

Notice of Meeting and Agenda



Local Review Body

Venue: Council Chambers/Hybrid,
Midlothian House, Dalkeith, EH22 1DN

Date: Monday, 19 June 2023

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- | | | |
|------------|---|-------|
| 4.1 | Minute of meeting of 22 May 2023 submitted for approval | 3 - 8 |
|------------|---|-------|

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- | | | |
|------------|--|-----------|
| 5.1 | Notice of Review Land Rear 20 Eskview Road, Mayfield | 9 - 70 |
| 5.2 | Notice of Review 131 Main Street, Newtongrange | 71 - 92 |
| 5.3 | Notice of Review 13 Glenview Road, Gorebridge | 93 - 114 |
| 5.4 | Notice of Review 5 Braeside Road South, Gorebridge | 115 - 134 |

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday 25th September 2023.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

Minute of Meeting

Local Review Body
Monday 19 June 2023
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 22 May 2023	1.00pm	Council Chambers

Present:

Councillor Imrie (Chair)	Councillor Bowen
Councillor Cassidy	Councillor Milligan
Councillor McEwan	Councillor Smail

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Alexander, Councillor Drummond, Councillor McManus and Councillor Virgo

2 Order of Business

The order of business was as outlined in the agenda previously circulated.

3 Declarations of interest

No declaration of interests were received

4 Minute of Previous Meeting

The Minute of the Meeting of 17 April 2023 was submitted and approved as correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	44 Crichton Avenue, Pathhead (22.00895.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a porch at 44 Crichton Avenue, Pathhead.</p> <p>The Planning application 22/00895/DPP for the erection of a porch at 44 Crichton Avenue, Pathhead was refused planning permission on 18 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the design of the porch and the existing properties in the area.</p> <p>Councillor Smaill, seconded by Councillor Milligan moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report.</p> <p>On an amendment Councillor Cassidy, seconded by Councillor Bowen moved to uphold the review request and grant planning permission subject to the condition as set out in the report.</p>		

On a vote being taken 2 Members voted for the Motion and 3 Members voted for the Amendment.

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the erection of a porch at 44 Crichton Avenue, Pathhead for the following reason:

The erection and design of the porch would not have an impact upon the character of the existing house or the street scene.

Subject to the condition as set out in the report.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	25 High Street, Bonnyrigg (22.00869.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use of workshop to piercing studio (class 2) at 25 High Street, Bonnyrigg.</p> <p>The Planning application 22/00869/DPP for the change of use of workshop to piercing studio (class 2) at 25 High Street, Bonnyrigg was refused planning permission on 30 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the pedestrian traffic, the character of the area and the privacy of the amenity grounds of the properties in this area. Following further discussion it was agreed that an additional condition be added regarding privacy enhancement for the residents.</p> <p>The Committee unanimously agreed to uphold the Appeal and grant planning permission subject to the conditions as set out in the report with an additional condition to be added regarding privacy enhancement.</p>		
Decision		
<p>The Local Review Body agreed to uphold the review request and to grant planning permission for the change of use of workshop to piercing studio (class 2) at 25 High Street, Bonnyrigg for the following reason:</p> <p style="padding-left: 40px;">The change of use would not have a detrimental impact on the footfall or character of the area.</p>		

Subject to the conditions as set out in the report with an additional condition regarding privacy enhancement.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Unit 7A Pentland Industrial Estate, Loanhead (22.00786.DPP)	Peter Arnsdorf

Outline of report and summary of discussion

The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an industrial unit and the formation of car parking at Unit 7A Pentland Industrial Estate, Loanhead.

The Planning application 22/00786/DPP for the erection of an industrial unit and the formation of car parking at Unit 7A Pentland Industrial Estate, Loanhead was refused planning permission on 22 December 2022; a copy of the decision is attached to this report.

The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.

The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to employment, the loss of mature trees and the character and appearance of the surrounding area. It was also noted that conditions 2c and 4 addressed the landscaping and replacement tree planting.

The Committee unanimously agreed to uphold the Appeal and grant planning permission subject to the conditions as set out in the report.

Decision

The Local Review Body agreed to uphold the review request and grant planning permission in principle for the erection of an industrial unit and the formation of car parking at Unit 7A Pentland Industrial Estate, Loanhead for the following reason:

This development would not detract from the character and appearance of the surrounding area and the loss of mature trees would be addressed within the conditions relating to the landscaping and tree replacement.

Subject to the conditions as set out in the report.

Action

Planning, Sustainable Growth and Investment Manager

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 19 June 2023 at 1 pm

The meeting terminated at 13.16 pm

Notice of Review: Land Rear 20 Eskview Road, Mayfield

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 change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield.

2 Background

- 2.1 Planning application 22/00716/DPP for the change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield was refused planning permission on 18 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 18 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.

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 four consultation responses and 106 representations received (four objections and 102 support representations). As part of the review process the interested parties were notified of the review. Three additional comments have been received re-enforcing their objects to the application (including comment from the Mayfield and Easthouses Community Council). 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 and a sample of the proposed cladding of the container;
 - b) Details of the proposed serving hatch;
 - c) Details of litter bins;
 - d) Details of a waste management plan, including how and where waste will be stored on site; and
 - e) A site plan showing the exact position of the container hereby approved.

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 ensure adequate waste provision is provided; to protect the visual amenity of the surrounding area; for the avoidance of doubt where the container is to be positioned.*

3. The cladding approved in condition 2a) shall be attached to all four sides of the container.

Reason: *To protect the visual amenity of the area.*

4. The litter bins approved in condition 2c) shall be in place before the use is implemented on site and shall remain in place until the use ceases operations.
5. The waste management plan approved in condition 2d) shall be in place before the use is implemented on site and shall remain in place until the use ceases operations.

Reason for conditions 4 and 5: *To ensure adequate and appropriate waste facilities are provided.*

6. The use hereby permitted shall only operate within the hours of 8am to 8pm.
7. No generator shall be operational in connection with the container and use hereby approved.
8. No amplified music, vocals or sound reproduction equipment used in association with the use hereby permitted shall be audible within any nearby residential property.

Reason for conditions 6 to 8: *To protect the amenity of nearby residential units.*

9. 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.*

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the location and details for the provision of nesting and wildlife homes and features to optimise the biodiversity value of the site, has been submitted to and approved in writing by the planning authority. Such a scheme could include swift and bat boxes and biodiverse lawns, ivy screens and green roofs/ walls. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the adopted Midlothian Local Development Plan 2017.*

11. When the container is no longer in use for the use hereby approved, within 3 months of operations ceasing at this site the container shall be removed and the land shall be made good within four weeks of the container being removed.

Reason: *To ensure the container is removed in a timely manner after the approved use has ceased; to protect the visual amenity of the area to ensure the site is restored.*

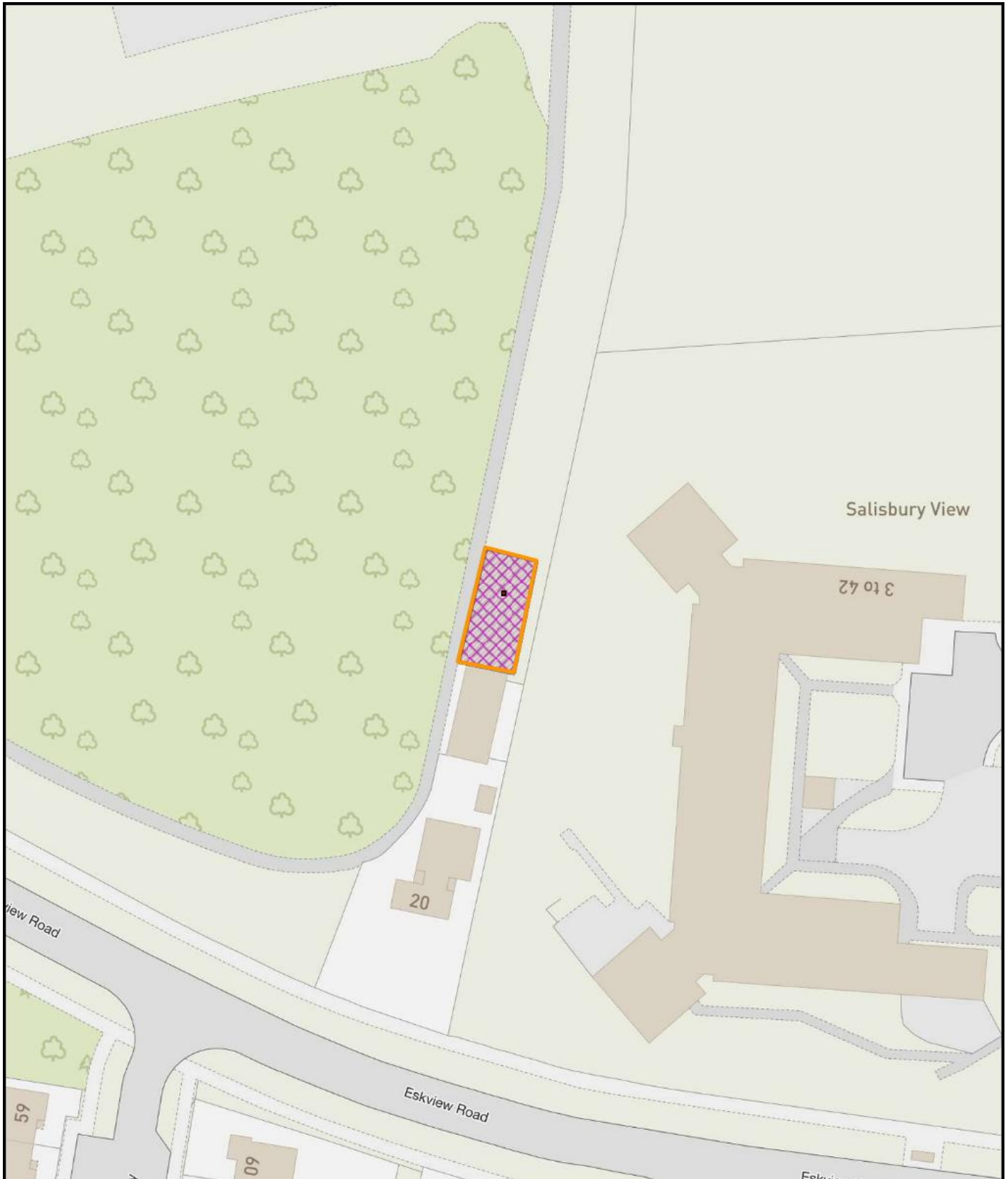
6 Recommendations

- 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

Background Papers: Planning application 22/00716/DPP available for inspection online.



