

# Notice of Meeting and Agenda



## Planning Committee

**Venue:** Council Chambers,  
Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 14 January 2020

**Time:** 13:00

**Executive Director : Place**

**Contact:**

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: [mike.broadway@midlothian.gov.uk](mailto:mike.broadway@midlothian.gov.uk)

**Further Information:**

This is a meeting which is open to members of the public.

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**1 Welcome, Introductions and Apologies**

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**2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

**3 Declaration of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

**4 Minute of Previous Meeting**

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| <b>4.1</b> | Minute of Meeting held on 19 November 2019 - For Approval | 3 - 8 |
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**5 Public Reports**

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| <b>5.1</b> | Major Developments: Applications Currently Being Assessed and Other Developments at Pre-Application Stage - Report by Director, Education, Communities and Economy  | 9 - 14  |
| <b>5.2</b> | Appeals and Local Review Body Decisions - Report by Director, Education, Communities and Economy  | 15 - 16 |
| <b>5.3</b> | Application for Planning Permission 19/00763/DPP, for the Erection of Primary School and Nursery; Formation of MUGA, Car Parking and Associated Works On Part of the Former Newbattle High School Site, Easthouses Road, Easthouses - Report by Director Education, Communities and Economy | 17 - 30 |

**6 Private Reports**

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No Private Reports for discussion at this meeting.

**7 Date of Next Meeting**

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The next meeting will be held on Tuesday 25 February 2020 at 1.00pm.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

# Minute of Meeting

Planning Committee  
Tuesday 14 January 2020  
Item No 4.1



## Planning Committee

Date	Time	Venue
19 November 2019	1.00 pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Hackett	Councillor Hardie
Councillor Johnstone	Councillor Lay-Douglas
Councillor McCall	Councillor Muirhead
Councillor Russell	Councillor Smaill

### In Attendance:

Mary Smith, Director, Education, Communities and Economy	Peter Arnsdorf, Planning Manager
Alan Turpie, Legal Services Manager	Jim Gilfillan, Consultant Policy & Planning, Policy & Road Safety
Gordon Aitken, Democratic Services Officer	

## 1. Apologies

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Apologies for absence were intimated on behalf of Councillors Baird, Milligan, Munro, Parry, Wallace and Winchester.

## 2. Order of Business

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The order of business was as outlined in the agenda.

## 3. Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4. Minutes of Previous Meetings

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The Minute of Meeting of 8 October 2019 were submitted and approved as a correct record.

## 5. Reports

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Agenda No	Report Title	Presented by:
5.1	Implementing the Planning (Scotland) Act 2019	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 8 November 2019 by the Director, Education, Communities and Economy updating the Committee with regard to; the Government's programme to implement the new planning reforms set out in the Planning (Scotland) Act 2019, and the impact the reforms have on the review of the Midlothian Local Development Plan (MLDP).</p> <p>In terms of the development plan process the key changes included:</p> <ul style="list-style-type: none"><li>• the enhancement of the status of the National Planning Framework(NPF) which now constitutes part of the development plan and, amongst other things, sets the Housing Supply Targets for each authority to be included in their Local Development Plan</li><li>• the removal of the requirement to prepare Strategic Development Plans and the introduction of Regional Spatial Strategies in their place;</li><li>• a more prescriptive approach to the form and content of a Local Development Plan, in particular how the plan meets the housing needs of older people and disabled people;</li><li>• the removal of Supplementary Guidance as part of the development plan; and</li><li>• the introduction of Local Place Plans to be prepared by communities.</li></ul> <p>Peter Arnsdorf was heard in amplification of the report during which he answered questions from elected Members.</p>		

