern corner of the site (south of the water main) and/or by redesigning this section to retain open views from the east, where the church tower is a distinctive and noticeable feature on the raised section of road. This may mean skewing the development site to retain open views of the tower.
- 5.5 The Council's **Archaeological Advisor** does not object to the application but recommends a 'Programme of Archaeological Works' (Trial Trench Evaluation) is necessary. The trial trench evaluation required is to be no less than 8% of the total site area. The requirement for this work can be secured by condition.
- 5.6 The Council's **Head of Education** advises that a development of 248 dwellings would give rise to 117 primary school pupils and 92 secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Bonnyrigg Primary School, St Mary's RC Primary School, Lasswade High School and St David's RC High School.
- 5.7 The Council's **Environment Health Manager** does not object to the application, subject to conditions being attached to any grant of planning permission ensuring that ground contamination and/or former mine workings remediation works are undertaken.
- 5.8 The Council's **Policy and Road Safety Manager** does not object to the application subject to the following matters being addressed by conditions being attached to any grant of planning permission:
1. Details of the proposed traffic signal controlled pedestrian/cyclist crossing point on the B6392 should be submitted for approval with

- the crossing being available for use prior to the first house being occupied;
2. In line with the Council's view of providing publicly available electric vehicle charging points within new developments some of the proposed visitor parking spaces should be designated and formed as publicly available electric vehicle charging points;
 3. As the development will require changes to the existing designation of footway/cycleway links from the site to the local primary school the developer should enter into a S75 agreement (or similar agreement) to provide a financial contribution to the costs involved in drafting and promoting these legal orders; and
 4. A low retaining wall (0.45m high) is shown on Drg No. DMS59-231 between the proposed cycleway/footpath link and plots 13 and 14. If this wall is required to provide retention to the cycleway/footpath link then structural details of the feature will require to be submitted for technical approval.

5.9 Bonnyrigg and Lasswade Community Council (BLCC) has expressed concern over the rapid growth of the town and the resulting impact on infrastructure. This strain on infrastructure is exacerbated by the Council's challenging financial position and as such any further house building is not welcome until appropriate infrastructure is provided. The main issues are as follows:

- Local employment opportunities are not available for new residents and so there will be an increased need to travel into Edinburgh for work, placing addition strain on transport infrastructure, in particular Sheriffhall roundabout, the A720 and routes to and from these destinations;
- There needs to be easy and safe access to Eskbank Railway Station;
- The urbanisation of the A7 may help pedestrians cross the A7 to reach the Eskbank Railway Station but is unlikely to do anything for the queues of traffic along this stretch of the A7 during busy periods;
- The community identity of Bonnyrigg and Lasswade is being changed too rapidly. This is potentially why there is a youth anti-social behaviour problem in the town. Maintaining community identity and preventing coalescence are planning objectives;
- It is unlikely the local schools have adequate capacity for this site. Experience shows more families with young children move to Bonnyrigg and Lasswade than expected. The capacity in Bonnyrigg Primary School is unlikely to be sufficient. The Lasswade High School is over capacity already. The developer contributions do not arrive fast enough for the school capacity to be built in advance of need;
- The other services needed for families such as nurseries, breakfast clubs, holiday clubs, after school facilities, playgroups do not have spare capacity for the expected new residents. Furthermore, there are shortages in the provision of the after-school activities. Cubs,

scouts, gymnastic classes and other cultural and sporting activities have waiting lists;

