



**PRE-APPLICATION CONSULTATION REPORT REGARDING
RESIDENTIAL DEVELOPMENT (FLATS AND DWELLINGHOUSES),
LANDSCAPING, ACCESS ROADS AND SUDS/DRAINAGE
INFRASTRUCTURE ON LAND AT THE FORMER NEWBATTLE HIGH
SCHOOL, EASTHOUSES ROAD, EASTHOUSES (21/00632/PAC)**

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for residential development on land at the former Newbattle High School site, Easthouses Road, Easthouses (21/00632/PAC).
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 The pre-application consultation for a residential development on land at the former Newbattle High School, Easthouses Road, Easthouses, Dalkeith (21/00632/PAC) was submitted on the 27 July 2021.
- 2.3 As part of the pre-application consultation process, a public event would have been arranged in 'normal' times, however, this is no longer an option as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020. The changes remove the requirement for a public event, but as an alternative require

prospective developers to advertise where relevant consultation material can be viewed online. The legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations - which includes giving interested parties the opportunity to make comment. On the conclusion of the online event the applicant could submit a planning application for the proposal.

- 2.4 In terms of submission timescales, the applicant could submit a planning application for the proposal from 20 October 2021 if they have undertaken appropriate pre application consultation.
- 2.5 Copies of the Proposal of Application Notice have been sent by the prospective applicant to the local elected members for Midlothian East, the Community Planning Partnership, Midlothian Health and Social Care Partnership, Midlothian Community Councils (Mayfield and Easthouses, Newtongrange, and Eskbank and Newbattle), Police Scotland (Secured by Design) and Scottish Fire and Rescue.
- 2.6 On the conclusion of two virtual public events (6 September 2021 between 15.00 and 18.00 and 20 September 2021 between 17:00 and 20:00) the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a virtual public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application, the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site comprises a parcel of land measuring approximately 6.8 hectares located on land between Easthouses and Newtongrange. The majority of the site is designated as open space (previously school playing/sports fields) under policy DEV8 in the Midlothian Local Development Plan 2017 (MLDP). The site is also located within an area identified as a High Risk Area in terms of its coal mining legacy. The site is within the built area of Easthouses and therefore within the policy remit of MLDP policy DEV2 (within a built up area).
- 3.4 The site is bound to the south by residential development that falls within the Newtongrange Ward; permission was granted by the Committee at its meeting in October 2018 for 79 dwellings and

associated works under application ref: 18/00308/DPP. To the north the site is bound by land with an extant planning permission for a primary school and nursery consented under application ref: 19/00763/DPP. The site is bound to the east by Morris Road and beyond the new Newbattle High School and associated facilities. The west of the site is bound by agricultural land that is subject to a number of MLDP allocations (that do not cover the application site) including; Newbattle Strategic Greenspace (ENV3), Prime Agricultural Land (ENV3), Newbattle Conservation Area (ENV19) and Newbattle Abbey Designated Garden/ Landscape (ENV20).

- 3.5 The site is within 50m of the Newbattle Woods Local Biodiversity Site to the north.
- 3.6 The key planning considerations pertaining to the principle of development are MLDP policies DEV2 and DEV8. The site is within the built up area where there is usually a presumption in favour of appropriate development, however the site is protected in the MLDP as open space.
- 3.7 Policy DEV 2 sets out that development within residential areas will be permitted where it can safeguard the existing character and amenity of the area. As such there is a presumption in favour of development in these locations. No detailed plans are submitted as part of this PAN process but considering the neighbouring land uses, the proposed development could be capable of preserving the character and amenity of the area. Particular consideration will need to be given to the setting of Newbattle Abbey Designated Garden Landscape and Newbattle Conservation Area to the west.
- 3.8 Despite the above presumption in favour of development, policy DEV 8 sets out that development will not be permitted within areas designated as open space where:
 - 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.
- 3.9 The proposals would be within land designated as open space and would result in the permanent loss of it. It is further noted that the site is identified as a greenspace within the Council's Green Network Supplementary Planning Guidance (SPG) document. In view of this, the proposed development would conflict with policy DEV8. Should a planning application come forward the development would have to present material considerations in order for the development to be supported. A further assessment of the proposals will have to be made against policy DEV8 and the Open Space standards in order to fully assess any harm with regard to the loss of open space – it would need to be demonstrated that if development were to take place

sufficient open space in terms of quality and quantity would remain in the local area and the benefits of the proposed development outweigh the loss of open space.

- 3.10 In addition to the above principle of development, consideration will also have to be given to design matters, particularly for any future application seeking detailed planning permission. This would include layout, siting, design, appearance, materials, landscaping, open space, parking etc. in order to ensure compliance with sustainable place-making policies within the MLDP.

