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**PRE - APPLICATION REPORT REGARDING A PROPOSED  
RESIDENTIAL DEVELOPMENT AT LAND TO THE EAST OF LAWFIELD  
ROAD AND TO THE NORTH OF ASH GROVE, MAYFIELD  
(17/00296/PAC)**

Report by Head of Communities and Economy

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## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding a proposed residential development at land to the east of Lawfield Road and to the north of Ash Grove, Mayfield (17/00296/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 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre application consultation for a residential development at land to the east of Lawfield Road and to the north of Ash Grove, Mayfield was submitted 19 April 2017.
- 2.3 As part of the pre application consultation process the applicants are to hold a public exhibition at Mayfield Leisure Centre on Thursday 1 June (3pm - 7pm). On the conclusion of the public event and the 12 week pre application consultation engagement period the applicant could submit a planning application for the proposal. It is anticipated that an application for planning permission in principle would be submitted. It is reasonable for an Elected Member to attend such a public event without a Council planning officer present, but the Member (in

accordance with the Commissioner's guidance) should not offer views, as the forum for doing so will be at this meeting of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the applicant to Mayfield & Easthouses Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 The main planning issue to be considered in providing a provisional view is whether the proposal 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 Plan (MLP), adopted in December 2008. The Proposed Midlothian Local Development Plan (MLDP) 2014 has been submitted to the Scottish Ministers and is subject to an examination which is likely to be concluded in Summer 2017. As this plan is at an advanced stage of preparation and represents the settled view of the Council it is a material consideration of significant weight in the assessment of the application.
- 3.3 The proposed development is an agricultural field situated on land to the immediate east of Lawfield Primary School and to the north of Ash Grove and the houses in Confer Road. The site area is approximately 11.12 hectares.
- 3.4 The MLP identifies the site as being in the countryside and any subsequent planning application will be subject to assessment against policy RP1: Protection of the Countryside. A provisional assessment against this policy does not support the proposed housing development on the basis that it is in the countryside and not necessary for agriculture or for any other rural business. Policy RD1 of the MLDP reflects this position.
- 3.5 In June 2015 the applicant made a representation to the Council's proposed Midlothian Local Development Plan (MLDP) on behalf of Lawfield Estates. The representation objected to the non-inclusion of the site for residential development. The site was not identified in the preferred development strategy or as a "reasonable alternative". Subsequently the site was not selected as part of the development strategy in the proposed plan.
- 3.6 The site is not allocated for housing in the MLP or identified for housing in the MLDP and as such is contrary to the Council's planning policy. No material considerations have been identified which outweigh this fundamental planning objection to the proposed development.

## **4 PROCEDURES**

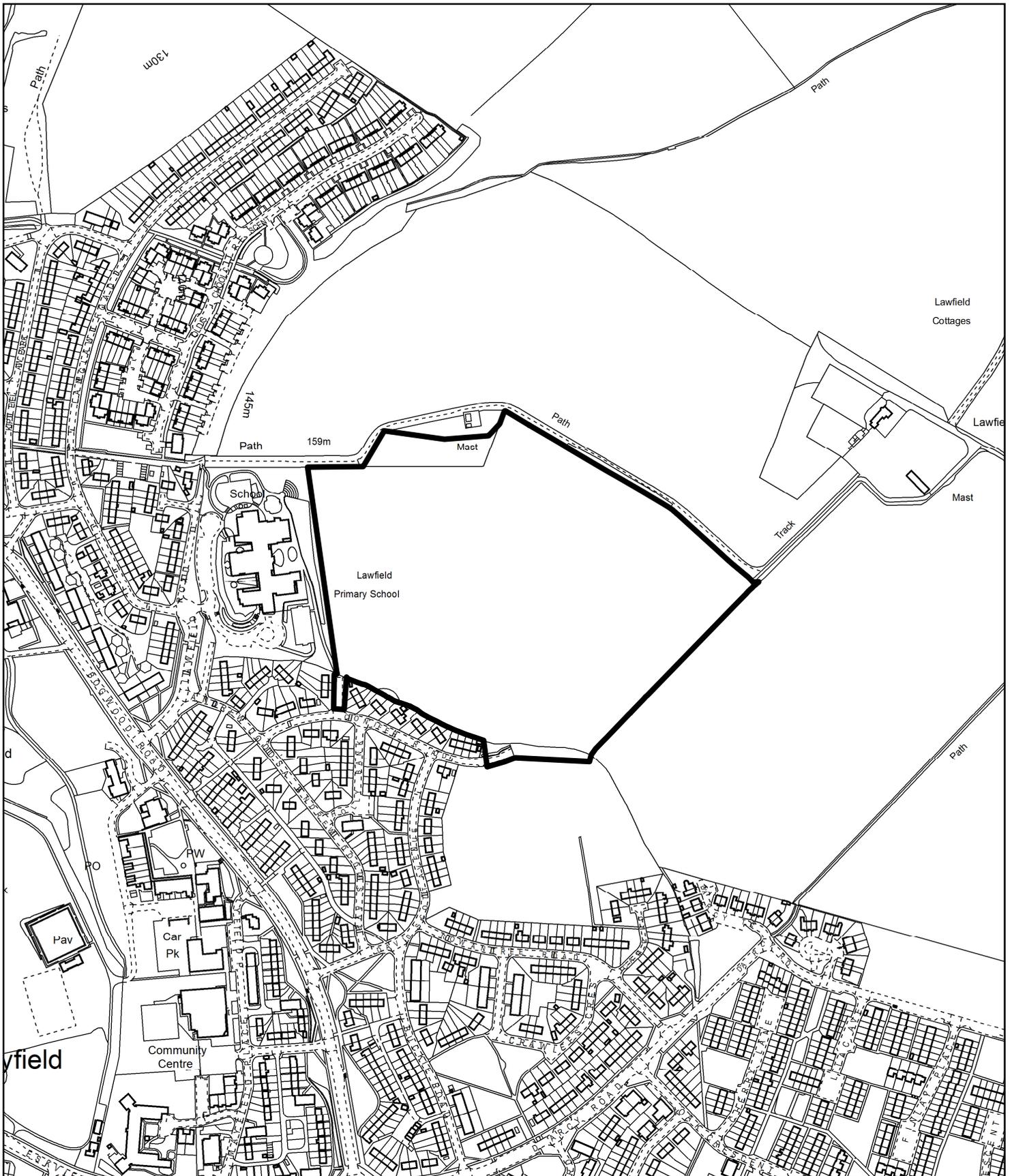
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' 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 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.

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 23 May 2017  
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Land to the East of Lawfield Road and to the North of Ash Grove, Mayfield

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