



**APPLICATION FOR PLANNING PERMISSION 14/00405/DPP FOR THE
ERECTION OF 56 DWELLINGHOUSES, ASSOCIATED INFRASTRUCTURE AND
LANDSCAPING AT LAND 160M SOUTH WEST OF MAYSHADE GARDEN
CENTRE, ESKBANK ROAD, BONNYRIGG**

Report by Head of Communities and Economy

1.0 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the erection of 56 houses and associated access roads and sustainable urban drainage systems (SUDS) at land 160 metres South West of Mayshade Garden Centre, Eskbank Road, Bonnyrigg. There have been 89 representations and consultation responses from The Coal Authority, the Scottish Environment Protection Agency, The Health and Safety Executive, Bonnyrigg and Lasswade Community Council, the Council's Head of Education, Policy and Road Safety Manager and Environmental Health Manager. The relevant development plan policies are policies 5, 6, 7, 12 and 13 of the Edinburgh and South East Scotland Strategic Development Plan (2013) and policies RP1, RP2, RP4, RP5, RP7, RP8, HOUS4 and IMP1, 2 and 3 of the adopted Midlothian Local Plan (2008). The Midlothian Local Development Plan development strategy (approved at Council 16 December 2014) is a material consideration in the assessment of the application. The relevant policies of the Midlothian Local Development Plan are STRAT3, DEV1, DEV2, DEV3, DEV5, DEV6, DEV7, DEV9, DEV10, TRAN1, TRAN2, TRAN5, ENV1, ENV7, ENV9, ENV11, NRG3, NRG4, NRG6, IMP1, IMP2, IMP3 and IMP4. The proposed development is contrary to the current development plan. The Planning Authority considers that there is sufficient prejudice to the proper preparation and conclusion to the Midlothian Local Development Plan (MLDP) process that planning permission should be refused at this time.

2.0 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is located on the north-eastern edge of the built up area of Bonnyrigg. It extends to approximately 3.1 hectares and forms the practice ground for Broomieknowe Golf Club. The site slopes from its low point to the south east up to a high point at the north west, with a difference of 15m between lowest and highest points.

- 2.2 The site is bounded by Broomieknowe Golf Course to the north. A mature line of trees defines this boundary. The former Mayshade Garden Centre is sited to the north east of the application site. Eskbank Road runs along the south east boundary of the site, with the Midlothian Community Hospital beyond. To the south west of the application site are the residential areas of Viewfield, Viewbank Avenue, Pendreich Grove and Pendreich Avenue, comprising single and two storey post war housing stock.
- 2.3 Viewbank Avenue is located at the southern corner of the site and leads to a track which runs the entire length of the south-western boundary of the application site. The only vehicular access to the application site is taken from the north western end of this track. There is no vehicular access to the site from the Eskbank Road end of the site. A bus stop and shelter is located on Eskbank Road, at the front of the site.
- 2.4 A mature hedge (early-mature Leyland cypress trees) runs along the boundary that the site shares with Eskbank Road and the southern end of Viewbank Avenue. In addition, a strong hedge (Myrobalan plum) demarks almost the entire length of the south-western boundary of the site.
- 2.5 A high pressure gas pipeline runs in a north west to south east direction, parallel with the main axis of the site. It is located at the north-eastern part of the site.

3.0 PROPOSAL

- 3.1 The application proposes detailed planning permission for a residential development of 56 two-storey dwellinghouses on the practice ground for Broomieknowe Golf Club at the north east side of Bonnyrigg.
- 3.2 All of the houses have pitched roofs which have ridgelines which, in general, run parallel with the road to which they front. Some of the house types have projecting gable features on their front elevations. Nine different house types are proposed. Six of the nine house types include integral garages, while one of the house types has an external, detached, garage on site.
- 3.3 The applicant proposes a palette of materials which includes reconstituted stone, dry dash render and grey concrete roof tiles. The applicant has no proposals for alternative materials in an Area of Improved Quality. Changes between materials are to be defined horizontally, with the reconstituted stone used generally at ground floor on the front elevations and render above.
- 3.4 The applicant proposes 42 dwellings for private sale and 14 affordable housing units. The proposal comprises 42 detached houses, six terraced houses and eight cottage flats (two four-in-a-blocks). It is proposed that there will be 8 one bedroom flats, 6 three bedroom dwellinghouses, 17 four bedroom dwellings and 25 five bedroom units.
- 3.5 Given the shape of the application site, a generally elongated rectangular shape, the developer has proposed a linear layout. The layout of the main part

of the development is of an extended cul-de-sac with properties on either side of the road. Within the cul-de-sac there are two areas where properties are arranged around a square, with a landscaped parking feature in the middle of the road. There is a further, much smaller, cul-de-sac within the site and two areas where the dwellings are laid out in a more regular, linear pattern, facing on to open space.

