

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 27 February 2018  
Item No 5.2

## Local Review Body: Review of Planning Application Reg. No. 17/00636/DPP

Andrew Hird  
Cundall  
4<sup>th</sup> Floor, Partnership House  
Regent Farm Road  
Gosforth  
Newcastle upon Tyne  
NE3 3AF

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Louise Toye, 14 High Street, Lasswade, EH18 1ND, which was registered on 23 October 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from office (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1041-01A 1:1250	18.08.2017
Existing Site Plan	1041-02 1:200	18.08.2017
Proposed Site Plan	1041-02E 1:200	18.08.2017
Existing Floor Plan	1041-03 1:50	18.08.2017
Existing Elevations	1041-04 1:100	18.08.2017
Proposed Floor Plan	1041-05B 1:50	18.08.2017
Proposed Elevations	1041-06A 1:100	18.08.2017
Planning Statement		18.08.2017
Transport Statement		18.08.2017
Transport Statement Addendum		22.09.2017

Subject to the following condition:

1. The kitchen of the restaurant shall be ventilated by an extraction ventilation system which 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;  
and
  - d) terminate at sufficient height to permit the free disposal of exhaust fumes.
2. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible within any nearby living apartment.
  3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

***Reason for conditions 1 to 3: To safeguard nearby residential amenity***

4. Prior to the hereby approved restaurant coming into use a customer and staff parking management plan shall be submitted to and approved in writing by the local planning authority. The strategy shall outline details of; how customers will be notified of the limited parking provision at the site and the location of alternative car parking provision, the promotion of non-private car travel to and from the site, staff travel arrangements and monitoring of parking arrangements to ensure there is no detrimental impact on highway safety. The approved business shall operate in accordance with the approved parking strategy.

***Reason: In the interests of highway safety***

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

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

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area; and
2. Policy ENV19: Conservation Areas

Material considerations:

1. The individual circumstances of the proposal
2. The potential impact on highway safety and amenity
3. Supporting a local business

In determining the review the LRB concluded:

The proposed restaurant would contribute to the local economy, create jobs and bring a vacant commercial building back into use. These economic benefits along with mitigation measures to limit any impact on residential amenity outweigh concerns with regard on-site parking provision, subject to the effective management of the business with regard customer and staff parking.

Dated: 16/01/2018

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

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

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

*Advisory note:*

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