- Community space in Bonnyrigg and Lasswade is limited as the Lasswade High School Centre was expected to provide a Hub and a number of older community facilities closed down. As pupil numbers in the high school have grown the school has taken over some of the rooms available to the community. None of the new developments have local facilities except play parks;
- The primary care provision in the town is not robust enough to support the projected growth in population. More house building will not provide more GPs;
- It is possible to walk to Bonnyrigg Primary School from the site (HS11) but many parents have children at more than one stage of schooling. Most of the other nurseries and playgroups are further away and if the time schedule is not co-ordinated the parents can feel forced to go by car to be on time at more than one facility. It is one of the disadvantages of the HS11 site that it is so far out from other facilities in the town and walking with small children while desirable is not always feasible;
- A major issue with the HS11 site is its position on the 'other' side of the distributor road, the B6392, which is a natural boundary for the town. This is out with the traditional urban envelope of Bonnyrigg and Lasswade and there is no reason for this development prior to the land within the envelope being developed;
- The new houses will reduce the functionality of the distributor road. This bypass of the difficult town centre (a major Midlothian east-west crossroads) will have another junction for the HS10 development as well as the two junctions for HS11. This is not to include the continuing development of Hopefield. If the consequential extra traffic delays at the Hardengreen Roundabout (and urbanised A7) are substantial more traffic may try to cross Midlothian via Bonnyrigg Toll. This would be development at the expense of the existing residents;
- There are concerns about this site being included in the MLDP at all. The field lies adjacent to the Newbattle Strategic Green Space and should be part of it. It slopes down to the Dalhousie Burn and the crucial wildlife corridor that links from Newbattle to Whitehill as well as to the Dalhousie Castle wooded area. The weakest spot is around the HS11 site;
- Bonnyrigg has only ever been located on the area between the two very special river valleys of the North and South Esk. This plan is expanding Bonnyrigg out with its natural limits and endangering our historic framework and landscape. Newbattle Abbey, Cockpen Church and Dalhousie Castle are all major sites and the development of this site, sitting right in the middle as it does, endangers the historic setting of all three. This site should be part of the Newbattle Strategic Green Space.

6 REPRESENTATIONS

- 6.1 There have been eight objections all of which can be viewed in full on the online planning application case file. A summary of the objections are as follows:
- Lack of local infrastructure to cope with the increase in demand, in particular school places and medical services/GP surgeries;
 - Impact on road capacities, especially at peak times;
 - Impact on the setting of Cockpen Church and Dalhousie Mains, both of which are listed buildings;
 - The development does not have an economic benefit to the area;
 - The impact of increased traffic, including construction traffic, using the rural unnamed road to the east on walkers, cyclists and horse-riders. This road should be enhanced by planting and by preserving the existing planting along this road. The speed should be restricted to 40mph;
 - Concern that an environmental impact assessment has not been carried out in relation to the proposed development;
 - Improved gas and broadband connections should be provided;
 - An appropriate crossing should be provided at the roundabout on Cockpen Road;
 - The site/nearby land has been liable to flooding and there is concern that the proposed SUDS will not improve the situation;
 - The impact on the amenity of nearby properties, in particular from a proposed footpath in close proximity to existing homes;
 - The scale of development in close proximity to, and landscaping under, the power lines which cross the site;
 - The proposed development will adversely affect the setting of the nearby conservation area and special landscape area; and
 - Concern about overlooking of existing properties from the proposed housing.

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, adopted in November 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 360 housing units on the site (Hs11).
- 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 **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.
- 7.13 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.14 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.
- 7.15 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.
- 7.16 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-development condition, and to avoid any deterioration of water quality.
- 7.17 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate local flooding and to enhance biodiversity and the environmental.
- 7.18 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.

- 7.19 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.20 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.
- 7.21 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.22 Policy **ENV23: Scheduled Monuments** states that development which could have an adverse effect on a scheduled monument, or the integrity of its setting, will not be permitted.
- 7.23 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.
- 7.24 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.
- 7.25 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.26 Policy **IMP1: New Development** seeks to ensure 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.
- 7.27 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.

- 7.28 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development. Policy DEV5: Sustainability in New Development sets out the requirements for development with regards to sustainability principles.

National Policy

- 7.29 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.
- 7.30 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.
- 7.31 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.
- 7.32 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.
- 7.33 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".
- 7.34 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.35 **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.

