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**PRE - APPLICATION REPORT REGARDING A PROPOSED  
RESIDENTIAL DEVELOPMENT AT SITE HS14, ROSEWELL NORTH,  
ROSEWELL (15/00774/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 residential development at site Hs14 Rosewell North, Rosewell (15/00774/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 residential development at land at Site Hs14 Rosewell North, Rosewell was submitted 22 September 2015.
- 2.3 As part of the pre application consultation process the applicants are to hold a public event/drop in session at Rosewell Parish Church Hall, 36 Carnethie Street, Rosewell between 3pm and 8pm on Wednesday 2 December 2015. On the conclusion of the public event the applicant could submit a planning application for the proposal. It is anticipated that a planning application in principle would 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 Rosewell & District Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 The proposed development is situated on agricultural land to the immediate north of the village of Rosewell. The land comprises approximately 5.1 hectares. No indicative masterplan has been submitted with the application.
- 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 site as being in the countryside and is prime agricultural land and any subsequent planning application will be subject to assessment against policies RP1: Protection of the Countryside and RP4: Prime Agricultural Land. A provisional assessment against this policy does not support the scheme on the basis that the proposed development is not necessary for agriculture or for any other rural business and there is no justification for the loss of prime agricultural land.
- 3.4 However, there is a significant material consideration to consider. This is as follows:

At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to Local Plan Examination, which is anticipated to be in the Spring of 2016, the development strategy in the plan would be a material consideration which can be given weight. The proposed plan identifies the site as a potential housing site for 60 - 100 houses.

- 3.5 A consequence of the Proposed Plan being at an advanced stage is that if an application is submitted prior to the adoption of the MDLP the application will be considered as premature. The site is subject to representations from the local community and interested parties and will be tested at examination by a Scottish Government Reporter (anticipated to be Spring 2016).

### **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.

**Ian Johnson**  
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**Date:** 10 November 2015  
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