

Notice of Review: Land at ASDA, New Pentland, Loanhead

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 a retail pod (retrospective) at land at ASDA, New Pentland, Loanhead.

2 Background

- 2.1 Planning application 22/00364/DPP for the erection of a retail pod (retrospective) at land at ASDA, New Pentland, Loanhead was granted planning permission subject to a condition on 1 August 2022; a copy of the decision is attached to this report. Condition 1 on planning permission 22/00364/DPP subject to review is as follows:

1. The retail pod hereby approved is permitted for a temporary period only and shall be removed within one year of the date of this permission and the land returned to its previous condition prior to the development commencing within one month of the retail pod being removed.

Reason: To ensure that the container is removed as this is not considered to be a suitable or appropriate permanent development; to allow the applicant to produce a more satisfactory permanent solution; to ensure that the site is made good at the expiry of the temporary planning permission

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence the retail pod becomes a permanent building rather than a temporary one.

- 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 1 August 2022 (Appendix D); and
 - A copy of the relevant plans (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

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have determined to undertake a site visit; and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were no consultation responses and no representations received.
- 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 to the next 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 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission subject to the removal of the stated condition as set out in the report.

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: 16 January 2023
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 22/00364/DPP available for inspection online.

Appendix A



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

Erection of retail pod (retrospective) Asda, New Pentland, Loanhead

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File No.22/00364/DPP

Scale: 1:1,250



P21-0105_L0040v1_PL_MAN_RD

31 October 2022

Midlothian Council
Planning Department
Fairfield Housing
8 Lothian Road
Dalkeith
EH22 3ZN

Dear Sir or Madam,

NOTICE OF REVIEW – CONDITION 1 OF CONSENT 22/00364/DPP
ERECTION OF RETAIL POD (RETROSPECTIVE) AT ASDA, NEW PENTLAND, LOANHEAD, EH20 9NZ

The Timpson pod is in situ having gained permissions for a temporary 3-year period (18/00067/DPP and 18/00463/DPP). The applicant had sought to extend to temporary period to 10-years but the applications were refused (18/00341/S42 and 18/00689/S42). Most recently the applicant has gained a further consent for a temporary 1-year period (22/00364/DPP).

This Notice of Review seeks a review of Condition 1 of consent 22/00364/DPP which states:

The retail pod hereby approved is permitted for a temporary period only and shall be removed within one year of the date of this permission and the land returned to its previous condition prior to the development commencing within one month of the retail pod being removed.

Owing to the temporary permissions and the refusal to have these extended in the past, the applicant considers that a Notice of Review of Condition 1 of consent 22/00364/DPP is appropriate.

The Timpson pod is a permanent structure, with a shelf life of around 25 years, and the requirement for the applicant to continuously need to apply for permission once the temporary permissions expire is unreasonable.

It is also unnecessary. The Timpson pods is not a temporary structure, either in its construction or appearance. The Timpson pod has been in situ since 2018, is being maintained and is in good repair. It is made of durable materials and would continue to be durable for years to come. It is within the interest of the applicant that the pod is in good repair so as not to adversely effect the appearance of the site and Asda store.

The pod is well maintained by the operation who:

Keep the pod and space clean and tidy and in good repair and replace any furniture and fitting which are beyond repair by suitable items of a similar kind to the satisfaction of the applicant;

Queens House, Queen Street, Manchester, M2 5HT
T 0161 3933399 E Manchester@pegasusgroup.co.uk
Offices throughout the UK and Ireland.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT

Expertly Done.

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- Paint, decorate and treat all parts of the pod usually painted, decorated and treated as often as reasonably required and during the last year of occupancy (howsoever determined);
- Carry out all works in a good workmanlike manner, with good quality materials;
- Do not make any structural or external alterations to the pod unless to comply with the above points; and
- Clean the windows every three days.

This type of pod is part of Timpson's business strategy, which is being rolled out nationwide. There are over 200 Timpson pods now trading and expertly managed, all within this type of pod. All other permissions are permanent as the local planning authorities did not consider the pods to be of a temporary nature.

It is not considered that the pod is having a detrimental impact on the character, appearance or visual amenity of the area which can be clearly witnessed on site, should the Local Review Body wish to undertake a visit.

We therefore request that Condition 1 is removed from consent 22/00364/DPP as it is both unreasonable and unnecessary. A temporary consent is not reasonable or appropriate, however should the Local Review Body consider that it is then we ask that the temporary permission be extended to 10-years through an amendment to the condition. This would prevent the unnecessary burden of the applicant having to apply for a further permission in a years' time.