- 3.6 The applicant proposes a new access to the application site at a point directly opposite the existing access to the Midlothian Community Hospital. It is proposed that this new junction arrangement will be controlled by traffic lights.
- 3.7 There will be pedestrian access points into the site alongside the new vehicular access on Eskbank Road, at Viewbank Avenue and at the north end of the track alongside the south-western side of the application site.
- 3.8 The applicant proposes a surface water drainage system with two levels of water treatment. There will be porous paving on the roads and driveways, side of driveway filter trenches to treat roof water and an area for attenuation in a cellular system.
- 3.9 No details have been provided in relation to the provision of a children's play area.
- 3.10 The following reports have been submitted along with the planning application:
 - Planning Statement;
 - Design and access statement;
 - Transport Assessment;
 - Tree Survey and Arboricultural Constraints;
 - Consultation Report;
 - Site Investigation Report/Mining Report; and,
 - Ecological Report
- 3.11 The applicant has also submitted numerous references to appeal decisions for other planning proposals in nearby local authority areas, and one for a site in Midlothian.

4.0 BACKGROUND

- 4.1 The applicant carried out a Pre-Application Consultation exercise in May/June 2013 in connection with the proposed development. The applicant claims to have taken account of concerns voiced during the pre-application consultation process and has submitted a report of their findings to accompany their application.
- 4.2 The Midlothian Local Development Plan (MLDP): Proposed Plan was published in May 2015. Over 800 representations have been received and are currently being processed and considered. The sites allocated through the MLDP will be tested at examination by a Scottish Government Reporter.

- 4.3 In August 2015 the Planning Committee agreed a report which concluded that, in the interests of fairness and transparency, it was intended not to determine applications for sites being allocated through the MLDP process until it had progressed through examination and the Council had adopted the plan, unless the Committee wished to consider a particular application.
- 4.4 The applicant for the proposal has requested that the application be considered at this Planning Committee. The applicant is aware that the Planning Authority considers the positive determination of this application to be premature.

5.0 CONSULTATIONS

- 5.1 The **Coal Authority** has advised that the site is located within an area which is at high risk from legacy coal mining activities. The applicant has obtained appropriate up-to-date coal mining information for the site and has used this to inform their Coal Mining Risk Assessment which accompanies the application. On this basis the Coal Authority is satisfied with the broad conclusions of the applicant's report, that the coal mining legacy issues are not significant and do not pose a risk to the proposed development, and therefore has no objection to the proposed development.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the planning application.
- 5.3 The **Health and Safety Executive** online tool was consulted on the planning application, given the close proximity of the development to the high-pressure gas pipeline. The consultation tool did not advise against approving planning permission.
- 5.4 **Bonnyrigg and Lasswade Community Council** have adopted a neutral position with regards the planning application, after initially objecting. They state that this is to reflect the split in the community's views regarding the proposed development.
- 5.5 The Community Council were initially concerned that the site does not form part of the current Midlothian Local Plan and that the emerging plan has not yet been approved. They stated that the application should await the outcome of the emerging Midlothian Local Development Plan.
- 5.6 The Community Council have also raised some detailed concerns about the significant levels of growth in Bonnyrigg over the past 5/6 years and that it has grown nearly 20% in size. The Community Council are concerned that the services in Bonnyrigg are struggling to keep pace with the approved levels of development. The Community Council has requested that the Council accurately detail the developer contributions required towards the increased demand on existing services, such as roads, schools, recreation and health. The Community Council has also raised concerns regarding Green Belt

erosion, coalescence with Eskbank, loss of amenities and impact of traffic on the local road network.

5.7 The Community Council advise that the residents of Viewbank Avenue do not wish the access to be taken via this road and that the golf club would prefer to access the site via an entrance at the Community Hospital junction. However there was also some concern that a signalised junction may exacerbate rush hour tail backs. Ultimately the Community Council has stated that they would prefer to leave the access arrangements to the traffic experts, provided this will not adversely impact on traffic flow.

5.8 The Council's **Head of Education** advises that the development of 56 dwellinghouses would give rise to the following number of pupils:

Primary Non Denominational	16
Primary Denominational	2
Secondary Non denominational	11
Secondary Denominational	1

5.9 Primary Non-Denominational provision at Lasswade Primary School is at capacity and an extension will be required to make it a full two stream school.

5.10 Primary Denominational provision will be at St Mary's RC Primary School, which currently has spare capacity to accommodate this development.

5.11 Secondary Non-Denominational provision will be at Lasswade High School. Additional secondary school capacity will be required and as a consequence a developer contribution will be required towards the consequential costs of this additional provision.

5.12 With regard to Secondary Denominational provision a contribution of £135 per dwelling towards St David's High School, Dalkeith is required.

5.13 The **Council's Policy and Road Safety Manager** has objected to the planning application. The objection is not to the principle of the residential development but in relation to the detail of the proposed access arrangements.