Decision
<p>(a) To note the contents of the report; and</p> <p>(b) To receive further reports on changes to the Planning System when secondary legislation/regulations are published by the Scottish Government.</p>
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.2	Major Applications: Applications Currently Being Assessed and Other Developments at Pre-Application Consultation Stage	Peter Arnsdorf
Outline of report and summary of discussion		
<p>There was submitted a report dated 8 November 2019 by the Director, Education, Communities and Economy updating the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.</p> <p>The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants were outlined in Appendices A and B attached to the report.</p>		
Decision		
The Committee, having heard from the Planning Manager who responded to Members questions, noted the major planning application proposals which were likely to be considered by the Committee in 2019/20 and the updates for each of the applications.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.3	Appeals and Local Review Body Decisions	Peter Arnsdorf
Outline of report and summary of discussion		
There was submitted a report dated 8 November 2019 by the Director, Education, Communities and Economy informing the Committee of the notices of review determined by the Local Review Body (LRB) at its meeting in October 2019 and advising that there were no appeals determined by Scottish Ministers to report.		
Decision		
The Committee noted the decisions made by the Local Review Body at its meetings on 22 October 2019.		
Action		
Planning Manager		

Agenda No	Report Title	Presented by:
5.4	Gorebridge Conservation Area Charter Appraisal and Management Plan	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>There was submitted report, dated 8 November 2019, by the Director, Education Communities and Economy seeking agreement to adopt the 'Conservation Area Character Appraisal and Management Plan' (CACAMP) for the Gorebridge Conservation Area, details of which were attached as an Appendix to the report.</p> <p>The report advised that the purpose of conservation area designation and of the appraisal was not to prevent change but to identify the key characteristics of the historic environment and establish a context within which change could continue in a way which enhanced the historic character of the area.</p> <p>Three consultation responses had been received, the details of which were set out within the report along with the proposed Council's response.</p> <p>Peter Arnsdorf was heard in amplification of the report during which he responded to questions from elected Members.</p>		
<b>Decision</b>		
<p>(a) To adopt the Gorebridge Conservation Area Character Appraisal and Management Plan;</p> <p>(b) To authorise the Planning Manager to make any necessary minor editing and design changes to the Gorebridge Conservation Area Character Appraisal and Management Plan prior to publication; and</p> <p>(c) That an update on the overall Conservation Area Appraisals be provided as part of the Minute of this meeting, as detailed in the <b>Appendix</b> attached hereto.</p>		
<b>Action</b>		
Planning Manager		

Agenda No	Report Title	Presented by:
5.6	Application for Planning Permission for the Erection of Three Dwellinghouses; Formation of Access and Associated Works at Land Adjacent to 94 Edmonstone Road, Danderhall (19/00648/DPP	Peter Arnsdorf
<b>Outline of report and summary of discussion</b>		
<p>There was submitted report, dated 8 November 2019, by the Director, Education, Communities and Economy concerning the above application.</p> <p>Councillor Curran declared a non-pecuniary interest in this application due to being a member of Danderhall Bowling Club.</p>		

Councillor Curran was then heard providing background information on the facilities and usage of the Bowling Club and the potential issues that may arise if permission was to be granted for this application. Councillor Curran thereafter left the meeting and took no further part in consideration of this application.

The Planning Manager and several Members were then heard in consideration of this application.

#### Decision

The Committee agreed to grant planning permission for the following reason:

*The proposed development accords with the Midlothian Local Development Plan 2017. The proposed detailed scheme of development in terms of its layout, form and design is acceptable and as such accords with development plan policies, subject to securing developer contributions. The presumption for development is not outweighed by any other material considerations.*

Subject to the conditions as detailed within the report.

#### Action

Planning Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next meeting will be held on Tuesday 14 January 2020.

