



APPLICATION FOR PLANNING PERMISSION 21/00877/DPP FOR THE ERECTION OF 90 DWELLINGS; THE FORMATION OF ACCESS ROAD, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT FORMER SITE OF NEWBATTLE COMMUNITY HIGH SCHOOL, EASTHOUSES ROAD, EASTHOUSES, DALKEITH

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of 90 dwellinghouses, the formation of access road, car parking, landscaping and associated works on the site of the former Newbattle Community High School, Easthouses Road, Easthouses, Dalkeith.
- 1.2 There have been no representations received. Consultation responses have been received from the Coal Authority, Scottish Water, NatureScot, SportScotland, the Mayfield and Easthouses Community Council (MAECC), the Wildlife Information Centre, the Council's Archaeology Advisor, the Council's Senior Manager Protective Services, the Council's Policy and Road Safety Manager and the Council's Land Resources Manager.
- 1.3 The relevant development plan policies are policies 5 and 7 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies STRAT2, DEV2, DEV3, DEV5, DEV6, DEV7, DEV 8, DEV9, DEV10, TRAN1, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV16, ENV18, ENV24, ENV25, NRG3, NRG6, IMP1, IMP2 and IMP3 of the Midlothian Local Development Plan 2017 (MLDP).
- 1.4 The recommendation is to grant planning permission subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary infrastructure and the provision of affordable housing.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site measures 3.44ha and comprises the central and southern part of the former Newbattle High School site on the west side of Easthouses Road, Easthouses. The site slopes down to the west, away from Easthouses Road, by approximately 14m, however there

are level terraced areas on the site which are the remnants of the previous school use and associated playing fields. The former school buildings have been demolished to ground level. There are a number of trees on the eastern boundary of the site.

- 2.2 The site is bound to the north west/west by Core Path MID/5-12a/1, beyond which is agricultural land which forms part of the Newbattle Conservation Area and Safeguarded Newbattle Strategic Green Space (Policy ENV3). Planning permission has been granted for a new primary school to be erected on land to the north. Development is yet to commence on the construction of the primary school. To the east the site is bound by Easthouses Road and beyond by land associated to the new Newbattle High School and playing fields. To the south, and situated below the level of this site, is land under development for new housing.
- 2.3 The site is identified in the MLDP as part designated as open space (Policy DEV 8). The site is within the built area of Easthouses. The shape of the open space designation is clearly outlined around the former Newbattle High School buildings to cover the associated playing fields.
- 2.4 The site forms a largely previously developed site between Easthouses and Newtongrange. The site is currently being used as a construction compound associated with a nearby development.

3 PROPOSAL

- 3.1 The proposed development comprises:
- 44 two-storey, pitched roof houses;
 - 28 cottage flats;
 - 12 flatted dwellings;
 - 6 bungalows;
 - associated bin and cycle store structures;
 - the formation of a vehicular access off Easthouses Road;
 - the formation of internal roads;
 - the formation of a SUDS basin in the west/north west extremity of the site;
 - the installation of an underground attenuation tanks; and
 - the erection of boundary treatments.
- 3.2 The housing mix, consists of seven different house types, comprising:

Flats	12	one bed units	24
Cottage flats	28	two bed units	43
Houses	50	three bed units	16
		four bed units	7
<u>Total</u>	<u>90</u>	<u>Total</u>	<u>90</u>

- 3.3 The applicant proposes 100% affordable housing units comprising 24 one bed units, 43 two bed units, 16 three bed units and 7 four beds units.
- 3.4 The drainage strategy includes a SUDS Pond at the north west boundary of the site. This will be fed from attenuation tanks under the proposed open space. The site is shown on the SEPA flood maps as being outside of the area which is at risk from extreme fluvial or tidal flooding and the site is therefore not at risk from flooding in the 1 in 200 year event. There are minor areas of high likelihood of surface water flooding (10% each year). Comparison of the surface water flood map to aerial imagery of the site would indicate that those areas identified as having a high chance of surface water flooding were hard surfaced areas around the former school building.
- 3.5 The layout seeks to deliver a predominantly terraced form of properties, with flats, and bungalows mixed into the layout.
- 3.6 The application is accompanied by:
- design and access statement;
 - landscape strategy;
 - geotechnical interpretative and design report;
 - contaminated land risk assessment;
 - coal mining risk assessment;
 - preliminary ecological appraisal report; and
 - pre application consultation report

4 BACKGROUND

- 4.1 The applicant carried out a pre application consultation (21/00632/PAC) for residential development (flats and dwellinghouses), landscaping, access roads and SUDS/drainage infrastructure which was reported to the Committee at its meeting in October 2021.
- 4.2 Planning permission (18/00308/DPP) for the erection of 79 dwellinghouses and associated works on land to the south of the former Newbattle High School site was granted in January 2019. The application was presented to Committee at its meeting in October 2018. This development is currently being built out and the construction compound is located on the former artificial pitch associated with the high school.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application. Records indicate that the eastern half of the site lies within an area of both

recorded and probable unrecorded shallow coal mining. This could affect the safety and stability of the redevelopment of this part of the site. However, the Coal Authority is satisfied with the conclusions of the Site Investigation Report, February 2021, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

- 5.2 **Scottish Water** does not object to the application. They advise that there is currently sufficient capacity within the Rosebery Water Treatment Works for future water supply. However, it was noted that capacity of the Edinburgh PFI Waste Water Treatment Works could not be confirmed and that a detailed Pre-Development Enquiry is required to be provided to consider future connection. They also note that future capacity cannot be reserved and that capacity will be reviewed upon any formal connection application being submitted to Scottish Water.
- 5.3 **NatureScot** does not object to the application.
- 5.4 **SportScotland** have commented a number of times on the application. Initially they highlighted that there was a concern that the development would result in the loss of a sports pitch which was not re-provided at the new Newbattle High School site to the east of the Easthouse Road, and therefore lodged a holding objection against the proposal. These comments were made in light of the Council's Sports Pitch Needs Assessment. SportScotland requested additional information as to any consultation that had been undertaken with the users of the site and the local community. Details of what consultation had been undertaken was provided by the agent, including a report to Council on the consultation with local football teams, were then issued to SportScotland. The information provided to date has been reviewed and SportScotland have confirmed that they have not been satisfied that sufficient consultation has been undertaken to warrant the net loss of a pitch. As such, their holding objection remains extant – the applicant needs to do further work to secure the removal of the objection prior to any planning permission being issued.
- 5.5 **Mayfield and Easthouses Community Council (MAECC)** set out a position broadly favourable and welcome the proposed redevelopment of the brownfield site. They further comment:
- The proposed density seems appropriate;
 - Welcome the commitment to council housing;
 - Welcome the proposed financial contributions to Easthouses Park;
 - Recognise the conflict the application has with the open space designation but are favourable for the change of use to housing and identify the historic brown field nature of the site;

- Concerns have been raised in regards to traffic generation in proximity to the nearby play facilities and school;
- There is a lack of public transport in the area to serve the development;
- The appearance of the dwellings does not present much variety and appears bland;
- Concern over the continued disruption of construction activity along Easthouses Road;
- Some concern as to the ability of users to introduce electric vehicle charging points should they desire; and
- Concern about disparity between Communal Heating requirements.

5.6 **The Wildlife Information Centre (TWIC – the Council's biodiversity advisor)** does not object to the application.

5.7 **The Council's Archaeological Advisor** does not object to the application.

5.8 **The Council's Senior Manager Protective Services** does not object to the application, but has raised some concern in regard to the proximity of an approved multi use games area (MUGA) at the adjacent primary school site. The MUGA can be a source of light spill and noise nuisance on residential development. To assess and mitigate the potential impact of the MUGA on residential development, the following conditions are proposed:

1. An acoustic barrier shall be provided between the MUGA pitch and new residential housing. The dimensions and design specification of the acoustic barrier shall be to the satisfaction of the planning authority.
2. (i) The floodlighting system and any security lights shall be designed and installed such that there is no direct illumination of any neighbouring sensitive property and the lamp design shall be such that the actual lamps and inner surface of the reflectors will not be visible from the neighbouring sensitive receptors' properties.
(ii) The floodlighting system shall also be fitted with an automatic cut out to ensure that the system cannot operate after 9pm.
(iii) The design and construction of the lighting should take account of the guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc. (Scotland) Act 2008.
3. The Site Investigation information submitted with this application has been assessed by our external reviewers and a number of areas have been identified where further information is required. These areas are detailed below: -
 - i. Further submission of a remediation and validation strategy.
 - ii. Further clarity on the backfilling and decommissioning of deep investigation holes.

- iii. Clarification as to why a detailed mine gas risk assessment has been omitted, which casts some doubt on the conclusions of the ground gas risk assessment.
- 4. On completion of the decontamination/ remediation works referred to in condition 3 above, and prior to any dwelling on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwelling on the site shall be occupied unless or until the planning authority have approved the required validation.

It is noted that the 2nd condition suggested relates to development (the MUGA) beyond the control of this planning application and cannot be added to this application.

- 5.9 The **Council's Policy and Road Safety Manager** does not object to the application subject to conditions being attached to any grant of planning permission.
- 5.10 The **Council's Land Resources Manager** does not object to the application. There are two rights of way (which are also designated as Core Paths) immediately adjacent to the application site and these should be retained, although preferably upgraded, for active travel use to serve the new development. These routes must not be blocked or otherwise obstructed without written agreement.

6 REPRESENTATIONS

- 6.1 No representations have been received.

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, 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 out with 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 **STRAT2: Windfall Housing Sites** supports housing on non-allocated sites within the built-up area provided: it does not lead to loss or damage of valuable open space; does not conflict with the established land use of the area; has regard to the character of the area in terms of scale, form, design and materials and accords with relevant policies and proposals.
- 7.5 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.6 Policy **DEV3: Affordable and Specialist Housing** seeks an affordable housing contribution of 25% from sites allocated in the MLDP. Providing lower levels of affordable housing requirement may be acceptable where this has been fully justified to the Council. This policy supersedes previous local plan provisions for affordable housing; for sites allocated in the Midlothian Local Plan (2003) that do not benefit from planning permission, the Council will require reasoned justification in relation to current housing needs as to why a 25% affordable housing requirement should not apply to the site.
- 7.7 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.8 Policy **DEV6 Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.9 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.10 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A Result in a permanent loss of the open space; and/or
 - B Adversely affect the accessibility of the open space; and/or

- C Diminish the quality, amenity or biodiversity of the open space; and/or
- D Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.

- 7.11 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).
- 7.12 Policy **DEV10: Outdoor Sports Facilities** seeks to protect outdoor sports facilities from re-development except in certain circumstances: where the proposed development is ancillary to the principle use of the site as an outdoor sports facility; the loss is only minor and would not affecting its overall use; the outdoor sports facility is to be replaced either by a new facility of comparable or greater benefit for sport or upgrading of an existing facility on the same site or nearby; or where the sports pitch needs assessment, open space audit and consultation with Sportscotland identify a clear excess of provision to meet the existing or anticipated demand in the area and the overall quality of provision in the locality will be maintained.
- 7.13 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.14 Policy **TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.
- 7.15 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.16 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.
- 7.17 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.

- 7.18 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.19 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.20 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.21 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.22 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.23 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.24 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
- 7.25 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.

- 7.26 Policy **NRG3: Energy Use and Low & Zero-Carbon Generating Technology** requires that each new building shall incorporate low and/or zero-carbon generating technology projected to contribute an extra percentage reduction in greenhouse gas emissions beyond the emissions standard to which the building is subject under the Building Regulations. Policy **NRG4: Interpretation of Policy NRG3** interprets Policy NRG3.
- 7.27 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.28 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 education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision.
- 7.29 Policy **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development.
- 7.30 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SuDS) to be incorporated into new development.

National Policy

- 7.31 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.
- 7.32 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.

- 7.33 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*.
- 7.34 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.
- 7.35 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"*.
- 7.36 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.37 The Scottish Government policy statement **Designing Streets** emphasises that street design must consider place before movement, that street design guidance (as set out on the document) can be a material consideration in determining planning applications and that street design should be based on balanced decision-making. Of relevance in this case are the statements that: *"On-plot parking should be designed so that the front garden is not overly dominated by the parking space."*
- 7.38 *"Parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. On-plot parking may be suitable in restricted situations when integrated with other parking solutions and when considered in terms of the overall street profile."*

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 consultation responses received are material considerations.

Principle of Development

- 8.2 The site is not allocated for housing within the MLDP, but is located within the built-up area of Easthouses and as such is considered a proposed windfall development where the requirements of MLDP policy STRAT2 are relevant. The site is in part previously developed land due to the prior school structure. The artificial pitch previously located on the site would also be seen as previously developed land. Specific criteria are further set out in policy STRAT2 including the requirement that development does not lead to a loss or damage of valuable public or private open space. The former playing pitches at the site are identified as open space (MLDP policy DEV8). It is worth noting that the MLDP was in preparation in the years leading up to 2017 when it was adopted. This was prior to the demolition of the former school and as such, at the time of designation the application site comprised sports pitches associated with the school.

Open Space

- 8.3 Criteria A of policy DEV8 sets out that where development results in the permanent loss of open space the development would be refused. As the site is designated as open space in the MLDP and that the development would result in the permanent loss of the open space it would appear that the proposed development would conflict with policy DEV8. The value of the site is not identified within the MLDP.
- 8.4 The evidence base that underpins the designation of open space and its value is Midlothian's Open Space Audit (OSA) is currently in the process of being updated. The 2018 version of the OSA does not identify the site as having any open space on it (after the closure of the school site). The earlier 2009 OSA further did not reference the site.
- 8.5 In terms of assessing the site's open space value, there is a thorough exercise that goes into the preparation of the OSA that would not be appropriate to reiterate in this report. However, the qualitative criteria for assessing sites include:
- Access and community - question remains as to whether sports pitches were publically available on the former site. As is set out later in this section, a rugby pitch was identified as publically available.
 - Attractiveness/place appeal - the site is devoid of particular features and engineering works and grading have been required to make the site appropriate for sports. Excellent views to the west are achieved from the site.
 - Biodiversity - due to the former use there is understood to be little biodiversity value on the site.
 - Functionality - there appears to be no restrictions to the public from accessing the site, however the maintenance of any pitches has not been continued.

