



PRE - APPLICATION REPORT REGARDING ERECTION OF 64 DWELLINGHOUSES; CAR PARKING; AND ASSOCIATED WORKS AT LAND SOUTH EAST OF TYNEWATER PRIMARY SCHOOL, CRICHTON ROAD, PATHHEAD (19/00076/PAC)

Report by Director of Education, 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 the erection of 64 dwellinghouses; car parking and associated works at land south east of Tynewater Primary School, Crichton Road, Pathhead. The land comprises site h59 in the Midlothian Local Development Plan 2017 (MLDP).
- 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 the erection of 64 dwellinghouses; car parking and associated works at land south east of Tynewater Primary School, Crichton Road, Pathhead was submitted on 1 February 2019.
- 2.3 As part of the pre-application consultation, a public event took place at Pathhead Community Hall on 15 March 2019, from 3pm to 7pm. 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 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 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.

- 2.4 Copies of the pre application notices have been sent by the prospective applicant to the local elected members and Tynewater 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 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 is situated at the south western edge of Pathhead. The site measures 2.9 hectares and is currently used as agricultural land. Vehicular access to the site is from Crichton Road via a 22m wide and 110 long strip of land. The main site is situated south east of Tynewater Primary School and is bounded to the north east by a footpath and by structure planting at Callender Park; and to the east and south east by fields.
- 3.4 The majority of the site (2.3 hectares) is identified within the MLDP as being an allocated housing site (site VH1 which was originally allocated in the 2008 Midlothian Local Plan) with an indicative capacity of 35 units. The remainder of the site (a strip of land along the south western edge of the site and including the vehicular access) is identified in the MLDP as being within the countryside. Any application will be subject to assessment against policies STRAT1: Committed Development; DEV2: Protecting Amenity within the Built-Up Area; DEV3: Affordable and Specialist Housing; DEV5: Sustainability in New Development; DEV6: Layout and Design of New Development; DEV7: Landscaping in New Development; DEV9: Open Space Standards; TRAN2: Transport Network Interventions; TRAN5: Electric Vehicle Charging; IT1: Digital Infrastructure; RD1: Development in the Countryside; ENV4: Prime Agricultural Land; ENV6: Special Landscape Areas; ENV9: Flooding; ENV10: Water Environment; ENV23: Scheduled Monuments; ENV25: Site Assessment, Evaluation and Recording; IMP1: New Development; IMP2: Essential Infrastructure Required to Enable New development to Take Place; and IMP3: Water and Drainage.
- 3.5 No specific development considerations are identified for the site in the MLDP.
- 3.6 If an application is submitted there will be a presumption in favour of residential development subject to securing developer contributions

towards infrastructure including education provision and affordable housing. The final number of dwellings will be subject to the details of the layout and form of the development secured by a subsequent planning application. That small part of the site, the strip of land to the south west, which is in the countryside is required to access the site and as such its use as such could be considered acceptable contrary to its allocation in the 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;
 - 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.

Dr Mary Smith
Director of Education, Communities and Economy

Date:	22 March 2019
Application No:	19/00076/PAC
Applicant:	Muir Homes Ltd
Validation Date:	1 February 2019
Contact Person:	Graeme King
Tel No:	0131 271 3332



**Education, Economy
& Communities**
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Proposal of application notice for erection of 64
dwellinghouses; car parking and associated works at Land
South East of Tynewater Primary School, Crichton Road,
Pathhead

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