

APPENDIX B

STUART HANNAH Architectural Services
9 Bonaly Brae, Edinburgh. EH13 0QF

Telephone : 07960 407 712

24 July 2012

The Development Manager
Development Management Section
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

CORPORATE RESOURCES	
FILE:	2100207/DPP
RECEIVED	- 3 AUG 2012

Dear Sirs,

**10 ESKBANK ROAD, DALKEITH, MIDLOTHIAN. EH22 1UU.
REVIEW OF PLANNING APPLICATION No. 12/00207/DPP.**

Please find enclosed the following :

1. Notice of Review Application Form.
2. Copy of Midlothian Council Decision Notice 12/00207/DPP dated 7/5/2012.
3. Copy of Drawing No. 497/01.
4. Copy of Drawing No. 497/02.
5. Copy of Scottish Government Appeal Decision Notice PPA-290-2005 dated 8 July 2010.
6. Copy of Midlothian Council Decision Notice 09/00314/FUL dated 18/1/2010
7. Copy of Report by Director Strategic Services to Planning Committee dated 8/12/2009.

The above application was refused by the Appointed Planning Officer who considered that the proposed slate cladding is out of keeping and detracts from the character and appearance of the existing building and surrounding area and as such is contrary to policy RP20 of the Midlothian Local Plan.

RP20 of the Midlothian Local Plan states that development will not be permitted where it is likely to detract materially from the existing character of the area.

In his Appeal Decision notice, the Reporter noted that the appellants' proposal to replace and improve the appearance of the existing windows and introduce new signage (Point 13). Whilst the Reporter did not comment on the existing quality or character of the existing building, the Planning Officer did note in her report to the Planning Committee that the existing building was not of great and of limited architectural merit and at that time the proposal to replace the windows were considered to enhance the frontage (Point 7.10). It is not consistent to now consider that the existing building is of sufficient architectural merit that it need be retained.

The existing frontages to both sides of Eskbank Road vary greatly with no predominant finishes to the frontages and there is therefore no existing character or precedent to follow.

Whilst it should be encouraged to not only not to detract from the existing character of the area, but it should be encouraged to enhance the appearance of the entrance to Dalkeith town centre. To restrict the finishes to match the existing will only restrict current and future proposals for development in this area. To maintain all finishes of shopfronts in this location to stone, facing brick or render to match the existing would result in the streetscape retaining a dated and stagnant appearance.

The use of traditional natural materials such as slate should be encouraged to enhance the existing character of the area.

In conclusion there can be no justifiable reasoning why a slate cladding could be considered as detracting from the existing character or amenity of the area and the use of a good quality traditional natural material can only enhance the appearance of the area.

Should you require any further information or have any queries, please do not hesitate to contact me.

Yours Faithfully

A large black rectangular box redacting the signature of Stuart Hannah.

Stuart Hannah
for Stuart Hannah Architectural Services.

Enc.

cc. Client

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

CORPORATE RESOURCES

FILE:

RECEIVED - 3 AUG 2012
Procedure) (SCOTLAND)

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	STUART
Surname		Surname	HANNAH
Company Name	M & A RESTAURANTS LTD.	Company Name	STUART HANNAH
Building No./Name	9	Building No./Name	ARCHITECTURAL SERVICES
Address Line 1	LOGIE GREEN GARDENS	Address Line 1	9
Address Line 2		Address Line 2	BONALY BRAE
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	EH7 4HE	Postcode	EH13 0QF
Telephone		Telephone	
Mobile		Mobile	07960 407 712
Fax		Fax	
Email		Email	stuarthannah12@yahoo.com.
3. Application Details			
Planning authority		MIDLOTHIAN COUNCIL	
Planning authority's application reference number		12/00207/DPP	
Site address			
SHANTI RESTAURANT 10 ESKBANK ROAD DALKEITH EH22 1UU			
Description of proposed development			
CLADDING OF FRONT ELEVATION (RETROSPECTIVE).			

Date of application

30/3/12

Date of decision (if any)

7/5/12

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. 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.

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

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?



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



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE COVERING LETTER.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

PLEASE SEE COVERING LETTER

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

STUART HANNAH

Date:

24 / 7 / 12

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk

CORPORATE RESOURCES	
FILE:	
RECEIVED	- 3 AUG 2012



Decision by J Alasdair Edwards, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2005
- Site address: 10 Eskbank Road, Dalkeith, Midlothian, EH22 1AA
- Appeal by M & A Restaurant Ltd against the decision by Midlothian Council
- Application for planning permission 09/00314/FUL dated 2 July 2009 refused by notice dated 18 January 2010
- The development proposed: change of use from post office to restaurant including external dining area and associated external alterations
- Application drawings: listed in schedule on page 4
- Date of site visit by Reporter: 27 April 2010

Date of appeal decision: 8 July 2010

Decision

I allow the appeal and grant planning permission subject to the 6 conditions listed on pages 4 and 5. Attention is also drawn to the 4 advisory notes at the end of the notice.

Preliminary matter

Parties referred to Scottish Planning Policy 8: *Town Centres and Retailing*. This document was superseded by *Scottish Planning Policy* in February 2010. I do not consider that it materially alters national policy on the issues relevant to this appeal. Accordingly, I have determined this appeal with regard to the provisions of this replacement document.

Reasoning

1. The determining issues in this appeal are whether the proposed restaurant would:
 - retain a diverse range of uses within Dalkeith Town Centre;
 - safeguard the existing character and amenity of the area; and
 - operate without a significant increase in traffic generation or risk to road safety.
2. Scottish Planning Policy requires that planning authorities support a diverse range of community and commercial activities in town centres. Town centres should have a high



level of accessibility and support both day and evening activity. Development plans should identify and support town centres.

