



PRE - APPLICATION REPORT REGARDING A MIXED USE DEVELOPMENT INCLUDING BUSINESS AND EMPLOYMENT USES (CLASS 4, 5 AND 6), RESIDENTIAL (CLASS 9 AND SUI GENERIS FLATTED ACCOMMODATION); NEIGHBOURHOOD CENTRE INCLUDING SHOPS, FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 1A), FOOD AND DRINK (CLASS 3), ASSEMBLY AND LEISURE (CLASS 11); TOGETHER WITH OTHER RELATED INFRASTRUCTURE INCLUDING PARK & RIDE, ASSOCIATED WORKS INCLUDING CAR PARKING, SERVICING, ACCESS ARRANGEMENTS, LANDSCAPING AND PUBLIC REALM AT WEST STRAITON, LOANHEAD (PART OF SITE EC3 AND LAND TO THE WEST OF EC3) (23/00354/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 a mixed-use development including business and employment uses (Class 4, 5 and 6), residential (Class 9 and sui generis flatted accommodation); neighbourhood centre including shops, financial, professional and other services (Class 1A), food and drink (Class 3), assembly and leisure (Class 11); together with other related infrastructure including park and ride, associated works including car parking, servicing, access arrangements, landscaping and public realm at West Straiton, Loanhead (part of site Ec3 and land to the west of Ec3).
- 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 30 August 2022. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.

- 2.2 A Proposal of Application Notice (PAN) detailing the pre application consultation for a mixed-use development including business and employment uses (Class 4, 5 and 6), residential (Class 9 and sui generis flatted accommodation); neighbourhood centre including shops, financial, professional and other services (Class 1A), food and drink (Class 3), assembly and leisure (Class 11); together with other related infrastructure including park & ride, associated works including car parking, servicing, access arrangements, landscaping and public realm at West Straiton, Loanhead (part of site Ec3 and land to the west of Ec3) was submitted on 2 June 2023.
- 2.3 A previous PAN (reference 20/00803/PAC) was reported to the Committee at its meeting of 12 January 2021. The earlier PAN was for a smaller area of 42.5 hectares, with the additional land in the current PAN being located along the northern edges of the site. The description of the PAN was for a mixed-use development including business and employment uses (class 4,5 and 6), residential, hotel, residential institutions, and ancillary uses including retail, financial and professional services, food and drink, non-residential institutions, assembly and leisure and other infrastructure including park and ride, and associated works. Following the submission of the PAN the site was the subject of an environmental impact assessment (EIA) screening request (21/00220/SCR) and scoping request (21/00831/SCO) to determine if a EIA was required to be submitted with any future planning application and if so what the EIA requirements are.
- 2.4 As part of the pre-application consultation process for the current PAN, two public events are scheduled to be held. The first was on Tuesday 27 June 2023 at Loanhead Leisure Centre and the second is still to be confirmed; these meetings were/will be advertised via the Midlothian Advertiser and leafleting of immediate neighbours and local stakeholders was/will be undertaken (at least 7 days prior to each event). Furthermore, a dedicated website has been created for the proposed development. Upon the conclusion of the public events the applicant could submit a planning application for the proposal.
- 2.5 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 have been submitted is 26 August 2023, subject to the second public event being concluded. 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.
- 2.6 Copies of the pre-application notice have been sent by the prospective applicant to the local elected members, all other elected members, Loanhead and District Community Council, Damhead and District Community Council, Roslin and Bilston Community Council, Gilmerton/Inch Community Council (within the City of Edinburgh Council

boundary), the local Member of Parliament (MP), the local Member of Scottish Parliament (MSP) and all Lothian Regional MSPs.

- 2.7 It is reasonable for an Elected Member to attend one of the webinars 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 August 2022) 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 National Planning Framework 4 (2023) and the Midlothian Local Development Plan (2017). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present this means that where there is an incompatibility NPF4 takes precedence, this will change when a new local development plan is adopted.
- 3.3 The site measures 50.5 hectares and comprises three arable fields, five fields of grass and scrub, and the Straiton park and ride site with its associated structural landscaping. The site does not include the cottages on Straiton Road (A701). The site is bounded to the north by the A720 Edinburgh City Bypass; to the east by the Straiton Retail Park; to the south by Straiton Park caravan site and Straiton Bing; and to the west by a further area of grass and scrub and a field that has been subject to drainage improvements. A high-pressure gas pipeline passes west to east through the northern edge of the site.
- 3.4 The site has multiple allocations within the Midlothian Local Development Plan 2017 (MLDP). This includes mixed use development as a strategic employment land site within the eastern part of the site and other more restrictive MLDP allocations within the northern, north western and western part of the site (including green belt, prime agricultural land and road safeguarding).
- 3.5 The relevant policies of the National Planning Framework 4 (NPF4) are:
- Policy 1 Tackling the climate and nature crises
 - Policy 2 Climate mitigation and adaptation
 - Policy 3 Biodiversity
 - Policy 4 Natural Places
 - Policy 5 Soils
 - Policy 6 Forestry, woodland and trees
 - Policy 7 Historic assets and places

