

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 4 September 2018
Item No 5.1

Local Review Body: Review of Planning Application Reg. No. 17/00587/DPP

Meabhann Crowe
Colliers International
1c Exchange Crescent
Conference Square
Edinburgh
EH3 8AN

Midlothian Council, as Planning Authority, having considered the review of the application by Montpelier Estates, Middle Barn, Chilton Business Centre, Chilton, Aylesbury, HP18 9LS which was registered on 9 March 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of residential care home with associated access, car parking, landscaping and works at land north-west of Melville Gate Road, Dalkeith, in accordance with the application, supporting statements and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	5240(2)LP001 1:1250	25.07.2017
Site Plan	SP002	25.07.2017
Proposed Ground Floor Plan	Phase A 3-PL001	25.07.2017
Proposed Floor Plan	Phase A 3-PL002	25.07.2017
Proposed Lower Ground Floor Plan	Phase B 3-PL501	25.07.2017
Proposed Ground Floor Plan	Phase B 3-PL502	25.07.2017
Proposed Floor Plan	Phase B 3-PL503	25.07.2017
Proposed Elevations	Phase A 3-EL001	25.07.2017
Proposed Elevations	Phase A 3-EL002	25.07.2017
Proposed Elevations	Phase B 3-EL501	25.07.2017
Proposed Elevations	Phase B 3-EL502	25.07.2017
Landscape Plan	ADL194B	25.07.2017
Proposed Cross Sections	Phase A 3-SE001	25.07.2017
Proposed Cross Sections	Phase B 3-SE501	25.07.2017
Site Sections	5240(3)SE101 E	03.08.2017

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

1. The site is within the Green Belt and development for uses other than the Business Uses identified in the Midlothian Local Development Plan 2017 are

contrary to local development plan policies STRAT1 Committed Development, ECON1 Existing Development Locations, ENV1 Protection of the Green Belt and ENV4 Prime Agricultural Land.

2. The Strategic Development Plan (SDP) for Edinburgh and the South-East Scotland (approved in 2013) identifies the A7/A68/Borders Rail Corridor for economic growth. The proposal is contrary to Policy 2 Supply and Location of Employment Land which states that the Strategic Development Plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area.
3. There are no material considerations that are considered to be of sufficient weight to indicate that the proposed development should be supported despite its non-compliance with development plan policy.
4. The proposed development conflicts with the Council's approach to Health and Social Care and as such has the potential of having a detrimental impact of the wider provision of those services in Midlothian.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 21 May 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. Policy 2 Strategic Development Plan (SDP) for Edinburgh and the South East Scotland – Supply and Location of Employment Land
2. ECON1 Midlothian Local Development Plan (MLDP) – Existing Employment Locations
3. DEV5 MLDP – Sustainability in New Development
4. DEV6 MLDP – Layout and design of New Development
5. DEV7 MLDP – Landscaping in New Development
6. TRAN1 MLDP – Sustainable Travel
7. TRAN5 MLDP – Electric Vehicle Charging
8. IT1 MLDP – Digital Infrastructure
9. ENV1 MLDP – Protection of the Green Belt
10. ENV4 MLDP – Prime Agricultural Land
11. ENV7 MLDP – Landscape Character
12. ENV9 MLDP – Flooding
13. ENV10 MLDP – Water Environment
14. ENV11 MLDP – Woodland, Trees and Hedges
15. ENV15 MLDP – Species and Habitat Protection and Enhancement
16. ENV17 MLDP – Air Quality
17. ENV18 MLDP – Noise
18. ENV25 MLDP – Site Assessment, Evaluation and Recording
19. NRG3/NRG4 MLDP – Energy Use and Low and Zero Carbon Generating Technology
20. NRG6 MLDP – Community Heating

21.IMP1 MLDP – New Development

22.IMP2 MLDP – Essential infrastructure required to enable new development to take place

Material considerations:

1. Scottish Planning Policy 2014;
2. The individual circumstances of the proposal;
3. Health and Social Care considerations and the provision of the residential care offer proposed.

Dated: 20/06/2018

A handwritten signature in dark ink, appearing to read 'Peter', with a large, sweeping flourish underneath.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:
Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by 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.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk