



**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE
20/00906/PPP, FOR THE ERECTION OF HEALTH AND RACQUETS CLUB
WITH ASSOCIATED CAR PARKING, ACCESS, LANDSCAPING AND
ANCILLARY FACILITIES AT LAND AT SHAWFAIR PARK, OLD DALKEITH
ROAD, DANDERHALL, DALKEITH**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for planning permission in principle for the erection a health and racquets club and associated works within Shawfair Park, Danderhall, Dalkeith. There have been no representations and consultation responses from The Coal Authority, Scottish Water, The Council's Archaeological Advisor, The Council's Policy and Road Safety Manager, The Council's Land Resources Manager and Danderhall and District Community Council.**
- 1.2 The relevant development plan policies are STRAT1, DEV2, DEV5, DEV6, DEV7, ECON1, ECON3, TRAN1, TRAN2, TRAN5, IT1, ENV7, ENV9, ENV10, ENV11, ENV15, ENV17, ENV18, ENV25, NRG5, NRG6, IMP1, IMP2 and, IMP3 of the Midlothian Local Development Plan 2017.**
- 1.3 The recommendation is to grant planning permission in principle subject to conditions and the applicant entering into a Planning Obligation to secure contributions towards necessary transport infrastructure including the Borders Railway and Sheriffhall Roundabout.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The site is a 2.1ha plot of ground within an existing business park, currently vacant with a thin ground cover of scrub vegetation. Access to the site is from the north boundary via a four-arm roundabout, which connects to the internal spine road of the business park. From there, vehicles can then access the A7 to the southwest and the planned new settlement of Shawfair to the north. The A7 road to the southwest provides access to the trunk road network to the south and Edinburgh City Centre to the north. The site is bound on the south by a park and ride facility. Overhead power lines run east to west just beyond the**

site's southern boundary. To the east, the boundary is undefined with further scrubland beyond. The land slopes up towards a core path that connects the A7 with Millerhill Road to the north. The north boundary is also undefined and marked by more vacant land and the aforementioned roundabout and internal access road. To the west, the site abuts the internal spine road with vacant development land on the other side. To the southwest is a pub/ restaurant and a four-storey office building further beyond. The spine road is also part of the Midlothian Core Path Network. The site is generally flat and sits at a slightly lower grade (c.63m AOD) than the spine road to the west (c.64.5m AOD). Thick vegetation marks the south boundary with formal hedge and avenue tree planting characterising the west boundary.

- 2.2 The site is located in an established and developing business park, known as Shawfair Park. The area is characterised by newly formed access roads, landscaping and plots of vacant land awaiting development. The nearest residential area is Danderhall, around 1km to the north. There is a small group of residential buildings on Old Dalkeith Road (A7) located around 500m to the southeast, on the other side of the park and ride. In addition to the aforementioned pub/ restaurant and office building to the west, Shawfair Park also accommodates a group of three small office pavilions and a large private hospital located north of the site. Further consents have been granted within Shawfair Park for a dental and woman's health care facility to the north of the site, and an industrial building further to the west of the site beyond the pub/ restaurant.
- 2.3 The site is not subject of any designations for nature conservation or historic environment protection purposes. The site is not at risk of flooding according to the SEPA Flood Risk Map. The site is within a Coal Authority High Risk to Development Zone.
- 2.4 Shawfair Park is designated as economic development site e27 in the adopted Midlothian Local Development Plan 2017. This designation safeguards the site for employment generating land uses and protects against its loss to alternative uses.

3 PROPOSAL

- 3.1 The applicant proposes to erect a sports centre, with external pool and spa facilities and two sets of tennis courts housed under inflatable domes. The main building would accommodate the majority of facilities within a two storey building around 8 metres tall. The building would be of modern construction, steel-frame and exterior cladding, and include spaces for gym, fitness studios, an indoor pool and a general purpose sports hall. The total indoor floor space would be approximately 2,500 sqm.

- 3.2 The two tennis domes would be located within the site and detached from the main building. These are unique designs which allow for outdoor tennis utilising natural light, but within an enclosed environment sheltered from rain and wind. The applicant proposes one dome to be permanent and the other seasonal. The domes are constructed of polyester/ PVC panels on a metal frame and have a light/ white appearance. The domes would be lit internally with LED lighting.
- 3.3 The applicant has considered a number of factors in coming to a design solution for the site. These are set out in the applicant's Design and Access Statement (Hadfield Cawkwell Davidson, August 20). They include factors such as daylight/ sunlight for internal and external facilities. The applicant describes the specifics of their operation and how the environmental factors of a site can have a bearing on the internal arrangements. For example, the proposed spa garden and pool are located outside and need to avoid excessive shade from nearby buildings. The tennis court domes are also designed to accommodate Lawn Tennis Association requirements. These relate, in part, to climatic/ environmental conditions that affect the game.
- 3.4 The proposal includes 245 car parking spaces, of which 228 would be 2.4m x 4.8m bays, 12 would be accessibility spaces and five would be parent and child spaces. Eight spaces would be fitted with electric vehicle charging point kiosks. A footpath link would be formed from the west boundary and provides a direct off-road pedestrian link to the building entrance. Vehicular access would be taken from the existing roundabout spur with staff, visitors and deliveries utilising this connection. The applicant's Transport Assessment (Transport Planning Ltd, Oct 20) gives a description of the connections available to the site in the wider area. It also assesses the predicted vehicle movements to and from the site and the impact of these on the capacity of the road network.
- 3.5 The applicant has considered the flood risk implications of the development and devised a drainage strategy in response (Quattro Consult, Dec 20). The applicant proposes to connect foul and surface water drainage to existing connections constructed as part of the road infrastructure. The connection point for the site is beneath the roundabout spur to the north. Foul water will connect at this point too. Surface water is to be addressed in two tiers. The first comprises a combination of underground cellular storage, porous paving and filter trenches in the car park. Additional treatment would also be provided by hydrodynamic vortex separator accessed via manholes to filter out materials from surface water. The second level of treatment and attenuation is provided by the existing sustainable urban drainage system (SUDS) basin serving the whole of Shawfair Park.
- 3.6 The applicant has undertaken initial ground investigations of the site (Mason Evans Partners, July 2020). It found through intrusive

investigations no significant contamination source, with a low risk to persons and the environment. The risk from past mining activities is also considered and further work proposed to stabilise the ground conditions.

4 BACKGROUND

4.1 The following grants of planning permission are relevant to this application:

- 02/00660/OUT – Outline planning permission for residential, industrial and commercial floor space, community facilities (including new primary schools), associated landscaping with provision for sport and recreation and new transport facilities.
- 04/00405/OUT – Outline planning consent for Business Park with support facilities (including nursery, restaurant, conference and catering facilities) and hospital with associated landscaping, roads, car parking and accesses.
- 05/00863/FUL – Construction of spine road with associated landscaping, drainage and infrastructure
- 05/00337/FUL Construction of park and ride facility, including car parking, bus turning and waiting facilities, with SUDS drainage and landscaping
- 07/00119/FUL Extension to park and ride facility, SUDS drainage and associated landscaping
- 06/00539/FUL – Site levelling works
- 06/00720/FUL – Amendment of Conditions 2, 3, 4, 5, 6, 7, 8 and 9 of 05/00863/FUL to allow revised phasing of spine road
- 06/00721/FUL Removal of Conditions 2 (c) and 5 (a) of 04/00405/OUT to allow revised phasing of spine road
- 08/00497/FUL Proposal to carry out grouting works
- 08/00219/FUL Formation of new access road with associated drainage infrastructure and erection of sub station
- 08/00560/FUL Erection of an electricity sub-station
- 08/00435/FUL Variation of condition 1 of 04/00405/OUT to amend the developable area

- 08/00436/FUL Variation of 04/00405/OUT to allow deletion of condition 9
- 08/00299/FUL Erection of hospital with associated access, parking, landscaping, suds infrastructure and site levelling
- 08/00509/FUL Erection of hotel and associated access road, car parking and landscaping
- 08/00298/FUL Proposal to carry out grouting works
- 14/00358/SP Upgrading of overhead line
- 15/00089/MS Application for Matters Specific in relation to condition 1 (relating to former mineral workings, sustainable urban drainage strategy, landscaping to Cairnie Burn, programme for highway network improvements and travel plan details) of outline planning permission 02/00660/OUT for residential, industrial and commercial floor space , community facilities, associated landscaping with provision for sport and recreation and new transport facilities
- 17/00650/S42 Section 42 application to amend condition 4 of planning permission 02/00660/OUT. This application seeks to change to means by which the Master Plan and Design Guide (and related addenda) for Shawfair can be amended.
- 18/00946/LA Application to modify a planning obligation with a legal agreement (associated with 02/00660/OUT)
- 19/00023/PPP Planning permission in principle for erection of dental care facility and women's health centre.

4.2 The application site is larger than 2 hectares. Therefore, the application is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant is required to undertake a 12 week period of consultation prior to the submission of an application for a Major Development, in accord with the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013. The applicant submitted a Proposal of Application Notice (20/00607/PAC) which was reported to the Committee at its meeting of October 2020. The application is accompanied by a Pre Application Consultation (PAC) Report that details the extent to which the community were engaged with the proposals before the application was submitted. The application is therefore in accord with the statutory requirements of the 2013 Regulations.