3. The adopted Midlothian Local Plan identifies the appeal site within the Dalkeith Town Centre. Proposals for restaurants are assessed through local plan policy DP7 (*Control of class 3 (food and drink) uses and hot food shops*). This policy allows each proposal to be assessed on its own merits taking into account the size of the premises, its relationship to surrounding uses, likely traffic generation and parking provision and other relevant planning policy. On the last matter local plan policy RP20 (*Development within the built-up area*), which seeks to protect the character and amenity of existing built-up areas, is relevant.

4. The premises would provide seating for some 34 people inside and 20 outside, toilets, a bar and kitchen area. I consider that this is comparable to other restaurants and food establishments in the town centre and is not excessively large.

5. The former post office building is located some 30 metres from the junction of Eskbank Road and Buccleuch Street. An entrance to the bus station is located to the west and the entrance to a nearby hotel to the east. Parking for post office workers (who will continue to operate in another part of the building) is provided to the rear. Parking is restricted on the road frontage by double yellow lines. A substantial public car parking area is located off Old Edinburgh Road to the north of the premises within 5 minutes walking distance. Bus stops are also located within easy walking distance with regular services.

6. Although no parking is to be provided, the location is highly accessible by public transport and there is ample public parking. As the restaurant is likely to be busiest in the evenings, when many services and shops are closed, the availability of spaces in the public car park is likely to be good. I also consider that as there is no take-away element proposed customers would be staying for some time. As a consequence they would be less likely to park in either the nearby entrances to the bus station and hotel or on the double yellow lines. Furthermore, I note that there are no objections from the council's roads service. For these reasons, I do not consider that the proposal would create congestion or a significant risk to road safety.

7. On my site visit I viewed a variety of uses within the immediate vicinity of the appeal site. Uses include offices, a hotel, florists, a hairdresser, a veterinary practice, a chiropractor, a newsagent, a hot food take-away, a restaurant, and a funeral directors. My visit also confirmed a wide range of uses within the rest of Dalkeith Town Centre, including a large number of residential properties. The planning officer report to the council's planning committee also contains a survey which confirms a wide range and balance of uses in the town centre. Consequently, I do not consider that the town centre has an over-provision of restaurant premises. Furthermore, I consider that the addition of one further restaurant would not be sufficient to create an imbalance in uses or harm the character of the town centre.

8. I acknowledge that there are a substantial number of representations and signatories to petitions against this proposal, concerns expressed include smell and noise disturbance and the viability of existing restaurant businesses. However, the nearest residential

properties would be located on the opposite side of the busy main street and they currently coexist with a restaurant below them. No take-away element is proposed and conditions on ventilation and noise suggested by the council's environmental health officers would prevent harm to amenity. In these circumstances, I consider that the proposed restaurant would not be likely to harm residential amenity or the amenity of guests staying at the nearby hotel.

9. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. I therefore give little weight to representations suggesting that one further restaurant would harm the viability of existing businesses.

10. Having considered the above, I find that the proposal complies with local plan policies DP7 and RP20. The proposal would also retain a diverse range of uses within the town centre, be highly accessible and support further evening activity which I find consistent with the provisions of Scottish Planning Policy.

11. Local plan policy SHOP3 (*Change of use within strategic town centres*) was referred to by objectors. This policy sets criteria to assess the change of use of shops to non-shop uses. The report to the council's planning committee suggests that the proposal would not result in the loss of a shop. However, class 1(b) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 confirms that a post office is a shop use. As such, policy SHOP3 is relevant.

12. The appellant's commercial surveyor confirmed in July 2009 that the property had been vacant for some 18 months. They also confirm that the property had been marketed unsuccessfully since December 2008 and suggest that the substantial amount of works required may deter potential purchasers. While I consider that a period of 7 months of marketing is not considerable, I note that the property has now been vacant for 2½ years. I also note that the property is not a traditional shop unit and, as such, I agree that its marketability to shop owners is limited. I consider that, in these circumstances, there is little realistic prospect of the unit continuing in shop use.

13. The appellant proposes to replace and improve the appearance of the existing windows and introduce new signage along the principle frontage where there is currently a blank board. The restaurant would bring both day and evening activity to the area, more than the day activity provided by the former post office, and it would re-use a vacant unit. I consider that for these reasons the restaurant would create an active frontage and would improve both the image and vitality of the town centre.

14. On my visit I observed that the majority of shop units are concentrated along the High Street while the appeal site is located on the periphery of the town centre where more non-shop uses are located. I also note that the inclusion of many residential streets within the town centre boundary considerably reduces the potential for 50% of the town centre properties to be shops. I therefore consider that the loss of a shop in this location would not reduce the number of shops along the High Street or the attractiveness of the town centre as a shopping destination.

15. Although the proposal would create more than 3 non-shop uses in a row and more than 50% of the town centre is in non-shop use, I do not consider that this conflict is significant in the particular circumstances of this case.

16. Objectors also suggest that the proposal would undermine the redevelopment of the adjacent bus station/garage for a large mixed-use scheme. No evidence submitted shows how this proposal would impact on this scheme. In any event, the redevelopment is of such a scale that I do not consider that this change of use would be likely to harm its future prospects.

17. Objectors were also concerned that there are other vacant commercial units within Dalkeith. However, there is no requirement for these to be occupied before development of the appeal site.

18. Having considered all of the above, I find that on balance the proposed development complies with the provisions of the development plan. I find that the proposal would be of benefit to the town centre by improving its image and vitality and bringing a vacant unit into use. I have considered all other matters raised by parties but find that none lead me to a different conclusion. I find the proposal acceptable.

J Alasdair Edwards
Reporter

Schedule of drawings

Drawing description:	Drawing number:	Dated:
Location plan	464/07 (1:1250)	2 July 2009
Existing elevations	464/03 (1:50)	2 July 2009
Proposed elevations	464/04 (1:50)	2 July 2009
Proposed cross sections	464/05 (1:50)	2 July 2009
Proposed ceiling plan	464/06 (1:50)	2 July 2009
Proposed roof plan	464/02 (1:50)	2 July 2009
Proposed floor plan	464/01B (1:50)	10 August 2009

Conditions

1. Prior to the commencement of the use hereby permitted, details of the following shall be submitted to and approved in writing by the planning authority. The restaurant shall not start trading until the approved schemes are operational in accordance with details approved in writing by the planning authority:

- a) the extract ventilation system, including a drawing showing its location, external appearance and finish; and
- b) the storage of waste.