- Policy 8 Green belts
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 12 Zero Waste
- Policy 13 Sustainable Transport
- Policy 14 Design, quality and place
- Policy 15 Local Living and 20 minute neighbourhoods
- Policy 16 Quality homes
- Policy 18 Infrastructure first
- Policy 18 Heating and Cooling
- Policy 20 Blue and green infrastructure
- Policy 21 Play, recreation and sport
- Policy 22 Flood risk and water management
- Policy 23 Health and Safety
- Policy 24 Digital Infrastructure
- Policy 25 Community wealth building
- Policy 26 Business and industry
- Policy 27 City, town, local and commercial centres
- Policy 28 Retail
- Policy 30 Tourism
- Policy 31 Culture and creativity

3.6 The relevant policies of the MLDP are:

- 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
- 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
- ECON1 – Existing Employment Locations
- TRAN1 – Sustainable Travel
- TRAN2 – Transport Network Interventions
- TRAN5 – Electric Vehicle Charging
- IT1 – Digital Infrastructure
- TCR2 – Location of New Retail and Commercial Leisure Facilities
- VIS1 – Tourist Attractions
- ENV1 – Protection of the Green Belt
- ENV2 Midlothian Green Network
- ENV4 – Prime Agricultural Land
- ENV7 – Landscape Character
- ENV9 – Flooding
- ENV10 – Water Environment
- ENV11 – Woodland, Trees and Hedges
- ENV15 – Species and Habitat Protection and Enhancement
- ENV16 – Vacant, Derelict and Contaminated Land

- ENV17 – Air Quality
- ENV18 – Noise
- ENV25 – Site Assessment, Evaluation and Recording
- NRG6 – Community Heating
- WAST5 – Waste Minimisation and Recycling in New developments
- IMP1 – New Development
- IMP2 – Essential Infrastructure Required to Enable New Development to Take Place
- IMP3 – Water and Drainage

3.7 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 as it includes a residential component.

3.8 As outlined above, the site is subject to multiple allocations within the MLDP including the following within the eastern part of the site:

- 1) Mixed use development: Site Ec3 (West Straiton) - where various site-specific requirements are sought;
- 2) Employment use - as a Strategic Employment Land Allocation under Policy STRAT 5 in the MLDP; and
- 3) New Retail and Commercial Leisure - under Policy TCR2 in the MLDP.

A proposal involving mixed use development on land covered by the above policy allocations would accord, in principle, with the corresponding policy objectives subject to the phasing of the development complying with delivery of the re-aligned A701.

3.9 The northern, north western and western part of the site is covered by the following MLDP allocations:

- 1) Road safeguarding - as a transport network intervention and road safeguarding for the realignment of the A701 under Policy TRAN 2 of the MLDP;
- 2) Green belt - under Policy ENV1 of the MLDP; and
- 3) Prime agricultural land - under policy ENV4 of the MLDP.

Development within the northern, north western and western part of the site (29.98 hectares) would contravene policy objectives to retain the openness and rural character within the green belt. It could also prevent the delivery of strategic infrastructure within this location.

Site Specific Requirements - Site Ec3

3.10 There are various site-specific policy requirements associated with the future development of Site Ec3 as outlined below:

- a) Acceptable Uses – The MLDP states a range of potential uses are deemed to be acceptable within Site Ec3, including; retail, hotel, office, commercial leisure, and housing. Any future application would be required to include a suitable mix of uses and must not be dominated by competing, unrelated, uses that are not contemplated by the above policy designation.
- b) Masterplan - The site must be masterplanned to establish the development layout, access arrangements, mix of uses and landscaping/open space and include the provision to safeguard amenity for the adjacent residential properties. It should also take into account the Damhead and District Neighbourhood Plan 2015-2030 as a material consideration. Accordingly, a masterplan covering Site Ec3 will be required prior to any future application being supported.
- c) Strategic Transport Infrastructure - Development is dependent on the construction of the A701 Relief Road between the A720 Straiton Junction and the A703, to link to the A702. Development associated with any future application would therefore be contingent upon approval and implementation of the above strategic transport infrastructure.
- d) Park & Ride - The site must retain a park and ride facility, equivalent to the current provision. Should the park and ride facility be amended/removed, any future application must include replacement provision of equal or greater capacity.
- e) Visual Impact - Consideration of the site's elevated nature and the potential visual impacts from Edgefield relief road must be considered. Any future application will be required to include a suitable Landscape and Visual Impact Assessment to address this and other corresponding landscape and visual impact matters.
- f) Ground Stability and Contamination - The site has ground stability and contaminated land issues which will need to be addressed and may result in parts of the site not being suitable for development. As such, any future application, and corresponding masterplan, will be required to consider the suitability of future development areas mindful of this requirement.
- g) Significant Landscaping - The western boundary of the site bordering the A701 Relief Road should include significant landscaping including a 30m wide (mounded) woodland belt along the northern through western to south-western boundaries. A 10m wide hedgerow with trees is also required along the current A701. Path links should be provided with trees, hedges, swales or other green space to link across the site. Distributor roads should have avenue trees, paths and swales. A comprehensive landscaping strategy and an appropriate landscaping hierarchy within the corresponding masterplan will also be required.

- h) Education Infrastructure - Should the site include residential development, there will be a requirement for additional capacity to be provided for primary/secondary education. Suitable contributions and a deliverable education solution will therefore be required to ensure that adequate education infrastructure provision is made.
- i) Design Quality - Due to the importance of the site as the Midlothian Gateway, there is a requirement for it to be developed to a 'very high quality of design', layout and landscaping. Accordingly, any future application and masterplan will be required to demonstrate how the highest standard of design has been included within the relevant design parameters and how any future proposal would create a detailed design of the highest quality.
- j) Archaeology - The setting of adjacent listed buildings (Old Pentland Church) will be required to be considered. As such, consideration of potential impacts on direct and indirect cultural heritage assets will be required to accompany any future application.

- 3.11 In addition to the principle of development and site-specific requirements above, consideration will also have to be given to placemaking and design matters. This includes layout, siting, design, appearance, materials, landscaping and (for residential uses) amenity requirements relating to building setbacks and garden sizes in order to accord with sustainable placemaking policies in NPF4 (i.e. Policies 14, 15, 16 and 21) and the MLDP (i.e. Policies DEV2, DEV3, DEV5, DEV6, DEV7 and DEV9).
- 3.12 Should residential uses be included within the proposed mixed-use development, the Council's Learning Estate Strategy will be a material consideration. This has been informed, in part, by the location and level of development outlined in the MLDP and Housing Land Audits. With respect to the site, a suitable education solution will be required to accommodate associated need from the proposed development. If a suitable education solution can be determined this could be delivered through developer contributions.
- 3.13 Overall, it is unlikely that the planning authority would support a future application for mixed use development within the site based on the application boundary submitted with this pre application consultation. Specifically, the site extends significantly into land allocated as green belt and safeguarded for future transport infrastructure within the MLDP. It could therefore compromise strategic aspirations requiring the protection of the green belt and to facilitate the delivery of strategic transport infrastructure. Moreover, prior to support for any future development, a comprehensive masterplan covering the full extent of Site Ec3 requires to be approved (masterplan work has progress, but is subject to clarity over the detail design and siting of the proposed realigned A701).

- 3.14 It is noted that a red line boundary within a pre-application consultation application usually represents the maximum extent of any forthcoming planning application. Therefore, should the red line boundary for any future application be reduced - limited solely to the Ec3 allocation boundary - any corresponding mixed-use development could potentially be supported, in principle, subject to compliance with the above site-specific policy requirements, in particular in relation to masterplanning and strategic transport infrastructure. It should however be noted that the current red line boundary has increased when compared to the earlier PAN.
- 3.15 Notwithstanding this, and prior to any potential support, developer contributions would be required to be secured towards infrastructure including: road infrastructure improvements (i.e. A701 Relief Road, A702 Link Road), strategic cross-boundary transport infrastructure (under Policy TRAN2 and in line with Transport Scotland's requirements as trunk road operator), access and junction improvements (including footpaths and cycleways), education provision, structure landscaping open space and green networks, water and drainage infrastructure, equipped children's play provision and adequate affordable housing provision (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 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: 1 September 2023

