

Local Review Body: Review of Planning Application Reg. No. 17/00371/DPP

David Paton Building Consultancy
13 High Street
Loanhead
EH20 9RH

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Akram Mohammed, 79A Broughton Street, Edinburgh, EH1 3RJ, which was registered on 11 July 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from public house (sui generis) to mixed use of public house, restaurant and take away at The Abbey Granary, 12 Newbattle Road, Newtongrange, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	17-20-001 1:1250 1:500	10.05.2017
Other Statements		10.05.2017
Other Statements		02.06.2017

Subject to the following conditions:

1. Unless otherwise approved in writing by the Planning Authority, the use hereby permitted shall not open to the public outwith the hours of 11am to 11pm Mondays to Sundays.

Reason: *In order to allow the Planning Authority to assess any impact that extended opening hours could have on the amenity of the surrounding area.*

2. Notwithstanding the plans hereby approved, details of the proposed ventilation system shall be submitted to the Planning Authority for prior written approval. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.
3. The design and installation of any ventilation system, plant or equipment and associated noise shall comply with noise rating curves (NR30) when measured within any nearby living apartment between 7am and 10pm and

noise rating curves (NR25) between 10pm and 7am elsewhere.

4. No amplified music or sound reproduction equipment used in association with the use hereby approved shall be audible at the boundary of any nearby residential properties.

Reason for conditions 2 - 4: To safeguard the amenity of the surrounding area.

The Local Review Body (LRB) considered the review of the planning application, in particular condition 5 attached to the original grant of planning permission, at its meeting of 29 August 2017. The LRB carried out a site visit on the 28 August 2017.

In reaching its decision to remove condition 5 the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. DP7 Midlothian Local Plan – Control of Class 3 (Food and Drink) Uses and Hot Food Takeaway Shops

Material considerations:

1. The individual circumstances of the proposal
2. The vacant state of the premises

In determining the review the LRB concluded:

The proposed use would support bringing back into use a vacant commercial building, which was previously used for food and drink uses, in a manner which is viable and sustainable. It is considered that the proposed hot food takeaway element would not be detrimental to local amenity.

Dated: 29/08/2017



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