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**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE 20/00151/PPP FOR RESIDENTIAL DEVELOPMENT, COMMUNITY FACILITIES, PRIMARY SCHOOL AND ASSOCIATED WORKS AT SITE HS12, HOPEFIELD FARM 2, BONNYRIGG.**

**The application is accompanied by an environmental impact assessment report prepared in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.**

Report by Chief Officer Place

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for planning permission in principle (PPiP) for residential development, community facilities, primary school, open space and all associated infrastructure on land at Site Hs12 and an area of land safeguarded for housing to the south west of Bonnyrigg. There have been seven representations and consultation responses from the Coal Authority, NatureScot, Scottish Water, Scottish Environment Protection Agency (SEPA), Historic Environment Scotland, the Council's Archaeological Advisor, the Council's Flooding Officer, the Council's Policy and Road Safety Manager, Council's Land Resource Manager, the Council's Environmental Health Manager, the Council's Housing Planning and Performance Manager, Council's Head of Education and the Bonnyrigg and Lasswade Community Council.**
- 1.2 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East of Scotland Strategic Development Plan 2013 (SESPlan1) and policies STRAT 3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV4, ENV7, ENV9, ENV10, ENV11, ENV14, ENV15, ENV17, ENV18, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).**
- 1.3 The application is accompanied by an Environmental Impact Assessment (EIA), which considers the likely environmental impacts of the proposal. The results demonstrate that any significant adverse environmental impacts associated with the**

**proposed development can be mitigated by a series of mitigation measures.**

- 1.4 The recommendation is to grant planning permission in principle subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary infrastructure and the provisions of affordable housing.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 The site is located within the south western corner of Bonnyrigg, approximately 1.2 km from the Bonnyrigg town centre.
- 2.2 It comprises a series of agricultural fields measuring 57.3 hectares located to the east and west of Little Wood, an established plantation woodland that bisects the site. A series of hedgerows align the field boundaries with more mature hedgerow edges along the majority of the site boundaries and juvenile landscape bunds along the north east corner associated with the Hopefield estate. The Pittendreich Burn also runs through the site, flowing north through Little Wood. The site falls gently to the east with the western areas representing the highest and most prominent parts of the site.
- 2.3 A series of pedestrian and cycle path networks also bisect the site. This includes Core Path 6-42 (which also forms part of the National Cycle Network NCN 196 connecting Penicuik to Musselburgh) which runs north south through the site. Core Path 6-35 also crosses the central part of the site, which currently comprises an existing bridleway that forms part of the Tyne Esk Trail.
- 2.4 An existing vehicular access to the site is provided via Rosewell Road – which facilitates access to the agricultural fields, existing residential properties (i.e. Dalhousie Chesters Court) and a rear access lane for properties facing Rosewell Road.
- 2.5 The site also includes a small, separate linear parcel of land running directly adjacent to the B6392, which connects the existing bridleway bridge to an existing footpath at the site's south eastern corner.
- 2.6 Critically, the site excludes the Dalhousie Chester Farm Buildings and all residential properties within Dalhousie Chesters and Dalhousie Chesters Court.
- 2.7 The site is bounded by residential properties within Cockpen Crescent to the north and properties/development plots associated with the existing Hopefield residential estate. Rosewell Road abuts the site's south western corner with a series of residential properties, a 'coachworks' vehicle repair facility and landscaped area along the site's western boundary. To the north west, across Rosewell Road, lies the

Lasswade RFC and playing fields associated with Polton Recreation Ground. Sports playing fields are also located to the north east of the site (off Bannockrigg Road) in addition to land allocated for employment use (Site e16) within the MLDP. Land under the control of the Crown Estate (and allocated for housing) directly abuts the site's south eastern corner until it meets the B6392. Further east lie agricultural fields.

- 2.8 The wider area is characterised by a range of agricultural fields, the river corridor and woodland associated with the Dalhousie Burn and a series of post-war housing and more recent housing developments of varied architectural style and character. Bonnyrigg Town Centre also provides a range of retail, commercial, leisure and educational facilities.

### **3 PROPOSAL**

- 3.1 Planning permission in principle is sought for residential development, community facilities, a primary school, open space, drainage, means of access, engineering works, landscaping and other associated infrastructure.

- 3.2 A design and access statement and masterplan (reference: Development Framework Drawing 110238\_OP\_SW\_DR\_DF dated 09.11.2018) have been prepared by the applicant to outline the following indicative development components:

- A seven phase residential led development proposal;
- Four new vehicular access points - from Rosewell Road (A6094), the Bonnyrigg Distributor Road (B6392), Bannockrigg Road and Castell Maynes Crescent;
- A primary spine road running east west - providing linkages to secondary streets and with potential to connect to the Crown Estate Land to the east;
- A development plot to accommodate a primary school;
- A development plot to accommodate future community uses;
- Two development plots to accommodate community growing areas;
- Enhanced pedestrian and cycling accessibility/connectivity and extended public transport routes into the site;
- Realignment of the existing bridle path to the south of the site to provide a suitable equestrian route;
- Varied open space provision including land for community growing facilities;
- Provision for sustainable urban drainage systems (SUDS) comprising SUDS basins, porous paving, filter drains and swales to suit future site layout arrangement;
- Generally, the retention and enhancement of existing trees and woodland, including Little Wood which bisects the site;
- Provision of a 25m wide landscape edge with noise bund (and fencing) around the western and southern site boundaries; and

- Footpath links from the edge of the existing footpath on the B6392 to the southern edge of the Bridle Path where it meets the B6392.
- 3.3 An indicative housing capacity of approximately 1,000 dwellings is identified within the masterplan and accompanying documentation. An illustrative plan has also been prepared to provide an illustration of potential built form for any future development; however, this does not form part of this application.
- 3.4 As this application is for PPIP, an accurate split on the proposed number of units within the allocated and safeguarded land cannot be provided. Moreover, the proposed phasing plan has not been aligned with aforementioned policy designations. Therefore, it is estimated that approximately 550 units could come forward within the allocated site and approximately 450 units within the safeguarded land.
- 3.5 The application is accompanied by the following documentation:
- Pre-Application Consultation Report (PAC);
  - Design and Access Statement (DAS);
  - Planning Statement;
  - Energy Statement;
  - District Heating Feasibility Report;
  - Tree and Woodland Survey and Arboricultural Impact Assessment;
  - Drainage Assessment;
  - Flood Risk Assessment; and
  - Environmental Impact Assessment (EIA) Report covering the following matters:
    - Landscape and Visual Impact, Traffic and Transport (including Transport Assessment), Ecology, Air Quality, Geology and Soils, Geo-Environmental and Geotechnical, Mining (including Coal Mining Risk Assessment), Noise, Hydrology & Hydrogeology, Archaeology and Cultural Heritage.

## **4 BACKGROUND**

- 4.1 17/00706/SCO - Environmental Impact Assessment (EIA) Scoping Opinion Request for residential development, community facilities including primary school, open space and infrastructure. Confirmation on the level of information required to be included within the forthcoming EIA Report was confirmed on 1 November 2017.
- 4.2 The application site is larger than 2 hectares. Therefore, the application is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant is required to undertake a 12 week period of consultation prior to the submission of an application for a Major Development, in accord with the Town and Country Planning

(Development Management Procedures) (Scotland) Regulations 2013. 17/00367/PAC - Proposal of Application Notice (PAN) for residential development; community facilities, primary school, open space and associated infrastructure. This PAN was submitted in May 2017 outlining the proposed pre-application approach the applicant sought to undertake in association with the proposed development. Various pre-application consultation events took place including one in September 2017 (community workshop) and a public exhibition (March 2018) which complied with the regulatory requirements within the Town and Country Planning (Development Management Procedures (Scotland) Regulations 2013.

## 5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to conditions being attached to any grant of planning permission. The site is located within a High Risk Area where a Coal Mining Risk Assessment is required to assess potential coal mining features and hazards within the site. There are multiple records of mine entries, primarily within the western part of the site, which pose a locally high risk to the proposed development. They agree with the recommendations within the Coal Mining Risk Assessment report; that coal-mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures in order to ensure the safety and stability of the proposed development.
- 5.2 **Nature Scot** does not object to the application and make no comment on the landscape and visual impacts of the proposal, as it does not raise any issues of national interest. Neither do they offer bespoke advice on 'routine' species, which are covered/protected under a separate licencing regime.
- 5.3 **Scottish Water** does not object to the application and advise that there is potentially sufficient capacity at the corresponding water treatment works and waste water treatment to accommodate future demand (albeit capacity cannot be reserved). Potential conflicts on existing Scottish Water infrastructure needs to be resolved in liaison with the developer. Scottish Water will generally not accept any surface water connections into its combined sewer system unless strong evidence indicates otherwise.
- 5.4 The **Scottish Environment Protection Agency (SEPA)** does not object to the application subject to conditions being attached to any grant of planning permission relating to the following matters:
1. Re-consultation at the detailed design stage to ensure no increased flood risk to downstream receptors due to the replacement culvert;

2. Details to confirm that all built development, including SUDS and any land raising, is outwith the 1 in 200 year plus blockage scenario flood level; and
3. No built development over the existing culverted watercourse along the southern boundary and a buffer maintained.

SEPA also request that Midlothian Council review the proposed drainage and SUDS details to undertake their responsibility as flood prevention authority.

- 5.5 **Historic Environment Scotland** does not object to the application.
- 5.6 The **Council's Archaeological Advisor** does not object to the application subject to conditions being attached to any grant of planning permission. Whilst the advisor does not agree with all the findings within the EIA Cultural Heritage Chapter, with respect to indirect impacts, they agree that there are unlikely to be any significant impacts on the settings of designated cultural heritage assets. There will be a requirement for mitigation of direct impacts to heritage assets and to any unknown buried heritage sites - suitable mitigation is provided in the form of the measures identified in the EIA Schedule of Mitigation. Separately, a condition requiring a programme of archaeological (trial trench evaluation and archaeological watching brief) work in accordance with a written scheme of investigation is required.
- 5.7 The **Council's Flooding Officer** does not object to the application. The indicative drainage arrangements are acceptable in principle subject to the recommendations outlined to update the strategic drainage approach to include 'wet' SUDS Ponds as follows:
- Details of the proposed surface water management plan for the site should be submitted for approval. Fig 1.6 (Strategic Catchment Layout) indicates a number of detention basins being required within the development and it may be beneficial to consider changing some of the dry basins to ponds to increase biodiversity in the area.
- 5.8 The **Council's Policy and Road Safety Manager** does not object to the application subject to conditions being attached to any grant of planning permission, including:
1. As it is proposed to divert the existing Hopefield bus route through the new housing, the internal access road should form a loop linking the stub end at Bannockrigg Road with Castell Maynes Avenue. The new loop road should be formed to a minimum width of 6.5m with bus stops and shelters being provided at suitable points along the route;
  2. Details of the proposed roundabout on the B6392 should be submitted for approval;
  3. Details of the proposed roundabout on Rosewell Road should be submitted for approval;

4. Details of the proposed off-site improvements to the local road network identified in Chapter 4 of the Transport Assessment should be submitted for approval;
5. The section of core path (National Cycle Route 196) within the site should be increased in width to a minimum of 4.0m to accommodate the additional pedestrian, cycling and equestrian usage the development will produce;
6. Due to the increase in traffic volumes the existing informal pedestrian/equestrian crossing of the B6392 should be upgraded to a traffic signal controlled crossing;
7. Residents and visitor parking should be provided to meet current council standards;
8. Publicly available electric vehicle charging points should be provided within the development;
9. Details of the proposed Travel Plan document (travel pack) for residents should be submitted for approval and be available for distribution prior to the first dwelling being occupied;
10. A separate construction vehicle access will be required for the development with measures being taken to ensure that no construction traffic use the existing vehicle routes within the Hopefield development;
11. As the development will require changes to existing speed limits on roads surrounding this site the developer should enter into a legal agreement to provide a financial contribution to the costs involved in drafting and promoting these changes; and
12. The applicant should enter into a legal agreement to provide a financial contribution to the Council's A7 Environmental Scheme. This scheme is designed to improve walking, cycling and public transport access on the nearby section of the A7.

5.9 The **Council's Land Resources Manager** objects to the proposed development as it fails to include allotment provision and, instead, proposes two community-growing areas. They outline that the lack of any allotments also fails to accord with the Council's Allotments and Community Growing Spaces guidance, which also outlines measures to implement the Council's legal duty under the Community Empowerment Act 2015. They also support and encourage the provision of a larger equipped area of play within the primary open space area in the north eastern corner of the site.

5.10 The **Council's Environmental Health Manager** does not object to the application subject to conditions being attached to any grant of planning permission in respect to ground contamination and previous mineral workings. With respect to noise, the Environmental Health Manager objects to the application on the grounds that the applicant has failed to demonstrate that all of the proposed housing units are not adversely impacted upon by day time noise (7am - 7p.m.) from the nearby coachworks (garage/workshop); night time noise (11pm - 7am) from the existing coachworks (delivery/recovery of crash vehicles) and road

traffic noise affecting the external amenity of gardens. It is advised that should the Committee be minded to approve this application it is recommended that the following conditions are attached:

1. From an assessment position 3.5 meters from the facade of any residential property (1m from the façade in the case of the upper floors) the daytime noise levels from nearby commercial industrial sources (07.00 a.m. to 07.00 p.m.) shall not exceed the background noise level by more than 5dB when rated in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound;
2. Noise arising from the night time delivery of crash vehicles to the Coachworks (11.00 p.m. to 07.00 a.m.) should not exceed the night time sleep disturbance criteria set out in the World Health Organisation Night Noise Guidelines for Europe 2009 which is a maximum level with windows open of 42dB L<sub>max</sub> (fast) (internal); and
3. A reassessment of the Road Traffic Noise shall be undertaken to identify mitigation measures necessary to ensure that the criteria of 50dB L<sub>aeq</sub> (16hour) for daytime external garden amenity is complied with.