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

Siting of container for use as hot food takeaway
Land to rear of 20 Eskview Road, Mayfield

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File No.22/00716/DPP

Scale: 1:750





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 100614482-001

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

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="William"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Kivlin"/>	Address 1 (Street): *	<input type="text" value="Old school path"/>
Company/Organisation	<input type="text" value="Old school takeaway"/>	Address 2:	<input type="text" value="Mayfield"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh225ng"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land to Rear of 20 Eskview Road Mayfield Dalkeith

Northing

Easting

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)

Reference22/00716/DPP Change of use from public open space to allow sitting of container for use as hot food takeaway

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.

<p>What does your review relate to? *</p> <p><input checked="" type="radio"/> Refusal Notice.</p> <p><input type="radio"/> Grant of permission with Conditions imposed.</p> <p><input type="radio"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p>							
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>I wish to raise a review against these matters stated below in the refusal document. 1. Appearance & serving hatch details 2. Town centre impact 3. Proximity to school 4. Opening hours 5. Bin storage 6. exact site location 7. Litter bins 8. Main planning concern and material evidence</p> </div>							
<p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *</p> <p style="text-align: right;"><input type="radio"/> Yes <input checked="" type="radio"/> No</p>							
<p>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)</p> <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>							
<p>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)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>1. Document of further details of refusal matters 2. Site map location 3. Material evidence to support planning application for planning's main concern</p> </div>							
<h3>Application Details</h3> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 60%;">Please provide the application reference no. given to you by your planning authority for your previous application.</td> <td style="width: 40%; border: 1px solid black; padding: 5px;">22/00716/DPP</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">29/09/2022</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">18/01/2023</td> </tr> </table>		Please provide the application reference no. given to you by your planning authority for your previous application.	22/00716/DPP	What date was the application submitted to the planning authority? *	29/09/2022	What date was the decision issued by the planning authority? *	18/01/2023
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00716/DPP						
What date was the application submitted to the planning authority? *	29/09/2022						
What date was the decision issued by the planning authority? *	18/01/2023						

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. *

T 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? *

T Yes ≤ No

Is it possible for the site to be accessed safely and without barriers to entry? *

T 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?. *

T Yes ≤ No

Have you provided the date and reference number of the application which is the subject of this review? *

T 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 T 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? *

T 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 *

T 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 William Kivlin

Declaration Date: 08/04/2023

I wish to raise a review against these matters stated below in the refusal document.

1. Appearance & serving hatch details
2. Town centre impact
3. Proximity to school
4. Opening hours
5. Bin storage
6. exact site location
7. Litter bins
8. Main planning concern and material evidence

1. It is suggested for approval and to look more appropriate for locals walking up the path towards the site that the container doors be done in timber cladding also, totally agree and we have no problem timber cladding the entire container to make it more attractive on approach, I've attached images below that we have sent to our builder if planning is approved to show the look we will be going for now.

The serving hatch dimensions are stated in the official drawing but further details of this is that it will be cut out the side of the container, lined with rubber edging for a protective finish and gas struts used for support, it will be great for shelter from the rain for placing your order at the hatch and also allows us to take any disabled users orders very easily through the serving hatch.

When closed it will have 3 security bolts inside for extra security as this will be an attractive entry point during closed hours.

If approval is given once we are in I have thought about the possibility of fitting lighting to the hatch so when opened it lightens up the pathway in front of the hatch which will be another great addition for lighting on the pathway.

2. We don't believe there to be any town centre impact a strongly believe this will attract more people to the town centre and the park, we are already operating not far from the park so its no change to the people were already here just in a better location for the community.

There is also the pavilion in the park which myself volunteered at for nearly 1 year before starting old school takeaway, this falls just outside the town centre and is adjacent to the site location presented in the planning application a strongly believe if the pavilion has had no detrimental impact in the town centre with being 3 x the scale we'll be the smaller business in the park with a less chance of impacting the town centre. Our aim is to bring life to the park and town centre not bring it down.

3. A strongly disagree with it being said we are 400 metres within newbattle high school grounds and less than this from St lukes primary school, myself has taken a quick walk and calculated the distance for both schools distance and I'm hoping there's a way we could have this distance checked, I don't think we're within 400 metres from either school but I could be wrong.

There is also the matter of the pavilion cafe in the park that myself got up and running for Sharon Hill back in 2022 when I volunteered for nearly a year built the cafe furniture designed the menu and brought the cafe to life but there was never anything mentioned or brought up by planning / environmental health or the community council about the pavilion cafe being within 400 metres of the school, the site location in the planning application is very noticeably further away from newbattle high school so I'm strongly disagreeing with this part of the refusal and would hope with many other businesses in the area closer and given permission we would also be accepted.

We would also be willing to discuss closing during the newbattle school lunch break if it meant the possibility of getting approved.

4. Opening hours will be 8am to 8pm 7 days a week, we agree they weren't fully stated as we were letting environmental decide appropriate opening hours.
5. Main bin storage will be our commercial 1100litre bin at our prep kitchen still at our home business kitchen, we will have upto 3 litter bins outside the cafe site in the park and 2 bins inside the kitchen which will be emptied daily and emptied into our 1100litre bin, we operate from home just now and bin storage and litter is top priority for us we have many walk through inspection and never had a problem.
6. There does seem to be a bit confusion to the exact site location, I've attached a new site map of the exact location, it is said about the storage shed already situated in the park that we will be taking power from and it had been said between parties involved us being so close to the existing building this will be great for reducing vandalism this building already gets just now.

The exact location however is clearly visible in the park outside the storage shed there is a concrete driveway our container cafe will sit on the adjoining grass of the concrete driveway leaving plenty space for access.

7. Litter bins have been covered in section 2. But we have also made contact with the local primary schools and would be hoping to start up litter pick days in the park and we would definitely be teaming up with a few local businesses to start litter pick days also this is a big part of the idea of moving into the park and making it a cleaner brighter place with the added bonus of a trendy cafe in the corner now .
8. The planning departments main concern can only really be subsided by allowing me this opportunity of approval and showing you this will be great for the town and an amazing opportunity to see the opportunities of having different businesses in midlothian council, we have been open nearly a year now and have built up a massive community base that strongly wanted this approved to bring something different to the area. Its mentioned its not

clear how this could bring more job opportunities to the park but with us being there this allows more groups like football, karate, judo, outside badminton, fitness, yoga, running & cycling groups and most of all dog walkers to now bring their business to Mayfield park or allow others the opportunity to start a new business idea. Also over time as we grow we will be taking on more staff we operate from home now and have grown from myself and partner to now 6 staff in total all from Mayfield.

9. Material evidence has been attached in the form of pictures of reviews and just general customer feedback to show the impact we have in the community, someone said not long ago we were not like a takeaway we were like friends it never forgets that.
10. The conditions mentioned to be attached if approval is given we are more than happy with all of them especially about within 5 years having a more permanent building this would be a main goal of ours also. We will also be making great use of an abandoned building just now till it becomes in use fully again.

A hope you can see the opportunity this planning application has for the area and the potential it could bring for future growth of the park, we are now up for nomination for the 2023 business chambers awards for the community impact award and we are hoping for this approval so we can now have the tools to help the community even more.

Added in 8th April – amazingly we made it through to the last 4 finalists of the chamber awards for the community impact award we were truly lost for words and even more a really can't believe it but myself won the local hero award for midlothian & East Lothian this has truly given me even more passion and drive to build something amazing for my community and keep on doing our Christmas meals every year along with the local parish church which we have already arranged for use of their kitchen again this Christmas, Colin Beattie has sent a motion to parliament for the award to be recognised also if I'm honest a really don't know how I'm here a really just like doing what I do and have so much passion to make something of myself for my family and the local community with the type of business I want to build it can only come with putting the community first.

Please give me this opportunity to further our business not just for ourselves but everyone around old school takeaway with this great location and extension to the size of kitchen we could really provide something even more affordable and more benefits to the community, I would also like to stress how much we are willing to let any conditions be made we see it as still an opportunity to work on and more than we have now if approved with any type of conditions we just want somewhere in Mayfield to keep doing our thing, please if you can check our facebook page and read about our journey through the rewards it really shows you what we're trying to achieve for everyone to enjoy.

Thanks for your time

William Kivlin

Old school takeaway

Mayfield park container cafe business plan

1. We are currently open 6 days a week with the opening hours of 9am to 8.30pm Tuesday to Sunday, we would be hoping to extend the opening hours to 8am to 11pm or 12pm but we would definitely just go with what the planning department allowed us with the opening days and times.
2. We are hoping by bringing this project to the park it's really going to bring something great for everyone and now we really can be a 20 minute community and have everything at our doorstep including some activity for everyone now in the park with an affordable menu for everyone to enjoy and much more.
3. The town centre car park would be used for anyone coming to the park in there vehicle but we're really trying to

make it a place where everyone has everything within walking distance and there's no more cars than usual, we're hoping to start a recycling programme and try get involved with a green energy programme which would involve more of convincing people to walk to the park to.

4. The container would be placed directly onto concrete foundations that are already in place and with permission by planning to go ahead we have been given permission by Justin venton to connect upto power and water to there existing storage building on site, which also has a toilet he's allowed access to so we don't need to install a toilet.
5. It's going to be a hatch only service cafe so nobody apart from staff would be entering the container, we are just moving the kitchen were we are operating from just now into the container with a few extra fridge and freezers for storage.

6. We are going to paint the outside of the container a neutral colour to match the park until we have been operating for a few months and are happy with the outside fittings as in lights and menu boards ect then we would like to timber frame the outside to look something like this below.



We have built up an amazing connection with the community since opening already and

before we started pursuing the project we asked loads of customers there thoughts of the idea and with there response we really can't wait for an opportunity to bring something amazing to the park and everyone in the community we are hoping to start a low funded hot meals on wheels programme for low funded family's in the area also.

Shipping Container, Modular & Pop-Up Restaurant Ideas



Portable Coffee Shop



Shipping Container Cafe



Shipping Container Bar



Pop-Up Beer Garden

Even though you may not have thought about alternative building materials such as shipping containers before, the style and versatility they provide has been recognized by industry leaders, including Taco Bell, Subway and Starbucks. Taco Bell debuted its first shipping container store at an annual film and music festival in Austin, Texas in 2015. Starbucks introduced its drive-thru shipping container outlets in 2014 and is already using them in

Seattle, Chicago, Denver, Oregon, Kansas City and Colorado.

During the construction of the Freedom Tower in New York City, Subway was tapped for what is perhaps the most creative pop-up restaurant idea to-date, and it was certainly one of the highest. While construction continued on the 105-floor structure, workers found it increasingly difficult to make it to ground level, eat their lunches and return to work on time the higher the building became. Subway solved this problem by using shipping containers to make a portable restaurant that could be lifted to the height of whatever floor the workers were on, saving them valuable time.

