



APPLICATION FOR PLANNING PERMISSION 15/00685/DPP FOR ERECTION OF PRIMARY SCHOOL INCLUDING THE FORMATION OF A MULTI-USE GAMES AREA (MUGA) AND 7 ASIDE GRASS PITCH, FORMATION OF CAR PARKING AND ASSOCIATED WORKS AT LAND AT ROSLIN PRIMARY SCHOOL, PENTLAND VIEW PLACE, ROSLIN.

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

1.1 The application is for the erection of a new primary school, MUGA and a 7 aside grass pitch and the formation of car parking and associated works on the grounds of the Roslin Primary School, Pentland View Place, Roslin. There have been two letters of representation and consultation responses have been received from the Scottish Environment Protection Agency (SEPA) and the Council's Policy and Road Safety Manager, the Council's Archaeology Advisor, and Environmental Health Manager. The relevant development plan policies are RP7, RP8, RP13, RP20, RP28, RP29, RP32 and TRAN1 of the Midlothian Local Plan (2008). The recommendation is to grant planning permission subject to conditions.

2 LOCATION AND SITE DESCRIPTION

2.1 The 2 hectare site is located on the south western part of Roslin and consists of the Roslin Primary School and associated playing fields and playground as well as the associated public car park. There is an existing public footpath that crosses the site in a south west to north east orientation near to the northern end of the site.

2.2 Around the perimeter of the site is a mixture of styles and heights of fencing, hedges and shrubs. The site is bound by; the private gardens of houses in Charlton Grove to the north west, a combination of St Clair's Park, Roslin Community Hall to the north east and private gardens of houses in Penicuik Road to the south east. A public footpath abuts the entire south western boundary of the site, beyond which are private gardens of houses in Lochart Terrace, Nobel Place and Crusader Drive.

2.3 The properties in the vicinity are a mixture of single-storey and two storey buildings.

3 PROPOSAL

- 3.1 The proposal is to construct a new primary school (with capacity to be extended to two streams), with children's nursery, MUGA (multi-use games area), formation of 7 aside grass pitch, car park and associated works on the site. When the new school building is built it is proposed to demolish the existing building which is on the northern part of the site and form an external play space, MUGA pitch and a 7 aside grass pitch. The MUGA pitch will be used in the main by the school, but will also be available for use out with school hours. It is proposed that the MUGA lighting would be switched off at 9.30pm. The lighting will not be left on; but instead, it will require a timer button to be pressed which will operate the lighting for 45 minutes and up to the proposed cut-off time of 9.30pm.
- 3.2 The proposed new school is of modern design. It is single-storey with no upper floor accommodation. However, parts of the building are of a height commensurate to a two-story building, including the larger volume assembly hall and expressive arts spaces within the building. The higher level parts contain some high level windows. The exterior walls of the building are to be finished in a mixture of white render, brickwork, wood veneer panels and glass wall panels with grey finished metal framing. The roof would be clad in standing seam metal.
- 3.3 The plans submitted with the application do not indicatively show any potential future extension to the school building. However, the applicant confirms that the design of the building allows for the classrooms on the northern end of the building to be extended if required to meet future demand.
- 3.4 The main entrance to the school building faces north eastwards over its north east grounds onto St Clair's Park.
- 3.5 The vehicular access to the site will continue to be from Pentland View. Parking is proposed for 50 cars (including 4 disabled spaces). The road within the site and the car park are to be finished in tarmac. A total of 50 cycle parking spaces are proposed which comprises: (i) 10 spaces adjacent to the main entrance to the building; (ii) 12 pupil spaces in the southern corner of the car park; (iii) 24 pupil spaces next to the P1-P7 playground; and, (iv) 4 spaces near to the northern corner of the building. Two styles of cycle parking shelters are proposed: (i) a contemporary style cantilever shelter with a galvanised steel frame and polycarbonate roof cladding. This shelter would be located at the entrance to the school for use by visitors; and, (ii) galvanised steel framed covered shelters with a clear polycarbonate roof. These shelters would be erected over the pupil cycle parking. In addition, 30 scooter parking spaces are proposed next to the P1-P7 playground. A service yard is located to the south east corner of the site with associated bin storage. The existing three footpath accesses into the site are to be retained. These are: (i) at a point in the northern corner

of the site via Pentland View; (ii) at a point in the middle of the north eastern boundary of the site via St Clair's Park; and (iii) at a point in the middle of the west boundary of the site off Lochart Terrace. An additional footpath link to the site is to be provided from Penicuik Road entering the site at a point near to the southern end of the south west boundary of the site. The footpaths within the site are to be finished in a mixture of concrete block pavements and tarmac.

