



PRE - APPLICATION REPORT REGARDING ERECTION OF A HEALTH AND RACQUETS CLUB, WITH ASSOCIATED CAR PARKING, ACCESS, LANDSCAPING AND ANCILLARY FACILITIES ON LAND AT SHAWFAIR PARK, OFF OLD DALKEITH ROAD, DANDERHALL, DALKEITH (20/00607/PAC).

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding the erection of a David Lloyd Health and Racquets Club, with associated car parking, access, landscaping and ancillary facilities on land at Shawfair Park, off Old Dalkeith Road, Danderhall, Dalkeith. The land is identified as committed economic site e27 in the Midlothian Local Development Plan 2017 (MLDP).
- 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 for the erection of a Health and Racquets Club, with associated car parking, access, landscaping and ancillary facilities at Shawfair Park, off Old Dalkeith Road, Danderhall, Dalkeith was submitted on 17 September 2020.
- 2.3 As part of the pre-application consultation process a public event would have been arranged in 'normal' times, however this no longer an option as a consequence of the ongoing Covid-19 public health emergency. Legislative requirements for pre-application consultations have been amended for a temporary period under the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland)

Regulations 2020. The changes remove the requirement for a public event, but as an alternative require prospective developers to advertise where relevant consultation material can be viewed online. The legislation does not prescribe the method of consultation but the guidance does set out the Scottish Government's expectations – which includes giving interested parties the opportunity to make comment. On the conclusion of the online event the applicant could submit a planning application for the proposal.

- 2.4 To meet these statutory obligations, the prospective applicant proposes an on-line event to take place on 29 October 2020. This event will be attended by members of the project team. They propose to utilise webchat software to engage with visitors to the website and answer any questions attendees may have regarding the proposal.
- 2.5 Copies of the pre application notices have been sent by the prospective applicant to the local elected members and Danderhall & District Community Council. A mailshot advertising the event will be distributed to the surrounding area approximately 2 weeks prior to the event. An advert will also be placed in the Midlothian Advertiser approximately 2 weeks, but no less than 7 days, prior to the event. The prospective applicant also proposes to advertise the event through social media channels. This proposed method of consultation is in accord with the 2020 Regulations.
- 2.6 On the conclusion of the public event 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.

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 located within an established business park, known as Shawfair Park. The park occupies a strategic location to the east of the A7 and close to the Sheriffhall Roundabout which provides transport connections to the wider trunk road network. The Park is currently home to a number of offices, a hospital and a pub/ restaurant. The area is characterised as an emerging employment location. Much of the park remains undeveloped as the landowner seeks to attract occupiers. The site is currently one such undeveloped, vacant site. It is located to the east of the main road through the park and north of the Park and Ride facility.

The west boundary of the site is marked by thick, tall hedging and an avenue of trees. The other boundaries are less clearly defined. Access in to the site would be via a four-arm roundabout shared with the Spire Hospital which is located to the north. The Park is supported by drainage infrastructure which is centred on a sustainable urban drainage system (SUDS) basin located to the north east of the said Hospital.

- 3.4 The applicant proposes to erect a large two-storey building to accommodate indoor sports activities and associated uses. In addition, there would be two large domed tennis courts adjacent to the main building. The applicant would also include outdoor spa facilities to the exterior of the main building. The remainder of the site would be used as a car park, access roads and servicing arrangements. These areas would be framed by tree and hedge planting in accordance with the prevailing landscape design of Shawfair Park.
- 3.5 The MLDP provides for the protection of the supply of economic development land on this site through allocation e27, as part of the established economic land supply set out in Table 1B of Appendix 1: Committed Development. The site is allocated for Business/General Industry use (Class 4/5 uses). Promoting economic growth is a key objective of the MLDP. This is achieved, in part, through allocating land to meet the diverse needs of different business sectors. Policy STRAT1: Committed Development seeks the early implementation of sites listed in Appendix 1, such as sites in the established economic land supply. The introduction of non-business or industrial uses will not be permitted. Policy ECON1 safeguards the economic land supply against loss and supports economic development (excluding retail), subject to criteria A to D. Policy ECON3 recognises there is scope to permit limited ancillary uses in Shawfair Park to serve the needs of the workforce based there. Developments supported by this policy must be of a scale and nature suitable to serve the existing and expanding business community, rather than draw in visitors from a wider catchment.
- 3.6 An application for this development would also be required to consider the implementation detailed policies of the MLDP. These include, but are not limited to: promoting sustainable travel (TRAN1); contributing to mitigation of impacts on the transport network (TRAN2); providing electric vehicle charging stations (TRAN5); incorporate high speed broadband (IT1); avoid unacceptable effects on local landscape character (ENV7); avoid areas at flood risk and avoid increasing risk elsewhere (ENV9); provide for drainage treatment (ENV10); avoid adverse impacts on species and habitat (ENV15); remediate contaminated land, where required (ENV16); avoid increasing air pollution (ENV17) and noise to sensitive receptors (ENV18); and, adopt low and zero-carbon generating technology (NRG3). The MLDP also looks to protect the character and amenity of built-up areas (DEV2) as well as encouraging a high standard of design in all new developments, to contribute towards the quality of place Midlothian currently enjoys. These aims are secured by assessment against policies DEV5: Sustainability in New Development, Dev6: Layout and Design of New Development and Dev7: Landscaping in New Development.