5.14 The proposed access introduces traffic signals to this section of Eskbank Road. The Policy and Road Safety Manager considers that the traffic signals are unnecessary and would result in unacceptable delays, leading to a reduction in road safety at this location. The Policy and Road Safety Manager provides the following nine reasons for their objection:

- *Any delay to the public, that is unnecessary, is not acceptable (this is an 'A Class' commuter route);*
- *Signals bring with them a risk of shunt accidents. This is intensified by cycle time and not comparable to any delays arising from the existing pedestrian crossing;*

- *Currently there is a purpose built pedestrian route from the hospital to a signalised pedestrian crossing, with a bus stop lay-by each side of the road, downstream from the signals. The path within the hospital site exits at the crossing point, providing a safe crossing and encouraging walking and public transport use. The proposed layout shows this path leading out to two bus stop lay-bys, opposite each other. This would induce crossing away from the junction, possibly on the widest section (including the lay-bys) where there will be increased vehicle conflict (buses entering and exiting lay-bys);*
- *Buses would find exiting the lay-by prior to the signals difficult in a queue but also more risky as drivers will have their attention on the traffic signals;*
- *Two bus lay-bys opposite each other, not only provide a situation where pedestrians may cross and be on live carriageway on the widest section of road but are generally avoided as the conflict associated with buses pulling in and out is multiplied if they are both doing so at the same time;*
- *The traffic signals have taken into account current traffic, possibly natural growth in traffic, but not additional traffic that has been recently modelled for the proposed development plan (the cumulative effect);*
- *There are alternatives to the signalised and non-signalised junctions that were compared in the submitted road safety audit. The audit did not take account of other options, status quo, or the community hospital and its pedestrian and public transport routes;*
- *Eskbank Road has residential entrances on both sides at regular intervals that service 'way in excess' the number of vehicles proposed by this development. It does not sit well with this, could attract calls for more, could cause issues with drivers being less aware of vehicles coming from these accesses; and*
- *The additional equipment which would require to be installed as part of the new traffic signals would have to be maintained and serviced by the Council and would put an additional strain on limited Council budgets.*

5.15 The Council's **Environmental Health Manager** does not object to the planning application but does recommend that site contamination matters are adequately dealt with through planning conditions and that construction hours are limited.

5.16 **Scottish Water** has made no comment.

6.0 REPRESENTATIONS

6.1 There have been 89 letters of representation received in response to the planning application. There have been 46 letters of objection and 43 letters of support.

6.2 Among the letters of objection is a petition signed by 19 residents of Pendreich Grove and Pendreich Avenue. The signatories of this petition have also submitted their own letters of objection. The objectors to the application raise the following concerns:

- The site is allocated as Green Belt in the adopted local plan;
- The development will result in the coalescence of communities;
- The proposed development is a departure from the adopted planning policies;
- The proposed development will generate a level of traffic which will have a detrimental impact on the free flow of vehicles and road safety in the area;
- The size of the proposed houses is out of scale with the surrounding area;
- The proposed development will have an adverse impact on the character and appearance of the area;
- The height and proximity of the proposed houses will have a significant adverse impact on the privacy of existing residents;
- The proposed development will have an adverse impact on wildlife in the area;
- Bonnyrigg's health centre is at capacity and this development will result in longer waiting times for appointments;
- There is a concern regarding the loss of the land as a sports facility and it is considered that the land should be used for youth development; and,
- The proposed development will result in the loss of a countryside view for existing residents.

6.3 Those supporting the application have raised the following matters:

- The site is currently an eyesore and this development will ensure that it is tidied up;
- The proposed development will enhance the appearance of the area;
- The development will be a financial benefit to the golf club, which is an important local facility. The income will enable the upgrades required to the golf course and will ensure the longer term security of the club;
- The income from the development will ensure that the golf club does not need to sell off other land assets, thereby securing other parts of the Green Belt;
- The development will be a significant benefit to local area, economy and local businesses;
- There is a perception that the proposal is a quality development by quality builder;
- The proposed development includes much needed affordable homes; and,
- There will be no loss of Green Belt if the development goes ahead given the current appearance of site.

6.4 Of the 43 letters of support six are based on the access to the development being taken directly from Eskbank Road as proposed in the planning application. It is likely that those supporting the application based on the proposed access could object if the access is repositioned.

7.0 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan, approved in June 2013 and the Midlothian Local Plan, adopted in December 2008. Also relevant are the provisions of the Midlothian Local Development Plan (MLDP) development strategy approved by the Council at its meeting of 16 December 2014, as well as current and emerging Scottish Government Planning Policy. The following policies are relevant to the proposal:

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 6** (Housing land flexibility) states that Planning Authorities shall maintain a five years' effective housing land supply at all times. Planning Authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.
- 7.4 **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 granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:
- The development will be in keeping with the character of the settlement and local area;
 - The development will not undermine green belt objectives; and,
 - Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

- 7.5 **Policy 12** (Green Belts) requires Local Development Plans to define and maintain Green Belts around Edinburgh whilst ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated. Local Development Plans should define the types of development appropriate within Green Belts.

- 7.6 **Policy 13** (Other countryside designations) requires Local Development Plans to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the Green Belt as appropriate. Opportunities for contributing to the Green Network proposals should also be identified.

The Midlothian Local Plan 2008 (MLP)

- 7.7 The MLP is the adopted Local Plan.