- 7.36 The Scottish Government's Policy on **Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The application site is part of a site allocated for housing (site Hs11) in the MLDP and is located within the built-up area of Bonnyrigg, where there is a presumption in favour of appropriate residential development. The indicative number of units allocated for site Hs11 in the MLDP is 360.
- 8.3 The planning application is accompanied by a masterplan layout plan which includes the whole of site Hs11, including the land which is the subject of a current application for planning permission in principle (18/00743/PPP). The detailed layout, the subject of this current application, stands to be considered in relation to the masterplan layout. The 247 dwellings proposed in this planning application, combined with the developer's indicative aspirations for the neighbouring site of 73 dwellings will result in an overall development of 320 dwellings.

The Layout and Form of Development

- 8.4 The proposed development comprises all but one two storey buildings. The layout includes three substantive areas of open space incorporating two SUDS basins. Links through the site ensure connections with an existing core path network and an existing national cycle route. The listed buildings in close proximity to the site include the category A listed Cockpen and Carrington Church and Cemetery and Dalhousie Mains. The open spaces and layout of the site complements the setting of the said church and cemetery. The site includes landscaping to the boundaries to create a landscape framework and to provide a planted or open space buffer to the unclassified lane to the east of the site. The built form of the site will form the new built edge to Bonnyrigg. The proposal also includes two new vehicular accesses, landscaping, car parking and SUDS provision. The stated development components meet the requirements set out in the MLDP and are configured so that the layout will provide a good form of development which provides an attractive place to live with good amenity and respects the nearby historical buildings and landscape.

- 8.5 The form of development comprises a mix of two storey dwelling houses of various sizes and designs and one single storey dwellinghouse which is one of the proposed seven affordable housing units. There is a mix of terraced, semi-detached and detached properties. The form of development complies with the fundamental design principles of; dwellings overlooking open space (other than the open space and SUDs basin to the north of the site, which is of a more rural design), SUDS features and footpaths/cyclepaths; variations in character and density throughout the site and attractive streets, some lined with trees, to create a sense of place.
- 8.6 The MLDP requires good levels of amenity for residential development in terms of garden sizes, open space and separation between buildings to mitigate 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. There are 33 houses on the site with rear usable gardens that are below the standards. Of which nine are terraced houses which would have unduly long gardens if they were to be compliant, ten back onto planted areas on the boundaries of the site and six are within a gateway character area. There are eight remaining houses which do not have a specific design justification for their smaller than standard gardens. However on balance considering, this is relatively few units, there is density variation across the site and that there are fewer houses on the site than allocated in the MLDP, the proposed rear usable garden sizes are considered to be acceptable.

Affordable Housing

- 8.7 The applicant is proposing a total of 80 affordable housing units across site Hs11, 25% of the total 320 residential units. Seven units are part of this application and 73 units are subject to an associated planning permission in principle application (18/00743/PPP). This volume of provision complies with the MLDP and is acceptable.
- 8.8 The proposed mix of affordable units in this application is for five terraced units, a detached dwellinghouse and a single story detached bungalow. The form of these units and those in associated application

18/00743/PPP are compatible with the Council's housing aspirations to meet local need.

Open Space and Landscaping

- 8.9 The proposed development includes four areas of open space, as set out in paragraph 3.3, which are well connected to the residential development and afforded some passive surveillance from the proposed dwellings. The area of open space and landscaping located in the southern part of the site is strategically positioned and laid out to enhance the setting of Cockpen and Carrington Church.
- 8.10 This represents an appropriate provision of open space in terms of the scale and variation of the offer. The requirement for, and assessment of, open space provision is set by MLDP Policy DEV 9 (and associated Appendix 4). This policy requires that open space is considered in relation to the quantity, quality and accessibility of the open space. In relation to accessibility, this is measured against standards for the proximity to country parks, district and town parks and in relation to local park/play park provision or significant amenity open space (such as a community woodland). In allocating the site for housing the Council has determined that the sites relationship to existing country and town parks is acceptable. Therefore the priority is for the proposed development to deliver provision to meet the localised need, which it does.
- 8.11 The main formal pitch provision in Bonnyrigg is at Poltonhall Recreation Ground and at King George V Park. Further provision is made at Lasswade High School and associated with primary schools. Developer contributions are to be made towards community facilities which can include provision for sports pitches.
- 8.12 Landscaping is to be provided on the boundaries of the site, in the areas of open space, as part of the entrance areas and in some small pockets throughout the housing layout.