Pop-up restaurant ideas aren't limited to national chain operators, though. Many independent restaurant owners have also recognized the practicality and flexibility that shipping containers provide and have used them to either add onto an existing structure or to create a new one. Asheville, NC residents Matt Logan, Kristie Quinn and chef Mark Rosenstein, used [19 shipping containers to open America's largest shipping container](#)

restaurant in the spring of 2015, for instance. Amazingly, the structure was installed in just three days.

Ska Brewing opened the Container Restaurant to offer guests fare that would complement their beer tasting experience when they visited the brewery's Durango, CO campus. The Container Restaurant consists of two containers that are positioned on top of each other. The Container Restaurant uses its lower level to prepare food while its upper container serves as an outdoor patio where people can eat their food and enjoy an elevated view of the brewery's property.

While shipping containers are ideal for large-scale operations because they can be used to build outward as well as upward, they are also perfect for smaller businesses. If you're trying to think of an outside the box pop-up restaurant idea that will enable you to enjoy the many benefits that come with having a mobile structure made from durable materials and the strong structure of custom shipping containers, you may want to consider the following popular ideas:

- Portable Coffee Shop
- Shipping Container Cafe
- Modular Bar
- Pop-Up Beer Garden

If you're interested in a modular café or mobile coffee shop, you have a lot of options if you choose to establish your business using a shipping container. Standard shipping containers range in size from 10-feet to 40-feet in length. While a shipping container's usual ceiling height is eight-feet, six-inches, "high cube" containers that have a nine-foot, six-inch ceiling are available.

Shipping containers are made with 16-gauge corrugated steel which provides a modern industrial look, but you can alter the appearance of a container with materials such as siding. While Taco Bell decided to leave the external appearance of the containers used to make its first shipping container outlet intact, Starbucks chose to alter the look of its drive-thru shipping container locations by adding reclaimed wood paneling and a logo sign to the outside of each one.

Since shipping containers can be positioned next to or on top of each other and can bear hundreds of thousands of pounds of weight as a function of their design and the materials used to make them, the options you have for the configuration of your shipping container coffee house are nearly limitless.

Although shipping containers can be made to construct a permanent structure, the fact that they were originally made to be transported on boats, trucks and trains makes them ideal for mobile businesses. They can move fast since they were moved from location to location and from one form of transportation to another during their shipping careers, shipping containers are outfitted to be picked up and loaded onto a truck with ease.

Benefits of Mobile Coffee Shop Construction



The benefits of having a mobile coffee shop or modular café include your ability to move your business from one location to another. This advantage can literally save your business if you didn't initially pick an ideal location or if the mix of consumers in your area changes. It also gives you the opportunity to capitalize on special events in your area because you can haul your portable coffee shop to them.

Additional benefits of making a mobile coffee shop construction include:

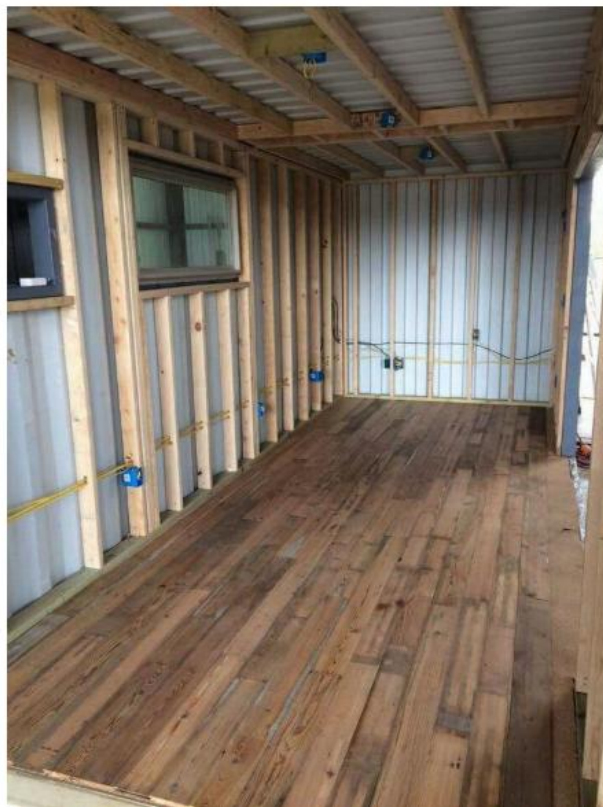
- **Environmentally Friendly:** Using shipping containers for restaurant construction is environmentally friendly for multiple reasons. First, it re-

purposes material that may otherwise have been left to decay on a dock or in a landfill. This type of construction is also normally done indoors as modular construction typically is, meaning shipping container construction releases less dust into the air than stick-built, on-site construction does.

- **Time-Saving:** Shipping container construction can be completed faster than on-site construction because its progress is not dependent on the weather, and you start with a structure that already exists before the construction work even begins.
- **Security:** Since shipping containers are made from corrugated steel, they are virtually impossible to break into. At the end of the day, you'll simply lock down your shipping container coffee house to guard against theft. Given the material they're made of, shipping containers are fire resistant as a function of their design as well.









Food restaurants and cafes have become more progressive and well-designed with shipping containers. Nowadays shipping containers were used by many food restaurants.

One of the largest reason for building a shipping container restaurant is because it's Eco-friendly.

Chef Thomas Keller, who has 3-Michelin Star restaurant, French Laundry used shipping containers while renovating his restaurant kitchens in 2015. This is a good example of how shipping containers fabulous for any business, from small cafes to world-renowned restaurants.

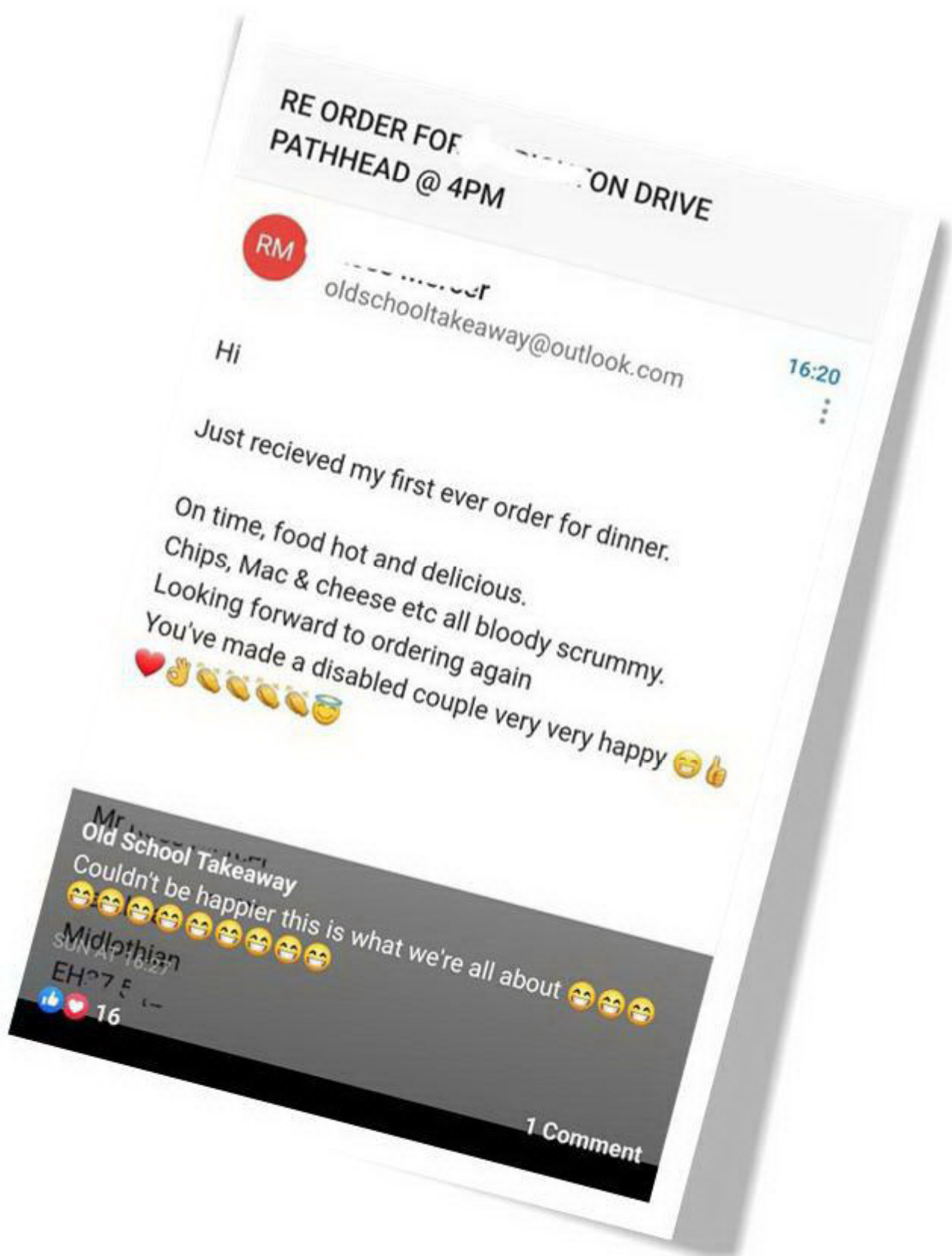
- Our plans are to convert a 40ft container with a cafe hatch/window service to the public in the park , it will be lined and sealed & insulated and with the high security door it's extra secure in the park also.
- We are happy for the council to decide the design for the outside of the container so it ties in well with the park, but initially we are planning on painting a colour to tie in with the park (green) to start with and once containers are linked together install timber gladding to the outside which will look very nice situated in the corner of the park.

1. Below is some examples of what it will look like.





The voice of the community





Old School Takeaway

4 d · 🌐

🔒 The secrets out 👁️👁️ 🔒

As promised when we started we wer... See more



👍❤️ 143 >

Newest ▾



Catherine Thomas Mccolm

Agnes Sutherland the Pavillion is amazing and I love it I use it weekly sometimes 3 times a week I think Pavillion will always be a winner in fact maybe having old school takeaway will bring more people to the park and the pavilion as it has the bonus of having an indoor seated area . I think there is enough for both old school and pavilion to benefit.xx

15 h Love Reply Message Hide 1 🗳️



Old School Takeaway

Catherine Thomas Mccolm the pavillion is an amazing place ❤️ exactly our thoughts thanks so much, we intend to advertise all about what's going on at the pavillion and recommend the seating area in the pavillion with there lunch it's came to life so well 😊 we also would love to purchase all the fruit and veg all year round that they have available and introduce it into our menu and this should be... See more

👍❤️ 143 >

write a reply...