The meeting terminated at 1.20 pm

## Appendix

### Conservation Area Character Appraisal & Management Plan November 2019

CONSERVATION AREA	APPRAISAL & MANAGEMENT PLAN STATUS
<b>Borthwick &amp; Crichton</b>	Draft prepared 2006/7. Updating required.
<b>Broomieknowe</b>	Draft prepared 2006/7. Updating required.
<b>Carrington</b>	Draft prepared 2006/7. Updating required.
<b>Dalhousie &amp; Cockpen</b>	None
<b>Dalkeith House &amp; Park</b>	Character Appraisal and Management Plan published 2007. Available on website. Updating required as pre-dates TH/CARS
<b>Dewartown</b>	Draft prepared 2006/7. Updating required.
<b>Edgehead</b>	Draft prepared 2006/7. Updating required.
<b>Eskbank &amp; Ironmills</b>	Character Appraisal published 2007. Available on website. Updating required due to 2014 boundary changes.
<b>Fala</b>	Draft prepared 2006/7. Updating required.
<b>Fala Dam</b>	Draft prepared 2006/7. Updating required.
<b>Gorebridge</b>	Character Appraisal & Management Plan adopted November 2019
<b>Howgate</b>	Character Appraisal published 2007. Available on website. Updating required
<b>Lasswade &amp; Kevock</b>	Character Appraisal published 2007. Available on website. Updating required due to 2014 boundary changes.
<b>Mavisbank</b>	Character Appraisal published 2006. Available on website. Updating required due to 2014 boundary changes.
<b>Newbattle</b>	Draft prepared 2006/7. Updating required.
<b>Newlandrig</b>	Draft prepared 2006/7. Updating required.
<b>Newtongrange</b>	Draft prepared 2006/7. Updating required.
<b>Pathhead &amp; Ford</b>	Draft prepared 2006/7. Updating required.
<b>Penicuik</b>	Character Appraisal & Management Plan adopted May 2018
<b>Roslin</b>	Initial draft. Updated draft underway (November 2019)
<b>Temple &amp; Arniston</b>	Draft prepared 2006/7. Updating required.





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## **MAJOR DEVELOPMENTS: APPLICATIONS CURRENTLY BEING ASSESSED AND OTHER DEVELOPMENTS AT PRE-APPLICATION CONSULTATION STAGE**

Report by Director of Education, Communities and Economy

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### **1 PURPOSE OF REPORT**

- 1.1 This report updates the Committee with regard to 'major' planning applications, formal pre-application consultations by prospective applicants, and the expected programme of applications due for reporting to the Committee.

### **2 BACKGROUND**

- 2.1 A major application is defined by regulations and constitutes proposed developments over a specified size. For example; a development comprising 50 or more dwellings, a business/industry use with a gross floor space exceeding 10,000 square metres, a retail development with a gross floor space exceeding 5,000 square metres and sites exceeding 2 hectares. A major application (with the exception of a Section 42 application to amend a previous grant of planning permission) cannot be submitted to the planning authority for determination without undertaking a formal pre application consultation (PAC) with local communities.
- 2.2 At its meeting of 8 June 2010 the Planning Committee instructed that it be provided with updated information on the procedural progress of major applications on a regular basis.
- 2.3 The current position with regard to 'major' planning applications and formal pre-application consultations by prospective applicants is outlined in Appendices A and B attached to this report.

### **3 DEVELOPMENT PLAN UPDATE**

- 3.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SDP1) and the Midlothian Local Development Plan 2017 (MLDP). The MLDP was adopted by the Council at its meeting of 7 November 2017.

## **4 RECOMMENDATION**

- 4.1 The Committee is recommended to note the major planning application proposals which are likely to be considered by the Committee in 2020 and the updates for each of the applications.

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

**Date:** 7 January 2020  
**Contact Person:** Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk  
**Tel No:** 0131 271 3310

**Background Papers:** Planning Committee Report entitled 'Major Developments: Applications currently being assessed and other developments at Pre-Application Consultation stage' 8 June 2010.

## APPENDIX A

### MAJOR APPLICATIONS CURRENTLY BEING ASSESSED

Ref	Location	Proposal	Expected date of reporting to Committee	Comment
17/00435/DPP	Land at Newbyres, River Gore Road, Gorebridge	Erection of 125 residential units; formation of access roads, SUDS features and associated works	Being held in abeyance	Pre-Application Consultation (13/00609/PAC) carried out by the applicants in August - November 2013. The application has been held in abeyance for a significant period of time whilst the applicant considers amending their layout. The applicant has submitted amended plans for consideration – the Council will be instigating a re-neighbour notification and consultation process.
18/00099/DPP	Land at Gore Avenue and Newbyres Crescent, Gorebridge	Erection of 46 flatted dwellings; 17 dwellinghouses and 12 extra care units associated works	Being held in abeyance pending additional information from the applicant	Pre-Application Consultation (17/00913/PAC) carried out by the applicants in November 2017 – February 2018. This application is being held in abeyance subject to the applicant submitting additional information regarding mine gas mitigation measures - this information then needs to be cleared by the Council's Environmental Health Service.
18/00495/DPP	Land west of Burnbrae Terrace Bonnyrigg	Erection of resource facility including offices; training suites, stores, workshops, ambulance depot and enterprise units; formation of car parking, access roads and external storage areas; and associated works	Being held in abeyance pending a review of the project	Pre-Application Consultation (17/00721/PAC) carried out by the applicants in September 2017 – December 2017.  There is an outstanding objection from SEPA which needs addressing by the applicant. There is also an outstanding concern regarding potential noise impacts on nearby residential properties which needs consideration by the applicant and the Council in its assessment of the application.
18/00528/S42	Land at Calderstone, Biggar Road, Lothianburn	Section 42 Application to amend conditions 3, 4, 5, 6 and 10 of planning permission 15/00113/PPP, for the erection of hotel (to amend the phasing of the development).	February 2020	Section 42 applications do not require to go through the Pre-Application Consultation process. The conditions relate to the phasing of development, landscaping, building design and layout and transportation matters.  After a period of review, when the application was being held in abeyance, the applicant wants the application to progress to determination.

