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**PRE - APPLICATION CONSULTATION REPORT REGARDING MIXED USE DEVELOPMENT COMPRISING: CLASS 4 (BUSINESS), CLASS 5 (GENERAL INDUSTRY) AND CLASS 6 (STORAGE AND DISTRIBUTION) AT LAND EAST OF SALTERS ROAD, DALKEITH (21/00512/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 the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for a mixed use development comprising Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) at land east of Salters Road, Dalkeith (21/00512/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 The pre-application consultation for a mixed use development comprising Class 4 (business), Class 5 (general industry) and Class 6 (storage and distribution) at land east of Salters Road, Dalkeith was submitted on 16 June 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 16 September 2021 if they have undertaken appropriate pre application consultation.
- 2.5 Copies of the Proposal of Application Notice have been sent by the prospective applicant to the local elected members for Dalkeith, the Leader of the Council, Dalkeith and District Community Council, the local Member of Parliament (MP), the local Member of Scottish Parliament (MSP), One Dalkeith Development Trust, The Rotary Club of Dalkeith, Midlothian and East Lothian Chamber of Commerce, Dalkeith Country Park and selected local residents located directly adjacent to the site.
- 2.6 On the conclusion of two virtual public events (Thursday 15 July 2021 between 15.00 and 19.00 and Thursday 12 August between 15.00 and 19.00) 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.
- 2.7 At its meeting of January 2019 the Committee considered a pre-application consultation for a film and TV studio and associated development on the site. Unfortunately, this development (which was supported in principle, without prejudice to any application, by the Council) has not lead to a planning application being submitted and as such the landowner is reasonably seeking to secure an alternative commercial development of the site.

### **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 parcel of land measuring approximately 30 hectares located on the north-eastern corner of Dalkeith. It currently contains a number of agricultural fields with field access to Salter's Road. The site is bounded by the A68 to the north, Dalkeith Community Schools Campus to the south, Dalkeith Country Park to the west and agricultural fields to the east. A number of existing residential properties, not associated with the proposed development also lie directly to the centre of the site.
- 3.4 The site is subject to multiple allocations within the Midlothian Local Development Plan 2017 (MLDP) focused around its allocation as an employment site. The western part of the site is identified as committed development (forming part of the established economic land supply) with the eastern part of the site is allocated for strategic employment land. An extremely small part of the site (measuring approximately 20m x 20m) is located within the green belt and subject to policies relating to prime agricultural land, river valleys and nationally important gardens and designated landscapes.
- 3.5 The key MLDP policies are as follows:
1. Site e14: Committed Development (Policy STRAT 1) - Forming part of the established economic land supply.
  2. Site Ec2: Strategic Employment Land Allocation (Policy STRAT 5).
- 3.6 Both parcels of land are located within the built up area and subject to protecting amenity within the built up area (Policy DEV 2).
- 3.7 Additionally, an extremely small parcel of land (measuring approximately 20m x 20m) is subject to the following MLDP policies:
3. West of Salter's Road: - Green Belt (Policy RD1), Prime Agricultural Land (Policy ENV 4), Country Parks (Policy RD4), Protection of River Valleys (Policy ENV 8), Nationally important gardens and designated landscapes (Policy ENV20).
- 3.8 There are various site-specific policy requirements associated with the future development of the site. This includes a requirement to prepare a comprehensive masterplan covering the future development of both allocated employment sites to ensure that the layout, development sequencing/timing and landscape measures are complementary. Cognisance of a gas pipeline consultation zone crossing both employment sites should also be undertaken with any future access required to respect the proximity of existing residential properties, Dalkeith Country Estate and the Dalkeith Schools Community Campus. Site-specific policies for Site e14 policies support Class 6 (storage and distribution) uses given improved access to the A68 Dalkeith Northern Bypass.
- 3.9 Site-specific requirement for Site Ec2 include a requirement to provide 30m wide woodland planting along the north-western, north-eastern and eastern edges to contain the site. In addition, existing vegetation along the railway walkway is required to be protected and enhanced to ensure a continuous green network, including a link across the site that

should include a tree avenue with swales, path and road. A flood risk assessment will also be required to accompany any future application to mitigate any potential flood risk within the site and the immediate area.

- 3.10 If an application is submitted for the proposed development, there is a presumption in favour of supporting a mixed use industrial development for Class 4 (business) and Class 5 (general industrial) uses within the site. Additional ancillary support activities would also be accepted. This position is subject to confirming that the site-specific policy requirements can be met, providing a comprehensive masterplan for both site allocations, providing an appropriate access solution and securing appropriate developer contributions towards infrastructure including strategic transport infrastructure, structure landscaping and open space, new green network links, water and drainage infrastructure.
- 3.11 If Class 6 (storage and distribution) uses are proposed, these would only comply with strategic policy aspirations within the western part of the site (Site e14) and are not supported by the corresponding MLDP policy objectives (Policy STRAT 5) for Site Ec2 within the eastern part of the site.
- 3.12 Clarity would also be sought on the nature of any future development proposals within the small parcel of land to the west of Salters Road given that this is subject to far more restrictive policy objectives than other parts of the site.
- 3.13 In addition to the above principle of development, consideration will also have to be given to design matters, particularly for any future application seeking detailed planning permission. This would include layout, siting, design, appearance, materials, landscaping, open space, parking for any future uses and any amenity requirements relating to noise/vibration, air quality and setbacks requirements etc. in order to ensure compliance with sustainable place-making policies within the MLDP. Consideration will also be given to any material considerations raised by consultees and representatives and to the employment and economic benefits of any proposal.