- 3.6 Roads, car parking and playgrounds will incorporate porous tarmac.
- 3.7 The existing public footpath that crosses the site near to its northern end and in a south west to north east orientation is at present closed during school hours. The proposal is to retain the footpath but to reposition the boundary fence of the school to along the south side of the footpath so that the footpath can be used during school hours..
- 3.8 A fencing plan has been submitted with the application delineating a mixture of a 1.8 metre high powder coated weldmesh anti-scale fence around the majority of the site and a 3 metre high ballstop/weldmesh fence around the perimeter of the MUGA.
- 3.9 CCTV Security cameras are proposed. No details of them have been submitted. However, the applicant's agent confirms that they will be placed at points around the perimeter of the site. They will have fixed heads that will face onto the school grounds and will not overlook neighbouring properties.

4 BACKGROUND

- 4.1 A Proposal of Application Notice has been considered for this application (ref no. 15/00227/PAC). This identified the pre-application public consultation that was required in relation to this application.

5 CONSULTATIONS

- 5.1 **Scottish Environment Protection Agency (SEPA)** advises there is no objection to this application however give the following advice:
 - The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697).
 - Advice is given that the applicant should consult with Scottish Water regarding water quality/flooding and adoption issues.
- 5.2 In July 2015 an archaeological evaluation of the site was undertaken by a qualified archaeologist and a report was submitted with the application. The report informs that a number of medieval ceramics were uncovered which are of archaeological significance. The likelihood of locating further medieval activity within the site is high. Therefore further archaeological works are deemed necessary within the development area. To address this, the applicant intends to carry

out a community archaeological excavation programme engaging local school children. The **Council's Archaeological Advisor** informs that given that the programme is due to start on the site shortly and that this will be carried out and controlled under professional codes and best practice there is no requirement for additional archaeological works to be secured by a condition imposed on a grant of planning permission.

- 5.3 **The Council's Environmental Health Manager** raises concerns about potential for noise nuisance to neighbouring residences from the MUGA pitch, the 7 aside grass pitch and the P1-P7 play area owing to their close juxtaposition to the neighbouring housing. In addition they raise a concern about light spillage from the proposed floodlighting of the MUGA which would facilitate its use after daylight fades. They note that the applicant proposes that the MUGA lighting will be switched off after 9.30pm, and will be fitted with a cut-off timer device to make sure the lighting cannot operate after 9.30pm. However, the Council's Environmental Health Manager considers this excessive and would recommend that a 9pm lighting curfew be imposed. Whilst not objecting to the application in principle, they advise that several environmental factors require to be addressed through appropriate planning controls and they recommend the following controls be secured by planning conditions: (i) an acoustic barrier of a design and specification to be approved in advance by the Planning Authority be provided at the north west boundary of the site and parts of the south west boundary of the site to mitigate noise from the MUGA and 7 aside pitch; (ii) an acoustic barrier of a design specification and design to be approved in advance by the Planning Authority be provided along the south eastern boundary of the site to mitigate noise from the P1-P7 playground; (iii) the floodlighting system and any security lights on the site; including those associated with the MUGA to be of a design and installation 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 receptor properties. In addition, they advise that the floodlighting system should also be fitted with an automatic cut out to ensure that the system cannot operate after 9pm. Furthermore, 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; (iv) the design and installation of all plant and machinery installed on the new school building and within its grounds be such that the combined noise level shall not exceed noise rating (NR) 30 daytime (07:00 to 23:00 hrs) and NR 25 night-time (23:00 to 07:00 hrs) as measured from within any living apartment in any neighbouring noise-sensitive premises. For the purposes of this condition the assessment position shall be as identified by BS 7445 in relation to internal noise measurements; and, (v) a scheme to deal with any contamination of the site and/or previous mineral workings be submitted to and approved by the planning authority and before any

part of the site is occupied the measures to decontaminate the site be fully implemented as approved by the planning authority.