5.11 The **Council's Housing Planning and Performance Manager** does not object to the application.

5.12 The **Council's Head of Education** does not object to the application and advises that a development up to a maximum of 1,100 dwellings could expect to generate the following number of pupils:

- Primary 473; and
- Secondary 372

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

- Non-denominational primary - Burnbrae Primary School;
- Denominational primary - St Mary's RC Primary School;
- Non-denominational secondary - Lasswade High School; and
- Denominational secondary - St David's RC High School

#### Primary

5.13 A significant amount of new housing has already been allocated to the Bonnyrigg area and therefore a contribution will be required towards the cost of providing additional primary school capacity. Up to 1,100 dwellings represents a significant increase from 750 dwellings originally indicated in the development plan and we will therefore need to review the strategy for additional capacity at this site to ensure adequate provision.

## Secondary

5.14 A significant amount of new housing has already been allocated to Lasswade High School and additional secondary capacity will be needed. This capacity is likely to be provided at Lasswade High School as a result of freeing up capacity following a catchment review and the delivery of a new secondary school in the A701 corridor. A developer contribution will be required towards the cost of any additional provision. Again the significant increase in dwellings indicated in this application will require a review of the education strategy to ensure there is suitable secondary capacity available for this development.

5.15 **Bonnyrigg & Lasswade Community Council (BLCC)** object to the application on the following grounds:

### *Traffic and Transport:*

- The traffic increase will be greater than anything previously proposed within Bonnyrigg, exacerbating existing peak time traffic issues;
- Proposed mitigation appears to relate to modest alterations at the worst affected local roundabouts;
- Inclusion of a mandatory requirement for the HGV movements (i.e. 160) to be routed away from the centre of Bonnyrigg or residential side streets;
- The scope of the traffic survey does not cover all known traffic issues, particularly during peak periods. A new access is likely to exit via the A6094 roundabout and Polton Avenue Road/Polton Road which would contribute to traffic issues in Lasswade during peak hours;
- Concerns highlighted relating to the exacerbation of existing traffic issues along this route - particularly with the likelihood of school drops offs;
- The TA fails to consider the 'Dobbies' roundabout (B6392 & A772);
- One of the greatest increases in traffic to be seen after the cumulative effects of Hopefield 2 and other sites would be the stretch of B6392 between A7 and B704;
- The EIA incorrectly states that there would be no development on the south side of the road where pedestrians would wish to cross but a crossing is anticipated for Site Hs11 to allow pedestrian access to the local Primary school and back home again;
- The impact of this crossing needs to be factored in and its impact reassessed in the documents produced by the developer or provision of a pedestrian bridge as an alternative solution;
- Receptor Sensitivity is stated to be low despite how busy the road is as it has "no frontage to cause demand to cross nor any footways". While this may be true at present the developers cannot have failed to notice that a contribution is required from them to pay for the A7 Urbanisation; and
- The impact of the A7 urbanisation - advocated by Midlothian Council including provision for footpaths and cycle tracks - must be taken

into account and the previous report reviewed. The effects on the A7 of more traffic, more active travel and over-capacity roundabouts as well as expected new lower speed limits will be to decrease the capacity of the A7.

*National Cycleway 196/Core Path through the HS12 Site:*

- This path is critical to the proposed development as it provides extensive pedestrian access to the High Street, Lasswade Centre/High School and other accessible locations;
- Despite passing places, it is currently too narrow and dangerous to accommodate both cyclists and pedestrians, particularly as it is used by longer distance cyclists who do not anticipate pedestrians;
- A long-term solution requires its widening to provide dedicated lanes for cycles and pedestrians and there is sufficient land to accommodate this outcome and create segregated lanes;
- BLCC hopes this core path and national cycle path can contribute to the ambitions seemingly held by both Midlothian Council and the developers for more active travel;
- Greater use of this path is one of the few ways the traffic congestion generated by this and other developments can be ameliorated; and
- Support from the developers to widen the cycle/walking route through at least the busiest section would be much appreciated by the Community.

*BLCC - Conclusion*

- The MLDP allocation of 375 dwellings plus an additional 375 dwellings (750 in total) has been increased by a third to give a capacity of approximately 1000 dwellings (and a possible addition of 60 or so on the Crown Land);
- An extra 300 dwellings will put greater pressure on local roads and other infrastructure than was envisaged in the MLDP;
- Bonnyrigg is a town that has grown rapidly. Remembering that the creation of jobs within the town lags far behind the speed of house building and that our public transport network is limited, there is a high need to commute to work in cars; and
- Whilst the land is available, it represents an overdevelopment with respect to traffic generation with traffic mitigation measures inadequate.

## **6 REPRESENTATIONS**

6.1 Eight representations have been received in connection with this application (including two representations from one household) which can be viewed in full on the online planning application case file. A summary of the objections are as follows:

- Insufficient existing infrastructure to cope with the increased number of houses proposed exacerbated by a deficiency in healthcare/medical facilities, education and community facilities to accommodate such growth;
- Failure of the proposed housing complying with Midlothian Council's design and amenity standards;

- Inappropriate setbacks to existing residential properties (particularly to the south of Dalhousie Chesters Court);
- Inappropriate road design to deter traffic movements from the existing vehicular access to Dalhousie Chesters Court and avoid its use as a through-road. Closure at its eastern end is sought;
- Failure to provide a safe route or crossing through the site for riders on horseback using the Tyne & Esk trail;
- Inappropriate housing density, significantly greater than the existing Hopefield development resulting in significant negative impacts on Bonnyrigg's infrastructure and amenity, particularly car-based travel from an increased population;
- Inappropriate access/egress routes from the site to Castell Maynes and Bannrock Rigg Roads - resulting in unacceptable road safety outcomes for children attending Burnbrae Primary School - road accesses should be to arterial roads and not to the existing Hopefield residential estate;
- Proposed through routes to the north would exacerbate existing 'rat-runs' which already contain hazardous parking and crossing points;
- Provision of east-west access routes through Little Wood would also create an unacceptable rat-run for existing residents to the detriment of traffic flows where they hit the proposed bridge;
- Insufficient justification to exceed anticipated housing provision of 750 dwelling within the wider site;
- Detrimental visual amenity impacts and views (from A6094 Roswell Road to the east and south). Insufficient consideration of external building material treatments and influence of nearby industrial heritage and historic housing stock to create a distinctive character;
- Development of an inappropriate scale and character which would be visible from considerable distances within the wider area;
- Adverse impact on recreational amenity for the wider area;
- Unreasonable overshadowing and overlooking to existing residential properties at Dalhousie Chesters Court and Dalhousie Cottages;
- Risk associated with previous mining activity (mine shafts) on the site and whether this has been considered in detail as to inform the design-led process to avoid increased density on 'low risk' areas;
- Detailed intrusive mining investigations should be provided (and remedial treatment of any working/shafts) before development should proceed to avoid any potential implications to existing residential properties within/adjacent to the site;
- Unreasonable noise impacts that would result in detrimental impacts to residential amenity;
- Potential light pollution associated with street lights;
- Detrimental residential and visual amenity impacts associated with the potential provision of flatted blocks of 3 and 4 storeys within c100-200m of existing residential properties, failing to consider the character of the adjoining area;

- Insufficient spacing of residential properties, in particular flatted blocks, would result in unacceptable losses in privacy to existing residents;
- Insufficient spread of open space within southern parts of the site.
- Potential unreasonable air quality impacts associated with increased traffic generation;
- Unacceptable use of outdated traffic flow figures;
- Provision of unsafe vehicular access to Rosewell Road and the A6094 with poor visibility;
- Failure to consider trip generation from the proposed development to the north to Hopefield 1; and
- Utilisation of outdated environmental data to assess air quality fails to reflect increased traffic flows within the immediate area and the use of projections/modelling should be avoided.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SESPlan 1) and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan1)

- 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 (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 housing provision on the Site Hs12 (Hopefield Farm 2) with an indicative capacity of 375 units. Land has been also safeguarded to the south of Site Hs12 for potential future housing (375 units) that could

accommodate potential residential expansion south within the next local development plan if considered to be appropriate/required. Currently, the safeguarded land is not allocated for housing.

- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.9 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.10 Policy **DEV9: Open Space Standards** requires that the Council assess applications for new development against set open space standards and seeks an appropriate solution where there is an identified deficiency in quality, quantity and/or accessibility.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the A701 realignment.
- 7.13 Policy **TRAN5: Electric Vehicle Charging** seeks to 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 **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.
- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 Policy **ENV14: Regionally and Locally Important Nature Conservation Sites** states that development will not be permitted where it could adversely affect the nature conservation interest of such

sites, unless it can be demonstrated that appropriate mitigation measures are in place.

- 7.22 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.23 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.24 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.25 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.
- 7.26 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.
- 7.27 Policy **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.28 Policy **IMP1: New Development** 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.
- 7.29 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.

- 7.30 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

#### National Policy

- 7.31 **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. 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 SPP are developed within local development plan policies.
- 7.32 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*”. SPP introduces a ‘...presumption in favour of development that contributes to sustainable development’.
- 7.33 It outlines that the planning system ‘*support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.... to achieve the right development in the right place; it is not to allow development at any cost*’.
- 7.34 In this regard, consideration on whether an application contributes to sustainable development should be guided by sustainable development principles within paragraph 29 of SPP
- 7.35 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.
- 7.36 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.

## **8 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8.1 The EIA Report accompanying this planning application considers the findings of an EIA process carried out by the applicant under The Town and Country Planning (Environmental Impact Assessment) (Scotland)

Regulations 2017. This statutory approach considers the likely significant environmental effects associated with the proposed development and outlines measures/approaches in which any significant adverse impacts can be mitigated. The statement has been prepared to consider the following matters:

Summary of EIA and EIA Schedule of Mitigation:

- 8.2 The EIA Report considers a variety of technical matters - providing a detailed assessment of these issues including landscape and visual impact, traffic and transport, ecology, noise, air quality, geology and soils, hydrology and hydrogeology, archaeology and cultural Heritage.
- 8.3 Whilst isolated examples of localised adverse impacts are outlined, the proposed development would present an opportunity for potential longer term environmental benefits subject to the implementation of measures identified within the EIA Schedule of Mitigation, which if undertaken in a sensitive manner could enhance the environment for the benefit of wildlife, the local landscape, drainage, pollution prevention and future recreational uses.
- 8.4 The EIA Report suggests that the site can accommodate around 1,000 dwellings (albeit an illustrative layout shows a figure of 900 units within the site). It then goes on to state that the accompanying EIA considers a development capacity of 1,100 new homes across the application site and on the remaining land allocated and safeguarded for residential development.
- 8.5 The applicant contends that the higher figure of 1,100 units should be applied as this is the higher of the two figures nominated. They outline that the EIA Report suggest that no proposals have come forward for the land controlled by the Crown Estate to the south east of the application site. Should the land come forward for development at a future date, then it will be appropriate for the applicant to consider capacity at that time. Accordingly, if the Council wishes to prescribe a number of units then 1,100 would be appropriate. They also state that the 1,100 is within 10% of the higher limit and the context set by the EIA.
- 8.6 However, the EIA application boundary differs from the planning application boundary, it is larger, and includes the Crown Estate land to the south east. As such, the 1,100 EIA threshold covers both sites with the EIA confirming that the application site and the Crown Estate land can accommodate up to 1,100 units, not that the application site in isolation can accommodate this amount. Given that approximately 1.5 hectares of the Site Hs12 allocation does not form part of this application (i.e. the Crown Estate land) and the maximum unit number expressly prescribed, and limited by the EIA is 1,100, it would be appropriate to restrict the capacity of the site (excluding the capacity on

the Crown Estate land). No detailed design work has been prepared to inform the capacity of the Crown Estate land, however, the accompanying transport assessment indicatively estimates its capacity at approximately 68 dwellings. If this capacity were subtracted from the overall 1,100 capacity across both sites, the maximum capacity for the application site would be 1,032 dwellings. The number of units can be limited by a condition on a grant of planning permission.

Noise:

- 8.7 The EIA outlines that, without mitigation, noise generation from road traffic (particularly for residential development areas close to the B6392), the existing coachworks on Rosewell Road and future employment uses to the east of the site has the potential to result in significant adverse impacts to the amenity of future residents and external teaching areas associated with the proposed school. The EIA Technical Appendix 7 - Environmental Noise Impact Assessment (NIA) - considers these issues in greater detail, identifying an assessment methodology to consider respective impacts, their magnitude/effect and the level of mitigation that would be required to attenuate such impacts to an acceptable level. These are based on 'worst-case' scenarios with committed development taken into account to assess any potential cumulative impacts.
- 8.8 Following this assessment, the EIA Report outlines that a series of noise attenuation measures would be required to mitigate unreasonable noise impacts to future sensitive uses and accord with the corresponding guidelines/standards. To attenuate traffic noise, mitigation in the form of approximately 25m wide acoustic bunds (2.5m high with 1 in 2.5 gradients topped with a 1m high acoustic fence) are proposed along the south western boundary perpendicular to the B3692. This is combined with design mitigation to the orientation the buildings to provide suitable screening within private gardens and to include acoustic attenuation to the buildings themselves to mitigation unacceptable noise impacted to habitable rooms (i.e. acoustic glazing, trickle vents, insulation and mechanical ventilation and heat recovery systems). To attenuate noise from the existing coachworks, and protect its continued operation, a 3m high engineered bund with 1 in 2.5 gradient and 1m high acoustic fence was also proposed, alongside a 130m stand-off zone to the nearest residential uses, occupied by open space and non-sensitive community uses. The EIA Report outlines that NIAs would be required to accompany future MSC applications for each phase to demonstrate that mitigation objectives (required by the EIA Report) are delivered as part of the detailed design for corresponding phases. This can be secured by condition to ensure compliance with MLDP Policy ENV 18.
- 8.9 In this instance, there are four specific matters that require further interrogation to consider potential noise impacts:

- i) Noise from existing commercial uses - The Council require daytime and night-time noise to be considered against British Standard BS4142:2014 Noise Survey & Assessment.
- ii) Night time noise on sleep disturbance - Governed by the World Health Organisation Night Noise Guidelines for Europe 2009 (WHO Guidelines) which outlines maximum noise levels and low/no exceedances to avoid unacceptable sleep disturbance between 11pm - 7am using a 'windows open' assessment.
- iii) External noise to private (rear) gardens - The Council's Noise requirement requires an average of 50dB in rear gardens.
- iv) Impacts to educational facilities/school - Assessment of internal and external noise is guided by Acoustics of Schools: a design guide where maximum acceptable noise levels are set.

