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**APPLICATION FOR PLANNING PERMISSION 19/00763/DPP, FOR THE ERECTION OF PRIMARY SCHOOL AND NURSERY; FORMATION OF MUGA, CAR PARKING AND ASSOCIATED WORKS ON PART OF THE FORMER NEWBATTLE HIGH SCHOOL SITE, EASTHOUSES ROAD, EASTHOUSES.**

Report by Director of Education, Communities and Economy

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## **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the erection of a primary school and nursery; formation of a multi use games area (MUGA), car parking and associated works on part of the former Newbattle High School site, Easthouses Road, Easthouses. There has been one representation and consultation responses from the Coal Authority, the Scottish Environment Protection Agency, the Council's Archaeology Advisor, the Council's Policy and Roads Safety Manager and the Council's Environmental Health Manager.**
- 1.2 The relevant development plan policies are DEV2, DEV5, DEV6, DEV7, DEV8, DEV10, TRAN1, TRAN5, ENV9, ENV0, ENV11, ENV15, ENV25, NRG6, IMP1 and IMP3 of the Midlothian Local Development Plan. The recommendation is to grant planning permission subject to conditions.**

## **2 LOCATION AND SITE DESCRIPTION**

- 2.1 The 2.1 hectare site comprises the northern part of the former Newbattle High School site on the west side of Easthouses Road.**
- 2.2 The site slopes down to the west, away from Easthouses Road, by approximately 6.5m, however there are level terraced areas on the site which are the remnants of the previous school use. The school buildings have been demolished to ground level. There are a number of trees on the boundary of the site and within the grounds of the site.**
- 2.3 The site is bound to the west/north west by the Newbattle Conservation Area and the nationally important Designed Landscape which forms part of the Newbattle Greenspace and consists of agricultural land and woodland. To the south is the remainder of the site of the former Newbattle High School and beyond a site which has planning permission for the erection of 79 dwellings, granted in 2019.**

Residential properties sit to the north the site. To the east of the site is the Newbattle Centre/Newbattle High School and its associated sports pitches, Easthouses Lily football club, a sports pavilion, parking area and woodland planting. There are open views to the south west, towards the Pentland Hills.

- 2.4 The site is connected to an established network of footpaths and core paths.

### **3 PROPOSAL**

- 3.1 The proposed development comprises:

- A 'U' shaped building comprising a two stream primary school (with the potential to be extended to a three stream school) and a nursery (the internal and external nursery provision can accommodate up to 144 children). The school also includes additional supports needs facilities;
- External nurse provision/play areas;
- External school play areas;
- Multi Use Games Area (MUGA);
- A car park comprising 67 spaces (including 2 disable spaces) situated to the north of the site accessed off Easthouses Road;
- A service delivery yard and 4 disable parking spaces situated to the south of the site accessed off Easthouses Road;
- Pedestrian links to the neighbouring path network;
- A pedestrian/zebra crossing over Easthouses Road; and
- Landscaping and boundary treatment.

- 3.2 The building comprises two wings wrapping around a courtyard. The finishes proposed include white render, rainscreen cladding, curtain walling and a standing seam roof – the structure includes large areas of glazing. The building is positioned centrally in the site along the southern boundary. The play/sports facilities, car parking and landscaping are positioned around the structure.

### **4 BACKGROUND**

- 4.1 The applicant carried out a pre application consultation (19/00445/PAC) for the erection of a primary school and associated works in May – August 2019. The pre application consultation was reported to the Committee at its meeting in August 2019.
- 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 was granted in 2019. The application was presented to Committee at its meeting in October 2018.

## 5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application subject to a condition/s requiring the submission of a scheme of remedial and stability works and thereafter its implementation.
- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application. SEPA provide the planning authority and applicant with advice regarding flood risk, district heating, the water environment, surface water, waste water, ground water, land contamination, pollution prevention and control, sustainable waste management and air quality. SEPA recommend that the applicant prepare an energy statement setting out how the developments heat demands are met from district heating, if feasible.
- 5.3 The Council's **Archaeology Advisor** does not object to the application and has confirmed that no archaeological investigation is required in relation to the site.
- 5.4 The Council's **Policy and Road Safety Manager** does not object to the application subject to conditions.
- 5.5 The Council's **Environmental Health Manager** does not object to the application.

