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**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE  
15/00712/PPP FOR RESIDENTIAL DEVELOPMENT AT LAND AT  
PARADYKES PRIMARY SCHOOL, MAYBURN WALK, LOANHEAD**

Report by Head of Communities and Economy

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**1.0 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for planning permission in principle for residential development on the site of the Paradykes Primary School, Loanhead Library, Doctors Surgery and the Community Learning Centre at Mayburn Walk, Loanhead. There have been five letters of representation and consultation responses from the Coal Authority, Sports Scotland and the Council's Archaeological advisor, Environmental Health Manager and Policy and Road Safety Manager. The relevant development plan policies are RP20, RP28, RP29, RP31, HOUS3, HOUS4, TRAN1, IMP1, IMP2 and DP2 of the adopted Midlothian Local plan 2008 (MLP). The recommendation is to grant planning permission subject to conditions and securing developer contributions and the provision of affordable housing.

**2.0 LOCATION AND SITE DESCRIPTION**

- 2.1** The site is the land that currently houses Paradykes Primary School, the Doctor's Surgery (Sutherland House), Loanhead Library and the Loanhead Community and Learning Centre at Mayburn Walk, Loanhead. The existing buildings are to be demolished and the uses and facilities relocated to the site on the opposite side of Mayburn Avenue/George Avenue which currently houses Loanhead Leisure Centre.
- 2.2** The site fronts Mayburn Walk to the north and east, with Mayburn Avenue and George Avenue to the eastern extent of the site. Dalum Drive is to the western extent of the site, with the nursery fronting onto this road. The Kabin is to remain to the west of the site along with the Community Garden which is to the north west of the site fronting Mayburn Walk. The Multi Use Games Area (MUGA), which is located centrally on the site, is to remain.
- 2.3** Housing on Gaynor Avenue backs onto the site and housing on Mayburn Avenue fronts the site. The site is within an established

residential area with the majority of the housing around the site being two storeys in height. There is existing planting located to the northern and southern boundaries of the site.

- 2.4 Levels on the site are fairly uniform with the land to the north of the site dropping away. The site extends to just over 3 hectares.

### **3.0 PROPOSAL**

- 3.1 It is proposed to redevelop the site for housing. The application is accompanied by an indicative layout plan showing 86 house plots include terraced and semi-detached properties. The existing MUGA remains on the site with public open space adjoining it. The MUGA lighting is to be retained on a timer with the lighting collared to reduce spillage outwith the site. This central area (comprising the MUGA and the open space) is overlooked by housing.
- 3.1 The site will have two access points off Mayburn Walk. There is also a footpath link to the west of the site onto Dalum Drive. Car parking for the Kabin is shown to the west of the site along with a layby for two cars on Dalum Drive. A leisure centre overspill car park is shown on the indicative plan to the east of the site and close to the junction of Mayburn and George Avenue. This car park area will have a separated access to the residential development. A pedestrian crossing point between the site and the site of the relocated uses is also shown on the plan.
- 3.2 An equipped children's play area is located to the west of the site adjacent to the Kabin and the remaining Community Garden. Housing overlooks this play area to the east and south. Some planting is shown between the proposed housing and the play park.
- 3.3 A landscape buffer is shown on the plan separating the rear of the proposed dwellings and existing properties in Gaynor Avenue and between the proposed dwellings and Mayburn Walk. It is proposed to erect new fencing between the proposed dwellings and landscaped buffers.
- 3.4 In support of the planning application the applicant has submitted a Design and Access Statement, a Site Investigation Report, a Transport Assessment and the Pre Application Consultation (PAC) report (along with the PAC report for the redevelopment of the Loanhead Leisure Centre site).

### **4.0 BACKGROUND**

- 4.1 A planning application has been submitted to redevelop the site on the other side of Mayburn Avenue/George Avenue (15/00684/DPP) to replace the facilities demolished. The application is for the erection of a community facility incorporating a primary school; nursery school; early

years and after school care; library; health centre; alterations to existing leisure centre; formation of car parking and associated works. It is reported elsewhere on this agenda.

