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**APPLICATION FOR PLANNING PERMISSION 13/00136/DPP FOR THE CHANGE OF USE OF THE OLD MEAL MARKET PUBLIC HOUSE (SUI GENERIS) TO BOOKMAKERS (CLASS 2: FINANCIAL AND PROFESSIONAL SERVICES) AND TWO FLATTED DWELLINGS AT 2 – 4 ST ANDREW STREET, DALKEITH**

Report by Head of Planning and Development

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is to change the use of a vacant public house to bookmakers and for the formation of two flats at The Old Meal Market public house in Dalkeith. There have been 47 letters of objection, a letter of objection from the Dalkeith and District Community Council and consultation responses from the Council's Environmental Health Manager and Policy and Road Safety Manager. The relevant development plan policies are RP20, RP24, SHOP1, SHOP3 and DP2 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1 The application site comprises a vacant public house with associated external hardstanding. The building is two storeys high with a pitched pantile roof and white painted rendered walls. The windows are a combination of white painted timber and white uPVC sash and case. There is existing illuminated signage on the building and two parking spaces to the side of the property. The building is C listed.**
- 2.2 The site is within Dalkeith Town Centre where there are a variety of commercial uses. Neighbouring the property is a public house to one side and a hot food takeaway with residential accommodation at first floor level to the other.**

**3 PROPOSAL**

- 3.1 It is proposed to change the use of the ground floor of the building to a bookmaker and the upper floor to two flatted dwellings. There are no external alterations proposed as part of this application. Internally, a number of alterations are proposed to rearrange the ground floor and form two flats at first floor level. These alterations have been approved by a separate application for listed building consent. Two parking spaces and a bin store are to be provided.**

- 3.2 The applicants have stated that the unit has been vacant for 18 months and has been on the market for 12 months. The proposed opening hours for the bookmaker are 8am to 10pm, seven days a week.

## 4 BACKGROUND

- 4.1 There have been four applications which are relevant to the assessment of the application:
- 4.2 Listed building consent, 13/00135/LBC, for internal alterations to form a bookmaker and two flats was granted in April 2013. The proposed works do not affect the character and appearance of the listed building.
- 4.3 Planning application 13/00253/DPP for the installation of air conditioning units on the rear elevation of the building was granted consent in June 2013. The size and position of these units do not affect the character or appearance of the listed building.
- 4.4 Listed building consent, 13/00254/LBC for installation of advertising signage, lighting, satellite dish and air conditioning units and removal of existing signage, lighting and fitting and internal alterations was granted consent in June 2013. These alterations do not adversely impact on the character and appearance of the listed building.
- 4.5 Advert consent, 13/00255/ADV, for the display of signage on the building was granted consent in June 2013. The new signage is to be in the same position as the existing public house signage.
- 4.6 Permissions 13/00135/LBC, 13/00253/DPP, 13/00254/LBC and 13/00255/ADV have not been implemented.
- 4.7 The application was called in to be determined by the Planning Committee by Cllr Russell, the reason being the number of objections and signage issues.

## 5 CONSULTATIONS

- 5.1 The **Policy and Road Safety Manager** has no objection to the proposals.
- 5.2 The Council's **Environmental Health Manager** objects to the proposals, stating the occupants of the flatted properties would suffer poor amenity due to the proximity of public houses and a nightclub.
- 5.3 The **Dalkeith & District Community Council** has object to the application on the basis that the proposal would provide no useful amenity to the people of Dalkeith. Other buildings have been 'reinvented' to bring them into use but this application does nothing to enhance the area and detracts from the work done at the High Street.

## 6 REPRESENTATIONS

- 6.1 47 letters of objection have been received. The main points of objection raised are as follows:
- The over provision of bookmakers in Dalkeith;
  - The loss of a historic building and public house and the impact this would have on the town centre;
  - The building could be brought back into use as a public house again with the right backing or could be used as a community space; and
  - The need in the long term to maintain appropriate distances between bookmaker establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest.
- 6.3 A number of objectors have stated that they do not object to the flatted properties.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** 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;
- 7.3 Midlothian Local Plan Policy **RP24: Listed Buildings** states that development will not be permitted where it would adversely affect the setting of a Listed Building. In regard to change of uses, the policy states this will only be permitted where it can be shown that the proposed use can be achieved without detriment to the character, appearance and setting of the listed building;
- 7.4 Midlothian Local Plan Policy **SHOP1: Town Centres** states that development proposals which bring about an improvement to the range and quality of retail and commercial leisure facilities provided in the town centres will be considered favourably; and
- 7.5 Midlothian Local Plan Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