[Reason: To ensure a satisfactory standard of amenity and to safeguard the appearance of the area.]

2. the extract ventilation system shall:

- a) be designed to achieve 30 air changes per hour;
- b) provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
- c) prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties;
- d) be inaudible at the boundary of any noise sensitive properties; and
- e) terminate at sufficient height to permit the free disposal of exhaust fumes.

[Reason: To ensure a satisfactory standard of amenity.]

3. The use hereby permitted will not open to the public outwith the following hours:
 Mondays to Saturdays inclusive: 12noon to 12midnight
 Sundays: 12noon to 10pm

4. No music or vocals (amplified or otherwise) or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property.

5. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

[Reasons for conditions 3-5: To safeguard nearby residential amenity.]

6. The restaurant hereby approved shall not subsequently change use to or include a hot food take-away facility without the prior written approval of the planning authority.

[Reason: To ensure that the approved development remains as a restaurant and that any change of use or part change of use can be assessed.]

Advisory notes

1. **The length of the permission:** This planning permission will last for only three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

4. Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.)

[REDACTED]	
FILE.	
RECEIVED:	12 JUL 2010
PASSED TO:	

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 09/00314/FUL

Stuart Hannah Architectural Services
9 Bonaly Brae
Edinburgh
EH13 0QF

CORPORATE RESOURCES	
FILE:	
RECEIVED	- 3 AUG 2012

Midlothian Council, as Planning Authority, having considered the application by M & A Restaurant Ltd, 9 Logie Green Gardens, Edinburgh, EH7 4HE, which was registered on 2 July 2009 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Change of use from post office to restaurant including external dining area and associated external alterations
at 10 Eskbank Road, Dalkeith, Midlothian, EH22 1AA
in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan/Inc neighbours notified	464/07 1:1250	02.07.2009
Existing elevations	434/03 1:50	02.07.2009
Proposed floor plan	464/01 1:50	02.07.2009
Proposed elevations	464/04 1:50	02.07.2009
Proposed cross section	464/05 1:50	02.07.2009
Proposed ceiling plan	464/06 1:50	02.07.2009
Proposed roof plan	464/02 1:50	02.07.2009
Proposed floor plan	464/01B 1:50	10.08.2009

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

- The proposed development would detract from the existing character and amenity of the area and would generate increased traffic and demand for on street parking which will have a detrimental impact on highway safety. Furthermore, the proposal in combination with the high number of hot food takeaways, cafes, restaurants and hotels in the vicinity, would adversely affect the vitality and viability of the Town Centre contrary to SPP8. The proposed development is contrary to Midlothian Local Plan policies RP20 and DP7.*

Dated: 18/01/2010

A handwritten signature in black ink, appearing to read 'Peter', with a large, stylized initial 'P' and a long, sweeping underline.

.....
Peter Arnsdorf
Development Management Manager
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE:

If the applicant is aggrieved by the decision to refuse permission or approval for the proposed development, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months of the date of this notice. The appeal should be made on a form which can be obtained from The Chief Reporter, The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR (web www.scotland.gov.uk/topics/planning/appeals). A copy of the appeal should at the same time be sent to the Director, Strategic Services at Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN.

The Scottish Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

If permission to develop land is refused, whether by the planning authority or the Scottish Ministers, 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 the carrying out of development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.



**APPLICATION FOR PLANNING PERMISSION (09/00314/FUL) FOR THE
CHANGE OF USE FROM POST OFFICE TO RESTAURANT INCLUDING
EXTERNAL DINING AREA AND ASSOCIATED EXTERNAL ALTERATIONS AT
10 ESKBANK ROAD, DALKEITH**

Report by Director Strategic Services

1 LOCATION AND SITE DESCRIPTION

- 1.1 The application site is located within Dalkeith Town Centre. The site is a detached, flat-roofed brick unit ranging between single storey and two storeys in height. The unit was formerly a Post Office which relocated within the Town Centre (in WH Smith) in 2008. There is a car park at the rear of the site.
- 1.2 Although located within the Town Centre the site lies outwith the main shopping area. The other units immediately adjacent to the site are a public house and a bus garage. Within the surrounding area, there are retail units, offices, other professional services, a restaurant and a hot food takeaway. The nearest residential properties are on the opposite side of Eskbank Road.

2 PROPOSAL

- 2.1 The proposal is for the change of use from a Post Office to a restaurant. There is no hot food takeaway element proposed. A flue is proposed to project from the single storey section of the building terminating above the roof of the second storey component of the building. The proposed restaurant is to be located on the ground floor of the building. Signage is shown on the submitted plans along the existing fascia. From these plans, it appears that an application for Advertisement Consent is not required.

3 BACKGROUND

- 3.1 The current application has been called to Committee for consideration by Councillor Craig Statham and Councillor Alex Bennett.

4 CONSULTATIONS

- 4.1 The Council's **Environmental Health and Trading Standards Manager** has raised no objection regarding this application, but has recommended that in order to prevent potential loss of amenity to neighbouring residents resulting from noise and smell that conditions be attached to any permission. These would include conditions relating to the ventilation system, plant and machinery and music.

- 4.2 The **Dalkeith Community Council** objects to this application on the grounds that Dalkeith is over-provisioned with restaurants and fast food outlets.

