

Notice of Review: Kings Gate, Old Dalkeith Road, Dalkeith Determination Report

Report by Derek Oliver, Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith.

2 Background

- 2.1 Planning application 20/00316/DPP for alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith was granted planning permission subject to conditions on 28 July 2020; a copy of the decision is attached to this report. Condition 3 on planning permission 20/00316/DPP subject to review is as follows:

3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.

Reason: *These walls would have a significant detrimental impact on the setting of the important category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development*

The applicant is requesting that this condition is removed from the grant of planning permission, or replaced with an alternative condition.

- 2.2 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);

- A copy of the decision notice, excluding the standard advisory notes, issued on 28 July 2020 (Appendix D); and
 - A copy of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with procedures (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:
- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that two consultations have been received. No representations have been submitted. As part of the review process the interested parties were notified of the review. No additional comments have been received at the time of drafting this report. All the comments can be viewed online on the electronic planning application/review case file
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission (the conditions are those on planning permission 20/00316/DPP which the applicant has not requested to be removed/amended).

1. Prior to the commencement of development, the following details shall be submitted to and approved by the Planning Authority:
 - a) Details and samples of the finishing materials to be used on all roads, paths and areas of hardstanding;
 - b) Details and samples of the materials of the walls; and
 - c) Details of the proposed mortar for the walls.

Thereafter the materials hereby approved shall be used in the development unless alternatives are agreed in writing by the Planning Authority.

2. The bollards hereby approved shall be formed with natural stone to match the existing boundary walls within the application site.

Reason for conditions 1 and 2: *These details were not submitted with the original application; in order to protect the visual amenity of the area and to ensure these materials are appropriate in proximity to important category A listed structures located within a conservation area and designed landscape.*

6 Recommendations

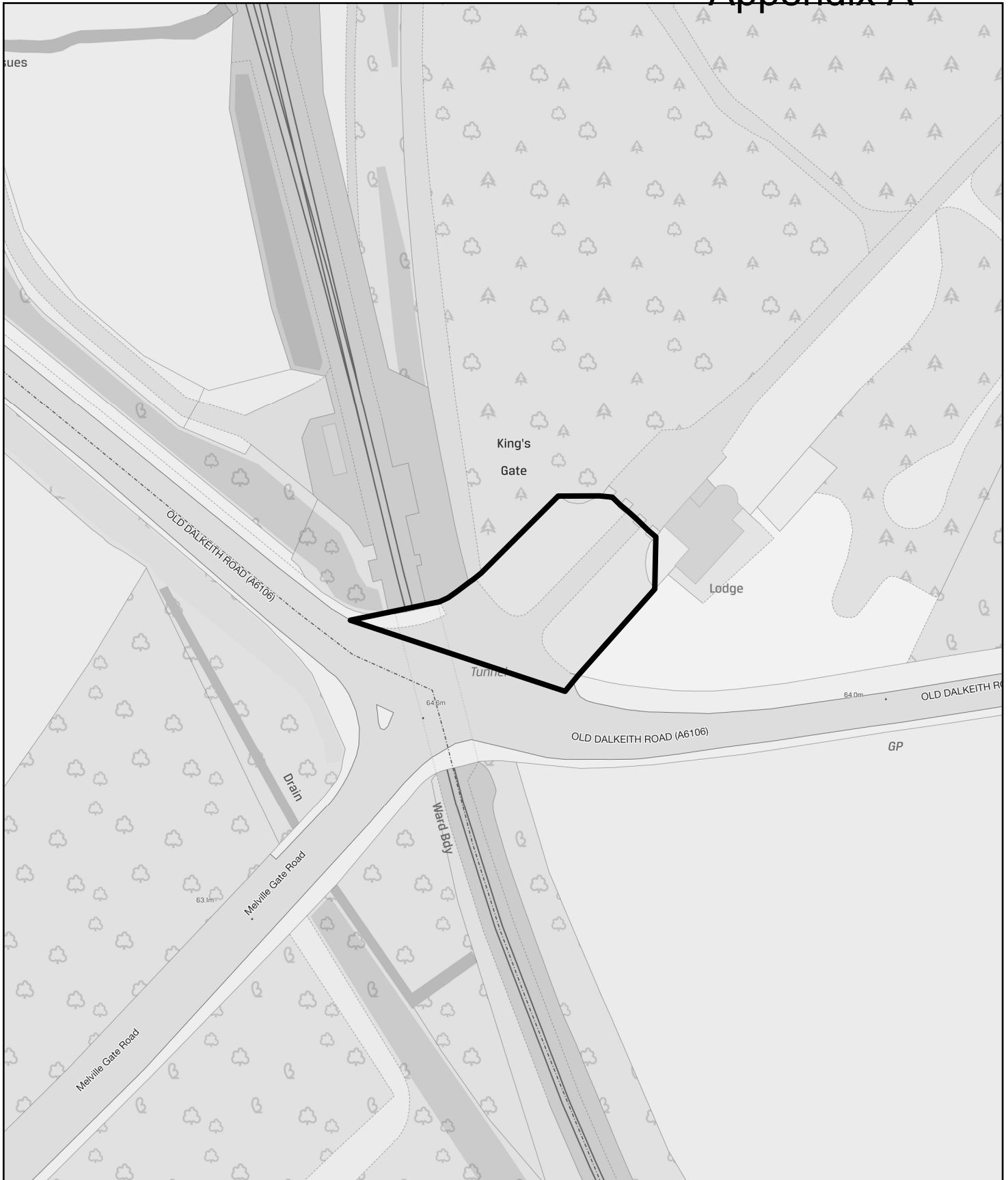
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 16 November 2020

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 20/00316/DPP available for inspection online.