4.3 The application was screened under the terms of The Town and Country Planning (Environmental Impact Assessment) (Scotland)

Regulations 2017. The consideration was whether or not the development is likely to result in any significant effects on the environment by virtue of factors such as its nature, size or location. The planning authority has considered the development, its location and the potential interaction between the two and found that significant effects on the environment are unlikely to emerge. The proposal's impacts on local sensitivities can be considered without the detailed study of an EIA Report. Therefore, the proposal is not EIA Development as defined by the said Regulations.

5 CONSULTATIONS

- 5.1 The **Coal Authority** does not object to the application, but recommends conditions securing remediation works to address potential mining stability risks.
- 5.2 **Scottish Water** does not object to the application, as there is sufficient capacity within their strategic networks to accommodate the development. The applicant is invited to engage in a pre development enquiry process at the appropriate stage. Existing Scottish Water assets are located on the site and will need to be assessed as part of the development process.
- 5.3 The Council's **Archaeological Advisor** does not object to the application. The site has been subject to an archaeological evaluation in 2006 and as a consequence no further work is required.
- 5.4 The Council's **Policy and Road Safety Manager** does not object to the application in principle. Some amendments to the plans are recommended, including: moving the electric vehicle charging points closer to the building entrance; and a new pedestrian/ cycling entrance to the site from the south to link to the park and ride. A green travel plan should also be submitted with detailed matters to demonstrate ways in which visitors to the site shall be encouraged to use sustainable modes of transport.
- 5.5 The Council's **Land Resources Manager** does not object to the application provided the development does not obstruct the nearby existing rights of way.
- 5.6 Danderhall and District Community Council (DDCC) does not object to the principle of development, but raise detailed matters, such as sustainability in construction, energy usage and car parking and also raise concerns over traffic implications on the local road network.

6 REPRESENTATIONS

- 6.1 No representations have been received.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP), adopted in November 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply (Appendix 1B). Committed development includes those sites allocated in previous development plans which are continued in the MLDP, such as proposal e27, Shawfair Park.
- 7.3 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.
- 7.4 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.5 Policy **DEV6: Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking.
- 7.6 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.
- 7.7 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses against loss to non-business or industrial uses. Alternative uses for such sites will only be permitted if there is no net detriment to the overall supply of economic land.
- 7.8 Policy **ECON3: Ancillary Development on Business Parks** supports the principle of ancillary uses (such as child day care services, banking, convenience, healthcare services) at Shawfair Park and Salter's Park where these are of a scale suitable to service the existing and expanding workforce and business community at these locations.

The provision of and support for, ancillary development will be considered subject to:

- an assessment of the proposed uses and scale of provision not having an adverse impact on the prospects for Shawfair (proposed) and Dalkeith (existing) town centres; and
- the preparation of a masterplan indicating the scale, location and timing of provision.

Where substantive development is yet to commence, support for ancillary uses will only be considered if it is likely to act as an enabler to attract further investment to that business location. In each case, planning obligations will be used to regulate the scale, nature, extent and timing of such facilities, including any advanced provision.

- 7.9 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.10 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area.
- 7.11 Policy **TRAN5: 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.
- 7.12 Policy **IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes.
- 7.13 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.14 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.15 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.

- 7.16 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.
- 7.17 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.18 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.19 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.
- 7.20 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.
- 7.21 Policy **NRG5: Heat Supply Sources and Development with High Heat Demand** encourages the co-location of developments with high heat demand next to sources of heat, in order to reduce the carbon footprint of building performance.
- 7.22 **NRG6: Community Heating** requires that, wherever reasonable, community heating should be supported in connection with buildings and operations requiring heat.
- 7.23 Policies **IMP1: New Development** and **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** require the developer to deliver, or contribute to, the required infrastructure to mitigate the impact of the development.
- 7.24 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.25 The **SPP (Scottish Planning Policy)** sets out Government guidance in relation to creating a successful sustainable place, supporting

economic growth, regeneration and the creating of well-designed places. SPP promotes town centres identifying the 'town centre first principle'. Development plans should adopt a sequential town centre first approach for uses such as retail with the order of preference being town centres, edge of town centres, other commercial centres identified in the development plan, and out of centre locations that are or can be made easily accessible by a choice of transport modes.

7.26 In relation to supporting business and employment the planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

7.27 Plans should align with relevant local economic strategies to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector; and
- financial and business services.

7.28 SPP introduces a presumption in favour of development that contributes to sustainable development, but states:

"The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost".

7.29 SPP encourages a design-led approach in order to create high quality places. It states that a development should demonstrate six qualities to be considered high quality, as such a development should be; distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and, easy to move around and beyond. The aims of the SPP are developed within the policies of MLDP.

7.30 SPP states that design is a material consideration in determining planning applications and that planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

- 7.31 SPP supports the Scottish Government's aspiration to create a low carbon economy by increasing the supply of energy and heat from renewable technologies and to reduce emissions and energy use. Part of this includes a requirement to guide development to appropriate locations.
- 7.32 SPP notes that "high quality electronic communications infrastructure is an essential component of economic growth across Scotland". It goes on to state that

"Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area".

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan, unless material planning considerations indicate otherwise. The consultation responses received are material considerations.

Principle of Development

- 8.2 The site forms part of economic site e27 where there is a presumption in favour of appropriate development. The site is listed in Appendix 1B of the MLDP: Established Economic Land Supply as Shawfair Park where business and general industry (plus ancillary support activities) are promoted. Policy STRAT1 seeks the early implementation of committed development sites in Appendix 1B. Policy ECON1 safeguards existing business and industrial locations against loss. Acceptable uses within these areas would fall within Class 4 (Business) and 5 (General Industry) as defined by the Town and Country Planning (Use Classes) Scotland Order 1997, as amended. The reason to focus on these uses is that they tend to support a larger number of jobs than other non-residential uses, in the interest of supporting the local economy.
- 8.3 The applicant proposes a use that would fall within Class 11 (Assembly and Leisure). As this use is not directly supported within Shawfair Park, the proposal conflicts with Policy ECON1 and STRAT1.
- 8.4 Policy ECON3 recognises that ancillary uses at Shawfair Park should be allowed to serve the resident workforce and business community. The policy limits the scale of these types of uses so as to avoid impacts on nearby centres, such as Dalkeith and the proposed new town centre at Shawfair. The aim is to provide amenities for employees based at the park, rather than to change the character of the area to a retail-type destination. Policy ECON3 also seeks to restrict ancillary uses where

substantive development is yet to commence. Ancillary uses would be acceptable where they are likely to act as an enabler of further investment in that location.

- 8.5 Shawfair Park has been available as a business location for nearly 15 years. In that time, a number of uses have come forward. These include a mix of compliant uses – Office Pavilions (06/000215/FUL), SQA building (10/00098/DPP), Danfoss (20/00383/DPP) – and non-compliant uses – Spire Hospital (08/00299/FUL), Pub/ Restaurant (12/00142/DPP, and a Dental and Woman's Health Centre (19/00023/PPP). The adjacent Park and Ride facility has also taken up some allocated employment land.
- 8.6 So, whilst substantive development has commenced or been consented on Shawfair Park, it has comprised a mix of business/ industrial uses and alternative uses. Policy ECON3 could support alternative uses such as Class 11 where this would serve the immediate workforce and act as an enabler of further investment in employment generating uses. But, it is the scale of development proposed by the applicant which results in the conflict with Policy ECON3.
- 8.7 The scale and nature of the leisure use proposed in this application takes it beyond a use that serves the small number of employees that are based in this location. The applicant's Transport Statement (Transport Planning Ltd, October 2020) models the type of trips generated by the development. This clearly demonstrates that the use would serve a much wider catchment than merely the business park employees.
- 8.8 On the basis of the above, the proposal is not a use supported by the MLDP and is contrary to site allocation e27 and policies STRAT1 and ECON1. In addition, the scale of the proposed development is such that it falls beyond the scope of acceptable ancillary developments supported by policy ECON3. Supporting economic growth is a central concern of the MLDP which is aligned with other strategies of the Council. Safeguarding land for the needs of business is one of the most important tools available to Council to achieve these objectives. A broad reading of the development plan's aims, objectives and spatial strategy reveals the significance of the potential loss of employment land.

Material Considerations

- 8.9 In addition to an assessment against the relevant policies of the development plan, the decision maker must consider any material considerations for and against the proposal. Then, it is matter of judgement as to whether or not these considerations should be given sufficient weight to warrant a departure from the development plan or not. However, a departure from the policies relating to safeguarded

employment land must overcome a strong presumption against their loss.

- 8.10 The applicant has identified a number of considerations they identify as relevant and in favour of the development. These are set out in the Planning Statement (Lichfields, December 2020) submitted with the application. These can be summarised as:
- the development would support 75 full-time equivalent (FTE) jobs, mainly drawn from the local labour market;
 - the use would fit well with the park, avoid impacts on amenity and support further investment;
 - the site had previously been approved for a hotel (Class 7 and non-compliant use), so there is no net additional loss of employment land;
 - Midlothian is providing 243.62ha of employment land to meet a strategic need of only 129ha;
 - The proposal would avoid adverse impacts on nearby town centres;
 - The proposal is a unique offer providing world class tennis facilities to satisfy rising participation, particularly in young people and woman. The provision of all-weather surfaces supports the growth in tennis in particular, and healthy lifestyles more generally;
 - The proposal adopts high quality design, landscaping and sustainable construction materials.
- 8.11 In addition to these considerations, the applicant argues that the proposal is broadly compliant with the development plan. Along with other supporting technical documents, the proposal addresses the requirements of the impact policies of the plan leaving only the principle of land use as the conflicting provisions. Even here, the applicant considers the proposal would help to achieve the wider objectives of the MLDP in terms of investment in business, promotion of jobs and the facilitation of sustainable economic growth. Overall, the conflict with the development plan is acknowledged, but that there are sufficient considerations identified to overcome the presumption against.
- 8.12 In considering material considerations of any application, the most important statement of policy is Scottish Planning Policy (SPP). As a statement of the Scottish Government's priorities for economic growth and development, it carries significant weight. This significance is increased due to the age of SESplan and so the presumption in favour of sustainable development is elevated in material weight to "significant".

