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**PRE-APPLICATION REPORT REGARDING PRE-APPLICATION CONSULTATION FOR A MIXED-USE DEVELOPMENT INCLUDING: CLASS 2 (PROFESSIONAL AND OTHER SERVICES); CLASS 3 (FOOD AND DRINK), CLASS 4 (BUSINESS); CLASS 7 (HOTEL); CLASS 8 (RESIDENTIAL INSTITUTIONS); CLASS 9 (RESIDENTIAL); SUI GENERIS (FLATS); CLASS 10 (NON-RESIDENTIAL INSTITUTION) AND ASSOCIATED WORKS AT LAND AT THE JUNCTION OF THE A701 AND PENTLAND ROAD, NEW PENTLAND, LOANHEAD (21/00055/PAC).**

Report by Chief Officer Place

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted for a mixed-use development including: class 2 (professional and other services); class 3 (food and drink); class 4 (business); class 7 (hotel); class 8 (residential institutions); class 9 (residential); sui generis (flats); class 10 (non-residential institution) and associated works at land at the junction of the A701 and Pentland Road, New Pentland, Loanhead. The applicant has named the proposal 'New Pentland'.
- 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 The pre-application consultation for mixed-use development at land at the junction of the A701 and Pentland Road, New Pentland, Loanhead was submitted on 20 January 2021.
- 2.3 As part of the pre-application consultation process a public event would have been arranged in 'normal' times, however this is 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 In terms of submission timescales, the applicant could submit a planning application for the proposal from 15 April 2021 if they have undertaken appropriate pre application consultation.
- 2.5 Copies of the pre application notice has been sent by the prospective applicant to the local elected members, Loanhead and District Community Council, Damhead and District Community Council, the local Member of Parliament (MP), the local Member of Scottish Parliament (MSP) and all Lothian Regional MSPs.
- 2.6 On the conclusion of the virtual public events (10 February 2021 and w/c 8<sup>th</sup> March 2021) the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a virtual 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 comprises a 4.3 hectare parcel of land to the south-west of Straiton. It contains a series of existing uses including an amenity area associated with the existing Pentland Park residential caravan park, a landscaped area fronting the A701 and an agricultural field bounded by Pentland Park, Pentland Road and residential properties fronting the A701. It also includes the road carriageway and pedestrian footpath along part of Pentland Road and part of the road junction to Pentland Park Caravan Park.

- 3.4 The site is bounded by the A701 to the east with a vacant site forming part of the Straiton Retail Centre beyond. To the north of the site, beyond Pentland Road, and to the west of the site lies agricultural fields allocated for a Proposed Film/TV studio under Policy MX1 in the MLDP. Land to the west of the site is also allocated for Countryside and Prime Agricultural Land in the MLDP with Transport Infrastructure Safeguarding under Policy TRAN2 (Transport Network Interventions) beyond - which identified the potential alignment of the A701 Relief Road. The Pentland Park caravan park directly abuts the site's western and southern boundaries and contains a series of residential caravans occupied by permanent residents under the corresponding licence.
- 3.5 The site is subject to multiple allocations within the MLDP including the following designations:
- (1) Countryside (Policy RD1) - northern part of site;
  - (2) Prime agricultural land (Policy ENV 4) - north-western part of site;
  - (3) Residential Park Homes (Policy DEV 4) - southern part of site;
  - (4) Protecting Amenity within the Built up Area (Policy DEV 2) - southern part of site.

A development proposal involving mixed-use development on land within the northern part of the site (covered by the countryside and prime agricultural land policies) allocations would not accord with the corresponding MLDP policy objectives, particularly those found within Policy RD1. The proposed mixed-use development does not allow for the furtherance of an appropriate countryside/recreational uses (excluding the proposed open space area) and would be of a scale that is inappropriate and incompatible with the rural countryside character prescribed by this policy.

- 3.6 The southern part of the site is located within the 'Built up Area' where it is acknowledged that development is afforded in principle support subject to ensuring that there would be no material adverse impacts to the character or amenity of the existing area. Considering such impacts would be one of the key determining factors in assessing any future application covering this part of the site. Should these lead to a material detriment to the amenity or character of the area the development proposal would not accord with the above presumption in favour of support.
- 3.7 Irrespective of this allocation, the Residential Park Homes allocated under policy DEV 4 (and covering the same part of the site) includes far more restrictive policy requirements. Specifically, new development proposals are required to facilitate the sustained operation of the existing park home and that any development proposals that could impact its continuance, the long term management or enhancement of the site and effect the amenity of existing residents would not be permitted. The indicative pre-application sketches appear to show part of the park homes amenity area/open space being developed for alternate uses, which is considered to contravene the requirement within MLDP policy DEV 4. New areas of open space are proposed,

but this would likely address the consequential need for such provision associated with the proposed new uses rather than any relocation of the existing open space area associated with the residential park homes. This matter will require further investigation as part of any future planning application submission.

- 3.8 In addition to the above principle of development assessment, consideration will also have to be given to design matters. This includes layout, siting, design, appearance, materials, landscaping, open space, parking and (for residential uses) amenity requirements relating to building setbacks and garden sizes in order to accord with sustainable place-making policies in the MLDP (i.e. Policies DEV2, DEV3, DEV5, DEV6, DEV7 and DEV9).
- 3.9 Excluding any care home component, should any residential uses be included within the proposed mixed use development, consideration of the Council's Learning Estate Strategy will be required which sets out the Council's long term plans to accommodate the expected education needs. This has been informed by the location and level of development outlined in the MLDP and the Housing Land Audits. With respect to the site, a suitable education solution will be required to accommodate associated need from the proposed development. This will be delivered through developer contributions.

