



PRE - APPLICATION REPORT REGARDING THE ERECTION OF HIGH SCHOOL, COMMUNITY FACILITIES, VETERINARY CLINIC, FORMATION OF SPORTS PITCHES, CAR PARKING AND ASSOCIATED WORKS AT LAND EAST AND WEST OF SEAFIELD MOOR ROAD, BILSTON (22/00581/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 the erection of a high school, community facilities, veterinary clinic, formation of sports pitches, car parking and associated works at land to the east and west of Seafield Moor Road, Bilston.
- 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 (a copy of which is also on the Committee's agenda under a separate item). 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 the erection of a high school, community facilities, veterinary clinic, formation of sports pitches, car parking and associated works at land to the east and west of Seafield Moor Road, Bilston was submitted on 28 July 2022. The proposal will provide a replacement for the existing Beeslack High School in Penicuik - the Council will likely be the applicant for the planning application.
- 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 a requirement 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 event the applicant could submit a planning application for the proposal. Whilst the stated temporary suspension is still in place until 1 October 2022 the relaxation of Coronavirus restrictions means that it is once again possible for public events to be carried out and the applicant has decided to return to the 'normal' approach. Public events for this PAN will take place at Beeslack High School in the weeks beginning 12 September and 10 October 2022. On the conclusion of the consultation process, the applicant could submit a planning application for the proposal.

- 2.4 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could be submitted is 21 October 2022. The subsequent planning application must be accompanied by a Pre Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.
- 2.5 Copies of the pre application notice have been sent by the prospective applicant to the local elected members in wards 1 (Penicuik) and 4 (Midlothian West) and the Damhead & District, Loanhead & District, Rosewell & District, Roslin & Bilston and Penicuik & District Community Councils.
- 2.6 It is reasonable for an Elected Member to attend one of the events 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 (and elsewhere on today's Committee agenda) 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). SESplan June 2013 is older than

five years. A replacement SESplan was prepared but rejected by Scottish Ministers in May 2019. The Planning etc. (Scotland) Act 2019 removed the duty to prepare Strategic Development Plans, placing strategic planning matters within a National Planning Framework (NPF) to be prepared by Scottish Ministers. Once approved, the NPF (which has been subject to consultation and is currently sitting with Scottish Ministers for final adoption) will form part of the development plan alongside local development plans. Until NPF is approved (likely to be autumn 2022), SESplan remains part of the development plan albeit increasing out of date.

- 3.3 The site is situated to the west of Bilston on either side of Seafield Moor Road. It comprises two grazing fields and the trees and hedgerows that surround the fields. The western field is immediately adjacent to the Midlothian Innovation Centre and is identified in the Midlothian Local Development Plan 2017 as forming part of the Midlothian Science Zone. The eastern field is situated at the edge of Bilston; it forms part of the built-up area of Bilston and is part of the allocated housing site h55.
- 3.4 The adopted development plan for the area is the Midlothian Local Development Plan 2017 (MLDP) which identifies the western portion of the site as being within the Midlothian Science Zone where there is a presumption in favour of development that supports and expands bioscience research and development; and the eastern portion of the site as being within the built-up area of Bilston where there is a presumption in favour of appropriate development. An application for the proposed development will be assessed against the following MLDP policies:
- STRAT1 – Committed development;
 - STRAT3 – Strategic Housing Land Allocations;
 - STRAT5 – Strategic Employment Land Allocations;
 - DEV1 – Community Identity and Coalescence;
 - DEV2 – Protecting Amenity within the Built-Up Area;
 - DEV5 – Sustainability in New Development;
 - DEV6 – Layout and Design of New Development;
 - DEV7 – Landscaping in New Development;
 - DEV9 – Open Space Standards;
 - ECON2 – The Midlothian Science Zone;
 - TRAN1 – Sustainable Travel;
 - TRAN2 – Transport Network Interventions;
 - TRAN5 – Electric Vehicle Charging;
 - IT1 – Digital Infrastructure;
 - ENV7 – Landscape Character;
 - ENV9 – Flooding;
 - ENV10 – Water Environment;
 - ENV11 – Woodland, Trees and Hedges;
 - ENV15 – Species and Habitat Protection and Enhancement;
 - ENV17 – Air Quality;
 - ENV18 – Noise;
 - ENV22 – Listed Buildings;

- ENV25 – Site Assessment, Evaluation and Recording;
- NRG6 – Community Heating;
- IMP1 – New Development;
- IMP2 – Essential Infrastructure Required to Enable New Development to Take Place;
- IMP3 – Water and Drainage.

3.5 The views of consultees and representors will be material considerations in the assessment of an application for the proposed development. The Council's Learning Estate Strategy 2017-2047 will also be a material consideration in the assessment of an application for the proposed development.