- 8.13 SPP puts the facilitation of sustainable economic growth at the heart of the planning system in Scotland. Supporting business and employment is a focus for SPP, encouraging planning to address the requirements of businesses and enable key opportunities for investment to be realised (para 92). Paragraph 101 requires local development plans to allocate a range of sites for business. The supply of land for business should be kept under review through business land audits.
- 8.14 SPP paragraph 28 provides a presumption in favour of sustainable development. In practice, this means that a development that is “sustainable” is acceptable in principle, and only where significant adverse impacts are identified should it be refused. Sustainable development is defined by 13 principles set out in paragraph 29. The first two principles include giving due weight to net economic benefit, and responding to economic issues, challenges and opportunities outlined in local economic strategies. The remaining principles relate to planning matters such as good design, natural and cultural heritage protection and the protection of amenity.
- 8.15 A full assessment of the proposal as sustainable development cannot be concluded until all relevant planning matters have been assessed. This will be rounded up at the end of this report. But in terms of the immediate issue of net economic benefit and the response to local economic issues, these matters address the principle of development. The applicant has provided information on the nature of the proposed operation and what the likely economic impact would be. The applicant highlights the number of jobs directly generated by the development, and suggests further positive impacts within the local supply chain.
- 8.16 In addition to the direct employment generated, the applicant has identified this part of Midlothian as a place under served by this type of leisure facility. Whilst this is difficult to corroborate, it does suggest that the investment would constitute net economic benefit, rather than displacing or replacing investment that could take place elsewhere.
- 8.17 Lastly, the applicant suggests that this type of investment would offer an attraction to other business uses to the Park which could act as a catalyst for further development. Again, these claims are difficult to verify, but can be accepted ex facie as a realistic outcome of the development. A business location with a nearby gym, pool and sports facilities would make a more attractive offer for businesses looking for new premises than a location without these types of facilities to hand. This fact, of course, must be balanced against the protection for employment land for the needs of businesses that MLDP policies safeguard.
- 8.18 Overall, it is accepted that the development would result in net economic benefit and the employment opportunities it generates is supported by the Council’s economic strategies. However, these are

general considerations and, on their own, not sufficient to overcome the presumption against this type of development in this location.

- 8.19 The Council has undertaken regular reviews of business land supply, in accordance with SPP. The latest Employment Land Audit (ELA20) identifies a supply of 243.62ha, of which 134ha is immediately available. Shawfair Park is included in the supply of immediately available land. The strategic needs of Midlothian as part of the Edinburgh City Region amount to 129ha, so it appears that there is enough land to meet needs if the 2ha of land in this application are lost to a Class 11 use. This consideration should be handled cautiously because SESplan is out of date so the 129ha of demand is a figure which is also aged. What's more, the protection of this land supply provided by planning policies accounts for why this land is available for businesses. It therefore cannot be used to justify the loss of part of the supply to alternative uses. Nevertheless, it is an important fact to note that there is a healthy supply of employment land in Midlothian and that the development of the site would not exacerbate an existing deficiency.
- 8.20 The applicant estimates the development would generate 75 FTE jobs. This is broken down in to 49 Full time and 25 part time David Lloyd Members of Staff, plus 4 part-time Tennis Professionals, 5 part time 'Blaze' instructors and around 12 exercise instructors. These latter groups would all be self-employed. The applicant expects to recruit these vacancies from within the local job market. It is also expected that the operation of the development would require support from a local supply chain to provide catering, cleaning and other services required to run a gym and spa. What the applicant does not highlight, but which must be considered, is the impacts of investment on the construction sector which would, naturally, be positive. The economic impacts are described by the applicant, but not demonstrated in any great detail. It should also be highlighted that the occupier of the development is a national chain with headquarters in Hertfordshire. Therefore, a large proportion of the expenditure generated by the development will likely leak out of Midlothian. So again, whilst the net economic benefit of the proposal is noted, it is not sufficiently compelling on its own to overcome the presumption against provided by the MLDP.
- 8.21 In relation to employment densities, advice has been provided by the Council's economic development team. It is an important element of this assessment to consider the number of jobs a particular development will provide and compare this to the numbers expected to be provided by a business use. Employment density information can be found by using the Homes and Communities Agency Employment Density Guide 2010, as adopted by the MLDP in Policy ECON 1. This data is over ten years old and may be out of date. It won't take account of recent advances in computerisation, homeworking or any post-Covid

trends in working patterns. Nevertheless, it serves as a good proxy for the purposes of understanding job creation of new development.

- 8.22 The proposal would provide around 4,107sqm of floorspace. This rises to 5,807sqm if the tennis courts are included. This analysis will present both figures as a high – low indicative figure rather than false specifics as the specialist nature of the use of this floorspace does not lend itself well this type of high level analysis. For other hypothetical uses, the higher figure is chosen because it is shown that the site can accommodate the scale of development, regardless of the use.

- 8.23 The table below summarises the comparison:

Land Use	Floor Space (sqm)	Sqm per workspace	Jobs Yield (FTE)
David Lloyd (min)	4,107	55	75
David Lloyd (max)	5,807	77	75
Office (Class 4)	5,807	10	580
Industrial (Class 5)	5,807	47	123
Leisure (Class 11)	5,807	65	89

- 8.24 On this analysis, the proposal falls well short of the densities expected by the 2010 Employment Density Guide. The degree of shortfall is stark, and so requires further investigation.
- 8.25 Therefore to corroborate this analysis, the number of employees at the recently submitted application by an engineering firm, 21/00135/DPP. The proposed 7,154sqm premises would operate under Class 4 and 5 use and is expected to accommodate between 120 and 170 FTE jobs. This would give an employee density of between 60 and 42 sqm per workspace, which is not significantly denser than David Lloyd Leisure would provide (55 to 77 sqm per workspace). Similarly, the development immediately to the north (19/00023/PPP) approved in principle a dental and woman's health care centre. This would provide 53 jobs within a building 7,852 sqm in size. This would provide an employment density of around 148sqm per workspace, which is significantly lower than the standard densities would expect. Within this context, the number of jobs provided by the proposed Class 11 use in this application compares reasonably well.
- 8.26 The applicant compares the proposal with the employment generated by the hotel consented in 2008. However, this permission lapsed without being implemented and so can be given no weight in the assessment of this latest application.
- 8.27 So, based on the above, an examination of employment densities draws mixed conclusions. If the nationally recognised, but dated, figures for expected job yields from different sizes and types of development is used, then the 75 FTE jobs generated by the proposal is much lower than what this matrix suggests could be generated by Class 4 and 5 uses. This would mean the economic impact of the

development would be limited and not sufficient to justify the loss of 2ha of employment land for such little employment gain. On the other hand, the employment densities guide is more than ten years old. More recent data is provided by two examples: a Class 4, 5 occupier; and, a Class 10 health care operator. Although a small sample size, it suggests that the expectations of job yields from the 2010 study need to be revised. The Class 11 use compares much more favourably to the proposed neighbouring Class 4/5 and Class 10 uses.

- 8.28 Overall, little weight can be applied to this assessment as it is difficult to accurately assess whether allowing the loss of employment land would unduly inhibit job creating uses. It may be more realistic to accept that the proposal would have a neutral overall impact in terms of job creation. The surrender of 2ha of employment land to this use would not mean that the Council is losing out on the potential creation of a significant number of jobs.
- 8.29 Another important consideration is the potential impact of the development on neighbouring centres. Policy ECON3 considers Shawfair town centre (proposed) and Dalkeith town centre (existing) to be sensitive to alternative uses that could be proposed for Shawfair Park and Salter's Park. The applicant has provided a sequential assessment of nearby centres and was unable to identify an available site for the development within a sequentially preferable location. Given the unique nature of the proposal, the applicant requires vacant land to accommodate a bespoke facility, rather than fit themselves within an existing building. This is based on a pre-determined template of onsite arrangements. The applicant highlights case law relating to sequential assessments which confirms it is for the applicant to find sites capable of accommodating their needs. Reasonable flexibility must be applied by both the developer and planning authority, but it is not reasonable for the planning authority to expect the developer to reduce their requirement to fit into a sequentially preferable location. On this basis, the applicant has demonstrated that there is no suitable site in existing centres that could accommodate the development.
- 8.30 The applicant's analysis is accepted and there are no sequentially preferable sites available in Midlothian that could accommodate the development. The applicant gives brief consideration to Shawfair town centre. As the town centre has yet to be developed, there are opportunities to provide a plot that would be of sufficient size to meet their requirements. However, the town centre of Shawfair is intended to be designed to meet the immediate needs of the new population, rather than draw people in from a wider area. The catchment area of the proposal is expected to be extensive and the members would likely travel from beyond the immediate vicinity. A use such as this would not be appropriate in the town centre due to the travel and car parking demands of occupants. In addition, there are also timing and phasing issues which it would be unreasonable of the planning authority to expect the applicant to fit their programme in with.