- Community benefits - the open site would form some community benefit as informal open space.
- 8.6 In terms of the value of this open space there is no clear reason as to why the site was designated as such within the MLDP other than the presence of sports pitches, one of which is artificial. Whilst the above does not represent a thorough assessment, the site's absence from the 2009 and 2018 OSAs would suggest that the site is not functioning or relied on as open space. Whilst the site's designation is formerly approved, the evidence base is a material consideration in this matter.
- 8.7 Criteria B of policy DEV8 requires that development should not hinder the accessibility to open space. The development would deliver pedestrian and cycle access to the existing core path networks to the west. Open space provided as part of the development would further be easily accessible through the development.
- 8.8 Criteria C of policy DEV8 requires that development not diminish the biodiversity of the site. Given the site's previously developed nature, and the use of the wider site, the disruption to biodiversity is considered to be minimal. This is further confirmed through ecology surveys and no objection is raised from TWIC.
- 8.9 The final criteria (D) of policy DEV8 would require that development not otherwise harm the site's role as open space as part of Midlothian's green network. The Green Network Supplementary Guidance 2017 identifies the site as greenspace, but does not address the site directly and sets no aims of the site. The importance of the Strategic Newbattle Greenspace is highlighted, which bounds the site's north west/west edge. The site provides a connection from more open space to the east with the Strategic Newbattle Greenspace. Whilst the proposals would clearly interrupt the width of that connection, the proposals seek to establish green corridors across the site connecting east and west areas and retain connections across the site.
- 8.10 The proposed development cannot be seen to be compliant with policy DEV8 considering the formal identification of the site as open space in the MLDP. However, the lack of reference to the site within the OSA is a consideration. In view of the OSA the assessed conflict with policy DEV8 is considered to be minor and not an obstacle to approval of the development in principle.

Sports Pitches

- 8.11 MLDP policy DEV10 sets out a presumption against the loss of sports pitches except in certain circumstances. These are:
- A. the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*

B. the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;

C. the outdoor sports facility would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide one of better quality on the same site or at another location that is convenient for users, such that the overall playing capacity in the area is maintained or improved; or

D. the sports pitch needs assessment, Open Space Audit and consultation with sportscotland identify a clear excess of provision to meet current and anticipated demand in the area, and demonstrate that the site could be developed without detriment to the overall quality of that provision.

- 8.12 In the first instance it is necessary to explore whether a loss of sports pitches has occurred. It is clear from historic aerial imagery that there were historically sports pitches at the application site. The Council's Sports Pitch Needs Assessment (SPNA) is a consideration in this assessment. This document was not publically consulted on and does not form part of MLDP. However, the document is useful in establishing what pitches were located at the site.
- 8.13 The 2007 SPNA identifies these pitches as a grass football pitch, grass rugby pitch and one artificial pitch. It further identifies that the rugby pitch was open to community use, whereas the football pitch was not.
- 8.14 Following the 2007 SPNA the Newbattle High School closed. The 2018 SPNA suggests that due to this closure all the sports pitches associated with the school were further lost. However, the 2018 SPNA is to a degree contradictory, in that in regards to rugby it references a pitch at the former site. As such the proposed development at the site would be seen to result in the loss of sports pitches at the site, in the amount of a former artificial pitch (albeit in bad repair) and a rugby pitch. The proposed development then needs to be assessed against the aforementioned criteria of DEV10.
- 8.15 The proposed development would not be ancillary to the principal use of the site (criteria A) as an outdoor sports facility, neither would the development represent only a minor part of the outdoor sports facility (criteria B).
- 8.16 In regards to criteria C, the development of the site is clearly linked to the provision of the new Newbattle High School immediately opposite the site's eastern boundary. It is clear that a new 3G pitch has been delivered at the new high school site. This will provide compensation for the loss of the artificial pitch at the former site and provide the school, and other users (out of school hours) good opportunity to utilise the facility even in poor weather conditions.

- 8.17 The applicant's position is that all required sports pitches and facilities have been re-provided at this new site. However, SportScotland have raised concerns that the redevelopment results in the net loss of one pitch. They have lodged a holding objection against the application. The planning authority has sought information from the applicant in order to address SportScotland's concerns but this has not been possible to resolve in advance of this report being prepared. Additional information is required from the applicant.
- 8.18 From a review of the approved application at the new high school site, there are no other additional pitches delivered at the site. Some amendment has been made to existing pitches that were in situ on the site. It is understood that this includes the rugby pitch at the site. However, as this is a reallocation of existing sports pitch space, there would still be a net loss in sports pitches across the sites. Were additional improvements to those grass pitches, such as drainage or lighting be provided, increasing the pitches' quality and usability, this would potentially compensate the loss of a pitch from the former site. However, at this time no such information has been provided to suggest this has occurred. In light of this, it is considered that the development would not comply with criteria C of policy DEV10.
- 8.19 In regards to criteria D of DEV10, the SPNA suggests that sufficient provision has been made in the local area. As previously set out, the OSA does not reference the site. The reason for this is not known. SportScotland have stated that they lack sufficient information (referenced above) to mitigate any concerns over the loss of a pitch. Without SportScotland support for the proposals the proposed development would not comply with criteria D.
- 8.20 As such, the proposed development would be in conflict with policy DEV10. In order to mitigate this conflict, it is considered that contributions would be required towards either the creation of new grass sports pitch or to the improvement of existing facilities at Newbattle High School. Were such improvements to existing facilities be achieved the proposed development would satisfy criteria C of DEV10. This contribution would be on top of the required contribution for a sports pitch as generated by the new population of the site itself.
- 8.21 Considering the above assessment a consideration of other material benefits that might outweigh any identified harm should be undertaken.
- 8.22 Turning to the proposed development itself, areas of the site are proposed to be included as open/amenity space, including the installation of new landscaping that is currently lacking on the site as well as some informal play facilities. In total the proposed development delivers just over a hectare (over two application sites) of open/amenity space within the development. The size of the open space designation at the site was circa 3.45ha. As such, the proposed development would mitigate some of the loss given to open space. Further

consideration is given to the fact that an artificial pitch on the site is included as open space. The pitch was assessed as being in poor repair in the SPNA and would constitute previously developed land. The surface is believed to have been removed. A construction compound currently sits on the area and whilst this is temporary the nature of what will remain is unclear but is unlikely to be suitable as a sports pitch.

