



**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
18/00743/PPP, FOR RESIDENTIAL DEVELOPMENT ON PART OF SITE
HS11 DALHOUSIE SOUTH, BONNYRIGG**

Report by Director of Education, Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the planning permission in principle for residential development on land to the east of the B6392, Bonnyrigg. The site comprises part of allocated housing site Hs11. There has been one representation and consultation responses from The Coal Authority, the Scottish Environment Protection Agency, Scottish Water, the Council's Archaeology Advisor, the Council's Head of Education, the Council's Environmental Health Manager, the Council's Policy and Road Safety Manager and Bonnyrigg and Lasswade Community Council.**
- 1.2 The relevant development plan policies are Policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESPlan) and policies STRAT3, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV19, ENV22, ENV23, ENV24, ENV25, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure developer contributions towards necessary infrastructure and the provision of affordable housing.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located to the east of Bonnyrigg. It comprises a pocket of land within the centre of a wider development site (Hs11) which is bound; to the west by the B6392 with residential properties beyond, to the east by an unclassified road which links Cockpen Road (B704) to the A7, underneath the Lothianbridge, Newbattle Viaduct (category B listed building), to the south by Cockpen and Carrington Church (category A listed building) and associated cemetery, and to the north by Dalhousie Mains House (a category B listed building).**

- 2.2 The site is approximately 1.8 hectares and slopes down to the east. It is currently in agricultural use and overhead lines cross part of the site. The confluence of the Dalhousie Burn and the River South Esk is to the northeast of the site.
- 2.3 There is a core path located to the southeast of the site and a national cycle route to the south. Other paths link to the town centre and to the A7 and onward to the Borders Rail Station at Eskbank. The A7 is to be the subject of an urbanisation scheme which will include proposed multi user paths. Links can also be made through nearby existing residential areas and the proposed development at Dalhousie Mains (Hs10) on the other side of the B6392.
- 2.4 The site is an integral part of a wider development site which is located adjacent to, but outwith, the Dalhousie and Cockpen Conservation Area. This conservation area is located to the east and south of the Hs11. There is a known archaeological site and an artefact find-spot within the site.

3 PROPOSAL

- 3.1 The proposal is for residential development on part of allocated housing site Hs11. It comprises a central pocket of land within a wider development which is subject to a separate planning application (18/00740/DPP). Although the application is in principle the indicative plan shows the site being developed for 73 units comprising:

One bed units	18
Two bed units	32
three bed units	19
<u>four bed units</u>	<u>4</u>
Total	73

- 3.2 The proposed indicative 73 units and the seven affordable housing units proposed as part of application 18/00740/DPP comprise the affordable housing for site Hs11 and will equate to 25% of the overall number of units on the wider site which is currently planned to be 320 dwellings.
- 3.3 The site the subject of this application is integrated into the wider development site and is dependent on it for road, footpath and cycle path connections, the provision of open space, sustainable urban drainage, a landscape framework and wider biodiversity enhancement.
- 3.4 The application is accompanied by:
- A design and access statement;
 - An archaeological desk top based assessment;
 - A biodiversity management plan;
 - A pre-application consultation (PAC) report;
 - A mineral risk assessment

- A transport assessment

4 BACKGROUND

- 4.1 In June 2017 the planning authority issued a screening opinion (17/00399/SCR) for the site advising that an Environmental Impact Assessment submission is not required.
- 4.2 The applicant carried out a pre application consultation (17/00402/PAC) for residential development in May – August 2018. The pre application consultation was reported to the Committee at its meeting of August 2017.
- 4.3 An associated planning application (18/00740/DPP) for 247 dwellings for the majority of site Hs11 is elsewhere on the Committee agenda and is intrinsically linked to this application.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application based on the information submitted by the applicant, subject to no development work taking place over the water main running through the site.
- 5.3 **Scottish Water** does not object to the application, but state that this does not confirm that the site can be serviced.
- 5.4 The Council's **Archaeological Advisor** does not object to the application but recommends a 'Programme of Archaeological Works' (Trial Trench Evaluation) is necessary. The trial trench evaluation required is to be no less than 8% of the total site area. The requirement for this work can be secured by condition.
- 5.5 The Council's **Head of Education** advises that a development of 73 dwellings would give rise to 35 primary school pupils and 27 secondary school pupils and advises that the applicant will be required to make a developer contribution to meet the provisional requirements. The site is in the catchment area of Bonnyrigg Primary School, St Mary's RC Primary School, Lasswade High School and St David's RC High School.
- 5.6 The Council's **Environment Health Manager** does not object to the application, subject to conditions being attached to any grant of planning permission ensuring that ground contamination and/or former mine workings remediation works are undertaken.

