

## **Notice of Review: 131 Main Street, Newtongrange**

### **Determination Report**

Report by 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 the erection of office building at 131 Main Street, Newtongrange.

#### **2 Background**

- 2.1 Planning application 22/00804/DPP for the erection of office building at 131 Main Street, Newtongrange was refused planning permission on 30 January 2023; 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). 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 30 January 2023 (Appendix D); and
  - A copy of the key plans/drawings (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](http://www.midlothian.gov.uk).

#### **4 Procedures**

- 4.1 In accordance with agreed procedures, the LRB:
- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
  - Have determined to progress the review by written submissions.

- 4.2 The case officer's report identified that there were two consultation responses and two representations received. As part of the review process the interested parties were notified of the review. One additional comment has been received (from an interested party who did not make comment on the original application) objecting to the application. All comments can be viewed online on the electronic planning application 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 back to the 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 20 June 2022, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

***Reason:*** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. Development shall not begin on site until the following details have been submitted to and approved in writing by the planning authority:
  - a) Details of the proposed roof materials of the building; and
  - b) Details of any associated bin storage.

Thereafter, the development hereby approved shall accord with the details agreed in terms of this condition.

**Reason:** *These details were not submitted as part of the application: to protect the visual amenity of the surrounding area.*

3. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of superfast broadband prior to the occupation of the unit. The delivery of superfast broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan.*

## **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

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 10 June 2023  
**Report Contact:** Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager  
[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)

**Background Papers:** Planning application 22/00804/DPP available for inspection online.

# Appendix A



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

## **Erection of office building 131 Main Street, Newtongrange**

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File No.22/00804/DPP

Scale: 1:625





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100605834-003

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 T Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="F.E.M Building Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Douglas"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Mack"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text" value="07966201299"/>	Address 1 (Street): *	<input type="text" value="Plantain Grove"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Lenzie"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G66 3NE"/>
Email Address: *	<input type="text" value="douglas@femdesign.co.uk"/>		

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

T 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"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number: <input type="text" value="131"/>
Last Name: *	<input type="text" value="Aird"/>	Address 1 (Street): * <input type="text" value="Main Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Newtongrange"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH22 4PF"/>
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" value="131 MAIN STREET"/>
Address 2:	<input type="text" value="NEWTONGRANGE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 4PF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="664041"/>	Easting	<input type="text" value="333351"/>
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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)

Erection of an office building at 131 Main Street, Newtongrange, EH22 4PF

## 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.

It is our opinion that the reasons for refusal of planning permission are unjustified in this particular case.

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)

Planning Appeal Statement Drawings submitted for Planning Permission Off street parking provision drawing Planning Refusal document Photographs

## Application Details

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

22/00804/DPP

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

23/11/2022

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

30/01/2023

## 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

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 Douglas Mack

Declaration Date: 19/04/2023



The reason we are seeking a review of the refusal of Planning Permission at 131 Main Street, Newtongrange, is that the reasons for refusal, are in our opinion unsubstantiated. The reasons for refusal provided by Midlothian Council we suggest are unjustified in this particular circumstance.

It is our opinion that our proposal will not have any greater impact on the immediate area than that which is present to the rear of the existing properties in the locale of Main Street, Newtongrange. We would therefore request that the Local Review Body share the opinion that the proposal would not have a detrimental impact on the appearance of the area or the privacy and amenity of the surrounding residential properties as is suggested in the attached refusal document.

We would respond to each of the reasons for refusal individually below.

***1. The proposed building is of an unsympathetic design, not in keeping with the character and appearance of the surrounding area.***

We would suggest there is no particular character to this area of Newtongrange which is predominantly commercial properties with domestic flats above. A number of these commercial units are unused or vacant. We have included photographs of the existing rear elevations of the row of shops which 131 Main Street is a part of. It is clear to see from the photographic evidence that there is no readily identifiable character to this particular area of Newtongrange. It would appear that historically, these properties have been extended and altered in a variety of ways with no particular value to any character or theme within the area. To suggest the proposed office would affect the character of this area is, in our opinion completely unjustified. Were the Planning Authority to have offered discussions with ourselves with regards to a particular design they would have found acceptable, we would have taken their thoughts into consideration but this was at no time offered.

***2. The proposed building would not complement or enhance the character of the area and would have a significant detrimental impact on the appearance of the area.***

See the response to objection number 1. Above. We strongly refute that there is any particular character or appearance to the surrounding area which would be affected by our proposal. Please refer to photographic evidence indicating the rear of the existing properties in this immediate area.

***3. The proposed class 4 use is likely to have a detrimental impact on the privacy and amenity of the surrounding residential properties.***

There is only one domestic property to the rear of the row of commercial units which is at ground level. This is a detached house (possibly a conversion of a historic commercial

property) and has its own private garden ground. This house is accessed by the lane which serves the rear of the commercial properties to the rear of this part of Main Street, Newtongrange. Therefore this property has historically had through traffic to contend with in the way of deliveries and access for maintenance to the rear of these properties. To suggest that the addition of what is a very small office would have a detrimental impact on the privacy or amenity of this property is, we would suggest, extremely unreasonable. The other residential properties we assume you refer to are the domestic properties located above the existing commercial units on this part of Main Street. These flats have always had commercial properties, and therefore commercial activity below them at ground level. To suggest that the addition of a small office with its own, independent access to the rear would have an impact on the existing curtailed level of privacy and amenity which is afforded by living on a town centre main street is not justified in this particular case.

***4. It has not been demonstrated that there is no suitable alternative site for the proposed office within an established economic site.***

The applicant resides in Newtongrange and would run his courier business from the proposed office. To keep his thriving business with its headquarters in this area of Midlothian would surely be advantageous to the local area. The carbon footprint created by moving to an office outwith the Newtongrange area would also be increased.

***5. For the above reasons, the proposal is contrary to policies DEV2, DEV6 and ECON4 of the adopted Midlothian Local Development Plan 2017. In addition, the lack of a high quality design-led approach is contrary to the Scottish Planning Policy.***

We would suggest that to implement these policies to such a small scale development is unreasonable in this case.

***6. Inadequate parking provision has been provided for the proposal. This would put additional pressure on the limited number of on-street parking spaces and have a detrimental impact on road safety.***

Off street parking can be provided within the curtilage of the existing property. Using the Occupancy Load Factor in the Building Standards Technical Guidance for an office, the maximum occupant capacity for the proposed office would be 3 persons. Adequate car parking can be provided to the rear of the property and an updated block plan indicating adequate parking provision has been included as part of this Appeal. My client is open to any alterations to the existing outbuildings within the curtilage of his property to allow a satisfactory level of off street parking.

In summary, it is our opinion that the addition of this small office facility to the rear of a commercial area in an increasingly underused town centre in Midlothian would be beneficial to the town of Newtongrange for the applicant and future small businesses. Any character or amenity of the existing area has been slowly eradicated as is the norm in most town centres and we would suggest that to permit this proposed office would only be beneficial to this part of Newtongrange and in no way detrimental.

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 22/00804/DPP

**Site Address:** 131 Main Street, Newtongrange

**Site Description:** The application site comprises a three storey end terraced building. This is two storey at Main Street but with a basement level at the rear. The front elevation has painted render walls at ground floor, with the remainder of the walls natural stone. The pitched roof is natural slate. The windows are a variety of timber sash and case frames and uVPC, all with white frames. There are external stairs and an air conditioning unit on the rear elevation, by a private access track and two outbuildings and associated garden ground. The ground floor unit is vacant and was formerly a bank, with residential accommodation at first floor. The site is adjacent to the Newtongrange Conservation Area but within the Newtongrange Town Centre where there are a variety of uses including retail, class 3 and residential. The general character of the area is single and two storey miners cottages and two storey buildings.