Iona Birrell

YES

3 d Love Reply Message Hide 1 🗳️



Top fan

Adele McGowan

Amazing hope it all works out for u xxx

3 d Love Reply Message Hide 1 🗳️



Carol Webster

That's brilliant well done guys xx

3 d Love Reply Message Hide 1 🗳️



Jane Grieve

Brilliant idea

3 d Love Reply Message Hide 1 🗳️



Lisa Smith

Leila Smith 🥰🥰

3 d Love Reply Message Hide 1 🗳️



Shirley Macpherson

This sounds brilliant and defo need more lighting in the park

4 d Love Reply Message Hide 1 🗳️



Lesley MacKinnon

What a fantastic idea yes yes yes 🥰🥰 Best of luck xx



16 Apr · 🌐

 Old School Takeaway



14 Apr · 🌐

 Old School Takeaway



7 Apr · 🌐

Amazing food amazing taste quick service will
defo buy again xxx

OLD SCHOOL TAKEAWAY

< 2 Lesley MacKinnon



Lesley MacKinnon

MON 06:22

we received our first order of Mac & cheese and chips for 2 on Friday. It was delicious and the portions were huge. 10 out of ten will defo be ordering again and at least next time you're driver will know where to find us 😊



MON 15:10

Thank you so so much ❤️ so glad we enjoyed your first order 😊 haha definitely we'll make sure she doesn't do 3 laps around the street before coming to your door next time 😊😊x



< 1 Pam Mochar



Pam Mochar

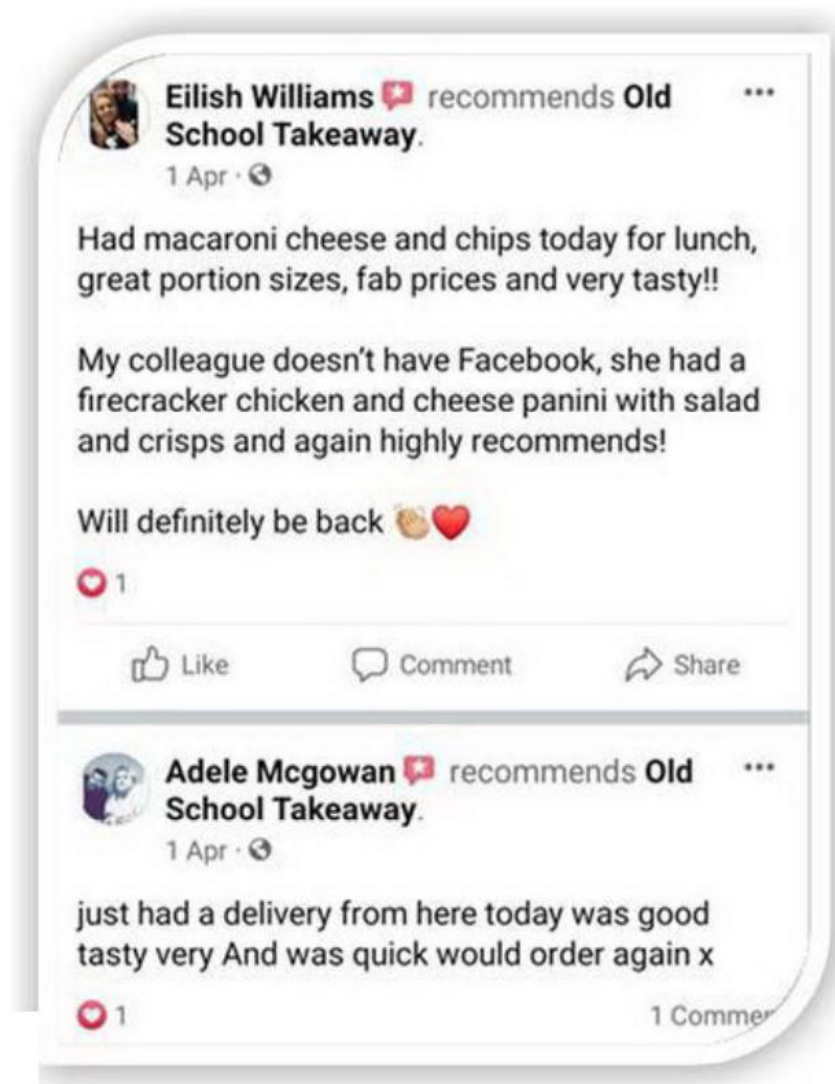
WED 11:22

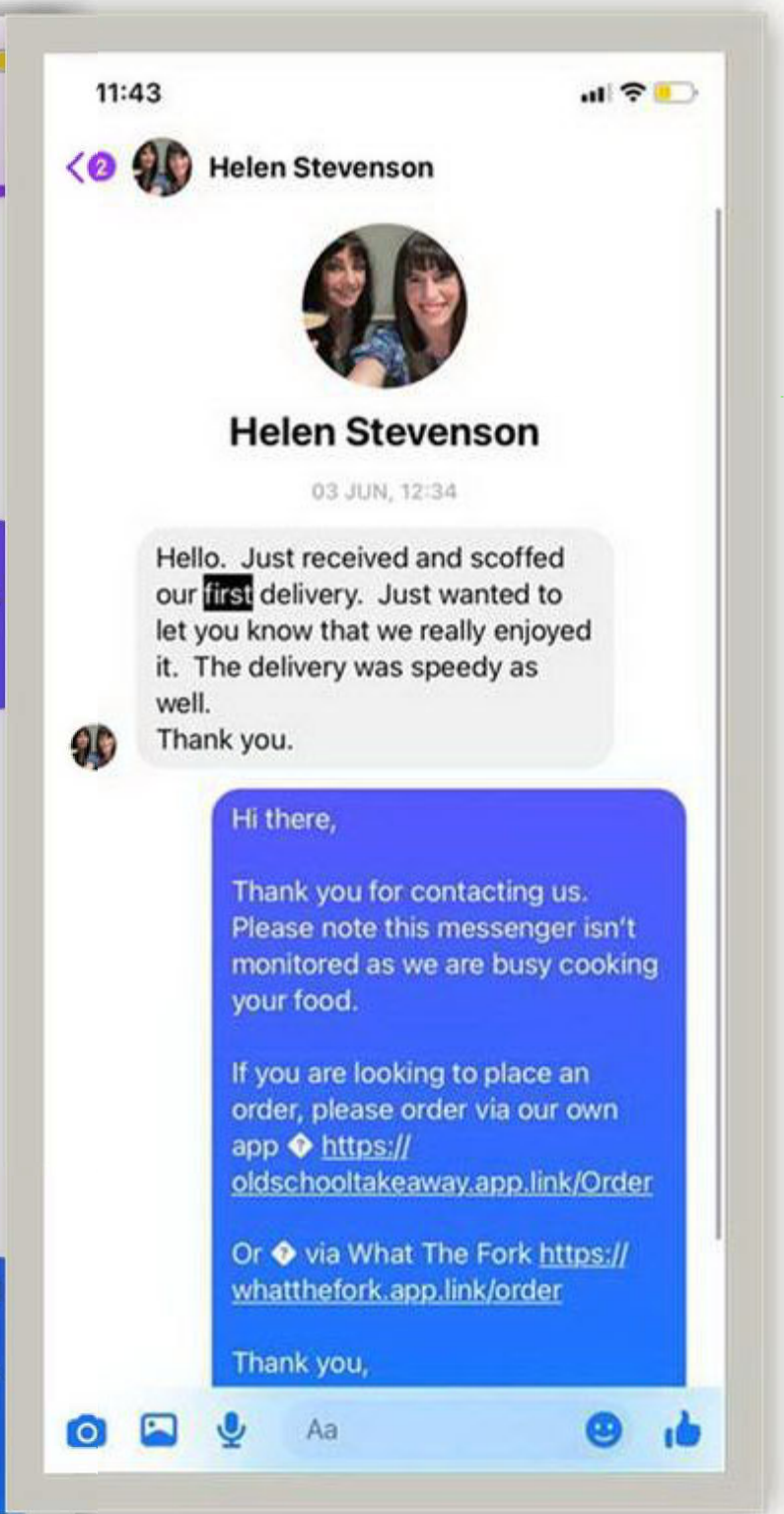
Hi just received my first order, it was perfect, everything i needed, 😊 will definitely be ordering again!!! Thank you x

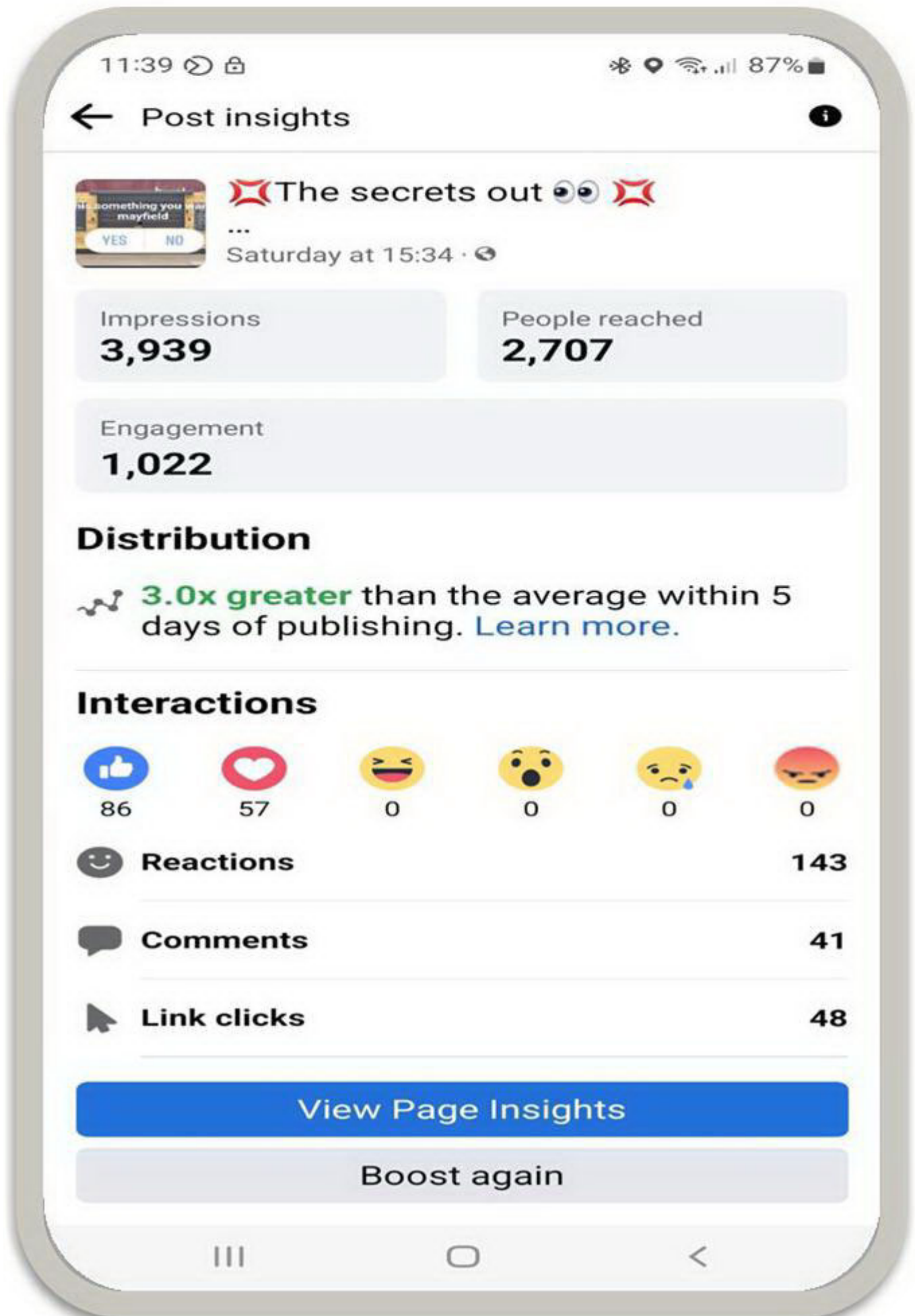


Hi Pam, thank you so much for the kind words 😊 We are so glad you enjoyed your tasty breakfast 😊

