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**PRE - APPLICATION REPORT REGARDING THE ERECTION OF INTERMEDIATE CARE FACILITY, THE ERECTION OF AN EXTRA CARE FACILITY AND ALTERATIONS TO EXISTING ANNEXE BUILDING TO PROVIDE A DAY CARE FACILITY AT LAND AT THE FORMER ST MARY'S PRIMARY SCHOOL AND 62A POLTON STREET, BONNYRIGG (21/00088/PAC)**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding the erection of an intermediate care facility, the erection of an extra care facility and alterations to the existing Annexe building to provide a day care facility at land at the former St Mary's Primary School and 62A Polton Street, Bonnyrigg. The site comprises the Council's former offices at Dundas Buildings, the Annexe associated with Dundas Buildings and the former St Mary's RC primary school. The site is within the built-up area of Bonnyrigg.
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

## **2 BACKGROUND**

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre application consultation for the erection of an intermediate care facility, the erection of an extra care facility and alterations to the existing Annexe building to provide a day care facility at land at the Former St Mary's Primary School and 62A Polton Street, Bonnyrigg was submitted on 8 February 2021.
- 2.3 As part of the pre-application consultation process a public event would have been arranged in 'normal' times, however this no longer an option

as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020. The changes remove the requirement for a public event, but as an alternative require prospective developers to advertise where relevant consultation material can be viewed online. The legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations – which includes giving interested parties the opportunity to make comment. On the conclusion of the online event, the applicant could submit a planning application for the proposal.

- 2.4 The applicant has utilised a bespoke online portal/website to host a 4 week consultation process. The proposals will be displayed in a simple page by page format and will also be available as a downloadable PDF format. There will be two types of engagement, one-way engagement and two-way engagement. The one-way engagement will allow comments on the proposal to be submitted via an online form; this type of engagement is analogous to leaving a comment slip having viewed display boards at a public event. The two-way engagement will be via two separate webinars, which will allow members of the public to question members of the design team; this type of engagement is analogous to a discussion with a representative of the applicant at a public event.
- 2.5 Copies of the pre application notice have been sent by the prospective applicant to the local elected members and Bonnyrigg & Lasswade, Poltonhall & Hopefield, Eskbank & Newbattle and Loanhead and District Community Councils.
- 2.6 It is reasonable for an Elected Member to attend one of the webinars without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

### **3 PLANNING CONSIDERATIONS**

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site is situated to the south west of Bonnyrigg town centre on the main approach into the town from Rosewell. The site is level and measures 0.92 hectares in area. There are currently three buildings on the site: the two storey Dundas Buildings, a stone and render building

dating from the late 19<sup>th</sup> century; the category C listed single storey annexe building; and the two storey early to mid 20<sup>th</sup> century former primary school.

- 3.4 The adopted development plan for the area is the Midlothian Local Development Plan 2017 (MLDP) which identifies the site as a windfall site within the built-up area of Bonnyrigg where there is a presumption in favour of appropriate redevelopment. An application for the proposed development will be assessed against the following policies in the MLDP:
- STRAT2 – Windfall Housing Sites;
  - DEV2 – Protecting Amenity within the Built-Up Area;
  - DEV3 – Affordable and Specialist Housing;
  - DEV5 – Sustainability in New Development;
  - DEV6 – Layout and Design of New Development;
  - DEV7 – Landscaping in New Development;
  - TRAN5 – Electric Vehicle Charging;
  - IT1 – Digital Infrastructure;
  - ENV9 – Flooding;
  - ENV10 – Water Environment;
  - ENV11 – Woodland, Trees and Hedges;
  - ENV15 – Species and Habitat Protection and Enhancement;
  - ENV16 – Vacant, Derelict and Contaminated Land;
  - ENV18 – Noise;
  - ENV22 – Listed Buildings; and
  - ENV25 – Site Assessment, Evaluation and Recording.

- 3.5 The views of consultees and representors will be material considerations in the assessment of an application for the proposed development. The Council's Local Housing Strategy will also be a material consideration in the assessment of an application for the proposed development.

- 3.6 If an application is submitted there will be a presumption in favour of the proposed uses subject to the details of the proposal being acceptable and subject to the responses from consultees.