- 4.2 A Proposal of Application Notice has been considered for the application (ref no. 15/00228/PAC). This identified the pre-application public consultation that was required in relation to the proposed development.

## 5.0 CONSULTATIONS

- 5.1 The **Coal Authority** has no objections subject to appropriate conditions being imposed on a grant of permission.
- 5.2 **Sport Scotland** has no comment in relation to the planning application.
- 5.3 The **Council's Archaeological advisor** recommends that a condition requiring the prior undertaking of a programme of archaeological works at the site should be attached to any consent granted.
- 5.4 The **Council's Environmental Health Manager** advises that it is considered that a more suitable site layout minimising impact with regard to the MUGA pitch would be possible. Based on the current plans, the MUGA pitch would be surrounded on three sides by residential dwellings, raising concerns regarding noise and light nuisance to occupiers of neighbouring residential properties; particularly as the MUGA is a floodlit facility in use after daylight fades.
- 5.5 It is recommended by the Environmental Health Manager that the MUGA pitch is re-located to a more suitable location. If this is not possible, then the detailed site layout shall be designed to ensure there is no nuisance to future occupiers of the proposed residences from noise and light spillage. With regard to lighting, this will involve ensuring there is no direct illumination of any neighbouring sensitive property and that the inner surface of the reflectors are not visible from the proposed sensitive receptor properties, having regard to the guidance contained within the Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. The floodlighting system should also be reviewed with a recommendation that the lighting is fitted with an automatic cut out to ensure that the system cannot operate after 9pm.
- 5.6 With regard to noise, this will involve a sensitive site layout, involving for example a combination of separation and acoustic barriers.
- 5.7 In relation to contaminated land an appropriate condition should be attached to any consent granted relating to the treatment of contamination and/or previous mineral workings at the site.

5.8 The **Council's Policy and Road Safety Manager** has no objection in principle to the application but recommends that the following conditions are applied to any grant of planning permission:

- The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Vale where a pedestrian crossing point would be formed.
- Details of the proposed access points to the development should be submitted for approval at the detailed design stage.
- The existing signs, street furniture and road markings associated with the primary school should be removed and the public footway made good.
- Appropriate levels of residents and visitor parking (in line with current council parking standards) should be provided to serve the new housing.
- Details of the proposed SUDs should be submitted for approval at the detailed design stage.
- Details of the proposed overspill parking area should be submitted for approval at the detailed design stage.

## 6.0 REPRESENTATIONS

6.1 Five letters of representation have been received in relation to this application, one objection to the application and four neutral comments.

6.2 The neutral comments can be summarised as follows:

- What is planned for the 20m neighbour buffer around the site and who will be responsible for the upkeep and maintenance.
- Clarity over the access arrangements is required.
- Parking on surrounding streets is problematic and road markings have little or no effect. The opportunity should be taken as part of this application to improve the situation for users and local residents.
- The plan shows a 'vegetation barrier' between Mayburn Avenue and the site. Residents are 'plagued' by leaves from the existing garden area. It would make sense to border the site with a rustic style wall to prevent the accumulation of litter and leaves.
- It is important that the current screening between the houses on Mayburn Avenue and the site is retained to ensure privacy for both developments.
- Measures should be taken to ensure that the traffic on the road at Mayburn Avenue/Walk does not increase as a result of the proposed housing development.

- Further information should be provided or investigations undertaken in relation to contamination of the land. This should be fully explored and the results published before work starts on the site.

6.3 The letter of objection can be summarised as follows:

- The bend in the existing road at Nos 92/94 Mayburn Avenue is already a tight curve with poor visibility.
- The existing GP's entrance and overspill car park entrance/exit on Mayburn Avenue is already too near to the bend in the road.
- The existing play area in George V Park next to MUGA is unlikely to be attractive to children outwith proposed new housing area.

