



PRE - APPLICATION REPORT REGARDING A PROPOSAL TO AMEND THE PROPOSED USES AT SITE E26, WHITEHILL MAINS, WHITEHILL ROAD, MILLERHILL (19/00489/PAC)

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre-application consultation submitted regarding a proposal to expand the range of uses at site e26, Whitehill Mains, Whitehill Road, Millerhill, Shawfair. The land comprises economic site e26 in the Midlothian Local Development Plan 2017 (MLDP), allocated for class 4 (office/business) and class 5 (general industry) uses. The site was originally allocated in the now superseded 2003 Shawfair Local Plan.
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation to expand the range of uses at site e26, Whitehill Mains, Whitehill Road, Millerhill, Shawfair was submitted on 17 June 2019.
- 2.3 As part of the pre-application consultation, a public event took place at the Jack Kane Community Centre, Niddrie, Edinburgh (closest community centre to the site) on 17 May 2019. On the conclusion of the requisite 12 week consultation process the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a public event without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance

reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the prospective applicant to the local elected members and to the Danderhall and District Community Council.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site is approximately 13 hectares of agricultural land, allocated as economic site e26 in the MLDP for class 4 (office/business) and class 5 (general industry) uses. The site slopes gently from the southern boundary at Whitehill Mains down to the northern boundary adjoining Fort Kinnaird in the City of Edinburgh Council area.
- 3.4 The Town and Country Planning (Use Classes) (Scotland) Order 1997 categorises different land uses to enable planning practitioners and decision makers to determine if a change of use of land or buildings is proposed or has occurred. In defining if a material change of use between one class and another has occurred it enables planning authorities to assess the impact of different uses and enables decisions to be made with regard the right development in the right location. Different uses within the same class are seen to have similar impacts and characteristic and are therefore inter changeable in land use planning terms.
- 3.5 The applicant is proposing to expand the range of potential uses at site e26 to include:
- Class 1 – Shops/Retail;
 - Class 4 - Office/Business;
 - Class 5 - General Industry;
 - Class 6 - Storage and Distribution;
 - Class 11 - Assembly and Leisure, including cinemas, casinos and sports/recreation facilities; and
 - Sui Generis – uses which do not fall within the defined use classes. In this case the uses cited are home improvement showrooms/warehouses, builder merchants and car showrooms.
- 3.6 As a committed site within the established economic land supply, support for the early implementation of the site is supported (MLDP policy STRAT1 Committed Development). The majority of the sites in the economic land supply are identified as being suitable for business and

general industry (classes 4 and 5), which have traditionally been those which produce the highest density of employment. MLDP policy ECON1 sets the criteria by which potential uses are assessed and includes; the contribution towards appropriate employment densities, compatibility with neighbouring uses, avoiding detrimental impacts on the amenity of the area and meeting infrastructure deficiencies or requirements. This policy does not support the introduction of non-business or industrial uses.

- 3.7 The MLDP does not provide support for the provision of retail uses or commercial leisure facilities on economic sites. While such uses generate employment, there is the additional consideration of mitigating adverse effects on existing town centres and neighbourhood centres. This 'Town Centre First' principle is established in nation planning policy and in MLDP policies TRC1 and TCR2.
- 3.8 The specific policies any proposal is likely to be subject to include STRAT1 Committed Development; DEV2 Protecting Amenity within the Built-Up Area; DEV5 Sustainability in New Development; DEV6 Layout and Design of New Development; DEV7 Landscaping in New Development; TRAN1 Sustainable Travel; TRAN5 Electric Vehicle Charging; IT1 Digital Infrastructure; IMP1 New Development; IMP2 Essential Infrastructure Required to Enable New Development to Take Place; and IMP3 Water and Drainage.
- 3.9 In addition to the planning policy considerations the Council can give weight to other material considerations. In this case supporting economic growth and job creation are material considerations of significant weight and could enable the Council to consider economic based sui generis uses and class 6 uses favourably to facilitate and complement the allocated class 4 and 5 uses on the site. However, this more flexible pragmatic approach to job creation wouldn't be appropriate to support retail/leisure uses which should be located in a town or neighbourhood centre.
- 3.10 If an application is submitted and there is a presumption in favour of widening the range of uses as set out above, there may be a requirement for developer contributions towards infrastructure, including the Borders Railway and the A720 Sheriffhall Junction improvements.