- 7.8 All of the land subject of this planning application is outwith the settlement boundary of Bonnyrigg and is designated as countryside, Green Belt and prime agricultural land.
- 7.9 Policy **RP1: Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1.
- 7.10 Policy **RP2: Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that:
- A. are necessary to agriculture, horticulture or forestry; or
 - B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
 - C. are related to other uses appropriate to the rural character of the area; or
 - D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt.

- 7.11 Policy **RP4: Prime Agricultural Land** states that development will not be permitted which leads to the permanent loss of prime agricultural land (Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agricultural system) unless: A. the site is allocated to meet Structure Plan requirements; or B. there is a location justification for the development which outweighs the environmental or economic interest served by retaining the farmland in productive use; and C. the development accords with all other relevant Local Plan policies and proposals.
- 7.12 Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.
- 7.13 Policy **RP7: Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.
- 7.14 Policy **RP8: Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.

7.15 Policy **HOUS4: Affordable Housing** requires that on residential sites allocated in this Local Plan and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site capacity, as follows:

- for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
- for sites of between 15 and 49 units (or 0.5 to 1.6 hectares in size) there will be no provision for the first 14 units thereafter 25% of the remaining units will be for affordable housing
- for sites of 50 units and over (or larger than 1.6 hectares in size), there will be a requirement for 25% of the total units to be for affordable housing.

Lower levels of provision, or a commuted sum, may be acceptable where this has been fully justified. Supplementary planning guidance for the affordable housing provision shall provide advice on: the acceptable tenure split between social and low cost housing; possible delivery mechanisms; the scope for commuted sums; and other relevant matters as necessary;

7.16 Policy **IMP1: New Development**, this policy ensures that appropriate provision is made for a need which arises from new development. Of relevance in this case are transport infrastructure, 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;

7.17 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 requirements, related to the scale and impact of the proposal. This includes essential roads infrastructure, protecting valuable environmental assets within or adjacent to the site and compensation for any losses including alternative provision where appropriate. In this case the need to upgrade junctions and access arrangements will come through a Traffic Assessment and specific requirements may arise from water and drainage and flood risk assessments;

7.18 Policy **IMP3: Developer Contributions Towards Facility Deficiencies** states that in addition to essential infrastructure requirements set out in policy IMP2, contributions will be required from proposal HOUS1 and HOUS2 developers to remedy any deficiencies in local facilities and amenities identified within the community which result from the additional housing, including leisure, local shops (subject to favourable assessments of prospects for commercial viability) and open space. Legal agreements can be used to secure the appropriate developer contributions.

Midlothian Local Development Plan (MLDP)

- 7.19 Midlothian Council's Local Development Plan development strategy was approved by the Council at its meeting of 16 December 2014. The development strategy supports the provision of an indicative 55 housing units on the Broomieknowe site (Hs9). The following policies, whilst not adopted, are relevant in the consideration of sites allocated in the emerging local development plan:
- 7.20 Policy **STRAT3** of the MLDP states that strategic land allocations identified in the local development will be supported provided they accord with all other policies.
- 7.21 Policy **DEV1** states that development will not be permitted where it would result in the physical or visual coalescence of neighbouring communities unless adequate mitigation measures are proposed. Policy **DEV2** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area. Policy **DEV3** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Policy **DEV5** sets out the requirements for development with regards to sustainability principles. Policy **DEV6** sets out design guidance for new developments. Policy **DEV7** sets out the requirements for landscaping in new developments. Policy **DEV9** sets out the necessary open space for new developments. Policy **DEV10** sets out the circumstances where the redevelopment of outdoor sports facilities for alternative uses would be acceptable.
- 7.22 Policy **TRAN1** aims to encourage sustainable modes of travel. Policy **TRAN2** highlights the various transport interventions required across the Council area, including the A7 urbanisation scheme. Policy **TRAN5** seeks the provision of electric vehicle charging points in new developments.
- 7.23 Policy **ENV1** seeks to ensure that development does not conflict with the overall objectives of the Green Belt. Policy **ENV7** aims to protect the landscape character of the area. Policy **ENV9** seeks to protect developments from flooding, both from rivers and surface water. Policy **ENV11** seeks to protect existing woodlands, trees and hedges where they contribute to the character, appearance, amenity, biodiversity, shelter or recreation in an area.
- 7.24 The **NRG** policies in the local development plan seek to reduce energy use and improve energy efficiency of developments.
- 7.25 The **IMP** policies in the MLDP identify where there are deficiencies in services, infrastructure and facilities as a result of developments that these should be resolved through those developments.

Scottish Planning Policy

- 7.26 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing and development on the Green Belt.
- 7.27 **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.
- 7.28 **The Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.