- 8.23 The MLDP identifies the social objective to deliver new affordable housing in Midlothian. MLDP policy DEV3 requires market housing sites of this scale to deliver 25% affordable housing. The proposed development would deliver 90 new affordable dwellings. The development comprises 100% affordable housing. This is considered to be a valuable contribution to the Council area and there is a clear social benefit derived from the development.
- 8.24 All development carries with it an economic benefit. Whilst housing would generate this in the short term through construction jobs and other technical services, there would be modest benefit associated with such job creation.
- 8.25 From the assessment later in this report it can be seen that there are likely to be biodiversity benefits associated with the development. Likewise, the proposed housing will be energy efficient, also carrying some positive benefit.
- 8.26 Aside from the site's designation as open space the site has a number of merits as a development site. It is within the built limits of the Easthouses/Mayfield/Newtongrange settlements, the site is largely previously developed and it is deemed to be in an accessible location. The reasons for the site's designation as open space is not clear. Mitigation is considered to be available to compensate for the loss of sports facilities on the site.
- 8.27 When considering the harm in policy terms against other material benefits associated with the development the matter is finely balanced. As designated there would be a permanent loss of open space, but considering the background to the designation it is considered that the benefits would marginally outweigh the harm associated with policy DEV8.
- 8.28 Based on the above considerations the principle of development is therefore considered to be acceptable.

Layout, Form and Density

- 8.29 The proposed layout covers the majority of the site. It is disappointing that the site frontage cannot be considered together with the proposed development as that is covered by a separate planning permission in principle application. Whilst an indicative layout is shown within site B

(PPP application) this will not be approved as part of this application and a condition would be prudent to ensure that no development demarcated in site B (indicated by the dashed blue line and opaque shading on the submitted drawings) can be assumed to be acceptable.

- 8.30 The proposed layout delivers an inward looking development. Whilst development generally benefits from addressing neighbouring sites and not turning in on itself the proposed development is flanked to the north by the approved (but as yet unbuilt) primary school and to the south by approved residential development set a lower level to the site and beyond an approved retaining wall feature. At these boundaries there would be no considered benefit in turning dwellings to face outward. As such, the inward facing nature of the development is generally considered to be acceptable.
- 8.31 The proposed orientation of dwellings seeks to respond to the levels on the site that fall away from Easthouses Road towards the north west boundary. Dwellings are predominantly orientated facing either south west or north east. The orientation allows for development to descend gradually to the north west. Solar access is considered appropriate for all dwellings. These matters respond positively to the principles of MLDP policy DEV5.
- 8.32 At the north west of the site is proposed a SUDS storage basin. Centrally within the north west of the site is proposed an area of open space. Whilst these features are separated by a road and proposed flats, the more open nature of the development at the north west of the site seeks to respond to the open agricultural land to the north west, designated as Newbattle Strategic Greenspace Safeguard.
- 8.33 The proposed road layout is from a singular entrance at the south east of the site, which then forms a square within the heart of the site. The proposed development delivers two way traffic movements. At corners and junctions of the road alternative materials (block paving) are proposed in order to encourage slower speeds to drivers.
- 8.34 The site provides pedestrian connections at every boundary including cycle/pedestrian connections through the development from Easthouses Road to the proposed open space, and connecting to the north west boundary. The site further seeks to remove unattractive palisade fencing at the north west boundary with a view to allow an increased width of the existing core path (MID/5-12a/1) to 3m. The development allows for a pedestrian connection to the south and two connections to the north and the proposed primary school. The proposed development is considered to provide good levels of connectivity.
- 8.35 Proposed streets are predominantly bound by green verges and associated landscaping that will aid in creating attractive vistas, particularly when travelling north west through the site.

- 8.36 The proposed built form on the site does strike a degree of contrast from development to the north and south which predominantly delivers semi-detached and detached dwellings. The site delivers dwellings within short terraced runs and does provide some semi-detached properties and bungalows. Whilst terraced units are not located immediately to the north or south of the site, they are features in the wider locality, particularly within Newtongrange to the south. In addition, the site does not sit at the heart of a residential development, and would be flanked to the north by a new primary school. The site is therefore transitional, and the variation in built form is not considered to be inappropriate. All dwellings are proposed with pitched roofs and so generally reflect the massing of residential development in the area.
- 8.37 The pursuit of terraces on the site was further driven by the intent to deliver energy efficiency. The design and access statement sets out that “the proposed buildings will be designed and developed to achieve Passive House certification. A ‘fabric first’ approach will be taken to provide energy efficient buildings, with enhanced levels of insulation to walls, floors and roofs, along with increased air-tightness and energy-efficient windows and doors. Due to the high levels of airtightness, each unit will have a Mechanical Ventilation with Heat Recovery unit to provide fresh, filtered air into the buildings.”
- 8.38 The Council declared a climate emergency in 2019 and as such the proposed inclusion of these measures is considered to be a benefit to the application.
- 8.39 The proposed layout seeks to deliver private amenity space within the development. Midlothian’s space standards are generally achieved, with some properties having an excess of amenity space and others falling just short. However, where garden areas are considered to be just short of requirements, reasonable garden depths are achieved.
- 8.40 In addition to the above the proposed development retains good levels of separation within the development. No visual conflict is identified with neighbouring development, and back to back distances are readily achieved where back to back properties are proposed. Where rear to gable relationships occur, appropriate 16m distances are achieved.
- 8.41 The proposed materials are proposed to be a contemporary combination of white dry dash render, brick and slate roofs. The combination is considered to generally reflect the materials commonly used in the locality. The proposed brick will be of a red hue which will provide a reference to the brick used within Newtongrange, whilst not being a match. Seventeen units at the entrance of the site are proposed to utilise a natural sandstone and white dry dash render combination. The choice of material is sought to deliver an area of improved quality. Sandstone represents a less frequently utilised material within the area but is considered to be a high quality material.

A wet dash render might achieve a better render to accompany the sandstone choice and achieve in delivering a higher quality area. Replacement of the dry dash render on those units proposing sandstone with a wet dash render can be secured by condition.

- 8.42 The proposed built form is therefore generally considered to respond to the sites characteristics appropriately and would be considered to comply with MLDP policy DEV6.

Access and Transportation Issues

- 8.43 No objection has been raised by the Council Policy and Road Safety Manager. Despite this, a number of concerns have been raised that have not been addressed, despite iterations of the design. Some conditions will be required to address these matters, including details of; electric vehicles, cycle parking, minor amendments to foot/cycle paths and parking layouts.
- 8.44 A frequent bus service is located approximately 300m to the south of the site at the junction of Morris Road and Bryans Road. The site is therefore considered to be within a sustainable location and provides opportunity for active travel. The proposed development is considered to comply with MLDP policies TRAN1 and TRAN5.

Landscape and Visual Impact

- 8.45 The planning application was not accompanied by a landscape and visual impact assessment. The proposed development is not located within a special landscape area, however consideration is given to the topography of the site and the open Strategic Newbattle Green Space to the north and west of the development.
- 8.46 Through the determination of the application the layout has been amended to better respect the landscape to the west. Development has been drawn away from this boundary, and the proposed open space has been increased in size to link with the SUDS pond at that boundary. The proposed development is considered to appropriately address this change in land use, retain views from the site to the west and north and complies with MLDP policy DEV7.

