



PRE - APPLICATION REPORT REGARDING RESIDENTIAL DEVELOPMENT, THE ERECTION OF A PRIMARY SCHOOL AND ASSOCIATED ROADS, LANDSCAPING, OPEN SPACE, FOOTPATH/CYCLE WAYS, SUDS AND INFRASTRUCTURE ON LAND SOUTH EAST OF AUCHENDINNY, THE BRAE, AUCHENDINNY, PENICUIK (22/00577/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, the erection of a primary school and associated roads, landscaping, open space, footpath/cycle ways, sustainable urban drainage system (SUDS) and infrastructure on land south east of Auchendinny, The Brae, Auchendinny, Penicuik.
- 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 residential development, the erection of a primary school and associated roads, landscaping, open space, footpath/cycle ways, SUDS and infrastructure on land south east of Auchendinny, The Brae, Auchendinny, Penicuik was submitted on 25 July 2022. The applicant is Bellway Homes Limited (Scotland East).
- 2.3 The site has an extant planning permission for residential development including formation of access roads, parking, SUDS and associated

works and land safeguarded for possible education use (application 20/00089/DPP for 395 dwellings was approved by Committee at its meeting of November 2020) – the site has been subject to a change in ownership/developer (previously a coalition of Stewart Milne Homes, Avant Homes and Miller Developments) and the site layout is to be remixed and amended and as such the applicant considered it appropriate to re-consult the local community and other interested parties. A previous pre-application consultation was reported to the Committee at its meeting of 14 November 2017.

- 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. A public event for this PAN will take place at the Glencourse Centre on 22 September 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 18 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 ward 4 (Midlothian West), Christine Grahame MSP Midlothian South, Owen Thompson MP Midlothian, The Glencourse Association, Glencourse Primary School and the Roslin & Bilston, Penicuik & District and Rosewell & 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 on the north-eastern fringes of Auchendinny near Penicuik. It is bound to the west by The Brae (B7026) and residential properties located on Firth Crescent, Firth Road and The Brae. Directly to the north and northeast of the site lies an unclassified road, with the former Oatslie Landfill and agricultural fields beyond. A single residential property (Lee Lodge) is also located along the site's northeastern boundary. The River North Esk Valley and associated woodland bounds part of the site to the south and southeast. In addition, a number of residential properties are located along parts of the southern boundary (including Small Steps Cottage, Sandia, Firth View Firth lodge and others within the same hamlet). The site comprises an irregular shaped parcel of land. The site slopes from the north to the southwest and southeast towards the nearby River North Esk Valley.
- 3.4 The adopted development plan for the area is the Midlothian Local Development Plan 2017 (MLDP). The MLDP identifies the central and northern part of the site as being an allocated housing site, Hs20 identified for 350 dwellings and a primary school. There is a presumption in favour of residential development and the provision of a school on this part of the site. The southern part of the site is identified as countryside, prime agricultural land and a protected river valley where there is protection against inappropriate development including residential land uses. A small piece of the site on its eastern boundary is also identified as countryside, prime agricultural land, protected river valley and an important nature conservation site where there is protection against inappropriate development including residential land uses. An

application for the proposed development will be assessed against the following MLDP policies:

- STRAT3 – Strategic Housing Land Allocations;
- 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;
- TRAN1 – Sustainable Travel;
- TRAN2 – Transport Network Interventions;
- TRAN5 – Electric Vehicle Charging;
- IT1 – Digital Infrastructure;
- RD1 – Development in the Countryside;
- ENV4 – Prime Agricultural Land;
- ENV7 – Landscape Character;
- ENV8 – Protection of River Valleys;
- ENV9 – Flooding;
- ENV10 – Water Environment;
- ENV11 – Woodland, Trees and Hedges;
- ENV14 – Regionally and Locally Important Nature Conservation Sites;
- ENV15 – Species and Habitat Protection and Enhancement;
- ENV17 – Air Quality;
- ENV18 – Noise;
- ENV23 – Scheduled Monuments;
- ENV24 – Other Important Archaeological or Historic Sites;
- 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 Development considerations identified in the MLDP relevant to housing/school part of site Hs20 include:

- provision of a new primary school, sited to relate to the new development and the wider catchment area;
- the impact of the new development on Auchendinny and on the hamlet of Woodhouselee;
- the need to develop/expand the green network in the area including links with the existing footpath in the middle of Auchendinny;
- development to be restricted to the MLDP site boundary but land to the south can be utilised as open space;
- a requirement for substantial boundary planting to minimise the impact on the North Esk Valley;
- inclusion of appropriate links as a contribution to the green networks in the area;

- retention and enhancement of vegetation along the boundaries including around the former driving range in the north of the site; and
 - a pedestrian tree lined avenue linking Firth Crescent to and throughout the site.
- 3.6 Road access, affordable housing and developer contributions are also significant considerations.
- 3.7 If an application is submitted there will be a presumption in favour of residential development and the provision of a school on the land allocated for such uses (not the areas of countryside included with the site – which can be used for landscaping and planting), in accordance with the provisions of the MLDP, subject to securing developer contributions towards infrastructure including education provision and affordable housing. The previous grant of planning permission is a significant material consideration which supports residential development and the provision of a primary school on the site.
- 3.8 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.