4 PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.

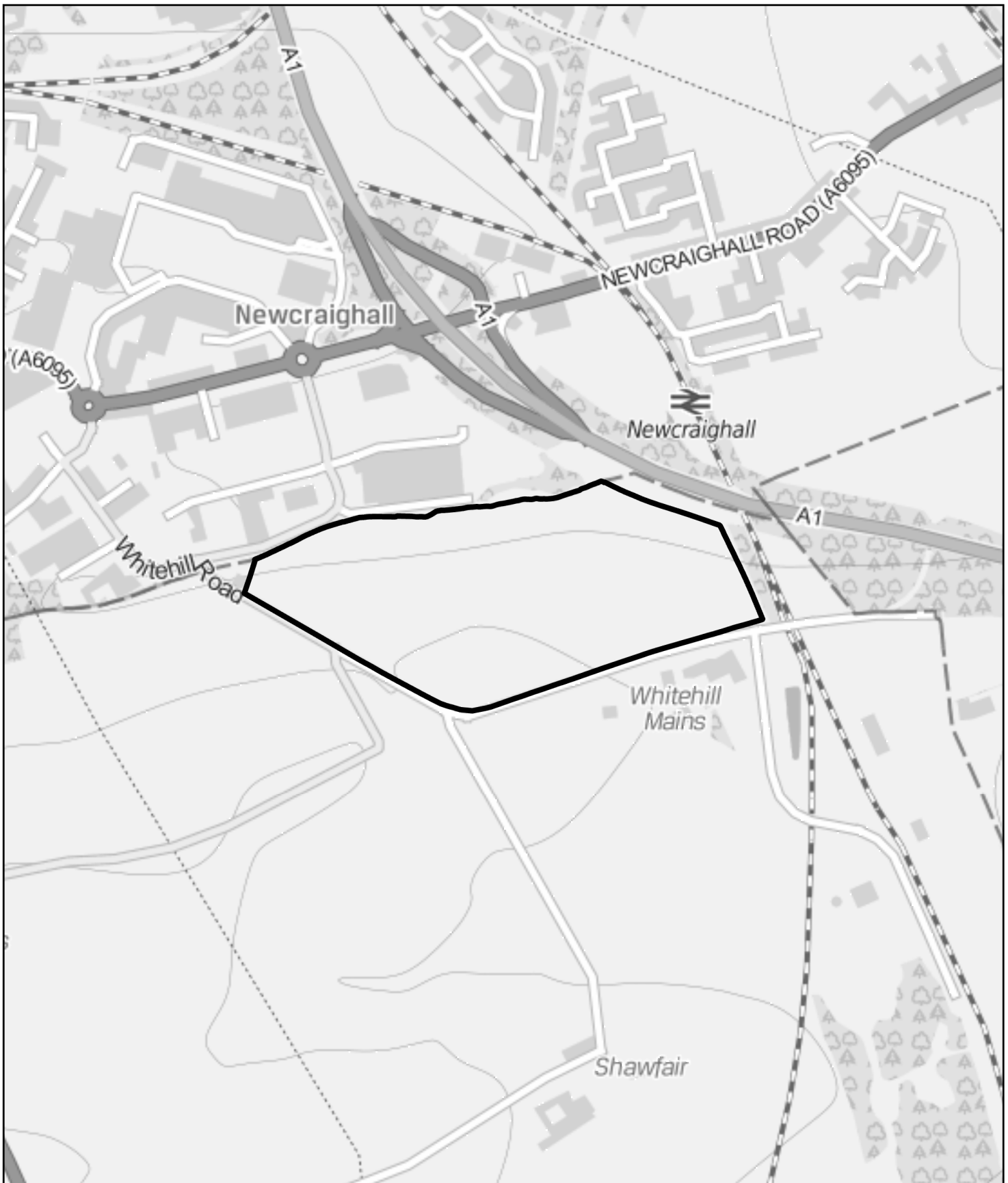
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

5 RECOMMENDATION

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

Mary Smith
Director of Education, Communities and Economy

Date:	16 August 2019
Application No:	19/00489/PAC (Available online)
Applicant:	Colliers International
Validation Date:	30 May 2019
Contact Person:	Fraser James
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**Education, Economy
& Communities**
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Proposal of application notice for amendment of acceptable
uses ofsite from class 4 and 5 to classes 1,4,5,6,11 and sui
generis uses to include home improvement showrooms/
warehouses, builders merchants and car showrooms at
Whitehills, Whitehill Road, Millerhill, Dalkeith

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