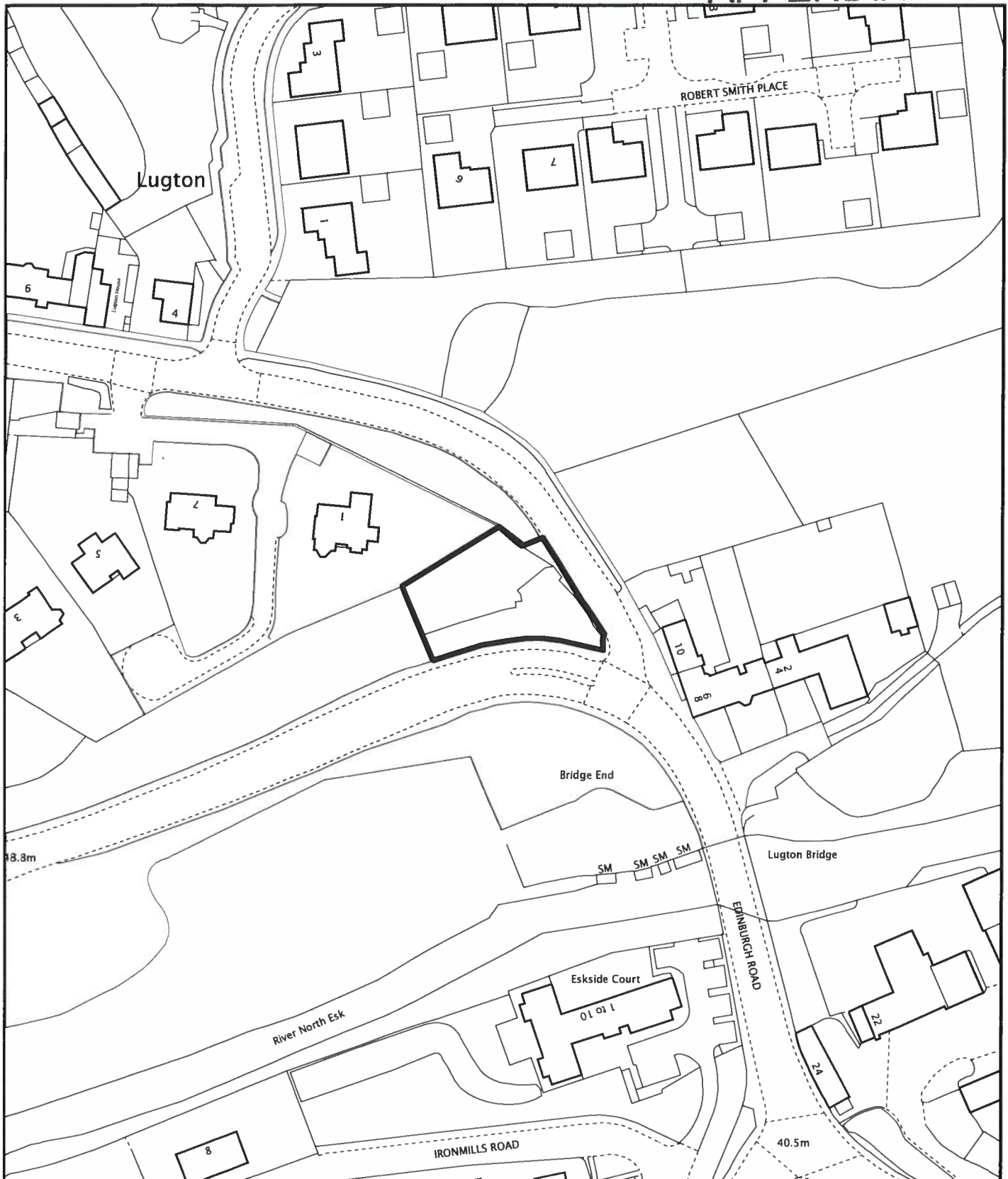


APPENDIX A



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

Change of use from vacant ground to temporary overspill
car park (retrospective) at Land 25M West Of Junction With
Lugton Brae. Old Dalkeith Road, Dalkeith

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prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2014)