## 6 REPRESENTATIONS

- 6.1 One representation has been received in relation to the application and although it supports the general principle of the proposed development it sets out the following concerns:
- The removal of mature trees and the grassed area to the north east of the site leading to further "urban creep";
  - The close proximity of the proposed car park (the most northern 12 spaces in particular) to the neighbouring residential property at Roanshead House and the resultant noise/disruption and intrusion into personal space; and
  - The proposed positioning of a line of trees along the northern boundary of the site will result in overshadowing of the garden of Roanshead House.

## 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:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 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.
- 7.3 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.4 Policy **DEV6: Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.5 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.
- 7.6 Policy **DEV8: Open Spaces** seeks to protect and enhance existing identified (in the proposals map) open spaces within settlements.
- 7.7 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 affect 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.
- 7.8 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.9 Policy **TRAN 5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.10 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 predeveloped condition, and to avoid any deterioration of water quality.

- 7.11 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 environmental.
- 7.12 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.
- 7.13 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.14 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.
- 7.15 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.
- 7.16 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.17 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development.
- 7.18 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

## **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 representation and consultation responses received are material considerations.

## The Principle of Development

- 8.2 The site is located within the built up area of Easthouses where there is a presumption in favour of appropriate development. The application site to the west of Easthouses Road is an established school site (the site of the former Newbattle High School) and is situated within a predominantly residential area where the proposed school development would be compatible to the neighbouring land uses subject to the details of the proposed development complementing the character of the area and protecting the amenity of existing neighbouring properties. The consultations carried out have not highlighted any overriding reasons as to why the site could not be redeveloped for the proposed education facilities.

## The Layout, Form and Design of Development

- 8.3 The proposed building sits centrally on the site. This positioning of the building means it looks out onto the developments play areas, MUGA, car park and the interesting areas of open space which will be used by the community outwith the traditional school day. The provision of the open space in front of the building helps to create a sense of place and grandeur which promotes the site as a community building. The building's scale and form means that although it is not hard up against Easthouse Road it does provide a strong frontage onto this main road.
- 8.4 The 'U' shaped building comprises two wings wrapping around a central open courtyard. The building has various heights and is stepped to accommodate level changes across the site. The two story primary school forms the southern wing, the single storey nursery forms the northern wing and the hall/dining area, which is three storey in scale, forms the central part of the structure. The height variation is welcomed and adds interest to the structure and mitigates the massing of it. The courtyard will have an element of overshadowing, however its orientation is designed to reduce the impact of the prevailing wind from the south west. The width of the courtyard, is in excess of 20 metres (21.4m is the minimum width of the courtyard) and this will help to reduce the impact of the overshadowing whilst providing a useable attractive space.
- 8.5 The mass of buildings fenestration is broken up by fluctuations in the heights of the different components of the building, large areas of glazing and a mixture of render and cladding walling materials. The building is of modern design and during the processing of the application the applicant has committed to incorporate green walling and/or roofing to enhance biodiversity – this is welcomed in biodiversity terms and in design terms. This feature can be secured by condition.
- 8.6 The landscape proposals and open space around the school building incorporate a MUGA and outdoor learning space as well as play provision, hardstanding and planted areas. The planting is used to

soften the mass of the building and to screen some of the more functional parts of the development such as the car park and delivery yard.

#### Other Planning Considerations

- 8.7 The matters raised by the representor in relation to the proposed development relate to the form of development along or close to the boundary with their property – this relates to the provision of car parking and landscaping and its impact on residential amenity. The distance between the parking spaces and the boundary of the site varies between 1m and 5m. There are trees and ground cover planting proposed between the parking area and the boundary of the site. The closest parking spaces to this boundary will not allow enough space for tree planting but a hedge along this boundary would allow for a better boundary treatment which screens the visual impact of the car park. Appropriate boundary treatment can be secured by condition. Overshadowing can be controlled by restricting the hedge from being allowed to grow too tall, this is a site maintenance issue for the Council. However the representor has the protection of the High Hedges legislation which defines such hedges as being, amongst other things, over 2m in height.
- 8.8 It is acknowledged that the provision of the car park to the north of the site brings the ‘built form’ of the development closer to the representors individual property, when compared to the configuration of the former Newbattle High School, which had an area of informal open space adjacent to the said residential property. However, based on the form and scale of the former school buildings, which were up to four stories, the proposed new primary school and nursery is of a reduced scale and does not result in an increased urbanisation of the site (this argument may apply when considering development options for the land previously used as the high schools sports pitches).
- 8.9 There is a Tree Preservation Order protecting two trees to the north of the site – the proposed development does not impact on these trees.
- 8.10 In order for the Government’s renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should support the transitional change to a low carbon economy including deriving *“11% of heat demand from renewable sources by 2020”* and supporting *“the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks”*. MLDP policy NRG6 states that community heating within new developments should be supported where technically and financially feasible. It remains to be demonstrated by the applicant that the proposed development does not offers the potential for a new district

heating network to be created within the site. Therefore, it should be made a condition of a grant of planning permission that a feasibility study for the provision of a community heating system for the new development undertaken by a suitably qualified engineer commissioned by the applicant be submitted for the approval of the planning authority.