19/00748/PPP	Whitehills, Whitehill Road, Millerhill	Planning permission in principle for Class 4 (Business), 5 (General Industry), 6 (Storage and Distribution) and sui generis uses (home improvement showrooms/warehousing.	February 2020	Pre-Application Consultation (19/00489/PAC) carried out by the applicants in May 2019 – August 2019.  This application is reported to this meeting of the Committee.
19/00763/DPP	Former Site of Newbattle Community High School, Easthouses Road, Easthouses	Erection of primary school, nursery and formation of a MUGA, car parking and associated works.	January 2020	Pre-Application Consultation (19/00445/PAC) carried out by the applicants in May 2019 – August 2019.  This application is reported to this meeting of the Committee.
19/00981/PPP <i>New addition to table</i>	Land north of Oak Place, Mayfield, Dalkeith	Application for planning permission in principle for residential development and associated works.	February 2020	Pre-Application Consultation (19/00106/PAC) carried out by the applicants in February 2019 – April 2019.
19/01001/S42 <i>New addition to table</i>	Former Millerhill Marshalling Yards, Whitehill Road, Millerhill	S42 application to amend condition 2 of planning permission 15/00884/DPP (amendment to approved landscaping scheme)	April 2020	Section 42 applications do not require to go through the Pre-Application Consultation process.
19/01018/PPP <i>New addition to table</i>	Midlothian Snow Sports Centre	Application for planning permission in principle for the redevelopment of existing snowsports centre to include leisure facilities; tourist accommodation; hotel; function suite and ancillary retail and restaurant; formation of access and car parking.	April 2020	Pre-Application Consultation (18/00970/PAC) carried out by the applicants in December 2018 – March 2019.
19/01039/PPP <i>New addition to table</i>	Land north of Seafield Road, Bilston	Application for planning permission in principle for residential development and associated works.	April 2020	Pre-Application Consultation (19/00641/PAC) carried out by the applicants in July 2019 – September 2019.

## APPENDIX B

### NOTICE OF PRE-APPLICATION CONSULTATIONS RECEIVED AND NO APPLICATION HAS BEEN SUBMITTED

Ref	Location	Proposal	Date of PAC submission	Earliest date for receipt of planning application and current position
17/00367/PAC	Site Hs12 Hopefield Farm 2 Bonnyrigg	Residential development  The site is identified for an indicative 375 residential units in the MLDP.	9 May 2017	02/08/17 - no application yet received. A pre-application report was reported to the August 2017 meeting of the Committee.
17/00606/PAC	Land south east of Auchendinny, The Brae, Auchendinny (Site Hs20)	Residential development  The site is identified for an indicative 350 residential units in the MLDP.	27 July 2017	20/10/17 - no application yet received. A pre-application report was reported to the November 2017 meeting of the Committee.
17/00663/PAC	Land bounded by A7, Stobhill Road and Pentland Avenue, Gorebridge	Mixed use development comprising residential and commercial land uses	16 August 2017	09/11/17 - no application yet received. A pre-application report was reported to the October 2017 meeting of the Committee.
18/00894/PAC	Land at Wull Muir, Gorebridge	Erection of up to 9 wind turbines (wind farm)	9 November 2018	02/02/19 - no application yet received. A pre-application report was reported to the January 2019 meeting of the Committee.
18/00962/PAC	Land east and west of Easthouses Road, Easthouses	Residential development and erection of school, with associated engineering works, open space and landscaping	14 December 2018	09/03/19 - no application yet received. A pre-application report was reported to the February 2019 meeting of the Committee.
19/00012/PAC	Land east of Salters Road, Dalkeith	Mixed use development comprising film and TV studios including workshops/offices; reception/commissary; gatehouse; backlot; trailer park; film academy and associated student accommodation; and associated access, parking and infrastructure.	9 January 2019	04/04/19 - no application yet received. A pre-application report was reported to the January 2019 meeting of the Committee.