*Noise from Commercial Uses:*

- 8.10 The NIA was updated in October 2020 to address concerns/queries relating to the assessment methodology to assess commercial noise and the potential impacts. Key changes included additional noise surveys in August/September 2020 using 'measured levels' not predictions and the screening effect of the community building excluded to enable a 'worst-case' scenario assessment.
- 8.11 In response to the Council's requirements, the applicant contends that BS4142:2014 - whilst being a useful tool for undertaking noise assessment and predicting impacts, it does not provide suitable guidance to test the significance of such impacts. They suggest that the assessment of background noise should be considered in line with the assessment framework in the Scottish Government's Technical Advice (TAN) that supports Planning Advice Note 1/2011: Planning and Noise (PAN 1/2011). It is noted that the PAN 1/2011 and TAN are material considerations for decision making purposes (the latter to provide technical guidance on assessments approaches) and should be afforded weight in the determination of this application. Moreover, it is asserted that the semi-rural landscape and uncertainty of background noise levels for this assessment has results in an overly pessimistic assessment for potential noise impacts from the coachworks, particularly if the background level is subject to change with the introduction of 'louder' residential development to this former agricultural field. As such, they direct the planning authority to apply the above TAN guidance where the potential impacts on any noise sensitive receptors would be no greater than 'slight adverse significance'. They state that were such adverse impacts are identified, planning authorities often consider these to be acceptable if all other practicable mitigation measures have been adopted - which they assert has taken place in this instance. The applicant therefore recommends that any condition requiring compliance with BS4142:2014 is replaced with a condition allowing residential development in areas that comply with the TAN framework where 'slight adverse impacts' are identified.

*Sleep Disturbance:*

- 8.12 One of the most critical points of contention between both parties relates to which assessment methodology should be applied to consider potential night-time noise emanating from existing commercial activities and the resultant potential impact on sleep disturbance. This relates to the assessment of noise associated with the delivery of crash vehicles to/from the coachworks between 11pm and 7am. The Council's Environmental Health Manager requires a condition requiring compliance with the above WHO 2009 Guidelines to avoid unacceptable sleep disturbance. This dictates that a maximum peak noise level of 42db is applied using an open window assessment. The Council's Environmental Health Manager assumes that no prescribed exceedances are defined nor considered to be acceptable in this instance.
- 8.13 The applicant accepts that that where peak noise takes place on a regular basis (i.e. an airport) and is considered to be a typical characteristic of an area, it is relevant to consider the impact of short term peak noise. However, they content that peak noise from night-time deliveries at the coachworks are not applicable given their 'sporadic' nature. They suggest that the WHO 2009 guidelines specifically accommodates for up to 10-15 exceedances per night to still avoid sleep disturbance, so a blanket ban on exceedance is not required/appropriate. They assert that a 'large portion' of the site would be undevelopable if this was required to be met and the corresponding area is identified within an indicative sketch (nominated Figure 5.3). The applicant also states that this exclusion area includes a series of existing properties on Roswell Road and around Dalhousie Chesters – stating that there have been no noise-related complaints from residents associated with noise from the coachworks. They therefore request that any condition requiring compliance with the WHO 2009 guidelines not be included on any grant of planning permission.

*Noise Conclusions:*

- 8.14 With respect to commercial noise, the Council's Environmental Health Manager rebuts the applicant's position and outlines that they do not agree with the applicant's stance on BS4142:2014. They outline that BS4142:2014 is an entirely appropriate methodology to assess noise from commercial uses and they require adherence with this standard. They reassert that even with an identified 'slight adverse' impact using the TAN assessment framework would not be acceptable, notwithstanding that they do not agree that this methodology should be applied in isolation. Irrespective of either position, the NIA outlines that potential 'slight adverse' impacts is equivalent to a noise level where complaints would start to be

generated by members of the public. On balance, it is considered that this is an appropriate and robust assessment methodology to assess noise from commercial uses and residential development will be required to avoid areas that cannot comply with this requirement (i.e. background noise + 5dB). Figure 5.1 within the NIA provides an indicative buffer showing the potential impact that this could have on the site's future development and is considered acceptable in this instance.

- 8.15 The nature and definition of any 'exceedances' is critical to consider their appropriateness or otherwise. Specifically, concerns relate to the multitude of potential crash vehicle deliveries to the coachworks, which from the surveys did not appear to be as sporadic as initially thought. Secondly, that the significance of such exceedances above the maximum peak noise threshold is extremely large (i.e. up to c90dB which is well above the 42dB maximum). Also, there were a variety of sources associated with any deliveries unlike a constant and gradual change in any traffic noise exceedances. Thirdly, the large time period associated with such deliveries (i.e. typically 15-20 minutes with varying noise exceedances continually above the maximum threshold based on the survey data). It is considered that these are unlikely to be classed as acceptable exceedances under the WHO 2009 guidance and would result in unacceptable sleep disturbance to potential residential occupiers.
- 8.16 Moreover, with the 'agent of change' principles recently being enacted into legislation, existing commercial uses are afforded a level of protection from new sensitive uses. Existing noise generating uses should not be prevented from operating nor should they be subject to additional mitigation costs when new noise-sensitive use are introduced nearby.
- 8.17 On the quantum of land required to be excluded from residential development to accord with the WHO 2009 guidelines, it is noted that its implementation would have an impact on future development layouts within the site. However, this is considered to be a modest area with respect to the overall site. Given that this application is for PPIP, without any detailed layout, the definitive number of likely units within this area cannot be confirmed. Based on the illustrative layout and phasing plan, it is still extremely difficult to estimate a figure, but could perhaps be in the region of 150-200 units depending on whether any proposed flatted blocks are also included.

- 8.18 This quantum is within the tolerance of the proposed uplift sought by the applicant above the site's indicative capacity in the MLDP. Specifically, a maximum of 1,032 dwellings are proposed - which equates to c.282 dwellings more than the 750 unit indicative capacity within the site (i.e. 375 units in the allocated area and 375 units within the safeguarded area). Additionally, of the 375 units within the allocated site, approximately 68 dwellings could come forward on the Crown Estate land, which is also within the housing allocation. Based on the above, the original uplift anticipated within the site plus the capacity of the Crown Estate land amounts to approximately 350 additional units. The potential exclusions, whilst indicative, are anticipated to be less than this figure. Moreover, a large proportion of the land is located within the south western corner of the site within the safeguarded area; within a residential area adjacent to the proposed school (recommended to be removed for place making and urban design purposes); and other parts of the safeguarded site where some of the additional uplift is likely to be lost. The key area to be lost within the allocated site relates to land between the NCR 196 and Little Wood, to the north of the existing farm track bisecting the site. Considering this issues, it is also noted that there will be an opportunity for the applicant to redesign any indicative layout based on the above buffer to consider whether residential development, and perhaps varying house types/densities etc. would be acceptable within the remaining parts of the site, subject to consideration of any detailed layout considered in an future MSC applications.
- 8.19 On balance, it is acceptable in this instance to exclude residential development from this area and include a condition requiring compliance with the WHO 2009 guidelines on sleep disturbance.
- 8.20 In relation to average noise levels within external private gardens, the Council's requirement of 50db would not be achieved for selected development blocks adjacent to the B3692 on the masterplan. Whilst this only shows an indicative location for potential development parcels, it is clear that if residential properties were gabled to the road or included south west facing rear gardens, exceedances beyond the 50db would occur. This may stem from the reduction in the proposed acoustic bunds from 30m (required by the MLDP to 25m as proposed. The applicant asserts that a higher level of 55dB should be applied (and requests that a condition be included to reflect this higher value). They assert that this has been acceptable within 'noisier' areas including a site in Midlothian at Newton Farm. However, this site is adjacent to the Edinburgh City Bypass and not a B-class distributor road. As such, it is not considered to be within the same context and it is not considered to be a 'noisy' environment to which higher maximum threshold would be applicable. As such, a condition should be included on any issued permission demonstrating compliance with the Council's external amenity standard to show mitigation - in the form of design,

building re-orientation and/or other mitigation measures to achieve this outcome. This will result in minor amends to the masterplan to achieve this outcome but following review of Figure 4.3 in the NIA, this is not considered to be unduly excessive.

- 8.21 The applicant also outlines that for the selected properties where a slight adverse significance has been identified, additional acoustic treatments to the building fabric would be considered including acoustic glazing, alternative ventilation to support closed windows (e.g. trickle vents or MVHR) and acoustic insulation if required. This should be secured via a condition on any grant of planning permission to assist in reducing potential internal noise levels noting that it would not fully address fundamental consideration of internal noise standards which require an 'open window' assessment but it would assist more generally in contributing towards suitable attenuation for internal noise levels within habitable rooms.
- 8.22 Finally, the detailed design of the proposed school and at least one external teaching area will also be required to meet maximum noise levels by demonstrating compliance with Building Bulletin 93: Acoustic Design of Schools. This can be secured by a condition on a grant of planning permission.

*Traffic & Transport:*

- 8.23 The transport assessment outlines that the site is well-located to deliver sustainability objectives encouraging non-car based travel. It also predicts that some road junctions would continue to operate satisfactorily within a 'post-development' scenario. However, it suggests improvements would be required at two key road junctions to mitigate the effects of the additional traffic from the proposed development. This includes financial contributions/improvements to the A7 and B6392 junction and the B6392 and B704 junction - to sufficiently offset the impact of traffic associated with the proposed development and to provide capacity to accommodate traffic demand from nearby approved/committed developments. Delivery of such improvements would be required via a condition on a grant of planning permission.
- 8.24 Prior to implementation of such improvements, the EIA Report outlines that the proposed development has the potential to affect issues of severance, pedestrian delay and amenity, pedestrian fear and intimidation, driver delay and accidents. However, this is found to be low for isolated receptors primarily along parts of the A7 and the northern parts of the A6094. Following the improvements outlined above, the residual effect on the surrounding road network from traffic generated by the proposed development during operation would be negligible. This approach is complemented by improvements to the existing pedestrian and cycle networks and the formation of new

interconnecting multi-user access links in addition to extended bus routes through the site. This, cumulatively, would result in increased opportunities for sustainable (non-car based) travel for future residents. Finally, the cumulative effect of traffic generation on the surrounding road network when traffic associated with approved/committed developments is included would still be negligible.

- 8.25 During construction, there would be a considerable increase in trip generation, including HGVs (around 20 movements per day) and light vehicles associated with construction staff (around 120 movements per day). The consequential impact on the road network during construction is assessed within the EIA Report, which identifies potential impacts as negligible. To achieve this, 'good practice' measures will be required including the preparation and implementation of a Construction traffic Management Plan (CTMP), which will include routing restrictions for construction traffic to avoid Bonnyrigg town centre and to preserve residential amenity. Details of these measures can be secured by a condition on a grant of planning permission.

Air Quality:

- 8.26 Any potential detrimental impacts relating to air quality largely stem from the proposed increase traffic generation - which could increase by over 5,000 vehicle trips per day. Consideration of these impacts has been undertaken within the EIA Report, which utilises a conservative model to predict particle generation and climatic conditions, both of which were found to be pessimistic. Consequently, the EIA Report outlines that potential pollutants relating to Nitrogen Oxide (NO<sub>2</sub>) exposure and particulate exposure (PM<sub>10</sub> and PM<sub>2.5</sub>) would be low, resulting in slight adverse impacts or less to all key receptors. This position has not been challenged by the Council's Environmental Health Manager. Accordingly, it is considered that there would be no unacceptable air quality impacts associated with the proposed development subject to implementation of the mitigation measures identified within the Mitigation Schedule.

Geology and Soils:

- 8.27 The EIA report outlines that there are no features of special geological interest within the site. The application is also accompanied by a Coal Mining Risk Assessment (CMRA) and Phase 1 Geo-Environmental & Geo-technical Report, which provides a comprehensive review of the existing site conditions to identify potential geological constraints. Of critical importance is potential ground instability. Specifically, risks associated with previous shallow mining, particularly within the north western corner of the site. The above CMRA considers this issue in detail and provides a series of approaches to mitigate risk. In this regard, the Coal Authority does not object to the application and outlines that the CMRA '*makes appropriate recommendations for the carrying*

*out of intrusive site investigations... to inform an appropriate remediation strategy to address the risks posed by coal mining legacy across the site'. The Coal Authority require various matters to be addressed to minimise risk associated with mining activity including provision of: (1) A scheme of intrusive investigations for each phase/detailed layout; (2) A layout plan showing mine entries and no-build zones; (3) A scheme of remedial treatment works; and (4) Implementation of approved remedial treatments. Accordingly, these requirements can be secured by conditions on any grant of planning permission.*

- 8.28 The EIA Report also considers potential contamination within the soil. Whilst the applicant anticipates this to be minimal (relating to localised previous industrial uses, made ground and alluvium) they commit to further ground investigations for subsequent phases and provision of a remediation strategy to confirm how mitigation measures would be implemented to avoid future risks to human health. The Council's Environmental Health Manager does not object to this approach and a series of conditions can be included on any grant of planning permission to address this issue.
- 8.29 In addition, to avoid potential contamination into the existing soils, the applicant proposes the implementation of a series of strategies and best practices that would accord with the relevant regulatory regimes (and SEPA's Pollution Prevention Control Guidance) - to ensure suitable regulation of on-site construction activities that minimise potential environmental impacts. Implementation of the above approaches, and the relevant planning related measures contained within the Mitigation Schedule, would ensure compliance with MLDP Policy ENV 24 and ENV 25.

