



PRE - APPLICATION REPORT REGARDING A MIXED-USE DEVELOPMENT INCLUDING CLASS 1A (SHOPS, FINANCIAL, PROFESSIONAL AND OTHER SERVICES), CLASS 11 (ASSEMBLY AND LEISURE) AND CLASS 4 (BUSINESS); AND ASSOCIATED INFRASTRUCTURE, CAR PARKING, SERVICING, ACCESS ARRANGEMENTS AND LANDSCAPING AT LAND 90M SOUTH WEST OF ASDA PETROL FILLING STATION, LOANHEAD (24/00119/PAC)

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre application consultation for a mixed-use development including Class 1A (shops, financial, professional and other services), Class 11 (assembly and leisure) and Class 4 (business); and associated infrastructure, car parking, servicing, access arrangements and landscaping at land 90m south west of Asda Petrol Filling Station, Loanhead.
- 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 30 August 2022. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A Proposal of Application Notice (PAN) detailing the pre application consultation for a mixed use development including Class 1A (shops, financial, professional and other services), Class 11 (assembly and leisure) and Class 4 (business); and associated infrastructure, car parking, servicing, access arrangements and landscaping at land 90m south west of Asda Petrol Filling Station, Loanhead was submitted on 19 February 2024.

- 2.3 As part of the pre-application consultation process, two public events were undertaken/scheduled at Loanhead Leisure Centre. The first event took place on 25 March 2024 and the second is scheduled for 22 April 2024. The applicant has also created a dedicated website for the PAN process.
- 2.4 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could be submitted is 14 May 2024. The subsequent planning application must be accompanied by a Pre-Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and an explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.
- 2.5 Copies of the pre application notice have been sent by the applicant to the local elected members in ward 4 (Midlothian West) and the Loanhead and District, Roslin and Bilston and Damhead and District Community Councils.

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. The views of consultees and representors will be material considerations in the assessment of an application for the proposed development.
- 3.2 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017 (MLDP). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present this means that where there is an incompatibility NPF4 takes precedence, this will change when a new local development plan is adopted.
- 3.3 The site measures 3.77 hectares and is situated at the western side of Loanhead. The site comprises open ground and a tarred roadway. The northern part of the site was used as a site compound during the construction of the neighbouring Asda supermarket. To the north east the site is bounded by the Asda petrol filling station. To the north west the site is bounded by the A701, with Pentland Park residential mobile home site on the opposite side of the road. The site is bounded to the south by the Western Nissan car dealership and by Nivensknowe Road. To the east the site bounds a private house with 5 self-catering apartments (Aaron Glen) and Pentland Industrial Estate. There is vehicular access to the site from the north, via the access road to the Asda car park, and the south, from Nivensknowe Road.

3.4 The relevant policies of the National Planning Framework 4 (NPF4) are:

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 5 Soils
- Policy 6 Forestry, woodland and trees
- Policy 7 Historic Assets and Places
- Policy 12 Zero Waste
- Policy 13 Sustainable Transport
- Policy 14 Design, quality and place
- Policy 15 Local living and 20 minute neighbourhoods
- Policy 18 Infrastructure first
- Policy 19 Heat and cooling
- Policy 20 Blue and green infrastructure
- Policy 22 Flood risk and water management
- Policy 23 Health and Safety
- Policy 26 Business and Industry
- Policy 27 City, town, local and commercial centres
- Policy 28 Retail
- Policy 30 Tourism

3.5 The MLDP identifies the majority of the site, approximately 2.5 hectares, as forming part of the Straiton Commercial Hub. The remainder of the site comprises a 26m wide strip of land running the length of the of the eastern side of the site, this land is not within the Straiton Commercial Hub but is identified a being within the built-up area of Loanhead. The strip of ground along the eastern side of the site was formerly an open cutting housing water supply infrastructure. The cutting was infilled in the early 2010s. An application for the proposed development will be assessed against the following MLDP policies:

- 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;
- ECON4 – Economic Development outwith Established Business and Industrial Sites;
- TRAN1 – Sustainable Travel;
- TRAN2 – Transport Network Interventions;
- TRAN5 – Electric Vehicle Charging;
- VIS1 – Tourist Attractions;
- ENV9 – Flooding;
- ENV10 – Water Environment;
- ENV11 – Woodland, Trees and Hedges;
- ENV15 – Species and Habitat Protection and Enhancement;
- ENV16 – Vacant, Derelict and Contaminated Land
- ENV17 – Air Quality;
- ENV18 – Noise;

- ENV25 – Site Assessment, Evaluation and Recording;
- NRG5 Heat Supply Sources and Development with High Heat Demand
- NRG6 – Community Heating;
- WAST5 Waste Minimisation and Recycling in New Developments
- IMP1 – New Development;
- IMP2 – Essential Infrastructure Required to Enable New Development to Take Place; and
- IMP3 – Water and Drainage.