Appendix A



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith

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File No: 20/00316/DPP

Scale: 1:1,000





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100306683-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Holder Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Robin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Holder"/>	Building Number:	<input type="text" value="5"/>
Telephone Number: *	<input type="text" value="07585 008650"/>	Address 1 (Street): *	<input type="text" value="South Charlotte Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH2 4AN"/>
Email Address: *	<input type="text" value="robin@holderplanning.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Dalkeith Country Park"/>
First Name: *	<input type="text" value="Remko"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Plooi"/>	Address 1 (Street): * <input type="text" value="Dalkeith Country Park"/>
Company/Organisation	<input type="text" value="Dalkeith Country Park"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH22 1ST"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

King's Gate entrance to Dalkeith Country Park between Old Dalkeith Road and Melville Gate Road

Northing	<input type="text" value="667696"/>	Easting	<input type="text" value="332206"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Applicant Statement Layout Plan & Proposed Walls

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00316/DPP

What date was the application submitted to the planning authority? *

13/05/2020

What date was the decision issued by the planning authority? *

28/07/2020

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The detail of the case is complex as the application has been in effect part granted/part refused. A Hearing is required for the applicant to explain their view of planning legislation in this context. The LRB would also have the opportunity to seek clarification on the terms of the conditions and the content of they plans they may wish to approve.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit is required to fully appreciate the context for the proposals.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Robin Holder

Declaration Date: 21/09/2020



MIDLOTHIAN COUNCIL LOCAL REVIEW BODY

APPLICANT STATEMENT

Development: Formation of Walls (Application Reference 20/00316/DPP)

Location: King's Gate, Dalkeith Country Park

Date: 15th September 2020

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1.0 INTRODUCTION

- 1.1 Midlothian Council has granted planning permission under delegated powers for the following development at the King's Gate of Dalkeith Country Park.
Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.
- 1.2 However, Condition 3 of the permission has the effect of refusing a key component of the development proposed, as follows:
3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.
- 1.3 The reason given for this is that the proposed walls would have a significant detrimental impact on the setting of category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development.
- 1.4 This is a subjective conclusion and we disagree with it. The applicant fully appreciates that the King's Gate entrance is an important historic structure, and the proposed walls have been very carefully designed to complement the existing listed walls.
- 1.5 This Review is therefore seeking the approval of the proposed walls as part of the permission. The applicant is content with the wording of existing Conditions 1 and 2, and proposes a revised Condition 3 that ensures the new walls are constructed in an appropriate manner to match the existing walls in appearance.
- 1.6 In determining this Review, it is important that the LRB appreciates that the applicants have carefully considered the access strategy for the Country Park, of which this proposal is a key component, and which seeks to enhance the accessibility and quality of the visitor experience to the benefit of the Midlothian community and economy. This is explained in the Section 2 and is followed in Section 3 by an appraisal of what is proposed and considered in the context of Council and Historic Environment policies.

2.0 DALKEITH COUNTRY PARK ACCESS STRATEGY

- 2.1 In 2016, the Restoration Yard and Fort Douglas Project opened up Dalkeith Country Park's King's Gate in order to welcome cars coming from the A720. The purpose of opening King's Gate was to protect Dalkeith's High Street from excess traffic, air borne pollution in the conservation quarter and, most importantly, protect pedestrians from increased traffic using the Town Gate. The success of this project in terms of visitor numbers, alongside the increased need for accessibility of green spaces, has demonstrated the appropriateness of using King's Gate as a vehicular entrance to the Estate for all traffic coming from the A720. However, as part of our overall Entrance Strategy for the Park, the King's Gate entrance needs to be enhanced for the following reasons:
- 1) Many car drivers do not realise that the King's Gate is the entrance. Oftentimes, cars are past the entrance before the driver realises the error and continue on to enter at the Town Gate. The existing brown signs are not enough of a marker to drivers looking for the correct entrance. The entrance gates are set back and there is no arrival signage to confirm to drivers that they have arrived at the correct place.
 - 2) Dalkeith Country Park aims at becoming Midlothian's 5 star visitor attraction, bringing people to Midlothian for a high quality experience. The entrance must reflect this ambition - visitor expectations are established as soon as they arrive at the location, therefore, the King's Gate needs to clearly announce itself to avoid confusion and establish quality expectations. Signs over the top of the walls will not achieve that quality standard.
- 2.2 The vehicle use of King's Gate fits into Dalkeith Country Park's wider and concerted strategy. They are working with Midlothian Council to create a destination entrance designed for pedestrian safety at the end of the High Street. Through installing an illuminated pedestrian path that connects all the way from the High Street to the newly installed pedestrian path in the Park, pedestrians can now safely get to the heart of the Park in a safety. However, the more traffic that can route through King's Gate, the safer the Town Gate entrance will be for local people.
- 2.3 They want to establish an ease of connection with the High Street Conservation Area and, with the Palace, and the Park. The intention is that the Town Centre, High Street, Conservation Area and Park all become part of one connected experience that benefits the Town. Preventing the majority of non-local cars to the Town Gate will in part achieve that, but only if the King's Gate is an easily understood and recognisable entrance, which it is not at present.
- 2.4 In summary, Dalkeith Country Park is an asset to Midlothian, both as a local amenity and as a high quality visitor experience attracting people from far and wide. Both of these purposes need to be accommodated and that can be achieved through making the King's Gate a destination entrance for non-local cars, and Town Gate a local and pedestrian entrance at the end of the High Street.
- 2.5 This necessarily requires the upgrading of the King's Gate entrance to effectively serve that purpose.

3.0 POLICY APPRAISAL AND ASSESSMENT OF PROPOSALS

- 3.1 The most relevant Local Development Plan policies that provide the context for determining this application are as follows:

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new 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.

ENV20 Nationally Important Gardens and Designed Landscapes states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape.

ENV22 Listed Buildings states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

- 3.2 All of these policies have the same objective – to ensure that development affecting assets of historic importance do not detract significantly from their character. In this case, Council officers have taken the subjective view that the impact would be detrimental. Respectfully, in our view this is not the case.
- 3.3 Document 1 accompanying this Statement shows the approved layout of the proposed development and an elevation drawing of the proposed walls (which will be identical on either side of the entrance) which have been specifically excluded from the permission. **For the avoidance of any doubt, it is this originally submitted plan which Condition 3 specifically excludes from the permission, and for which we are seeking the LRB's approval.**
- 3.4 It should be borne in mind that computer generated graphics such as these can never render proposals exactly as they will be in terms of colour and texture. In reality, the walls will be built of the same stone and mortar joints as the existing walls and constructed using traditional techniques that achieve a match with the existing colour, pattern, texture and overall appearance of the existing walls.