We look forward to hearing from you again, hope you have a lovely day xx







Just ordered there after thinking about chippy Chinese etc so glad we did!
Absolutely outstanding changed a few things on menu to suit myself

11:41

86%

Mr Robert Macdonald (Supports)

Comment submitted date: Tue 18 Oct 2022

I think it would be a great idea because me and my chums love this place and it just makes it a great location and means we can go on a nice walk and stop and get a bite to eat.

Mr Declan O'Neill (Supports)

Comment submitted date: Tue 18 Oct 2022

Being a teenager myself, I think this would be an amazing opportunity for me and my friends will now have something to do later on at night. We already love the food and now it's going to be somewhere we can get a bite to eat and hang around friends at the same time ,we need something to keep us occupied

Mrs Maxine Alexander (Supports)

Comment submitted date: Mon 17 Oct 2022

I think this would be an amazing addition for the community. To know how much hard work has went into the business is amazing to see, to be given this huge opportunity to grow is astounding! The menu itself has such a great variety of "Old School" hearty food and even the prices are so much more reasonable for what you get... it is literally value for money! For someone starting from scratch and watching how well their business has done but also having great ideas about their future only builds up the surprise of what's to come! Great for all age ranges and a huge variety of food!

11:42

86%

Mrs lynne anderson (Neutral)

Comment submitted date: Fri 14 Oct 2022

We own and manage Retirement Development at Salisbury. We have concerns about litter, noise and people this will attract so close to the development

Miss Shannon Johnston (Supports)

Comment submitted date: Thu 13 Oct 2022

This would be great to see in Mayfield it's definitely something different for the community and having nieces and nephews that I'm always at the park with this is going to be great for them to, also me and my partner use the park daily to walk our dog and this would be amazing to have that extra comfort of security on the later nights having this in the park. 100% support this

Mr Steven O'Neill (Supports)

Comment submitted date: Thu 13 Oct 2022

I've used this park a few times with the grandchildren over the summer, beautiful wide open space with lots of potential. I had thought it was missing a nice café, place for a coffee and bite to eat. I think this would be a welcome addition and perhaps stimulate more community activities in the park, hears hoping.

Miss Michelle Szebert (Supports)

Comment submitted date: Wed 12 Oct 2022

As someone who visits family in Mayfield regularly I would support this 100%.

11:41

86%

Mr Taylor Wight (Supports)

Comment submitted date: Tue 18 Oct 2022

Love this idea aye struggle from mental health myself and can't travel to far will definitely be using this a lot to get out for a break with me and the dog

Miss Gemma McGowan (Supports)

Comment submitted date: Tue 18 Oct 2022

I think this would be a fantastic idea for mayfield this would attract loads of kids from school builders

11:40

87%

Miss Sinead Masterton (Supports)

Comment submitted date: Wed 19 Oct 2022

This food outlet would be a brilliant addition to mayfield especially after the loss of the cafe recently. The menu is reasonably priced and is filled with healthy options for the kids at lunch time from school and an ideal walking distance for people working in surrounding businesses in the area.

Miss Danielle Walker (Supports)

Comment submitted date: Tue 18 Oct 2022

This is a fantastic opportunity for the community of mayfield and the thriving small businesses Old School Takeaway. I for one am a regular customer of the Old School Takeaway we have always had an excellent service. My daughter and her friends who are at the High School looking forward to using there services.

Miss Yazmin Laidlaw (Supports)

Comment submitted date: Tue 18 Oct 2022

I think it'll be a brilliant idea to bring a food Buisness with such a verity of food to central mayfield with easy access for everybody to enjoy

Miss Haylie McKenzie (Supports)

Comment submitted date: Tue 18 Oct 2022

I think it is a brilliant idea to have something like this in the park that many people use everyday. It would be a smart move to have a cafe where everyone can access it. Good idea for the school kids as it's a great menu added bonus. Overall a great idea

11:40

87%

Catherine Tumulka (Supports)

Comment submitted date: Wed 26 Oct 2022

this representation was made on paper please refer to the documents tab

Mrs Dawn Bernard (Supports)

Comment submitted date: Tue 25 Oct 2022

I fully support this venture , I think it would be a great asset to the community
I have used Old School Take away many times for delivery and would definitely be using this venue on a regular basis, it would definitely be a great asset to the community, there food is amazing and great value for money , I sincerely hope that the council support this as well

Mr Peter Burns (Supports)

Comment submitted date: Mon 24 Oct 2022

This would be great asset to the local community of Mayfield and Dalkeith. A young business that has a great desire to succeed. This application should be applauded by all.

Miss Courtney Main (Supports)

Comment submitted date: Sun 23 Oct 2022

I support this idea, as I commonly take my son here and would be nice if there was something like this in the area.

community through the app.

Let's bring people into the 21st century and h

11:41  

   86% 

Miss Emma Hardie (Supports)

Comment submitted date: Tue 18 Oct 2022

I fully support the idea of a new food establishment being placed in mayfield park. I don't live within the community myself but family who I visit a lot are and I use the park so often while walking our dogs.

As far as I'm lead to believe this food establishment isn't only going to provide great, tasty and wholesome food for the community, but provide dog treats also for the avid dog walkers of the community. This is a big plus as I have seen anything like that around here.

I took a walk around to see what could possibly have issues with this establishment going up and can't see any. There are varies other establishments selling food and takeaway things however these all work along side each other on a daily basis so why not another. Somewhere where they is a place big enough for everyone to gather with family and friends and enjoy a day out or even a rainy stroll through the park for a hot chocolate or coffee to heat you up.

Littering would not be an issue if there are bins put in place to which I'm sure being a reputable business they will provide in the droves to stop this happening. Prices won't take away from community places within park either because each establishment is different, serving a selection of different foods. This establishment is all for the community also already offering back to school discounts online and other gestures to the community through the app.

Let's bring people into the 21st century and h



Old School Takeaway 

what time to you stop delivering 😊

2 h Love Reply Message 1 ❤️

 Author
Old School Takeaway
 Katie Hastie Rankin we stop at 8pm Tuesday to Fri and 8.30pm Saturday and Sunday 😊 hope to see you soon ❤️

2 h Like Reply

 **Katie Hastie Rankin**
 Old School Takeaway you definitely will 😊

2 h Love Reply Message 1 ❤️

 **Lisa Smith**
 Katie Hastie Rankin you won't be disappointed
 We have had a few and never any leftovers 😊

1 h Love Reply Message 2 🍕❤️

 **Katie Hastie Rankin**
 Lisa Smith heard so many brilliant reviews so definitely going to try it soon it will also save me cooking also I'm in the street lol 😊😊

1 h Love Reply Message 1 ❤️

Hi there I've just been speaking to your dad.
 Was wondering if you could possibly do catering for a Wedding. It's John Mclelland's oldest daughter.

Thanks Annie

hey guys! Will you still be open for delivery about 2pm today? 😊

Yeah of course we will 😊 Are you looking to order?

Yeah I'll be doing it through the what the fork app as usual 😊😊 cannot get enough of the Mac N Cheese 😊😊😊

😊 it's very tasty isn't it, we look forward to cooking your tasty order

Appreciate it! ❤️

Just received my mac n cheese and just had to message you and day this might be your best Mac n cheese yet!! It's absolutely delicious!

11:22



Hi just received my first order, it was perfect, everything i needed, 😊 will definitely be ordering again!!! Thank you x



Hi [redacted], thank you so much for the kind words 😊 We are so glad you enjoyed your tasty breakfast 😊

We look forward to hearing from you again, hope you have a lovely day xx



Old School Takeaway

Another Happy, Hungry Old Schooler satisfied 😊

Love receiving messages like this, you lot are just absolutely amazing 😊



WED AT 12:02



William kivlin

Kind Regards Elaine xx

We are absolutely delighted to be given the opportunity

Lost for words nisa local giving us a supporting vote we really do want to bring something amazing to the community and work with as many other's as we possibly can we've never looked at old school takeaway as a business we always call it a family and we're trying to find a way to bring the community more and more into this growing family everyday.

A hope you all liked what I've put together instead of me just telling you what the community says let me show you through our growing old school family page there own voice of opinions.

I've called this the voice of the community because you can see from the locations chart our community is speaking loudly, thanks so much for taking the time to read this and be part of old school takeaway have a lovely night .

Visa Local
+2 Mayfield Place
EH22 5EB
Mayfield

ACKNOWLEDGED 28.10.2022

I Write In Regards to the following
Planning Application - 22/00716/PP

As a local Business owner in the area, we
are 100% Supporting this Application.

Yours Sincerely
27/10/22

G RASUL

RECEIVED
28 OCT 2022



Old School Takeaway, Dalkeith

📍 7 Old School Path | 0.13 miles

★★★★★★ 6.78/7 (43)

Breakfast • Burgers • Baked Potato

We are so happy to have the highest review rating on the entire what the fork platform which consists of nearly 1000 restaurants to takeaways on there platform

Locations

Cities

Countries

Dalkeith	681
Edinburgh	217
Gorebridge	104
Bonnyrigg	103
Tranent	22
Musselburgh	20
Loanhead	12
Lasswade	11
Penicuik	11
Pathhead	8

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00716/DPP

Site Address: Land to Rear of 20 Eskview Road, Mayfield, Dalkeith

Site Description: The application site comprises an area of hardstanding within Mayfield Park. The site is by the eastern edge of the park which extends to the west, south and north. There is a building within the park to the north (the Pavilion) which operates as a café and hub, with a community garden to the north. The site is at an elevated level, with the land sloping down to the west. There are retirement flats to the east and a flat roofed building used by the Council as storage to the south. There are houses to the south, beyond the park, with Mayfield Town Centre to the northeast. Newbattle High School lies beyond the park to the west.