- 3.7 A significant material consideration in any major development proposal is Scottish Planning Policy (SPP). SPP requires decision makers to consider the diverse needs of business, supporting economic growth that balances protection of the amenity and environmental quality of the proposed location. There is a presumption in favour of sustainable development, which is a concept defined by 13 principles set out in paragraph 29.
- 3.8 The proposed development would fall within Class 11: Assembly and Leisure, as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997. MLDP Appendix 1B supports developments in Shawfair Park that fall within the definition of Business/ General Industry, being Classes 4 and 5 of the said Order. ECON3 supports some limited alternative uses, at a small scale. Therefore, on this basis, an application submitted for the proposed development would conflict with Policies STRAT1 and ECON1. Given the scale and nature of the proposal, it would not find support within the terms of Policy ECON3. The prospective applicant is therefore invited to submit a full justification to accompany any application for the proposal, as a departure from the development plan. The application must also be accompanied by information suitable to address the implementation policies of MLDP as identified in paragraph 3.6.
- 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 leisure 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 would need to be justified by the applicant, demonstrating the economic benefits of the development.
- 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.

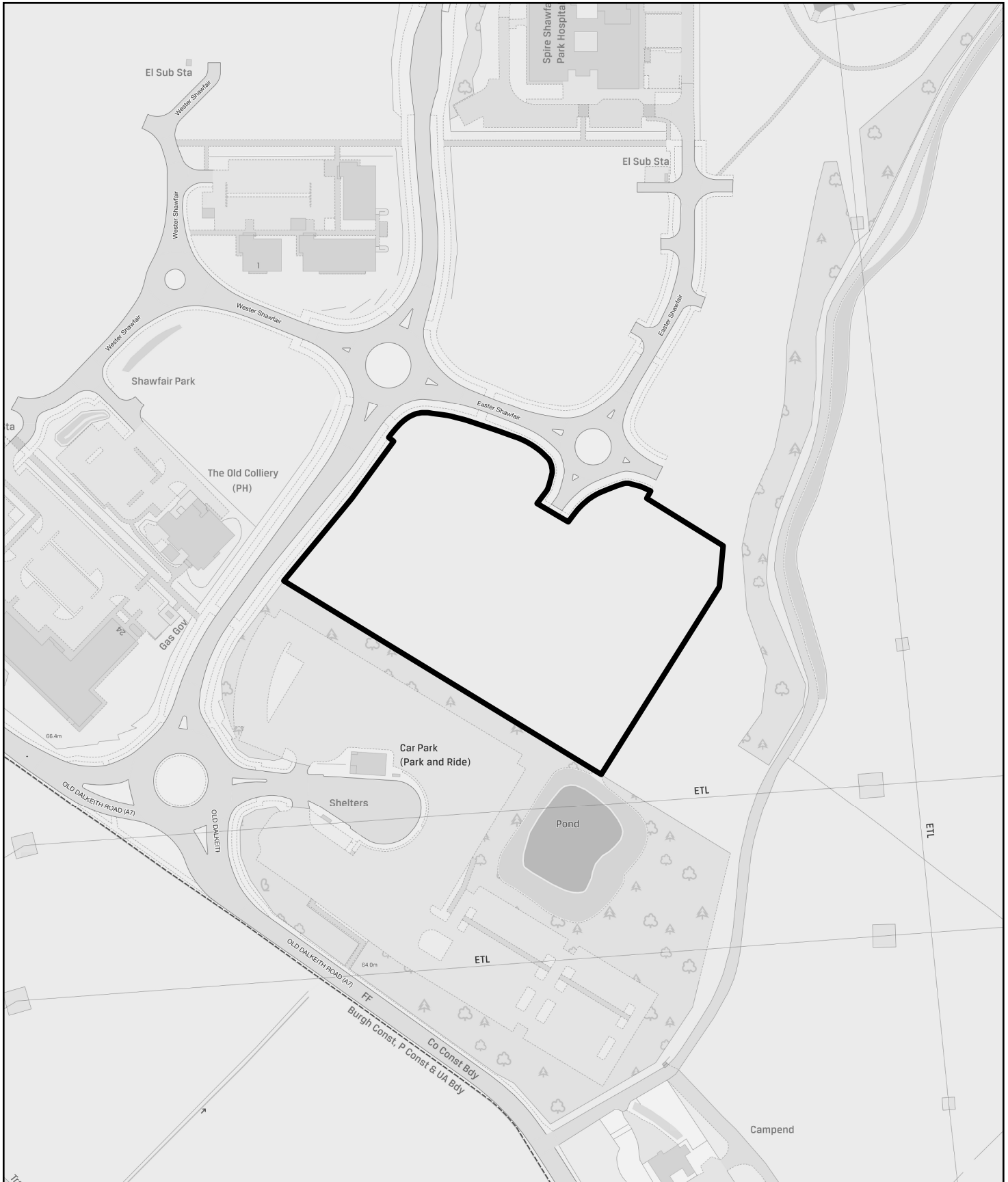
5 RECOMMENDATION

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.

Peter Arnsdorf
Planning Manager

Date:	6 October 2020
Application No:	20/00607/PAC
Applicant:	Lichfields, 21 Mincing Lane, London
Validation Date:	17 September 2020
Contact Person:	Martin Patrick
Email:	Martin.Patrick@midlothian.gov.uk



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

Proposal of Application Notice for the erection of a Health and Racquets Club with associated car parking, access, landscaping and ancillary facilities 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 (2020)

File No: 20/00607/PAC

Scale: 1:2,500