## **8 PLANNING ISSUES**

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.
- 8.2 The site is within Dalkeith Town Centre which comprises retail units, offices, cafes, residential properties, public houses, a night club, hot food takeaways and financial and professional services. These uses are typical of a strategic town centre and the inclusion of an additional bookmaker and two residential flats is acceptable in land use planning terms. Therefore there is a presumption in favour of the development.
- 8.3 The unit has been vacant for 18 months and has been on the market for a year. No specific details with regard the levels of interest have been submitted with the application; however the applicant's marketing statement indicates that the level of interest was low. This is supported by the fact that the unit remains vacant. The immediate proximity of two other public houses, the 'Horseshoe' and 'The Blacksmith's Forge' further reduce the likelihood of the site being reopened as a public house. Although the proposal would result in the loss of a public house, the building would be brought back into commercial use and contribute to the vitality and viability of the town centre. The proposed redevelopment will also contribute towards safeguarding the future of an important listed building which is currently in need of repair.
- 8.4 There are two bookmakers within 30 metres of the application site, with a third in the High Street. Although the proposal would result in three bookmakers being within close proximity of each other, the provision of a further bookmaker can not be considered as over provision when considering the number of commercial units and mix of uses within the town centre as a whole.
- 8.5 The representors raised concerns over the loss of a historic building and the impact that this would have on the town centre. This application is for the change of use of the building and the formation of two flats and does not include any external alterations to the building. In that respect, the historic building will remain as existing. Section 4 of this report details four other applications for works to the building, including internal alterations, signage and the installation of air conditioning units and a satellite dish.
- 8.6 A number of representors have stated that the building could be put to better use than a bookmaker, for example being kept as a public house or as a community space. The planning authority can only assess the application submitted rather than other potential uses. The applicant has suggested that there is little interest in operating a public house from the site given local competition.

- 8.7 With regard to the provision of the two flats, the Council's Environmental Health Manager has expressed concerns over the proposed residential properties due to their proximity to the adjoining public houses. The concerns relate to noise emitted from the neighbouring public houses and the night club across the road.
- 8.8 In response the applicant has stated that the viability of the proposed change of use of the building is dependent on the flats being formed at first floor level and if the flats are not created, the building will remain vacant and likely fall into disrepair.
- 8.9 The site is located within a busy town centre where some level of noise disturbance is to be expected. There are a wide variety of uses in the area which include commercial and other residential properties. Public houses and clubs are subject to noise levels which are controlled by other legislation outwith planning. Although the commercial units will have some impact on the level of amenity of these properties, there are mitigation measures which could limit these to an acceptable level. It is considered that sufficient mitigation could be in the form of installing secondary double glazing within the window recess of the two windows most affected by the neighbouring uses. Flats above commercial units are common place and essential for the vitality of town centres. Residents who live in town centres are aware of potential noise disturbance and are able to make informed decisions when considering whether to live at such locations.
- 8.10 A number of internal alterations are proposed to form the flatted properties. These have been assessed in application 13/00135/LBC. Whilst policy DP2 requires the provision of private outdoor space for new residential development, where an existing building is to be converted it can be appropriate to make allowance for the constraints of the particular site, especially within a town centre, if the amenity of the property created is otherwise of a high standard. The flats have an acceptable outlook and level of daylight. The location in the town centre provides a high level of amenity in terms of the facilities available and compensate for the absence of private open space.
- 8.11 The proposal does not provide a visitor parking space as required by the current policy, however, exceptions can be made when a site is located in a town centre in close proximity to public transport and local services. As such, the provision of two parking spaces is acceptable.
- 8.13 In summary, the proposed change of use of a public house to a bookmaker and two flats accords with development plan policy and would not have a detrimental impact on the character and amenity of the surrounding area, town centre or listed building.

## 9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

*The proposed development would not detract materially from the character or amenity of the built up area or from the vitality and viability of the town centre and as such complies with policies RP20, RP24 and SHOP1 of the adopted Midlothian Local Plan.*

Subject to the following conditions:

1. The operating hours of the bookmakers shall be within the period 8am to 10pm.

**Reason:** *To allow the planning authority to retain control over the hours of operation; to protect the amenity of the residential properties.*

2. Prior to the commencement of development, details of secondary double glazing to be installed on the window openings identified in green on the approved floor plans shall be submitted to and approved in writing by the planning authority.

**Reason:** *To protect the amenity of the residents from the noise of surrounding uses.*

3. The secondary double glazing required in condition 2 above shall be installed prior to the residential properties coming into use and shall not be removed without the prior written approval of the planning authority.

**Reason:** *To ensure that the secondary is not removed; to protect the amenity of the residents.*

**Ian Johnson**  
**Head of Planning and Development**

**Date:** 20 August 2013

**Application No:** 13/00136/DPP (Available online)  
**Applicant:** Cazdow Properties  
**Agent:** Graham and Sibbald  
**Validation Date:** 22 February 2013  
**Contact Person:** Mhairi-Anne Cowie  
**Tel No:** 0131 271 3308  
**Background Papers:** N/A