*Hydrology and Hydrogeology:*

- 8.30 The EIA report outlines that there would not be any significant adverse impacts in relation to hydrology and hydrogeology during the construction or operational phases. Suitable provision of mitigation measures relating to the implementation of SEPA Pollution Prevention Guidance and Best Practice approaches, buffer strips and the protection of existing infrastructure will be required. In addition, the EIA Report outlines that surface water discharges will be required to be limited to greenfield runoff rates and treated in line with the regulatory requirements to ensure that there will be no cumulative impact on surface water bodies. This approach is proposed and will be required to be demonstrated for all future phases via a condition on any grant of planning permission. The EIA Report then outlines that the provision of SUDS infrastructure within the site should have a cumulative positive impact on flooding - whereby SUDS features would provide sufficient storage to retaining water associated with potential flood events, to then

allow for the staged-discharge to the water environment at a controlled rate and along designed flow paths.

- 8.31 With respect to flooding, the accompanying FRA outlines that, whilst parts of the site are subject to potential high risk of surface water flooding, primarily along the route of the Pittendriech Burn, this is almost exclusively contained within the Little Wood Valley. Accordingly, it suggests that a detailed design of the proposed culvert at this location (where a vehicular crossing through Little Wood is proposed) is required to demonstrate suitable capacity to facilitate safe, flood free, road access/egress.
- 8.32 SEPA have not objected to the proposed development on flood risk grounds subject to receipt of further details relating to any future layout; SUDS infrastructure; and, that there is no building over an existing culverted watercourse in the southern boundary. Following the design requirements outlined within the FRA, Drainage Assessment and EIA Schedule of Mitigation and subject to addressing the above conditional requirements outlined by SEPA, it is considered that there would be no unacceptable risk to flooding.
- 8.33 Suitable surface water treatment levels and attenuation can be provided within the site subject to providing a detailed scheme in accordance SEPA and the Council's Flooding Officer's recommendations and by addressing Scottish Water and CIRIA guidance. This includes a request to provide SUDS ponds to include biodiversity enhancements rather than solely underground SUDS basins. Implementation of a detailed design using the above approach would enable the suitable control of surface water movements and controlled discharge at greenfield 'pre-development' runoff rates. Subject to provision of a series of conditions covering the detailed design of the above surface water management infrastructure and the aforementioned mitigation measures within the FRA, Drainage Assessment and EIA Schedule of Mitigation, the above approach would accord with the corresponding objectives with MLDP policy ENV 9 and ENV10.

#### Archaeology & Cultural Heritage:

- 8.34 The EIA Report outlines eight potential sites of heritage interested within the site, however none are designated. In this instance, the proposed development could result in potential impacts to existing cultural heritage remains relating to a former sub-surface remains (rig and furrow cultivation asset). However, this is not considered to prevent future development of the site and a suitable condition has been sought by the Council's Archaeological Advisor requiring respective trial pits and intrusive investigation with subsequent monitoring prior to future development. It is also outlined within the EIA Report that there would not be any significant indirect impacts on nearby heritage assets, notwithstanding that there would be a minor adverse impact on a

Category C-Listed Building (Chesters Hotel). These results demonstrate that the proposed development would not result in any unacceptable impact in terms of cultural heritage nor archaeology and would comply with MLDP Policy ENV 24 subject to inclusion of the above condition and the implementation of measures within the EIA Schedule of Mitigation.

Landscape and Visual Impact:

- 8.35 A Landscape and Visual Impact Assessment (LVIA) has been prepared by the applicant to consider the effects on existing landscape features and the potential visual amenity impacts associated with the proposed development. Considering potential adverse impacts on the existing landscape elements, the LVIA outlines that there are no long term significant physical effects on the existing landscape features within the site. It acknowledges that selected trees and partial hedgerows are indicatively proposed to be removed to facilitate development outlined within the masterplan but that the majority of the existing trees and features would be retained and incorporated into the future design. This includes Little Wood, which is proposed to be retained excluding isolated tree removal to facilitate the modest widening of the existing road, a multi-user footpath and a bridleway. (Please refer to Arboricultural section below for further commentary on this issue). Moreover, substantial additional planting is proposed within the landscape framework, which seeks to offset any potential loss.
- 8.36 The LVIA outlines that there would be localised significant impacts on the Lowland Hills and Ridges within the site boundary. This is understandable given the magnitude of change from an agricultural field to housing development. However, the LVIA states that despite any loss, the rural agricultural character, which these fields contribute to is not substantial when considered in the wider context of agricultural land within the surrounding landscape. Specifically, that this land is partly characterised by the existing, expanding settlement edge of Bonnyrigg, and any future development would not represent an entirely unfamiliar character change when considering the extensive areas of agricultural, rural and settlement edge. In this regard, the LVIA outlines that when the wider extent of local landscape character areas or landscape designations is considered, these areas would not be significantly adversely affected by the proposed development. Accordingly, it is considered that, on balance, the proposed development would not result in unacceptable impacts to landscape character.
- 8.37 In terms of visual impact, the LVIA outlines that three viewpoints and one visual receptor would be subject to significant adverse impacts even once mitigation planting is implemented. This includes Viewpoint 4 (Tyne Esk Trail/B6392), Viewpoint 7 (Edge of Little Wood), Viewpoint 9 (Laswade RFC/A6094) and views from Dalhousie Steadings.

- 8.38 The applicant asserts that any impacts at Viewpoint 9 relate solely to views from the Rugby Club and isolated residential properties that currently have unobstructed views over the site. The LVIA outlines that other receptors from this viewpoint would not have any significant adverse effects. The same principle is set for the views from Viewpoint 7 and from the Dalhousie Steading Receptor - where there are direct views into and over the site. This naturally results in significant visual impact given that their current unhindered view of agricultural fields would be replaced with residential development, compounded by their proximity to the site boundary and the setback to any proposed development. This position is acknowledged and a level of change of this nature has been anticipated by the Council - and fully considered as a potential outcome through the site's allocation for residential development within the MLDP (and to a lesser extent a future intrusion into the existing landscape and visual context by safeguarding the site for potential future residential development). In such instances, compliance with the Council's design and amenity standards would be required to ensure suitable separation to protect residential amenity for existing residents. The masterplan includes suitable separation to existing residential properties – albeit confirmation that such requirement can be achieved would be required via approval of any subsequent detailed design. This would ensure that adequate visual and residential amenity would be preserved from such locations. Moreover, substantial additional planting is proposed between existing and proposed residential properties that would assist in softening any future outlook.
- 8.39 With respect to view Viewpoint 4, the applicant contends that any significant adverse impacts would change if the Crown Estate land was developed - as this would facilitate the provision of an additional tree-lined landscape bund that would reduce the visual effect to 'not significant' after 10 years. To ensure that these adverse impacts are reduced from 'significant adverse' to 'not significant', a landscape buffer similar to the type anticipated along the boundary of the Crown Estate land will be required along the south eastern corner of the site as there is no guarantee of the expedient development of the Crown Estate land (and the corresponding landscape buffer required to reduce the significant of any landscape impact from this viewpoint). This can be achieved by a condition a grant of planning permission and the masterplan can be updated accordingly (and the requirement removed, should development of the Crown Estate land to the south-east of the site be approved with a suitable landscaping buffer around its southern boundary that achieved the ambitions and screening qualities sought by the LVIA.
- 8.40 Overall, it is considered that the proposed development would not result in unacceptable visual impacts to the surrounding area subject to addressing the conditional requirements outlined above. Further consideration of landscape and visual impacts would also be required to

be undertaken for any subsequent phases (via updated LVIAs) once the corresponding detailed design has been confirmed to demonstrate compliance with the original LVIA objectives.

### Arboriculture

- 8.41 The applicant has outlined that the masterplan has been designed to maximise tree and woodland retention within the site. This includes the retention of Little Wood (except for the provision of three crossing points - one for a vehicular crossing using the existing crossing within the middle of the site and two multi-user paths). It is noted that there would be a minor adverse impact on Little Wood (plantation woodland) with potential intrusion into this feature by the above crossings. However, this is proposed to be mitigated by enhancing the majority of the woodland strip and additional woodland planting within the site.
- 8.42 To this extent, the applicant has provided a Tree Survey and Arboricultural Implications Assessment, which provides indicative details outlining how the proposed Little Wood road vehicular crossing could be designed to minimise potential impacts to existing trees/woodland/ecological habitats. This suggests that the impacts would be related to the potential loss of one Ash tree and to adjacent scrub woodland. An indicative drawing has been provided to show illustrative details outlining how the proposed arrangement could be constructed. This includes sufficient provision for a road carriageway, footpath, embankments (on both sides), tree protection, working areas, utilities/services and a mammal crossing. Initially, it outlines that there would not be any significant adverse impacts on the existing woodland/habitats (albeit isolated tree removal is identified). In order to confirm the precise nature of such works, the detailed engineering design for this crossing (and the multi-user paths through the woodland) will be required to be provided via a condition.
- 8.43 Updated Arboricultural documentation to cover any future detailed layout including a Tree Survey and Arboricultural Implications Assessment is required to show corresponding tree, woodland and hedgerow retention and protection plans and construction exclusion zones. Of particular attention will be the road (north) and multi-user paths through Little Wood. Dwelling standoff distances are also required to be shown measuring 20m from the corresponding boundary fence to Little Wood and 10m-15m from individual (retained) trees to the foot/cycleway. A woodland management plan will also be required to facilitate the sustainable management of existing woodland within the site.
- 8.44 It is recommended that the delivery of the structural elements of the landscape strategy - such as the Little Wood offset, woodland and hedgerow planting to the site boundaries and also the core path realignment and key connections - are delivered as early as possible

within the context of the wider development (and as recommended by the ecological chapter of the EIA) to minimise construction phase impacts on habitats and protected species but also allowing for the early establishment of planting that will serve to screen views into the development. These would be required to be identified within an updated phasing plan, which identifies their strategic implementation across the site and before or at the start of any corresponding development phase. All the above requirements can be addressed via conditions on a grant of planning permission.

### Ecology

- 8.45 The EIA Report (Chapter 6 - Ecology) provides a comprehensive review of ecological matters to consider the likely environmental impacts in relation to ecology and nature conservation. This includes:(1) Ecological Assessments (2017, 2018 and 2020); (2) Protected Species Surveys including the following updated surveys in 2020 (a) Otter Survey; (b) Bat Roost Potential Survey (c) Bat Activity Surveys; (d) Badger Survey; (e) Water Vole Survey; (f) Breeding bird survey; (g) Wintering bird survey; (h) Squirrel survey.
- 8.46 The above outlines that overall, whilst the site is large and contributes to the biodiversity within the local area, it is not significantly diverse in habitats or species - with the most valuable assets being Little Wood, the Local Biodiversity Site and existing hedgerows/scrub. These existing linear landscape features create a well-established biodiversity corridor/network that connects to other biodiversity assets. In short, the EIA Report outlines that there would be 'significant' effects on existing habitats, initially, but that this would be reduced to 'not significant' or even slight beneficial once mitigation is introduced by either retention or creation/enhancement of existing habitats.
- 8.47 The proposed development would alter existing movement/foraging habitats for various species (including bats and birds) within the site with significant adverse impacts initially, particularly during construction, but reduced to not significant or even positive once mitigated (i.e. habitat creation and lighting controls etc) during operation. A series of mitigation measures are proposed to reduce the significance of potential impacts and enhance the ecological offer, which would be implemented sustainably via the approval of a Landscape & Habitat Management Plan. Considering potential impacts on existing landscape assets, there would be direct negative impacts on the Bonnyrigg to Rosewell Dismantled Railway Local Biodiversity Site. Despite three 'cuts' through this area to facilitate a road and two multi-user paths, tree removal would be minimal and focused solely on the crossing(s) required - which would result in no significant adverse effects once corridor enhancement and any replanting is proposed.

- 8.48 Overall, the above ecological impact is considered to be acceptable subject to the provision of various ecological enhancements outlined within the EIA Schedule of Mitigation.

## **9 PLANNING ISSUES**

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

### Principle of Development

- 9.2 The site is split into two distinct areas in planning policy terms. The northern half of the site, including a strip of land within its western corner is allocated for housing (Site Hs12) under MLDP policy STRAT3 - Strategic Housing Land Allocation where housing development is supported to meet strategic housing land requirements within Midlothian. Likewise, the provision of complementary uses including a primary school to accommodate education demand from any future residential development is supported. This allocated parcel of land is located within the built up area of Bonnyrigg where there is also presumption in favour of appropriate residential development.
- 9.3 The southern part of the site is not allocated for housing in the MLDP. It is safeguarded for potential longer term housing in the next iteration of the MLDP should it be required (and considered to be acceptable in place making terms). Accordingly, it is still allocated as land within the countryside in the MLDP.
- 9.4 There are a series of tests required to be met within MLDP policy RD1 to justify future uses within the countryside. Generally, this requires uses to be compatible with the essential characteristics of the countryside (i.e. agriculture, farm diversification horticulture, forestry or countryside tourism etc). None of which can be met in this instance. Moreover, there are a various requirements for housing proposals in the countryside, almost exclusively related to small-scale housing development. The crux of these requirements set out extremely restrictive approaches that prevent housing unless a series of requirements are met - including relationships to the furtherance of a countryside activity and where any housing need cannot be met within an existing settlement. Despite the above, the provision of roads, access and drainage infrastructure within or over the safeguarded land to facilitate development plots within the allocated site and to allow for suitable means of access etc from the south is considered to be acceptable in principle subject to detailed design matters being confirmed. Provision of such road infrastructure would also avoid the construction traffic impacts outlined above.