Access and Transportation Issues

- 8.13 The two vehicular access points are off the B6392 to the west of the site. This road has a 60mph speed limit and connects Cockpen Road to the A7. The transport assessment submitted with the application concludes that the proposed development will have a limited impact on the operation of existing junctions and that the proposed site accesses will operate satisfactorily. Hardengreen roundabout is currently very busy during peak periods and the development will add some traffic to this junction adding to the momentary queuing, but at a level which is acceptable. This position is balanced against the Council's aspirations for promoting public transport and active travel (walking and cycling), in particular its plans for the urbanisation of the A7. The proposed upgrading of the Sheriffhall roundabout/grade separated junction and the urbanisation of the A7 may benefit the traffic flow arising from this

development – however the development is not dependant on the completion of these infrastructure projects and as such cannot be delayed pending their completion as proposed by the Community Council.

Archaeology/Ground conditions

- 8.14 The proposed development is in close proximity to known archaeology assets and as such the programme of archaeological works recommended by the Council's Archaeological Advisor can be secured by a condition imposed on a grant of planning permission. Subject to these controls the archaeological value of the site will be adequately assessed and the impact on any identified archaeological resource mitigated.
- 8.15 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.

Energy Efficiency and Carbon Reduction

- 8.16 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 supporting *"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"*. 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 offers the potential for a new district heating network to be created within the site. Therefore, it should be made a condition of a grant of planning permission that a feasibility study for the provision of a community heating system for the new development undertaken by a suitably qualified engineer commissioned by the applicant be submitted for the approval of the planning authority.

Ecology

- 8.17 The Biodiversity Management Plan submitted with the application considers evidence of protected species on the site and makes provision for bat and bird boxes and the use of appropriate planting to enhance biodiversity within the site. It also makes a commitment towards biodiversity provision as demonstrated at the show home for

the site - this is a good initiative to supporting/promoting biodiversity on the site. A condition relating to the need for an updated species surveys will be required to ensure safeguards for any potential protected species are in place should surveys be out of date before development commences. Implementation of the Biodiversity Management Plan can be secured by condition on a grant of planning permission.

Developer Contributions

- 8.18 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Section 75 planning obligation in respect of the following matters:
- the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site Hs11 as a whole;
 - a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards public transport/Borders Rail;
 - a financial contribution towards the Council's A7 urbanisation scheme;
 - maintenance of open space; and
 - a financial contribution towards the promotion of roads orders to secure safe routes to school.
- 8.19 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

The requirements set out for the proposed Planning Obligation meet the above tests.

Other matters raised by representors and consultees

- 8.20 The concerns raised about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter 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.
- 8.21 Regarding matters raised by representors and consultees and not already addressed in this report:
- The site is allocated in the adopted local development plan and there is no requirement for the implementation of the development to be delayed;
 - The Council's Economic Development Service supports and promotes new and existing businesses with the ambition of creating jobs. Furthermore, construction is an important part of the job market and employees approximately 3,000 people in Midlothian, equating to 9.5% of the local workforce (this is significantly higher than the Scottish national average of 5.6%);
 - The proposed development makes provision for linkages to the wider footway and cycleway network including the unclassified road to the east and onward route to the Eskbank Rail Station;
 - Provision is made within the site for landscaping along the eastern boundary, integrating the site into the wider landscape and providing a rural edge to the site which integrates into the neighbouring countryside;
 - The provision of additional education capacity is met by way of developer contributions and from central funding (towards early years provision). The Council ensures there are the required education services;
 - The proposed development does not lead to a physical coalescence to another settlement and will be seen as part of Bonnyrigg and in time will be integrated into that community. The physical boundary of the settlement will be the Dalhousie Burn and the landscape buffer along this corridor;
 - Community facilities are provided across Bonnyrigg, including at the Lasswade High School Hub;
 - Broadband provision will be secured by a condition on the grant of planning permission;
 - Speed limits set on the Council's public highways are regulated by a separate regulatory process (not the planning application process); and
 - Details of construction access arrangements will be secured by a condition on the grant of planning permission.