8.0 PLANNING ISSUES

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

The Principle of Development

- 8.2 The application site is located within the Green Belt, as indicated in the adopted Midlothian Local Plan. Therefore, any development on this site must comply with the Protection of the Green Belt policy (RP2) of that local plan. Development will not be permitted in this area unless it is essential for the furtherance of agriculture, horticulture, forestry, outdoor sport or outdoor recreation and are related to other uses appropriate to the rural character of the area. The policy does not provide for residential developments in the Green Belt. The proposed residential development is not required in connection with an established use in the Green Belt. Thereby the proposed development is contrary to adopted Midlothian Local Plan policy RP2 (Protection of the Green Belt).
- 8.3 In addition, the proposed development is also contrary to policy RP1 (Protection of the Countryside) of the adopted local plan, as the development is not required for the furtherance of an agricultural use or other use appropriate to the countryside. Furthermore, the proposed development would result in the permanent loss of prime agricultural land. While the site has not been used as productive farmland for some time given its use the land has not been permanently lost to agriculture, which would have been the case had there been some form of physical development on the site. At this time there is no overriding justification for the development which outweighs the environmental or economic interests served by retaining the land in a condition which could see it revert to agricultural land. Therefore, the proposed development is contrary to policy RP4 (Prime Agricultural Land) of the adopted local plan.

- 8.4 The proposed development is clearly contrary to the adopted Midlothian Local Plan. It is therefore essential to consider any material considerations which could have a bearing on the assessment of the application.
- 8.5 The site is identified as a proposed housing site in the MLDP as part of the Council's preferred development strategy for the Midlothian local authority area. However, that plan has not yet been adopted. There are objections to the allocation of this site and to the loss of Green Belt land. There are also representations of support in connection with the allocation of this site. In terms of the allocation of site Hs9 in the MLDP there have been 129 objections and 107 supporters. The proposed allocation of the site for housing in the MLDP, and the wider issue of allocating housing on Green Belt land, have not yet been considered through the MLDP examination process.
- 8.6 While the allocation of this site does form part of the Council's settled preferred development strategy it is also the Council's desire, as expressed by Planning Committee on 25 August 2015, that, in the interests of fairness and transparency, no applications for potential allocated sites should be determined in advance of examination and adoption of the MLDP. This approach ensures that those engaged in the planning process are not disenfranchised by a decision being taken regarding the site before a Reporter has the opportunity to consider their representations. There have been more representations submitted in connection with the allocation of the site (236) than those submitted in connection with the planning application (89). The small scale economic benefit generated by approving this proposal has the potential to undermine the fundamental principals of a plan-led planning system which is open for public engagement.
- 8.7 SESplan policies provide some scope to support applications outwith plan allocation.
- 8.8 Policy 6 of SESplan states that the Planning Authority shall maintain a five years' effective housing land supply at all times. The applicant states that the Council does not have sufficient five year supply. The Planning Authority contests this. It is acknowledged that a Scottish Government Reporter recently found that there was a shortfall in Midlothian's housing supply. While the 2014 housing audit did show a shortfall in the housing land supply the figures emerging from the draft 2015 housing audit demonstrate that house building is growing in Midlothian. In this respect there is no requirement to give early consideration to brining the Broomieknowe site forward in advance of the adoption of the local development plan.
- 8.9 SESplan policy 7states that sites for Greenfield housing development proposals may be allocated in local development plans or granted planning permission to maintain a five year effective housing land supply, subject to satisfying 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.

- 8.10 Matters relating to criterion a, regarding the integration of the development with the character of the area, are discussed later in this report. However, while the development comprises larger houses than those in the local area the proposal does not have the appearance of a residential development, which is at odds with the character of the surrounding area.
- 8.11 Compliance with criterion b of SESplan policy 7 is a more contentious matter. Policy 12 of SESplan explains that the Green Belt serves to direct planned growth to the most appropriate locations, support regeneration objectives, protect and enhance the quality, character, landscape setting and identity of Midlothian's towns and the city of Edinburgh, and protect and give access to open space within and around Edinburgh. SESplan also recognises that the Green Belt may need to be modified to accommodate the development strategy. However, effort should be made to minimise the impact on Green Belt objectives and to secure long-term boundaries.
- 8.12 The decision on whether the removal of this site from the Green Belt, or whether development upon it, undermines the objectives of the Green Belt will ultimately be for the Reporter to decide at local development plan examination. The Council considers that the site can be developed without undermining the objectives of the Green Belt but this is a matter for the Reporter to consider, given the numerous representations to the plans to redraw the Green Belt boundary and allocate the site for housing. It would be premature to arrive at a positive determination of the application where such a fundamental issue, which would affect a number of sites across Midlothian, is yet to be examined by the Reporter. Whilst the determination of this application alone may not be considered significant the cumulative impact of the removal of a number of sites from the Green Belt, in the face of considerable levels of representation, may be considered unacceptable and early support for this approach could undermine the plan-making process.
- 8.13 Criterion c sets out that any additional infrastructure required as a result of the development must either be committed or be funded by the developer. Given the stage at which this application has been submitted it is currently unclear what proportion the developer for this development should contribute given the uncertainty over which sites will be contributing. Neither applicant nor Council should be subject to an unreasonable financial burden to deliver the infrastructure required to allow development to commence. Therefore, at this stage, the development does not comply with criteria c.
- 8.14 In summary it is considered that supporting this planning application in line with the, as yet to be examined and adopted, local development plan would be premature and would undermine the plan-making process. In addition, it is essential to consider that the Council has an adequate five year housing land supply and has no requirement to give early favourable consideration to this application.