5.7 The Council's **Policy and Road Safety Manager** does not object to the application subject to the following matters being addressed by conditions being attached to any grant of planning permission:

1. As access for this development will be through the main Hs11 site, all the transportation improvements on the B6392 required under application 18/00740/DPP would require to be in place prior to any development taking place on this site;
2. The masterplan indicates a standard road and footway layout with long sections of straight roads which will require some form of traffic calming to maintain low vehicle speeds;
3. Its not clear from the masterplan if sufficient residential and visitor parking spaces can be provided for the number of units indicated for this site and a detailed layout indicating the parking proposed for each unit will be required at the detailed planning stage; and
4. All the services, street lighting and surface water drainage should be provided in connection/as an integral part of the wider development.

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

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

spare capacity for the expected new residents. Furthermore, there are shortages in the provision of the after-school activities. Cubs, scouts, gymnastic classes and other cultural and sporting activities have waiting lists;

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

6 REPRESENTATIONS

- 6.1 One representation has been received objecting to the application on the basis that there is no infrastructure to support this development.

7 PLANNING POLICY

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

Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)

- 7.2 **Policy 5 (HOUSING LAND)** requires Local Development Plans to allocate sufficient land for housing which is capable of becoming effective in delivering the scale of the housing requirements for each period.
- 7.3 **Policy 7 (MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY)** states that sites for Greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria: (a) The development will be in keeping with the character of the settlement and local area; (b) The development will not undermine Green Belt objectives; and (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Midlothian Local Development Plan 2017 (MLDP)

- 7.4 Policy **STRAT3 Strategic Housing Land Allocations** states that strategic land allocations identified in the plan will be supported provided they accord with all other policies. The development strategy supports the provision of an indicative 360 housing units on the site (Hs11).
- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned

justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.

- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.
- 7.9 Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.
- 7.10 Policy **DEV9: Open Space Standards** sets out the necessary open space for new developments. This policy requires that the Council assess applications for new development against the open space standards as set out in Appendix 4 of that Plan and seeks an appropriate solution where there is an identified deficiency in any of the listed categories (quality, quantity and accessibility). Supplementary Guidance on open space standards is to be brought forward during the lifetime of the plan.
- 7.11 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.12 Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.13 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.14 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.
- 7.15 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.16 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high

risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run off rates are not greater than in the site's pre-development condition, and to avoid any deterioration of water quality.

- 7.17 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate local flooding and to enhance biodiversity and the environmental.
- 7.18 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.19 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.20 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.
- 7.21 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.
- 7.22 Policy **ENV23: Scheduled Monuments** states that development which could have an adverse effect on a scheduled monument, or the integrity of its setting, will not be permitted.
- 7.23 Policy **ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.
- 7.24 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.25 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.

- 7.26 Policy **IMP1: New Development** seeks to ensure that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.27 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.28 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development. Policy DEV5: Sustainability in New Development sets out the requirements for development with regards to sustainability principles.

National Policy

- 7.29 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality. The individual and cumulative effects of infill must be sustainable in relation to the social and economic infrastructure of a place, and must not lead to over-development.
- 7.30 The SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the local plan and local development plan policies.
- 7.31 The SPP states that design is a material consideration in determining planning applications and that planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

- 7.32 The SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.33 The SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that "Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area".
- 7.34 The Scottish Government policy statement, **Creating Places**, emphasises the importance of quality design in delivering good places.
- 7.35 **Designing Places**, A Policy Statement for Scotland sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.36 The Scottish Government's Policy on **Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8 PLANNING ISSUES

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

The Principle of Development

- 8.2 The application site is part of a site allocated for housing (site Hs11) in the MLDP and is located within the built-up area of Bonnyrigg, where there is a presumption in favour of appropriate residential development. The indicative number of units allocated for site Hs11 in the MLDP is 360.
- 8.3 The planning application is accompanied by a masterplan layout plan which includes the whole of site Hs11, including the land which is the subject of a separate detailed planning application (18/00740/DPP). The indicative layout, the subject of this current application, stands to be considered in relation to the masterplan layout. The indicative 73 dwellings proposed in this planning application, combined with the developer's aspirations for the remainder of site Hs11 of 247 dwellings will result in an overall development of 320 dwellings.