- 8.31 The leisure and gym occupier market in the UK is such that there are different operators that serve different sectors of the market, in the same way as hotels. These range in provision and budgets to suit different customer needs. Locating an upper range operator, such as David Lloyd Leisure, would not necessarily inhibit other operators who would serve a different market segment and would maybe be more suited to a town centre location. On this basis then, it is concluded that the proposal would avoid any significant impacts on nearby centres – Shawfair and Dalkeith.
- 8.32 The applicant offers a unique proposal which focusses on health, leisure and tennis facilities. The applicant highlights the population growth in Midlothian, which has given rise to the need for suitable sport and leisure facilities. The development would also meet the demand for all-weather tennis facilities to overcome the restrictions imposed by the Scottish weather. The rise in tennis participation has been strengthened by the success of Andy Murray and the UK Olympic team in recent years. This rising participation, together with a rising population, equates to a rise in demand for good quality facilities. Tennis is characterised by the applicant as an inclusive sport which can be enjoyed by a wide variety of people of all ages, abilities etc. Therefore, it offers an attractive proposition for people to engage in sporting activities.
- 8.33 What the applicant does not highlight, but is worth considering, is the importance of healthy lifestyles in response to the recent public health crisis. The location offers benefits in terms of co-location with the Spire Hospital, and the potential development of the adjacent Dental and Woman's Health Centre. Shawfair Park is also in close proximity to the Bioquarter which is around 3km to the north at Little France. Placed in this context, the location of a health centre fits well with the emerging cluster of health-focussed industries. The Council will also construct a secondary school within the town centre at Shawfair. Each new secondary school in Midlothian has a specialism, which provides focussed teaching for pupils who are interesting in a specific subject set, such as IT, sports science, STEM etc. The Shawfair School's specialism is yet to be decided, but early indications suggest it could be health and care. If it were, this would add to the emerging cluster in South East Edinburgh that is dedicated to this field.
- 8.34 The unique offer the development proposes could provide a valuable facility for the area, at the same time as complimenting the types of commercial and civic operations that have located (or are proposed) in the area. This context is focussed on health, for which there is a clear and obvious need. This factor provides support for the proposal and its weight is significant given the role the development could be expected to play in the recovery from the public health crisis. This role is twofold: economic recovery through the creation of jobs; and, the provision of sport and leisure facilities to promote healthy lifestyles. The

development could contribute to a strong clustering of like-minded industries and activities which gives the area a renewed purpose. This purposes - health and well-being - is a strong foundation to build on and would benefit the area significantly.

- 8.35 The area is subject to significant development as described in the Shawfair Masterplan (02/00660/OUT as amended). As well as the new secondary school, the development would provide around 4,000 new homes and other business, commercial and civic uses. This new community, in addition to the existing communities at Danderhall, Millerhill and Newton Village, would significantly benefit from a facility that caters for healthy lifestyles. The Masterplan focusses much of the new development on creating opportunities for active travel, outdoor recreation and healthy lifestyles. The landscaping around the new settlement will provide opportunities for walking and cycling. The area already benefits from active travel connections in the local area that provide long-range travel options to destinations around Edinburgh and the Lothians. The Masterplan also provides for sports pitches, open spaces and allotments, which all signify the health of the existing and future populations as a key placemaking principle. Again, this maybe further enhanced by the selected specialism of the secondary school. The development of a high calibre sports and leisure facility at Shawfair Park could make a strong contribution to this objective in an immediate and tangible way.
- 8.36 In terms of matters of principle, SPP highlights two core principles of the Scottish Planning System: sustainability and placemaking. Sustainability relates to a range of considerations, most of which are matters of detail. However, the applicant has provided some information on the operation of the building, which points to adherence to good practice on sustainable building performance, waste management and active travel options. The applicant has not considered a connection to a district heating network, which will serve the Shawfair new settlement. It is confirmed by officers involved in this project that connections to Shawfair Park would be possible if there were sufficient heat demand located there that could be fitted to utilise the heat. If a connection can be made, this would provide significant public benefit at a crucial time in the development of the district heating network. A connection would also align the project with climate change mitigation efforts in a compelling way. The Council's response to the climate change emergency requires the support of all stakeholders to realise. In this case, a connection to the district heating network to support the viability of the network to reach Shawfair Park would provide tangible public benefits in relation to climate change adaption. Therefore, a connection would support the principle of development with significant material weight. This connection could be secured by suspensive condition requiring the details of a connection, along with timing etc. to be provided as a matters specified in condition (MSC) application.

- 8.37 The other core principle of the Scottish Planning System is placemaking. This relates to design which is seen as a way to embed benefits and impact mitigation into proposals to ensure growth makes positive enhancements to places. The application is for the principle of development only. The applicant has provided a lot of detail in this case. However, this cannot be taken into account at this stage and would be the subject of further assessment through subsequent applications. But, the high-level principles of the site arrangement can be considered when assessing the proposal against design policies, such as MLDP Policy Dev 2: Protecting Amenity in the Built-Up Area, Dev 6: Layout and Design of New Development, Dev 7: Landscaping in New Development and ENV7: Landscape Character.
- 8.38 The site arrangements presented are shown as a standard format based on the applicant's operational needs as opposed to the particulars of the site. Whilst normally this approach is liable to conflict with the design policies of a development plan and SPP, in this case the site lends itself well to this type of development. On plan, the arrangement of the car parking to the front of the building would not be supported. The design ethos of Shawfair Park is to use buildings to create a place, to have active frontages that provide interest and activity at street level in accordance with established good urban design principles. The site orientation, which will not change when the details proposals are submitted, is based on a format which is more retail-like. It places the car park at the site frontage whilst the building is set back in a direct and intrinsic link with the car parking. This suggests a development that is car-focussed as well as providing a sub-standard urban design solution for Shawfair Park.
- 8.39 However, if it is agreed that the use is acceptable in this location, as a departure from the employment land safeguarding policies of the MLDP, then this type of site arrangement must also be accepted. This car park to building relationship requires a strong frontage to the car park to welcome visitors, whilst keeping the functional façade of the building hidden to the rear (east). The south elevation allows for the outdoor pool and spa facilities to capture the full extent of daylight/sunlight the site would receive. Such daylight/ sunlight exposure is also vital for the tennis domes, which rely on the natural light diffused within the dome's material to create the ideal conditions for the players. With these considerations in mind, the orientation of the site is given a strong justification as a departure from the design aspirations of Shawfair Park.
- 8.40 What is more compelling is the extent to which the site is screened from the main public routes through Shawfair Park. On the west boundary, the site is heavily landscaped to the extent that views into the site from street level are completely obscured by thick hedging. The difference in grade between the street level and western edge of the site also helps to minimise the impact. This means that the extensive areas of car parking, which would normally be resisted in exposed areas of the Park, cannot be viewed from key views in the

local vicinity. The applicant has committed to landscaping within the car parking area, which would further soften its visual impact from the north. Whilst the form of site arrangement would not normally be accepted, the site benefits from certain features which mitigate this impact and thus avoid any significant detrimental visual impacts which would harm the amenity of the area. Again, further detailing would be secured by condition. The applicant would be expected to include planting or other arrangements on the eastern boundary of the site to reduce the visual impact on views from the adjacent core path.

8.41 In general, the site is distant from nearby residential properties and other sensitive receptors. The development is acknowledged to fit well within a business park both in terms of the nature of its operation and its visual impact. The proposal would be in accordance with MLDP policies DEV2 and ENV7 in relation to amenity and landscape character. Notwithstanding the assessment of further details, the proposal can be considered acceptable in terms of the placemaking policies of the development plan and SPP.

8.42 Also of note as a material consideration is the representation submitted by the Danderhall & District Community Council. Their support for the principle, albeit with matters of details to remain under scrutiny, is noted. The proposal went through a pre-application consultation process and the application was advertised to the local community. No objections were received which can be taken as a factor in favour of the application.

Summary

8.43 In summary, the principle of development is not supported by the development plan. The proposal is for a Class 11 operator on land allocated and safeguarded for Class 4/5 use only. The protection of the established employment land supply provided by the MLDP is echoed in SESplan and SPP. There is a strong presumption against the loss of employment land in order to ensure that there is sufficient land available to accommodate the growth needs of the local economy.

8.44 The above assessment has identified material considerations, which should be taken into account. These should be balanced against the development plan to see if they are of sufficient weight to justify a departure in this instance. These material considerations are:

- Scottish Planning Policy – like the development plan, promotes sustainable economic development and makes provision for a wide range of planning topics. It has significant weighting but provides support for both approval and refusal;
- Employment Land Audit shows there is a surplus of employment land and the loss of this site would not exacerbate an existing issue. This supports approval, but has limited material weight.