Contamination and Remediation

- 8.47 A site investigation report was submitted as the area is located in a 'high risk' area of former coal mining. It was prepared by Bayne Stevenson Associates Ltd. This was reviewed by the Coal Authority and the Council's Senior Manager Protective Services.
- 8.48 The Coal Authority are content that coal mining legacy issues are not significant within the application site and do not pose a risk to the

proposed development and as such have no objection to the development.

- 8.49 The Council's Senior Manager Protective Services has highlighted that the site investigation has been assessed by the external reviewers who have raised a number of areas where additional information is required in order for remediation to be fully assessed. As such a condition will be required to secure; a remediation and validation strategy, clarity on the back filling and decommissioning of deep investigation holes, and clarity on why a detailed mine gas risk assessment has been omitted. Subject to the reasoning for the latter omission, a detailed mine gas risk assessment may be required.
- 8.50 Subject to the application of these conditions the proposed development would be acceptable on these terms.

Noise

- 8.51 At the north west of the site the primary school approved under application 19/00763/DPP delivers a MUGA. Whilst this facility can provide valuable play space for children on the proposed development the resultant light spill and noise impact could have a detrimental impact on the proposed development. It is not known what the intended operation for the MUGA would be and whether it would be accessible into the evenings when light and noise could cause most disturbance. The Council's Senior Manager Protective Services has further raised concerns on this basis.
- 8.52 In regards to light, it is noted that condition 9 of the primary school planning application seeks to limit floodlight operation to no later than 9pm. As such, the impact of light spill is mitigated.
- 8.53 No noise assessment has been submitted to the proposed application. As such the Council's Senior Manager Protective Services recommends that conditions be attached to any grant of planning permission requiring an acoustic barrier be provided between the MUGA and the residential development.

Flood Risk and Surface Water Drainage

- 8.54 The proposed development is sought to deliver a SUDS drainage system that will utilise an attenuation tank system combined with a wet SUDS pond at the north west boundary – this is acceptable.
- 8.55 It is noted that some hard surfaced paths currently appear excessively wide. For example, the proposed pavement at the front of plots 45-39 is a 3m wide path. At plot 39 the width then reduces and the benefit of the 3m wide route is lost. A multi user connection is proposed through the site and as such this pavement can be reduced to facilitate the reduction in hard surfacing. Likewise a multi user route is proposed

through the open space, with additional routes in excess of 2m in width. A condition is proposed in order to secure the reduction in width of pavements where appropriate to maximise permeable surfaces and deter surface water flooding.

- 8.56 With the suggested conditions the proposed development is considered to comply with MLDP policy ENV10.

Landscaping and Arboriculture

- 8.57 The site is generally free from landscaping except at site boundaries. The application was submitted with a landscape strategy that seeks to introduce a variety of planting across the site. The strategy seeks to create more biodiversity rich areas around the SUDS pond and in due course on the boundary of Easthouses Road (subject to the separate PPP application). The proposed open space is designed to be akin to a “village green” whilst smaller residential pocket parks are proposed at site boundaries. As such, landscaping is proposed across the proposed site and seeks to connect the various landscaped spaces with green verges and planting along roads. The approach is considered to have merit and is seen to create an attractive residential setting and complies with MLDP policy DEV7.
- 8.58 Within this site, no trees are proposed to be lost. The proposed loss of some category A and B trees on Site B will be assessed under application 21/00876/PPP.
- 8.59 In the wider area the site has the ability to connect existing green spaces. Aside from sports pitches at Newbattle High School, Bryans Wood is located to the south east and woodland is located on the north boundary of Newbattle High School. The sports pitches provide connectivity, if not habitat, directly between these locations. To the west is the Strategic Newbattle Green Space. It is clear that the proposed development would reduce the width of any open/undeveloped connection from open space and habitats to the east with those to the west. However, the development has sought to provide landscaping along wider verges along the entrance to the site. Landscaping on the sites southern boundary further provides a modest connection from east to west. On balance the development is considered to provide some form of green connectivity and would respond to the Council’s Green Network Supplementary Guidance.

Ecological Matters

- 8.60 Ecology reports were submitted which have been reviewed by the Council’s biodiversity advisor, TWIC. No objection has been raised. The site is considered to be of minimal value in biodiversity terms. The introduction of biodiversity friendly landscaping will aid in creating new habitat. The proposed development is considered to comply with MLDP policy ENV15.

Renewable Energy

- 8.61 MLDP policy NRG3 sets out that “Through attention to location, development mix, phasing, site and building layout and adaptability of buildings to future use, demand for energy should be limited.” The Passive House principles proposed for the dwellings are considered to respond positively to this policy. It is noted that in representations made to the application that the opportunity for renewable features have been overlooked. Opportunities to install solar panels would be available in the future, however internal design is harder to retrofit. The proposed Passive House features are considered to be a positive response to the climate change crisis.
- 8.62 A schedule of the Passive House elements set out in the design and access statement should be conditioned as part of this application. The condition would then require compliance with this schedule.
- 8.63 It is considered that in order to preserve the energy efficiency of the proposed development permitted development rights that might negatively impact the efficiency of the properties be removed. This will be secured by condition.

Developer Contributions

- 8.64 If the Council is minded to grant planning permission for the development it will be necessary for the applicant to enter into a planning obligation to secure:
- A financial contribution towards additional primary education capacity;
 - A financial contribution towards additional secondary education capacity;
 - A financial contribution towards boarders rail,
 - A financial contribution towards offsite equipped play; and
 - A financial contribution towards Mayfield Town Centre;
 - A financial contribution towards off site open space improvements.
- 8.65 Scottish Government advice on the use of Section 75 Planning Agreements is set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements. The circular advises that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the proposed development acceptable in planning terms (paragraph 15);
 - serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);

- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
- be reasonable in all other respects.

8.66 The requirements as set out above for any proposed planning obligation would meet the above tests.

9 RECOMMENDATION

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

The site is within the built area of Easthouses/Mayfield and is partly previously developed land. The loss of open space is considered to result in minor harm with regards policy DEV8 of the Midlothian Local Development Plan. Contributions towards improving open space offsite minimise conflict with policy DEV10. The identified harm is assessed to be outweighed by other material benefits through the provision of affordable housing, economic benefits as well as biodiversity improvement on the site. The proposed development will be of an acceptable scale and character that responds to the surrounding area. The proposal therefore complies with policies STRAT2, DEV2, DEV3, DEV5, DEV6, DEV7, DEV8, DEV9, DEV10, TRAN1, TRAN2, TRAN5, IT1, ENV2, ENV7, ENV9, ENV10, ENV11, ENV15, ENV16, ENV18, ENV24, ENV25, NRG3, NRG6, IMP1, and IMP3 of the Midlothian Local Development Plan 2017.

