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**PRE - APPLICATION REPORT REGARDING A PROPOSED MIXED USE DEVELOPMENT AT LAND AT SALTER'S PARK, SALTERS ROAD, DALKEITH (14/00833/PAC)**

Report by Head of Communities and Economy

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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 regarding a proposed mixed use development at land at Salter's Park, Salters Road, Dalkeith (14/00833/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 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. 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 comprising residential and employment uses at land at Salter's Park, Salters Road, Dalkeith was submitted 12<sup>th</sup> November 2014.
- 2.3 As part of the pre application consultation process the applicants are to hold a public event/drop in session in January/February 2015 (the details are yet to be confirmed). On the conclusion of the consultation process the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend the 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 a meeting of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the applicant to the Dalkeith and District Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 The proposed development site comprises approximately 30 hectares and is situated on land adjacent Salters Road (A6094) to the west and the A68 to the north. The applicant is proposing a mixed use of residential development and employment uses. The applicant has not provided any details of the proposed land take or proposed ratios of each use.
- 3.2 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.
- 3.3 The adopted 2008 Midlothian Local Plan (MLP) identifies the western part of the site (approximately 16.5 hectares) as an allocated business and general industry site covered by policies COMD1: Committed Development, ECON4: Storage and Distribution and other Non-Residential Uses on Existing Industrial Land and Buildings and ECON5: Industries with Potentially Damaging Impacts. The eastern part of the site (approximately 12 hectares) is identified as being in the countryside and covered by policies RP1: Protection of the Countryside and RP4: Prime Agricultural Land. The north western corner of the site, enclosed by Salters Road and the slip road off the A68 (approximately 1.5 hectares), is identified as being in the countryside and green belt and subject to policies RP1: Protection of the Countryside and RP2: Protection of the Green Belt.
- 3.4 Any subsequent planning application will be subject to assessment against the policies outlined in paragraph 3.3. A provisional assessment against these policies does not support a mixed use development comprising residential and employment uses on the basis that the site is not identified for a residential land use and that only the western part of the site is allocated for a business and general industry use.
- 3.5 In addition to the planning policy position the following is a material consideration:
- a. At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to publication and consultation in the Spring of 2015 and Local Plan Examination in the Autumn of 2015, the development strategy in the plan would be a material consideration which can be given significant weight. The proposed plan identifies the land in the east part of the site (approximately 12 hectares) as an area of potential employment land. Therefore, whilst this Proposed Plan does not support residential use on this

site, the industrial element of the applicants proposal could be accepted in principle.

#### **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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**Date:** 6 January 2015

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