File No. 13/00843/DPP

Scale: 1:1,250



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Fraser	Forename	Christopher
Surname	Ewart	Surname	Moore
Company Name	GP Autoservice	Company Name	Niall Young Architecture Ltd
Building No./Name	10/12	Building No./Name	32/12
Address Line 1	Edinburgh Road	Address Line 1	Hardengreen Business Park
Address Line 2		Address Line 2	Dalhousie Road
Town/City	Dalkeith	Town/City	Eskbank
Postcode	EH22 1JZ	Postcode	EH22 3NX
Telephone		Telephone	0131 660 6599
Mobile		Mobile	
Fax		Fax	0131 663 8771
Email		Email	info@nyarchitect.co.uk

3. Application Details	
Planning authority	Midlothian Council
Planning authority's application reference number	13/00843/DPP
Site address	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <p>Land 25m West of Junction with Lugton Brae Old Dalkeith Road Dalkeith EH22 1JT</p> </div> <div style="width: 35%; border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">CORPORATE RESOURCES</p> <p>FILE:</p> <hr/> <p>RECEIVED - 3 APR 2014</p> </div> </div>	
Description of proposed development	
<div style="border: 1px solid black; padding: 10px; min-height: 40px;"> <p>Temporary change of use of site to provide overspill car park.</p> </div>	

Date of application

28.10.14

Date of decision (if any)

13/00843/DPP

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

N/A

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We wish to appeal the decision to refuse Planning Permission to provide a temporary overspill car park on the current vacant site at Land 25m West of Junction With Lugton Brae, Old Dalkeith Road, Dalkeith.

The Decision Notice states that the development would have a "significant detrimental impact on the character and appearance of the highly prominent site at the entrance to Dalkeith". While the site is in a prominent location, the character of the site was significantly altered (lost) when the Lugton Inn was demolished and the site now lies vacant. This application stated that prior to occupying the site it would be tidied and all loose rubble currently lying on site would be removed, which would in turn improve the appearance of the site.

This application also referred to the lack of existing parking currently at GP Autoservice. By providing an overspill car park and removing cars from the area stated above, general road safety in the area would be improved. While we acknowledge that providing a car park increases the risk of accident from cars moving in and out of the car park, the risk would be no greater than previously existed on the site, as parking for the Lugton Inn was provided to the front of the site as recently as 2007 (refer to enclosed photo).

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Statement of appeal.
Image of site when occupied by the Lugton Inn.
Original application including drawing 1383(PA)01
Decision Notice.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒


Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: CHRISTOPHER MOORE FOR NIALI
YOUNG ARCHITECTURE LTD Date: 31/03/14

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

1383

28th October 2013

Director of Strategic Services
Midlothian Council
Strategic Services
Fairfield House
8 Lothian Road
Dalkeith. EH22 3ZN

32/12 Hardengreen Business Park
Dalhousie Road, Eskbank
EH22 3NX

T 0131 660 6599
F 0131 663 8771
E info@nyarchitect.co.uk
W www.nyarchitect.co.uk

Dear Sir,

**PROPOSED TEMPORARY OVERSPILL CAR PARK
FORMER LUGTON INN SITE, DALKEITH, EH22 1JT
APPLICATION FOR PLANNING PERMISSION**

Please find enclosed an application for provision of a temporary overspill car park at the former site of the Lugton Inn, Dalkeith.

We have enclosed an application form and land ownership certificate, 2no copies of the drawings 1383(PA)01 and a cheque for £382.

We would be grateful if the application could be considered for the following reasons:

- GP Autos does not currently have the parking capacity to suit the business. By providing an overspill car park, the number of cars parked outside the business premises and on the street at 10/12 Edinburgh Road will be reduced and access to and from the site will be easier and quicker, providing a safer environment for both pedestrians and motorists.
- Parking cars on the site will act as a deterrent to those who wish to occupy the site illegally.
- As works are currently being carried out on Old Dalkeith Road, the use of the road is limited to site traffic. We propose to provide access to the car park on this road, providing safe ingress and egress from the site as there is little impact on normal road traffic.
- The client proposes to tidy the site before occupancy, reducing the visual impact of the existing derelict site.

I trust this is satisfactory and look forward to hearing from you in due course.

Yours faithfully,


Christopher Moore

For Niall Young ARCHITECTURE LTD.