- 8.11 In relation to surface water, the run off generated by the developed site will be routed through a new surface water drainage system to an underground storage tank. The volume of underground storage required has been calculated and will be located beneath ground level adjacent to the new MUGA pitch to the west of the site. A hydrobrake will be installed to manage the outflow to mitigate risk of flooding.
- 8.12 Off-site works to Easthouses Road include a humped zebra crossing, a 20mph speed limit (which currently exists at the site given the previous use) and speed humps. The crossing provides access to the Newbattle Centre/Newbattle High School and to Easthouses Park.

## **9 RECOMMENDATION**

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

*The site is located within the settlement boundary of Easthouses and on a site with an established educational and community use and as such there is presumption in favour of an appropriate educational use development. The proposed detailed scheme of development in terms of its layout, form, design and landscape framework is acceptable and as such accords with development plan policies. The presumption for development is not outweighed by any other material considerations.*

Subject to the following conditions:

1. Development shall not begin until details of 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, open space 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, wildflowers 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 building coming into use. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures 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 equipment; and
- xi proposed cycle 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 (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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

***Reason:*** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

***Reason:*** *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policy ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

3. Development shall not begin until samples of materials to be used on external surfaces of the buildings including a green wall finish system on one elevation/part elevation; 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:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements have 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;
  - 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 and the use of public transport;
  - vii proposed car parking arrangements;
  - viii an Auto Track of the proposed vehicle turning circle within the service yard;
  - ix a pedestrian/zebra crossing over Easthouses Road; and
  - x 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.*

5. 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.

Before any part of the site is occupied for residential purposes; 1) the measures to decontaminate the site shall be fully implemented as approved by the planning authority; and 2) a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme and the planning authority have confirmed the validation.

**Reason:** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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.*

- 6. Development shall not begin until details of a sustainability/biodiversity scheme for the site including the provision of bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

- 7. Development shall not begin until details of the provision and use of, electric vehicle charging stations within the development 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 Proposed Midlothian Local Development Plan 2017.

- 8. Development shall not begin until details of the floodlighting system and any security lights to be installed within the site have been submitted to and approved in writing by the planning authority. The floodlights and 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 are not visible from neighbouring houses which have a garden boundary with the application site. In addition, the lighting shall be designed to minimise the spillage of light up into the sky. The floodlighting system shall be fitted with an automatic cut out to ensure that the system cannot operate after 9pm. 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 quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.

9. Prior to the commencement of development a feasibility study on the operation of a community heating scheme for the development hereby approved, and if practicable other neighbouring developments/sites, in accordance with Midlothian Local Development Plan 2017 Policy NRG6, shall be submitted for the prior written approval of the planning authority. Should the planning authority conclude, on the basis of this study, that a scheme is viable, no building on the site shall be brought into use until a community heating scheme, and if practicable, other neighbouring developments/sites, is approved in writing by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority. The approved scheme shall be implemented in accordance with a phasing scheme also to be agreed in writing in advance by the planning authority.

**Reason:** *To ensure opportunities for the provision of a community heating system for the site is fully explored to accord with the requirements of policy NRG6 of the Midlothian Local Development Plan 2017 and in order to promote sustainable development.*

10. Development shall not begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include:
  - i. details of a construction access;
  - ii. signage for construction traffic, pedestrians and other users of the site;
  - iii. controls on the arrival and departure times for construction vehicles, delivery vehicles and for site workers (to avoid school arrival/departure times);
  - iv. details of piling methods (if employed);
  - v. details of any earthworks;
  - vi. control of emissions strategy;
  - vii. a dust management plan strategy;
  - viii. waste management and disposal of material strategy;
  - ix. a community liaison representative will be identified to deal with the provision of information on the development to the local

community and to deal with any complaints regarding construction on the site;

- x. prevention of mud/debris being deposited on the public highway;
- xi. material and hazardous material storage and removal; and
- xii. controls on construction, engineering and any other operations (to take place between 0700 to 1900hrs Monday to Friday and 0800 to 1300hrs on Saturdays).