Other Matters

- 8.22 It is anticipated that the Cockpen and Carrington Cemetery will be full in approximately 11 years and there is the need to plan for a future extension because of the popularity of the site. One way of addressing this issue would be to safeguard land on the opposite side of Cockpen Road, opposite the existing cemetery, in the next local development plan. Another potential solution is to use the proposed southern area of open space in this development as an extension. The applicant has advised that there is, subject to appropriate timetabling (house purchasers would have to be advised), acceptance in principle to selling this land to the Council for an extension to the cemetery. In land use planning terms, this could potentially be acceptable in principle, but would result in the loss of open space to the detriment of the scheme and residential amenity.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

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 and subject to appropriate conditions. The presumption for development is not outweighed by any other material considerations.

Subject to:

- i) the prior signing of a legal agreement to secure:
- the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site Hs11 as a whole;
 - a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards public transport/Borders Rail;
 - a financial contribution towards the Council's A7 urbanisation scheme;
 - maintenance of open space; and
 - a financial contribution towards the promotion of roads orders to secure safe routes to school.

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

- ii) 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, structural landscaping, the SUDS provision and transportation/roads infrastructure including construction access. 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. 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 (20% of the proposed dwellings, hard surfaces and boundary treatments). 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.*

3. 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. The new planting shall include a replacement hedge along the entire length of the linear planning strip on the eastern roadside edge of the site and the planting of a trees behind (adjacent to the west) of the hedge and along its length;

- 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;
- 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.*

4. 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), construction access, footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v 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
- vi proposed car parking arrangements;
- vii the proposed traffic signal controlled pedestrian/cycle crossing point on the B6392; and
- viii a programme for completion and subsequent maintenance

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 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.*

6. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv the condition of the site on completion of the specified decontamination measures.

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.

7. 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.*

8. Development shall not begin until a programme of archaeological works on the site (metal detecting survey and trial trench evaluation) in accordance with a written scheme of investigation has been carried out. The approved programme of works shall be 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.*

9. The Biodiversity Management Plan submitted as part of the planning application is approved. The Management Actions in part 2 shall be implemented and the related Management Action Progress Record (part 3) shall be maintained and submitted to the Planning Authority for inspection by the planning authority and they shall be submitted annually to the planning authority following the commencement on the site. A schedule showing the provision of all of the actions to 'foster and maintain biodiversity' identified in the Management Action progress record shall be submitted to the planning authority within 6 months of the commencement of development on the site. Thereafter the provision shall be made in accordance with the approved schedule. Planting proposals for the site submitted in relation to condition 2 shall make specific provision for the biodiversity matters set out in the Biodiversity Management Plan. The details for fencing and boundary treatments submitted in relation to condition 3 shall pay cognisance to the Biodiversity Management Plan. The show home shall make provision for all of the details identified in the Biodiversity Management Plan. The 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.*

10. 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.*

11. 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.*

12. 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.*

13. Development shall not begin until 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 and any other operations (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*

14. If development has not commenced on site within one year of the ecological survey information being carried out a further 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 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 and because the initial survey is now considered to be out of date and it requires to be updated.*