- 3.5 The shape and height of the proposed walls has been carefully considered to reflect and accent the existing curved walls behind. The low height of the new walls ensures that they are subordinate to the existing high walls, whilst achieving the desired effect of drawing enough attention from visitors to the Country Park, clearly demarcating this important access point and subtly communicating this visually to passers-by. In pre-application discussions, it was suggested by the planning officer that the necessary entrance signage could be achieved by mounting the signage at high level above the existing walls. However, in our view, this is not a satisfactory approach for two key reasons. Firstly, we consider that it could have a negative impact on the setting of the walls, being a large and modern addition, positioned quite obtrusively at a height of 4m – 6m. Secondly, because of this height, it would be above the immediate eyeline of passing motorists. In other words, such an approach would probably be more visually intrusive and less effective as signage.
- 3.6 Importantly, the name ‘Dalkeith Palace & Country Park’ will be carved into the stone of both walls in an appropriately restrained font, and the name of the access beneath– ‘King’s Gate Entrance’ – will be formed in a dark slate inset.
- 3.7 All of this, in our view, presents an attractive, and appropriate solution that will not harm the setting of the listed structures behind, but will strongly announce this principal access.
- 3.8 The Scottish Government’s guidance on listed buildings recognises that the function of the historic environment changes over time and that listed buildings and their settings must be allowed to evolve to reflect this. HES’s Historic Environment Policy therefore includes two ‘Core Principles’ that reflect this:
- **Some change is inevitable.**
 - **Change can be necessary for places to thrive**
- 3.9 In this case, the historic Dalkeith Palace is now at the centre of a thriving visitor attraction of significant importance to the economy and culture of Midlothian. It is used very differently than in the past, with now over 300,000 visits to the Estate, including thousands of major event visitors, as well as returning visitors. If this is to be enhanced there is a pressing practical, safety and strategic requirement to enhance and advertise this principal access point. Also there is the issue of branding and signage, which is so important in today’s competitive visitor attraction market. At present there is no permanent very visible

and architecturally integrated representation of the Country Park's name at this access, which should and must change.

- 3.10 **It is important to note that Historic Environment Scotland (HES) has specifically indicated that they do not object to the proposals.** Their representation on the application did, however, provide the following comment on the proposal:

"We welcome the reuse of this historic approach into the estate. However, we consider that the proposed curved stone main entrance signage would detract from the high quality stonework of the existing screen walls, which should retain their primacy. We would suggest that a more low key type of signage provision would be preferable."

- 3.11 We respectfully disagree.

- 3.12 HES have said that they would like to see more low-key signage, but this obviously raises the issue that signage needs some prominence to serve its purpose i.e. to clearly demarcate this main access and to be noticed by passers who will appreciate the existence of Dalkeith Palace Country Park and perhaps visit then or another time. In our view, the low height and shape of the proposed walls, with low-key carving and inlaid slate strikes the perfect balance of achieving the objective whilst remaining subordinate and complementary to the existing structures. The proposed walls being made of matching stone and mortar will not detract from the existing stonework – far from it – it will be an attractive addition to it.

- 3.13 As we indicate above, the consideration of the proposal's compliance with LDP policies is wholly subjective. In our experience, Historic Environment Scotland tend to take a 'purist' position when commenting on applications such as this, and we have received no guidance from HES on what they might consider to be "a more low key type of signage which might be acceptable". However, we do note that their comment on the application falls short of an objection.

- 3.14 **It should be noted that if the Local Review Body decides to grant permission for the new walls, then HES do have the power to request that the Scottish Government "calls-in" that decision for review. This, in our view, gives the LRB the comfort of knowing that if HES feel particularly strongly, the proposals will be considered further.**

- 3.15 To ensure that wall is built to the highest and most appropriate specification, we recommend that the LRB apply a new Condition 3 to the permission, as follows:

3. The stone and mortar from which the walls hereby permitted are to be constructed shall match the existing stone walls of the adjacent entrance walls. Before commencement of development of the proposed walls, the applicant will submit for the planning authority's approval a Scheme of Works setting out the materials to be used and the construction techniques to be employed. Stone and slate samples will be submitted to the planning authority for approval, and thereafter only materials matching these approved samples will be used.

Reason: To ensure that the appearance of the new walls match those of the existing listed structures.

4.0 CONCLUSION

- 4.1 The proposed walls from part of a wider strategy by Buccleuch Estates to enhance Dalkeith Palace Country Park as a visitor attraction. A key part of this strategy is to provide a well-demarcated access at the King's Gate in a way that complements the existing listed walls and buildings whilst reflecting the current use as a thriving Country Park with greater potential still. A further element of the strategy is to carve the name of the Park into the new stone-work and thereby increase public recognition of the Country Park's branding, its location and how to access it. The feedback from visitors is that this is not as clear as it needs to be currently.
- 4.2 Historic Environment Scotland are of the view that the walls will detract from the setting of the existing walls in this location. We respectfully disagree and would point out that this is a wholly subjective opinion. We would also point out that HES have specifically noted in their representation that they do not object to the proposals. We would therefore invite the Local Review Body to form its own opinion, and strongly recommend that it visits the site before determining the matter. We would also point out that the architect has given very careful attention to the materials and design to ensure that they complement rather than detract from the historic setting. The height is subordinate to the existing structures and the curves are reflective of that seen in the existing walls.
- 4.3 We therefore recommend that planning permission for all aspects of the submitted application are approved by the LRB. In doing so, the LRB should be aware that their decision could be reviewed by the Scottish Government if Historic Environment Scotland wish that to be the case. Although obviously the applicant would prefer this not to happen, it does give the LRB the comfort that their decision can be reviewed if necessary.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 20/00316/DPP and 20/00333/ADV

Site Address: Kings Gate, Old Dalkeith Road, Dalkeith.

Site Description: The application site forms the entrance to the Dalkeith Estate and includes a category A listed gateway, entrance walls and decorative piers. The entrance surface is finished with hardstanding, formed with tarmac and gravel. There is a category A listed lodgehouse to the east, the estate to the north, countryside to the south and the Borders Rail Line to the west. The site is within the Dalkeith House and Park Conservation Area and part of this is within Dalkeith House (Palace) Designed Landscape.