5.4 The **Policy and Road Safety Manager** has not raised any objection to the proposed development.

5.5 **Sport Scotland** were consulted on the application, but they have not made comment.

6 REPRESENTATIONS

6.1 Two representations have been received in connection with this application. The matters raised are summarised as follows:

- No sensitive screening is proposed for properties sharing a boundary with the application site;
- Loss of outlook and view/harm to the views from neighbouring properties;
- Screen planting should be planted within the site in order to screen views of the new school building from adjacent properties;
- Concern about the proximity of the proposed cycle parking to neighbouring properties and the potential noise nuisance and disturbance from children/teenagers congregating in a shelter erected over the cycle parking;
- Comments made at the pre-application stage have not been included within the Design and Access Statement. Neither is it explained in this document how comments made were taken into account;
- The Design and Access Statement contains information about Roslin but it does not explain its relevance to the proposed new school;
- Concern that the neighbour notification may not have been carried out in accordance with legislation;
- There are discrepancies between what is shown on a section drawing and a ground floor plan submitted with the application. Correct drawings should be submitted and the neighbours re-notified;
- Concerns that the projection of the roof over an area on the south east side of the P5 classroom will encourage inappropriate behaviour by pupils when unsupervised and unobserved by school staff;
- Concern that lighting associated with the new school could cause light nuisance and night-time light pollution. No details of lighting have been submitted with the application. If planning permission is granted it should be subject to a condition requiring that light sources be non-glaring and light sources to have internal shades that prevent the light source from being seen out with the site;
- Details of external lighting should be included with the application and the neighbours re-notified;

- Any security camera installed should use infra-red lighting at night;
- A condition should be imposed on a grant of planning permission requiring the lighting of the MUGA to be switched off at 9.00pm. In addition the lighting of the MUGA should be on a sensor so that they switch off automatically when the MUGA is not in use;
- No details of mechanical air handling equipment to serve the kitchen and plant room in the school or extract flues has been submitted with the application. Amended plans should be submitted showing these details and the neighbours re-notified;
- Concern about noise nuisance to neighbouring properties from noise emitting from within the gym and creative arts spaces within the building through openable windows serving these spaces. The internal layout of the building should be reconfigured so that the staff room, meeting room and library occupy the location currently occupied by the gym and creative arts room;
- There is potential mutual overlooking and loss of privacy to neighbouring residential properties from the floor to ceiling glazing in the south-east elevation of the proposed building;
- No details of the design of the perimeter fencing have been submitted with the application. It should be made a condition of a grant of planning permission that a suitable designed security fence and gates are erected and that the site is locked-up after school hours;
- Concern about past/existing problems of loitering within the school grounds, roof-climbing, vandalism and dog fouling out with school hours and concern that the new school and its surroundings should be made secure outside school hours;
- In order to prevent stray balls or play equipment from the school injuring the residents of houses in Penicuik Road the space between the south-east side of the proposed new school and the south-east boundary of the site should not be laid out for use for ball games or other potentially disturbing activities;
- The site has archaeological values and significance and therefore it should be made a condition of a grant of planning permission that further site investigation and monitoring is undertaken;
- It should be shown on the site layout plan where the future extension to the school would be located and then the neighbours should be re-notified; and
- The proposed use of `rainscreen' as an external finishing material is unexplained. In addition, the material for and the finishing colour of the curtain walling is not specified.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) (SESplan) and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

Midlothian Local Plan

- 7.2 Policy **RP7: Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.
- 7.3 Policy **RP8: Water Environment** aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.
- 7.4 Policy **RP13: Species Protection** requires that where development would affect species protected by law an appropriate level of assessment will be required and appropriate mitigation measures will be required.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 Policy **RP32: Public Rights Of Way and Other Access Routes**, protects established routes against development which could lead to the loss of a right of way, cycle path, bridleway, or other access route.
- 7.9 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.

Government Policy and Guidance

- 7.10 Scottish Planning Policy on Promoting Sustainable Transport and Active Travel states (in paragraph 287) that planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where direct links via walking and cycling networks are not made, access via public transport networks involve walking more than 400m or the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.
- 7.11 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 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.

Principle of Development

- 8.2 The site is located within the built up area and is currently in use as a primary school and associated playground, playing fields and MUGA pitch. The education use on the site is well established on the site. The proposed development is for a redevelopment of the site for the same educational use. There are no planning concerns with the principle of the continuation of the use of the site for a primary school.

Design

- 8.3 The site is well contained owing to it being flat and surrounded on three sides by houses. Other than from within the site the public views of the building will mostly be from the public footpaths leading to it and from St Clair's Park. The neighbouring buildings are a mixture of architectural forms and styles, some being of traditional style and some more contemporary. There is no definitive architectural style in the area.
- 8.4 The existing school building to be demolished is of no particular architectural merit. The new school has been located on the site to allow its construction before the existing school is demolished. The new building is essentially 'H' shaped and of modern design. The principal block has a shallow pitched roof. Some sections of roof are inverted and some are mono-pitched. The higher roof sections of the building; although higher than neighbouring houses, would not be inappropriately high relative to the neighbouring houses, but instead would give the building some presence. The remainder of the building is a more conventionally single-storey structure with a number of high level

windows. The site does not have a road side frontage and thus it is not necessary for it to be designed with a street facade. Notwithstanding, the main entrance into the building; which is on the north east elevation, is identified by a double height glazed portico which provides a focal point at the entrance. In terms of its size, scale, proportion, height, positioning on the site, modern architectural form and style the proposed new building would not be incongruous within the locality. The external finishes proposed include dark grey panelling which creates a neutral backdrop for areas of glazing and the treated wood panelling which makes a positive and attractive feature on the facades. The neutral finishing material of the building along with landscaping of the spaces around the building/on the site will help this large building to be acceptable in the setting.

Residential Amenity

- 8.5 At its closest the new building will be some 18 metres away from the gable of the nearest house to the south west which is No.12 Nobel Place, some 47 metres away from the nearest house to the south west in Penicuik Road and 26 metres away from the house at 38a Penicuik Road. These distances are sufficient to ensure the proposed building would not have an unduly dominant or intrusive impact on these neighbouring houses. The proposed building would be so removed from the gardens of neighbouring houses so as not to have an unduly dominant effect on them or result in significant overshadowing of them.
- 8.6 The windows and door openings within the new building and the shelter beneath the roof projection on the south east corner of the building adjacent to the P5 classroom would be so removed from all neighbouring houses and gardens so as not to give rise to significant overlooking and loss of privacy to them.
- 8.7 No details of proposed air handling equipment and extract flues to be installed on the building/on the site have been submitted with the application. It can be made a condition on a grant of planning permission that details of their size, design, positioning and appearance are submitted for the prior approval of the Planning Authority.

Sport Facilities

- 8.8 The proposed MUGA and grass kick about pitch would replace the existing ones on the site, albeit in a different location. The MUGA, unlike most others which are in the grounds of primary schools, is to be used by the community out with school hours. The grass kick about pitch is not to be used out with school hours. Given that the proposed development would not result in the loss of a playing field or sports facility the proposed development complies with adopted Midlothian Local Plan Policy RP29.

- 8.9 Houses in Pentland View located to the north east of the site would provide some overlooking of the MUGA from both ground and first floor windows. To the north west are two-storey houses in Charleton Grove which will also provide some overlooking of the MUGA from upper floor windows. In addition, the MUGA would be viewed from the existing public footpath that bisects the site near to its northern boundary. Given this the MUGA would have adequate passive surveillance which would deter those users inclined to anti-social behaviour. However, if there is anti-social behaviour issues associated with the use of the MUGA, it could be closed after school hours. This would be detrimental to the community as a whole, as they would lose access to a MUGA. Notwithstanding, there is an existing grass pitch on the neighbouring St Claire's Park which allows formal play out with school hours.
- 8.10 Ball stop fencing to a height of 3 metres is proposed around the MUGA. The fencing will not appear unduly incongruous or intrusive from neighbouring residences and it will protect neighbouring residences from stray balls. The 1.8 metre high fencing to be erected around part of the grass kick about pitch, together with the existing 1.8 metre high fence along the south west boundary of the site will prevent that pitch from being used out with school hours. The height of these fences should prevent balls from the grass kick about pitch straying into neighbouring properties including the gardens of the houses in Charleton Grove which are located some 19 metres away from the pitch.

Noise and Floodlighting

- 8.11 A concern has been highlighted by the Environmental Health Manager in relation to noise arising from the use of the floodlit MUGA until 9.30pm. The concerns can be addressed by planning conditions to secure the following controls: (i) the MUGA lighting operation being switched off at 9pm, which is half an hour earlier than is proposed in the application; and, (iii) the MUGA lighting being designed and installed such that there is no direct illumination of any neighbouring sensitive property and the lamp design being such that the actual lamps and inner surface of the reflectors are not visible from neighbouring sensitive receptor properties. Subject to these controls the use of the MUGA and associated lighting would not give rise to significant harm to the amenity of neighbouring residences.
- 8.12 Concerns have been raised the Environmental Heath Manager in relation to noise from the site. They recommend that an acoustic fence between 2-3 metres in height be constructed along the north west boundary, parts of the south west boundary, and along the south east boundary to address concerns about noise from the P1-P7 playground during lunchtimes and at break times. There is currently a play facility on the north western extremity of the site and it is considered that noise from this is likely to be fairly significant at times. The erection of an acoustic fence along the north west boundary as recommended would also prevent some passive surveillance of the MUGA and grass kick about

pitch from the houses in Charlton Grove. Given these two issues and the likely infrequent noise from the site it is considered, on balance, that an acoustic fence is not required on either the north west boundary or the south west boundary. There is currently a grass football pitch on the south eastern part of the site and it is considered that noise from this is likely to be fairly significant at times. The erection of an acoustic fence along the south east boundary as recommended would also prevent some passive surveillance of the site from houses in Penicuik Road. Given these two issues and the likely infrequent noise from the site it is considered, on balance, not to require an acoustic fence on the south east boundary.

- 8.13 No details of external security lighting to be provided elsewhere within the site have been submitted with the application. It can be made a condition of a grant of planning permission that details of the positions, design and illumination of the external lighting within the site be approved in advance by the Planning Authority

Car, Cycle and Scooter Parking

- 8.14 Provision is made within the site boundary for car parking. Car parking for 50 cars (including 4 disabled spaces) is identified on the plans, which accords with the Council's 2015 parking standards. An additional footpath is to be provided to the school into the southern corner of the site from Penicuik Road. This will improve accessibility to the new school. The proposed 50 bicycle parking spaces and 30 scooter parking spaces are adequate for a school of the size proposed. The proposal is considered to promote sustainable and active travel and is compliant with government policy in this regard, as well as being in accordance with MLP policy TRAN1. The proposed cantilever style cycle shelter is acceptable for use for visitor cycle parking at the front entrance of the school. The proposed covered cycle parking shelters are acceptable for use over the pupils cycle parking. These shelters should also be used for the scooter parking

Landscaping

- 8.15 The control referenced by the Scottish Environment Protection Agency that provision regarding discharge of surface water be in accordance with the principles of SUDS (Sustainable Urban Drainage) can be secured by a planning condition. The Council as Flood Prevention Authority is content with the proposed surface drainage on the site.
- 8.16 There are a number of young to mature trees growing within the grounds of the existing school as well as immediately adjacent to the site boundaries. Only one of the trees within the school ground is worthy of retention, namely the Acer located between the school and the community hall, next to the north-eastern boundary. The trees growing outside the existing fence along the south-western boundary are attractive early-mature trees, which provide some visual mitigation

between the school and the adjacent residential properties. It is important that trees are retained wherever possible as it lends maturity to a site. The tree protection measures can be secured by a condition imposed on a grant of planning permission.

- 8.17 On the site plan mounds are indicated in the south-eastern corner of the site. As the residential properties to the immediate south east in Penicuik Road sit slightly lower than the site, depending on the finishing levels of the site, there could be potential for overlooking on these neighbouring residences by people standing on top of the mounds. To ensure that there is not significant overlooking it should be made a condition of a grant of planning permission that a plan showing proposed site levels be approved in advance by the Planning Authority. No landscape proposals have been submitted for the site and these also need to be secured by a planning condition. The landscaping should include the planting of a hedge along the south eastern boundary and the southern end of the north eastern boundary of the site in order to ensure privacy screening of neighbouring residences from the southernmost proposed playground (P1-P7 playground) within the site.