Dr Mary Smith
Director of Education, Communities and Economy

Date: 2 May 2019

Application No: 18/00740/DPP

Applicant: Grange Estates (Newbattle) Ltd

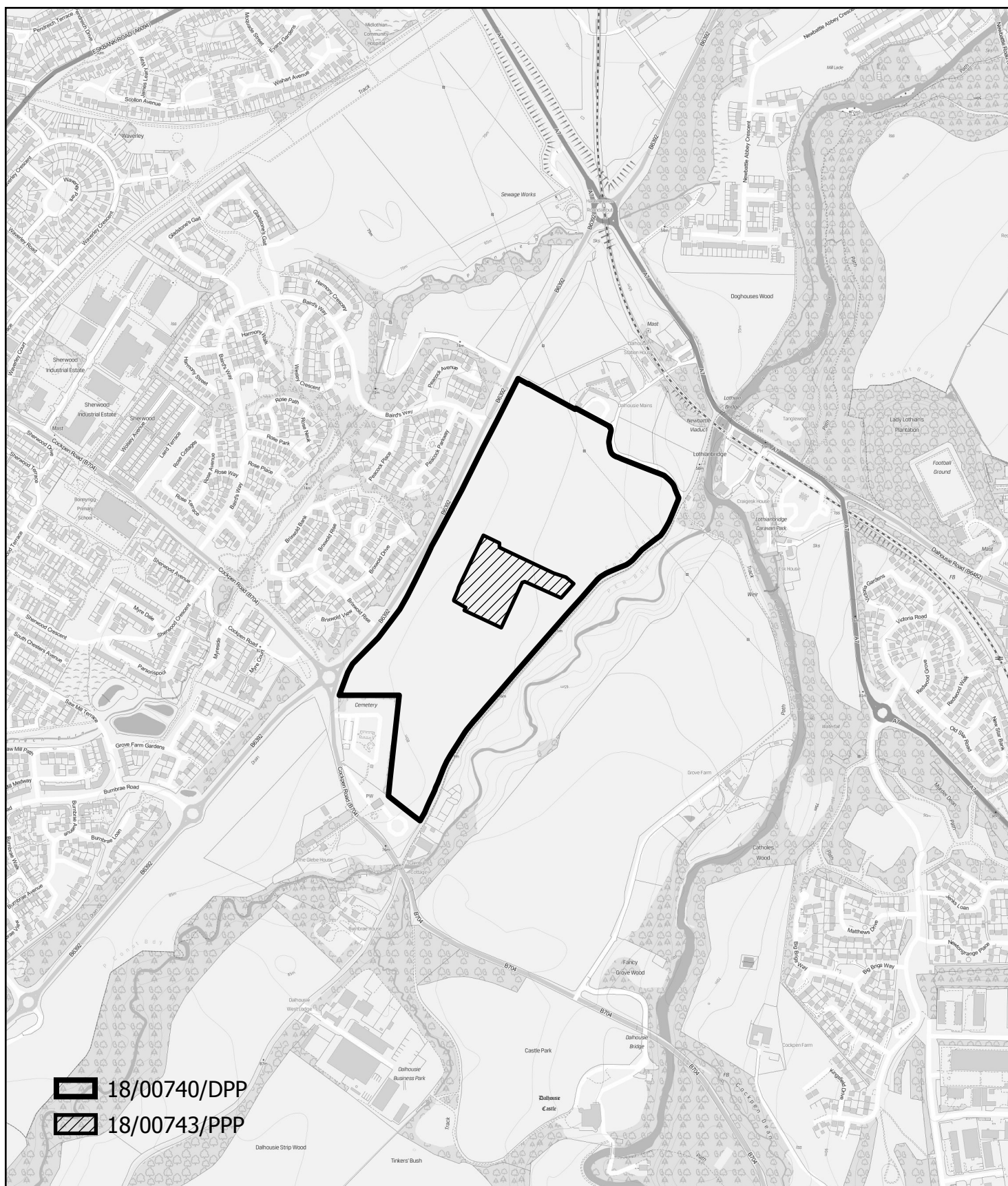
Agent:

Validation Date: 27 September 2018

Contact Person: Joyce Learmonth

Tel No: 0131 271 3311

Background Papers: 17/00399/SCR, 17/00402/PAC and 18/00743/PPP



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

Erection of 248 dwellinghouses; formation of access roads and car parking; SUDs features and associated works (18/00740/DPP) and application for Planning Permission in Principle for residential development (18/00743/DPP) at Site Hs11 Dalhousie South, Bonnyrigg

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File Nos. 18/00740/DPP and 18/00743/PPP

Scale: 1:10,000

