

**APPLICATION FOR PLANNING PERMISSION 13/00847/DPP FOR THE  
CHANGE OF USE FROM VACANT LAND TO DISPLAY AND SALE OF  
MOTOR VEHICLES FOR A TEMPORARY PERIOD OF 5 YEARS AT LAND  
25M SOUTH OF 5 NEWBATTLE ROAD, NEWTONGRANGE**

Report by Head of Communities and Economy

**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the change of use of vacant land to display and sale of motor vehicles for a temporary period of 5 years at the former Moffat's Yard on Newbattle Road, Newtongrange. There has been one letter of representation and consultation responses from the Policy and Road Safety Manager and Newtongrange Community Council. The relevant development plan policy is RP20. The recommendation is to refuse planning permission.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site is an area of hardstanding and a small flat roofed brick building fronting onto Newbattle Road. The site is at a level slightly elevated from the road and is bounded by a wall and fence along the Newbattle Road frontage and by fencing along all the other boundaries. The site is part of the former Moffat's Yard and was previously used as a builder's yard, with an office building and car park to the front and a workshop and yard to the rear. This use ceased in 2006 and the majority of the buildings were demolished in 2009.
- 2.2** A hot food takeaway and a commercial unit are sited to the north of the site with a small group of residential properties beyond. A predominantly residential area is sited to the east of the site, on the opposite side of Newbattle Road, and a small area of landscaping sits to the south. There is a hardstanding area to the west which was previously also part of the former Moffat's Yard. The site is located outwith Newtongrange Town Centre and accessed onto the adjacent double roundabout.

**3 PROPOSAL**

- 3.1** It is proposed to change the use of the site to become a sales area for motor vehicles. The submitted information states there will be 25 cars displayed for sale and 7 customer parking spaces. The cars for sale are to be arranged in two rows running parallel to Newbattle Road and set back 5 metres from the footpath. The flat roofed brick building is to be used as a sales office and the existing vehicular access is to be used.

- 3.2 The agent has submitted supporting information stating that the location of the vehicles, 5 metres back from the footpath, means that they will not be seen on the approach to the boundary of Newtongrange Conservation Area to the south of the site.
- 3.3 It is proposed that this use be granted for a temporary period of five years. The agent has stated on the application form that the site has long term development potential for housing, retail, industrial and business uses. They also note that the previous industrial use at the site ceased in 2006 and the site has been vacant since then.

## **4 BACKGROUND**

- 4.1 Application 13/00680/DPP proposed to change of use of the site from vacant land to second hand car sales and was refused in November 2013. The reasons for refusal related to the site being at an important and prominent location at the entrance to the conservation town of Newtongrange and that the proposed development would detract materially from the appearance of the area contrary to Midlothian Local Plan policy RP20. Also, there was a road safety concern as the planning authority considered the development would present a distraction to road users within close proximity to a complex road junction. Finally, it was considered that the proposed development would jeopardise the future redevelopment of the site.
- 4.2 The site is part of a larger area which was subject to a planning application in 2007 (07/00620/FUL). The area covered the application site, the commercial buildings to the north, with the exception of the hot food takeaway, and land to the west including the existing football pitch. The application was for the erection of 66 residential units with associated parking, erection of 6 commercial units and re-location of football pitch. The application was withdrawn in 2012.
- 4.3 The above (2007) application followed on from application 07/00189/FUL at the same larger site which was for the erection of 85 residential units and chip shop with associated parking, erection of 6 commercial units and re-location of football pitch. This application was refused by reason of overdevelopment as there was inadequate private garden ground, public open space and play areas provided. Also, there were transportation issues regarding inadequate parking and road safety hazards. There were also concerns over contamination at the site. The proximity of the football pitch and commercial uses to residential properties was also a reason for refusal, as well as the design and materials of the proposed dwellings which were considered harmful to the character and visual amenity of the area.
- 4.4 Planning permission 04/00815/FUL was granted for the formation of coping to boundary wall and erection of 2m boundary fence to match existing in 2004. This has since been implemented.

- 4.5 Application 04/00660/OUT, for residential development at the same site area as above was refused on the grounds of loss of industrial land and the proximity of residential dwellings to industrial uses outwith the site.
- 4.6 The application has been called to Committee by Councillor Bryan Pottinger on the grounds of: the proposal not being detrimental to the area and away from the Conservation Area; it is a suitable use on former industrial land in an industrial area; there are no highway concerns; it is a low impact use, it is for temporary permission only and does not prevent other future planning options; and it is a small site that does not need buildings as a nearby shed provides office use.