5 REPRESENTATIONS

- 5.1 Thirty-one letters of objection have been received in relation to this application, objecting on the following grounds:

- There is over-provision of restaurants within Dalkeith;
- The proposed restaurant would affect the viability of the existing restaurants;
- There should be a balance of service provision within the town centre;
- There are a number of vacant public houses and restaurants in the town centre which should be occupied before other sites are considered for restaurants;
- Impact of parking within the immediate area;
- The site is close to a traffic junction;
- More retail units are required in the area, not restaurants and hot food takeaways;
- Issues of smell and disturbance;
- The proposal does not enhance the existing building;
- The proposal would not improve the town centre image;
- Concern that if permission is granted for a restaurant, it would be followed by an application for a hot food takeaway; and
- There are flaws in the submitted information relating to ventilation.

- 5.2 In addition, eighty-eight standard letters of objection were received, objecting on the following grounds:

- The redevelopment would lead to over-provision of restaurants in Dalkeith;
- Retail units are needed, not restaurants;
- Traffic impact at the nearby junction; and
- The proposal would undermine the future development at the bus station.

- 5.3 Four petitions were submitted also objecting to the proposals. Three of the four petitions were in the same format. A cover letter was submitted with one petition from the owner of a restaurant in the vicinity of the application site, stating objections reflected those noted above, namely the area is well served with restaurants; problems with traffic generation at the nearby junction; the loss of a large industrial unit would limit future growth in the area; the size of the restaurant would produce unacceptable smells in adjacent residential properties; and there would be noise disturbance to neighbours due to late night activities. Two hundred and seventy-one signatures were attached to these three petitions.

- 5.4 The other petition was signed by sixty-six objectors representing local businesses. They object to the proposal on the basis that there would be a detrimental impact on existing restaurants in the area and more retail units are required to address the decline in footfall in Dalkeith.

- 5.5 Three letters of support were submitted in relation to the application. They supported the application as they considered that competition between restaurants would be

good for the customers. One also stated the use of the site as a restaurant would generate less traffic than a Post Office. One supporter also submitted examples of areas where there are a number of restaurants and hot food takeaways in proximity which are successful despite competition.

6 PLANNING POLICY

- 6.1 The development plan comprises the Edinburgh and Lothians Structure Plan 2015 and the Midlothian Local Plan (2008).
- 6.2 The application site is located within the built-up area of Dalkeith, as defined by the Midlothian Local Plan, within which policy **RP20: Development within the Built-Up Area** seeks to prevent development that would adversely affect the existing character and amenity of the area.
- 6.3 Policy **DP7: Control of Class 3 (Food and Drink) Uses and Hot Food Takeaway Shops** of the Midlothian Local Plan states that restaurants solely for the consumption of food and drink on the premises will be considered on their individual merits, taking into account such factors as size of the site, relationship to adjoining uses and residential properties and likely traffic generation and parking provision. In addition, the proposal must be considered in accordance with other relevant planning policies.
- 6.4 Government guidance **Scottish Planning Policy 8 (SPP8): Town Centres and Retailing** provides guidance which secures vital and viable town centres. Consideration should be given to how uses contribute to the more aspirational qualities of character and identity which create a sense of place. It also states that for uses which have an evening use, consideration must be given to the cumulative impact on the character and function of the centre, the amenities of nearby residents and anti-social behaviour and crime. In addition it seeks to ensure that there is no unacceptable individual or cumulative impact on the vitality and viability of the town centre.

7 PLANNING ISSUES

- 7.1 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 responses from consultees and the letters of representation are material planning considerations.
- 7.2 The application site is located within the Town Centre and the built-up area of Dalkeith, as identified in the Midlothian Local Plan and as such there is a presumption in favour of development if it does not adversely affect the character and amenity of the area and complies with other development plan policies.
- 7.3 There are a number of food establishments within Dalkeith, namely cafes, pubs, hot food takeaways and restaurants. There is also a substantial number of retail and Class 2 (professional and financial services) uses, which creates a combination of uses associated with Dalkeith Town Centre. Within 50 metres of the application site there are two restaurants with a hot food takeaway element, one hot food takeaway and a pub which serves bar meals. There is also a variety of retail and Class 2 uses. Within

the Town Centre, there are approximately 12 restaurants with an element of hot food takeaway and public houses which provide food. It is considered that there is a balance of uses within the Town Centre. One of SPP8's objectives is to create a climate that enables all sectors of the community to have access to a wide choice of leisure services, supporting an efficient, competitive and innovative retail and leisure sector which meets the needs of the entire community and does not mean using the planning system to protect the competitive interests of individual businesses. Accordingly, the proposal would bring an improvement to the range and quality of leisure facilities within the Town Centre. It would bring a vacant unit into use, increase activity in the Town Centre for extend hours in the evenings which in turn improves the viability and vitality of the Town Centre.

- 7.4 There are four vacant public houses and one vacant restaurant unit within Dalkeith, all of which are outwith the Town Centre. There is an application currently under consideration for one of the vacant public houses for the change of use to a restaurant.
- 7.5 This proposal would not result in the loss of a retail unit within the Town Centre, and there is no provision in national or local planning policy to require a building or site to be exclusively a retail unit.
- 7.6 The applicants' agent has confirmed that the application is for a restaurant which would not operate any aspect of hot food takeaway. If it was proposed to change the use of the site from restaurant to hot food takeaway planning permission would be required and any limited ancillary hot food takeaway element can be restricted by condition. Any further application would be considered on its own merits and assessed in accordance with Local Plan policy and other material considerations.
- 7.7 Although the application site is located near to a traffic junction, the Transportation Policy Manager has no objections to the proposal. There is no requirement for a Traffic Impact Assessment to be undertaken. The use of the site as a restaurant is likely to generate less traffic than the previous use of the unit as a Post Office.
- 7.8 Concerns were raised over potential smells which could be emitted from the proposed restaurant. Also, one objector stated that the information submitted relating to the proposed ventilation system was flawed. The Environmental Health and Trading Standards Manager has recommended that conditions be attached should planning permission be granted in order to prevent loss of amenity due to noise and smell. These include further details of the ventilation system which are to be approved in writing by the Planning Authority. The proposed flue is set back from the front elevation, limiting its visual impact on the building and the surrounding area.
- 7.9 Some concerns raised relate to the perceived increase of noise and disturbance which would result from a restaurant at the site. The Environmental Health and Trading Standards Manager has been consulted and advises that the location of the site and the use of appropriate conditions controlling opening hours would ensure that there is no discernable adverse impact as a result of noise or disturbance on the amenity of the surrounding area.