Cc Mr Fraser Ewart

Client

CORPORATE RESOURCES	
FILE:	
RECEIVED	- 3 APR 2014

Director: Niall Young B Arch (Hons) Dip Arch. ARIAS.
Niall Young Architecture Ltd Registered in Scotland
(SC417898)
Registered Office: 6 Stuart House, Eskmills,
Musselburgh EH21 7PQ

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Fraser	Forename	Christopher
Surname	Ewart	Surname	Moore
Company Name	GP Autoservice	Company Name	Niall Young Architecture Ltd
Building No./Name	10/12	Building No./Name	32/12
Address Line 1	Edinburgh Road	Address Line 1	Hardengreen Business Park
Address Line 2		Address Line 2	Dalhousie Road
Town/City	Dalkeith	Town/City	Eskbank
Postcode	EH22 1JZ	Postcode	EH22 3NX
Telephone		Telephone	0131 660 6599
Mobile		Mobile	
Fax		Fax	0131 663 8771
Email		Email	info@nyarchitect.co.uk

3. Postal Address or Location of Proposed Development (please include postcode)	
Former site of The Lugton Inn, Dalkeith, EH22 1JT	<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> CORPORATE RECORDS FILE: RECEIVED - 3 APR 2014 </div>

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application	
What is the application for? Please select one of the following:	
Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>
<p>NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.</p> <p>*Please provide a reference number of the previous application and date when permission was granted:</p>	
Reference No:	Date:
<div style="border: 1px solid black; width: 200px; height: 20px;"></div>	<div style="border: 1px solid black; width: 200px; height: 20px;"></div>

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Application for temporary change of use of site to provide and overspill car park.

Is this a temporary permission?

Yes ☒ No ☐

If yes, please state how long permission is required for and why:

12 months.

Have the works already been started or completed?

Yes ☐ No ☐ N/A, NO 'WORKS' REQUIRED

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☒ Telephone call ☐ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Erika Pryde

Date: 04.11.13

Ref No.:

Meeting and follow up email stating roads department would likely support an application for temporary change of use.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.) 950

8. Existing Use

Please describe the current or most recent use:

Hotel previously on site demolished recently, site currently lying vacant and derelict.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes ☒ No ☐

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

15 approx.

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

☐
☐
☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

☐
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☐ No ☒

~~If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)~~

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

N/A

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

N/A

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☒

If yes how many units do you propose in total?

N/A

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

N/A

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:

Name:

CHRISTOPHER MOORE, FOR
NIAL YOUNG ARCHITECTURE LTD

Date:

28/11/13

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Robert Moffat	1 Roman Park Dalkeith EH22 2QX	28.11.13

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

CORPORATE RESOURCES	
FILE:	
RECEIVED	- 3 APR 2014

NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008

Name [Note 1]	Robert Moffat
Address	1 Roman Park
	Dalkeith
	EH22 2QX

Proposed development at [Note 2]	Former Site of The Lugton Inn
	Dalkeith
	EH22 1JT

Notice is hereby given that an application is being made to

[Note 3] Midlothian	Council by	Niall Young Architecture Ltd
---------------------	------------	------------------------------


For planning permission to [Note 4]

Provide a temporary overspill car park.

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

Fairfield House, 8 Lothian Road, Dalkeith, Midlothian, EH22 3ZN

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	 FOR NIALL YOUNG ARCHITECTURE LTD
On behalf of	Fraser Ewart, GP Autoservice
Date	28.11.13

*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:

13/00843/DPP

Site Address:

Land 25M West of junction with Lugton Brae, Old Dalkeith Road, Dalkeith

Site Description:

The application site comprises the former Lugton Inn site, at the junction of Lugton Brae and Old Dalkeith Road, on the north side of Dalkeith. The former inn and public house have been demolished and the site has been left untidy and vacant. Some retaining walls have been left standing. The steep sloping nature of the ground in this area has resulted in the site being terraced.

In recent months cars have been parked on the lower section of the site.

There are residential properties to the north and east of the application site. An area of mature woodland is located to the west of the site, and an open grass verge is located to the south, on the opposite side of Old Dalkeith Road.

The site is very prominent as vehicles enter and leave Dalkeith, at the north end of the town. Whilst not within any, the site is located immediately adjacent to the green belt, conservation area and designed landscape of Dalkeith Palace.

Proposed Development:

Change of use from vacant ground to temporary overspill car park (retrospective).

Proposed Development Details:

The applicant is seeking retrospective planning permission for the use of the land as an overspill car park for his business at GP Autos on Edinburgh Road, Dalkeith.