Site access and transportation matters

- 8.15 It is proposed to form a traffic light controlled junction at the entrance to the site. The access to the site is to be taken directly opposite the vehicular entrance to the community hospital, making this a crossroads. The applicant has submitted a Road Safety Audit (RSA) in order to support the planning application. The RSA gives some consideration to junction options, including signalised and un-signalised arrangements. The RSA considers that the signal controlled junction would provide a safer access solution than the un-signalised option.
- 8.16 The Council's Policy and Road Safety Manager (PRSM) has objected to the vehicular access to the site, as has been proposed in this application. The PRSM considers that the proposed signalised junction is unnecessary and would result in unacceptable delays and could lead to a reduction in road safety at this location. The PRSM states that signals could increase the risk of shunt accidents. This is countered by the applicant, who states that this is a risk at present given the pedestrian crossing.
- 8.17 In general there is a disagreement between the applicant's transport consultant and the Council's PRSM regarding the impact of the proposed junction. Various arguments and counter-arguments regarding the proposed access have been presented to the Planning Authority for consideration. Given the serious concerns being raised by the Council's transportation team the applicants' proposed access cannot be supported.
- 8.18 The proposed access arrangements are likely to have a detrimental impact on vehicle flow in the area. There is no justification to support a junction which could potentially impact on vehicle safety where a more appropriate alternative option is achievable. In addition to these technical reasons, it is also the case that the proposed signalised junction is unnecessary and therefore likely to result in unnecessary costs for the Council in terms of maintenance once it is adopted.
- 8.19 It is appreciated that there is a preference among some of those who submitted representation regarding the point of access, with some contributors having stated concerns regarding the potential of a site access via Viewbank Avenue. The factors to be considered in arriving at a decision are explained in this section of the report.
- 8.20 In the interests of clarity, there have been no concerns raised by the Council's transportation team regarding the level of traffic movements regarding the proposed development. The concern relates to the access only. In addition, the Council's transportation team are satisfied with the traffic levels projected at the proposed neighbouring retail development at the former garden centre site. That planning application is reported elsewhere on this agenda. There would, however, be a potential conflict between the proposed access to the residential site and the amended access to the proposed retail site. Given the planning history of the retail site, and that it is proposed to amend an existing access to that site, coupled with the concerns about the residential site's

proposed new access leads to a conclusion that the retail access can be supported with the residential access to be reconsidered by the applicant.

- 8.21 While there are fundamental concerns regarding the proposed vehicular access to the site it is still necessary to give consideration to other transportation matters related to this planning application.
- 8.22 There are to be cycleway/pedestrian footpaths linking the application site to the track which runs alongside the south-western boundary. These paths, along with the pedestrian footpath at the entrance to the site, provide good linkages to the surrounding area and should encourage more sustainable modes of transport and movement.
- 8.23 Each of the proposed private dwellings on the site will have driveways which can accommodate two vehicles. In addition there is to be a parking courtyard providing 21 parking spaces for the affordable homes area. Elsewhere in the site there are to be 16 parking spaces. Sufficient parking spaces have been included within the proposed development to ensure that inconsiderate and illegal parking should not be a significant issue.
- 8.24 It will be necessary to receive details which satisfy transportation concerns regarding HGVs and refuse vehicles negotiating the road layout.

Layout and Form of the Development

- 8.25 The applicant has responded to a number of constraints in arriving at the layout for the proposed residential development. The shape of the site has dictated, to a certain extent, the layout of the proposed development. In addition, the position of the high pressure gas pipeline has influenced the location of the open space, given that there is an effective no-development zone.
- 8.26 The curving nature of the main spine road through the site, with its associated parking and landscaped squares, creates some interest to what could otherwise have been an uninteresting linear street. The orientation responds to the positioning of the houses on Pendreich Grove, which do not front onto the road in a traditional way. This approach allows good levels of amenity for the proposed dwellings but also provides protection for the privacy of the existing residents of the neighbouring estate. The back to back distances required through policy DP2 of the local plan are achieved in respects to the proposed development.
- 8.27 Distances between buildings are an important factor in assessing the impact of new development on amenity. This matter is particularly acute on sloping sites. While more detail is required in connection with retaining walls and under building the distances between properties, as indicated on the submitted layout drawings, are generally acceptable and should not result in any significant detrimental impact on residential amenity.

- 8.28 The proposed garden sizes for the dwellinghouses are generous and generally in excess of the minimum required for these types of dwellings, as required in terms of policy DP2 of the local plan. The area of communal garden ground being made available to the flatted dwellings is quite restricted. However, overall there is sufficient space to ensure a good standard of amenity.
- 8.29 While the layout of the scheme is generally successful the frontage of the development on to Eskbank Road is weak, with two dwellings presenting uninteresting gables on to the main street elevation. This is an element of the development which requires a more appropriate treatment and could be redesigned should the application be supported. In addition, the orientation of the dwelling on plot 6 is unsuccessful, presenting its rear elevation to the main road entering the site. These aspects have not been addressed during the assessment of the application as the applicant has requested that the application be considered by the Planning Committee in advance of a redesign of the south east end of the site. It was expected that a redesign would be required in connection with revised access arrangements and in order to accommodate amendments to the layout.

