



PRE - APPLICATION REPORT REGARDING PROPOSAL OF APPLICATION NOTICE FOR NEW STABLING AND CLEANING FACILITIES; NEW RAILWAY LINES; OFFICE; STAFF WELFARE FACILITIES; CAR PARKING AND ACCESS AT MILLERHILL MARSHALLING YARD, WHITEHILL ROAD, MILLERHILL, DALKEITH (15/00420/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 proposed new stabling and cleaning facilities; new railway lines; office; staff welfare facilities; car parking and access on land at Millerhill Marshalling Yard, Whitehill Road, Dalkeith (15/00420/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 on the 27 May 2014 and subsequent procedures were reported to the Committee at its meeting on the 7 October 2014. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 On the 16 April 2013 the Planning Committee resolved to grant detailed planning permission (12/00837/DPP) for a similar proposal on the same parcel of land at the former Millerhill Marshalling Yard. This proposal comprised the formation of train maintenance, cleaning and stabling depot; erection of retaining wall and alterations to ground levels; formation of new railway lines; erection of boundary fencing; and formation of associated car parking and access. Planning permission 12/00837/DPP was granted on the 18 April 2013. The development approved by the grant of planning permission 12/00837/DPP has not been implemented.

- 2.3 A pre application consultation for the currently proposed development; which is for a similar development, excluding the train maintenance component, to and on the same site as the site the subject of planning permission 12/00837/DPP, was submitted to the planning authority on the 14 May 2015. The proposed uses within the site will be reconfigured compared to the previous grant of planning permission and as such the applicants wished to engage with the local community prior to submitting an amended planning application.
- 2.4 As part of the pre application consultation process the applicants held a public event/drop in session at Danderhall Community Centre on Thursday 23 July 2015 (4pm-7pm). The earliest the applicant can submit a planning application for the proposal is the 18 August 2015. It is anticipated that a planning application for detailed planning permission will be submitted. In accordance with the Commissioner's guidance, the forum for the Elected Member to offer views on the proposal is at this meeting of the Planning Committee.
- 2.5 Copies of the pre application notices were sent by the applicant to Danderhall & District Community Council, Musselburgh & Inveresk Community Council (East Lothian) and Craigmiller Community Council (Edinburgh).

3 PLANNING CONSIDERATIONS

- 3.1 The proposed development is situated on part of the land of the former rail Millerhill Marshalling Yard which came into operation in 1962 and closed in 1983. Since 1994 the southern part of the site has been used for a number of operations in relation to stabling and maintenance of freight trains and for ballast storage. The land is elongated and generally flat. It comprises railway lines running north to south linking the East Coast Mainline, associated siding and storage areas. It is currently operated for freight purposes.
- 3.2 The site is bounded by Whitehill Road to the north, a wooded area with the A1 beyond to the east and a different part of the former Millerhill Marshalling Yard, the subject of the undetermined planning application (ref.15/00285/DPP) for the erection of a waste recycling and treatment facility including combined heat and power plant facility, to the west.
- 3.3 The location plan submitted as part of the pre application consultation included an indicative access to the site from Whitehill Mains 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 within an area of established economic land supply (site e25) and any subsequent planning application will be subject to assessment

against policy COMD1: Committed Development. A provisional assessment against this policy supports the scheme on the basis that the proposed new stabling and cleaning facilities; new railway lines; office and staff welfare facilities is a use tantamount to storage and distribution and general industry, which accords with development plan policy. The previous grant of planning permission referenced in paragraph 2.2 of this report is a significant material planning consideration.

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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