- 7.10 It was raised by objectors that the proposed alterations do not enhance the existing building and that it does not improve the Town Centre image. Although the proposed external alterations are acceptable, the building itself is not of great architectural merit. Another objector raised concerns that the proposal would undermine the future development of the bus station. Planning permission 07/00303/FUL for a mixed use development comprising a supermarket, class 4/leisure/restaurant/bar/health and fitness unit and retail/office/restaurant unit, formation of service yard and car parking was approved in February 2008 for the adjoining bus garage. It is not clear from the letters of objection how the change of use of the application site to a restaurant would necessarily undermine the approved development at the bus garage. Whilst the existing building is of limited architectural merit, the proposals for the external alterations as part of the application would improve the existing street elevation. The alterations to the front elevation include the installation of single pane glazing into the existing window openings, taking away the existing divides within the windows. These windows will be obscurely glazed 1 metre above ground level. This will be a visual improvement on the existing elevation.
- 7.11 Some petitions stated that the loss of a large industrial unit would limit the future growth in the area. As previously stated, the application is for the change of use from a Post Office not an industrial building. Even if the application site were an industrial unit, it is not clear from the terms of the petitioners as to how its loss would limit future growth.

8 RECOMMENDATION

- 8.1 It is recommended that permission is granted for the following reason:

The proposed development is located within Dalkeith Town Centre and the built-up area and, accordingly, does not conflict with adopted Midlothian Local Plan policies RP20, SHOP1 and DP7 or with Government Policy provided in Scottish Planning Policy 8 Town Centres and Retailing. The presumption for development is not outweighed by any other material considerations.

And subject to the following conditions:

1. Prior to the commencement of the use hereby permitted, details of the following shall be submitted to and approved in writing by the Planning Authority. The restaurant shall not start trading until the approved schemes are operational in accordance with details approved in writing by the Planning Authority:

- a) The extract ventilation system, including a drawing showing its location, external appearance and finish; and
- b) The storage of waste.

Reason: *To ensure a satisfactory standard of amenity and to safeguard the appearance of the area.*

2. The extract ventilation system shall:
 - a) Be designed to achieve 30 air charges per hour;

- b) Provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
- c) Prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties;
- d) Be inaudible at the boundary of any noise sensitive properties; and
- e) Terminate at sufficient height to permit the free disposal of exhaust fumes.

Reason: To ensure a satisfactory standard of amenity.

- 3. The use hereby permitted will not open to the public outwith the following hours:
Mondays to Saturdays inclusive: 12noon to 12midnight
Sundays: 12noon to 10pm
- 4. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property.
- 5. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within and nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason for conditions 3, 4 and 5: To safeguard nearby residential amenity.

- 6. The restaurant hereby approved shall not subsequently change use to or include a hot food takeaway facility without the prior written approval of the Planning Authority.

Reason: To ensure that the approved development remains as a restaurant; to ensure that any change of use or part change of use can be assessed in terms of Local Plan policies.

- 7. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).

**IAN L YOUNG
DIRECTOR**

8 December 2009

Application No: 09/00314/FUL **Dated:** 2 July 2009 **Registered:** 2 July 2009
Applicant(s): M & A Restaurants Ltd, 9 Logie Green Gardens, Edinburgh EH7 4HE
Agent: Stuart Hannah Architectural Services, 9 Bonaly Brae, Edinburgh EH13 0QF

Contact Person: Ms MA Cowie **Tel No:** 0131 271 3308

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Planning Application Reference:**

12/00207/ADV

Site Address:

Shanti Restaurant, 10 Eskbank Road, Dalkeith.

Site Description:

The existing building is a single and two storey flat roof building with 4 glazed openings on the front elevation. The front elevation of the building is dark red/brown brick. The application site itself comprises part of the ground floor level. The site was part of the former post office and the Royal Mail continues to operate from part of the ground floor and the whole upper floor.

There is a car park to the rear of the site, with a public house/hotel to one side and a bus depot to the other. Within the surrounding area there are retail units, offices, other professional services, a restaurant and hot food takeaway. The application site is within Dalkeith Town Centre.

Planning permission was granted in 2010 for the change of use of the post office to a restaurant with an external dining area. There were some external alterations proposed, namely creating 4 large windows on the front elevation. Planning permission was granted in 2011 to allow ancillary hot food takeaway from the site. Works are being done to convert the unit to a restaurant, but this is not in operation to date.

Proposed Development:

Cladding of front elevation (retrospective).

Proposed Development Details

The front elevation (south east) has been clad in grey slate. This extends over approximately three quarters of the building frontage.

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

Application site

12/00163/ADV Display of internally illuminated signage (retrospective). Permitted.

11/00602/DPP Application to remove condition 6 of planning permission

09/00314/FUL (change of use from post office to restaurant including external dining

area and associated alterations) to allow operation of associated hot food takeaway. Consent with conditions.

09/00314/FUL Change of use from post office to restaurant including external dining area and associated external alterations. Consent with conditions. This application was refused at Planning Committee but overturned at appeal.

07/00303/FUL Bus Garage Mixed use development comprising supermarket, class 4/leisure/restaurant/bar/health and fitness unit and retail/office/restaurant unit, formation of service yard and car parking Approved with conditions

06/00757/FUL Harrow Hotel Formation of patio area and erection of canopy (retrospective) Approved with conditions

06/00759/FUL Harrow Hotel Demolition of former outhouse and formation of patio area and erection of canopy (retrospective) Permitted

00/00683/FUL Post Office Erection of extension Approved with conditions

Consultations:

No consultations were required.

