



**PRE - APPLICATION REPORT REGARDING A PROPOSED
RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND
SUDS AT LAND WEST OF THE COTTAGE, HARDENGREEN, ESKBANK
(15/00276/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 proposed residential development with associated access and SUDS at land west of the Cottage, Hardengreen, Eskbank.
- 1.2 The pre application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed 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 residential development with associated access SUDS and other associated works at land west of The Cottage, Hardengreen, Eskbank was submitted on 1 April 2015.
- 2.3 As part of the pre application consultation process the applicants held a public event/drop in session at Edinburgh College, 46 Dalhousie Road, Eskbank, on Thursday 14 May from 2pm to 6pm. On the conclusion of the public consultation the applicant could submit a planning application for the proposal. 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 The proposed development is situated on land to the west of the Cottage, Hardengreen, Eskbank. The land comprises approximately 2.2 hectares of rough grazing land and is designated as green belt.
- 3.2 The site has been used as a temporary access and materials storage site in conjunction with the Borders Railway project. The site is currently being restored to rough grazing land with the application of topsoil and grass seed.
- 3.3 The applicant anticipates that approximately 40 two-storey houses could be accommodated on the site, including the provision of affordable housing. Access to the site would be taken from the existing site access off the B6392 Dalhousie Road.
- 3.4 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.
- 3.5 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as being in the countryside and green belt and any subsequent planning application will be subject to assessment against policies RP1: Protection of the Countryside and RP2: Protection of the Green Belt. A provisional assessment shows that the proposals would be contrary to both policies.
- 3.6 At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan (MLDP) Proposed Plan. Although the Proposed Plan has still to pass through further statutory stages, the development strategy in the plan would be a material consideration which can be given significant weight. The Proposed Plan does not identify the land as a future development site and therefore the proposed residential development would be contrary to the Council's emerging MLDP.

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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