## **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.

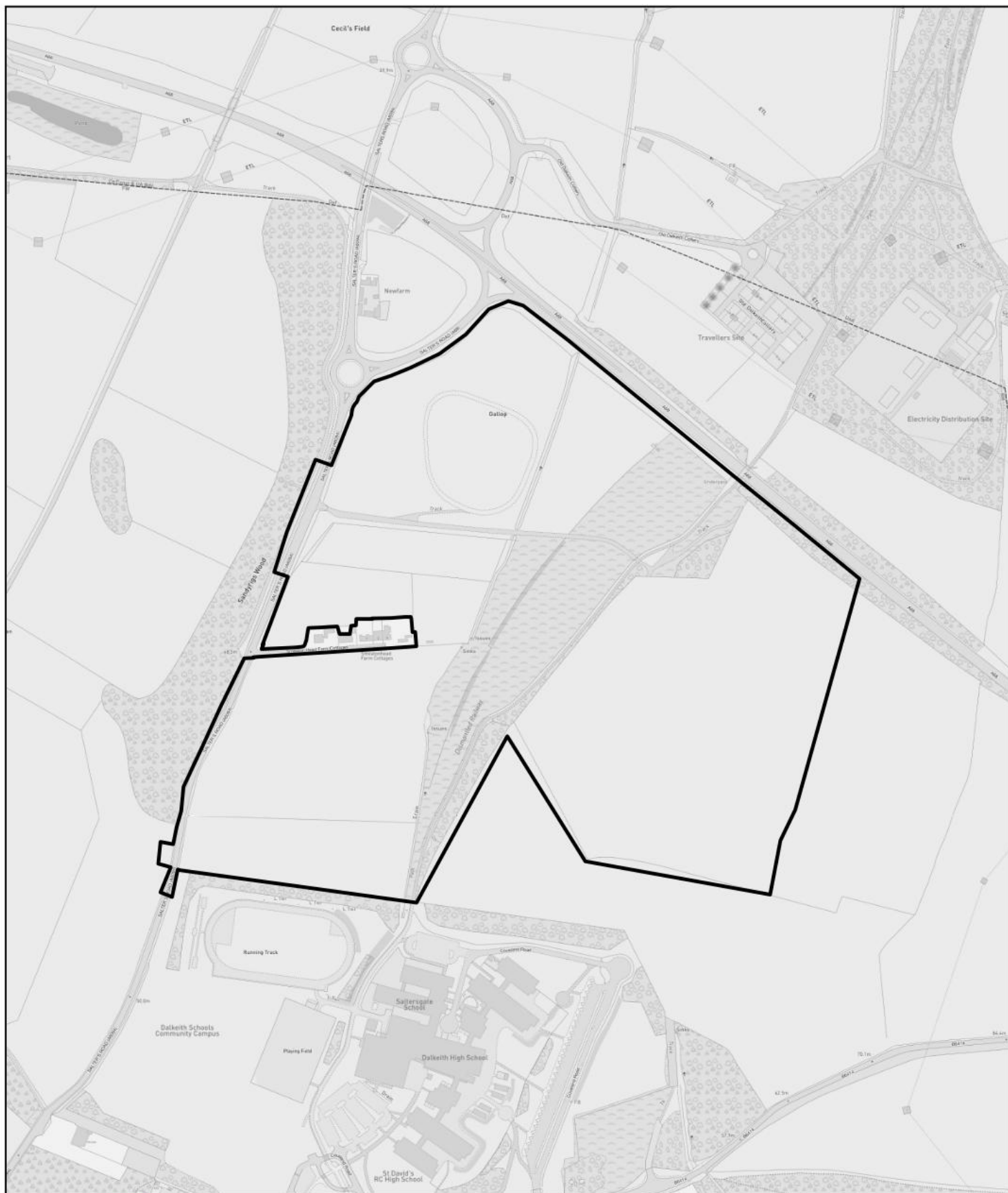
## **5 RECOMMENDATION**

- 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:** 20 August 2021

**Application No.** 21/00512/PAC  
**Applicant:** Buccleuch Property Ltd  
**Validation Date:** 16 June 2021  
**Contact Person:** Hugh Shepherd  
**Email:** [Hugh.Shepherd@midlothian.gov.uk](mailto:Hugh.Shepherd@midlothian.gov.uk)



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Mixed use development of Class 4 (light industrial/office),  
Class 5 (general industry) and Class 6 (storage and  
distribution) at Land East of Salter's Road, Dalkeith,

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