Subject to:

- i. the completion of a planning obligation to secure:
 - A financial contribution towards additional primary education capacity;
 - A financial contribution towards additional secondary education capacity;
 - A financial contribution towards boarders rail,
 - A financial contribution towards offsite equipped play; and
 - A financial contribution towards Mayfield Town Centre;
 - A financial contribution towards off site open space improvements.

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

- ii. The prior agreement of SportScotland to remove their objection to the planning application; and
- iii. Subject to the following conditions:

1. Details of the layout within Site B, demarcated by the blue dashed line on plan rev: 1839-SSM-SIT-DR-AR-00020 REV B, is not approved as part of this application and shall not be commenced until such a time as that area has detailed planning permission.

Reason: *To allow that site to be delivered in accordance with the separate planning application currently being determined by the planning authority.*

2. Development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, roads, parking areas and paths in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained, removed, protected during development (to BS 5837:2012) and in the case of damage or loss, restored;
 - iii. proposed new planting 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 shall be completed prior to the development being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August); unless a suitably qualified ecologist has carried out a walkover survey of the felling/removal area in the 48 hours prior to the commencement of felling/removal, and confirmed in writing that no breeding birds will be affected;
 - vii. proposed car park configuration and surfacing;
 - viii. details of the location, design, height and specification of proposed street lighting within the development;
 - ix. proposed footpaths; and
 - x. proposed parking facilities

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 (2vi). 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 policy DEV7 of the*

Midlothian Local Development Plan 2017 and national planning guidance and advice.

3. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include
 - i. existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii. proposed vehicular, cycle and pedestrian access;
 - iii. proposed roads (including turning facilities), footpaths and cycle ways. The footpath/cycle link shall be a minimum of 3m in width;
 - iv. proposed visibility splays, traffic calming measures, lighting and signage;
 - v. proposed construction traffic access and haulage routes;
 - vi. a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vii. proposed car parking arrangements;
 - viii. proposed bus stops/lay-bys and other public transport infrastructure;
 - ix. a programme for completion for the construction of access, roads, footpaths and cycle paths;

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 until details and, if requested, samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority.

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

Reason: *In the interest of protecting the character and appearance of the area so as to comply with policies DEV2 of the Midlothian Local Development Plan 2017.*

5. Unless otherwise agreed in writing by the planning authority, the render used for plots 54-59 and 75-85, proposed to feature natural sandstone elements, shall be a wet dash render. Detailed elevations identifying

the use of this material will be submitted to the planning authority for approval prior to the commencement of development.

Reason: *To ensure that the development appropriately delivers materials of a high quality and so complies with policy DEV 6 of the MLDP.*

6. Development shall not commence until details of cycle parking, including, arrangements, shelter and location are submitted to and approved in writing by the planning authority.

Reason: *To ensure appropriate cycle parking facilities are available for future residents and visitors of the development.*

7. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of the building. The delivery of high speed fibre broadband shall be implemented as per the approved details or such alternative as may be approved in writing by the planning authority.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure; and to comply with policy IT1 of the Midlothian Local Development Plan 2017*

8. Development shall not begin until details of a scheme to deal with surface water drainage 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 that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9, ENV10 and ENV15 of the Midlothian Local Development Plan 2017.*

9. 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 construction access routes;
- 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 controls on construction, engineering or any other operations or the delivery of plant, machinery and materials (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

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.*

10. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:

- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
- ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. the condition of the site on completion of the specified decontamination measures.

Reason: *To ensure compliance with policy ENV16 of the MLDP 2017.*

11. On completion of the decontamination/remediation works referred to in Condition 10 above and prior to any dwellinghouse being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No dwellinghouse shall be occupied unless or until the planning authority have approved the required validation.

Reason: *To ensure compliance with policy ENV16 of the MLDP 2017.*

12. Unless otherwise agreed in writing no development shall commence until the details of an acoustic barrier/bund shall be provided at the boundary of the site, between the proposed housing and approved MUGA on land to the north of the application site. The location, dimensions and design specification of the acoustic barrier/bund shall be to the satisfaction of the planning authority.

Reason: *In order to protect the amenity of future occupiers of the housing development given the close proximity of the MUGA.*

13. Development shall not begin until details, including a timetable of implementation, of “Percent for Art” have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the planning authority.

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

14. Development shall not begin until details of the provision and use of electric vehicle charging stations have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

15. Development shall not begin until details of a scheme to deal with surface water drainage has been submitted to and approved in writing by the planning authority. This shall include an updated cross section through the proposed SUDS pond which shows water levels and 1:200 year + climate change flooding level. 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 that the development is provided with adequate surface water drainage; and to ensure that development complies with policies ENV9 and ENV10 of the Midlothian Local Development Plan 2017.*

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent order amending or superseding it, no external alterations to the new block of six flats shall be permitted without the submission of a planning application.

Reason: *To ensure that any future alterations maintain Passivhaus standards.*

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 4 March 2022

Application No: 21/00877/DPP

Applicant: Midlothian Council, Midlothian House, 40-46
Buccleuch Street, Dalkeith, EH22 1DN