**Proposed Development:** Erection of office building.

**Proposed Development Details:** The works are proposed on the rear elevation. The external stairs and air conditioning unit are removed. The two storey building is attached to and projects 2 and 3.7 metres from the rear elevation and 6.3 metres long. This has a very slight monopitch roof a maximum of 5 metres high. The walls are wet dash render painted white with a reconstituted stone basecourse. The door and two window frames are white uPVC frames and there is a white uPVC fascia. There is no access between the office and the former bank. No parking is proposed. The application forms states the building will connect to a private water supply and will not require any new drainage arrangements. The applicant's agent has subsequently confirmed that this will connect to the public water supply. The property will use the existing waste collection arrangement. This is to be used as Class 4 business/light industry.

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

Application site  
18/00056/DPP Change of use of first floor level of building from bank (class 2) to flatted dwelling (class 9). Permitted.  
12/00170/DPP Formation of level access and handrail. Consent with conditions.  
10/00024/DPP Installation of air conditioning unit. Consent with conditions.  
05/00679/FUL Erection of external ramp to provide disabled access. Permitted.  
05/00016/FUL Erection of external ramp to provide disabled access to ATM. Refused.  
01/00605/FUL External alterations to provide disable access and installation of external lighting. Refused.

### **Consultations:**

The **Council's Senior Manager Neighbourhood Services (Roads)** comments that the proposal does not have any dedicated parking and would place additional pressure on the limited number of parking spaces available in the local area. They therefore do not support the proposal. They make reference that the proposal would reduce access to the rear of adjacent buildings and land. Rights of access to these areas would be a matter for individual landowners.

**Scottish Water** has no objection and confirms there is public water supply in the area.

**Representations:** Two letters of objection have been received on the following grounds:

- The extension is ugly, is not in keeping with the stone building and would detract from the current appearance. While it is not visible from the road, it is from the residential properties in the area;
- There are no buildings with similar materials in the immediate area;
- The extension would narrow the access lane and impact access during construction and after this is complete;
- The extension prevent overlooking to the area and exacerbate existing antisocial behaviour and theft in this area;
- There are three trees in the area which the applicant has said are difficult to move because of access, yet an extension is proposed;
- The proposed extension would replace the bin storage area for the residential unit at the site;
- There is limited parking in the area so queries on how the building work would take place without causing significant access problems for local residents;
- Impact on views from neighbouring properties;
- Negatively impact the feel and view of the current shared yard/space; and
- Concern over how long the building works to form the residential unit at the site and that further building work here would have another long build time.

### **Relevant Planning Policies:**

Planning policy currently comprises National Planning Framework 3 and Scottish Planning Policy, SESPlan and the adopted Midlothian Local Development Plan 2017. On 11 January 2023 the Revised Draft National Planning Framework 4 was approved by the Scottish Parliament. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption, planned for 13 February 2023, the provisions in the Planning Act will commence to make NPF4 part of the statutory development plan. The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application. The following policies are relevant to the proposal:

- Policy 14 Design, quality and place

- Policy 26 Business and industry
- Policy 27 City, town, local and commercial centres

The relevant policies of the **2017 Midlothian Local Development Plan** are;  
**DEV2 Protecting Amenity within the Built-Up Area** advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

**DEV6 Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking;

**ECON4 Economic Development Outwith Established Business and Industrial Sites** states that business and industrial proposals (class 4 and 5) within the defined urban area but outwith existing or allocated business and industrial sites will be supported if: it is demonstrated that there is no suitable alternative site available within established economic sites; the site is not identified for alternative use; the proposed development would be compatible with surrounding uses and there would be no adverse impact on local and, in particular, residential amenity as a result of development; the layout and design of buildings would be appropriate to the character of the site and surrounding area; and the transport impact of the proposal would be acceptable. The Council will give support to proposals that reuse brownfield or vacant or derelict land as opposed to greenfield locations;

**IT1 Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals;

**TCR1 Town Centres** states proposals for retail, commercial leisure development or other uses which will attract significant numbers of people, will be supported in Midlothian's town centres, provided their scale and function is consistent with the town centre's role, as set out in the network of centres and subject to the amenity of neighbouring uses being preserved; and

**ENV18 Noise** states that the Council will seek to prevent noisy developments from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or required to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately.

**Supplementary Guidance on Food & Drink and Other Non-Retail Uses in Town Centres** is also relevant. Town centres must focus on a variety of uses and services attracting footfall. The town centre first principle encourages activities which attract significant numbers of people including shopping, commercial leisure uses, offices, community and cultural facilities, however a retail core should be retained. The impact that non-retail uses would have on the surrounding town centre must be assessed and considered acceptable, otherwise this will not be supported. Any proposed use shall not have a detrimental impact on the amenity or environment of surrounding properties and occupants in terms of noise, smell or disturbance. These

uses must be provided with adequate parking provision and permission will not be permitted where there would be a threat to road safety.

**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.

While there are a variety of building designs in the wider area, the proposed building is on the rear elevation of a terraced building of traditional design and materials. Design is a material consideration in the determination of planning applications. The proposed building has a bulky, boxlike design which would have the appearance of being stuck onto the existing building with no consideration to its host building or the surrounding area. This is exacerbated by the flat roof and only two window openings on the building. It is acknowledged that the works are to the rear of the building and so not publically visible from Main Street, however it will be visible from the shared amenity spaces adjacent to the building and would have a significant detrimental impact on the appearance of the building and surrounding area.

Due to the orientation of the site, there is potential for the building to have an adverse impact on the property to the north in term of overshadowing or being overbearing. The ground floor unit is used as a café therefore any overshadowing to these windows would not affect any habitable accommodation.

No parking is proposed for the office building. This lack of parking would put additional pressure on the limited number of parking spaces available in the local area which is not acceptable.

The impact on the private accesses to neighbouring properties as a result of the office building would be a private legal matter between the relevant parties and is not a material planning consideration.

It is proposed for the office building to be in class 4 business/light industry use. Class 4 is defined as: as an office, other than a use within class 2 (financial, professional and other services); for research and development of products or processes; or for any industrial process, being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. This would not be a use that would encourage a high level of footfall as required for non-retail uses in town centres. However although not a high footfall generating use, being at the rear of commercial and residential properties in close proximity to amenity space, encouraging non-residents into this area may have a detrimental impact on the amenity of local residents. It has not been demonstrated that there is no suitable alternative site available within established economic sites for this class 4 use.

There are permitted development rights which could allow a class 4 use of this size to change to class 6 storage and distribution without requiring planning permission. Given the location of the site close to residential properties, lack of parking and associated space this would not be appropriate. Should planning permission be approved, these permitted development rights should be removed.

The following addresses representor comments not addressed above. The following points are not material planning considerations: loss of a view; how building works take place if permission is approved; antisocial behaviour; theft;

Provided any planning permission is implemented within 3 years, unless otherwise stated, there is no time limit for works to be completed.

There are trees within the application site, however these are not protected and so could be removed without permission.

Should permission be approved, details of the bin storage would be conditioned.