The applicant's agent states that there is insufficient parking capacity to suit the business on Edinburgh Road. He also states that as road works have resulted in the temporary closure of Old Dalkeith Road this will reduce traffic in the area, which will result in better road traffic safety.

It was established that the applicant was using the site to store a range of vehicles. This use was unauthorised, therefore the Council's Planning Enforcement Officer invited the applicant to submit the current application.

Background (Previous Applications, Supporting Documents, Development Briefs):

06/00193/FUL - Demolition of existing inn and motel and erection of 15 flats with associated parking – withdrawn (minded to grant but the developer was not prepared to complete the legal agreement for securing the developer contributions).

13/00395/DPP - Erection of dwellinghouse; alterations to ground; and erection of retaining walls - granted

13/00887/DPP - Erection of dwellinghouse; alterations to ground levels; and erection of retaining walls (Amendment to design and levels approved by Planning Permission 13/00395/DPP) - pending

Consultations:

No consultations required.

Representations:

There have been four letters of representation received in connection with the planning application, from three different neighbours of the application site.

One neighbour appears to neither support nor object to the planning application. She is concerned that the site is an eyesore and reflects badly on Dalkeith. She is also concerned that the proposed use may attract anti-social behaviour.

Another objector, incorrectly, states that the Council has allowed the use of the site as an overflow car park. More relevant are her concerns regarding the impact of the development on the appearance of the area. Her concerns, regarding the appearance of the site and area, are shared by the other objector. They are both concerned regarding the additional volume of traffic that the development is causing. One of the objectors has witnessed, what he considers to be, the dangerous manoeuvring of vehicles at the site.

The two objectors suggest that the Council has delayed deciding the application for the proposed house, despite the original planning application being dealt with by the planning authority in under two months.

One of the objectors is concerned that if permission is granted for a temporary car park then this will result in a delay in the house being built and the resulting improvement in the appearance of the site. He states that if temporary consent is given a condition should be used to ensure that the appearance of the site is improved.

Relevant Planning Policies:

MLP

RP20 – Development within the built-up area

RP22 – Conservation area

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval. The application site is located within an area covered by the Midlothian Local Plan.

Policy RP20 of the local plan states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area. Policy RP22 seeks to ensure that development will not be permitted where it will have an adverse impact on the character or appearance of a conservation area. Development adjacent to conservation areas can have a significant adverse impact on them.

The site is located within the built-up area of Lugton/Dalkeith. The planning authority has previously indicated a willingness to support the redevelopment of the site with 15 flatted dwellings. In addition, the planning authority has granted planning permission, very recently, for one large dwellinghouse on the site. Therefore, the planning authority accepts that residential development can be supported on this site.

The applicant has already positioned numerous cars on the site (11 on site during case officer's site visit) and enclosed these with Heras fencing. He argues that his business premises, at Edinburgh Road, does not have sufficient parking capacity and that this overspill area will result in improved traffic and pedestrian safety at his town centre site. He adds that the parked cars on site will be a deterrent to those wishing to occupy the site illegally. In addition, he states that there is safe access and egress at the site due to Old Dalkeith Road being closed for repairs. It is also stated that the applicant proposes to tidy the site before occupancy.

In response to the applicant's arguments, should somebody occupy the site illegally, as the applicant has done, they will be required to either regularise the situation or vacate the site. The applicant does not appear to have tidied the site in advance of occupying it. The parking issues at the applicant's town centre site do not provide relevant justification for the occupation of the application site.

The site is in a very poor condition, having a serious detrimental impact on the character and appearance of this area of Dalkeith. The storage of cars and erection of the Heras fencing has further degraded the appearance of this highly prominent site which is adjacent to a conservation area. In addition, the storage of cars is currently preventing the physical improvement of the site through the implementation of the approved development.

The planning authority consider that the residential development of the site is one of the best ways of ensuring that the existing eyesore, on this very prominent site, is removed and the general appearance of the area improved.

The Old Dalkeith Road, which has been closed since July 2012, is due to open in March 2014, when the repairs to the road will have been carried out. The movement of vehicles in and out of the site will pose a significant risk to road safety in this area.