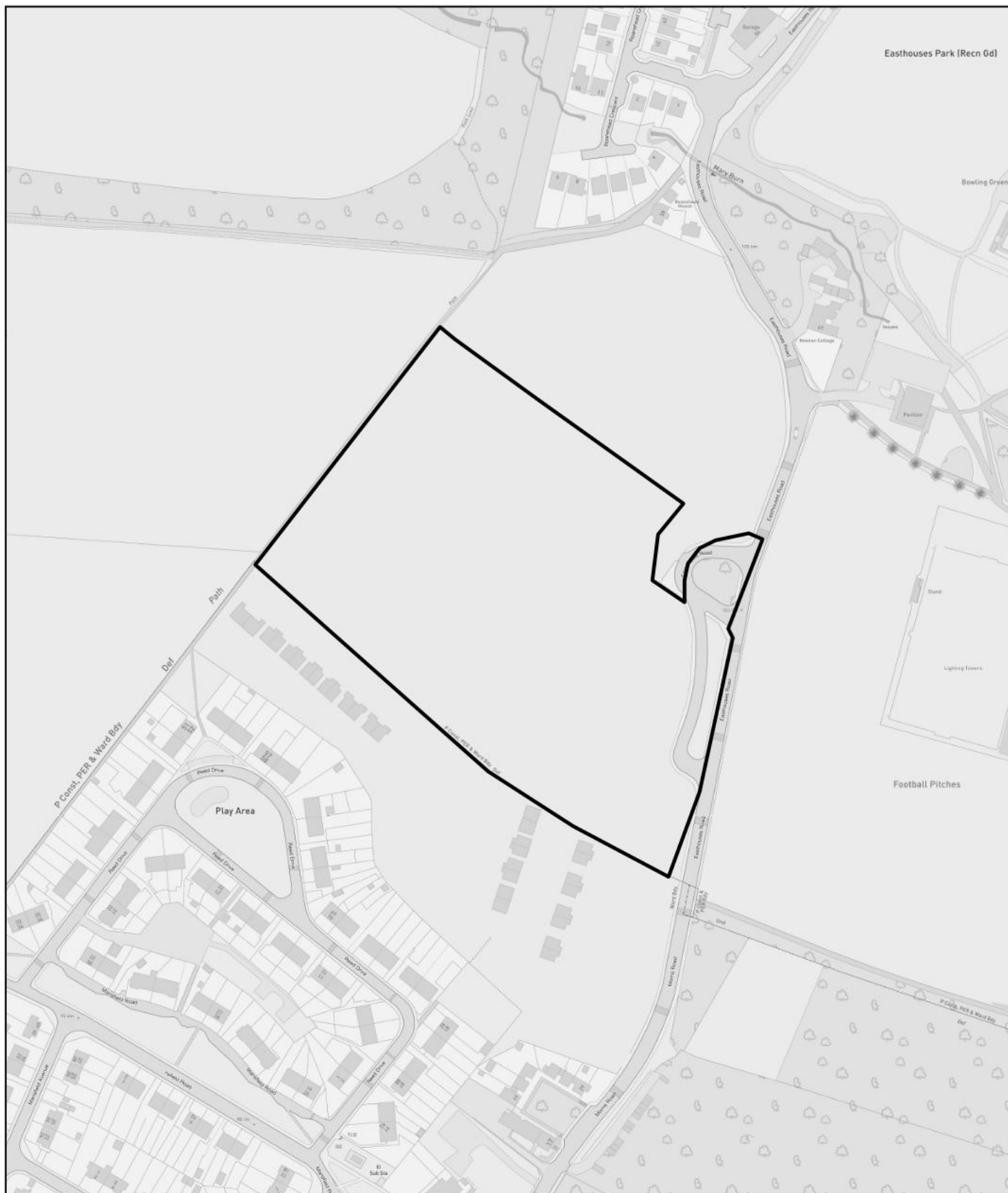
Agent: Smith Scott Mullan Associates

Validation Date: 2 November 2021

Contact Person: Hugh Shepherd

Email: hugh.shepherd@midlothian.gov.uk

Background Papers: 21/00632/PAC



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

Erection of 98 dwellings; formation of access road, car parking, landscaping and associated works at Former Site of Newbattle Community High School, Easthouses Road, Easthouses, Dalkeith,

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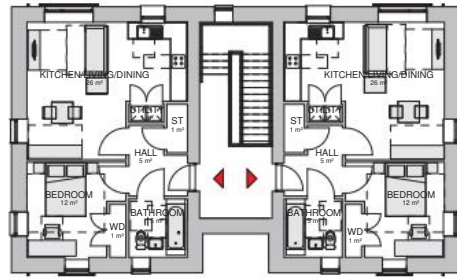
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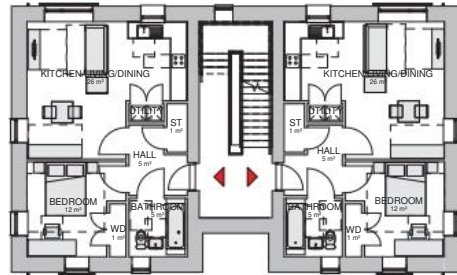




TYPE C1.3
1B/2P TENEMENT FLAT, GIFA: 53m²

TYPE C1.3
1B/2P TENEMENT FLAT, GIFA: 53m²

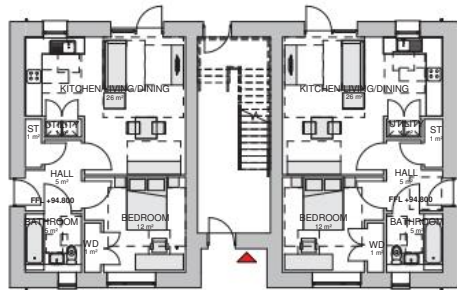
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1B/2P TENEMENT FLAT, GIFA: 53m²

TYPE C1.3
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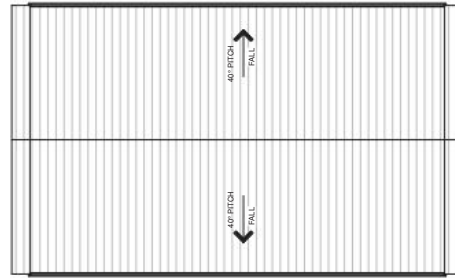
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TYPE C1.3
1B/2P TENEMENT FLAT, GIFA: 53m²

TYPE C1.3
1B/2P TENEMENT FLAT, GIFA: 53m²

1 GROUND FLOOR PLAN
Scale: 1 : 100



4 ROOF PLAN
Scale: 1 : 100



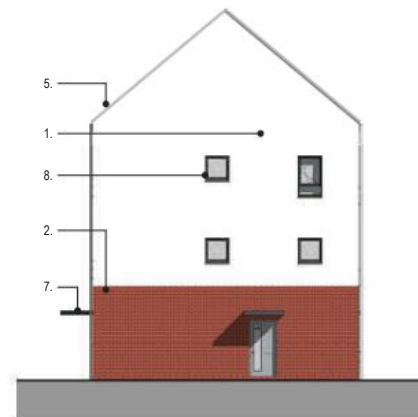
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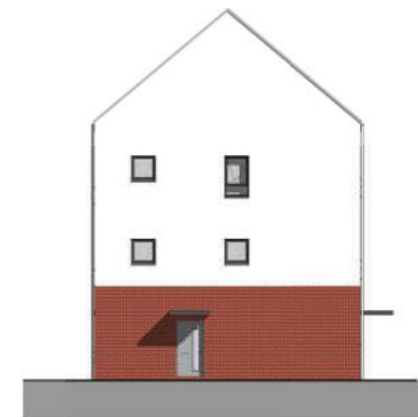
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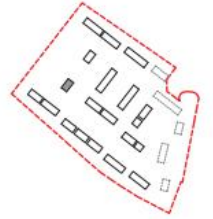
8 REAR ELEVATION
Scale: 1 : 100



6 GABLE ELEVATION
Scale: 1 : 100



7 GABLE ELEVATION
Scale: 1 : 100



EXTERNAL MATERIALS

1.	WHITE DRY DASH RENDER
2.	IBSTOCK BIRTLEY OLDE ENGLISH BUFF RED BRICK-TYPE 1 BRICK BOND
3.	IBSTOCK BIRTLEY OLDE ENGLISH BUFF RED BRICK-TYPE 2 BRICK BOND
4.	DARK GREY SLATE TILES PITCHED ROOF (40°)
5.	GREY ALUMINIUM WALL COPING
6.	GALVANISED STEEL JULIET BALUSTRADES
7.	750mm PROJECTION METAL CANOPY
8.	DARK GREY uPVC WINDOWS AND GLAZED DOORS
9.	PROJECTING PRECAST CONCRETE SARRIROUND TO GROUP OF WINDOWS