Proposed Development:

20/00316/DPP Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.

20/00333/ADV Display of illuminated free standing signage and totem signs.

Proposed Development Details: The alterations would make this access to Dalkeith Estate more formal:

- alterations to the access road to maintain one lane for vehicular access and narrow the hardstanding from Old Dalkeith Road;
- formation of two paths to either side of the vehicular access – either tarmac, pavers or bound gravel;
- formation of areas of hardstanding – loose gravel;
- erection of walls – two curved walls to either side of the access 1.7 meters high with 2 metre high piers to either end; and
- installation of six bollards – 0.8 metres wide by 0.8 metres deep by 0.8 metres high either stone or precast concrete match the gate posts; and
- installation of signage.

The signage comprises: text on the proposed walls; two totems by the ends of the boundary walls, either 3.5 or 3 metres high; and two directional signs by the vehicular entrance, 1 metre high. The signage is to be externally illuminated.

The plans include lighting of existing boundary walls and landscaping, in the form of box hedging, grass, planting.

Application 20/00316//DPP relates to all elements except the signage. Application 20/00333/ADV only relates to the signage.

The applications are being considered at the same time and in the same delegated worksheet as these are integrally linked, forming part of the overall entrance alterations to the park and with some elements dependent on others, such as the signage on the walls.

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

20/00113/ADV Display of illuminated free standing signage and totem signs.

Refused – inaccurate plans; the totem signs would have a significant adverse impact on the character, appearance and setting of the A listed walls; and the position of the totem sign to the right of the entrance would narrow the width of the footpath/cycleway which would present a road safety risk

19/00820/ADV Display of illuminated free standing signage and 2 illuminated totem signs. Refused – the totem signs would have a significant adverse impact on the character, appearance and setting of the A listed walls; the signage on the proposed walls would detract from the setting of the A listed walls; the position of the totem sign to the right of the entrance would narrow the width of the footpath/cycleway which would present a road safety risk.

19/00819/DPP Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards. Consent with conditions – samples of materials; bollards in natural stone; the curved walls were conditioned out as these would have a detrimental impact on the setting of the A listed walls.

16/00196/DPP Installation of CCTV cameras, floodlights, security fixtures and associated works (part retrospective). Consent with conditions.

16/00186/LBC Installation of wall mounted CCTV cameras, floodlights and associated security fixtures. Consent with conditions.

11/00849/LBC Formation of entrance road and associated alterations to existing entrance area. Withdrawn.

11/00848/DPP Formation of entrance road and associated alterations to existing entrance area. Consent with conditions.

Consultations:

Both applications

The **Policy and Road Safety Manager** has no objection in principle but raises road safety concerns over the position of one of the totem signs which appears to encroach into a footpath/cycleway. This issue has been raised in previous applications. They recommend the signage application not be approved.

For the detailed application, they note that the proposed private footway links on each side of the driveway do not have dimensions but appear narrow. They recommend that the applicant consider increasing these to 2 metres wide to provide adequate room for pedestrian use. They also note that a drop kerb footway crossing is shown at the start of the narrow section of the private driveway. As the existing route passing the entrance is a 3m wide cycleway / footpath, an additional set of drop kerbs will be required on the desire line adjacent to the public road. The

agent has made these changes which satisfies the Policy and Road Safety Manager's comments.

20/00316/DPP

Historic Environment Scotland welcomes the re-use of the historic approach to the estate, however the proposed curved stone main entrance signage would detract from the high quality stonework of the existing screen walls. These should retain their primacy. A more low key type of signage would be more appropriate.

20/00333/ADV

The **Dalkeith and District Community Council** object noting this is the third application for signage with the previous two being refused. Given that the previous two applications have been refused, with the current application identical to the first, they query why this is even being considered. They highlight the errors referred to in the previous decisions here have not been rectified in the current application. They question if the application has been submitted purely to appeal against the decision. The totem signs are out of keeping with the stately entrance to the Country Park and would detract from the listed gateway. The types of signs are more likely to be found at fast food takeaways. The plans incorrectly represent the existing situation at the site as well as how the proposal would appear here. The position of the totem sign to the right of the entrance would block the existing pavement, where there are cable ducts running under. This totem sign will also obstruct sightlines at this area where a pedestrian crossing is under construction. The totems would represent a road safety issue, with vehicles slowing down to read the information on the panels. If these are to be approved, the totems should be repositioned symmetrically against the wall no higher than this with symmetry of importance. If approved, a condition should be attached stating any changes to the approved totems require permissions. They have no objection in principle to the stone walls but state the materials should match the existing.

Representations: No representations have been received.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

RD4 Country Parks states that proposals within Country Parks will be permitted where they are compatible with the uses and character of the Park. Proposals with significant adverse environmental impacts will not be supported unless the Council is satisfied that satisfactory mitigation measures are available to overcome relevant concerns. Consideration should be given to any relevant management plans in the formation and assessment of proposals;

ENV1 Protection of the Green Belt states development will not be permitted in the Green Belt except for proposals that: are necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or provide for essential infrastructure; or form development that meets a national requirement or established need if no other

site is available. Any development proposal will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the identity and landscape setting of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence;

ENV4 Prime Agricultural Land does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so;

ENV6 Special Landscape Areas states development proposals in such areas will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the special landscape qualities of the area;

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened;

ENV14 Regionally and Locally Important Nature Conservation Sites states development which could affect the nature conservation interest of any sites or wildlife corridors of regional or local conservation importance, or any other site which is proposed or designated as of regional or local importance during the lifetime of the Plan, will not be permitted unless it meets particular criteria, including that the development has been sited and designed to minimise damage to the value of the site and compensation measures and the public interest to be gained for the proposed development can be demonstrated to clearly outweigh the nature conservation interest of the site;

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new 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;

ENV20 Nationally Important Gardens and Designed Landscapes states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape; and

ENV22 Listed Buildings states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

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.

As the two applications and proposals are intrinsically linked, these are being considered at the same time and in the same delegated worksheet. All elements of the proposals will be assessed as follows.