The Layout and Form of Development

8.4 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) 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;
- 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;
- percent for art;
- sustainable urban drainage systems;
- 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.

8.5 The applicant has however submitted a masterplan setting out an indicative layout for the site which fits with the surrounding proposed development (18/00740/DPP) of which it will be developed as an integral part of, and is dependent on for road, footpath and cycle path connections, the provision of open space, sustainable urban drainage, a landscape framework and wider biodiversity enhancement.

Affordable Housing

8.6 The applicant is proposing a total of 80 affordable housing units across site Hs11, 25% of the total 320 residential units. 73 units are part of this application and 7 units in the associated planning application (18/00740/DPP). This volume of provision complies with the MLDP and is acceptable. The indicative layout and form of the units are compatible with the Council's housing aspirations to meet local need.

Archaeology/Ground conditions

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

- 8.8 Mitigation against concerns regarding ground conditions and contamination of the site and/or previous mineral workings can be secured by a condition imposed on a grant of planning permission and by the Council's Building Standards service as part of the building warrant process.

Energy Efficiency and Carbon Reduction

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

Ecology

- 8.10 The Biodiversity Management Plan submitted with the application (it also covers the main site considered under application 18/00740/DPP) considers evidence of protected species on the site and makes provision for bat and bird boxes and the use of appropriate planting to enhance biodiversity within the site. It also makes a commitment towards biodiversity provision as demonstrated at the show home for the wider site - this is a good initiative to supporting/promoting biodiversity on the site. A condition relating to the need for an updated species surveys will be required to ensure safeguards for any potential protected species are in place should surveys be out of date before development commences. Implementation of the Biodiversity Management Plan can be secured by condition on a grant of planning permission.

Developer Contributions

- 8.11 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a Section 75 planning obligation in respect of the following matters:

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

8.12 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraph 15)
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects

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

Other matters raised by representors and consultees

8.13 The concerns raised about the existing capacity of general practice in Midlothian and the impact of new house building on health and care services is a matter would need to be addressed by the Midlothian Health and Social Care Partnership through the provision of sufficient health service capacity. That can involve liaison with the Council as planning authority but it is not, on its own, a sufficient basis in itself on which to resist or delay the application.

8.14 Regarding matters raised by representors and consultees and not already addressed in this report:

- The site is allocated in the adopted local development plan and there is no requirement for the implementation of the development to be delayed;
- The Council's Economic Development Service supports and promotes new and existing businesses with the ambition of

creating jobs. Furthermore, construction is an important part of the job market and employees approximately 3,000 people in Midlothian, equating to 9.5% of the local workforce (this is significantly higher than the Scottish national average of 5.6%);

- The proposed development makes provision for linkages to the wider footway and cycleway network including the unclassified road to the east and onward route to the Eskbank Rail Station;
- Provision is made within the site for landscaping along the eastern boundary, integrating the site into the wider landscape and providing a rural edge to the site which integrates into the neighbouring countryside;
- The provision of additional education capacity is met by way of developer contributions and from central funding (towards early years provision). The Council ensures there are the required education services;
- The proposed development does not lead to a physical coalescence to another settlement and will be seen as part of Bonnyrigg and in time will be integrated into that community. The physical boundary of the settlement will be the Dalhousie Burn and the landscape buffer along this corridor;
- Community facilities are provided across Bonnyrigg, including at the Lasswade High School Hub;
- Broadband provision will be secured by a condition on the grant of planning permission; and
- Details of construction access arrangements will be secured by a condition on the grant of planning permission.