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.

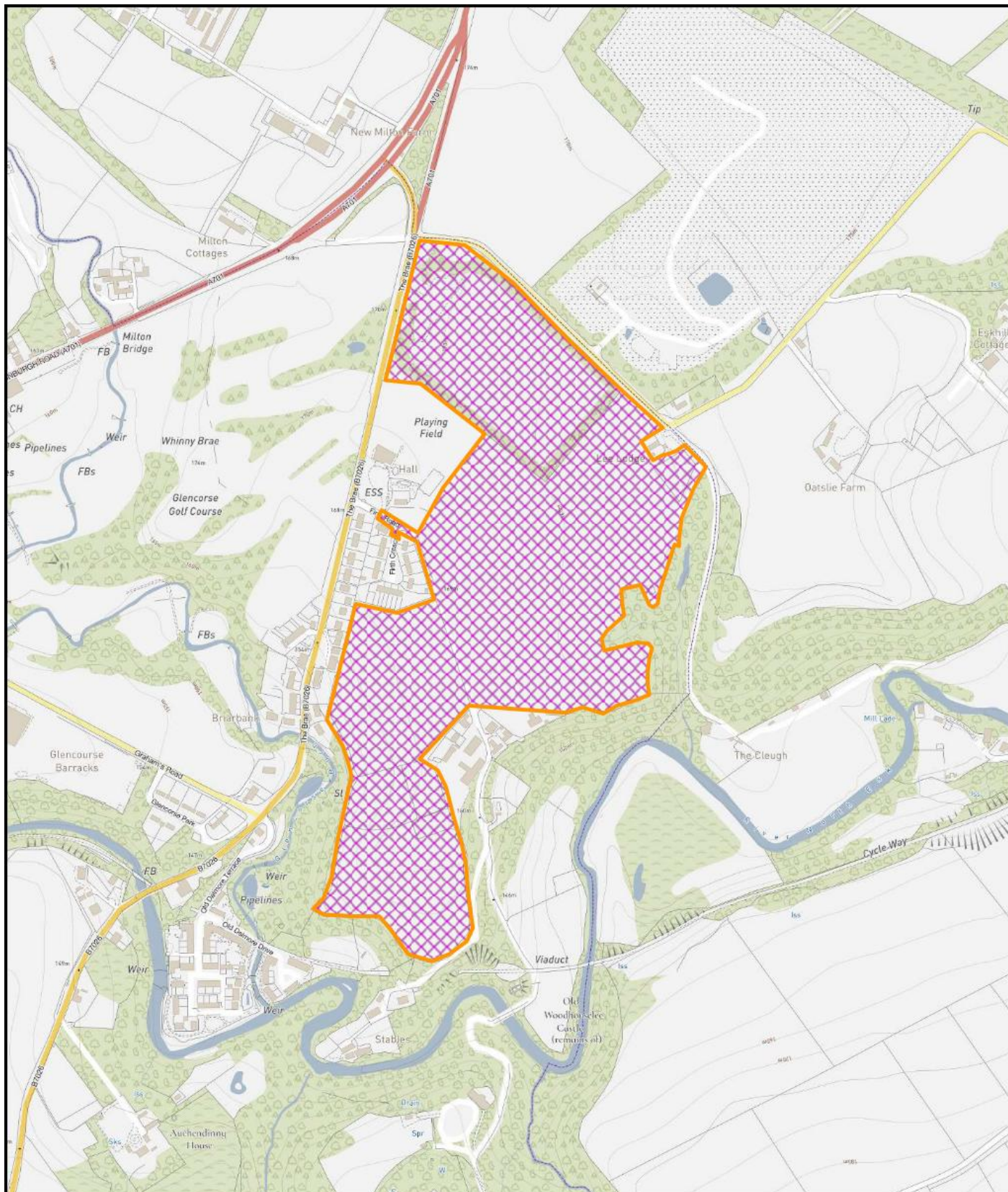
5 RECOMMENDATION

- 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: 22/00577/PAC
Applicant: Bellway Homes Limited (Scotland East)
Agent:
Validation Date: 25 July 2022
Contact Person: Alison Ewing
Email: alison.ewing@midlothian.gov.uk



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Residential development and primary school Land South East of Auchendinny, The Brae

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2018)

File No.22/00577/PAC

Scale: 1:8,000