The proposals seek to formalise this entrance into the Dalkeith Estate, creating an obvious access point with the use of hardstanding, landscaping and signage. The alterations to formalise this access point are acceptable in principle, however the details of how these affect the character and setting of listed buildings, conservation area, designed landscape and surrounding area are to be considered.

The detailed planning application is identical to previously approved application 19/00819/DPP. The express consent to display an advertisement application is identical to previously refused application 19/00820/ADV. The applicant's agent has confirmed they wish to review the decisions on these proposals, namely the condition on 19/00816/DPP not to allow the proposed walls or and the refusal of the signage in 19/00820/ADV. The time period to submit a review and appeal of these decisions have expired and so the current applications have been submitted to allow them to review and appeal these, should the walls and signage not be approved again. Since the previous applications 19/00819/DPP and 19/00820/ADV were determined, a further advertisement application for signage to project above the existing boundary walls, totem signage and bollard signage has been refused.

The realignment of the road, formation of paths and hardstanding do not raise any road safety concerns. The proposed bollards would help guide traffic. These works could help encourage pedestrian and cycle visitors to the estate which is welcomed. These proposed works would create a more formal entrance to the estate, perhaps more ornate than other entrances to similar estates. However these would not significantly detract from the character or appearance of the sensitive surrounding area and are generally considered acceptable. Details and samples of the proposed hardstanding materials are required and the bollards shall be stone to match the existing boundary walls, not concrete.

The applicant's agent asked for advice before submitting the current and previous applications. Both Historic Environment Scotland and the Planning Authority raised concerns regarding the proposed signage and walls and the impact these have on the historic approach into the estate. It was recommended that the signage be markedly reduced from that currently proposed and the walls removed from the proposal. There are already directional signs on the approach to this entrance and it was suggested that it would be more appropriate for two traditional signs to be positioned, within the woodland area, to project over the top of the wall. This would be in keeping with this sensitive area whilst advertising the site entrance. An application for this suggested signage was submitted and refused in 20/00113/ADV as the proposed position of the signage above the walls were not accurate (with one shown on the adjacent railway line or embankment). Also, the proposed totem signs were not appropriate, details of which will follow.

The current applications propose two stone walls with text mounted on them and two externally illuminated totem signs, in line with the pre-application proposals. Any works and signage at this entrance should be more low key to ensure that the

category A listed walls remain the primary focus. The proposed walls would sit to the front of these A listed boundary walls to the estate, interrupting views of these and detracting from their setting. The proposed walls would also detract from the high quality stonework of these existing walls. The siting of these walls would have a significant detrimental impact on the character and appearance of the surrounding conservation area, designed landscape and special landscape area and the setting of the A listed structure. These walls are not approved.

The totem signs are to either end of the existing walls at the entrance. Any signage at this historic entrance to the estate should be sited and designed to reflect this sensitive area. The proposed signs are large and would sit higher than the boundary walls. These totem signs would also be at odds with the generally rural character of this sensitive area. These totem signs would have an adverse impact on, and detract from, the primary focus of the walls.

In addition, the position of the totem sign to the right of the entrance appears to encroach on to the public footpath, rather than on hardstanding as indicated on the plans. This encroachment would narrow this footpath and cyclepath and would have an adverse on road safety in the area. These concerns were raised in the previous proposal for signage but have not been satisfactorily addressed.

For the above reasons, the proposed totem signs are not supported.

The direction signage by the bollards are acceptable.

Overall, the majority of works proposed are acceptable, however the proposed walls, relating signage and totem signage are not approved.

Due to the circumstances (specifically restrictions on the movement of people as a result of the Coronavirus pandemic) during the assessment of the proposal, the case officer did not visit the site, however they have previously visited the site to assess previous applications here and so is familiar with the site and general area. The assessment of the proposal is based on the previous knowledge of the area, as well as the information submitted by the applicant's agent. The case officer is relying on the accuracy of the plans submitted by the applicant's agent.

Recommendation: Approve detailed planning permission with conditions and refuse express advertisement consent.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00316/DPP



Bright
Greenside House
25 Greenside Place
Edinburgh
EH13AA

Midlothian Council, as Planning Authority, having considered the application by Mr Remko Plooi, Buccleuch Estates Ltd, Deer Park, Dalkeith, EH22 2NA, which was registered on 13 May 2020, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith

In accordance with the application and the following documents/drawings:

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	13.05.2020
Site Plan	L-01 D 1:200	17.07.2020
Elevations, cross section	L-02 1:100 1:20	13.05.2020

This permission is granted for the following reason:

With the exception of the proposed walls, which are not approved, the proposed works would formalise this entrance to the Dalkeith Estate and not have an adverse effect on the surrounding conservation area, designed landscape, listed structures, rural area or special landscape area or conflict with the aims of the Green Belt and so complies with policies RD4, ENV1, ENV6, ENV7, ENV19, ENV20 and ENV22 of the adopted Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Prior to the commencement of development details and samples of the finishing materials to be used on all roads, paths and areas of hardstanding shall be submitted to and approved by the Planning Authority. Thereafter the materials hereby approved shall be used in the development unless alternatives are agreed in writing by the Planning Authority.
2. The bollards hereby approved shall be formed with natural stone to match the existing boundary walls within the application site.

Reason for conditions 1 and 2: These details were not submitted with the original application; in order to protect the visual amenity of the area and to ensure these materials are appropriate in proximity to important category A listed structures located within a conservation area and designed landscape.

3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.

Reason: *These walls would have a significant detrimental impact on the setting of the important category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development*

Dated 28 / 7 / 2020

A handwritten signature in blue ink, appearing to be 'DR' with a stylized flourish.