## **4 PROCEDURES**

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors be expected to approach their decision-making with an open mind in that they must have regard to

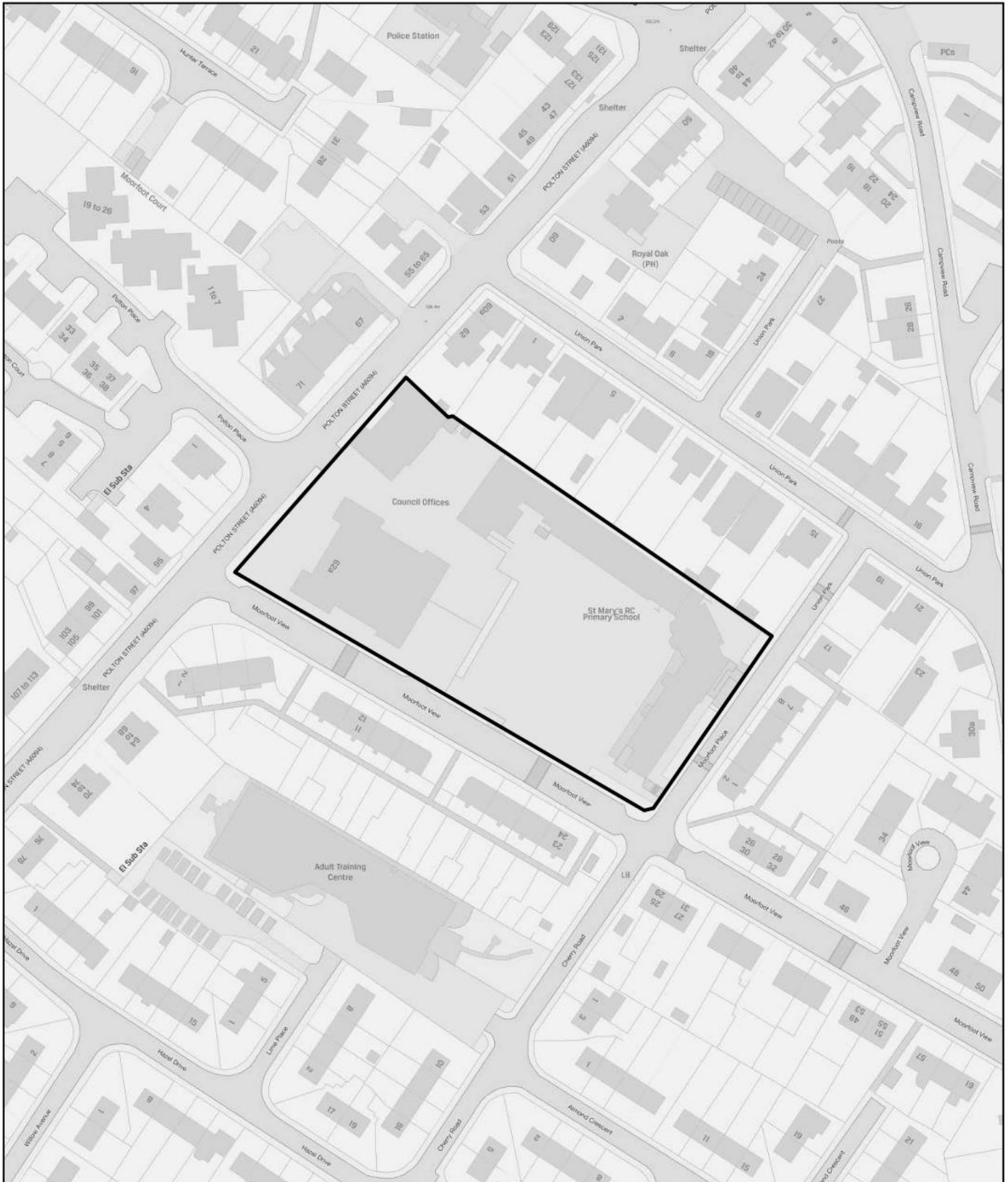
all material considerations and be prepared to change their views that they are minded towards if persuaded that they should.

## **5 RECOMMENDATION**

- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report;
  - b) that any comments made by Members will form part of the minute of the Committee meeting; and
  - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

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

<b>Date:</b>	25 March 2021
<b>Application No:</b>	21/00088/PAC
<b>Applicant:</b>	Collective Architecture
<b>Validation Date:</b>	8 February 2021
<b>Contact Person:</b>	Graeme King
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**Planning Service**  
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**Erection of Intermediate Care Facility and Extra Care Facility.  
 Alterations to existing Annexe to provide Day Care Facility at  
 Land At Former St Mary's Primary School and 62A Polton  
 Street, Bonnyrigg,**

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