3.6 The principle of Class 1A and Class 11 development on the majority of the site is supported in principle subject to the detail of any planning application. On the remaining portion of the site, whilst there is support for development compatible with the character of the built-up area there is not specific support for Class 1A or Class 11 development. The possibility of support for Class 4 development will depend on the scale of the Class 4 development. Other considerations in the assessment of any application will include the development's impact on biodiversity, trees, residential amenity, ground contamination and road safety. The views of consultees and representors will be material considerations in the assessment of an application for the proposed development.

4 PROCEDURES

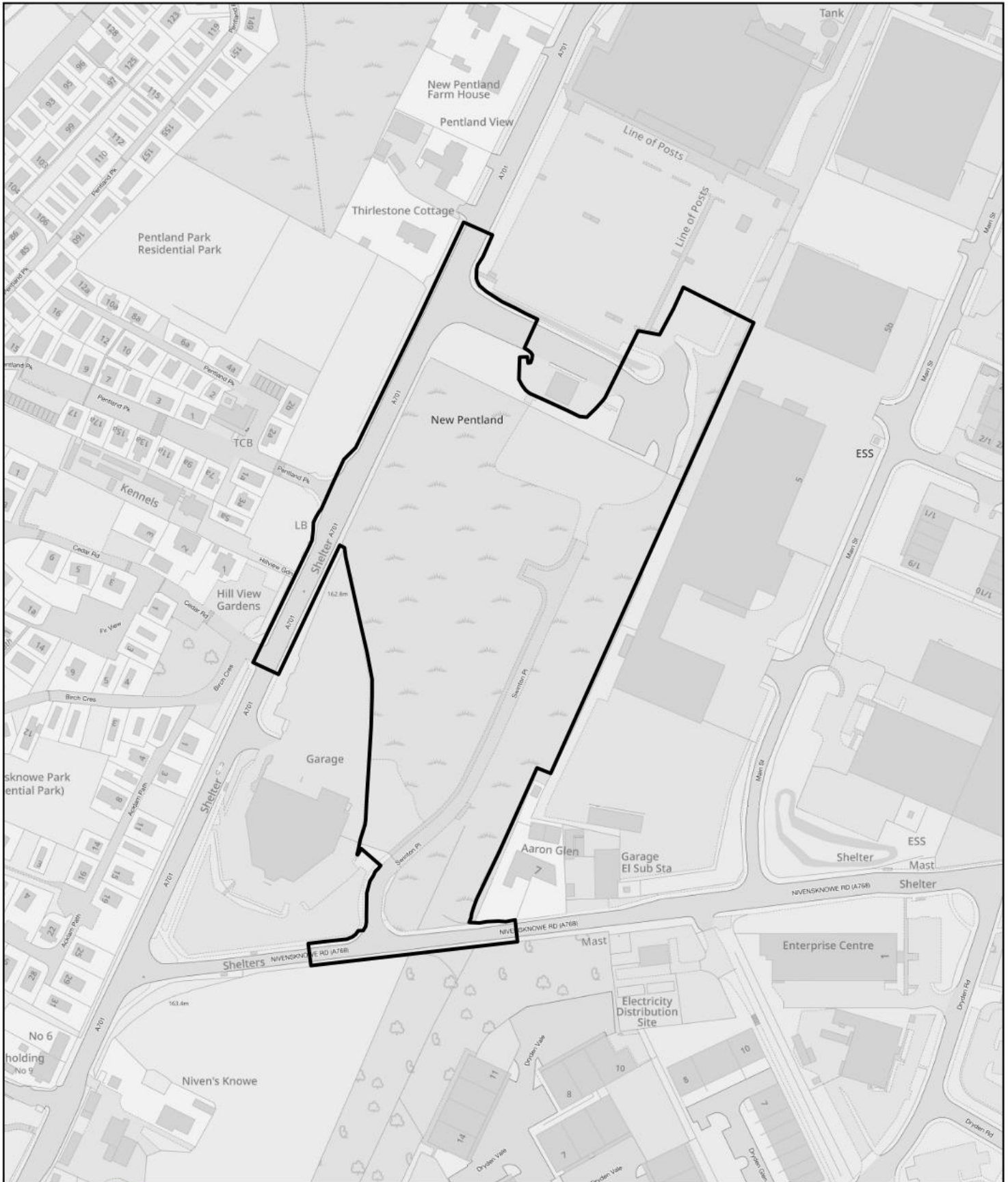
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' 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 be 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 that 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, Sustainable Growth and Investment Manager

Date: 19 April 2024
Application No: 24/00076/PAC
Applicant: CDA on behalf of Lansdowne Investments Limited
Agent: None
Validation Date: 19 February 2024
Contact Person: Graeme King
Email: graeme.king@midlothian.gov.uk
Attached Plan: Location plan



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Place Directorate
 Midlothian Council
 Fairfield House
 8 Lothian Road
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Proposal of application notice for a mixed use development including class 1A, class 11, and class 4; and associated infrastructure.

Land 90m South West of Asda Petrol Filling Station Loanhead.

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