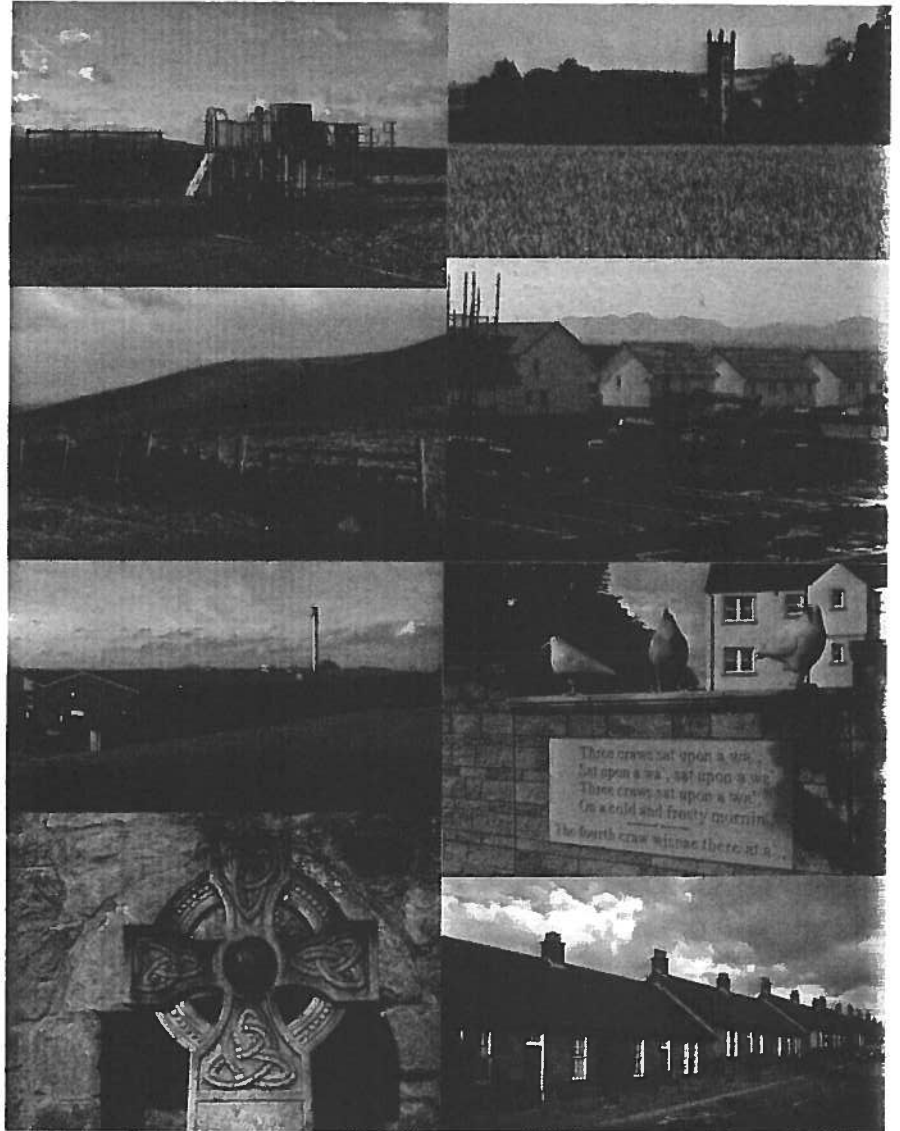
Recommendation:

Refuse

Midlothian

APPENDIX D

Midlothian Local Plan



Midlothian



2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is "to maintain and enhance the quality of the natural heritage and built environment". In addition, the importance of good design is highlighted as a priority for the planning system, given that "mistakes cannot be easily or cheaply rectified".

2.2.2 SPP 3 Planning for Housing (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that "infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas". It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

Policy and Proposal Titles

RP22 CONSERVATION AREAS**RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)****RP24 LISTED BUILDINGS**

2.2.9 National Planning Policy Special controls in respect of buildings and areas of special architectural or historic interest are brought into force under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under this Act, the Scottish Ministers are required to compile a list of buildings of special architectural or historical interest (listed buildings). Local authorities are required to determine if there are areas of special architectural or historic interest (conservation areas) and if so, to designate these. Both are afforded additional protection through development plan policies seeking to preserve and enhance their character and appearance whilst taking into account that such areas must function successfully as places for social and economic activity. Guidance is set out in NPPG 18 *Planning and the Historic Environment* and in Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

2.2.10 Structure Plan Policy Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENV1 and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.

2.2.11 Local Plan Policy Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.

2.2.12 Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

and identify where there is scope for enhancing any special qualities.