Design and Materials

- 8.30 The mix of house types and size of dwellings is acceptable. The architectural styles of the houses are traditional in form and complement the character and visual amenity of the area. In terms of the number of units, their size, massing and positioning on the site the proposed development would not appear cramped or an unsympathetic development in this location.
- 8.31 MLP Policy DP2 requires that there be an added emphasis on the quality in design of a minimum of 20% of the dwellings on the site. This applies to individual buildings and the use of materials both in building finishes and also in walls and ground surfaces. The expectation is that such treatment is focused on prominent landmark groups or key individual buildings. It is suggested that the Area of Improved Quality be provided at the north east side of the application, where the dwellings front onto the open space.
- 8.32 Elsewhere within the development, outwith the aforesaid area the relatively traditional architectural style of the proposed houses is sympathetic to the neighbouring buildings. The proposed use of render walling and concrete roof tiles is acceptable in principle subject to samples being submitted for the prior approval of the planning authority. The introduction of a variety of coloured renders should be used to create a sense of place for future residents. In general, there is a preference in Midlothian for the vertical division of materials rather than the horizontal subdivision which has been proposed. This detail could be resolved by way of a planning condition should the application be supported.
- 8.33 In terms of their size, height and position on the site the proposed two-storey houses and the other proposed ancillary buildings would not give rise to significant overlooking or overshadowing of any neighbouring properties or

unduly impose themselves on them or appear obtrusive within the street scene.

- 8.34 Some concern has been raised by representors regarding the impact of the development on the surrounding area, given that the proposal comprises a development of two storey dwellings in close proximity to a principally single storey residential estate. While the immediately adjacent residential area is principally made up of single storey units the character of Eskbank Road is one of various residential schemes in different style. In this context a development of two storey family homes will not be significantly out-of-character with the general appearance of this part of Bonnyrigg.
- 8.35 No details of 'percent for art' for the development have been submitted with the application. It can be made a condition of a grant of planning permission that details of artwork be submitted for the prior approval of the Planning Authority.

Open Space and Play Areas

- 8.36 The development incorporates a principal landscaped open space incorporating the stand-off area from the high-pressure gas pipeline. A separate, smaller, area of open space is proposed at the South corner of the site. It is mainly laid out as an open grassed area. As this area is the only land large enough to accommodate informal ballgames it is important that it is landscaped in a manner which reduces the impact of such activity on the adjacent properties and road. This can be secured by a condition imposed on a grant of planning permission. The open space to be provided on site complies with policy DEV9 of the MLDP.
- 8.37 The nearest small play area is located in Viewbank Park to the north west of the site. Either this play area is expanded considerably or a new play area is located on the application site. No play area is currently proposed on site.

SUDS

- 8.38 The applicant has proposed two levels of treatment of surface water drainage. There will be porous paving on the roads and driveways, side of driveway filter trench to treat roof water and attenuation. The general approach to the surface water drainage has been agreed by SEPA. More details will be required to be submitted to the Planning Authority with regards the proposed SUDs system as further clarity is required, particularly where the flow is shown to be going uphill prior to entering the cellular storage system.

Landscaping

- 8.39 As the site is highly visible from a number of vantage points, and given its position at the edge of the settlement, it is essential that sufficient tree planting is incorporated into the scheme. The Leyland cypress trees are currently providing a strong local feature and successfully screen the site. It is accepted that the Leyland cypress trees have no long term viability, but that their removal will leave the site exposed visually and to the prevailing wind.

- 8.40 In order to soften the impact of the development, and to comply with the policies of the local plan, it is necessary that a line of large growing trees, such as lime, hornbeam and oak, are planted along the south-eastern roadside boundary of the site. As mentioned earlier in the report, this will require a redesign of the front part of the site.
- 8.41 Given the sloping nature of the site it is essential that trees be provided throughout the development. Trees identified within garden areas are problematic to secure but should be secured elsewhere in order to soften the impact of the development on the landscape. Trees within hardstanding require sufficient soil volume to survive and become successfully established.
- 8.42 The applicant proposes the replacement of the Myrobalan plum hedge along the south-western boundary with a beech hedge. There appears to be no strong reason to remove the existing hedge, therefore it should be retained. Retention of mature landscaping should be the preferred option, where it is providing a positive contribution, in developments such as this.
- 8.43 Strong planting should be secured along the site's boundary with the former garden centre, to the north east, in order to define the settlement boundary and protect against coalescence.