Archaeology

- 8.18 The community archaeological excavation programme engaging local school children will commence on site shortly. This will be carried out and controlled under professional codes and best practice. Subject to this the requirements of adopted MLP policy RP28 (Site Assessment, Evaluation and Recording) will be met. There is no requirement for additional archaeological works to be secured by a condition imposed on a grant of planning permission.

Ecology

- 8.19 In relation to Species/Habitat protection, bat surveys of the existing school building were undertaken by a professional ecologist. The surveys report concludes that although features which could potentially be used by bats as places of shelter for roosting were noted, no roosting bats were found during the surveys. Therefore, no mitigation is recommended. The proposal does not raise any significant issues as the site has a low biodiversity value.

Other matters

- 8.20 Regarding matters raised in letters of representation and not addressed above:
- 8.21 The application is sufficiently detailed to show the nature of the proposed development. The Design and Access Statement is adequate. In respect of aspects of the proposed development which have not been submitted; including external lighting, CCTV cameras and extractor vents, it is reasonable for the Planning Authority to control the details of

these with planning conditions. In receipt of these details there is no legislative requirement for the Planning Authority to formally notify the notifiable neighbours of the details submitted. The fact that these details have not been submitted is not grounds for the Planning Authority to refuse to grant planning permission for the proposed development. In considering any details submitted to comply with conditions the Planning Service will be mindful of any potential impacts of local residents and will make appropriate judgements accordingly.

- 8.22 In a letter of representation, a concern is raised that there is a discrepancy between what is shown on Section BB on the “Section” drawing and on the “Ground Floor Plan”. The applicant’s agent clarifies that Section BB and the Ground Floor Plan are both correct. The area indicated on Section BB is the mechanical equipment for the halls. It is not an occupied room. It is an area of plant that traditionally was suspended within the ceiling void, but for health and safety and ease of maintenance, high level access requirements is secured by creating safe platforms and decking at upper levels. It is an area for plant, with safe level access that is shown on Section BB. As such it is not an upper level occupied room – but a ceiling void. It has not been submitted as an “upper floor” as it is not an occupied space/room. The Planning Authority has not identified any material discrepancies with the application drawings.
- 8.23 The application stands to be determined on its own merits. The application drawings do not show any potential future extension to the building. However, the applicant’s agent confirms that the classrooms to the north could be extended. Notwithstanding, any future extension requires planning permission and a planning application would stand to be determined on its own merits.
- 8.24 The Planning Authority has not been presented with any evidence to support the claim made in a letter of representation that the neighbour notification has not been carried out in accordance with legislative requirements.
- 8.25 Loss of view is not a material planning consideration.
- 8.26 Past problems of unauthorised roof climbing, loitering and vandalism within the school grounds out with school hours is a site management and Police matter and not a planning issue and therefore is not a material consideration in the determination of the application.
- 8.27 Past problems of dog fouling within the school grounds is not a material consideration in the determination of this planning application.
- 8.28 Incidences of inappropriate behaviour by pupils of the school within the grounds of the school and any resultant affect on neighbouring residents is for the staff at the school and parents to address and is not a planning matter.

9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

The site is situated within the settlement boundary of Roslin and has an established education and associated sports and play use. The redevelopment of the site for the provision of a new school and associated facilities is compatible to its location and is supported in terms of development plan policies. Subject to conditions, the design and layout of the proposed development is acceptable and there are no material planning considerations which outweigh the presumption in favour of the development.

Subject to the following conditions:

1. Notwithstanding that delineated on docketed drawings, 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, including trees, shrubs, hedging, wildflowers and grass areas. The hedge planting shall include a hedge planted along the south-eastern boundary of the site and the southern end of the north eastern boundary of the site over the length of the mutual boundary with the garden of the house at 38A Penicuik Road;
 - 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 new building being completed or brought into use whichever is the earlier. 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 SUDS (Sustainable Drainage Systems) to manage water runoff;
 - viii proposed car park configuration and surfacing, including kerb details;
 - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);

- x details of existing and proposed services; water, gas, electric and telephone;
- xi details of the floodlighting system and any security lights to be installed within the site. The floodlights and security lights shall be designed and installed such that there is no direct illumination of any neighbouring residential 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 unless otherwise approved in writing by the Planning Authority. The design and construction of the lighting shall 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;
- xii the locations and design of security/CCTV cameras and mounting poles;
- xiii details, including the location of all street furniture.