### Conclusion

- 3.10 Overall, the proposed mixed-use development is contrary to the development plan. Specifically, the majority of the site is allocated as countryside within the MLDP and the southern part of the site is allocated for a residential park home where any development that would prejudice the continued use, siting and long-term management of the existing residential park home would not be supported. It is considered that the mixed-use development could compromise strategic objectives in the MLDP that require the openness and character of the countryside to be maintained and the amenity of existing park home residents to be protected.
- 3.11 Notwithstanding this, and prior to any potential support, developer contributions and conditions would be required to secure infrastructure improvements, including: road infrastructure improvements (i.e. the A701 Relief Road and the A702 Link Road), strategic cross-boundary transport infrastructure (under MLDP policy TRAN 2 and in line with Transport Scotland's requirements as trunk road operator), access and junction improvements (including footpaths and cycleways), education provision, landscaping, open space, green networks, water and drainage infrastructure, equipped children's play provision and adequate affordable housing provision (at least 25%).

## **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**

<b>Date:</b>	25 March 2021
<b>Application No.</b>	21/00055/PAC
<b>Applicant:</b>	Pentland Park Marine Ltd
<b>Validation Date:</b>	20 January 2021
<b>Contact Person:</b>	Steve Iannarelli
<b>Email:</b>	steve.iannarelli@midlothian.gov.uk



**Planning Service  
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Proposal of application notice for mixed use development including Class 2 (professional and other services), Class 3 (food and drink), Class 4 (business), Class 7 (hotel), Class 8 (residential institutions) Class 9 (residential), Sui Generis (flats), Class 10 (non-residential institution) and associated works at land at the junction of the A701 and Pentland Road New Pentland, Loanhead.

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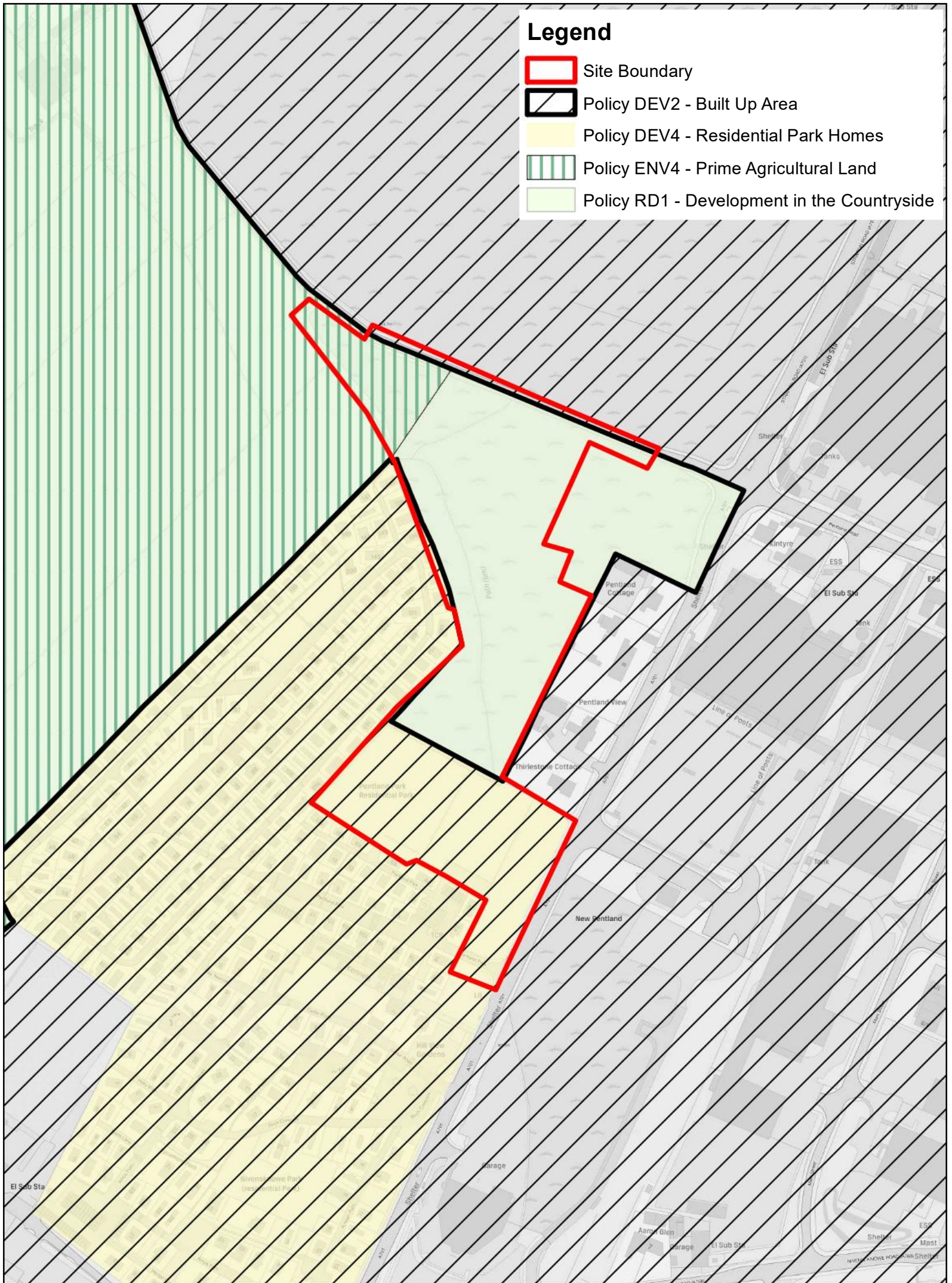
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**Legend**

- Site Boundary
- Policy DEV2 - Built Up Area
- Policy DEV4 - Residential Park Homes
- Policy ENV4 - Prime Agricultural Land
- Policy RD1 - Development in the Countryside