Proposed Development: Change of use from public open space to allow siting of container for use as hot food takeaway.

Proposed Development Details: The proposed container is to be used as a hot food takeaway. This measures 12 metres long by 2.4 metres wide and 2.4 metres high and will be clad in timber cladding on three sides, with an opening cut out to accommodate a serving hatch. The container will connect to the public water supply and drainage network. The existing food business is operating from the applicant's home as a delivery only service.

Background (Previous Applications, Supporting Documents, Development Briefs): No relevant history.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection as the proposal does not raise any major transportation or road safety issues.

The Council's **Senior Manager Protective Services** does not object, subject to conditions being attached to any planning permission to ensure there are no generators used in the vicinity of the container and that the use only operates between 8am and 8pm. These conditions would limit noise and disturbance to nearby residential properties.

The Council's **Biodiversity consultant** has not flagged up that the development would affect any protected species.

The **Mayfield and Easthouses Community Council** objects to the proposal and support the objection from Mayfield & East Houses Development Trust (MAEDT) while acknowledging the amount of support from the community. They state:

- A large amount of representations are from people who do not live in the local area, from people under 16 years old and written on other people's behalf by

the same person. They query how these are considered in the assessment of the application and how these are checked to be authentic. They note some people have sent in more than one letter and/or signed petitions. They do not suggest the comments are not authentic but query how this is handled. If they are satisfied on this point, they would support the application based on the community support in the representations;

- They ask if the claim that healthy food would be served will be investigated. They are concerned the unit would target school children and the menu is largely fried/fast food, raising issues over healthy eating. They are part of the Council's whole system approach to type 2 Diabetes in the area. They are also considering campaigning for Fast Food Exclusion Zones to be included the Local Development Plan (LDP) to restrict new fast food outlets to outwith 400m of any school. They would support the proposal if this were providing healthy food at affordable prices, but this is not has been submitted;
- The business plan does not provide any evidence of job opportunities or how it would reduce commuting from the area, or what policies it satisfies from the LDP. The application cannot be supported on this basis;
- Concerns over people parking in nearby laybys which are not car parks;
- They note representors state this is wheelchair accessible, but that the hatch would need to be lower to be so. They would support the application if the Council provide public toilets in the part, including a disabled toilet and changing facilities;
- They make reference to a similar unit in Dunbar that is a sit in café and takeaway that opens between 10am to 4pm. They would support the proposal if it operated like this;
- They query the community spirit and benefits noted in the letters of support. A lot of representations state this is a café when this is a takeaway, with no details of seating. The only toilet facilities are in the adjacent storage building but it is not clear if this is for staff or customers. MAEDT already run activities and litter picking the area, as proposed by the applicant. There is no evidence that the proposal would support community spirit in the area and they do not support the application on this basis, but hope that those who signed up for these events take part in the MAEDT events;
- Anti-social behaviour concerns as it is implied the takeaway would open late at night. It is not clear if this use later into the evenings would create a safer feel with people in the area or less safe if youths are gathered here. It is not clear how this would reduce anti-social behaviour and there is no evidence that this would be reduced. This would be better achieved by better lighting and not more people hanging around in the park. They do not support the proposal on this basis;
- They query the Council's involvement as the submissions include a statement from a Council officer in the Landscape and Countryside Services section that they would support this, as well as Councillor support. They are disappointed that there is more support for this than the Town Centre Masterplan;
- There are 12 food provision units in the area, including in the park itself. They highlight that if people are not aware of these in the area, the proposed use may also not be well used. They also highlight the impact on these existing businesses as a result of another food unit in the area, if preferential treatment is given to this use on Council owned land. If this were acceptable

in principle, the lease should be open for competition. They do not support the proposal on this basis;

- The proposal is contrary to the MDLP and the consented use as a park. This is also contrary to and would undermine the Town Centre Masterplan and they do not support the proposal on this basis;
- They support the applicant in establishing the business this far but state that if there is space for another food outlet in the area this should be in one of the retail units that already exist;
- Concern over what would happen to the container if the applicant gets permission but moves elsewhere in the future – would the container remain for someone else to take over, if so for what use, and if not would it sit empty? They ask that if this is approved, conditions be attached to control the future of the container. If this were clear, they would support the application;
- Concern over an overlap between existing and proposed community work which may affect existing relationships. Planning to work with young people is certainly admirable but they do not want to be a position where they need to take sides between community groups and so neither support nor oppose the application on this basis;
- Approving a shipping containers as a solution for commercial premises will set a precedent for any other new buildings within the town centre; and
- Potential noise and litter concerns.

Representations: 106 letters of representation have been received, 4 objecting, 102 supporting and one neutral.

The objections are on the following grounds:

- The proposal would cause noise, smells, litter, anti-social behaviour and vermin in the park and area;
- The application is misleading as there is a café in the park;
- The proposal would threaten the existing café which is a community café that offers a number of activities in the area;
- The container would be in front of the adjacent flats;
- There is no barrier between the container and adjacent flats;
- Vehicles use the site to access the adjacent Council building which has been vandalised;
- There are plenty other food units in the area;
- Impact on wildlife;
- Loss of parkland;
- Why should local people be asked to do litter picks;
- This will not make the park safer at night but the opposite; and
- This would devalue local properties.

Two additional petitions with 34 and 64 signatures were also received, objecting for the above reasons.

The supporting letters are on the following grounds:

- The proposal complies with the 2017 Midlothian Local Development Plan;
- Would be a good facility in the park and community;
- A good facility for healthy food close to the local high school;
- Would add extra security to the park at nights;

- Supports a local business;
- The business provides good quality food;
- Be somewhere for young people to gather;
- The area is large enough to accommodate another food unit;
- Litter could be addressed with bins provided and collections which a number of supporters have signed up to;
- The Community Council said they would support the proposal if there was a way to prove all representations were real;
- This would have good disabled access;
- The proposal will bring local jobs; and
- The proposal will create tourism in the area.

One additional petition with 9 signatures was also received, supporting for the same reasons.

The neutral letter raises concerns over noise, litter and people in the area close to the adjacent retirement flats.

The adopted Scheme of Delegation states a representation on an application shall only be competent if it comprises a written submission in the form of either a letter, e-mail or online submission. In the case of a letter the correspondent will require to include their name, full address and signature. There have been 61 representations submitted that comply with this (56 supporting, 4 objecting and one neutral) and 42 representations that do not comply with this (all supporting).

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 8 November the Revised Draft National Planning Framework 4 was submitted to the Scottish Parliament for approval along with an Explanatory Report that outlines the changes from Draft NPF4 to the Revised Draft. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption 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 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 14 Design, quality and place
- Policy 15 Local Living and 20 minute neighbourhoods
- Policy 21 Play, recreation and sport
- Policy 23 Health and safety
- Policy 25 Community wealth building
- 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;

TCR1 Town Centres supports proposals for retail, commercial leisure development or other uses which will attract significant numbers of people in Midlothian's town centres, provided their scale and function is consistent with the town centre's role. In support of this policy the Council has prepared supplementary guidance on food and drink and other non-retail uses in town centres; this guidance also includes guidance in respect of food and drink and hot food takeaways outwith town centres. The guidance was adopted by the Council on 4 March 2019. Further details on the Supplementary Guidance are provided below; 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. Where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of the established operation is not adversely affected.

The site is adjacent to an area covered by the following policy:

DEV8 Open Spaces states that the Council will seek to protect and enhance the open spaces identified in the Local Development Plan. Development will not be permitted in these areas would which: result in the permanent loss of the open space; and/or adversely affect the accessibility of the open space; and/or diminish the quality, amenity or biodiversity of the open space; and/or otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.

Supplementary Guidance on Food and Drink and Other Non-Retail Uses in Town Centres has been adopted. This states food and drink uses outwith town and local centres will not be permitted unless it has been demonstrated there will be no adverse impact on the viability of nearby town centres. Such applications should be accompanied by a Town Centre Impact Assessment. However the Planning Authority can use discretion not to request such an assessment where an application is submitted for the change of use of a high footfall use to a food and drink use, where there is no reasonable prospect of the original use being retained. There shall be no take away facilities within 400 metres of a primary or secondary school. This is in order to address the adverse impacts such uses have on the diets of young people and the health of communities. This position was slightly amended by the elected members where it was agreed that food and drink units can have a takeaway facility provided this did not operate during school hours.

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.

Principle of development

The Planning Authority are keen to support local businesses where possible. However this should be the right development in the right place, have no detrimental impact on the character or appearance of the surrounding area and comply with policy, unless otherwise justified. The application site is within the built up area where there is a presumption to support development, however the details of the proposal must be considered. Due to the nature of the proposal, the impact on the nearby town centre, residential properties and surrounding area are paramount.

Amenity of residential properties

There are flats to the east which could be affected by noise, disturbance and smell from the use. These issues could also extend to the remainder of the park. The application site is 12 metres from the flats at the closest point, with the main elevations 23 metres apart. There is a railing approximately 1.6 metres high and some planting along the shared boundary. There is a house to the south, though this is separated from the site the storage building.

The Council's Senior Manager Protective Services (Environmental Health) was consulted regarding the concerns over noise and smell. In regards noise, they have no objection provided that the use be limited to 8am to 8pm daily. They also state no generator should be used, as this would result in noise and fumes. They do not raise any concerns over smells from food cooking or that the proximity to the flats would have a significant detrimental impact on the amenity of the residents or users of the park which could not be mitigated by these conditions.

The distance between the container and the flats means that, although it will block some views, the container will not have an overbearing impact on the outlook of these flats.

Should permission be approved, conditions would be attached to require litter bins be in place before the use is operational.

Appearance

The container is a standard shipping container of generic scale and form. This will be improved by it being finished on three sides in timber cladding. The side elevation which is not to be clad includes the doors into the unit. It is appreciated that this will be in daily use which may be why the cladding is not proposed here, however this will be a highly prominent elevation on approach from the south and so in the visual interest of the area this should also be clad. Further details of the finish of the service hatch are required as it is not clear what this would be.

The Planning Authority generally restrict the time periods where containers are approved as these have the appearance of temporary units and are not suitable as long-term additions to areas. This is considered in detail below.

Road safety

The Council's Senior Manager Neighbourhood Services (Roads) has considered the application and is satisfied that this does not raise any major road safety issues. The scale of the container is such that the proposed use would be unlikely to create any significant road safety issues.