.....
Duncan Robertson
Lead Officer – Local Developments,
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.gov.uk/government/organisations/the-coal-authority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

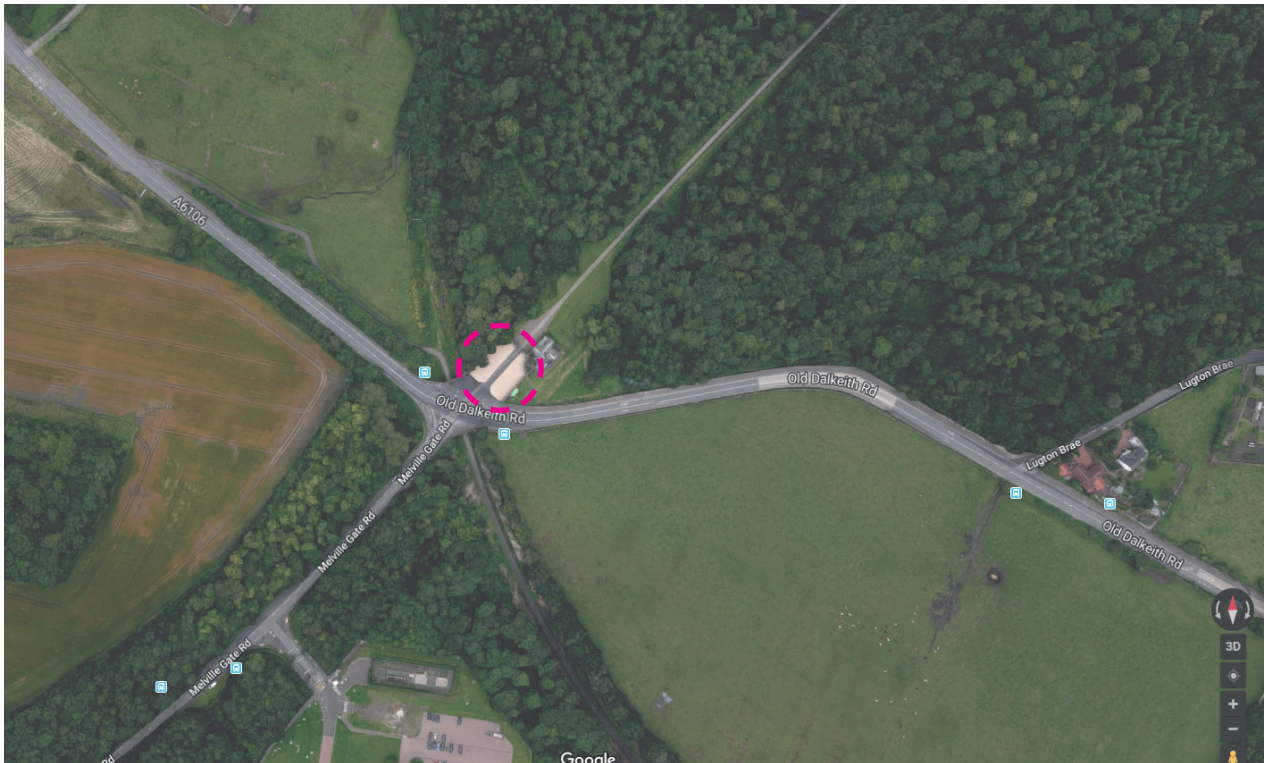
This Informative Note is valid from 1st January 2019 until 31st December 2020

Kings Gate Entrance

Existing site photos



View 1 from A6106

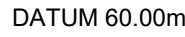


Birds'eye view of proposed site

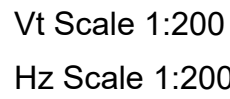
--- = Indicates proposed entrance signage location