- 9.5 Therefore, with respect to the future development the southern part of the site within the countryside, detailed consideration has been undertaken to ascertain whether there are material considerations that could justify issuing a decision departing from the corresponding countryside MLDP policy objectives. This assessment has been undertaken within the material consideration section below - which outlines that there are a series of material consideration that warrant a decision being made in favour of support for residential development within this part of the site.
- 9.6 An indicative phasing plan has been prepared which outlines the site's future development within 7 phases from 2021 to 2032. It suggests that within the lifetime of the adopted MLDP, the majority of the early phases (i.e. Phases 1-3) would be located within the allocated part of the site. The indicative unit numbers per phase, whilst indicative, show approximately 400 units within the allocated site to 2027 against approximately 100 units within Phase 2 (and a small part of Phase 1 on the northern side of the primary access road). Whilst the timescales and scope for the new MLDP are still not certain, it is not until Phase 4 in 2027 where larger parts of the safeguarded land are proposed to be developed, when a new MLDP would likely be in place and the land potentially allocated (albeit this cannot be confirmed). Critically, the quantum of housing units shown appears to exceed the maximum site capacity identified within the EIA. Therefore, updated phasing details will be required, which will align with any timings for transportation infrastructure, as applicable.
- 9.7 The indicative number of residential units allocated for site Hs12 in the MLDP is 375 units. Moreover, the indicative quantum of units for the safeguarded housing site is also 375 units - a total of 750 units. The indicative quantum of units within the site (allocated and safeguarded) would be approximately 1,000 units (up to 1,032 units). Given the above, a comprehensive masterplan has been prepared. This takes cognisance of various design parameters to establish a clear design framework that would create a strong sense of place. As such, it is considered that the proposed quantum of units is acceptable in this instance, subject to the layout, form and design of the proposed development being acceptable and the impact of the development on infrastructure, including education provision, being appropriately mitigated.
- 9.8 The south western part of the site is identified as prime agricultural land, but given its safeguarding for housing, its lose is acceptable. The longer-term spatial strategy for this area considers future development benefits outweigh any potential benefit from its retention as prime agricultural land.

## Housing Land

- 9.9 Specific requirements within SPP and the development plan make provisions for Councils to maintain a five-year effective supply of housing land at all times. The MLDP then sets out a number of actions that could be taken to address any shortfall; one of which is to support the early development of land identified in the MLDP for longer-term growth (safeguarded sites) or other sites not allocated for housing. Such sites need to be able to satisfactorily demonstrate that the proposal can/will contribute to the five-year effective housing land supply by having a reasonable prospect of being built within this 5 year period. The mechanism for identifying whether the housing land supply remains effective is the Council's MLDP Action Programme, which is reviewed every 2 years, and identifies the 'trigger' for introducing actions which may alleviate any shortfall in the land supply. A Housing Land Audit (HLA) is prepared by the Council every year, in consultation with Homes for Scotland (the umbrella organisation that represents the house building industry) and the major house builders directly, to consider the effectiveness of housing land supply at yearly intervals.
- 9.10 It is considered that there is not any shortfall in the five year effective housing land supply using any of the potential assessment methodologies. Therefore, any potential route to develop sites within the countryside, green belt or on sites safeguarded for housing to address a shortfall in the five year effective housing land supply is not applicable nor required within Midlothian.
- 9.11 Assessing the effective five year housing land supply within local authorities has been uncertain and under review in recent months/years since SESPlan1 and its accompanying Housing Land Supplementary Guidance become 'out-of-date'. This has been compounded by the rejection of SESPlan2 in 2019. The complexities in defining the 5 year effective housing land supply became apparent as Scottish Government Reporters have been required to individually interpret competing housing land data/methodological assessments to define which documentation to use and how much weight to apply for decision-making via recent planning appeals. Approaches by Reporters within recent planning appeals have been varied. One of the key outcomes is that Reporters have accepted that:
- i) SPP Para 33 - engages a presumption in favour of sustainable development is now a 'significant' material consideration;
  - ii) Adverse impacts - must 'significantly and demonstrably outweigh' any benefits when assessed against the wider policies in this SPP and the development plan.
  - iii) Tilted Balance - decision makers will consider whether a tilted-balance applies in favour of support, then, how much weight to apply to corresponding material considerations.

- 9.12 In relation to the above matters, decision makers have utilised two key assessment methodologies to calculate the five year effective housing land supply. Firstly, using the SESPlan1 housing land data - which underpins the Council's MLDP housing land calculations and historic Housing Land Audits to date. Alternatively, using SESPlan2's Housing Needs and Demand Assessment (HNDA2), which utilises more recent datasets and population growth projections within the (now rejected) SESPlan2.
- 9.13 The calculation, for either methodology, consider the 5 year housing land supply (from the Council's latest HLA) against the corresponding housing supply target. In this instance, utilising either dataset averaged over 5 years, plus a generosity figure to create a target, against the latest housing land supply position. This principle has already been accepted by Scottish Government Reporters for the production of the MLDP and it is an effective housing land supply methodology that has been continually advocated by the Council and other local planning authorities on this issue. Using this approach, irrespective of which housing land supply assessment data/methodology is applied, the planning authority considers that the Council does not have a shortfall in the five year effective housing land supply. Rather, by applying either dataset, the Council has a surplus in its effective housing land supply - with at least 6.2+ years, using either assessment methodology. Accordingly, with no shortfall using either assessment methodology there is no justification to warrant the release of countryside land or green belt land for housing within Midlothian in housing land terms.
- 9.14 As SESPlan1 (and the accompanying housing land data) are now out of data, the planning authority do not consider it to be appropriate to use SESPlan1 data on its own to consider the adequacy of the five year housing land supply calculation. The Council's assessment of the five year effective housing land supply is predicated on the data within SESPlan2's HNDA2. Considering even the largest population growth projection within the HNDA2, it is clear that there is a generous surplus in the effective housing land supply within Midlothian - with approximately 10 years effective housing land supply in Midlothian. When a generosity figure of 20% is applied, the calculation identifies a surplus of over 9 years for the effective housing land requirement. As such, there is no shortfall in the five year effective housing land supply within Midlothian using either assessment methodology. Further details on the corresponding calculations is provided within the Council's HLS 2021. This calculation applies the same assessment methodology as the approach that underpinned the MLDP and HLA assessments – whereby the 5 year housing land supply (from the Council's latest HLA) is set against the corresponding housing supply target. In this instance, utilising the SESPlan2 HNDA housing data averaged over 5 years, plus a generosity figure, create a target, against the latest housing land supply position within the HLA 2021. This principle has already been accepted by Scottish Government Reporters for the production of the

MLDP and it is an effective housing land supply methodology that has been continually advocated by the Council and other local planning authorities on this issue. The sole change, in this instance, is the utilisation of the primary dataset for the corresponding the assessment. The planning authority has considered this matter carefully to ensure that the assessment is based on the most recent and appropriate context. Accordingly, HNDA 2 represents the most 'robust and credible' data source (i.e. projections and timescales) to assess housing need and demand within Midlothian. The HNDA 2 is a material consideration in decision making and significant weight should therefore be apportioned to this document/data given the above 'robust and credible' status. Some weight should also be given the SESPlan2 housing position statement, which sets out an agreed position for SESPlan authorities that advocates the use of this data in any future assessments. Finally, reasonable weight should also be placed on the HLA as this represents the most recent snapshot of housing land supply within Midlothian and assists in gauging an accurate housing land supply position from which to base the assessment.

- 9.15 Despite this the out of date nature of SESPlan1, Scottish Government Reporters have been taking a view that the intent of the SESPlan1 policies should not necessarily be disregarded as they still form part of the development plan (albeit they are out-of-date). The planning authority consider that some weight can be applied to this approach, for example policies requiring a five year effective housing land supply at all times or suggesting that planning authorities consider non-allocated housing sites should there be a shortfall in the effective housing land could be considered, noting that the latter is not relevant in this instance.
- 9.16 In this instance, as no shortfall in the five year effective housing land supply can be established within Midlothian - the tilted balance in favour of support should not be applied in this instance.

#### Indicative Layout, Form and Density

- 9.17 The application is for planning permission in principle. This means that the detailed layout, form and design of the development would be subject to further applications (matters specified in conditions (MSC)) and assessment if the proposal is granted planning permission. In this case conditions would be imposed requiring the following details to be submitted by way of an application:
- layout, form and design of any proposed buildings – which will dictate the number of residential units;
  - proposed materials to be used in the construction of the dwellinghouses, ground surfaces and ancillary structures – including those to be used in the area of improved quality;
  - details of landscaping and boundary treatments;
  - provision of open space and play areas/facilities;

- percent for art;
- sustainable urban drainage systems (SUDS);
- details of road, access and transportation infrastructure;
- sustainability and biodiversity details;
- archaeology mitigation details;
- the provision of broadband infrastructure; and
- ground conditions/mitigation of coal mining legacy.

- 9.18 The submitted masterplan (Development Framework) sets out an indicative framework for the site and outlines spatial parameters that would influence the form of any future development. The overarching vision for the future development of the site seeks to create development that has a strong identity and maximises opportunities relating to the site's existing features - to create an responsive urban form with a 'sense of place' that is accessible. Initially, five character areas have been provisionally identified each with their own distinct purpose and form.
- 9.19 The masterplan splits the site into an a patchwork of development blocks with corresponding open space, drainage, landscape roads and pedestrian infrastructure - created by responding to existing site features/characteristics including existing residential properties, woodland, proposed access points and the interconnectivity to adjacent open spaces/areas/roads. Overall, the design features within the masterplan are supported, as the overarching design principles should create a successful, coordinated design approach for the future development of the site. Some minor amendments to the masterplan (outlined below) are required to address selected technical requirements but this does not diminish the integrity of the positive and overarching design strategy for the site's future development.
- 9.20 The masterplan comprises a varied suburban street pattern with a design code showing houses/flatted blocks fronting onto roads interspersed with open/green space. A consistent indicative density is proposed for the majority of the site, excluding areas of higher indicative density (up to four storey flatted blocks) within the centre of the site. The principle of this indicative density could be acceptable but will be subject to further assessment.
- 9.21 Generally, an appropriate landscape framework has also been prepared to create a series of successful landscaped and woodland areas based on retention/enhancement of existing landscape features. This includes the provision of extensive green networks through the centre of the site following Little Wood and the northern and southern site boundaries in addition to tree lined primary streets to create improved levels of amenity. Structure planting along the southern and north western boundaries creates a successful landscaped edge enhancing the overall landscape framework.

- 9.22 The proposed access and movement hierarchy is acceptable as it would allow for a safe, legible, ordered approach to accessibility that reflects the role and function of adjacent areas and creates a harmony between the creation of place and requirements to facilitate movement. The road hierarchy prioritises movements within the primary spine road with secondary and tertiary streets facilitating movement in accordance with Designing Streets principles complemented by extensive pedestrian and multi-uses/Core Path enhancement for the benefit of future residents.
- 9.23 Locations for Areas of Improved Quality (AIQ) are provided along the primary open space area within the north east of the site and to the south of Dalhousie Chesters Court. This is an acceptable approach. However, the identification of an AIQ for the proposed community facility is not supported as AIQ are specifically required to be related to housing development. As such, additional AIQ locations will be required to ensure that that 20% of all proposed dwellings fall within this category.
- 9.24 Recommended minor amendments to the proposed masterplan to address technical matters are outlined below and can be secured by condition:
- Acoustics - Removal of residential blocks to address conditional requirements to mitigate unacceptable noise impacts.
  - Open space - Provision of a small civic space or kick about areas within the residential areas in the south eastern corner of the site and widening of open spaces adjacent to Little Wood and along the cycle paths to create small pockets/openings of informal open space to accommodate natural play.
  - Residential/School Interface - Removal of the residential development block directly adjacent to the proposed school to allow for an appropriate urban design outcome that provides sufficient connectivity to/from the school from the south west and east.
  - Planting - Given the uncertainty on the future development of the Crown Estate land, a temporary seeded bund will be required - to continue the proposed 'Structural Open Space' along the south eastern corner of the site until it reaches the proposed open space/SUDS basin. This feature would not be required (when considering the corresponding MSC application for the proposed development of the site's south eastern corner) if the 25m landscape buffer is continued along the southern edge of the Crown Estate land.

#### Access and Transportation Issues

- 9.25 Four primary access routes connect the site to the local road network. This includes vehicular access points to Rosewell Road (A6094) to the west, the Bonnyrigg Distributor Road (B6392) to the south and two accesses to the existing Hopfield estate at Bannockrigg Road and Castell Maynes Crescent. The proposed access arrangements above - whilst indicative, would allow for legible, safe and efficient vehicular

manoeuvrability to/from and within the site. Furthermore, the Council's Policy and Road Safety Manager has raised no objection subject to receipt of detailed design for corresponding access and roads arrangements, proposed roundabouts, bus service/infrastructure requirements and offsite improvements to the local road network.