Representors have queried if the siting of the container would block access to the adjacent storage building as the pedestrian and vehicular doors are on the elevation that faces the site. There appears to be a discrepancy between the information submitted over the exact position of the container, as this appears as close as 2 metres and also approximately 3 or 4 metres. This point needs clarified and can be covered by condition if approved.

Impact on Mayfield Town Centre and other businesses in the area

The SG states food and drink uses outwith town and local centres will not be permitted unless it has been demonstrated there will be no adverse impact on the viability of nearby town centres. Such applications should be accompanied by a Town Centre Impact Assessment. The Planning Authority can use discretion not to request such an assessment where an application is submitted for the change of use of a high footfall use to a food and drink use, where there is no reasonable prospect of the original use being retained.

The application site is close to, but outwith, Mayfield Town Centre and does not lie within a local centre. The application is for a new container to be sited in the park, not the change of use of an existing site to a takeaway use. Given this, the proposal is contrary to the SG due to the fact that the site is not situated within either a town centre or a local centre. In the absence of a Town Centre Impact Assessment demonstrating that there is no adverse impact on the vitality of Mayfield town centre, then a takeaway use at this location is contrary to the SG and by association policy TCR1

There are a variety of uses within the town centre, including retail, class 2 and at least four cafes/hot food takeaways and a further two shops that sell food. There are also a number of food provision units outwith the town centre but in the surrounding area, including a café within the park which is open Tuesdays to Fridays 10am – 4pm. It would be more appropriate for this business to operate from an existing unit in the area, rather than as proposed.

Proximity to schools

The application site is approximately 250 metres from Newbattle High School which lies beyond the park to the east and 340 metres from Mayfield and St Luke's RC Primary School to the south. The adopted SG states there shall be no takeaway facilities within 400 metres of a primary or secondary school. This is to address the adverse impacts such uses have on the diets of young people and the health of communities. This position was slightly amended by the elected members where it was agreed that food and drink units can have a takeaway facility provided this did not operate during school hours. It is clear from the information submitted that a large part of the customer base would be school pupils and that the use would operate during school hours. This would be contrary to adopted policy and so there is no support for this proposal.

It has been submitted that the container would offer healthy food and that this may address some concerns over the proposal. However if the Planning Authority were to approve this application, it would not be possible to restrict this to only selling healthy foods. If it were approved it would be approved as a hot food takeaway as it is not reasonable or enforceable to restrict the type of food.

The MLDP does not contain any specific policies relating to healthy eating; however the 400 metres buffer between schools and hot food takeaways that is specified in the SG is intended to discourage unhealthy eating amongst school children.

Other matters

The following section addresses representors' comments not addressed above.

The number of representations received from people who do not live in the local area, who are from people under 16 years old and are written on other people's behalf by the same person have been queried. All representations that comply with the adopted Scheme of Delegation are referred to in the assessment of applications. The relevant planning matters raised in representations are taken into account in the assessment of the application, with other matters noted. All representors are sent acknowledgements which confirms comments have been received and will be made publically available to view, along with details of how to contact the Planning Authority if they are not happy with this. Two representors decided to withdraw their comments after receiving this acknowledgement.

The comments made by other Council officials are of interest, however these do not form part of the assessment. Any Councillor involvement in applications should be declared if they are involved in the decision making process, such as if these are determined by Planning Committee or in the event of a review to the Local Review Body if the Councillor is a member of this.

It has been queried what would happen to the container if the applicant moves on. If this application were approved, this could either have a personal or temporary condition attached. Personal conditions can be used in instances where the proposal is only acceptable due to the specific way the applicant seeks to operate, thereby limiting approval to one person only. The planning authority have concerns over the long term use of shipping containers as these have a temporary appearance which are not suitable for long term or permanent use. Where these are approved, these are generally conditioned to be in place for up to five years to allow the applicant to find a permanent, long term solution for the use. It is acknowledged that cladding the container will improve its appearance, however this will still be a storage container which is not appropriate for a long term use. In any case, this is not being supported so these conditions are not necessary.

It is not clear how the proposal would result in job opportunities, how it would reduce commuting, create tourism or which MLDP policies it satisfies. The container would be wheelchair accessible.

It would be outwith the scope of the application to require the Council to install public toilets or additional lighting in the park.

The similar operation in Dunbar reference by a representor is of interest but not relevant to this application.

The proposed hours of operation are not clear, however if approved these would be limited to between 8am to 8pm. People would generally be using the park in these

times so it is not anticipated that the proposed use would bring a significant amount of people into an otherwise quiet area during these hours. Any issues of anti-social behaviour is a police matter.

Reference is made to community spirit and existing and proposed community works in the area and potential conflict. While interesting, this is not a material planning consideration and does not form part of the application assessment.

The proposal would result in the loss of a small area of hardstanding of less than 30 square metres (0.3 hectares) within a park which is approximately 67,046 square metres (6.7 hectares). It is acknowledged that the incremental loss of small parts of the park would have a cumulative impact, however the loss of parkland to site a container that is not a permanent building that can be easily removed, is not a reason to refuse permission in this instance.

The loss of value to nearby properties is not a material planning consideration.

Should permission be approved, details of bin storage would be required for approval. Any issues over vermin should be reported to the Protective Services (Environmental Health) team.

The Council's Biodiversity consultant has not flagged up that the development would affect any protected species. Although wildlife may use the site, this is not protected wildlife and so there is no control in planning terms to protect this.

There are a number of food provision units in the area which could be affected by the proposal, however competition between operations is not a material planning consideration. The issue over the lease on Council owned land being open for public competition is not something the Planning Authority can control.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00716/DPP

Old School Takeaway
7 Old School Path
Mayfield
Dalkeith
EH22 5NG

Midlothian Council, as Planning Authority, having considered the application by Old School Takeaway, Mr William Kivlin, 7 Old School Path, Mayfield, Dalkeith, EH22 5NG, which was registered on 6 October 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from public open space to allow sitting of container for use as hot food takeaway at Land to Rear of 20, Eskview Road, Mayfield, Dalkeith

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	06.10.2022
Site Plan	1:500	06.10.2022
Floor Plan, Elevations	2586/01 1:50	06.10.2022
Illustration/Photograph		06.10.2022

The reason(s) for the Council's decision are set out below:

- The proposed site is within 400 metres of Newbattle High School and Mayfield and Saint Luke's RC Primary School. Midlothian Council's Supplementary Guidance on Food and drink and other non-retail uses in Town Centres does not permit hot food takeaways within 400 metres of the curtilage of either primary or secondary schools. The proposal is therefore contrary to policy TCR1 of the Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.*
- The building is not situated within either a Town Centre or a Local Centre, as defined in the Midlothian Local Development Plan 2017, and no evidence has been provided to demonstrate that the use will not have an adverse impact on the vitality of Mayfield Town Centre. The proposal is therefore contrary to policy TCR1 of the Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.*

Dated 18 / 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 (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 coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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

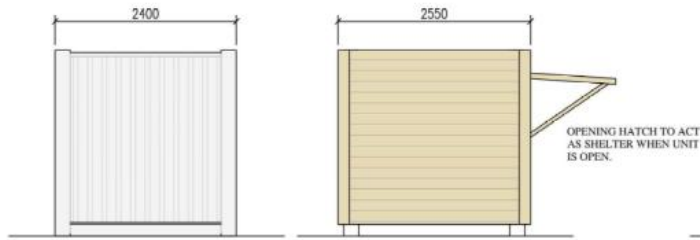
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent 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

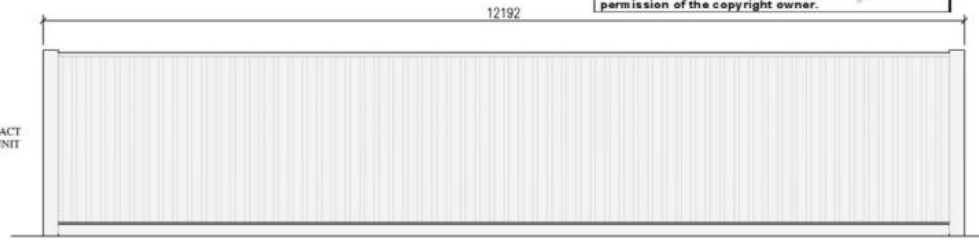
Informative Note valid from 1st January 2023 until 31st December 2024

Appendix E

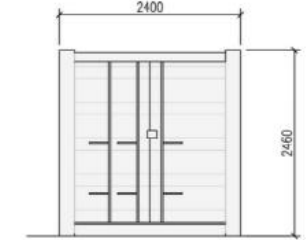


END ELEVATION
AS PROPOSED
(WITHOUT CLADDING)

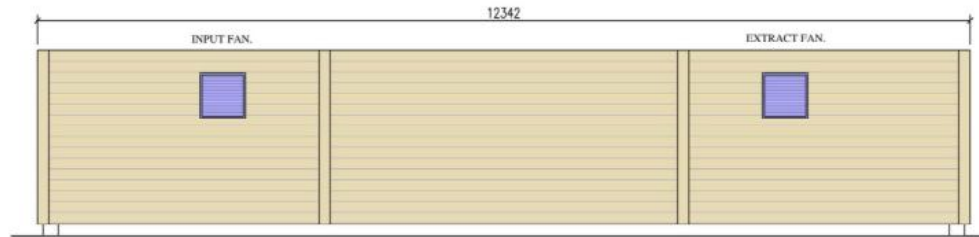
END ELEVATION
AS PROPOSED
(CLADDING SHOWN)



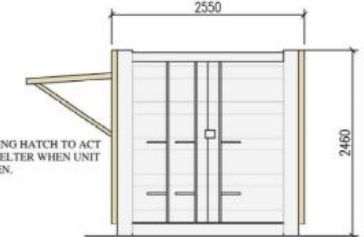
REAR ELEVATION
AS PROPOSED



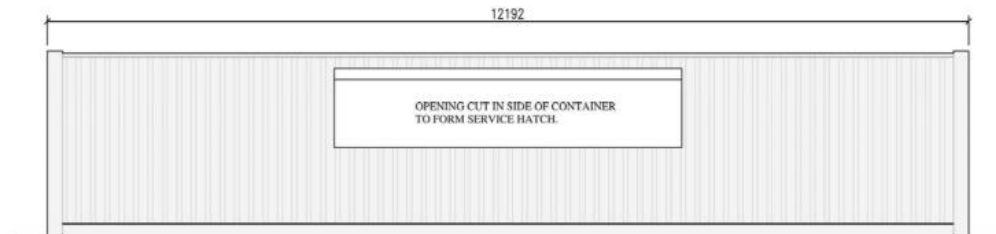
END ELEVATION
AS PROPOSED



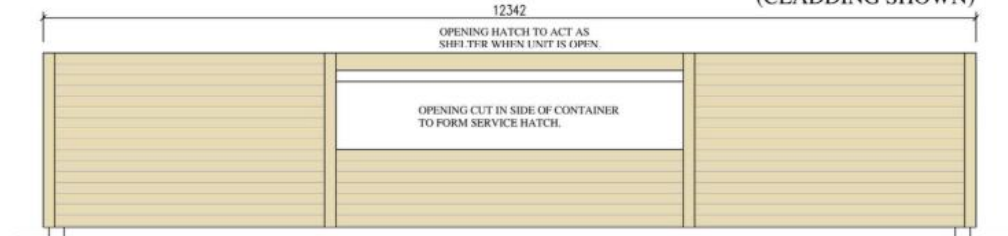
REAR ELEVATION
AS PROPOSED (WITH CLADDING AS EXTERNAL FINISH SHOWN)