## 7.0 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 Plan, adopted in December 2008. The following policies are relevant to the proposal:

### Midlothian Local Plan (MLP)

- 7.1 Policy **RP20: Development within the Built-Up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.2 Policy **RP28: Site Assessment, Evaluation and Recording** states that where any development proposal 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 impact of the proposal on the archaeological resource.
- 7.3 Policy **RP29: Playing fields and sports facilities** does not permit development on existing playing fields and sports facilities unless it can be demonstrated that the development will not result in a material loss of amenity to the surrounding area. This policy seeks an enhancement of existing provision.
- 7.4 Policy **RP31: Open Space Standards** advises that the Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining the minimum open space standards in respect of all new development, and until that is available the requirements for open space provision are as set out in policy DP2.
- 7.5 Policy **HOUS3: Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the

established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2;

- 7.6 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.
- 7.7 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. The Council's "Supplementary Planning Guidance on Affordable Housing" was published in March 2012.
- 7.8 Policy **TRAN1: Sustainable Modes of Transport** states that major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrians and cyclists, and accord with the Council's Local Transport Strategy. All major travel-generating developments shall be accompanied by a Transport Assessment and a Green Travel Plan, setting out what provisions or measures shall be taken to provide for, and encourage the use of, alternative forms of travel to the private car.
- 7.9 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.

- 7.10 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, including education provision, 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.
- 7.11 Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings;

#### Government Policy and Guidance

- 7.12 The **SPP (Scottish Planning Policy)** sets out Government guidance for housing.
- 7.13 Creating Places - A policy statement on architecture and place for Scotland sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

### **8.0 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.
- 8.2 The proposed development is related to the planning application for the re-development of the Loanhead Leisure Centre site on the opposite site of Mayburn Avenue (15/00684/DPP). A report on this planning application is also on the Committee agenda.

#### Principle of Development

- 8.3 The site is within the built up area of Loanhead where there is presumption in favour of appropriate development. The area, within which the application site is located, is principally residential in nature. As such, the site is not inherently unsuitable for a residential development and the consultations carried out have not indicated any overriding reasons why the site could not be redeveloped for residential purposes. The objector to the scheme does not object to the principle

of a residential development on the site. Residential use of the site is compatible with the character of the area.

#### Indicative Layout

- 8.4 The layout plan submitted in relation to this planning application shows 86 residential units. The plan shows an area for play at the western end of the site adjacent to the Kabin; however the land identified is not sufficient compensation for the play area lost as part of the Loanhead Leisure Centre redevelopment proposals (see 15/00684/DPP) on the adjacent site. Additional land will be required to make the requisite provision for the housing approved on this site. It is essential that any children's play area is overlooked from neighbouring residential properties and roads and footways to allow for passive surveillance and better security for users. This approach will also help guard against anti-social behaviour and vandalism. The play area does allow for this, subject to the landscape details being clarified to ensure landscaping around the play area does not block views into it. In order to allow for sufficient play space to be identified it is likely that the number of houses on the site will have to be reduced from the indicative 86 units shown.
- 8.5 The indicative layout is submitted to show how the site could be developed. However, the layout does not create a sense of place or contribute to its location and is based on a preference of not wanting to reposition the existing MUGA pitch from the centre of the site. Parking is shown to the front of the houses and adjacent to the MUGA and open space. The layout shows houses facing onto the lit MUGA and the open space centrally located within the site. This however raises concern about the potential for noise and light nuisance which will have to be addressed in any final layout for this site. It would be appropriate to reposition the MUGA elsewhere in the site.
- 8.6 A landscape buffer is shown on the plan separating the rear of the proposed dwellings and existing properties in Gaynor Avenue and between the proposed dwellings and Mayburn Walk. Although tree planting and landscaping is to be encouraged, it needs to be of a form that enhances good design and sited to be overlooked by residential properties. The landscaping between the proposed dwellings shown on the indicative layout and Mayburn Walk is a consequence of the layout turning its back on the existing residential properties. This needs to be considered when the layout is designed in detail. The proposed landscaping strip between the proposed houses and Gaynor Avenue is also of concern as it is sited between two rows of fencing provided a landscaped alleyway contrary to 'secure by design' principles.
- 8.7 The layout plan is indicative only and is not approved by a grant of planning permission.

## Other Matters

- 8.8 The issues raised in the representations have been addressed in the report or can be considered at the detailed planning application stage.

## **9.0 RECOMMENDATION**

- 9.1 That planning permission be granted for the following reason:

*The proposed development is in an established residential area and is considered to be an acceptable 'windfall site' in relation to the Midlothian Local Plan being compliant with Policy RP20. It is acceptable in this location in principle subject to appropriate conditions and the required developer contributions.*

Subject to:

Securing the provision of affordable housing, children's play and open space, including maintenance provision and securing developer contributions towards education provision (non denominational primary and secondary school provision and denominational secondary school provision), community and leisure facilities and any identified roads/transportation or road traffic order requirements.

Subject to the following conditions:

1. The 'Proposed Housing Site Layout' ( Drawing Number: L(00)200 1:500 HOUSING LAYOUT) submitted with the application is not approved.

***Reason:*** *The application is for planning permission in principle only and the details delineated within the site layout drawing are for illustrative purposes only.*

2. Development shall not begin until an application for approval of matters specified in conditions regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each residential phase of the development, the provision of open space, structural landscaping, the SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

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

3. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft

landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the houses on adjoining plots are occupied;
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play areas and equipment;
- xi proposed cycle parking facilities; and
- xii proposed area of improved quality (20% of the proposed dwellings).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP8, RP20, RP31 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

4. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. These materials will also include those proposed in the area of improved quality (20% of

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

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

5. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
  - ii proposed vehicular, cycle and pedestrian accesses;
  - iii proposed roads (including turning facilities), footpaths and cycle ways;
  - iv proposed visibility splays, traffic calming measures, lighting and signage;
  - v proposed construction traffic access and haulage routes;
  - vi a green travel 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;
  - x proposed on and off site mitigation measures identified by the traffic assessment submitted with the application;
  - xi The existing signs, street furniture and road markings associated with the primary school shall be removed and the public footway made good; and,
  - xii The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Vale where a pedestrian crossing point would be formed.

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.*

6. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv the condition of the site on completion of the specified decontamination measures.

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

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

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

***Reason:*** *To ensure the quality of the development is enhanced by the use of art to reflect its setting in accordance with policies IMP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

8. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (Metal Detector Survey and Evaluation) and scheme of investigation has been submitted to and approved in writing in by the planning authority. The approved programme of works shall be carried out by a professional archaeologist prior to any construction works, demolition or pre commencement ground works take place unless otherwise agreed in writing by the planning authority.

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with Policy RP28 of the Adopted Midlothian Local Plan.*

9. The existing verge along Mayburn Walk should be widened to provide a continuous 2m wide pedestrian route from the proposed site access to the existing flat top table at the junction of Mayburn Avenue where a pedestrian crossing point would be formed.
10. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre 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 each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

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

**Ian Johnson**  
**Head of Communities and Economy**

<b>Date:</b>	<b>5 January 2016</b>
<b>Application No:</b>	<b>15.00172.PPP (Available online)</b>
<b>Applicant:</b>	<b>Midlothian Council</b>
<b>Agent:</b>	<b>AHR Architects</b>
<b>Validation Date:</b>	<b>1st September 2015</b>
<b>Contact Person:</b>	<b>J. Learmonth</b>
<b>Tel No:</b>	<b>0131 271 3311</b>
<b>Background Papers:</b>	<b>15/00172/PPP, 15/00684/DPP, 15/00228/PAC</b>



**Education, Economy  
& Communities**  
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Application for Planning Permission in Principle for residential  
development at Land At Paradykes Primary School, Mayburn  
Walk, Loanhead

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Scale: 1:2,500