- 9.26 The Council's Policy and Road Safety Manager also requested that the existing informal pedestrian/equestrian crossing of the B6392 should be upgraded to a traffic signal controlled crossing because of the anticipated increase in traffic volumes. The applicant disputes the need for this crossing.
- 9.27 The 3m wide National Cycle Route (NCN 196), which runs through the site, should also be widened to 4m to accommodate the additional pedestrian, cycling and equestrian usage the development will produce. The applicant disputes this requirement.
- 9.28 The site is considered to be located within a sustainable location that would encourage sustainable transport choices, including movements by bus – the site will be serviced by a bus service (which already services the neighbouring Hopefield1 site). Bonnyrigg town centre is located approximately 1.2km from the site, which provides a range of local services, including retail, commercial and community uses. Provision of detailed road designs, visibility splays and pedestrian accessibility details/routes will also be required to accompany MSC applications for any future detailed design.

#### Core Path and Pedestrian Accessibility

- 9.29 The site is bisected by the National Cycle Network (NCN 196) and Core Path 6-42 which runs north south within the western part of the site. An existing bridleway running through the centre of the site is also proposed to be realigned along the southern site boundary before connecting to Rosewell Road. Retention and enhancements to the setting of the Core Path and NCN 196 within an adjacent landscaped corridor is acceptable and would be complemented by a recommendation to include additional pockets of informal open space along Core Path routes. The same enhancement is recommended for the realigned bridleway, which would be subject to detailed design matters via any future MSC application. Pedestrian routes are also proposed from the site to the north east at Cockpen Avenue, to the north east of Little Wood, to the existing playing fields and to the employment land allocations. This would facilitate multi-user paths to the immediate area and would allow for safe pedestrian movements to/from the site. In addition, a 'Safe Route to School' will be provided to/from the proposed school to prioritise pedestrian accessibility. Detailed design of these options would be required via a condition on any grant of planning permission.

## Open Space

- 9.30 The table within Appendix 4 of the MLDP outlines open space standards that future development proposals will be required to meet in relation to quality, quantity and accessibility. An initial review of open space is required to be undertaken against this requirement to ensure that the above parameters can be met, complemented by a comprehensive review once the detailed design of the corresponding phases has been confirmed. Moreover, whilst any assessment of open space shall be reviewed against the current open space provision within Bonnyrigg, given the scale of the proposed development and the requisite demand for open space provision in its own right - a standalone review of the proposed open space within the site will be required to ensure that the quantum, form, location and function of open space areas within the site is acceptable.
- 9.31 Overall, the quality of existing open space provision within Bonnyrigg scores slightly below the qualitative score for all amenity areas and there are also other deficiencies, coupled by consequential demand from new residents that require new provision and upgrades to existing open space infrastructure to improve the existing offer and quality. The applicant has identified various open space areas within the masterplan to help address this, however, additional/amended provision will be sought by condition as outlined below.
- 9.32 Under provision of playing fields in Bonnyrigg, has in part, been addressed by the provision of additional sports pitches adjacent to the site (in Hopefield1). It is also considered, that there is sufficient informal open space in the area. There is however an under provision of equipped play areas within this part of Bonnyrigg, which will be exacerbated by demand from residents within the proposed development. This is required to be addressed via suitable infrastructure provision within any future MSC applications. The applicant has proposed equipped open space areas within various parts of the site. Following consultation with the Council's Land Resources Manager, it was suggested that the equipped play area in the north eastern primary open space area includes a large, substantial, equipped area of play - as this has been identified as a preferred solution to address this shortfall. Additional areas of natural play (including mounds, boulders, logs, stepping stones etc) will also be required within other areas of open space.
- 9.33 In terms of on-site open space provision, approximately 8 hectares of open space is provided including a generous open space area within the north eastern corner of the site to facilitate connectivity to adjacent open space/playing fields. This approach is encouraged. However, it is considered that the location of open space, and the quantum, will be required to be amended to address MLDP Appendix 4 requirements. Moreover, not all of the demarcated areas on the Development

Framework (and included within the open space calculation) are considered to be usable/functional. This includes parts of the woodland edges shown as open space in the masterplan, which will be required for planting/offsets and, for habitat protection and biodiversity enhancement. Accordingly, amended open space will be required within the site including the provision of additional village green style open spaces or kick about spaces within the south eastern residential phase(s) and smaller areas of usable open spaces along the main tree lined cycle route (with wider pockets of open space adjacent to Little Wood) to allow for resting places and pockets of localised play opportunities. In both spaces, and along the core path route, natural play opportunities should be introduced.

### Feasibility of Communal Heating System

- 9.34 The applicant has provided a comprehensive District Heating Feasibility Report outlining justification to demonstrate why the site does not have the potential for a new district heating network to be created within the site. The most critical components relates to significant technical constraints given the proximity (or lack thereof) of a suitable heat network or heat producers to connect to. The nearest potential network being over 4 miles away (at Hillend). Moreover, the applicant states that other restrictions including a major road network, a river and private land could also restrict the provision of the necessary pipework. They then suggest that the complexity in preparing a centralised system with reasonably small yearly housing delivery rates from a single developer would make the delivery of such a system overly complex and oversized to meet initial energy loads, which would result in a costly, inefficient energy distribution. Given the changing situation within Midlothian and the technological advances in the form of energy provision, it could be that some of the technological constraints above could be rectified. As such, it is recommended that a further sustainability feasibility report is carried out 5 years from the first MSC application submission to re-assess the current position on whether a district heating is technically feasible and financially viable at that time. In the event that it is technically feasible and financially viable, a district heating scheme shall be installed at the site utilising appropriate ducting safeguards installed via the terms of a condition attached to any planning permission.

### Developer Contributions

- 9.35 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Planning Obligation in respect of the following matters:
- A financial contribution towards additional primary education capacity;
  - A financial contribution towards additional secondary education capacity;
  - A financial contribution towards the A7 Urbanisation scheme;

- A financial contribution towards leisure/sports enhancements, prioritising Poltonhall pitches/facilities;
- A contribution towards preparing and submitting corresponding Traffic Regulation Orders to amend speed limits;
- The reservation and transfer of serviced and remediated land for the provision of a new primary school within the site;
- Marketing of land for a community/healthcare facility (Seven years from commencement of development);
- Affordable housing provision (a minimum of 25%);
- A financial contribution towards Borders Rail; and
- Maintenance of children's play areas/open space/community growing areas (including the community orchard).

9.36 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); and
- be reasonable in all other respects.

9.37 The requirements as set out above for any proposed Planning Obligation would meet the above tests.

### Community Growing

9.38 The applicant has identified two parcels of land within the Masterplan for community growing. One, within the northern part of the site (adjacent to the community facility) and one within the centre of the site (to the north of Dalhousie Chesters Court) for a community orchard. The MLDP settlement strategy for Site Hs12 outlines that *'the masterplan should consider the potential for including allotments or space for community growing in the allocated (or longer term safeguarded) site in recognition of the increased interest in local food growing'*. The Council's Green Networks Supplementary Guidance outlines requirements for *'community growing'* and not allotments. The applicant has submitted a briefing paper, reiterating the above policy position. The paper also suggests that to reserve land for allotments for the wider community would not relate to the proposed development nor could the Council

prioritise allotment provision for residents within the proposed development above other residents. They also assert that that any requirements to provide allotments are enacted by the Community Empowerment Act 2015 and should not be reasonably provided with the site at the applicant's expense. Instead, they suggest of a condition to secure the detailed design of the community growing areas and their subsequent implementation.

- 9.39 The Council's Land and Resources Manager objects to the above approach as they consider that removal of any allotment provision within the site would compromise their future deliverability within Midlothian, contrary to the legislative requirements of the Community Empowerment Act 2015 where there is an outstanding demand for allotments within Midlothian. They also suggest that allotment provision at this site is expressly sought by the MLDP and that the corresponding Allotment and Community Growing Report 2020 was prepared based on future provision within allocated MLDP development sites as one of the two potential delivery mechanisms.
- 9.40 Considering both positions, whilst there is a requirement for the Council to provide allotments where there is an outstanding demand, this is separate to the legislative requirements under the Planning Act that dictate what can be required via the development management process considering tests of reasonability, proportionality and relevance in scale and kind to the proposed development. It is acknowledged that the Council's allotment strategy is based on partial delivery of allotments via the future development of allocated housing sites within the MLDP. However, this is one of two options. Specific requirements within the MLDP allow for sufficient flexibility to provide either community growing or allotment provision within the site. As such, on balance, it is considered that the principle of providing two community growing areas (with no allotment provision) is acceptable in planning terms in this instance. To require requisite provision that may go beyond the remit of the Planning Act (and the corresponding Planning Circulars) could contravene the corresponding legislative requirements and would not be acceptable.
- 9.41 Despite the above, the applicant proposed timescales to submit design details for the proposed community growing areas are not acceptable and should be reduced to the submission of documentation prior to occupation of the 250th dwelling with timescales for implementation to be prior to the occupation of the 300<sup>th</sup> unit.

#### Community/Healthcare Facility

- 9.42 The site specific requirements for Site Hs12 require that '*Land adjacent to the school site should be reserved for potential community use, which may take the form of a health facility*'. In this regard, the masterplan identifies land to facilitate a future community/healthcare facility within the northern (allocated) part of the site. The applicant has proposed

that potential delivery of this land for a community/health facility is secured via a legal agreement - requiring marketing of this land for community purposes for a period of seven years from the signing of the legal Agreement, with the details of the marketing strategy to be approved by the Council.

- 9.43 Liaison with NHS Lothian has outlined that a future healthcare facility is likely to be required within this part of Bonnyrigg - and that the site could assist in addressing this requirement. However, no confirmation outlining how this could be achieved has yet been received. Discussions to consider other potential community uses are also being explored by NHS Lothian for other alternative sites but no further information has been received in this regard. Consequently, the above approach provides suitable flexibility for all parties to facilitate the future provision of a community or healthcare use once feasibility and demand assessments have been confirmed. Subject to agreeing the detail of the proposed marketing and servicing/remediation requirements via a legal agreement, any future facility would complement the surrounding education and residential uses and would create substantial community benefits which are actively encouraged and fully supported.

#### Affordable Housing

- 9.44 No specific affordable housing mix has been identified within the masterplan, however, it is noted that the applicant agrees to the provision of 25% affordable housing, which will be required to be secured by a legal agreement attached to any grant of planning permission. Further discussions with the Council's Housing Planning and Performance Manager will be required to confirm the optimum unit mix based on the Council's Housing List or to address requisite demand within any chosen registered social landlord.

#### Percent for Art

- 9.45 Details of an art strategy for the proposed development will be required via any subsequent MSC applications to ensure that the percent for art required by MLDP policy IMP1 are met. This can be secured via a condition on any grant of planning permission. The proposed community growing areas do not constitute 'art' and therefore additional provision will be required to accommodate new artwork.

#### Material Considerations

- 9.46 The following section considers whether any of the following material considerations could set aside a decision being made in accordance with the countryside MLDP allocation (for the southern part of the site) where large-scale housing development is not supported. It finds that, in this instance, there are material considerations that should be given sufficient weight to justly support for residential development within the

safeguarded land and that these outweigh a decision being made in accordance with the countryside MLDP policy allocation for the following reasons:

- i) The provision of a co-ordinated design rationale and fully detailed masterplan - The proposed development of both parcels of land allows for the provision of a fully detailed masterplan for the site (both allocated and safeguarded) based on a co-ordinated design rationale for the wider site's future development and the creation of a series of clear urban design principles that would influence the detailed design of future phases. This also allows for the resolution of technical matters, which can then be incorporated into the proposed urban design and landscape frameworks.
- ii) Calculating demand for education land - By developing a masterplan that considers the total quantum of units deliverable within both parcels of land, the maximum educational demand can be calculated. This ensures that the planning authority can expressly identify the quantum of land required for the proposed primary school within Phase1. This avoids any potential shortfall at a later date.
- iii) Confirmation of strategic transportation requirements - The potential inclusion of the safeguarded land allows other key accessibility principles to be fully considered and addressed at the earliest opportunity. Specifically, the provision of access roads to the south over the safeguarded land to the A6094. A detailed review of transportation and accessibility up front allows for the consideration of alternatives to avoid detrimental impacts to the existing road network whilst facilitating a strategic transportation solution that would result in more efficient and safer movements to/from the site.
- iv) Coordinated phasing approach - minimising development within safeguarded areas until MLDP2 - The proposed phasing approach has been carefully developed to maximise development of earlier phases on the allocated part of the site. As such, those phases subject to potential construction/delivery within the safeguarded site in the current lifetime of the MLDP would be minimal.

*SPP & Presumption in Favour of Sustainable Development:*

- 9.47 A balanced judgement is also required to be taken by the planning authority against the policy objectives within SPP as enacted by the 'out of date' SESPlan1 - with Para 33 introducing significant weight to the policy '*presumption in favour of development that contributes to sustainable development*'. This constitutes a material consideration in the determination of this application and Paragraph 29 of SPP outlines sustainable development principles that would be required to be considered. The planning authority's consideration against the 13 sustainable development principles within SPP outlines that there are no significant and demonstrable adverse impacts that would outweigh the proposed benefits of the proposal and a presumption in favour of sustainable development.

*Material Considerations - Conclusion:*

- 9.48 Having reviewed the proposed development against SPP paragraph 33 and the presumption in favour of sustainable development, and the significant material consideration that these principles (at SPP para 29) are afforded, it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the above benefits in this instance. It is therefore considered that the proposed development would comply with the relevant extant provisions of the development plan and the corresponding material considerations including the wider policies of SPP.

