

## **Notice of Review: Land 25m West of Junction with Lugton Brae, Old Dalkeith Road, Dalkeith**

### **Determination Report**

Report by Ian Johnson, Head of Communities and Economy

#### **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 the change of use of vacant land to a temporary overspill car park (retrospective) at land 25m west of junction with Lugton Brae, Old Dalkeith Road, Dalkeith.

#### **2 Background**

- 2.1 Planning application 13/00843/DPP for the change of use of vacant land to a temporary overspill car park (retrospective) at land 25m west of junction with Lugton Brae, Old Dalkeith Road, Dalkeith was refused planning permission on 31 January 2014; a copy of the decision is attached to this report.
- 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);
  - A copy of the case officer's report (Appendix C);
  - A copy of the policies stated in the case officer's report (Appendix D);
  - A copy of the decision notice issued on 31 January 2014 (Appendix E); and
  - A copy of the relevant plans (Appendix F).

#### **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an unaccompanied site visit for Monday 2 June 2014; and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultation responses and four representations received. As part of the review process these interested parties were notified of the review. No additional comments have been received.
- 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 19 June 2012, 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.
1. The use hereby approved shall cease within three years of the date of this permission. All cars, materials, structures and equipment brought onto the land in association with the temporary use shall also be removed by 4 June 2017.

***Reason:*** *The proposed use does not accord with development plan policies; however the material considerations of the application mean a temporary use is considered acceptable and enables the local planning authority to consider the environmental impacts of the development in the future.*

2. The site shall be used for the storage of motor vehicles and for no other use. Vehicles stored on the site shall not be displayed for sale or sold from the application site.

***Reason:*** *In the interests of highway safety and because a retail use would be considered contrary to development plan policies.*

## **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:** 27 May 2014

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**Background Papers:** Planning application 13/00843/DPP available for inspection online.