**Recommendation:** Refuse planning permission.



# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 22/00804/DPP**

F.E.M Building Design  
8 Plantain Grove  
Lenzie  
Glasgow  
G66 3NE

Midlothian Council, as Planning Authority, having considered the application by Mr Andrew Aird, 131 Main Street, Newtongrange, EH22 4PF, which was registered on 23 November 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

## **Erection of office building at 131 Main Street, Newtongrange, EH22 4PF**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	23.11.2022
Site plan, location plan and elevations	22/Aird/PP/001(-) 1:500 1:100 1:50	23.11.2022
Elevations, floor plan and cross section	22/Aird/PP/002(-) 1:50	23.11.2022

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

- 1. The proposed building is of an unsympathetic design, not in keeping with the character and appearance of the surrounding area.*
- 2. The proposed building would not complement or enhance the character of the area and would have a significant detrimental impact on the appearance of the area.*
- 3. The proposed class 4 use is likely to have a detrimental impact on the privacy and amenity of the surrounding residential properties.*
- 4. It has not been demonstrated that there is no suitable alternative site for the proposed office within an established economic site.*
- 5. For the above reasons, the proposal is contrary to policies DEV2, DEV6 and ECON4 of the adopted Midlothian Local Development Plan 2017. In addition, the lack of a high quality design-led approach is contrary to the Scottish Planning Policy.*
- 6. Inadequate parking provision has been provided for the proposal. This would put additional pressure on the limited number of on-street parking spaces and have a detrimental impact on road safety.*

Dated 30 / 1 / 2023

A handwritten signature in black 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](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**Development Low Risk Area- STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

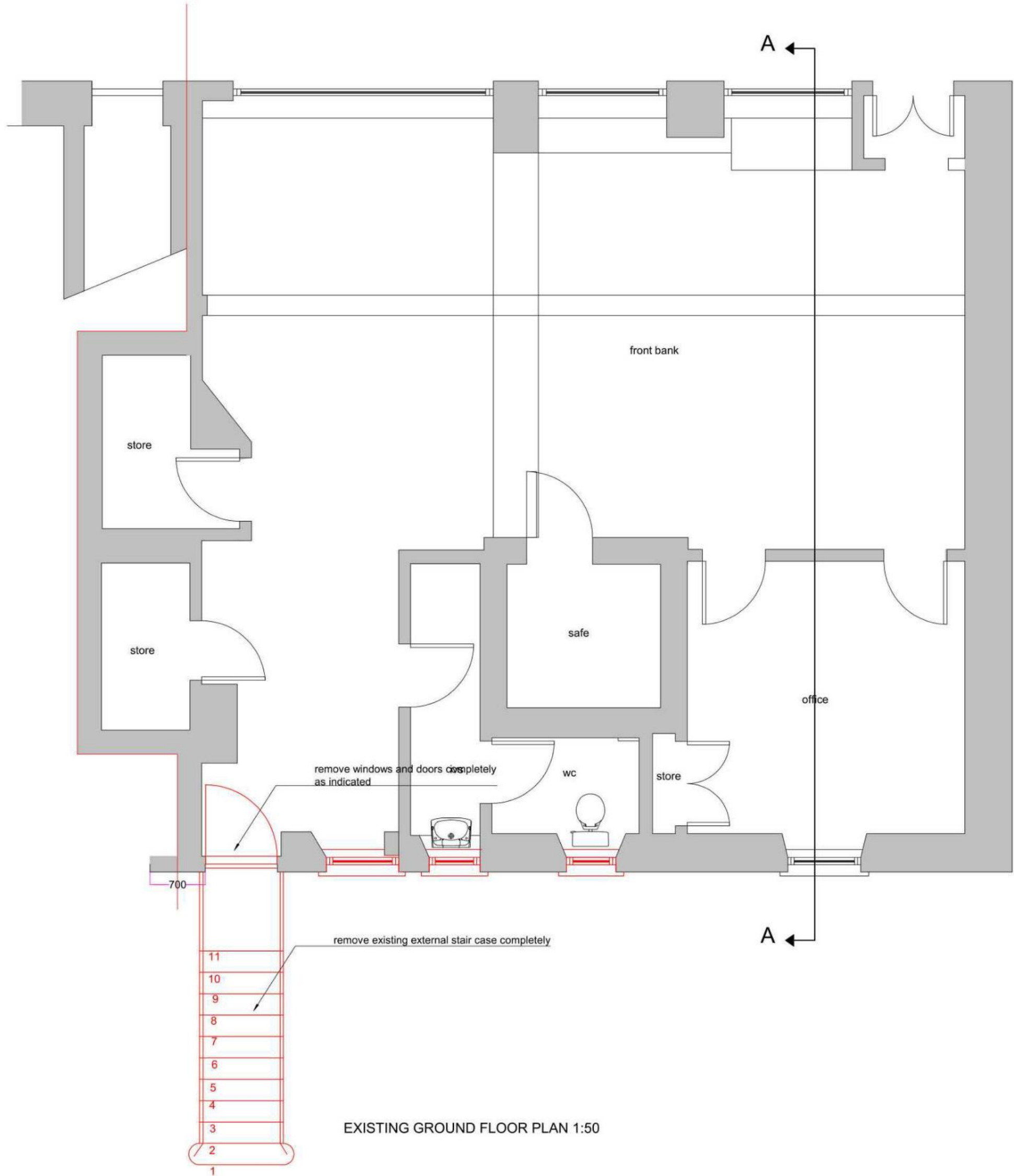
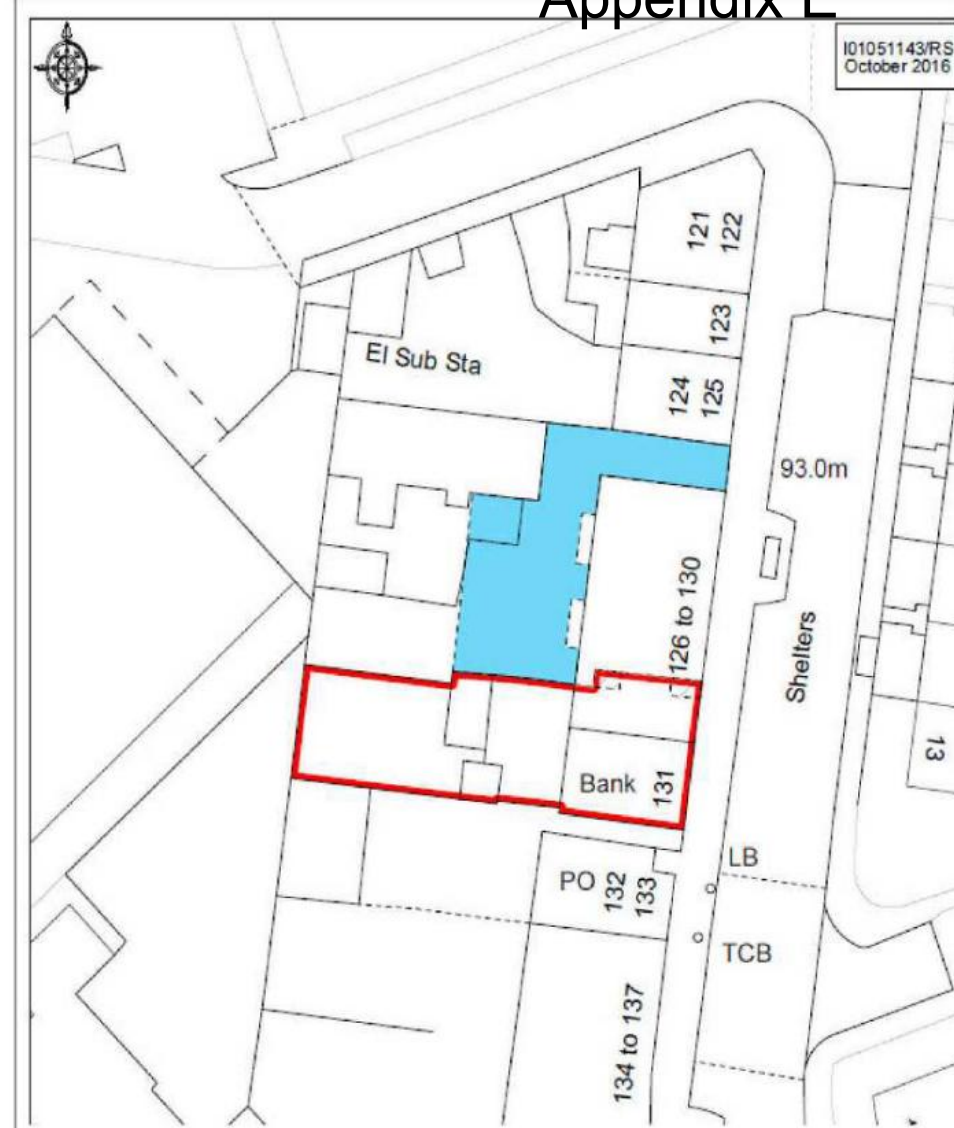
Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2023 until 31st December 2024