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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

Reason for 1(iii): *To safeguard the privacy and residential amenity of the neighbouring residential from users of the southern-most proposed playground of the new school.*

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 policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

3. No trees within the site shall be lopped, topped or felled unless otherwise agreed in writing with the local planning authority.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 and RP20 of the Midlothian Local Plan and national planning guidance and advice.*

4. The soft landscaping of the site delineated on docketed drawings, including mounding is not approved.

Reason: *The detailed landscape proposals for the site cannot be assessed until ground levels for all buildings, open space and roads in relation to a fixed datum and as require by condition 1, have been submitted for the prior approval of the planning authority.*

5. The discharge of surface water to the water environment shall be in accordance with the principle of SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA and surface water drainage from the construction phases shall be dealt with by SUDS. Such drainage shall be in accordance with C648 and C649, both published by CIRIA.

Reason: *To ensure the provision of an appropriate SUDS strategy to serve the proposed development in the interests of safeguarding the water environment.*

6. 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;
- 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;
- x a programme for completion for the construction of access, roads, footpaths and cycle paths; and
- xi the permeable paving and car park drainage system.

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.*

7. Detailed drawing and a written specification and/or a manufacturers brochure of proposed air handling equipment and extract flues to be installed on the building/on the site shall be submitted for the prior approval of the Planning Authority.

Reason: *To ensure that air handling equipment and extract flues are not unduly intrusive or conspicuous on the building, in the interest of safeguarding the character and visual amenity of the area.*

8. The design and installation of all plant and machinery shall be such that the combined noise level shall not exceed NR 30 daytime (07:00 to 23:00 hrs) and NR 25 night time (23:00 to 07:00 hrs) as measured from within any living apartment in any neighbouring noise-sensitive premises. For the purposes of this condition the assessment position shall be as identified by BS 7445 in relation to internal noise measurements.

Reason: *To ensure noise from plant at the site does not cause an unacceptable level of nuisance to nearby noise sensitive dwellings.*

9. The grass pitches and synthetic pitch will be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor; details of contractor and pitches specification shall be submitted for the written approval of the planning authority prior to the commencement of development.

*SAPCA is The Sports and Play Construction Association
(www.sapca.org.uk)

Reason: *To ensure the pitches are designed and constructed to an acceptable standard.*

10. The outdoor sports facilities shall be completed and operational within 1 year of completion or occupation of the new school building, whichever is the earlier.

Reason: *To ensure the outdoor sports facilities are provided timeously.*

11. Development shall not begin until 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: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.*

12. Unless otherwise approved in writing by the planning authority, any floodlights or security lighting on the site shall not be used between the hours of 9.00pm and 7am. The floodlights and security lighting shall be designed to minimise the spillage of light outwith the site boundaries or up into the sky.

Reason: *To minimise any impact on amenity of floodlighting and security lighting on the surrounding area.*

13. 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; or alternatively it has been confirmed in writing to the planning authority that there is no contamination/previous mineral working requiring mitigation. 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 the new school building, new MUGA and new grass 7 aside kick about pitch are occupied/first come into use, the measures to decontaminate/remediate 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.

14. The new school building hereby approved shall not come into use unless and until the car parking, cycle and scooter parking all delineated on docketed drawing No.LL(90)001 rev F, and the shelters over all of the cycle parking and scooter parking have been formed/erected and are made available for use. Thereafter, the car parking, cycle and scooter parking and shelters shall be retained unless otherwise approved by the Planning Authority.

Reason: *In the interests of road and pedestrian safety and to safeguard the amenity of the area.*

15. The grass 7 aside kick about pitch hereby approved shall not be available for use when the school is not open unless with then prior written approval of the Planning Authority.

Reason: *To safeguard the amenity of neighbouring residential properties as use of the grass pitch out with school hours has the potential to give rise to noise nuisance.*

Ian Johnson
Head of Communities and Economy

Date: 10 November 2015

Application No: 15/00685/DPP (Available online)

Applicant: Midlothian Council

Agent: AHR Architects Ltd

Validation Date: 17 August 2015

Contact Person: Adam Thomson

Tel No: 0131 271 3346

Background Papers: 15/00227/PAC