



PRE - APPLICATION REPORT REGARDING MIXED USE DEVELOPMENT INCLUDING CLASSES 1, 2, 3, 4, 9 AND 10 WITH ASSOCIATED ACCESS, CAR PARKING, OPEN SPACE AND LANDSCAPING AT LAND TO THE NORTH OF HARDENGREEN HOUSE, DALKEITH (17/00670/PAC)

Report by Head of 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 mixed use development including classes 1, 2, 3, 4, 9 and 10 with associated access, car parking, open space and landscaping at land to the north of Hardengreen House, Dalkeith (17/00670/PAC).
- 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 a mixed use development including classes 1, 2, 3, 4, 9 and 10 with associated access, car parking, open space and landscaping at land to the north of Hardengreen House, Dalkeith was submitted 22nd August 2017.
- 2.3 As part of the pre application consultation process the applicants held a public event/drop in session in September 2017. On the conclusion of the public event and the 12 week pre application consultation engagement period the applicant could submit a planning application for the proposal. It is anticipated that a planning application for either planning permission in principle or detailed planning permission will be submitted. 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) not offer views, as the forum for doing so will be at this meeting of the Planning Committee.

- 2.4 Copies of the pre application notices have been sent by the applicant to the Eskbank and Newbattle Community Council; and the Bonnyrigg and Lasswade 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 proposal complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The proposed development is situated to the south of Eskbank Station. The site is 2.5 hectares in area and currently comprises disused agricultural land. The site is bounded to the west by the Borders Railway; to the north east by Eskbank Station and the Edinburgh College solar farm; and to the south east by land associated with the children's nursery at Hardengreen House. The proposed access would be via the existing access road serving Eskbank Station and Edinburgh College.
- 3.3 The proposal relates to a broad range of development categories including Class 1 (Shops); Class 2 (Financial, Professional and Other Services); Class 3 (Food and Drink); Class 4 (Business); Class 9 (Houses); and Class 10 (Non-Residential Institutions).
- 3.4 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Plan (MLP), adopted in December 2008. The MLP identifies the majority of the site as being in the built-up area, with the southern portion of the site (measuring 0.77 hectares in area) being in the green belt. The area within the built-up area is identified as forming part of a larger area of allocated economic land. Any subsequent application will be subject to assessment against policies RP1: Protection of the Countryside; RP2: Protection of the Green Belt; RP4: Prime Agricultural Land; RP20: Development within the Built-Up Area; and ECON1: Strategic Economic Land Allocations (Proposal). A provisional assessment against these policies supports Class 4 development on the allocated economic land. The MLP does not provide support for the other classes of development or development of the green belt.
- 3.5 At its meeting of 16 December 2014 the Council approved the proposed Midlothian Local Development Plan (MLDP) as its settled spatial strategy. The plan was subject to Local Plan Examination and subject to consideration by a Reporter appointed by the Scottish Ministers. The Reporters findings were published on 10 July 2017 and the examination findings were reported to Council in September 2017.

This is a material consideration of significant weight in the assessment of any application, if submitted prior to the adoption of the MLDP.

- 3.6 The MLDP identifies the majority of the site as being in the built-up area, with the southern portion of the site (measuring 0.77 hectares in area) being in the green belt. The area within the built-up area is identified as forming part of a larger area of allocated economic land. Any subsequent application will be subject to assessment against policies STRAT1: Committed Development; DEV2: Protecting Amenity within the Built-Up Area; ENV1: Protection of the Green Belt; and ENV4: Prime Agricultural Land. A provisional assessment against these policies supports Class 4 development on the allocated economic land. The MLDP does not provide support for the other classes of development or development of the green belt.

4 PROCEDURES

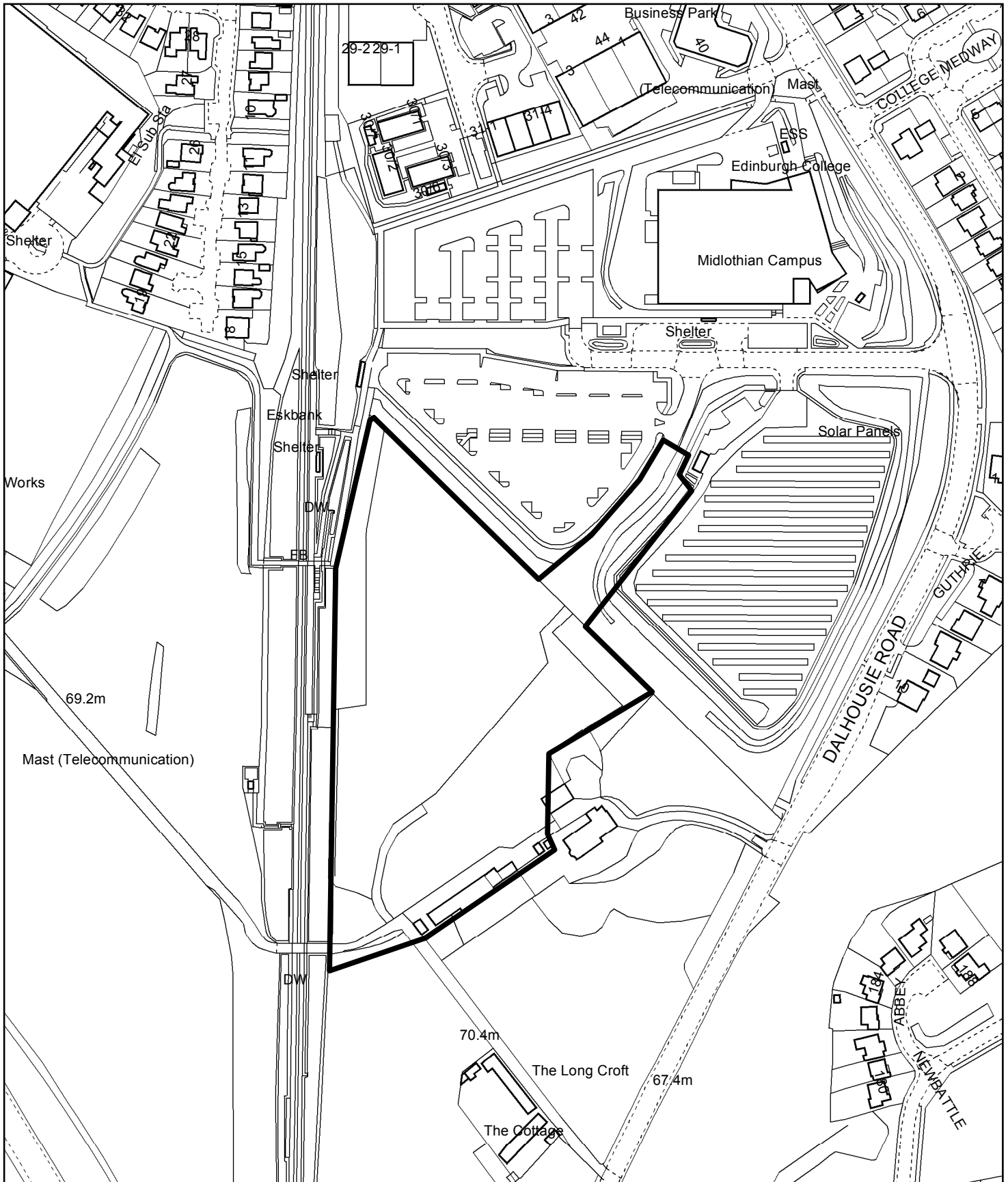
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice'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

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Land to the North of Hardengreen House, Dalkeith

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