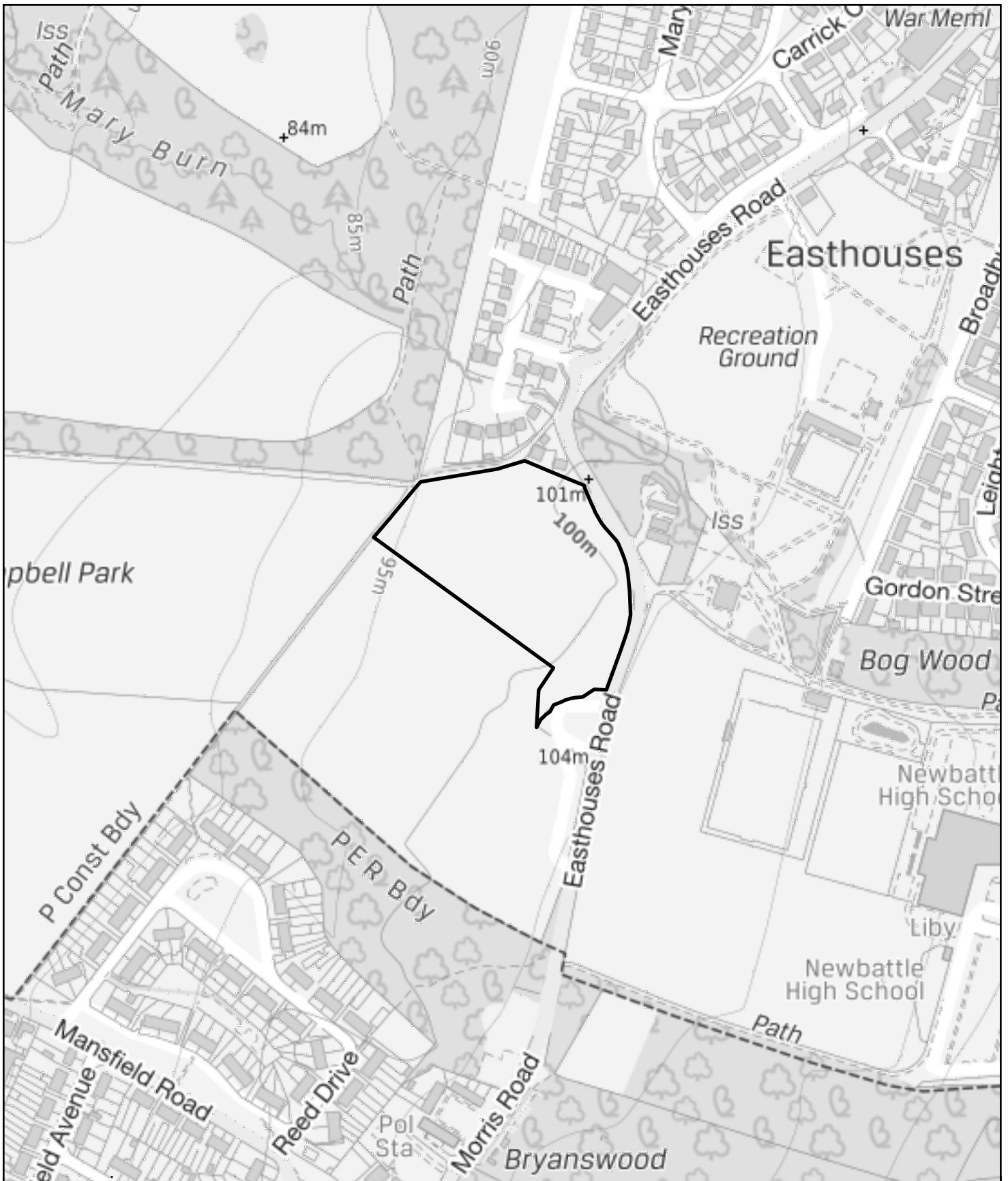
Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

**Dr Mary Smith**  
**Director of Education, Communities and Economy**

**Date:** 7 January 2020

**Application No:** 19/00763/DPP (Available online)  
**Applicant:** Midlothian Council  
**Agent:** AHR  
**Validation Date:** 11 September 2019  
**Contact Person:** Joyce Learmonth  
**Tel No:** 0131 271 3311  
**Background Papers:** 18/00308/DPP and 19/00445/PAC



**Education, Economy  
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Erection of primary and nursery; formation of MUGA, car parking and associated works at Former Site of Newbattle Community High School, Easthouses Road, Easthouses, Dalkeith

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