Yours sincerely



Rebecca Dennis

Associate Planner

rebecca.dennis@pegasusgroup.co.uk

07826 872227

Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: 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 100605107-001

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 ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Pegasus Group"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Rebecca"/>	Building Name:	<input type="text" value="Queens House"/>
Last Name: *	<input type="text" value="Dennis"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01613933399"/>	Address 1 (Street): *	<input type="text" value="Queen Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text" value="07826872227"/>	Town/City: *	<input type="text" value="Manchester"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="M2 5HT"/>
Email Address: *	<input type="text" value="rebecca.dennis@pegasusgroup.co.uk"/>		

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

☐ 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" value="Asda House"/>
First Name: *	<input type="text" value="Steve"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Roberts"/>	Address 1 (Street): * <input type="text" value="Southbank"/>
Company/Organisation	<input type="text" value="McLagan Investments Ltd"/>	Address 2: <input type="text" value="Great Wilson Street"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Leeds"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="England"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="LS11 5AD"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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="ASDA"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOANHEAD"/>
Post Code:	<input type="text" value="EH20 9NZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665639"/>	Easting	<input type="text" value="326881"/>
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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 retail pod (retrospective) at ASDA, New Pentland, Loanhead, EH20 9NZ.

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.

Please see attached covering letter. In short, the condition is unnecessary and unreasonable.

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)

Covering letter.

Application Details

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

22/00364/DPP

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

13/05/2022

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

01/08/2022

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: Miss Rebecca Dennis

Declaration Date: 31/10/2022

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00364/DPP

Site Address: ASDA, New Pentland, Loanhead.

Site Description: The application site comprises a small area of hardstanding to the front of the Asda supermarket at Straiton with a retail pod in place. There is car parking to the south of the application site. The supermarket has largely glazed and timber clad walls.

Proposed Development: Erection of retail pod (retrospective).

Proposed Development Details: The pod measures 4.3 metres by 4.3 metres with a flat roof. The accompanying letter states the walls are larch wood, with a number of openings. This is in retail use and is to be permanent.

The applicant states this is suitable for a range of occupiers typically found in town centres. Permission was approved in 2018 for a pod here for a three year period and so the principle of development has been accepted. The presence of the pod for the last few years has demonstrated that it does not impact on the vitality and vibrancy of Loanhead Town Centre and it follows that this application would not have an impact on Loanhead Town Centre. The pod has been maintained, is in good repair and is durable. The position of the pod will not affect access to the store or result in the loss of parking. The also provided information detailing why the proposed unit could not be placed in Loanhead town centre, as well as why this would not have a detrimental impact on the vitality and viability of this town centre. They also state these works could be permitted development.

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

22/00365/ADV Display of illuminated and non-illuminated signage. Pending consideration.

18/00689/S42 Section 42 application to remove condition 1 of planning permission 18/00463/DPP (to allow retail pod to be sited for longer than 3 years). Refused – not suitable for a permanent period and retention for more than 3 years would be detrimental to character, appearance and visual amenity of the area; permission was only approved on the basis this was to be in place for a temporary period of three years to allow the applicant to investigate and propose a more suitable permanent host building for the retail use.

18/00464/ADV Display of illuminated signage. Consent with conditions.

18/00463DPP Erection of retail pod. Consent with conditions – three years only as this is not a suitable or appropriate permanent development and to allow the applicant to produce a more satisfactory permanent solution.

Land to the west of site

18/00342/ADV Display of illuminated and non-illuminated signage. Consent with conditions.

18/00341/S42 Section 42 application to remove condition 1 of planning permission 18/00067/DPP (to allow the pod to be sited for longer than 3 years). Refused – the retention of the pod for a period of more than 3 years is not acceptable and contrary to policy DEV2.

18/00067/DPP Erection of retail pod. Consent with conditions – a temporary permission for three years due to concerns over the appearance of the pod.

Asda store

13/00245/DPP Erection of canopy for online shopping collection point. Consent with conditions.

09/00362/FUL Erection of retail building and petrol filling station, formation of associated car parking, landscaping and access to A701. Consent with conditions.

Consultations: No consultations were required.