Representations:

No letters of representation have been received.

Relevant Planning Policies:

RP20 Development within the built-up area

RP22 Conservation areas

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. The application site is located within an area covered by the Midlothian Local Plan.

The relevant local plan policy (RP20) seeks to prevent development from having an adverse impact on the character and amenity of the area.

Planning permission was previously granted for the change of use of the premises and for some external alterations. These external alterations did not extend to the re-cladding of the premises. Work on the re-cladding was commenced without the benefit of planning permission, which is required for this type of development. Therefore, this application is retrospective as the work has already been completed.

Only part of the front elevation of the ground floor of the building has been finished in a narrow, randomly arranged, edge-on grey slate cladding. The remainder of the ground floor and the whole of the upper floor has retained its brick cladding. The slate cladding projects 25mm from the face of the adjacent brick finish. The neighbouring buildings are finished with a mix of brick and painted render.

The application site is in a highly prominent position at the entrance to Dalkeith town centre and immediately adjacent to a conservation area. Given the location of the site it is particularly important to ensure that appropriate materials and design are used in developments.

The slate wall cladding has a glossy finish which is distinctly different to the appearance of other building materials which have been used in the area. The use of slate as a wall finish is entirely foreign in this part of Midlothian, where it is more usual to see walls finished in sandstone, brick or render.

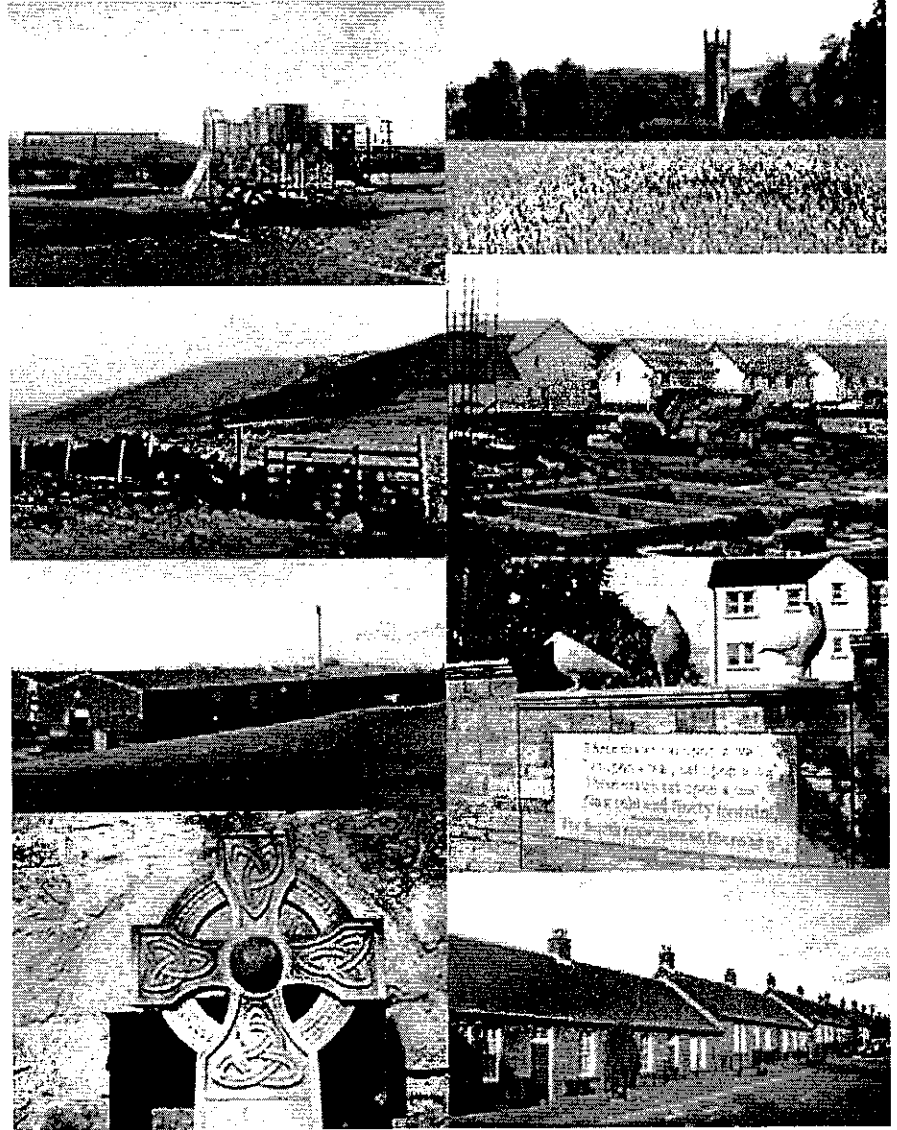
This building was entirely finished in facing brick. Although the property is of limited architectural merit it does have some character in its consistent use of its finishing material. And, though the building is quite uninteresting it manages to not harm the character or appearance of the area to any great extent. The use of slate on the shop front is at odds with the rest of the brick building. The cladding of part of the building with slate has a significant and adverse impact on the character and appearance of this building and the adjacent conservation area. The slate cladding impacts on the character of the area and detracts from the visual amenity on this approach to Dalkeith town centre, where significant funds have been spent trying to improve the appearance of buildings and the environment.

Recommendation:

It is recommended that planning permission be refused.

APPENDIX D

Midlothian Local Plan



Midlothian



2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is "to maintain and enhance the quality of the natural heritage and built environment". In addition, the importance of good design is highlighted as a priority for the planning system, given that "mistakes cannot be easily or cheaply rectified".