MIDLOTHIAN COUNCIL

NEWBATTLE HOUSING

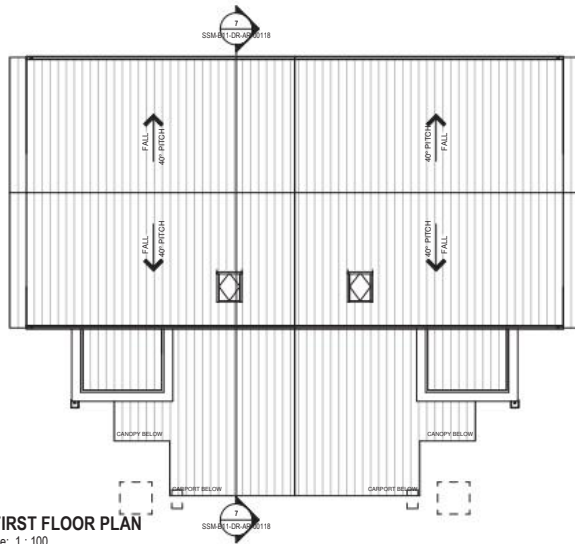
BLOCK 2
GROUND, FIRST, SECOND &
ROOF PLANS, SECTION &
ELEVATIONS

Scale: As indicated @ A1

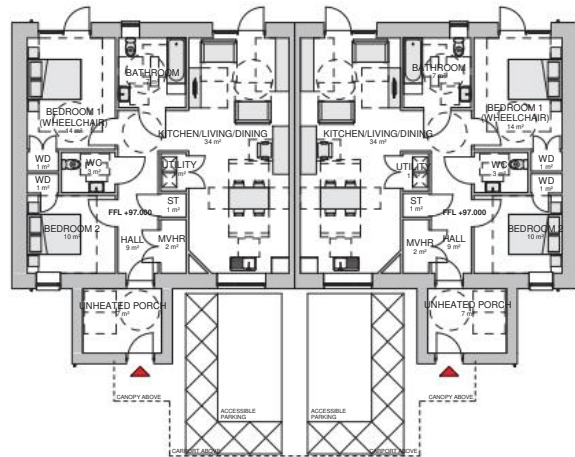
1839-SSM-BL2-DR-AR-00101 REV B

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1 FIRST FLOOR PLAN
Scale: 1:100



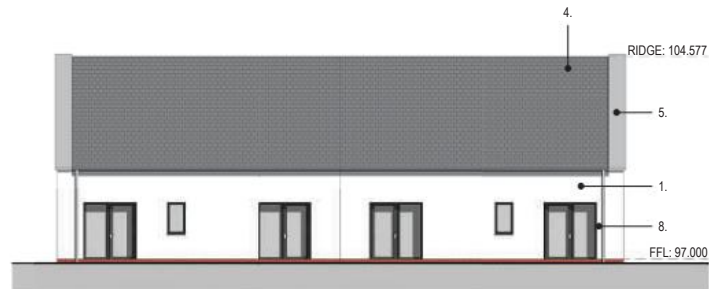
2 GROUND FLOOR PLAN
Scale: 1:100

TYPE B2
2B/4P WHEELCHAIR ACCESSIBLE BUNGALOW
(GIFA: 86m² (EXCL. PORCH))

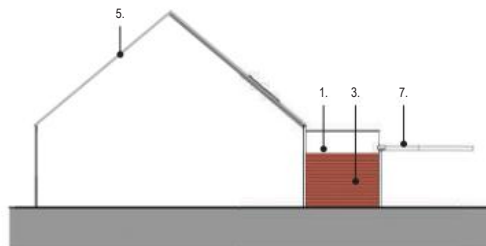
TYPE B2
2B/4P WHEELCHAIR ACCESSIBLE BUNGALOW
(GIFA: 86m² (EXCL. PORCH))



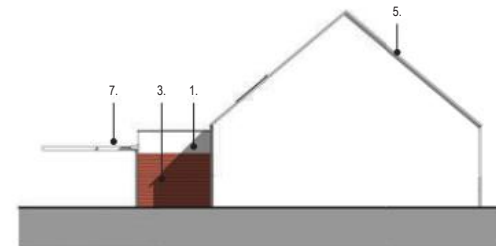
3 FRONT ELEVATION
Scale: 1:100



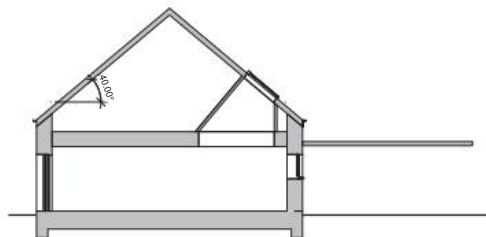
4 REAR ELEVATION
Scale: 1:100



5 GABLE ELEVATION
Scale: 1:100



6 GABLE ELEVATION
Scale: 1:100



7 CROSS SECTION
Scale: 1:100

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Do not scale for construction
D:\DATA\217\WAG\SSM
FILE:1839\REVIT\1839-SSM-B11-M3-AR-00110-Block 11.rvt

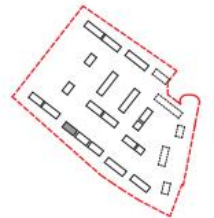
No.	Description	Date	Ch'd
A	PLANNING APPLICATION	22.10.21	MWD
B	BLOCKS UPDATED TO MATCH REVIEWED SITE PLAN	04.02.22	RM MVD
C	TYPE OF BRICK AMENDED & ELEVATIONS REVIEWED	16.02.22	RM MVD

NOTES

THIS DRAWING HAS BEEN PRODUCED FOR PLANNING APPLICATION PURPOSES ONLY. SIGNIFICANT DEVELOPMENT WILL BE REQUIRED FOR BUILDING WARRANT AND CONSTRUCTION PURPOSES TO MEET THE REQUIREMENTS OF ANY EMPLOYERS REQUIREMENT DOCUMENT (E.R.D.)

EXTERNAL MATERIALS

1.	WHITE DRY DASH RENDER
2.	BISTOCK BIRTLEY OLDE ENGLISH BUFF RED BRICK-TYPE 1 BRICK BOND
3.	BISTOCK BIRTLEY OLDE ENGLISH BUFF RED BRICK-TYPE 2 BRICK BOND
4.	DARK GREY SLATE TILES PITCHED ROOF (40°)
5.	GREY ALUMINIUM WALL COPING
6.	GALVANISED STEEL JULIET BALUSTRADES
7.	750mm PROJECTION METAL CANOPY
8.	DARK GREY uPVC WINDOWS AND GLAZED DOORS
9.	PROJECTING PRECAST CONCRETE BARROUND TO GROUP OF WINDOWS



MIDLOTHIAN COUNCIL

NEWBATTLE HOUSING

BLOCK 11
PLANS, ELEVATIONS & SECTIONS (PLANNING)

Scale: As indicated @ A1

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