Ground Conditions

- 8.44 The site is in the likely zone of influence from workings in seven coal seams at 40m to 823m depth, last worked in 1981. The site is also in an area of likely historic unrecorded coal mine workings at shallow depth. The applicant has submitted a Coal Mining Risk Assessment. The report notes that the intrusive site investigations carried out on site consisted of a combination of trial pits, soil boreholes and mineral boreholes. The report states that eight rotary boreholes were drilled across the site to depths of 30m to 40m and that no evidence of shallow coal workings was encountered. The report concludes that on the basis of findings of the intrusive site investigations there is no risk to the development from coal mining legacy issues and no mitigation measures are required.
- 8.45 While the Coal Authority have not objected to the planning application they do note that the proposed house on plot 22 is within close proximity to a recorded mine entry. It is essential that, should planning permission be granted, the houses in the north west corner of the site be built in the approved locations.
- 8.46 The Council's Environmental Health Manager has requested that planning conditions be used to secure details of any potential land contamination.

Ecology

- 8.47 The report on the ecological survey of the site does not recommend against the development on grounds of impact on biodiversity. There will be no

significant adverse impact on protected species or biodiversity related land designations as a result of the proposed development.

Developer Contributions

- 8.48 A Section 75 legal agreement is required for the proposed development to secure developer contributions.
- 8.49 In terms of policy DEV3 of the local development plan there is a requirement for 25% of the total number of homes to be affordable housing. The applicant has complied with this requirement by proposing 14 affordable units.
- 8.50 The development cannot be accommodated without increased primary and secondary educational capacity and, if approved, the applicant will be required to contribute towards the consequential cost of any additional school accommodation as part of the Section 75 legal agreement.
- 8.51 The MLDP identifies that a developer contribution is also required towards:
- (i) Borders railway, including Eskbank station and related car park;
 - (ii) Access and junction improvements, including footpaths and cycleways;
 - (iii) A7 urbanisation;
 - (iv) New green network links; and,
 - (v) Equipped children's play provision.

Other Matters raised by Representors and Consultees

- 8.52 It is not envisaged that the removal of the golf practice area from the golf club will have a significant adverse impact on the sports facilities in this area. It has been argued that the sale of the land to the applicant will secure the future of the golf club. This will have the additional benefit of reducing the pressure on the golf club to sell other parts of their asset in the Green Belt.
- 8.53 The impact of the development on the market values of existing neighbouring properties is not a material consideration in the determination of this application. Neither is the impact of the proposed development on the views from neighbouring properties.

9.0 RECOMMENDATION

- 9.1 It is recommended that planning permission be refused for the following reasons:
1. *There does not exist an operational requirement for the proposed residential development in the Green Belt and countryside and therefore the proposed development is unacceptable in principle, contrary to policies RP1 (Protection of the countryside) and RP2 (Protection of the Green Belt) of the adopted Midlothian Local Plan.*

2. *The proposed development would result in the permanent loss of prime agricultural land. There is at this time no overriding justification for the development which outweighs the environmental or economic interests in retaining the site for potential agricultural use. Thereby the development is contrary to policy RP4 (Prime agricultural land) of the adopted Midlothian Local Plan.*
3. *If planning permission were granted for the proposed residential development it would set an undesirable precedent for allowing residential developments on the edges of towns and villages, including in the Green Belt, in the countryside and on prime agricultural land, which is not in compliance with Strategic or Local Plan policy.*
4. *A decision to grant planning permission for the proposed development at this time is prejudicial to the emerging Midlothian Local Development Plan. The cumulative effect of granting planning permission for the proposed development and other proposed sites within the Midlothian Local Development Plan would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new development and relevance and significance of representations that are central to the emerging plan.*
5. *The cumulative impact of proposed amendments to the Green Belt boundary, as a result of this and other proposed allocations in the local development plan, have yet to be considered through the local development plan examination process. The proposed development is sited within the Green Belt and it has not been demonstrated that the proposal will not undermine the Green Belt objectives.*
6. *The wider transportation infrastructure implications of the proposed Midlothian Local Development Plan, including the cumulative effects of this and other proposed allocations on transport infrastructure in the A7 corridor, have yet to be considered through the local development plan examination process.*
7. *The proposed signalised junction on Eskbank Road is unnecessary and would result in unacceptable delays to the free flow of traffic and could lead to a reduction in road safety at this location.*
8. *The layout and design of the dwellings at the south east end of the site is unacceptable in terms of urban design as it does not present a strong street frontage at this prominent site at the entrance to Bonnyrigg.*

Ian Johnson
Head of Communities and Economy

Date: 05 January 2016
Application No: 14/00405/DPP
Applicant: Cala Management Ltd, Cairnlee House, Callendar
Business Park, Callendar Road, Falkirk, FK1 1XE
Agent: EMA Architecture and Design Ltd, 42 Charlotte
Square, Edinburgh, EH2 4HQ
Validation Date: 10 June 2014
Contact Person: Duncan Robertson, Senior Planning Officer
Tel No: 0131 271 3317
Background Papers: 14/00405/DPP, 13/00340/PAC



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

Land 160m South-West of Mayshade Garden Centre,
Eskbank Road, Bonnyrigg

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2015)

File No. 14/00405/DPP

Scale: 1:2,500