19/00126/PAC	Former Lothianburn, Golf Club, 106 Biggar Road, Edinburgh	Mixed use development comprising mountain bike trail centre, indoor and outdoor leisure uses, food and drink, professional services, retail, visitor accommodation and associated works	14 February 2019	10/05/19 - no application yet received. A pre-application report was reported to the May 2019 meeting of the Committee.
19/00252/PAC	Land at Wellington School, Penicuik	Residential development  The site is identified as an 'Additional Housing Development Opportunity' for an indicative 50 - 60 residential units in the MLDP.	20 March 2019	13/06/19 - no application yet received. A pre-application report was reported to the June 2019 meeting of the Committee.
19/00626/PAC	Land at Drummond Moor, Rosewell	Proposed holiday resort development	15 July 2019	08/09/19 - no application yet received.  A pre-application report was reported to the October 2019 meeting of the Committee.



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## APPEALS AND LOCAL REVIEW BODY DECISIONS

Report by Director of Education, Communities and Economy

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### 1 PURPOSE OF REPORT

- 1.1 This report informs the Committee of two notices of review determined by the Local Review Body (LRB) at its meeting in December 2019. There are no Scottish Government appeal decisions to report to the Committee.

### 2 BACKGROUND

- 2.1 The Council's LRB considers reviews requested by applicants for planning permission, who wish to challenge the decision of planning officers acting under delegated powers to refuse the application or to impose conditions on a grant of planning permission.
- 2.2 The decision of the LRB on any review is final, and can only be challenged through the Courts on procedural grounds.
- 2.3 Decisions of the LRB are reported for information to this Committee.

### 3 PREVIOUS REVIEWS DETERMINED BY THE LRB

- 3.1 At its meeting on 2 December 2019 the LRB made the following decisions:

	<b>Application Reference</b>	<b>Site Address</b>	<b>Proposed Development</b>	<b>LRB Decision</b>
<b>1</b>	19/00211/DPP	26 Bellerophon Drive, Penicuik	Installation of UPVC windows in a Conservation Area	Permission refused at LRB meeting of 02.12.2019
<b>2</b>	10/00563/DPP	19 George Drive, Loanhead	Removal of a condition restricting the roofing material on an extension to a dwellinghouse	Permission granted at LRB meeting of 02.12.2019

## **4 RECOMMENDATION**

- 4.1 The Committee is recommended to note the decision made by the Local Review Body at its meeting in December 2019.

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

**Date:** 7 January 2020  
**Contact Person:** Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk  
**Tel No:** 0131 271 3310

**Background Papers:** LRB procedures agreed on the 13 June 2017.





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

Report by Director of Education, Communities and Economy

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

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

## **2 LOCATION AND SITE DESCRIPTION**

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

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

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

### **3 PROPOSAL**

- 3.1 The proposed development comprises:
- A 'U' shaped building comprising a two stream primary school (with the potential to be extended to a three stream school) and a nursery (the internal and external nursery provision can accommodate up to 144 children). The school also includes additional supports needs facilities;
  - External nurse provision/play areas;
  - External school play areas;
  - Multi Use Games Area (MUGA);
  - A car park comprising 67 spaces (including 2 disabled spaces) situated to the north of the site accessed off Easthouses Road;
  - A service delivery yard and 4 disabled parking spaces situated to the south of the site accessed off Easthouses Road;
  - Pedestrian links to the neighbouring path network;
  - A pedestrian/zebra crossing over Easthouses Road; and
  - Landscaping and boundary treatment.
- 3.2 The building comprises two wings wrapping around a courtyard. The finishes proposed include white render, rainscreen cladding, curtain walling and a standing seam roof – the structure includes large areas of glazing. The building is positioned centrally in the site along the southern boundary. The play/sports facilities, car parking and landscaping are positioned around the structure.