- The number of jobs created is a strong consideration. But the analysis above provides an uncertain picture regarding this aspect of the proposal. Overall, there is limited support for approval provided by this consideration, although the significance of employment creation in new development is supported by SPP and the MLDP.
- The overall economic impact of the proposal is not clearly defined, although it is indicatively net positive. The proposal would avoid negative impacts on sequentially preferable locations, including Dalkeith (existing) and Shawfair (proposed) town centres. Again, the material weight of this consideration is significant, but this on its own is not sufficiently compelling to justify a departure from the development plan.
- The unique offer of the proposal is examined and set within the context of the site, of the Shawfair Masterplan and the wider South East Edinburgh. This context is also extended to include the current public health crisis and the future recovery effort that the wider community will need to tackle. It is accepted that the development could be a strong attractor of further investment in Shawfair Park. These considerations are not fully expressed in adopted planning policy, but they should be given significant material weight in support of a departure from the development plan in this instance.
- The proposal offers the opportunity to support the development of the district heating network towards Shawfair Park. As a response to climate change, this is given significant material weight and again justifies a departure from the employment land safeguarding policies.
- The proposal would avoid any significant negative impacts on the amenity or visual impact of the area. The detailed design of the proposal can be assessed in further matters specified in conditions. Design matters are given significant material weight by SPP and are reflected in the MLDP. The proposal avoids significant adverse visual impact, and the buildings would be considered to be well-designed. However, the layout of the site is similar in character to a retail format, which is contrary to the design principles of Shawfair Park.
- The proposal gained outline support from the Community Council and received no objections from local residents or the wider community. The views of the local community are given material weight in all planning applications, and the absence of a significant volume of objections can be counted in favour of the proposal. However, this alone would not be sufficient to justify a departure from the development plan.

- 8.45 On balance therefore, the loss of employment land in this location can be accepted in this case. This departure can be justified on the basis that the applicant offers a unique proposal which fits well with its context. This context relates to the amenity provided by the development, which could attract further investment. The context also relates to the current public health crisis and the recovery efforts the wider community across the UK will need to tackle.
- 8.46 The potential connection to the district heating network is also a matter of significance, which weighs in favour of the proposal. This can be secured by condition, which is appropriately worded to secure this connection. The economic benefits of the development are noted and considered, but these are insufficient on their own to justify this departure. However, they do contribute some weight and the employment opportunities and economic benefits of the investment in this location are welcomed.
- 8.47 The Council is very keen to maintain a supply of employment land to meet the needs of indigenous businesses and inward investors. This is key to facilitating the growth of the local economy for the benefit of the residents of Midlothian. The loss of employment land to non-compliant uses is not easily surrendered. However, the proposal in this application offers a unique proposition that has the potential to deliver real benefits in terms of health, well-being and climate change. These are matters of significant material weight and taken together are sufficient to overcome the employment land safeguarding policies of the development plan.

Transportation and Access

- 8.48 The applicant has demonstrated that the proposal would avoid any significant impacts on the local road network with all junctions in the area with demonstrable capacity to support the additional traffic flows generated by the development. The site is well located in relation to public transport infrastructure, such as the park and ride and nearby Shawfair train station. The site is connected by core paths, which connect the site to short and long range destinations. So whilst the majority of visitors to the site would likely travel by car, there is enough infrastructure in the local area to encourage a modal shift to more sustainable forms of transport. A travel plan for members of the club can be secured by condition. The suggested improvements made by the Council's Policy and Road Safety Manager can also be secured by conditions.
- 8.49 In accord with MLDP policy IMP1 the development will be required to make a proportionate financial contribution towards the Borders Rail and Sheriffhall Roundabout improvements. Subject to the signing of this agreement, the proposal would be in accordance with the development plan and other material considerations in relation to transportation and access.

- 8.50 Overall, the surrounding public transport infrastructure benefits the site in terms of its suitability to accommodate the development. The proposal would generate a significant number of trips and so it is in accordance with sound planning principles to locate this type of development in an area where alternative modes of transport are available. This fact is a significant material consideration and weighs strongly in the balance in favour of the principle of development in this location.

Ecology and Natural Heritage

- 8.51 The site is not designated for nature conservation purposes and the existing conditions on the site are not considered to be sensitive to redevelopment. A condition requiring an ecology report should be attached to any grant of planning permission. This should confirm the low ecological value of the site, offer protection measures for local wildlife and suggest enhancement opportunities to be included within the final designs of the development.

Cultural Heritage

- 8.52 The site is remote from listed buildings, conservation areas and gardens and designed landscapes (GDL). The nearest listed building is Category C listed Campend House, Boundary Walls, Gatepiers and Gates located 250m south of the site, on the other side of the Park and Ride. The site is also equidistant between the Drum GDL located to the west of Danderhall and around 1km from the site and Dalkeith Palace GDL and Conservation Area, around 1km to the east on the other side of the A720. The application has been reviewed by the Council's Archaeological Advisor and no objection is lodged. The site has previously been the subject of investigation and no further measures are required here. The site is part of land designated for development and so a degree of change in the built environment is acceptable in this location and as it relates to surrounding the historic built environment. Therefore, the site is expected to avoid any significant adverse impacts on the cultural heritage of the area.

Flooding and Drainage

- 8.53 The applicant has provided sufficient information to discount flood risk on the site. The layers of treatment and attenuation of surface water are appropriate and connection to the existing SUDS that serves Shawfair Park is an acceptable proposal. Therefore, the proposal considers its implications in terms of water quality and flood risk mitigation. The details of this drainage strategy should be secured by condition.

Ground Conditions and Stability

- 8.54 The applicant has provided a report into ground investigations, which note the low risk to human health from contaminants in the ground. The high risk to development from coal mining in the area has also been reviewed and further work recommended. This should be secured by condition.

Amenity

- 8.55 The location of the proposed development benefits from physical features that mitigate its impact on the surrounding area, in terms of amenity concerns. The visual impact has been considered above and the conclusions relevant here. The site is isolated and contained within itself and so any noise, odours or other statutory nuisances would be not affect sensitive receptors within the immediate area. A condition relating to noise generated by the development is considered appropriate as a safeguard of amenity concerns.
- 8.56 The development of the site would not inhibit the development of further areas of the Business Park to a significant degree. The proposal takes appropriate account of its implications in terms of water, air and soil quality. A condition which requires a Construction and Environment Management Plan can secure good site practices and the mitigation of negative impacts on the environment and local amenity.

9 RECOMMENDATION

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

The proposal, to erect a Class 11 gym, spa and sports centre, on land safeguarded for employment use is contrary to the land use policies of the development plan. However, there are compelling material considerations of sufficient weight to warrant a departure from these policies in this instance. These considerations include; the number of jobs created, the unique offer of the facilities proposed and their fit within the context provided by the site, the potential for connection to district heating network, the public transport connections available within the area and the presumption in favour of sustainable development provided by Scottish Planning Policy. It is hoped that the proposal would elevate the status of Shawfair Park as a location for business investment and act as a catalyst for new further development of business premises. The proposal would enhance the amenity of the Shawfair new settlement whilst avoiding negative impacts on the proposed town centre and that of Dalkeith. The proposal aligns with the Masterplan principles for Shawfair, to encourage sustainable, healthy lifestyles within a vibrant community.

Subject to:

- i) the prior signing of a legal agreement to secure developer contributions towards the Borders Rail Line and Sheriffhall Roundabout improvements. The legal agreement shall be concluded within six months. If the agreement is not concluded timeously the application will be refused.
- ii) the following conditions:
 - 1. Prior to the commencement of development, an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works shall be 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 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 site shall be completed prior to the building hereby approved becoming operational;
 - vii drainage details and sustainable urban drainage systems (SUDS) to manage water runoff. The SUDS shall be designed in compliance with the Flooding, Drainage and Surface Water Strategy (Quattro Consult, December 20) and the SUDS Manual (C753) and shall be constructed to be compliant with Scottish Waters requirements in relation to adoption (where appropriate);
 - viii. An Ecological Appraisal, including a Phase 1 Habitat Survey, includes measures outlining protection of flora and fauna during the construction phase, and the enhance of biodiversity during the occupation phase of development; and
 - ix details of a sustainability/biodiversity scheme for the site, including the provision of boxes for bats and swifts within or immediately adjacent to the site.

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

(1vi). 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 biodiversity enhancements and landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the adopted Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Prior to the commencement of development, 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 access;
- iii proposed roads (including turning facilities), footpaths and cycle ways, including a 3m wide pedestrian/ cycle connection from the south to provide a direct link with the adjacent park and ride facility;
- iv proposed visibility splays, lighting and signage;
- v a Green Travel Plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport; and
- vi proposed car parking arrangements and cycle parking arrangements for staff and visitors.

For the avoidance of doubt, the developer shall relocate the 8no electric vehicle charging points closer to the building entrance to encourage their use. 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.*

3. Prior to the commencement of development, an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings 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. The development shall thereafter be carried out using the approved

materials or such alternatives as may be agreed in writing with the planning authority. For the avoidance of doubt, the detailed drawings provided in this application are not approved and will be subject of further assessment.

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, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Prior to the commencement of development, an application for approval of matters specified in conditions for a scheme to deal with previous mineral workings has been submitted to and approved by the planning authority. The scheme shall adhere to the recommendations of the Mason Evans Partnership Site Investigation Report (Section 13.5.2). 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 the use proposed, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

5. On completion of the decontamination/ remediation works referred to in condition 4 above and prior to any building on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. The said report shall be signed by a suitably competent person who can confirm the site has been made safe and stable for the development hereby approved in principle. No part of the development shall be occupied unless or until the planning authority have approved the required validation report in writing.

Reason for conditions 4 & 5: *To ensure the site is made safe and stable for the approved development in accord with the relevant best practice procedures.*

6. The design and installation of any plant or equipment shall be such that the combined noise levels does not cause a nuisance and complies with NR30 (daytime 07.00 - 23.00) or NR25 (if the noise is tonal) and NR25 (night time 23.00-07.00) or NR20 (if the noise is tonal) when measured (window open standard) within any adjacent living accommodation in any neighbouring noise sensitive premises.