Other Matters

- 9.49 Concerns were raised by objectors regarding the existing capacity of general practice medical facilities within the immediate area and the potential impacts of new housing on the capacity of health and care services. This matter is required to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority (and initial discussions on this have been undertaken at a strategic level) but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.
- 9.50 Regarding matters raised by representors and consultees and not already addressed in this report:
- Concerns relating to the preservation of design and amenity requirements to existing residential occupiers in Dalhousie Chesters Court - the masterplan includes sufficient provision to facilitate compliance with the Council's design and amenity design standards. Moreover, planting is proposed to the east of the existing residential properties, which will afford visual screening alongside provision of a community orchard to the north, which should not result in unacceptable amenity impacts to existing residents, subject to approval of any detailed design layout/s.
  - Concerns regarding potential inappropriate road layouts within/through the site (including 'rat runs') - the Council's Road Policy and Road Safety Manager have supported the proposed accesses in principle and the suitability of any internal road layouts would be confirmed within any subsequent detailed design.
  - Concerns relating to the use of outdated traffic flow figures - the scope of the transport assessment and the use of these figures was confirmed by the Council's Road Policy and Road Safety Manager as any traffic surveys undertaken during the current public health emergency would likely underestimated potential 'worst-case' traffic surveys for such assessments.

- Potential light pollution associated with street lights - this is not considered to result in adverse amenity impacts to existing residents nor the wider landscape character.
- Failure to provide a safe route or crossing through the site for riders on horseback using the Tyne & Esk trail - the masterplan includes a re-aligned bridleway which will be subject to detailed design measures (indicatively identified within the Design and Access Statement) to ensure its future suitability for multi-users, including equestrian users.

9.51 The Bonnyrigg and Lasswade Community Council also raised matters relating to the following:

- Concerns that a robust assessment of current and anticipated traffic generation has not been sufficiently addressed within the accompanying Transport Assessment and EIA Traffic and Transportation chapter and that sufficient transportation mitigation has not been proposed. In particular, assessments relating to receptor sensitivity, known traffic congestion during peak periods, consequential traffic impacts to the wider road network (i.e. Lasswade/'Dobbies' Roundabout) and the impact of crossings on traffic flows. The Council's Road Policy and Road Safety Manager has reviewed the corresponding documentation and has not objected to the proposed methodology nor its findings. They also consider that the proposed mitigation is acceptable. As such, it is considered that the above issue has been satisfactorily addressed subject to receipt of detailed design, mitigation details and transport assessments for any corresponding development phases.

9.52 The following matters have been raised in representations which are not material considerations in the determination of the application:

- Procedural matters which are specified by the Scottish Government in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 - relating to failure of the applicant to recognise nor respond fully to previous consultation response received from local residents. However, the submitted Pre Application Consultation Report outlines what measures were undertaken in responding to pre-application consultation comments.
- Failure of proposed housing to match existing residential properties. New housing development would consider and take influence from existing neighbourhoods. However, it is not required/appropriate for new development to replicate historic housing developments, particularly where any approved proposal would create its own defined character areas.

#### Direction

9.53 The applicant has also requested a 'direction' to amend the expiry timescales for any issued planning permission from 3 years to 15 years to reflect the indicative phasing and construction programme for the

proposed development. This timescales contemplates a 2 year lead in time from any approval to first occupation alongside a contingency period to allow for any uncertainty relating to the prevailing public health emergency and potential consequential impacts. A 15 year timescale is considered to be acceptable, in this instance, given the complexity in delivering a development of this scale.

## **10 RECOMMENDATION**

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

*The majority of the site is allocated within the Council's committed housing land supply within the Midlothian Local Development Plan 2017 where there is a presumption in favour of residential development. The remainder of the site is not allocated for residential development but safeguarded for housing. Considering the benefits of the proposed development, there are materials consideration that justify the expedient delivery of the safeguarded housing site within the safeguarded site which outweighs the corresponding countryside policy objectives including: the provision of a comprehensive masterplan to facilitate a co-ordinated, cohesive and comprehensive design rationale for the wider application site and the opportunity to calculate the maximum educational demands, including educational land requirements for the allocated and safeguarded land. There are no significant and demonstrably adverse effects that would outweigh a decision in favour of approval. Subject to approval of detailed design matters, via matters specified in conditions applications, this position is not outweighed by any other material considerations.*

And:

That a direction be applied the planning permission to increase the expiry timescale from 3 years to 15 years and to allow the last matters specified in condition application to be submitted within 15 years.

Subject to:

- i) the completion of a planning obligation to secure:
  - A financial contribution towards additional primary education capacity;
  - A financial contribution towards additional secondary education capacity;
  - A financial contribution towards the A7 Urbanisation scheme;
  - A financial contribution towards leisure/sports enhancements, prioritising Poltonhall pitches/facilities;
  - A contribution towards preparing and submitting corresponding Traffic Regulation Orders to amend speed limits;

- The reservation and transfer of serviced and remediated land for the provision of a new primary school within the site;
- Marketing of land for a community/healthcare facility (Seven years from commencement of development);
- Affordable housing provision (a minimum of 25%);
- A financial contribution towards Borders Rail; and
- Maintenance of children's play areas/open space/community growing areas (including the community orchard).

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 following principles set out in the proposed masterplan (Development Framework Drawing No. 110238\_OP\_SW\_DR\_DF\_1:250) submitted are approved:
  - a) The vehicular points of access for all indicative phases to existing road infrastructure;
  - b) The primary road alignment and street configuration and the corresponding housing development blocks;
  - c) The alignment of the primary road through Little Wood to connect eastern and western residential phases and the multi-user path through the southern extent of little wood;
  - d) The landscape framework insofar as it relates to the retention of Little Wood and other hedgerow planting, structure planting along the site perimeter, street tree planting and other proposed landscaped areas;
  - e) The siting of the open space, play area and SuDS infrastructure; and
  - f) The location of the proposed school and associated playing fields and MUGA;

The following matters are not approved and development shall not begin until an application for approval of matters specified in conditions for an updated masterplan for the site has been submitted to and approved by the planning authority. The masterplan shall be updated to identify how the development addresses the following:

- i. Removal of residential blocks which do not comply with the acoustic requirements within the British Standard 4142: 2014 relating to commercial uses (day time noise), World Health Organisation Night Noise Guidelines for Europe 2009 (Sleep disturbance criteria) and the Council's amenity standards (traffic noise to external gardens);

- ii. Removal of the residential development block adjacent to the proposed school (bounded by the school, community facility, SuDS basin and NCN 196) on the original masterplan;
- iii. Identifying the location of any areas of improved quality to relate solely to residential development blocks; and,
- iv. Increasing the quantum of open space provision including:
  - Within the south-eastern corner of the site, include a village green and/or kick about area(s);
  - Introducing additional 'pockets' of informal open space areas adjacent to core paths, cyclepaths and multi-user paths - including the introduction of Roundalls; and,
  - Including a meadow mix seeded bund along the south-eastern boundary of the site which can be removed once landscape structure planting has been planted around the southern boundary of the Crown Estate Land.

Thereafter, the detailed design of development within the site shall reflect the principles set out by this updated masterplan unless agreed in writing with the planning authority.

**Reason:** *To ensure the development is designed and planned to deliver a coherent community for the benefit of future occupants. Whilst the proposed masterplan is generally supported and assist with the creation of a co-ordinated design solution for the site and address noise attenuation requirements, landscape requirements, connectivity to the street, place making and other amendments to the development framework required to create an acceptable outcome. This includes provision of a temporary bund along the south-eastern boundary of the site to minimise landscape and visual impacts, introduced in conjunction with the detailed layout of the corresponding residential within the south-eastern part of the allocated site, or excluded if landscape structure planting is continued along the southern boundary of the Crown Estate land to the east.*

2. No more than 1,032 residential units shall be erected on the site unless otherwise agreed by way of separate grant of planning permission.

**Reason:** *The application has been assessed on the basis of a maximum of 1,032 dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure, in particular education provision, and additional mitigation measures may be required. Any such measures would need further assessment by way of submission and approval of a separate planning application.*

3. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of affordable housing, the provision of open space, children's play provision, structural landscaping, SUDS provision, on and off-site transportation infrastructure and improvements, community growing areas, acoustic bunds, percent for art and areas of improved quality. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

4. Development shall not begin on an individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for that phase including the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority for each phase. Details of the scheme, including a programme for completion, shall include:
  - i. existing and finished ground levels for all roads, footways and multi-user paths/cycle ways in relation to a fixed datum;
  - ii. the proposed vehicular, cycle and pedestrian accesses into the site;
  - iii. the proposed roads, footways and turning facilities designed to an adoptable standard) and multi-user paths/ cycle ways including suitable walking and cycling routes;
  - iv. details, including cross sections, of any roads/footpaths/cyclepaths crossing Little Wood to show the carriageway, footpath/multiuser path, services, verges, tree planting, tree protection, landscape planting embankments/gradients and working areas;
  - v. proposed visibility splays, traffic calming measures, lighting and signage;
  - vi. proposed residents and visitor car parking arrangements to meet the Council's Parking Standards;
  - vii. proposed cycle parking/storage facilities;
  - viii. proposed connections to Core Paths;
  - ix. proposed alignment, surface materials, widths and verge details for Core Path realignments and any upgrades;
  - x. The new bus loop road linking the stub end at Bannockrigg Road with Castell Maynes Avenue formed to a minimum

- width of at least 6.5m wide with details and locations of bus stops and shelters along the route;
- xi. Details of the proposed roundabout on the B6392;
  - xii. Details of the proposed roundabout on Rosewell Road;
  - xiii. Details of proposed off-site improvements to the local road network identified in Chapter 4 of the Transport Assessment and the EIA Schedule of Mitigation (Traffic & Transport Section);
  - xiv. The section of core path (National Cycle Route 196) within the site increased in width to a minimum of 4.0m width where practical;
  - xv. Details of a traffic signal controlled crossing to upgrade the existing informal pedestrian/equestrian crossing of the B6392;
  - xvi. Resident and visitor parking to meet current council standards;
  - xvii. A network or publicly available rapid-charging electric vehicle charging points within the development;
  - xviii. Details of a Travel Plan document (travel pack) for residents; and,
  - xix. a programme for completion for the construction of road improvements, accesses, roads, footpaths, cycle paths and associated works.

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

**Reason:** To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site. Also to ensure that a network of electric vehicle chargers is provided in line with Policy TRAN 5 of the *Midlothian Local Development Plan 2017*.

5. Development shall not begin on an individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority for each phase. Details of the scheme shall include:
- i. existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii. proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas ;

- iv. substantial new planting, structure planting and screening planting required in accordance with the EIA Schedule of Mitigation;
- v. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- vi. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vii. programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- viii. proposed car park configuration and surfacing;
- ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x. proposed areas of open space, linear parks/green corridors, play areas (including equipped play areas, informal kick about areas, informal open space and natural play areas). Additional areas of open space shall also be provided within the south-eastern corner of the site and pockets of open space areas adjacent to core paths, cyclepaths and multi-user paths;
- xi. proposed cycle parking facilities;
- xii. proposed area of improved quality (minimum of 20% of the proposed dwellings);
- xiii. construction details for landscape elements and planting, fencing with mammal passage points, woodland planting mix, habitat features,
- xiv. cross sections of bunds, woodland buffer planting and acoustic fencing
- xv. specifications for roadside planting and drainage features including cross sections of roads, footpaths, drainage swales and utilities with adequate rooting volume for street trees;
- xvi. ecological enhancements identified within the EIA Report or any repeat surveys shown on the corresponding detailed landscape plans;
- xvii. green network arrangements showing alignment, widths, footpaths, verges and planting;
- xviii. Tree root protection areas, construction exclusion zones and dwelling standoffs overlaid corresponding detailed landscape plans; and
- xix. visual mitigation, including retained landscape and bunding elements within the EIA schedule of mitigation

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi).

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

6. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority for each phase. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the total number of proposed dwellings and not any community/education areas). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

7. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a Woodland Management Plan and programme is submitted to and approved by the planning authority to show existing woodland, trees and hedgerows to be retained and new areas of woodland and tree planting. The plan/ programme shall include a list of proposed operations with relevant timescales and locations, and shall refer to proposed quantities, numbers or volumes when estimating required tree thinning. Replacement planting shall also be quantified, specified (including proposals for protection of new woodland planting) and indicative locations be identified. Approaches shall also include measures identified within the EIA Schedule of Mitigation (Woodlands Section).

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 quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

8. Development shall not begin on an individual phase of development (identified in compliance with condition 3) until an application for approval of matters specified in conditions for a Landscape and Habitat Management Plan responding to the ecological recommendations, findings and mitigation measure within the EIA Report (Technical Appendix 6 - Ecology) and in response to any repeat protected species surveys (prepared no more than 12 months in advance of any application submission) has been submitted to and approved by the planning authority. The details shall include:
- i. Pre-construction, construction phase and operational phase measures to translate mitigation measures into the design;
  - ii. Specific retention, protection and restoration proposals for of Pittendreich Burn;
  - iii. Proposed measures to minimise human interference to the southern part of Little Wood;
  - iv. The quantum, locations and areas for habitat features and details where these features are constructed or proprietary features;
  - v. Species Protection Plans for protected species identified in the surveys of protected species or repeat surveys for protected species;
  - vi. Measures to mitigate non-native species;
  - vii. Ecological mitigation measures identified within the EIA Schedule of Mitigation (Ecology Section) for corresponding species.

This document should feed directly into working method statements, protection plans, detailed design and layout for all elements of the design and site layout including lighting proposals and SUDS as well as landscape proposals and man-made habitat features. 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 development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

9. Development shall not begin on an individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for a scheme of Tree, Woodland and Hedgerow Retention and Protection Plan for the corresponding phase has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i. root protection areas and construction exclusion zones;
  - ii. dwelling standoff distances of 20m from the corresponding boundary fence to Little Wood and between 10–15m from individual retained trees on the foot/cycleway.