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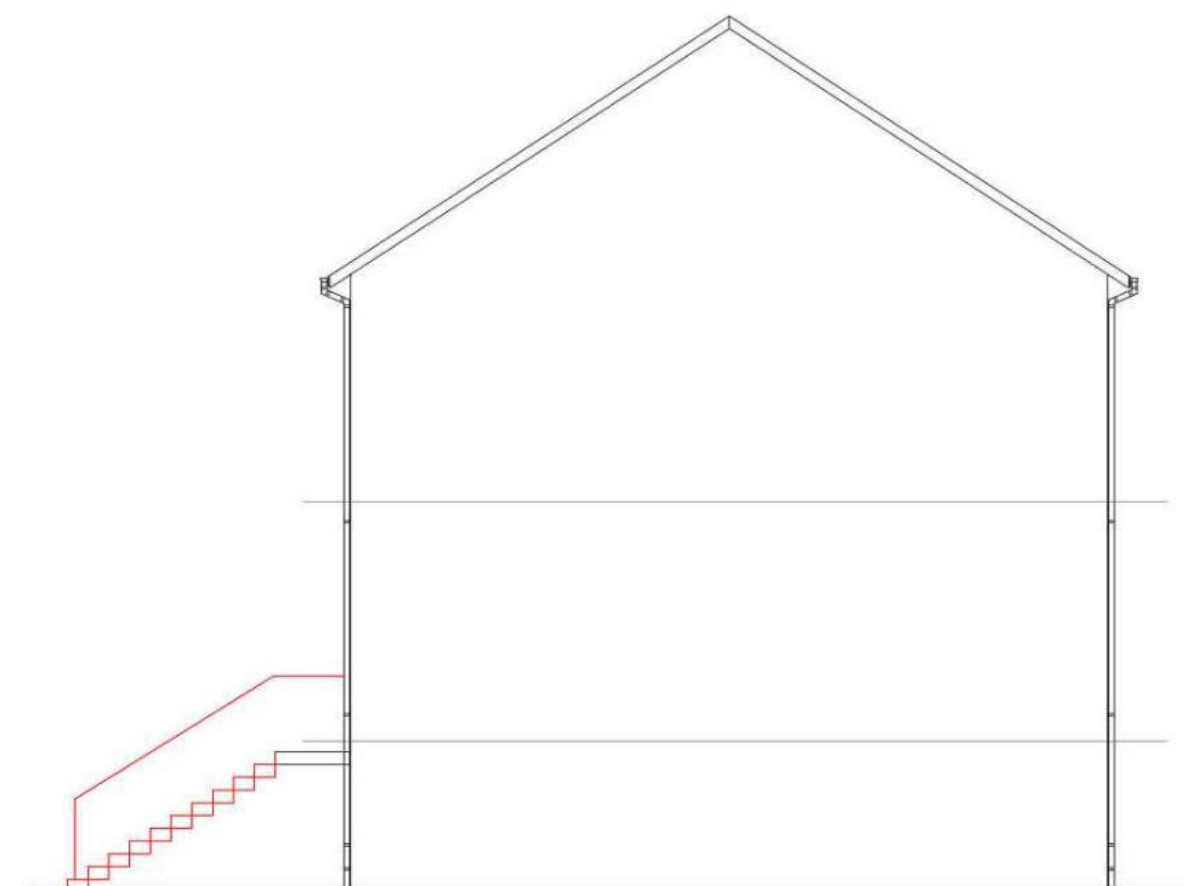
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22.00804.DPP  
30.01.2023