9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

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

Subject to:

- i) the prior signing of a legal agreement to secure:
 - the provision of affordable housing equal to, or greater than 25% of the total number of residential units across site Hs11 as a whole;
 - a financial contribution towards education provision;
 - a financial contribution towards community facilities (which could include the provision/upgrading of sports pitches);
 - a financial contribution towards public transport/Borders Rail;

- a financial contribution towards the Council's A7 urbanisation scheme;
- maintenance of open space; and
- a financial contribution towards the promotion of roads orders to secure safe routes to school.

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

ii) the following conditions:

1. No more than 73 residential units shall be erected on the site unless otherwise agreed by way of a planning application. The following principles set out in the proposed indicative masterplan (drawing ref: 17187(PL)002F) are approved:
 - a. The vehicular points of access;
 - b. The landscape framework;
 - c. The siting of the open space, play area and SUDS basin;
 - d. The primary street configuration; and,
 - e. The housing mix.

The heights, detailed layout and appearance of buildings are indicative only and are therefore not approved and are subject to matters specified in conditions application/s.

Reason: *The application has been assessed on the basis of a maximum of 73 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 a planning application.*

2. 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 and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

3. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the

site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads, footways and cycle ways in relation to a fixed datum;
- ii the proposed vehicular, cycle and pedestrian accesses into the site;
- iii the proposed roads (including turning facilities), footpaths and cycle ways including suitable walking and cycling routes linking the new housing with the local primary school and the rest of Bonnyrigg;
- iv proposed visibility splays, traffic calming measures, road crossing, lighting and signage;
- v proposed car parking arrangements;
- vi proposed cycle parking/storage facilities; and
- vii a programme for completion for the construction of access, roads, footpaths, cycle paths and associated works.

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

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

4. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- ii 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 location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- vii drainage details and sustainable urban drainage systems to

- manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play areas and equipment (to include 7 pieces of equipment);
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (minimum of 20% of the proposed dwellings, hard surfaces and boundary treatments).

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.

5. Development shall not begin on an individual phase of development (identified in compliance with condition 2) until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of the proposed dwellings hard surfaces and boundary treatments). Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any

contamination and/or previous mineral workings and include:

- i the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- 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.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

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

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

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (field evaluation by trial trenching) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority. The area to be investigated shall be no less than 8% of the total site area.

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

9. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has

been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

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

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

11. Development shall not begin until an application for approval of matters specified in conditions for a scheme setting out the scope and feasibility of a community heating scheme for the development hereby approved and; if practicable, other neighbouring developments/sites, in accordance with policy NRG6 of the Midlothian Local Development Plan, shall be submitted for the prior written approval of the planning authority.
12. No dwellinghouse on the site shall be occupied until a community heating scheme for the site and; if practicable, other neighbouring developments/sites, 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 for conditions 11 and 12: *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.*

13. 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.*

14. Development shall not begin until an application for approval of matters specified in conditions for a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
- i. details of a construction access;
 - ii. signage for construction traffic, pedestrians and other users of the site;
 - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
 - iv. details of piling methods (if employed);
 - v. details of any earthworks;
 - vi. control of emissions strategy;
 - vii. a dust management plan strategy;
 - viii. waste management and disposal of material strategy;
 - ix. a community liaison representative will be identified to deal with the provision of information on the development to the local community and to deal with any complaints regarding construction on the site;
 - x. prevention of mud/debris being deposited on the public highway;
 - xi. material and hazardous material storage and removal; and
 - xii. controls on construction, engineering and any other operations (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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

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

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

condition 3 shall pay cognisance to the Biodiversity Management Plan. The show home shall make provision for all of the details identified in the Biodiversity Management Plan. The development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