2.2.2 SPP 3 *Planning for Housing* (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that "infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas". It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

Policy and Proposal Titles

RP22 CONSERVATION AREAS**RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)****RP24 LISTED BUILDINGS**

2.2.9 National Planning Policy Special controls in respect of buildings and areas of special architectural or historic interest are brought into force under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under this Act, the Scottish Ministers are required to compile a list of buildings of special architectural or historical interest (listed buildings). Local authorities are required to determine if there are areas of special architectural or historic interest (conservation areas) and if so, to designate these. Both are afforded additional protection through development plan policies seeking to preserve and enhance their character and appearance whilst taking into account that such areas must function successfully as places for social and economic activity. Guidance is set out in NPPG 18 *Planning and the Historic Environment* and in Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

2.2.10 Structure Plan Policy Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENVI and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.

2.2.11 Local Plan Policy Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.

2.2.12 Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

and identify where there is scope for enhancing any special qualities.

2.2.13 Minor changes to properties, which normally would not require planning consent, could erode the character and appearance of a conservation area. In Midlothian's Conservation Areas, the Council has put in place Article 4 Direction Orders to remove permitted development rights in order to ensure control over all changes. Requirements specific to individual Conservation Areas (Newtongrange, Broomieknowe and Lasswade & Kevoch) are contained in detailed policy DP5. Supplementary planning guidance specific to other Conservation Areas may be approved during the lifetime of the Plan. Work is currently in progress to prepare Conservation Area appraisals for all of Midlothian's Conservation Areas and, when approved as supplementary planning guidance, these will assist with planning decisions relating to development proposals and also help to guide any future enhancement schemes. Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups.

2.2.14 There are twenty designated Conservation Areas in Midlothian, three of which are classified as outstanding for grant purposes. Defined on the Local Plan Proposals Map, their locations are: Borthwick & Crichton (outstanding), Broomieknowe, Carrington, Dalkeith (outstanding), Dewartown, Edgehead, Eskbank & Ironmills, Fala, Fala Dam, Gorebridge, Howgate, Lasswade & Kevoch, Mavisbank (outstanding), Newbattle, Newlandrig, Newtongrange, Pathhead & Ford, Penicuik, Roslin, and Temple & Arniston. The Local Plan makes provision for the designation of a new Dalhousie Conservation Area, the boundary for which is shown on the Local Plan Proposals Map. In addition, amendments are to be made to the boundaries of the Lasswade & Kevoch, Mavisbank and Penicuik Conservation Areas (policy RP23) to ensure that they better reflect the architectural and historic significance of these areas. Statutory procedures are required to implement these proposals, and to update the Article 4 Direction Orders applicable within the Conservation Areas.

2.2.15 In conjunction with the Dalkeith town centre regeneration project, the Council is proposing a Townscape Heritage Initiative within the Dalkeith Conservation Area. This is a Heritage Lottery-funded grant initiative which supports schemes led by partnerships of local, regional and national interests that aim to regenerate the historic parts of their towns and cities. The proposed project focuses on:

- ❖ protecting the historic/architectural fabric of Dalkeith;
- ❖ enhancing the Conservation Area and improving the quality of the public realm;
- ❖ encouraging additional investment in the social and economic infrastructure of Dalkeith, including the reuse of historic buildings; and
- ❖ promoting greater awareness of conservation and the historic environment.

The initiative seeks to involve all sections of the local community in the project and has attracted initial support from the local business community. The Council will seek developer contributions from the proposal HOUS1 sites in Dalkeith as part of the project partnership (refer to policy IMP3).

RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing 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, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

- A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
 - ❖ the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
 - ❖ the Conservation Area will be enhanced as a result of the redevelopment of the site; and
 - ❖ there is no alternative location physically capable of accommodating the proposed development.
- B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

APPENDIX E

Reg. No. 12/00207/DPP

Stuart Hannah
9 Bonaly Brae
Edinburgh
EH13 0QF

Midlothian Council, as Planning Authority, having considered the application by M And A Restaurants Ltd, 9 Logie Green Gardens, Edinburgh, EH7 4HE, which was registered on 30 March 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Cladding of front elevation (retrospective) at Shanti Restaurant, 10 Eskbank Road, Dalkeith, EH22 1UU

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	497/02, 1:1250	30.03.2012
Proposed elevations	497/01, 1:50	30.03.2012

The reason for the Council's decision is set out below:

The proposed slate cladding is out of keeping and detracts from the character and appearance of the existing building and surrounding area and as such is contrary to policy RP20 of the adopted Midlothian Local Plan.

Dated 7 / 5 / 2012



.....
Duncan Robertson
Senior Planning Officer; Local Developments,
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

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 require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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 reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the 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.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

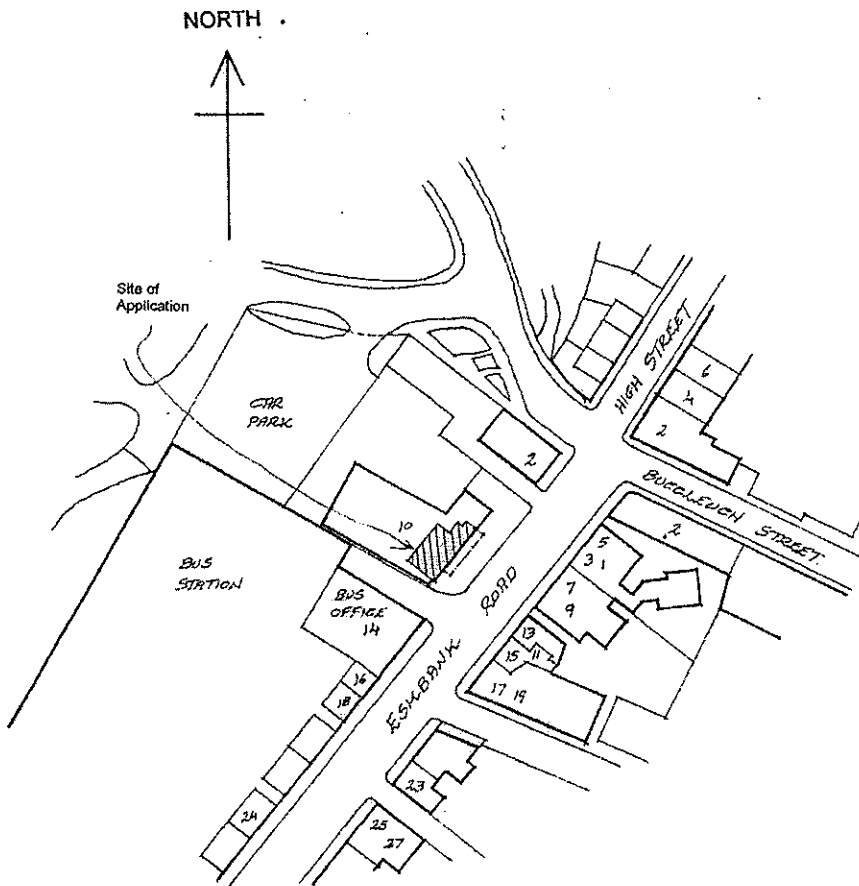
Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