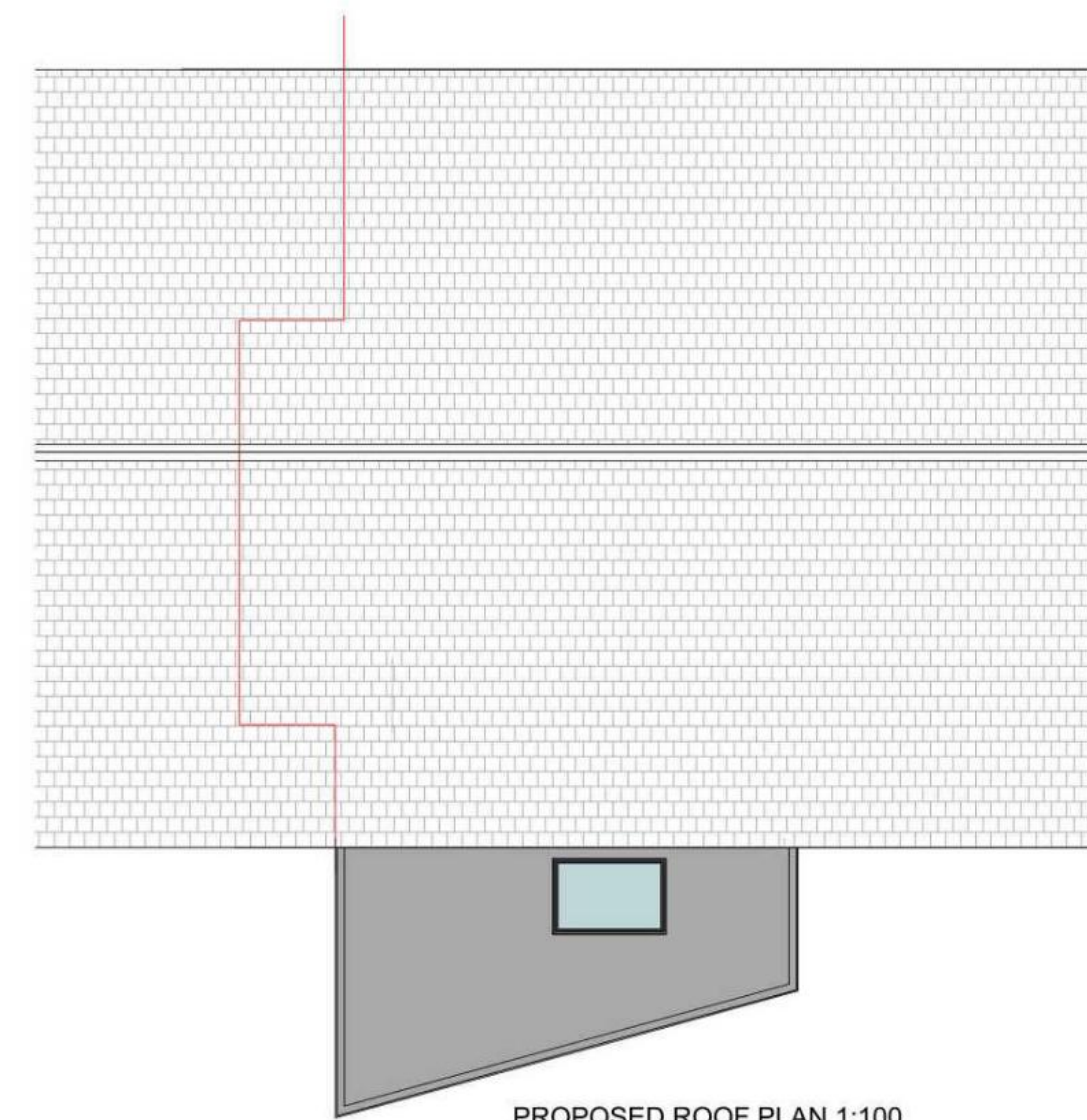
EXISTING GROUND FLOOR PLAN 1:50



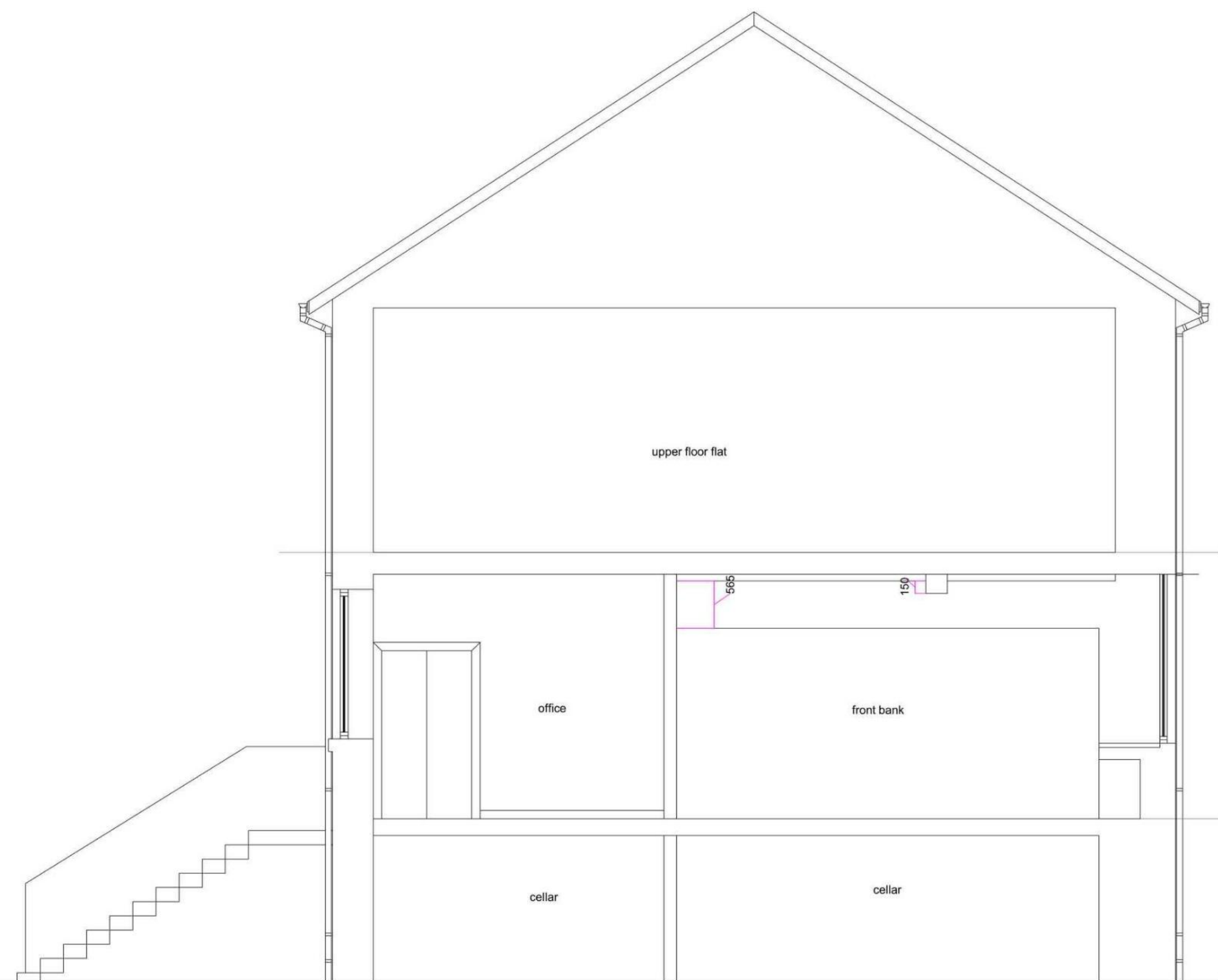
EXISTING REAR ELEVATION 1:50



EXISTING SOUTH ELEVATION 1:100



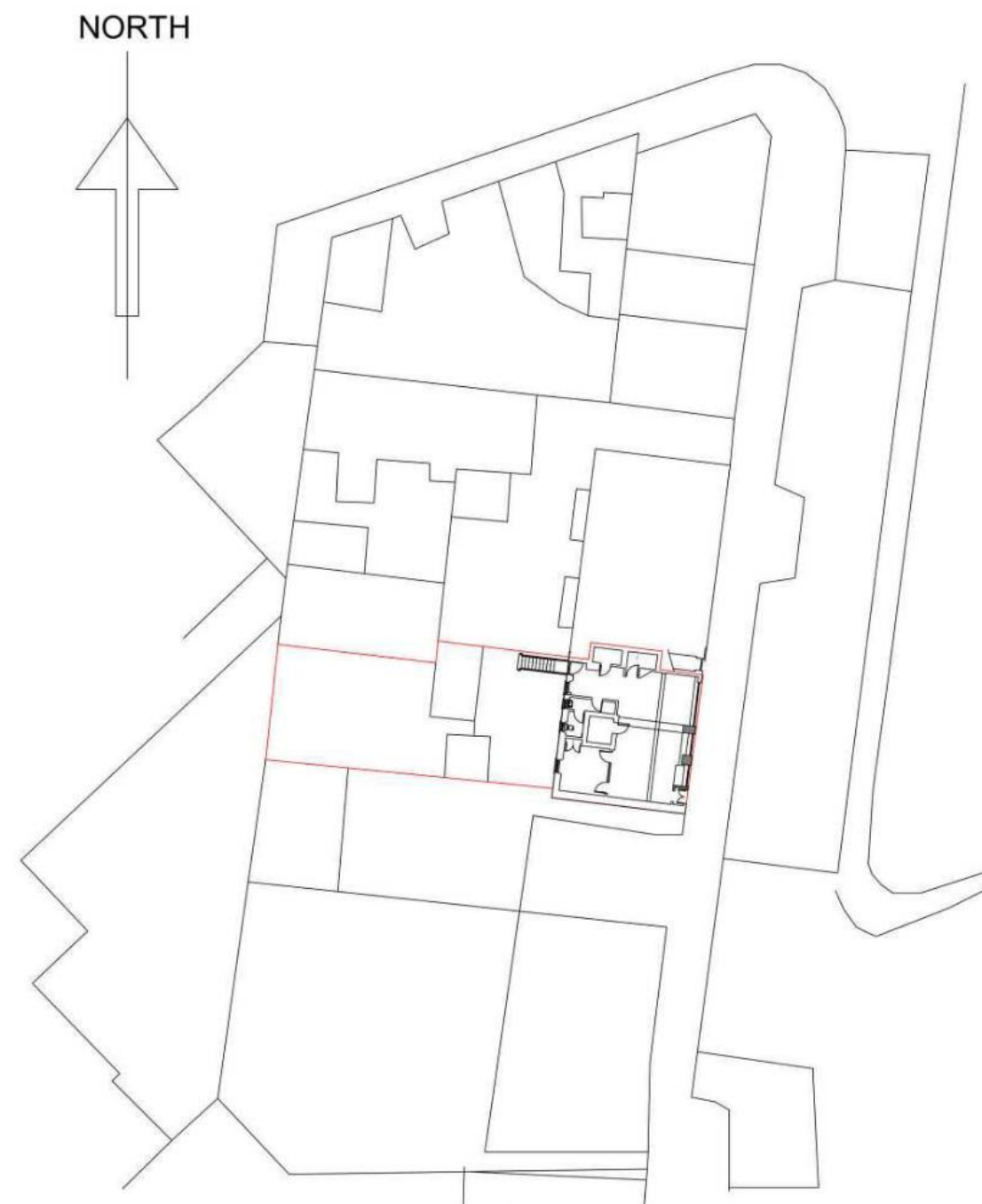
PROPOSED ROOF PLAN 1:100



EXISTING SECTIONAL ELEVATION A-A 1:50



PROPOSED SITE BLOCK PLAN (1:500)



EXISTING SITE BLOCK PLAN (1:500)

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- The Construction (Design and Management) Regulations 2015(CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction work carried out either by all contractors or by workers under the contractors control, to ensure that, as far as is reasonably possible, is carried out without risks to health and safety (Note, if the householder carries out the works themselves, it is classed as DIY and CDM 2015 does not apply)
- All dimension to be checked on site prior to works commencing
- Drawings must not be scaled. All dimensions are to be checked by contractor