Application No: 23/00354/PAC

Applicant: Straiton Estates Ltd

Agent: Avison Young (UK) Ltd

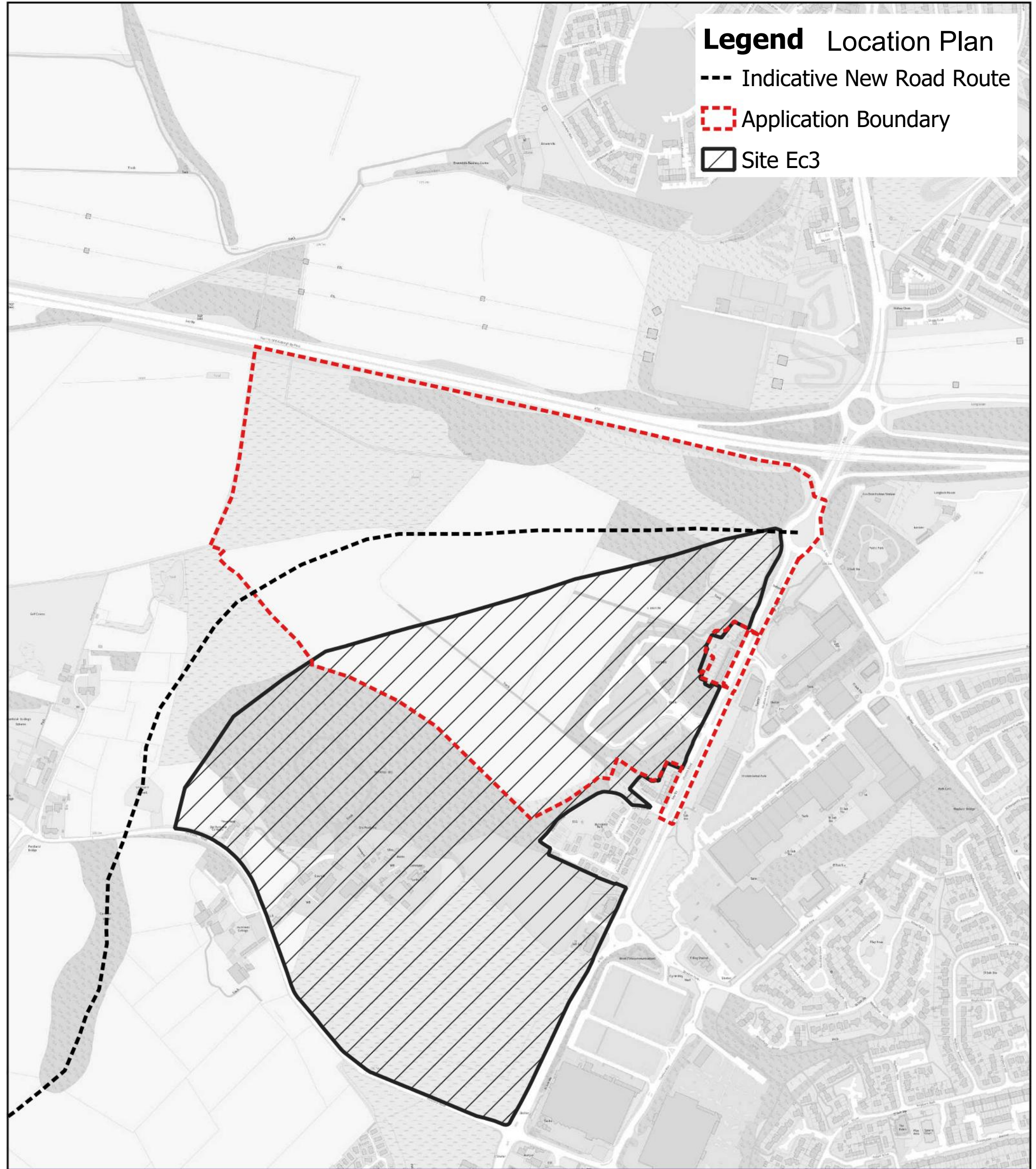
Validation Date: 2 June 2023

Contact Person: Graeme King

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Background Papers: 20/00803/PAC, 21/00220/SCR, 21/00831/SCO

Attached Plan: Location plan



**Planning Service
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Proposal of Application Notice for a mixed use development
Site Ec3: West Straiton Loanhead

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