### **4 BACKGROUND**

- 4.1 The applicant carried out a pre application consultation (19/00445/PAC) for the erection of a primary school and associated works in May – August 2019. The pre application consultation was reported to the Committee at its meeting in August 2019.
- 4.2 Planning permission (18/00308/DPP) for the erection of 79 dwellinghouses and associated works on land to the south of the former Newbattle High School was granted in 2019. The application was presented to Committee at its meeting in October 2018.

## 5 CONSULTATIONS

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

## 6 REPRESENTATIONS

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

## 7 PLANNING POLICY

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

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **DEV2: Protecting Amenity within the Built-up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.3 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.
- 7.4 Policy **DEV6: Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.
- 7.5 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.
- 7.6 Policy **DEV8: Open Spaces** seeks to protect and enhance existing identified (in the proposals map) open spaces within settlements.
- 7.7 Policy **DEV10: Outdoor Sports Facilities** seeks to protect outdoor sports facilities from re-development except in certain circumstances: where the proposed development is ancillary to the principle use of the site as an outdoor sports facility; the loss is only minor and would not affecting its overall use; the outdoor sports facility is to be replaced either by a new facility of comparable or greater benefit for sport or upgrading of an existing facility on the same site or nearby; or where the sports pitch needs assessment, open space audit and consultation with SportScotland identify a clear excess of provision to meet the existing or anticipated demand in the area and the overall quality of provision in the locality will be maintained.
- 7.8 Policy **TRAN1: Sustainable Travel** aims to encourage sustainable modes of travel.
- 7.9 Policy **TRAN 5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.
- 7.10 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that Sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not

greater than in the site's predeveloped condition, and to avoid any deterioration of water quality.

- 7.11 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environmental.
- 7.12 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.
- 7.13 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.14 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.15 Policy **ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.
- 7.16 Policy **NRG6: Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes.
- 7.17 Policy **IMP1: New Development** ensures that appropriate provision is made for a need which arises from new development.
- 7.18 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representation and consultation responses received are material considerations.

## The Principle of Development

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

## The Layout, Form and Design of Development

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

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

#### Other Planning Considerations

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



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

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

## **9 RECOMMENDATION**

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

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

Subject to the following conditions:

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting in communal areas and open space, including trees, shrubs, hedging, wildflowers and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;



- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping in the open spaces shall be completed prior to the building coming into use. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing;
- ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);
- x proposed play equipment; and
- xi proposed cycle parking facilities.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

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

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

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

3. Development shall not begin until samples of materials to be used on external surfaces of the buildings including a green wall finish system on one elevation/part elevation; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall

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

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

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements have been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
  - ii proposed vehicular, cycle and pedestrian access;
  - iii proposed roads (including turning facilities), footpaths and cycle ways;
  - iv proposed visibility splays, traffic calming measures, lighting and signage;
  - v proposed construction traffic access and haulage routes;
  - vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport;
  - vii proposed car parking arrangements;
  - viii an Auto Track of the proposed vehicle turning circle within the service yard;
  - ix a pedestrian/zebra crossing over Easthouses Road; and
  - x a programme for completion for the construction of access, roads, footpaths and cycle paths.

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

**Reason:** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby

approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;

- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

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

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

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

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

- 7. Development shall not begin until details of the provision and use of, electric vehicle charging stations within the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan 2017.

- 8. Development shall not begin until details of the floodlighting system and any security lights to be installed within the site have been submitted to and approved in writing by the planning authority. The floodlights and security lights shall be designed and installed such that there is no direct illumination of any neighbouring sensitive property and the lamp design shall be such that the actual lamps and inner

surface of the reflectors are not visible from neighbouring houses which have a garden boundary with the application site. In addition, the lighting shall be designed to minimise the spillage of light up into the sky. The floodlighting system shall be fitted with an automatic cut out to ensure that the system cannot operate after 9pm. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

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

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

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

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

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

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

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

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

**Date:** 7 January 2020

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





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

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Scale: 1:4,000  
Page 30 of 30