Protection and stand-off measures shall also be shown on corresponding landscape plans. 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 development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

10. Development shall not begin on an individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for a scheme of effective drainage and flood management for each phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. Details of the scheme shall include:
- i. Drainage and surface water management arrangements to manage surface water runoff including a 'wet' sustainable urban drainage system pond(s);
  - ii. Measures identified within the EIA Schedule of Mitigation (Hydrology & Hydrogeology Section);
  - iii. Details of the proposed culvert crossing point and mammal passage;
  - iv. Finished floor levels of residential properties incorporating a freeboard of 0.3m where necessary;
  - v. Finished floor levels of the primary school to be raised above the 1 in 1000-year (including 20% blockage) flood level;
  - vi. Details to show no increased flood risk to downstream receptors associated with any replacement culvert;
  - vii. All built development, including SUDS and any land raising to be outwith the 1 in 200 year plus blockage scenario flood level; and
  - viii. No built development over the existing culverted watercourse along the southern boundary and a buffer maintained.

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:** *The planning application is in principle and the details required are to ensure the surface water from the site can be appropriately treated and to ensure that levels on the site are appropriate in relation to flood risk and to ensure biodiversity enhancement associated with such infrastructure.*

11. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until the applicant has undertaken and reported on a programme of archaeological (trial trench evaluation and archaeological watching brief) work and an application for approval of matters specified in conditions (including a written scheme of investigation) has been submitted to an approved in writing by the planning authority. The approved programme of works shall be carried out by a professional archaeologist. Approaches shall also incorporate mitigation measures identified within the EIA Schedule of Mitigation (Archaeology and Cultural heritage Section). 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 this development does not result in the unnecessary loss of buried archaeological material in accordance with Policy ENV24 and ENV25 of the Adopted Midlothian Local Plan.*

12. Prior to occupation of the 250<sup>th</sup> dwelling, an application for approval of matters specified in conditions for a scheme, including a programme for development and a management plan, for the community growing facilities shall be submitted to and approved by the planning authority. Development shall thereafter be carried out in accordance with the approved details and maintained in accordance with the approved management plan. The community growing facilities shall be available for use prior to the occupation of the 300<sup>th</sup> dwelling.

**Reason:** *To ensure an appropriate design and the timely delivery of community growing facilities required by the approved development.*

13. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and 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, including mitigation measures identified within the EIA Report (Technical Appendix 9 – Geology & Soils) and include:

- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site; and
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. the condition of the site on completion of the specified decontamination measures
- v. On completion of the decontamination/remediation works, a validation report(s) for respective phases/plots confirming that the works have been carried out in accordance with the approved scheme. Before any phase/plot is occupied for residential purposes, the measures to decontaminate that phase/plot shall be fully implemented as approved by the planning authority.

For previous mineral workings:

- vi. Prior to the submission of any application for the approval of a detailed site layout for each phase, the undertaking of appropriate schemes of intrusive site investigations for the recorded mine entries and shallow mining.
- vii. The submission of a report of findings arising from the schemes of intrusive site investigations;
- viii. The submission of a layout plan which identifies the locations of the mine entries and appropriate 'no-build' zones around these features; and
- ix. The submission of a scheme of remedial treatment works for the mine entries and shallow mine workings for approval.
- x. Prior to, or during development, the implementation of the approved remedial treatment works.

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

***Reason:*** To ensure that any contamination or previous mineral workings on the site is adequately identified and that appropriate decontamination measures and/or remedial treatments are undertaken to mitigate the identified risk to site users/occupiers and construction workers, built development on the site, landscaped areas, and the wider environment.

14. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an

application for approval of matters specified in conditions for each phase setting out details, including a timetable of implementation, of 'Percent for Art' has been submitted to and approved in writing by the planning authority. The 'Percent for Art' shall be implemented as per the approved details.

***Reason:*** *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies DEV6 and IMP1 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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

***Reason:*** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

16. Within 5 years from the submission of the first application for approval of matters specific in conditions, an updated scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority to assess technical feasibility and financial viability of a community heating scheme within the development. Thereafter, if it is found that a community heating scheme is technically and financially viable at that time for the remaining phases of the approved development, no dwelling shall be occupied within any phases not yet approved by approval of matters specified in condition applications, until a community heating scheme for the site is approved in writing by 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. There shall be no variation therefrom unless with the prior written approval of the planning authority.

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

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

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

18. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. Details of a separate 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 Construction Traffic Management (CTMP) with details of construction haul routes that avoid construction traffic through the existing Hopefield development to the north and through Bonnyrigg town centre;
  - viii. a dust management plan strategy;
  - ix. Noise Management Plan to identify measures to minimise construction noise;
  - x. waste management and disposal of material strategy;
  - xi. temporary construction drainage details / SUDS;
  - xii. 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;
  - xiii. prevention of mud/debris being deposited on the public highway;
  - xiv. material and hazardous material storage and removal; and
  - xv. controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays); and
  - xvi. Measures to address the EIA Schedule of Mitigation (Geology & Soils) approaches with respect to 'Loss of soils or soil attributes'.

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.*

19. Prior to the occupation of the first dwellinghouse for each phase (identified in compliance with Condition 3), the affordable housing mix in terms of; size of units (bedroom numbers), the type of units (dwellinghouses and/or flats) and the location of the units shall be approved in writing with the planning authority.

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

20. Development shall not begin on any individual phase of development (identified in compliance with Condition 3) until an application for approval of matters specified in conditions, for separate scheme(s) to deal with noise mitigation / attenuation from commercial and traffic noise. This shall include the submission and approval of updated noise impact assessments for corresponding phases to provide details of stand-off distances, acoustic bunds, acoustic fencing and any other attenuation measures (including but not limited to glazing, insulation, building fabric, mechanical ventilation & heat recovery in accordance with Table 4 of BS 8233:2014) to address the noise mitigation principles within the EIA Technical Appendix 7 - Environmental Noise Impact Assessment and EIA Schedule of Mitigation (Noise Section), updated to accord with the following:
- i. Daytime noise levels from commercial uses shall comply with BS4142:2014 Methods for rating and assessing industrial and commercial sound (7:00am to 7:00pm) including at 3.5 meters from the facade of any residential property (1m from the façade in the case of the upper floors) and shall not exceed the background noise level by more than 5dB;
  - ii. Noise arising from the night time delivery of crash vehicles to the existing commercial use (Coachworks) on Rosewell Road (11.00 p.m. to 07.00 a.m.) shall not exceed the night time sleep disturbance criteria within the World Health Organisation Night Noise Guidelines for Europe 2009 and the maximum level with windows open of 42dB L<sub>max</sub> (fast) (internal); and
  - iii. Road Traffic Noise shall comply with the criteria for daytime external garden amenity at 50dB L<sub>aeq</sub> (16hour) with updated mitigation measures, as necessary.

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. Any recommended noise mitigation measures shall be implemented prior to the occupation of the dwellinghouses.

**Reason:** *To protect residential amenity and minimise unacceptable noise impacts to future residents.*

21. Midlothian Council design standards for residential use, in relation to anonymous noise sources, are as follows and they shall be complied with on this site, unless required to comply with the measures identified within Condition 20 (above):  
50 dB LAeq(16hr) for daytime external garden amenity;  
35 dB LAeq(16hr) for daytime internal living apartment,  
30 dB LAeq(8 hours) for night time internal living apartment (excluding fixed plant controlled by NR25 or NR20 if tonal).

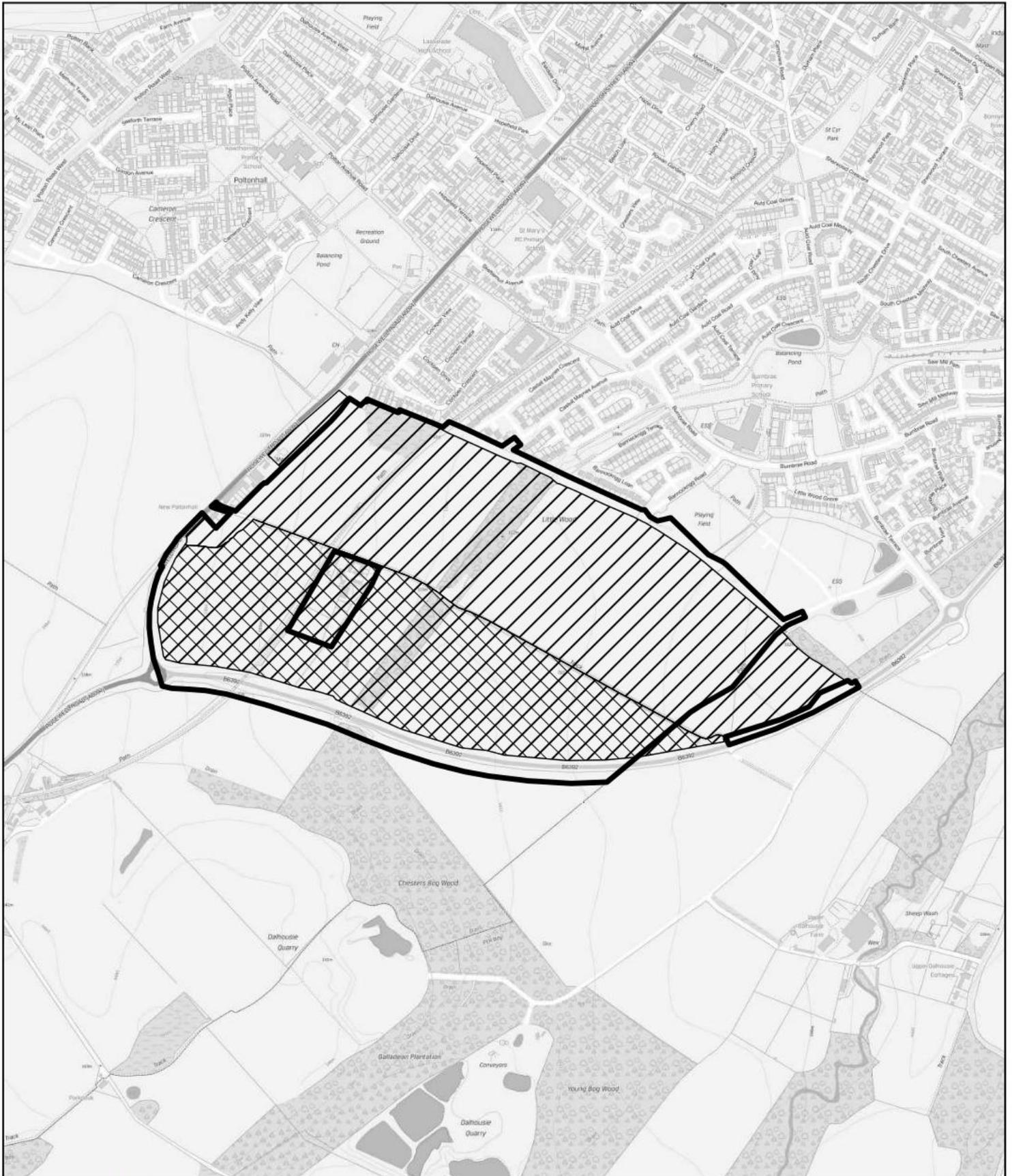
Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

22. Noise levels in relation to the new proposed primary school shall comply with Building Bulletin 93: Acoustic Design of Schools or any update to this guidance.

**Reason for conditions 20 to 22:** *To prevent noise or vibration levels from adversely affecting the occupants of noise sensitive properties at the site*

**Peter Arnsdorf**  
**Planning Manager**

<b>Date:</b>	25 March 2021
<b>Application No:</b>	20/00151/ PPP
<b>Applicant:</b>	Taylor Wimpey UK Ltd
<b>Agent:</b>	Holder Planning Ltd
<b>Validation Date:</b>	6 March 2020
<b>Contact Person:</b>	Stephen Iannarelli
<b>Email:</b>	stephen.iannarelli@midlothian.gov.uk
<b>Background Papers:</b>	17/00706/SCO, 17/00367/PAC



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

Application for planning permission in principle for residential development; community facilities, primary school and associated work at Hopefield Farm 2, Roswell Road, Bonnyrigg

-  - STRAT 3 - Strategic Housing Land Allocation (Site Hs12)
-  - STRAT 3 - Longer Term Housing Safeguarding

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Scale: 1:10,000

File No: 20/00151/PPP

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**Development Framework**

-  Site Boundary: 57.30ha
-  Crown Estate Land: 3.32ha
-  Primary Streets
-  Secondary Streets (Indicative)
-  Key Tertiary Streets (Indicative)
-  Existing Access Retained
-  Existing Core Path
-  Realigned Core Path 6-35 Tyne Esk Trail (Bridleway)
-  Key Pedestrian Routes
-  Shared Cycle/Pedestrian Route

**Development Areas**

-  Development Area: 25.89ha (Including local access routes and incidental Open Space <0.1ha)
-  SCH School area: 2.25ha
-  CF Community Facilities: 0.67ha

**Open Space**

-  Open Space: 8.25ha
-  S SuDS Areas: 1.33ha
-  O Potential Orchard: 0.2ha
-  PB Structural Open Space: 2.75ha
-  CP Cycle Path: 0.90ha
-  EB Existing Bunding Retained: 1.13ha
-  Existing Woodland: 2.97ha
-  L Landowner offsets required 0.38ha
-  BL Southern Bridleway Link 0.48ha

**TOTAL OPEN SPACE: 18.73ha**  
(Includes 0.34ha within Community Facilities)

**open**  
optimised environments

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Date: 09.11.2018

Project:  
**110238\_Dalhousie Chesters**  
Application for Planning Permission in Principle

Drawing Title:  
**Development Framework (07)**  
110238\_OP\_SW\_DR\_DF

SCALE: 1:2,500@A1 1:5,000@A3

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