2.2.13 Minor changes to properties, which normally would not require planning consent, could erode the character and appearance of a conservation area. In Midlothian's Conservation Areas, the Council has put in place Article 4 Direction Orders to remove permitted development rights in order to ensure control over all changes. Requirements specific to individual Conservation Areas (Newtongrange, Broomieknowe and Lasswade & Kevoek) are contained in detailed policy DP5. Supplementary planning guidance specific to other Conservation Areas may be approved during the lifetime of the Plan. Work is currently in progress to prepare Conservation Area appraisals for all of Midlothian's Conservation Areas and, when approved as supplementary planning guidance, these will assist with planning decisions relating to development proposals and also help to guide any future enhancement schemes. Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups.

2.2.14 There are twenty designated Conservation Areas in Midlothian, three of which are classified as outstanding for grant purposes. Defined on the Local Plan Proposals Map, their locations are: Borthwick & Crichton (outstanding), Broomieknowe, Carrington, Dalkeith (outstanding), Dewartown, Edgehead, Eskbank & Ironmills, Fala, Fala Dam, Gorebridge, Howgate, Lasswade & Kevoek, Mavisbank (outstanding), Newbattle, Newlandrig, Newtongrange, Pathhead & Ford, Penicuik, Roslin, and Temple & Arniston. The Local Plan makes provision for the designation of a new Dalhousie Conservation Area, the boundary for which is shown on the Local Plan Proposals Map. In addition, amendments are to be made to the boundaries of the Lasswade & Kevoek, Mavisbank and Penicuik Conservation Areas (policy RP23) to ensure that they better reflect the architectural and historic significance of these areas. Statutory procedures are required to implement these proposals, and to update the Article 4 Direction Orders applicable within the Conservation Areas.

2.2.15 In conjunction with the Dalkeith town centre regeneration project, the Council is proposing a Townscape Heritage Initiative within the Dalkeith Conservation Area. This is a Heritage Lottery-funded grant initiative which supports schemes led by partnerships of local, regional and national interests that aim to regenerate the historic parts of their towns and cities. The proposed project focuses on:

- ❖ protecting the historic/architectural fabric of Dalkeith;
- ❖ enhancing the Conservation Area and improving the quality of the public realm;
- ❖ encouraging additional investment in the social and economic infrastructure of Dalkeith, including the reuse of historic buildings; and
- ❖ promoting greater awareness of conservation and the historic environment.

The initiative seeks to involve all sections of the local community in the project and has attracted initial support from the local business community. The Council will seek developer contributions from the proposal HOUS1 sites in Dalkeith as part of the project partnership (refer to policy IMP3).

RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

- A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
 - ❖ the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
 - ❖ the Conservation Area will be enhanced as a result of the redevelopment of the site; and
 - ❖ there is no alternative location physically capable of accommodating the proposed development.
- B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 13/00843/DPP

Niall Young Architecture Limited
32/12 Hardengreen Business Park
Dalhousie Road
Eskbank
EH22 3NX

Midlothian Council, as Planning Authority, having considered the application by Mr Fraser Ewart, 10/12 Edinburgh Road, Dalkeith, EH22 1JZ, which was registered on 2 December 2013 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use from vacant ground to temporary overspill car park (retrospective)
at Land 25M West Of Junction With Lugton Brae, Old Dalkeith Road, Dalkeith,**

The reasons for the Council's decision are set out below:

1. The development has a significant detrimental impact on the character and appearance of this highly prominent site at the entrance to Dalkeith, located immediately adjacent to the Eskbank and Ironmills Conservation Area. Therefore the development does not comply with the terms of policies RP20 and RP22 of the adopted Midlothian Local Plan.
2. The development will have a significant adverse impact on road safety on a busy main road.

Dated: 31/01/2014



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Peter Arnsdorf
Development Management Manager
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison:

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.coal.decc.gov.uk/services/planning

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

This Standing Advice is valid from 1st January 2013 until 31st December 2014

All works within or affecting the public road including works in the footway must be authorised in advance by the roads authority and will require a 'Road Opening' permit. Copies of this form can be obtained from the Commercial Services Unit at Dundas Buildings, 62A Polton Street, Bonnyrigg, Midlothian, EH19 3YD. Tel: 0131 561 5233

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

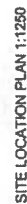
Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