Representations: No representations have been received.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

DEV2 Protecting Amenity Within the Built-Up Area states development will not be permitted where it is likely to detract materially from the character or amenity of the area; and

TCR2 Location of New Retail and Commercial Leisure Facilities provides criteria which must be met for new retail development within the Straiton Commercial Hub. This policy states that such development will be supported in principle provided that: there are no alternative sites in or on the edge of Edinburgh City Centre or there are not alternative sites in, or on the edge of Dalkeith town centre; they address a quantitative or qualitative deficiency within the catchment; they do not undermine the vitality and viability of regional, strategic or other town centres, within the expected catchment of the proposed development; and they are accompanied by measures to improve the environmental quality of the commercial hub and its accessibility by public transport, walking or cycling.

Adopted Supplementary Guidance on Food & Drink and Other Non-Retail Uses in Town Centres elaborates on this policy and TCR1 Town Centres. There has been a proliferation of applications across the country for such units within retail parks or adjacent to superstores, generally for class 1 uses, such as barbers, key cutters and watch and shoe repairs. These are essentially temporary structures or containers with improved finishing materials. These are generally of a size which would be expected and appropriate within town centres and are therefore contrary to the town centre first approach. These also could have an adverse impact on the related retail park/unit. The Council considers concession stores units within larger retail units an appropriate alternative to the provision of standalone retail pods or containers. These would be within retail units which have been assessed in terms of related policy with the impact on town centres addressed. Any applications for pod or container retail units should be accompanied by a sequential test and details to demonstrate that all options within nearby town centres are exhausted before proposing such uses at Straiton Commercial Hub or superstores. A report must be

submitted with applications to demonstrate there are no vacant or available commercial units of a size, or indeed other sizes, appropriate for the proposed retailer within nearby town centres. Any other supporting information will be considered, including the applicant's business strategy or operations. The cumulative impact of such proposals on retail parks or superstores will be assessed to ensure that there is no detrimental impact on these areas which are designated and defined to contain larger retail units or town centres.

There are also concerns over the visual impact these would have as these are generally structures which would not be acceptable on a long term basis. Where the principle of siting a pod/container is acceptable it is likely that the Council will restrict the approval of these pods/units for a period of three years in order to allow the applicant sufficient opportunity to prepare a more suitable permanent solution which respects the amenity and character of the surrounding area.

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 applicant has provided some information, in response to a Planning Authority request, to support the planning application. This information provides information regarding commercial properties within Loanhead town centre. However, the information provided does not fully address the Planning Authority's request or the criteria set out in policy TCR2 of the MLDP.

Contrary to the criteria in the MLDP policy the applicant has not demonstrated that there are no alternative sites, for this retail business, in or on the edge of Edinburgh City Centre, or that there are no alternative sites in or on the edge of Dalkeith town centre. In addition, they have not stated that the proposed unit addresses a quantitative or qualitative deficiency within the catchment area. Nor have they provided any information that the proposal would not undermine the vitality and viability of regional, strategic or other town centres. Finally, they have not provided any measures to improve the environmental quality of the commercial hub and its accessibility by public transport, walking or cycling.

However, despite the lack of consideration given to the Council's adopted policy by the applicant, given the nature of the proposed retail business and scale of the operation it would be unreasonable to expect the applicant to strictly adhere to the prescribed hierarchy of shopping centres as set out within policy TRC2. While the applicant has not provided specific information to support this argument the Planning Authority has concluded that the retailer already has provision in some of the locations preferred by the shopping hierarchy and requires a further site to compliment a network of shops. This particular retailer relies on high footfall which would be provided either by a town centre location or other shopping location where potential customers may be drawn to. It would be more reasonable to require the applicant to exhaust all options within the local town centre at Loanhead prior to considering siting the business elsewhere.

The Planning Authority has concerns regarding the size of the unit, as it is of a scale which would generally be expected within existing Midlothian town centres rather than within Straiton, which is characterised by largescale out of town shopping units.

The Planning Authority are concerned that by siting retail operations of this scale at out of town locations this will lead to the loss of such businesses within town centres and may undermine the vitality and viability of these areas. It is a key policy position of the Scottish Government and Council that support should be provided to town centres.

The applicant has provided information demonstrating that there are no vacant or available commercial units of a size, or indeed other sizes, appropriate for the proposed retailer within Loanhead town centre.

The applicant has not fully addressed the criteria of policy TCR2 or the SG, nor have they fully satisfied the Planning Authority's concerns over the impact on nearby town centres. However, given the very small scale of the proposed unit, it is unlikely that this will have a significant detrimental impact on either the retail park or town centres and so there is justification to depart from the adopted Local Development Plan. This position is supported up by the fact that this is the first application of this type to be considered at Straiton Commercial Hub. Should further applications be submitted for similar proposals, this is likely to cumulatively have an impact on the wider Straiton area and nearby town centres which would need to be considered carefully and may not be supported.

