



PRE-APPLICATION CONSULTATION REPORT REGARDING RESIDENTIAL DEVELOPMENT AT SCOTTS TOURING CARAVANS, MAYFIELD INDUSTRIAL ESTATE, DALKEITH (21/00344/PAC).

Report by Chief Officer Place

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 residential development (Class 9) at a former caravan park, west of the B6482, Mayfield (21/00344/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 residential development at Scotts Touring Caravans, Mayfield Industrial Estate, Dalkeith was submitted on 26 April 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 consultation 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 20 July 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 Midlothian East, Mayfield & Easthouses Community Council, Newtongrange Community Council, the local Member of Parliament (MP), and the local Member of Scottish Parliament (MSP).
- 2.6 There are to be two virtual public events - the first nominated for 3 June 2021 and the second for 24 June 2021. 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.

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 located within the 'built up area' of Mayfield. The majority of the site is unallocated for a specific use within the Midlothian Local Development Plan 2017 (MLDP). Part of the site's south west corner is allocated for employment uses (Site e17 committed development) under Policy STRAT1. This land forms part of the established economic land supply within Midlothian and measures approximately 0.2 hectares. The overall site area is approximately 2.46ha located on the west side of the B6482 in Mayfield within close proximity to Newtongrange. It is currently comprised of the former Scott's Caravan site. Access is currently achieved from the north east of the site from the B6482 which bounds the site to the east and is shared with the Petrol Filling Station to the north east of the site. A bus stop is located directly to the east of the site and is served by the 48 service between Gorebridge and Fort Kinnaird. Further east lies existing residential development.

- 3.4 The site itself is largely grassed and overgrown, with a mix of mature and juvenile trees on the site, the majority of which form the boundaries of the site. To the north-eastern edge of the site lies a storage structure for Scotts Caravans formed of corrugated metal.
- 3.5 To the south of the site lies the existing Mayfield Industrial Estate which accommodates various business, industrial and storage and distribution uses, as well as a number of leisure uses. To the west of the site lies further residential development. The aforementioned petrol filling station is located to the north of the site and Bryanswood (designated as open space) and the Newbattle High School and Leisure Centre are located beyond to the north.
- 3.6 The site is subject to the following allocations within the MLDP:
1. Policy DEV2 – Protecting amenity within the ‘Built-Up Area’
 2. Policy STRAT1 - Committed Development. Site e17 forms part of the established economic land supply. Business and general industrial uses are promoted within MLDP (Appendix 1B).
- 3.7 Policy DEV2 provides support for development proposals (including housing) within the ‘built-up area’ unless they are likely to detract materially from the existing character or amenity of the area. As such, housing development could be supported in principle within the majority of the site subject to mitigating the impact of the development and mitigating the impacts from other nearby uses on any future residential properties. Of particular concern is the site’s relationship to neighbouring industrial uses. Moreover ‘Agent of Change’ principles, recently enacted into planning legislation, are also relevant and provide protection to existing noise generating uses (i.e. industrial) from competing sensitive (i.e. residential) uses. Notwithstanding this, it is likely that any residential development could be of a scale and built form that should not detract from the nearby streetscape character as long as existing tree cover is maintained.
- 3.8 The majority of the site is unallocated, although in the built up area. In such instances, residential development proposals are guided by Policy STRAT2 – Windfall Housing and other relevant policies within the MLDP. Proposals would need to take into account requirements to avoid conflict with established land uses. Further interrogation of potential amenity impacts (with respect to noise and dust) from the nearby industrial uses will be critical to ascertaining potential support for residential development within the site.
- 3.9 Part of the site is allocated for employment use, under Policy STRAT1 (Site e17). As such, its continued use for employment use is anticipated. Residential development within this part of the site would unlikely be supported as it forms part of the Council’s established economic land supply. Such a loss is not justified within the Council’s latest Employment Land Audit nor would it comply with Policy STRAT1 and Policy ECON1 which seek to protect such areas from competing uses. Should this land be included, the applicant would be required to put forward suitable rationale to outweigh these policies and justify why

any potential loss to this established employment land within Mayfield could be acceptable.

- 3.10 Consideration of potential impacts to established trees within the site will also be critical to any future decision-making in line with Policy ENV11. It is noted that a series of large tree groupings are located within and around the perimeter of the site. Any future design will be required to take cognisance of these existing features and complement their retention in order to minimise any potential tree loss.
- 3.11 Any future application would be required to be accompanied by a Coal Mining Risk Assessment given that the site is located within an area of High Risk. In addition a drainage strategy and concise 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. A preliminary ecological appraisal would also be required to consider the existing habitats for protected species.
- 3.12 In addition to the above principle of development, consideration will also have to be given to design matters such as layout, siting, design, appearance, materials, landscaping, setbacks, garden sizes in order to accord with the policies in the sustainable place-making section of the MLDP (policies DEV2, DEV3, DEV5, DEV6, DEV7 and DEV9).
- 3.13 The Learning Estate Strategy sets out the Council's long term plans to accommodate the expected education needs. This has been informed by the location and level of development outlined in the MLDP and the Housing Land Audits. With respect to the site, a suitable education solution will be required to accommodate associated need from the proposed development.
- 3.14 If an application is submitted there is a presumption in favour of residential development on the majority of the site subject to addressing the above technical, amenity and policy requirements and securing developer contributions towards infrastructure including transport infrastructure, education provision, equipped children's play provision, Borders Rail and leisure/community/town centre improvements and the provision of affordable housing (at least 25%).

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:	4 June 2021
Application No.	21/00344/PAC
Applicant:	Online Mayfield Scotland LLP
Validation Date:	26 April 2021
Contact Person:	Steve Iannarelli



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**Proposal of Application Notice for residential development at
Scotts Touring Caravans, Mayfield Industrial Estate, Dalkeith,
EH22 4AD**

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