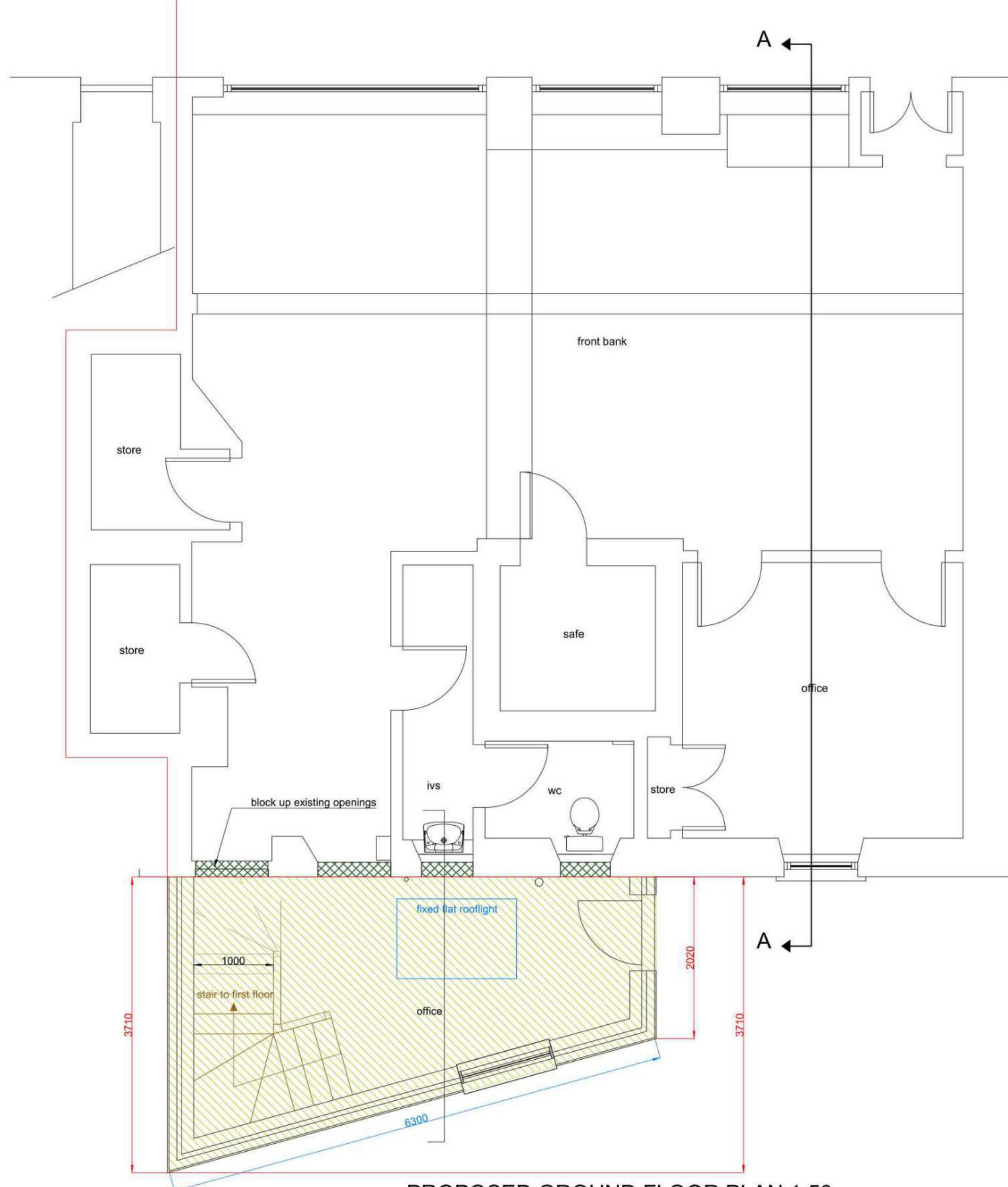
**Client:**  
Mr A Aird  
131 Main Street  
Newtongrange

**Project:**  
Erect office store

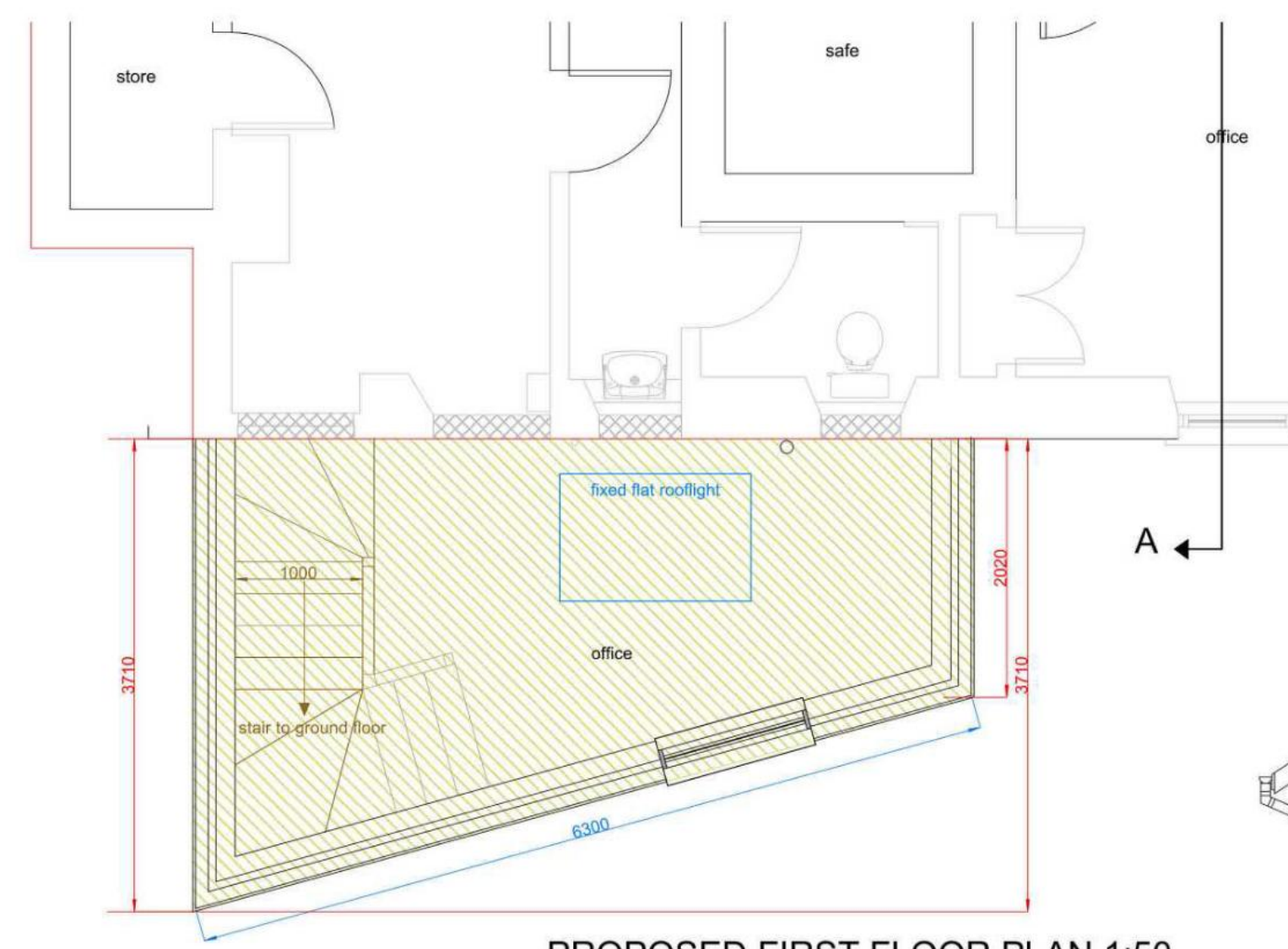
**Drawing number:**  
22/Aird/PP/001(-)