3.6 There is a presumption in favour of *appropriate development* within the site; the land to the east of Seafield Moor Road is identified for housing and the land to the west of Seafield Moor Road is within the Midlothian Science Zone where there is long term support for bioscience research and development. Although the proposed development does not fall within the stated development categories (housing and bioscience) the sites are within the built-up area and there is the potential to set out material considerations which support the proposed development on the site – these would include the provision of much needed education and community facilities which would benefit from their strategic location in close proximity to the Midlothian Science Zone and their central location to serve the dispersed communities of Bilston, Roslin, Loanhead and Auchendinny.

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 be 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 that they are minded towards if persuaded that they should.

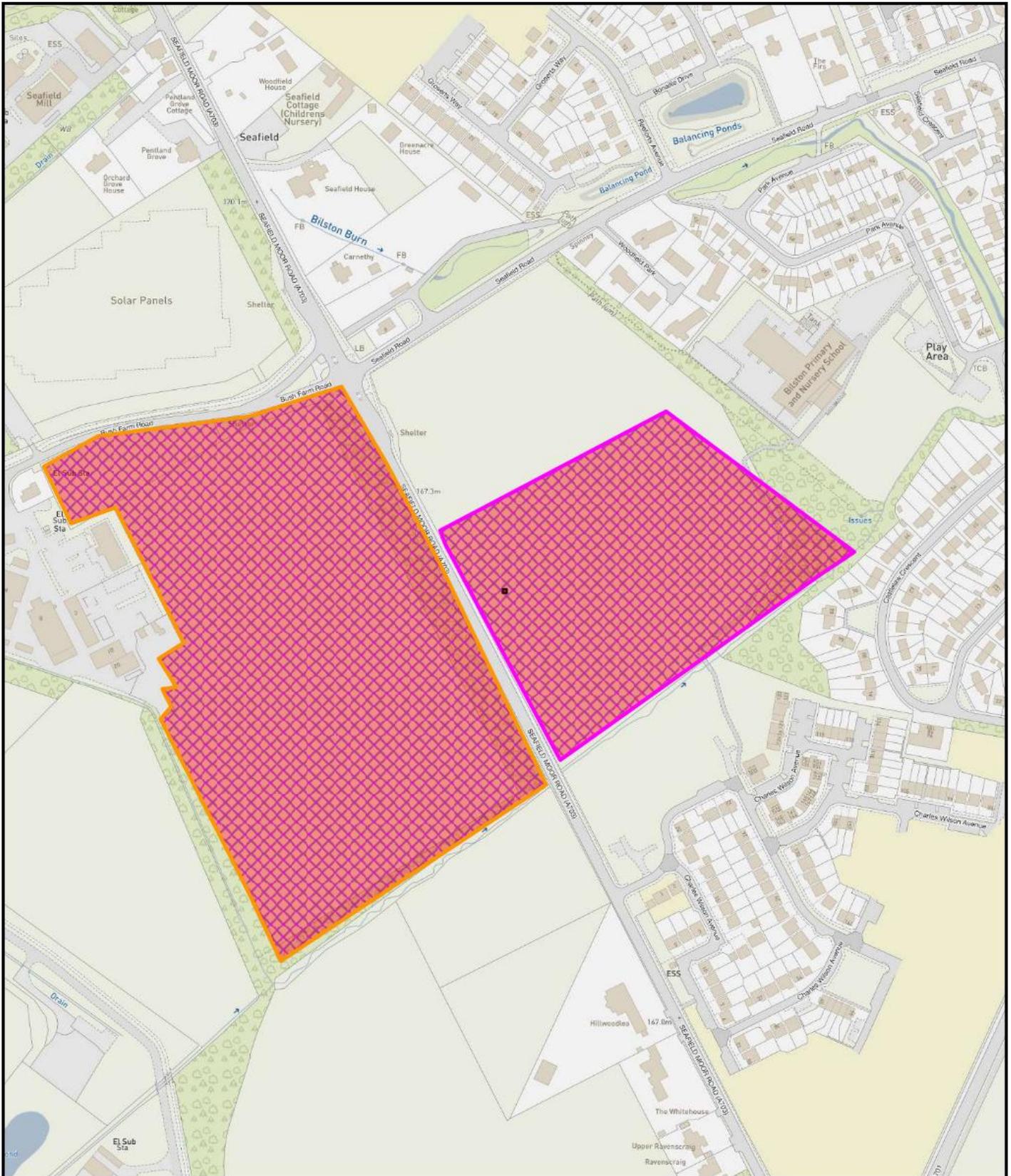
5 RECOMMENDATION

- 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, Sustainable Growth and Investment Manager

Date: 19 August 2022
Application No: 22/00581/PAC
Applicant: Midlothian Council
Agent: Architype
Validation Date: 28 July 2022
Contact Person: Graeme King
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Education, Economy & Communities
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Erection of high school & community facilities
Land East and West of Seafeld Moor Road, Bilston

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