Reason: *To safeguard the amenity of nearby residential properties from potential noise nuisance, which can be designed out of the development.*

7. Prior to the commencement of development, an application for approval of matters specified in conditions for a Construction and Environment Management Plan (CEMP) has been submitted to and approved by the planning authority. The approved CEMP shall include details of construction traffic routes, hours of construction activities, staff compound and parking, wheel cleaning facilities, construction SUDS, fencing and any and all other measures required to mitigate the amenity and environmental impact of the construction activities on site. Thereafter, the construction phase of development shall proceed in accord with the approved details, unless otherwise varied with the written agreement of the planning authority.

Reason: *To safeguard the amenity of the area during construction phases of development.*

8. Prior to the commencement of development, an application for approval of matters specified in conditions for an Energy Statement has been submitted to and approved by the planning authority. The approved Statement shall provide details of a connection to the district heating network provided by the Millerhill Waste and Recycling Plant, or any alternative low carbon heat source including all necessary connection details and supporting infrastructure. Thereafter, the development shall proceed in accord with the approved Energy Statement, unless otherwise varied in writing with the planning authority.

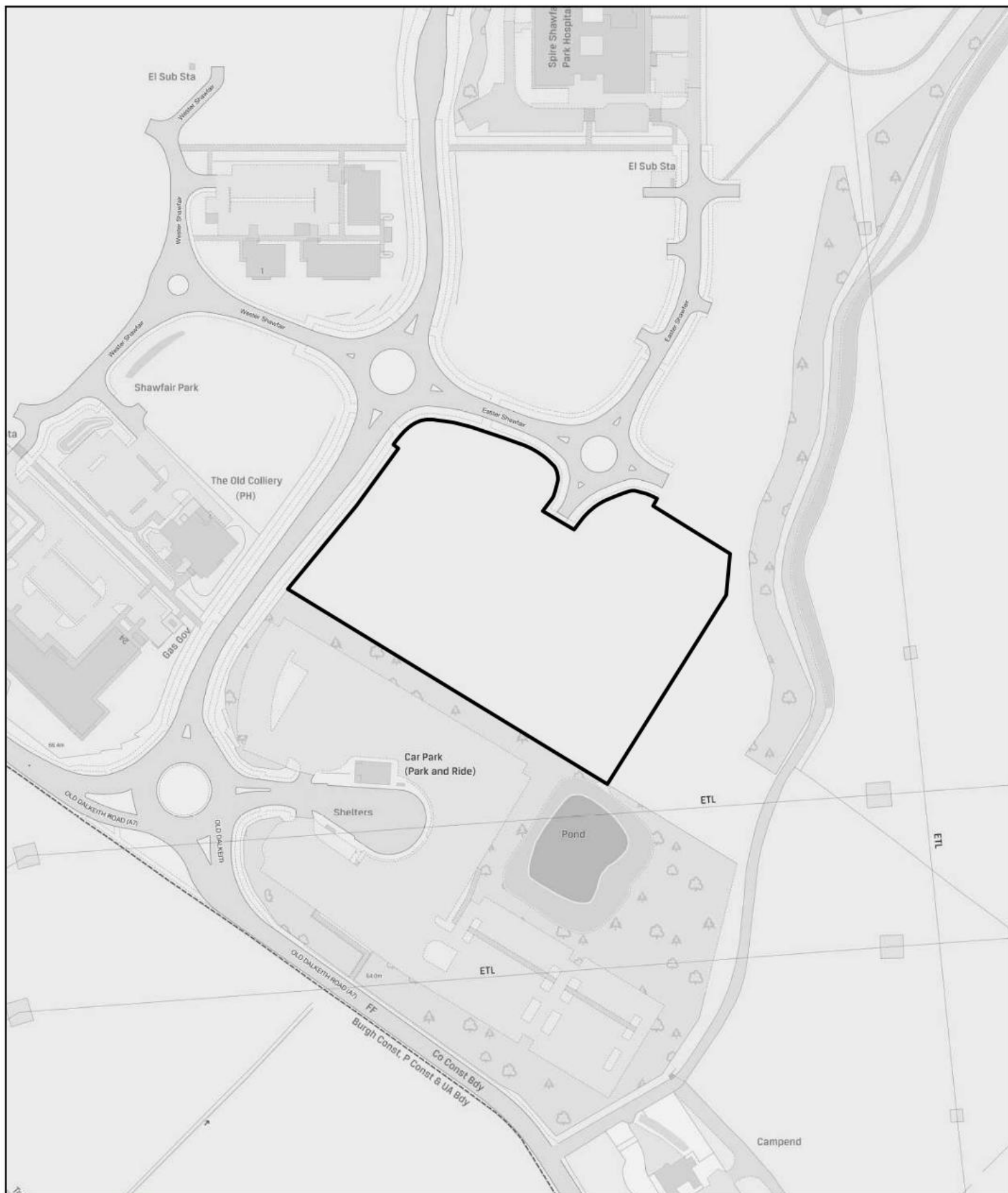
Reason: *To secure compliance with NRG5: Heat Supply Sources and Development with High Heat Demand, to promote a decentralised heat supply and mitigate the effects of climate change by reducing Midlothian's territorial greenhouse emissions.*

9. The development hereby approved shall be limited to 6,000sqm of gross internal floorspace, unless varied with the written approval of the planning authority.

Reason: *To define the planning permission hereby approved and limit the quantum of development to remain commensurate with the mitigation secured by legal agreement.*

Peter Arnsdorf
Planning Manager

Date:	25 March 2021
Application No:	20/00906/PPP
Applicant:	David Lloyd Clubs
Agent:	Lichfields
Validation Date:	8 January 2021
Contact Person:	Martin Patrick
Attached Plans:	Location, Site and Elevation Plans



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

Erection of sport and leisure club; formation of access roads, car parking and associated works at Land North East of Sheriffhall Park and Ride, Easter Shawfair, Danderhall,

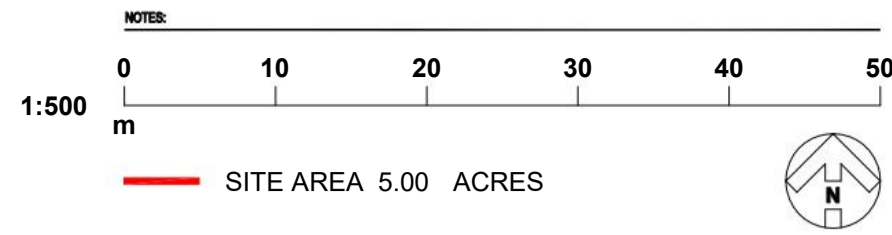
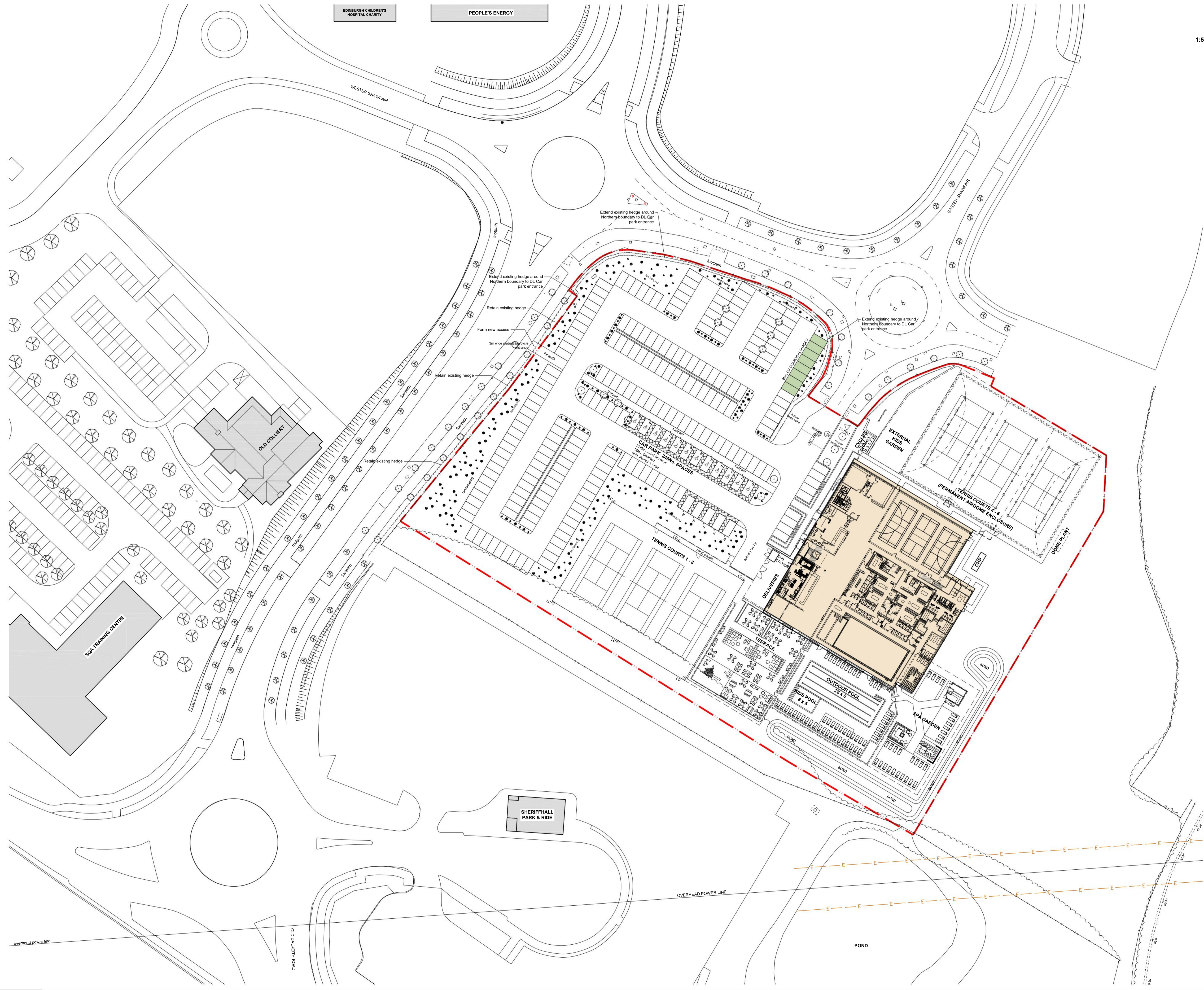
Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2021)