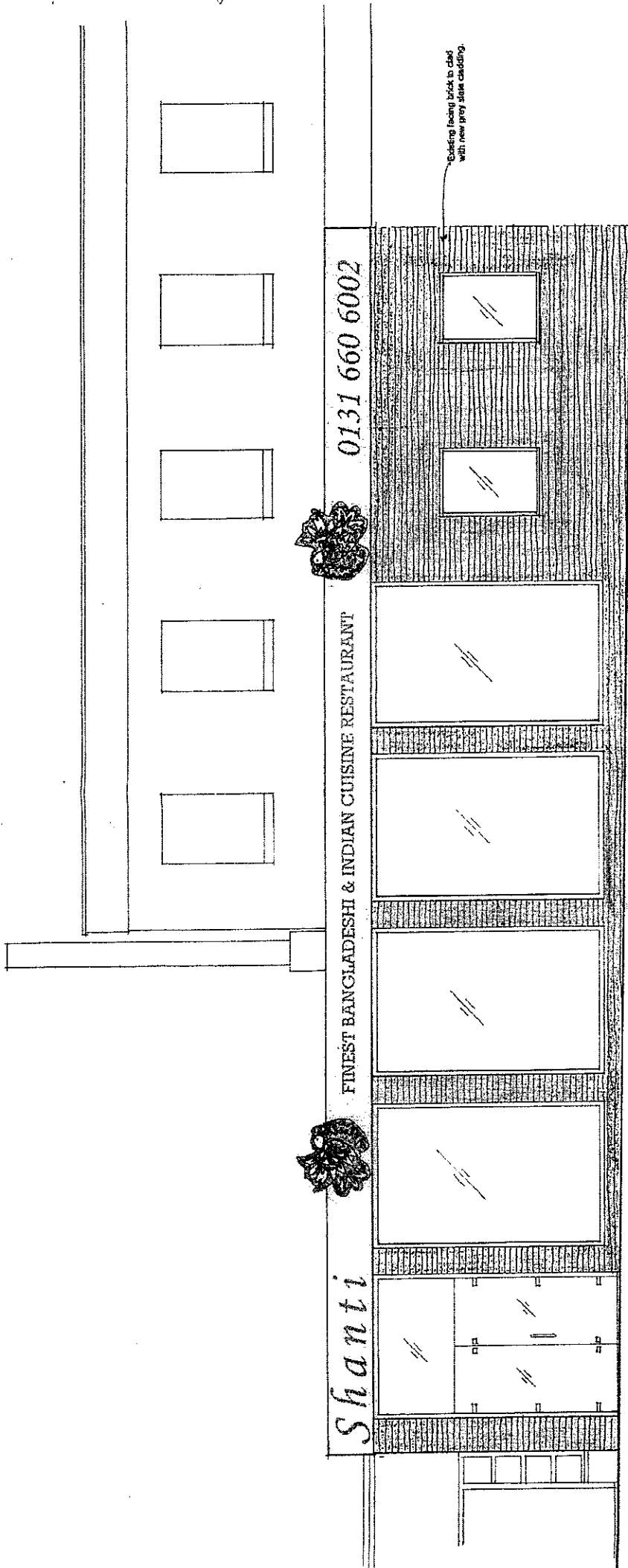
Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

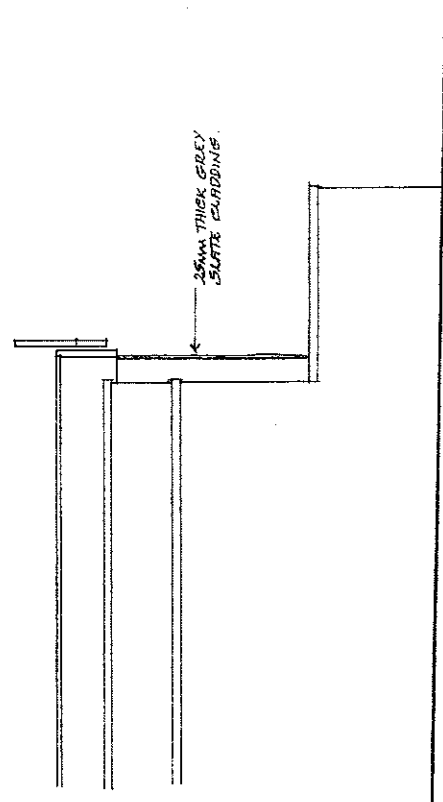
The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representatives on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.

APPENDIX F





South East Elevation



South West Elevation

Client	M. & A. Restaurants Ltd.		
Address	10 Eskbank Road, Dalkeith, Midlothian, EH22 1AA.		
Project	New Cladding		
Title	Elevations		
Scale: 1:50	Dwg. No. 497/01	Date: Mar. 2012	
STUART HANNAH Architectural Services			
9 Bonaly Brae, Edinburgh. EH13 0QF			
Tel: 07960 407 712		stuarthannah12@yahoo.com	

CORPORATE RESOURCES
FILE: 12/00007/02
REVISION: 29 MAR 2012