The SG also raises concerns over the visual impact these units would have, as these are generally structures which would not be acceptable on a long term basis. Where the principle of siting a pod/container is acceptable it is likely that the Council will restrict the approval of these pods/units for a period of three years in order to allow the applicant sufficient opportunity to prepare a more suitable permanent solution which respects the amenity and character of the surrounding area.

The previously approved pod here was granted for three years only and has been in place for four years. The delegated worksheet for the previous approval made it very clear that the pod has the form of a shipping container with a temporary appearance which would not contribute positively to the surrounding area and would not be acceptable on a long term basis. Particular effort was given to the design of the adjacent superstore in order to ensure this has some character and is not of standard, unimaginative, design which is usually the case in supermarket design across the country. It was considered that the permanent retention of the pod would weaken the design of the superstore.

This also considered the proposed approach to development could be taken in a number of similar situations across the Council area. Great harm could be caused to the appearance and visual amenity of retail areas should temporary structures be considered acceptable in these circumstances. The related superstore should produce a well-considered permanent design solution for a more appropriate way to accommodate this business. In previously approving the existing pod for three years, this allowed an appropriate period of time to allow the applicant to explore a more suitable building to contain the use at this site which would address the Planning Authority's concerns. This is an approach the Planning Authority has

applied in similar situations. It is clear that this has not been investigated or furthered.

The applicant's agent does make reference that the pod has been maintained, is in good repair and is durable. The position of the pod will not affect access to the store or result in the loss of parking. However this does not address the fundamental concerns over the appearance of the pod, as highlighted in the SG, which remains as previously assessed and not considered acceptable on a permanent basis. However, given in the three years since the pod was approved there has been the Covid-19 pandemic, it would be reasonable to allow this to remain in place for one further year to allow a more appropriate permanent solution to accommodate this use at this site to be created and applied for.

Although the site is within the Coal Authority High Risk Area, the previous application, which matches the current proposal, confirmed that there are to be no foundations or excavations. Therefore the proposal is exempt from the requirement for a Coal Mining Risk Assessment.

Recommendation: Grant planning permission.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00364/DPP



Pegasus Group
Queens House
Queen Street
Manchester
M2 5HT

Midlothian Council, as Planning Authority, having considered the application by, McLagan Investments Ltd, Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD, which was registered on 13 May 2022, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Erection of retail pod (retrospective) at ASDA, New Pentland, Loanhead, EH20 9NZ

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL_01 B 1:1250	13.05.2022
Proposed elevations		13.05.2022

This permission is granted for the following reason:

The proposed unit would not have a significant detrimental impact on Straiton Commercial Hub nor are there any units within Loanhead town centre where the proposed use could be accommodated and as such it is considered to comply with policies DEV2 of the adopted Midlothian Local Development Plan 2017.

Subject to the following condition:

1. The retail pod hereby approved is permitted for a temporary period only and shall be removed within one year of the date of this permission and the land returned to its previous condition prior to the development commencing within one month of the retail pod being removed.

Reason: *To ensure that the container is removed as this is not considered to be a suitable or appropriate permanent development; to allow the applicant to produce a more satisfactory permanent solution; to ensure that the site is made good at the expiry of the temporary planning permission.*

Dated 01 / 08 / 2022

.....
Matthew Atkins
Lead Officer – Planning Obligations,
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 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