File No: 20/00906/PPP

Scale: 1:2,500





FOR ILLUSTRATIVE
PURPOSES ONLY

REVISION: P01 BY: JAH CHECKED: ARB DATE: 18/12/2020
Notes revised
REVISION: P02 BY: CM CHECKED: CM DATE: 19/08/2020
Initial issue

PLANNING

PLANT DATE:

David Lloyd
CLUBS

CLIENT:

SHAWFAIR PARK

PROJECT:

PROPOSED INDICATIVE
SITE PLAN

DRAWING:
DRAWN BY: CM SCALE: 1:500 @ A1 DATE: JULY 2020

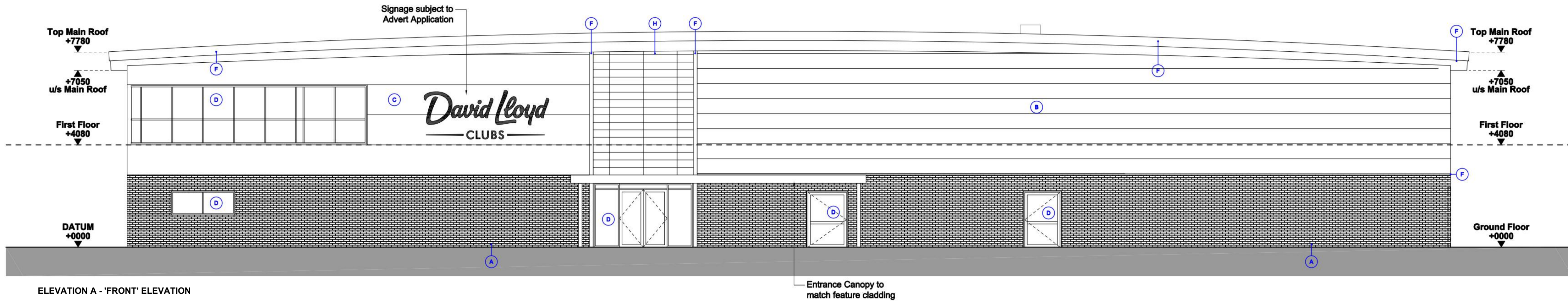
Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

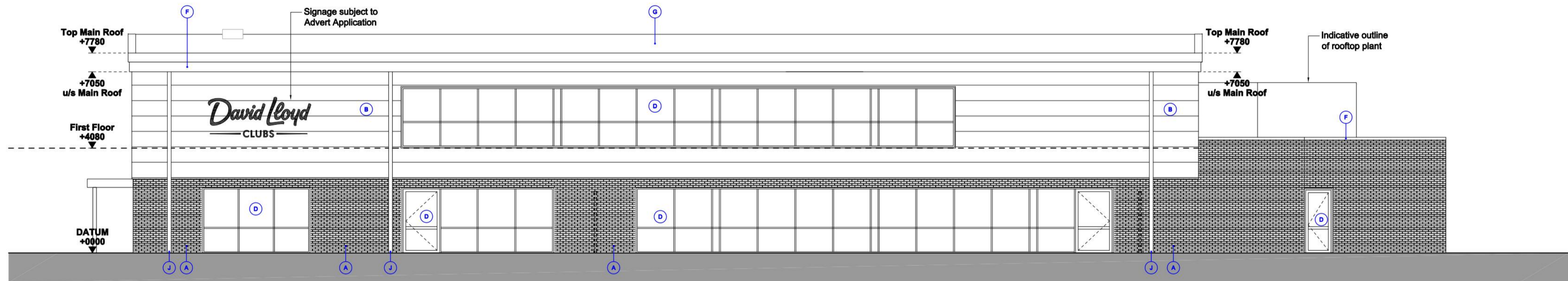
Architecture | Engineering | Interior Design | Masterplanning | Urban Design

JOB NO: 2017-245 | DRAWING NO: A-09-001 | REV: P01

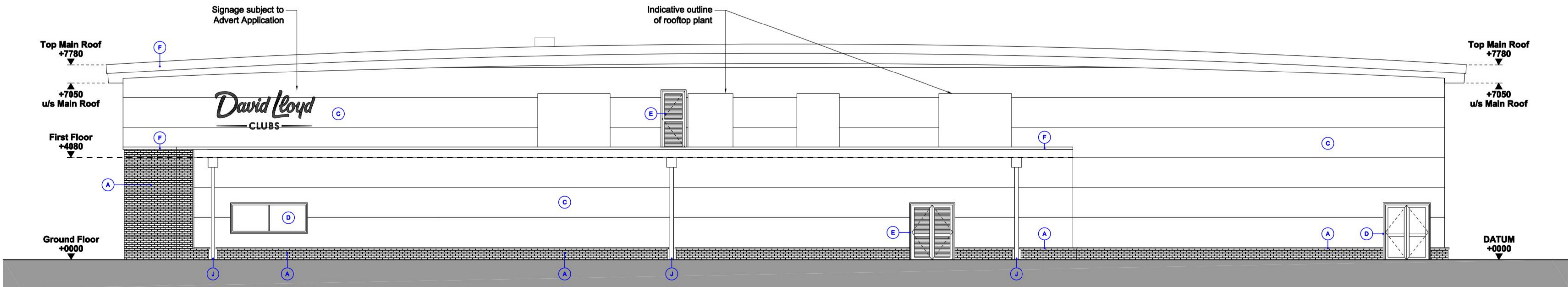
S:\Architecture\2017-245\Drawings\DR - Plotsheets\Planning\Shawfair_FL-09-001_Proposed Site Plan.dwg | 4/10/20



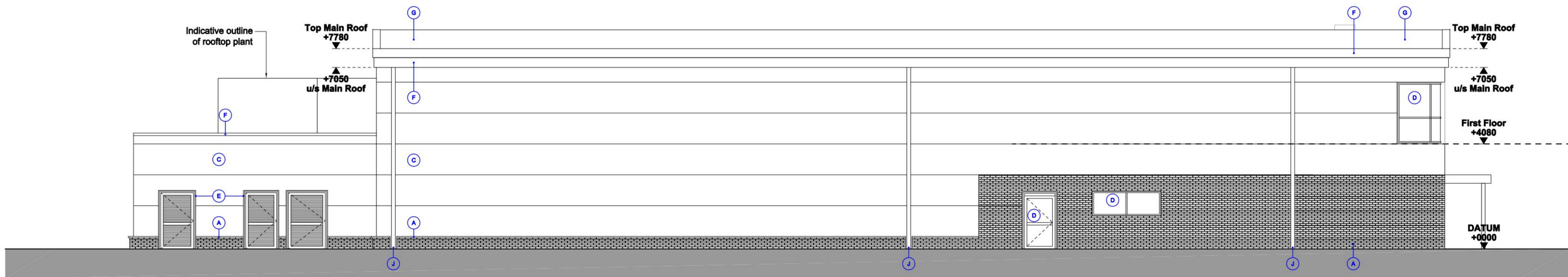
ELEVATION A - 'FRONT' ELEVATION



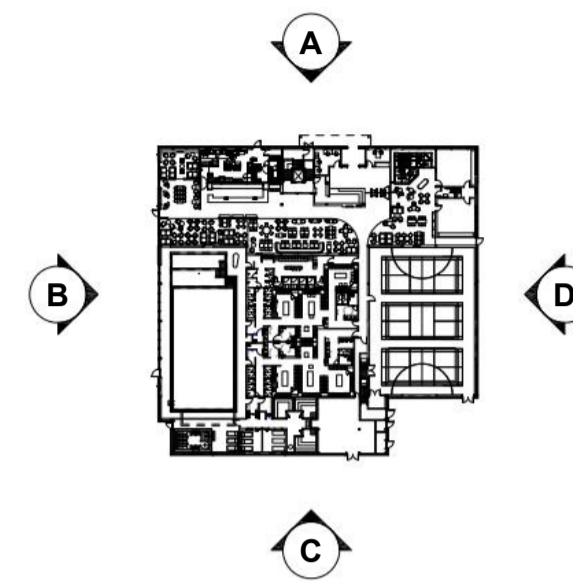
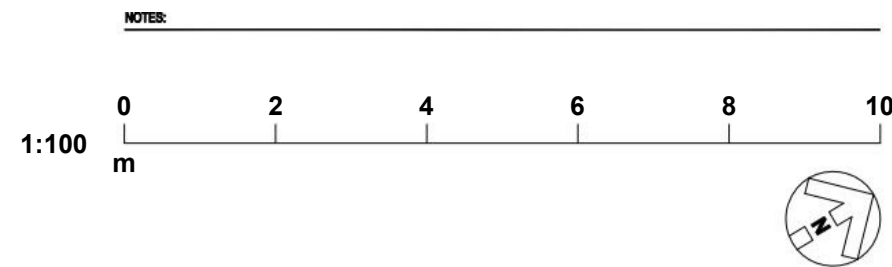
ELEVATION B - 'POOL SIDE' ELEVATION



ELEVATION C - 'REAR' ELEVATION



ELEVATION D - 'TENNIS DOME SIDE' ELEVATION



MATERIALS KEY

- (A) MASONRY PLINTH, SLATE BLUE SMOOTH BRICK
- (B) RAINSCREEN CLADDING
- (C) HORIZONTAL 'FLAT PANEL' COMPOSITE CLADDING
- (D) POLYESTER POWDER COATED ALUMINIUM CURTAIN WALLING / GLAZING
- (E) POLYESTER POWDER COATED ALUMINIUM METAL LOUVRE TO MATCH CLADDING
- (F) POLYESTER POWDER COATED ALUMINIUM PARAPET CAPPING / FLASHING DETAIL
- (G) STANDING SEAM ALUMINIUM ROOF
- (H) FEATURE FINISH, DRI-DESIGN OR SIMILAR RAINSCREEN CLADDING WITH OXIDISED COPPER FINISH
- (J) PPC RAINWATER PIPE, RAL TO MATCH FLASHINGS

FOR ILLUSTRATIVE
PURPOSES ONLY

REVISION: P01 BY: JAH CHECKED: ARB DATE: 18/12/2020
Marked as indicative.
REVISION: P0 BY: JAH CHECKED: CM DATE: 28/08/2020
Initial issue

PLANNING

PLOT DATE:

David Lloyd
CLUBS

CLIENT:

SHAWFAIR PARK

PROJECT:

PROPOSED INDICATIVE
GA ELEVATIONS

DRAWING: JAH SCALE: 1:100 @ A1 DATE: AUG 2020

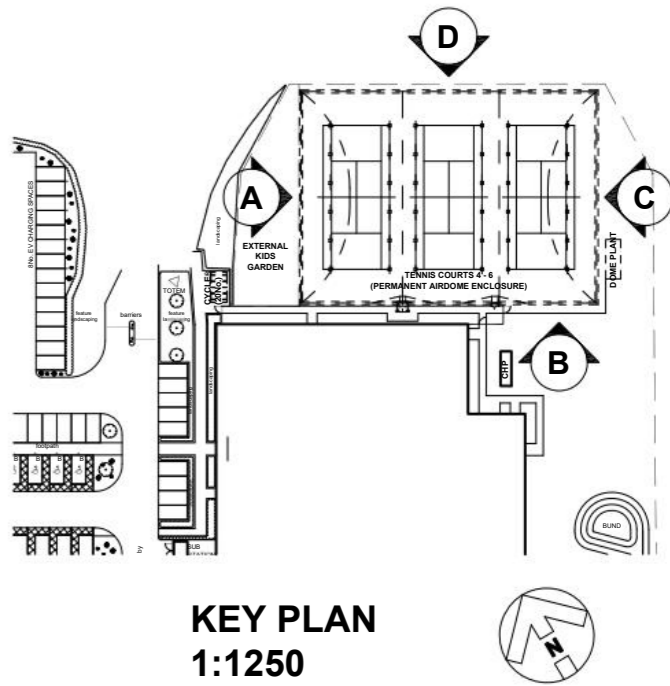
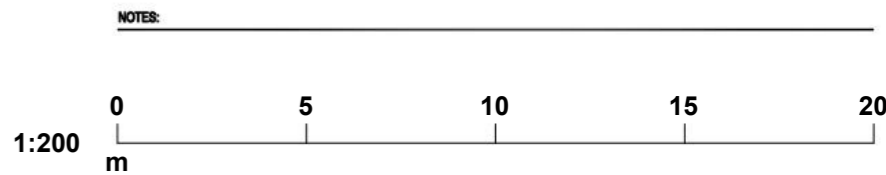
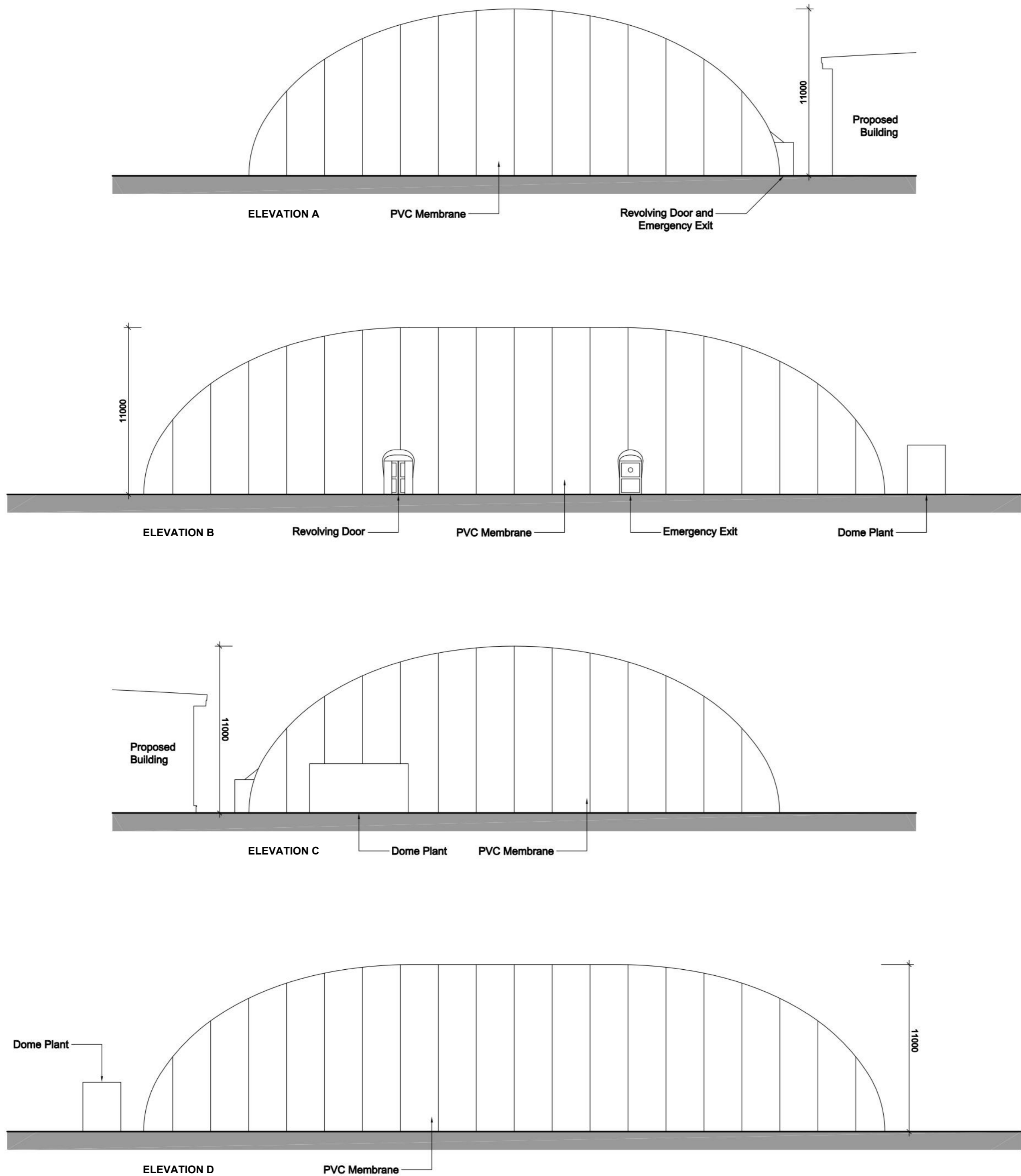
Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

Architecture | Engineering | Interior Design | Masterplanning | Urban Design

JOB NO: 2017-245 DRAWING NO: PL-05-010 REV: P01

S:\Architecture\2017-246\Drawings\DR - Plotsheets\Planning\Shawfair_FL-05-010_Proposed GA Elevations.dwg | 4/102



FOR ILLUSTRATIVE
PURPOSES ONLY

REVISION: P01	BY: JAH	CHECKED: ARB	DATE: 18/12/2020
Initial issue			
REVISION: P0	BY: JAH	CHECKED: CM	DATE: 28/08/2020
Initial issue			

PLANNING

PLOT DATE:

David Lloyd
CLUBS

CLIENT:

SHAWFAIR PARK

PROJECT:

PROPOSED INDICATIVE
TENNIS DOME
ELEVATIONS

DRAWING:	SCALE:	DATE:
DRAWN BY: JAH	1:200 @ A2	AUG 2020

Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

Architecture | Engineering | Interior Design | Masterplanning | Urban Design

JOB NO:	DRAWING NO:	REV:
2017-245	PL-05-011	P01

S:\Architecture\2017-245\Drawings\DR - Plotsheets\Planning\Shawfair_PL-05-011_Proposed Tennis Dome Elevations.dwg | © HCD