## 5 CONSULTATIONS

- 5.1 The **Policy and Road Safety Manager** was consulted on this application and has no objection.
- 5.2 The **Newtongrange Community Council** has submitted comments in support of the application. It is stated the proposal is for a business coming into Newtongrange and should be supported as it will generate jobs. Also, the land has been derelict for a number of years which the existing owner has cleared up from its previous condition.

## 6 REPRESENTATIONS

- 6.1 One letter of support has been received from the occupier of a residential property opposite the site. They state that although unsightly buildings have been demolished the land needs to be brought into productive use. The proposed use does not raise any amenity issues and new businesses create employment. There are already automotive businesses next door.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) 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.

## 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 representation and consultation responses received are material considerations.

- 8.2 It is proposed to change the use of the vacant land, at the former Moffat's Yard, to the display and sale of motor vehicles for a temporary period of five years. Policy RP20 of the adopted local plan seeks to protect the built-up area from developments which may detract from the character or amenity of the area.
- 8.3 As stated above, the site comprises a relatively recently cleared area which accommodated a builder's yard. The site is at a prominent position at a main junction (double roundabout) of Main Street, Dalhousie Road, Newbattle Road and Bryans Road at one of the main entrances to Newtongrange town centre. Since 2009, when the builder's yard was cleared, the site has been vacant and undeveloped.
- 8.4 It is particularly relevant at this prominent location to ensure that the future development use of this site would improve the appearance and amenity of this part of the town. Accordingly, it is necessary to consider the surrounding land uses and prominence of the site in assessing any proposal for the site.
- 8.5 Although the proposed use is for a temporary period of five years, given the submitted details, the applicant proposes little more than to site cars for display, albeit set back 5 metres from the pedestrian footpath, and to reuse an existing building, an unattractive remnant of the previous use, as a sales room. The proposals do not represent an improvement in the appearance of the site. As a consequence the proposed scheme is likely to have a detrimental impact on the character of the area.
- 8.6 There is a significant risk that displaying items for sale, whether those are cars or some other goods, in such close proximity to a busy and relatively complex road junction will distract road users and could have a detrimental impact on traffic and pedestrian safety. This will also be true of any associated advertisements to be erected at and around the site. These are likely to require separate advertisement consent and do not form part of the current application. Although the Policy and Road Safety Manager has not objected to the application with an assessment that has accounted for the previous use of the site, the wider planning assessment is that the proposed access arrangements are not acceptable. The existing access onto the double roundabout is a historic arrangement and one that would not be considered acceptable if considered for the first time. In considering the earlier housing proposals in 2007 the preferred access point to the site was off Newbattle Road to the north of the double roundabout onto a straight stretch of road.
- 8.7 A residential development of this site could be designed so as to improve the appearance of the site and area. An industrial/business development of the site is likely to have a positive contribution to the local economy. However, the proposed motor vehicle sales business will not improve the appearance of the area, nor will it employ the same numbers that an industrial use would.

- 8.8 The proposed development does not represent a scheme which would improve the appearance of the area, and would substantially delay any potential scheme of development to improve the site and its surroundings. As such, is likely to ensure that the potential for improving this site, and this part of the town, will be sterilised. Allowing the proposed use to proceed would jeopardise potential longer term aspirations to redevelop the wider site to a more appropriate use and subsequent regeneration of this part of Newtongrange. The proposal occupies only part of the vacant site and could detrimentally restrict the future development of the land to the rear.
- 8.9 In summary, although the proposed use is for a temporary period, it is considered that the use would have a detrimental impact on the character and appearance of the surrounding area and result in a threat to road safety.

## **9 RECOMMENDATION**

- 9.1 That planning permission be refused for the following reason:
1. *The application site is at an important and prominent location at the entrance to the conservation area town of Newtongrange and the proposed development would materially detract from the appearance of the area, which is contrary to the aims of policy RP20 of the adopted Midlothian Local Plan.*
  2. *The proposed development will present a distraction to road users within close proximity to a complex road junction, which will present a significant threat to road safety.*

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 7 January 2014

**Application No:** 13/00847/FPP (Available online)  
**Applicant:** Steven Martin  
**Agent:** Euan FS Pearson  
**Validation Date:** 2 December 2013  
**Contact Person:** Mhairi-Anne Cowie  
**Tel No:** 0131 271 3308  
**Background Papers:** 13/00680/DPP (Available online)