4 PROCEDURES

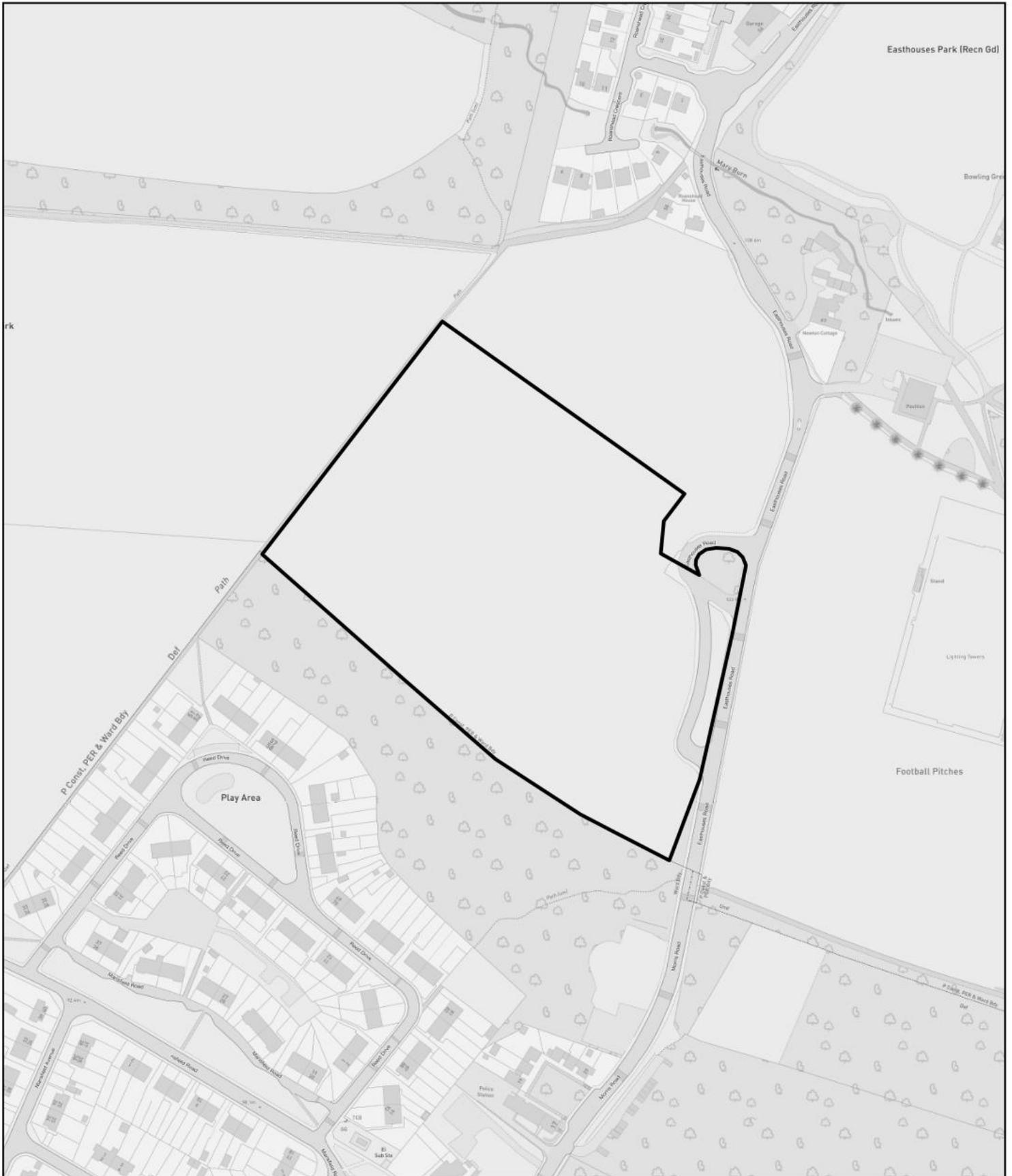
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice'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

5 RECOMMENDATION

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

Peter Arnsdorf
Planning Manager

Date:	4 October 2021
Application No.	21/00632/PAC
Applicant:	Smith Scott Mullan Associates
Validation Date:	27 July 2021
Contact Person:	Hugh Shepherd
Email:	Hugh.Shepherd@midlothian.gov.uk



Easthouses Park (Recn Gd)

Bowling Grn

Lighting Towers

Football Pitches



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

Residential development (flats and dwellinghouses),
landscaping, access roads and SUDS/drainage infrastructure |
Newbattle High School Easthouses Road Easthouses Dalkeith
EH22 4EW

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