

Local Review Body: Review of Planning Application Reg. No. 18/00369/DPP

Mrs Janice Paterson
Premier Pilates and Fitness Studio Limited
40/1 Hardengreen Industrial Estate
Dalhousie Road
Eskbank
EH22 3NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Janice Paterson, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank, EH22 3NU which was registered on 9 August 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from office/light industry (class 4) to fitness studio (class 11) (retrospective) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan, Site Plan		01.06.2018

Subject to the following conditions:

1. 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 (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

Reason: To ensure a satisfactory standard of amenity in nearby residential properties.

2. The use of the site shall be as a fitness studio only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

Reason: To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.

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

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

Development Plan Policies:

1. STRAT1 Midlothian Local Development Plan – Committed development
2. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
3. ECON1 Midlothian Local Development Plan – Existing employment locations
4. ECON3 Midlothian Local Development Plan – Ancillary development on business parks

Material considerations:

1. The individual circumstances of the site and the application;
2. The need for the business to relocate; and
3. Supporting a local business.

In determining the review the LRB concluded:

The proposed Class 11 use is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.

Dated: 16/10/2018

A handwritten signature in dark ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

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