View 2 from A6106



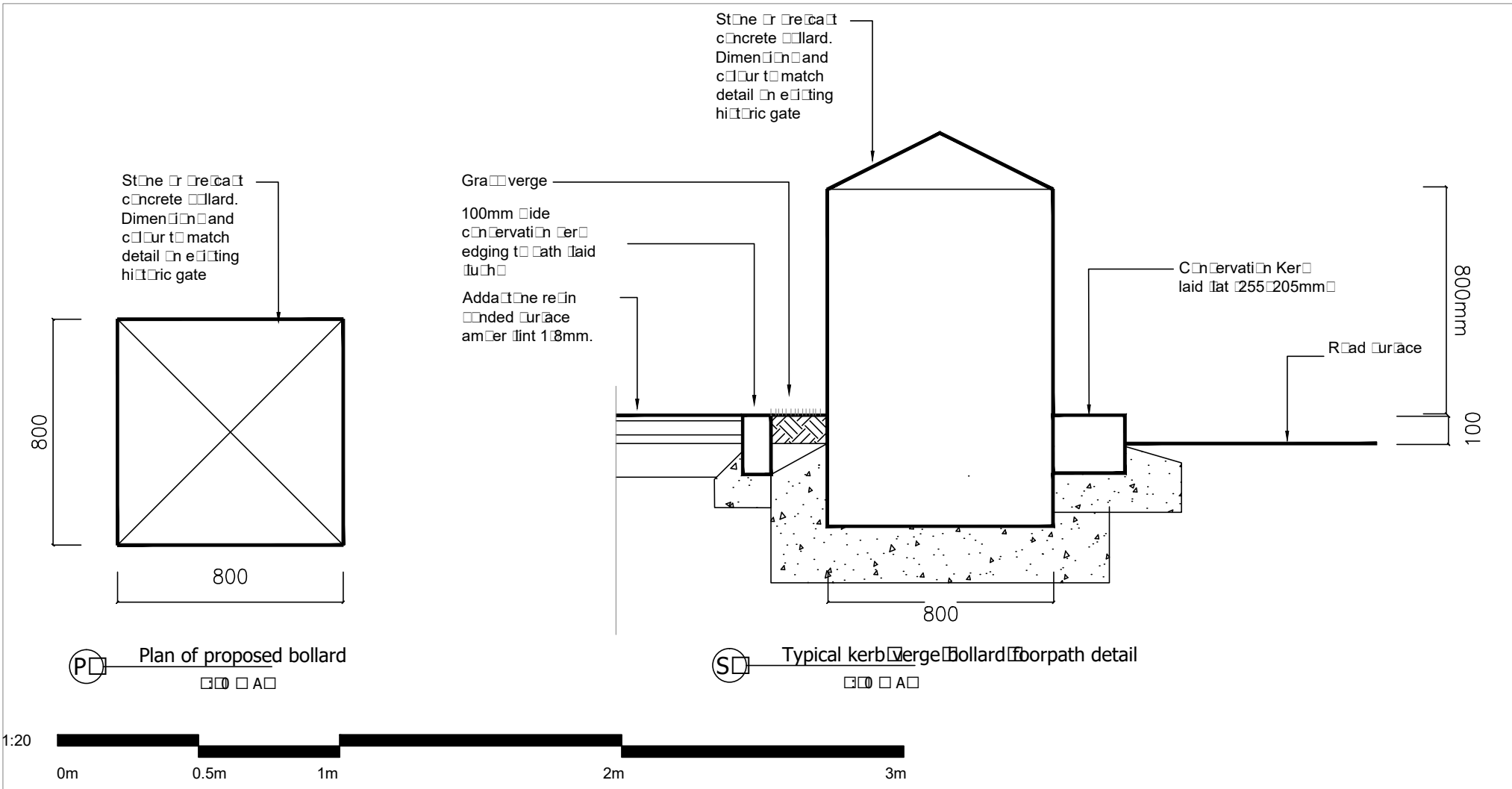
MAIN GATE ELEVATION



▽ Datum 60.00m

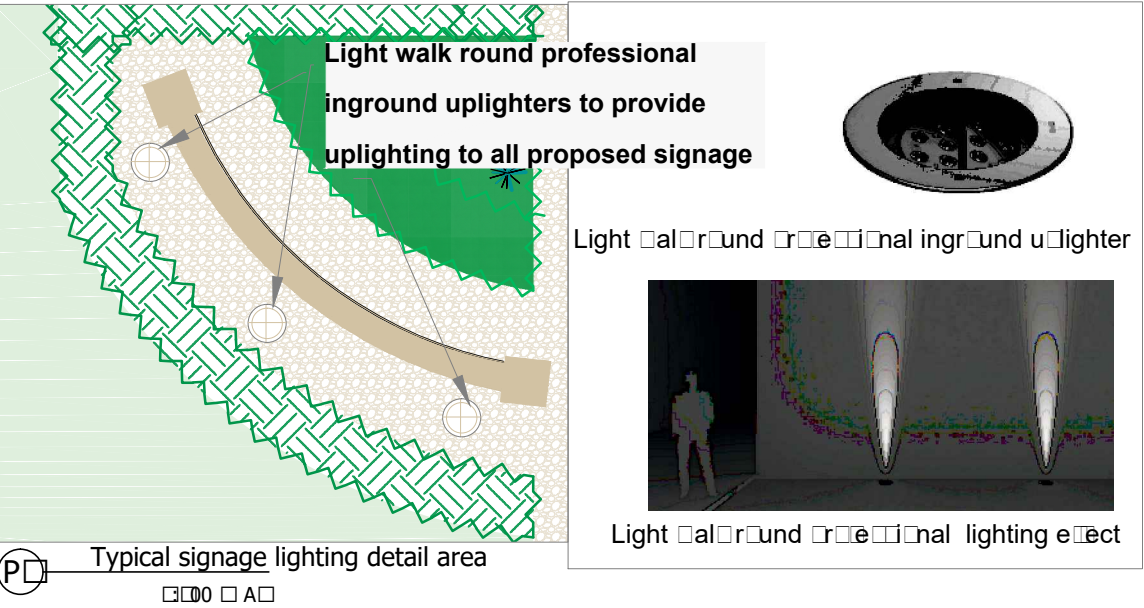
LONG SECTION

[illegible]



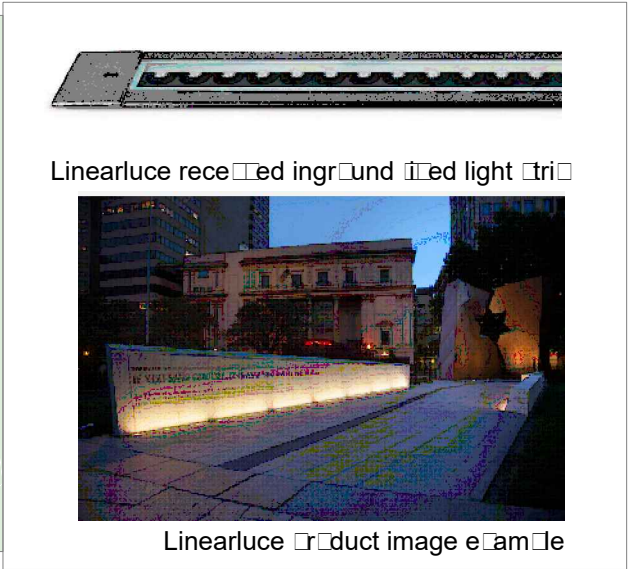
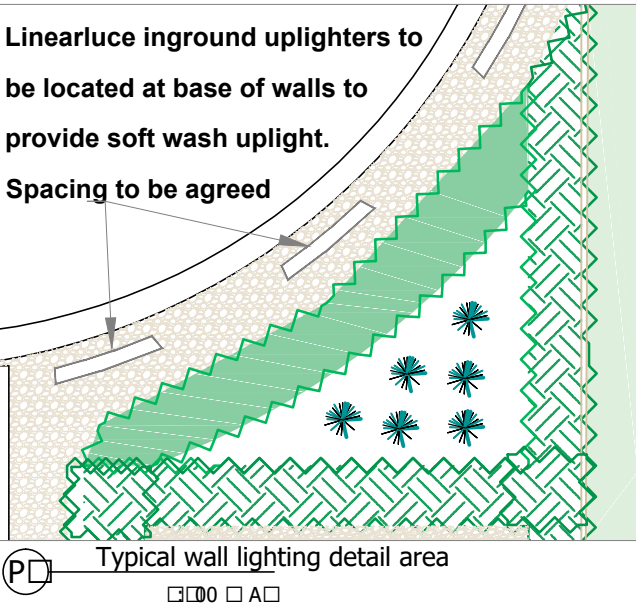
Signage Lighting:

iGuzzine inground recessed directional spotlight to provide light to all proposed signage. Exact number and location to be agreed. Light up wall. Professional round set in 100mm gravel. Cast aluminium structure. Stainless steel AISI 304 bezel. Tempered sealing glass. Silicone water tight gasket. Anti glare screen designed for visual comfort. M15 nickel plated braided cable clamp M11 in small circular version for connection between lower assembly and upper assembly. Full specification under discussion.