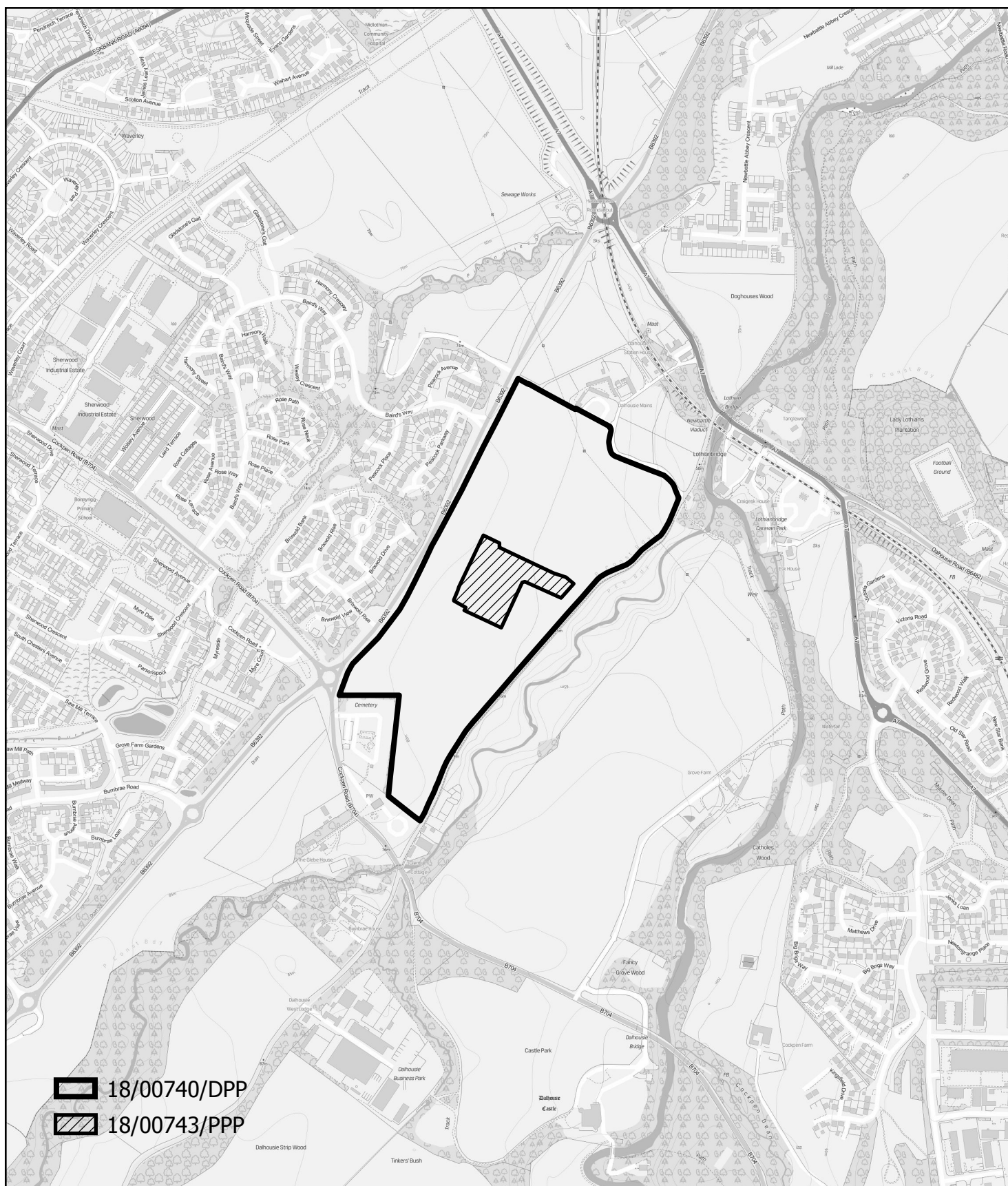
Reason: *To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan 2017.*

16. If development has not commenced on site within one year of the ecological survey information being carried out a further ecological assessment of the site shall be carried out and a report on it shall be submitted for the prior inspection and approval of the planning authority. The scope of the assessment shall be agreed in advance in writing by the planning authority. The recommendations made within the new ecological assessment shall be implemented in full.

Reason: *In the interests of safeguarding biodiversity, including European Protected Species and because the initial survey is now considered to be out of date and it requires to be updated.*

Dr Mary Smith
Director of Education, Communities and Economy

Date:	2 May 2019
Application No:	18/00740/DPP
Applicant:	Grange Estates (Newbattle) Ltd
Agent:	
Validation Date:	27 September 2018
Contact Person:	Joyce Learmonth
Tel No:	0131 271 3311
Background Papers:	17/00399/SCR, 17/00402/PAC and 18/00740/DPP



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

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

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

Scale: 1:10,000