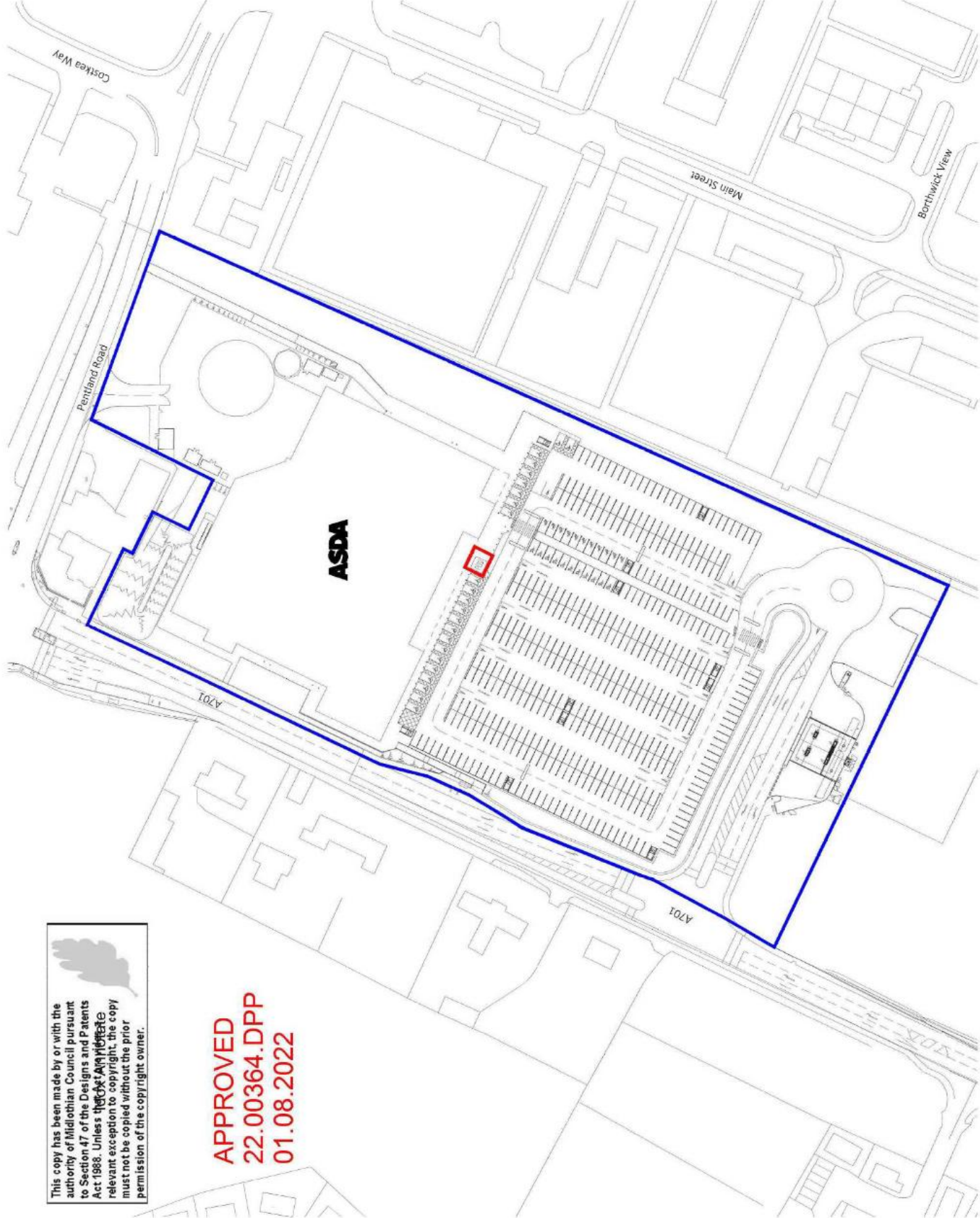
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2021 until 31st December 2022

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LEGEND:
RED LINE INDICATES APPLICATION
BOUNDARY - SITE AREA
BLUE LINE INDICATES OWNERSHIP
BOUNDARY



B 27/06/18	Third Issue	JE/RE
A 07/02/18	Second Issue	JE/RE
C 23/07/18	First Issue	JE/RE