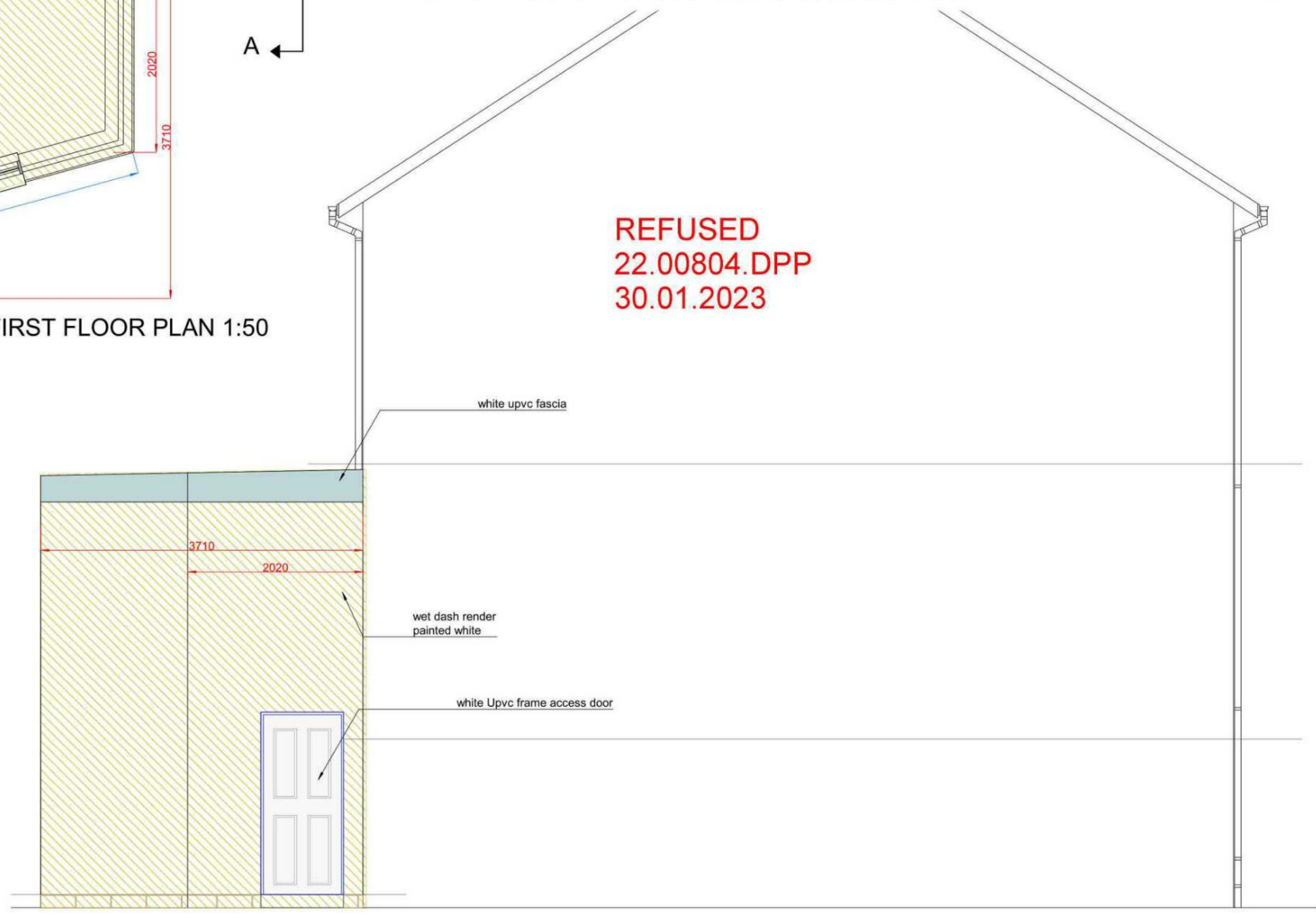


PROPOSED GROUND FLOOR PLAN 1:50

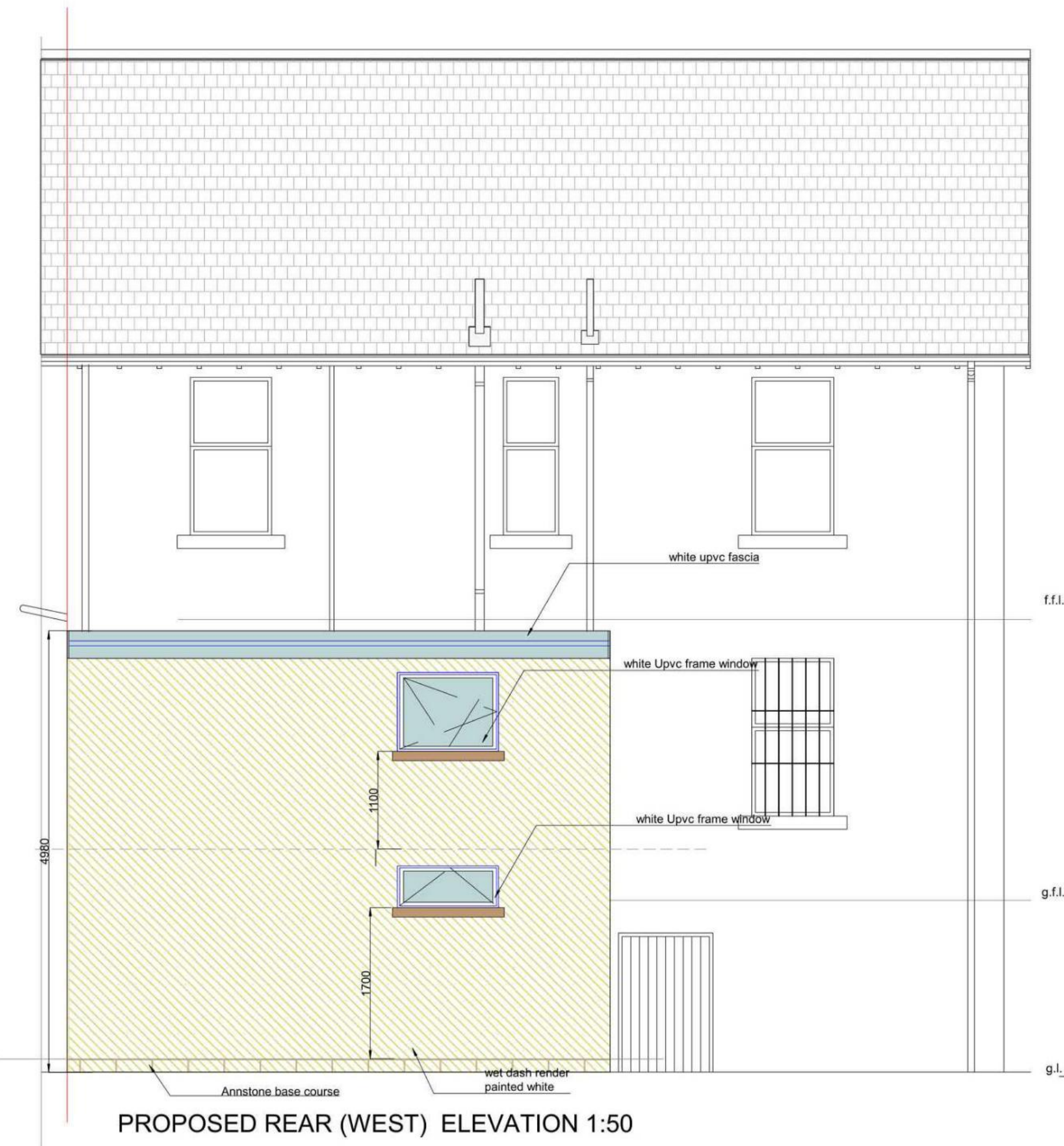


PROPOSED FIRST FLOOR PLAN 1:50

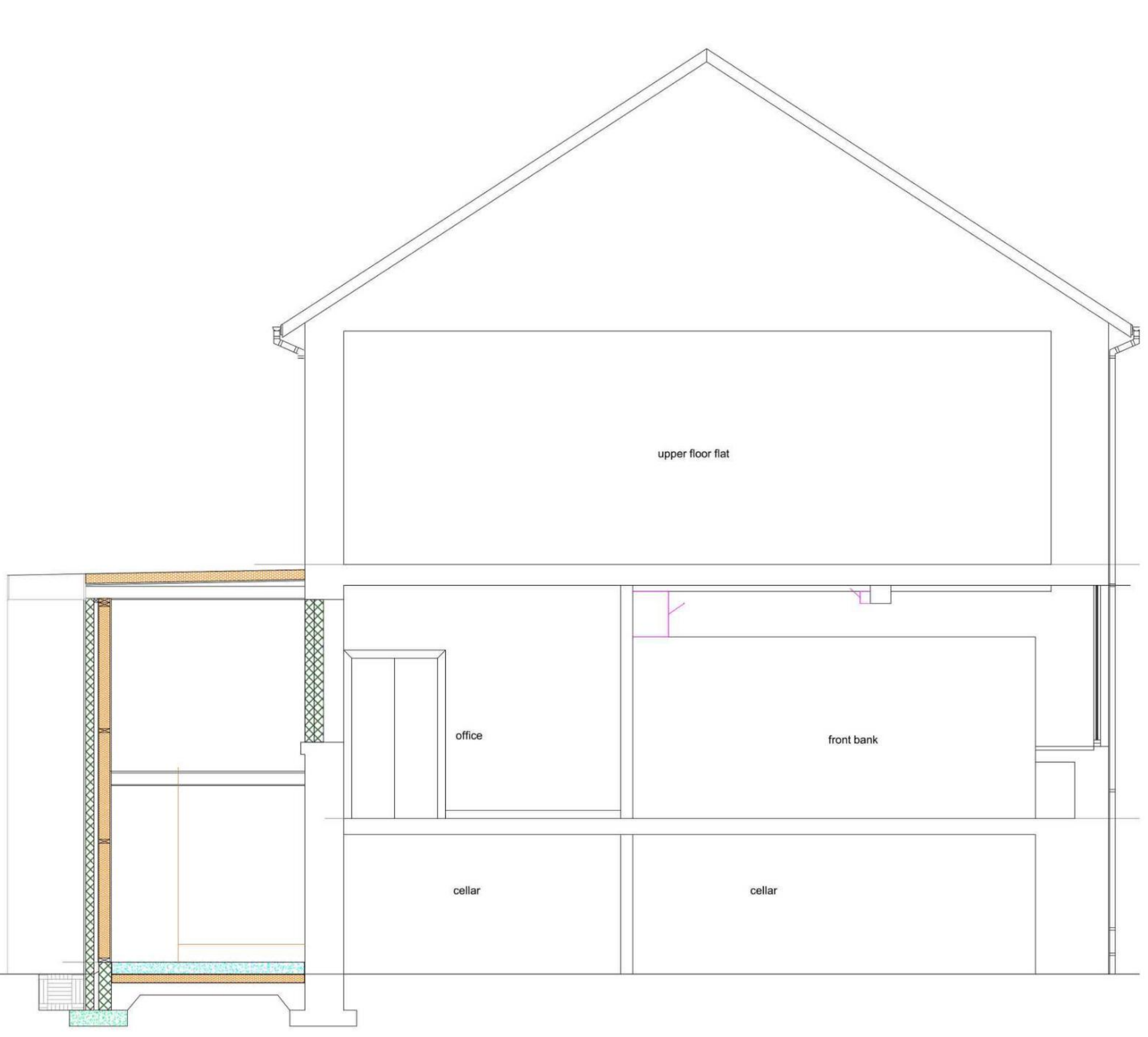
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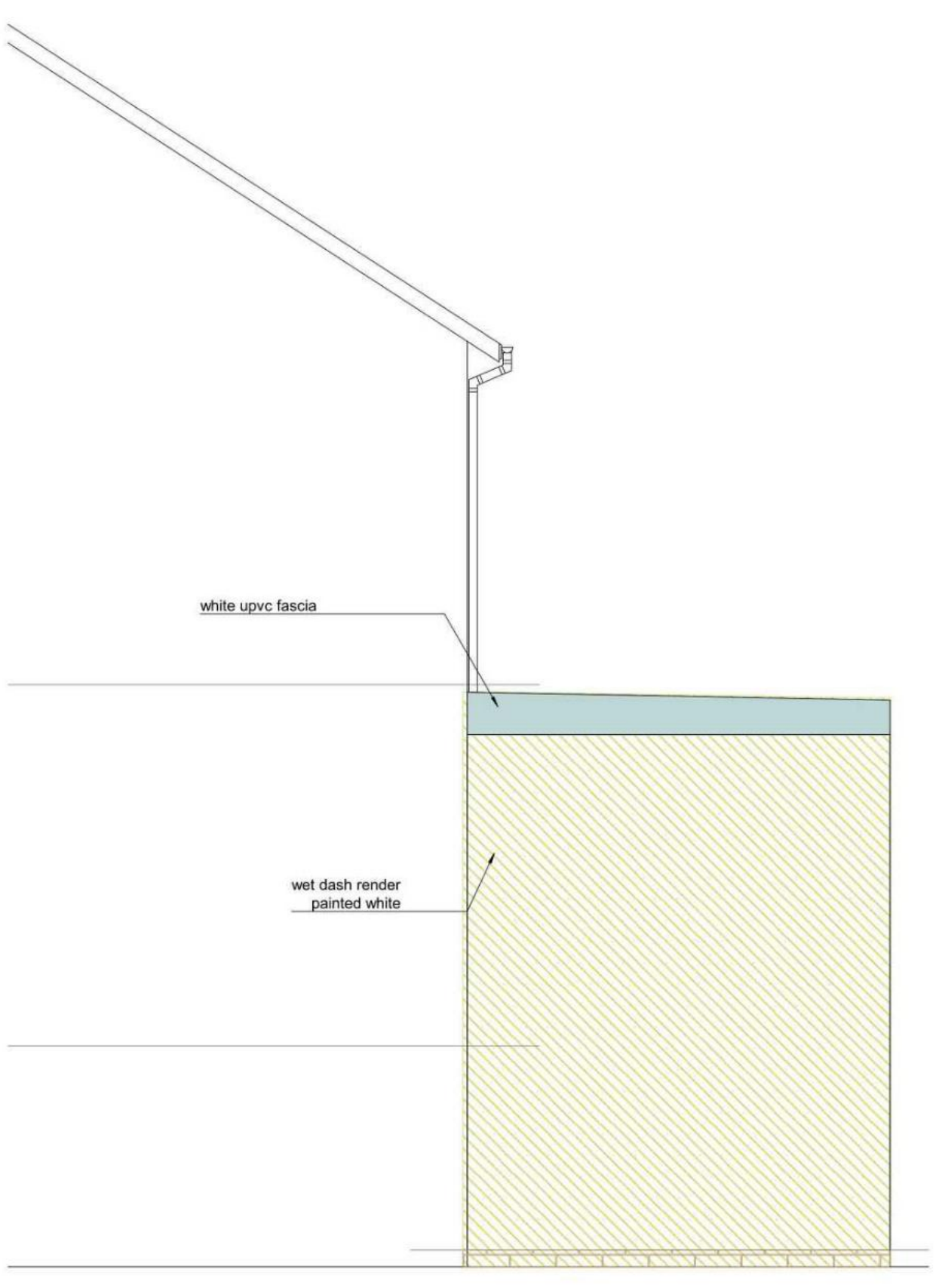
PROPOSED SOUTH ELEVATION 1:50



PROPOSED REAR (WEST) ELEVATION 1:50



PROPOSED SECTIONAL ELEVATION A-A 1:50



PROPOSED NORTH ELEVATION 1:50



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All dimensions to be checked on site prior to works commencing.  
Drawings must not be scaled. All dimensions are to be checked by contractor.

**Client:**  
Mr A Aird  
131 Main Street  
Newtongrange  
**Drawing number:**  
22/Aird/PP/002(-)

**Project:**  
Erect office store