Wall Lighting:

iGuzzine inground recessed lighting strip to provide unit each to historic wall. Linearluc recessed light strip set in 100mm gravel. Extruded aluminium body closed at the top. A semi acid etched or non acid glass screen secured in place with silicone with die cast aluminium end caps. Composite with silicone seal under pressure aluminium reflector for FL version. Aluminium outer casing with technodimer caps. Full specification under discussion.



Note

A Updated to reflect symmetrical layout 03.10.18

Revision Description Date

Drawing Status SKETCH FOR COMMENT

elysium landscape consultancy

Client Dalceith Countryside Park

Project Dalceith Countryside Park

Description King Gate: Sketch construction detail

Scale NTS Date 27.11.18 Drafter/Checked EPY

Project No DPCP Drawing No L02 Revision

Kings Gate Entrance

Main Entrance Sign A



Kings Gate Entrance

Park Directory B and Restriction Signage C

Entrance totem:
park opening times and
park directory.



Planting Images

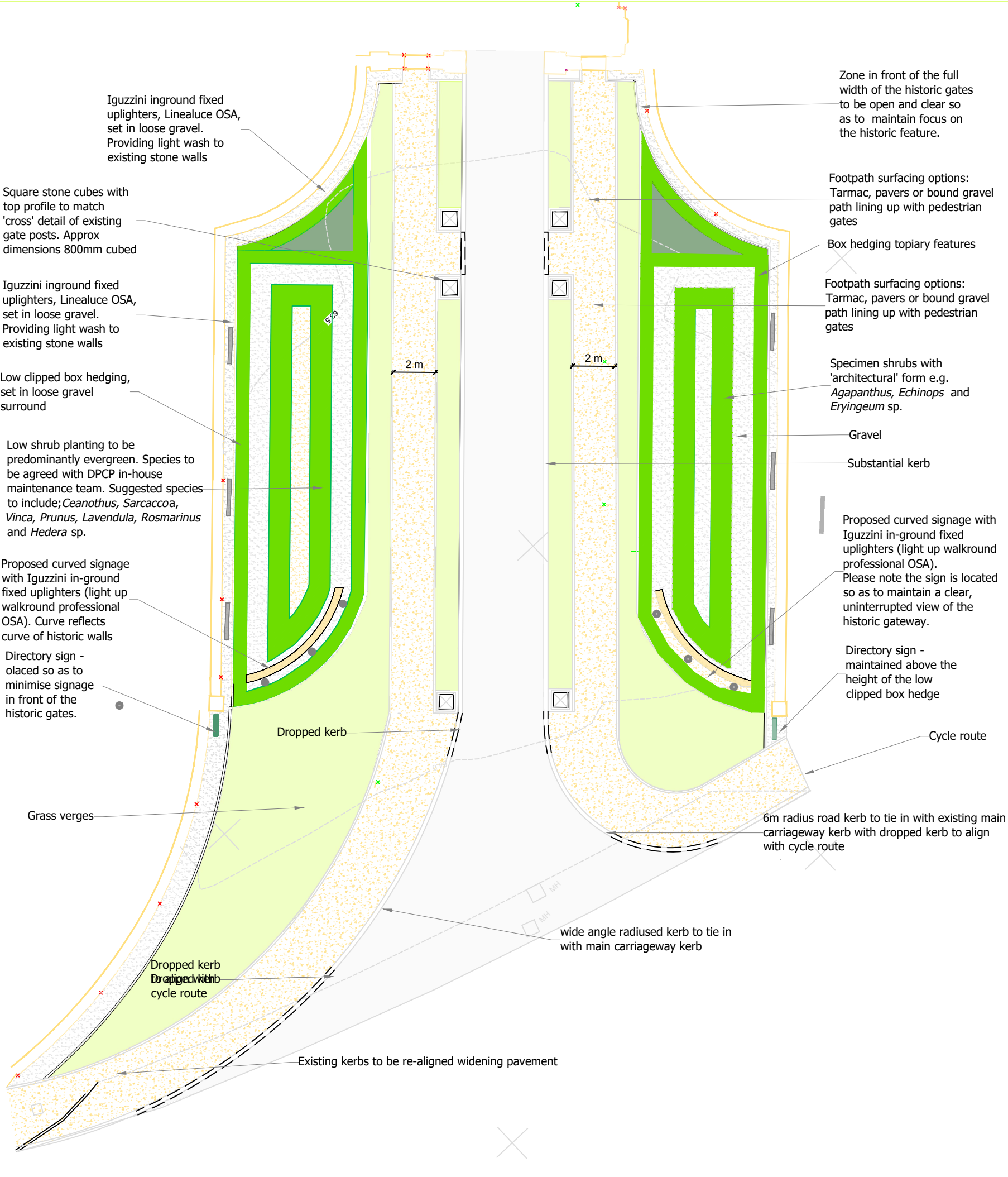
Groundcover: *Ceanothus*, and *Sarcococca* sp.



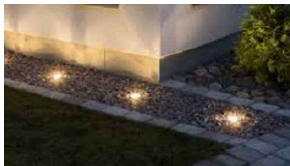
Box hedging with topiary features



Specimen shrubs with 'architectural' form: *Agapanthus*, *Erygium*, *Echinops* sp.



LightingImages



Paving Images



Bollard Images



Notes

D -	Private footpaths widened and dropped kerbs added	16/07/20
C -	Layout updated to fit topo survey	24/08/19
B -	Dimensions added and lighting clarified	27/11/18
A -	Updated to reflect symmetrical layout	03.10.18

Revision	Description	Date
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Drawing Status
PLANNING

elysium
landscape consultancy

Client
Dalkeith Country Park

Job
Dalkeith Country Park

Description
King's Gate: Proposed layout option C with outline landscape proposals

Scale	Date	Drawn/Checked
1:1000 @ A3	25/09/18	EPY

Project No.	Drawing No.	Revision
DPCP	L-01	D

Kings Gate Entrance

Plan

A Main Entrance Signs

B Park Directory Totems

C Restriction Signage