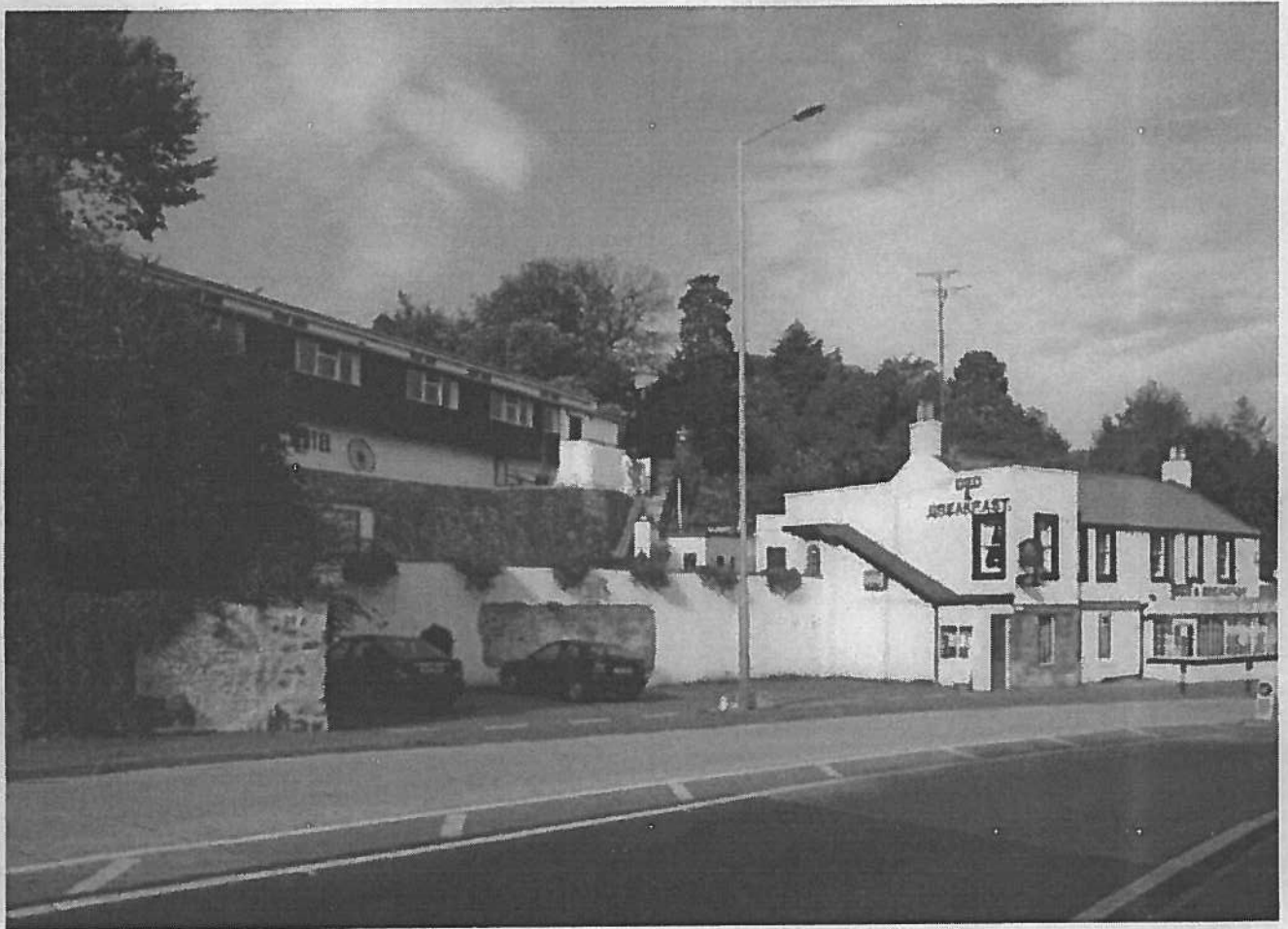
Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representatives on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.



ACCESS

PLANNING APPLICATION	MR F EWART PROPOSED TEMPORARY CAR PARK FORMER LUGTON INN SITE, DALKEITH	Neil Young ARCHITECTURE LTD. 3212 Herengraben Business Park Danquha Road, Edinburgh EH22 3AG T 0131 660 6890 F 0131 663 8771 E. info@nyarchitect.co.uk	Scale 1:500 / 1:250 @ A3 Drawn CHM Date 27.11.13	DO NOT SCALE
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APPROPRIATE RESOURCES

- 3 APR 2014