PLANNING

CLIENT: ASDA



PROJECT
PROPOSED POD APPLICATION
ASDA STRAITON

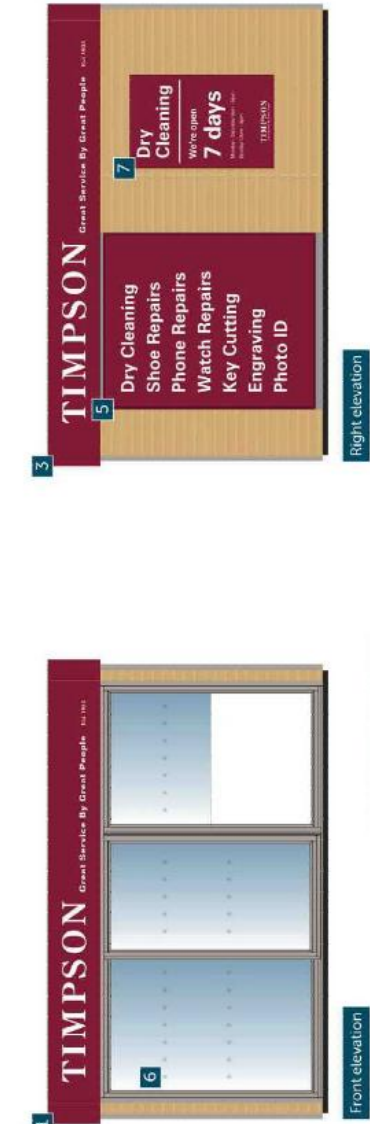
TITLE
SITE LOCATION PLAN

DRAWING STATUS PLANNING	DRAWN JE	CHECKED RE
SCALE 1:1250 @ A3	DATE January 2018	

Whittam Cox
ARCHITECTS
0131 3966018
whittamcox.com

JOB NO. 170550	DRAWING NO. PL_01	REV. B
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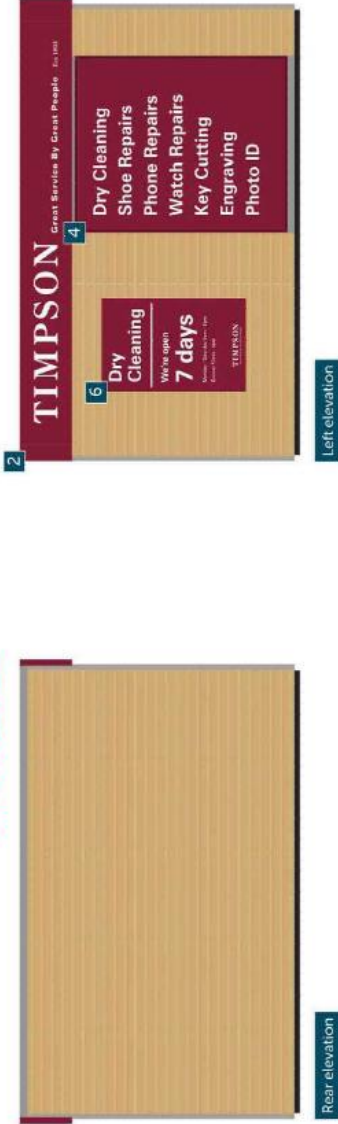
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Front elevation

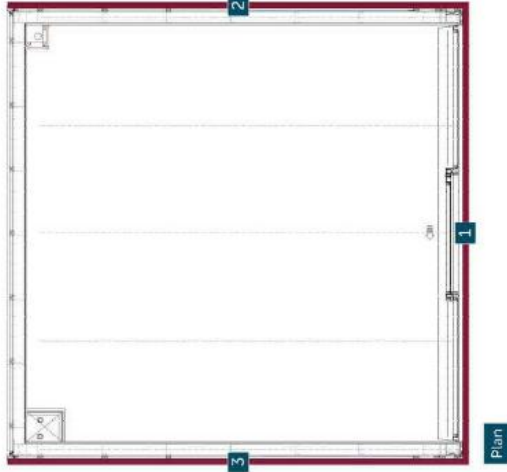
Right elevation

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Rear elevation

Left elevation



Plan

1/2/3

4/5

6

7/8

1) Size: 4344 x 490 x 60mm
2) Size: 4320 x 490 x 60mm
3) Size: 4320 x 490 x 60mm
Amount: 1no.
Amount: 1no.
Amount: 1no.
Specification: 2mm thick fabricated aluminium panel finished burgundy (semi-gloss) C/W aluminium light-box for internal illumination (by LED's)
Timpson 5mm thick fret-cut opal acrylic pushed through face & adhered to 3mm thick opal acrylic carrier panel C/W clamps
Great Se. 5mm thick fret-cut opal acrylic pushed through face & adhered to 3mm thick opal acrylic carrier panel C/W clamps
Est 1903 Vinyl graphics applied
Fixing: Using 50mm aluminium angle

Size: 1649 x 1990 x 45mm
Amount: 2no.
Specification: 2mm thick fabricated aluminium panel (including 20mm flange to all sides) finished burgundy (semi-gloss) with vinyl graphics applied
Fixing: Through 20mm flange

Size: Various
Amount: 1no.
Specification: Frosted 'manifestation' vinyl
Fixing: Applied to inside of glass

Size: 875 x 1350 x 30mm
Amount: 2no.
Specification: 2mm thick fabricated aluminium panels finished burgundy (semi-gloss) with vinyl graphics applied
Fixing: Using 25mm aluminium angle