END ELEVATION
AS PROPOSED
(CLADDING SHOWN)



FRONT ELEVATION
AS PROPOSED
(WITHOUT CLADDING)



FRONT ELEVATION
AS PROPOSED (WITH CLADDING AS EXTERNAL FINISH SHOWN)



- EXTERNAL FINISHES :
- NEW STORAGE CONTAINER TO BE PROVIDED TO ACCOMMODATE FOOD PREPARATION AND TAKE AWAY FACILITY.
 - CONTAINER TO BE FINISHED EXTERNALLY USING HORIZONTAL TIMBER CLADDING TO THE SATISFACTION OF THE PLANNING DEPARTMENT.
- INTERNAL FINISHES :
- WALLS TO BE LINED IN TIMBER STUDS AND FINISHED WITH EASY CLEAN SHEETS.
 - FLOOR TO BE FITTED WITH TIMBER BATTENS, T & G FLOORING AND VINYL FINISH WITH COVES FOR EASY CLEANING.
 - EXTRACT FAN TO BE PROVIDED TO ACHIEVE 30 AIR CHANGES PER HOUR AND INPUT FAN PROVIDED FOR MAKE UP AIR
 - KITCHEN UNITS TO BE SUPPLIED AND FITTED TO CLIENTS SPECIFICATION.

Project		
INSTALL NEW STORAGE CONTAINER TO ACCOMMODATE NEW HOT FOOD TAKE AWAY FACILITY AT LAND WITHIN MAYFIELD PARK ADJACENT TO ESKVIEW ROAD MAYFIELD MIDLOTHIAN		
Client		
MR. WILLIAM KIVLIN		
Date	Scale	Dwg.Num.
SEPT 2022	1 : 50	2586/01









Container conversions scotland
Images may be subject to copyright



REFUSED
22.00716.DPP
18.01.2023



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.

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

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



 <p>Education, Economy & Communities Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3AA</p>	<p>Erection of office building 131 Main Street, Newtongrange</p>	
<p>Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings</p> <p>Midlothian Council Licence No. 100023416 (2018)</p>	<p>File No.22/00804/DPP</p> <p>Scale: 1:625</p>	<p>N</p> 



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 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 ☒ 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? *

☒ 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"/>
----------	-------------------------------------	---------	-------------------------------------

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 uPVC, 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 disabled 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 represent 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

Website: www.gov.uk/coalauthority

Development Low Risk Area- STANDING ADVICE

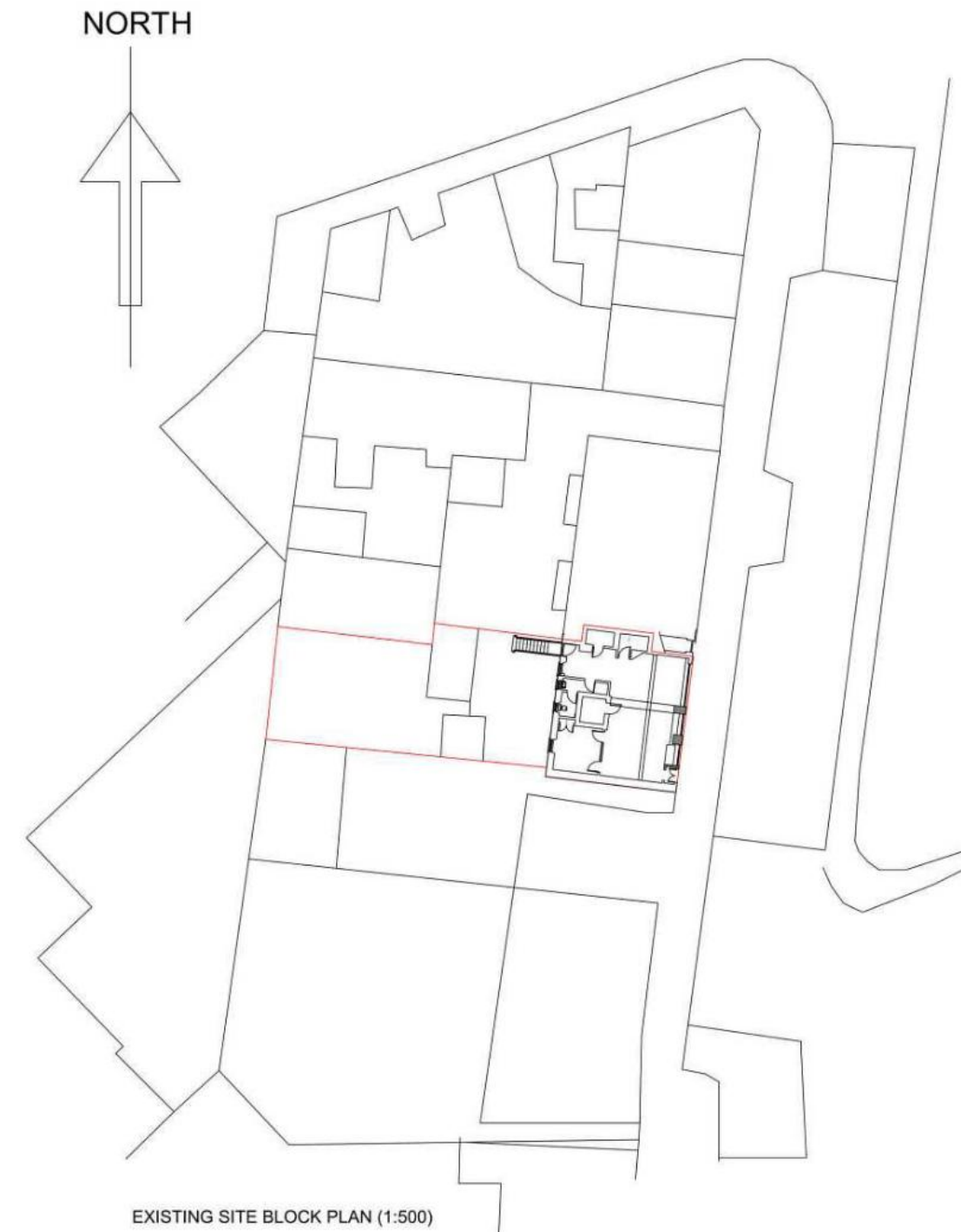
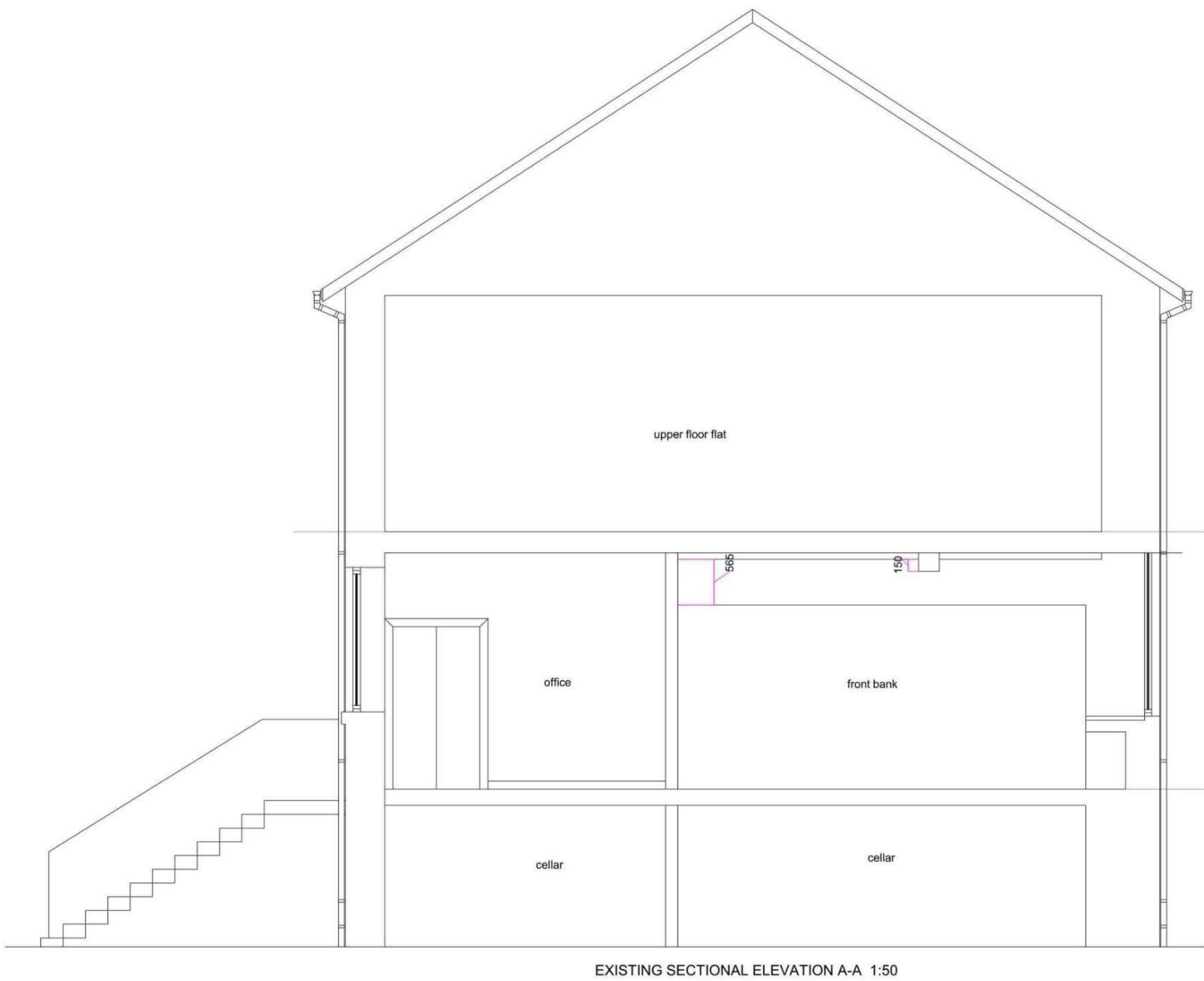
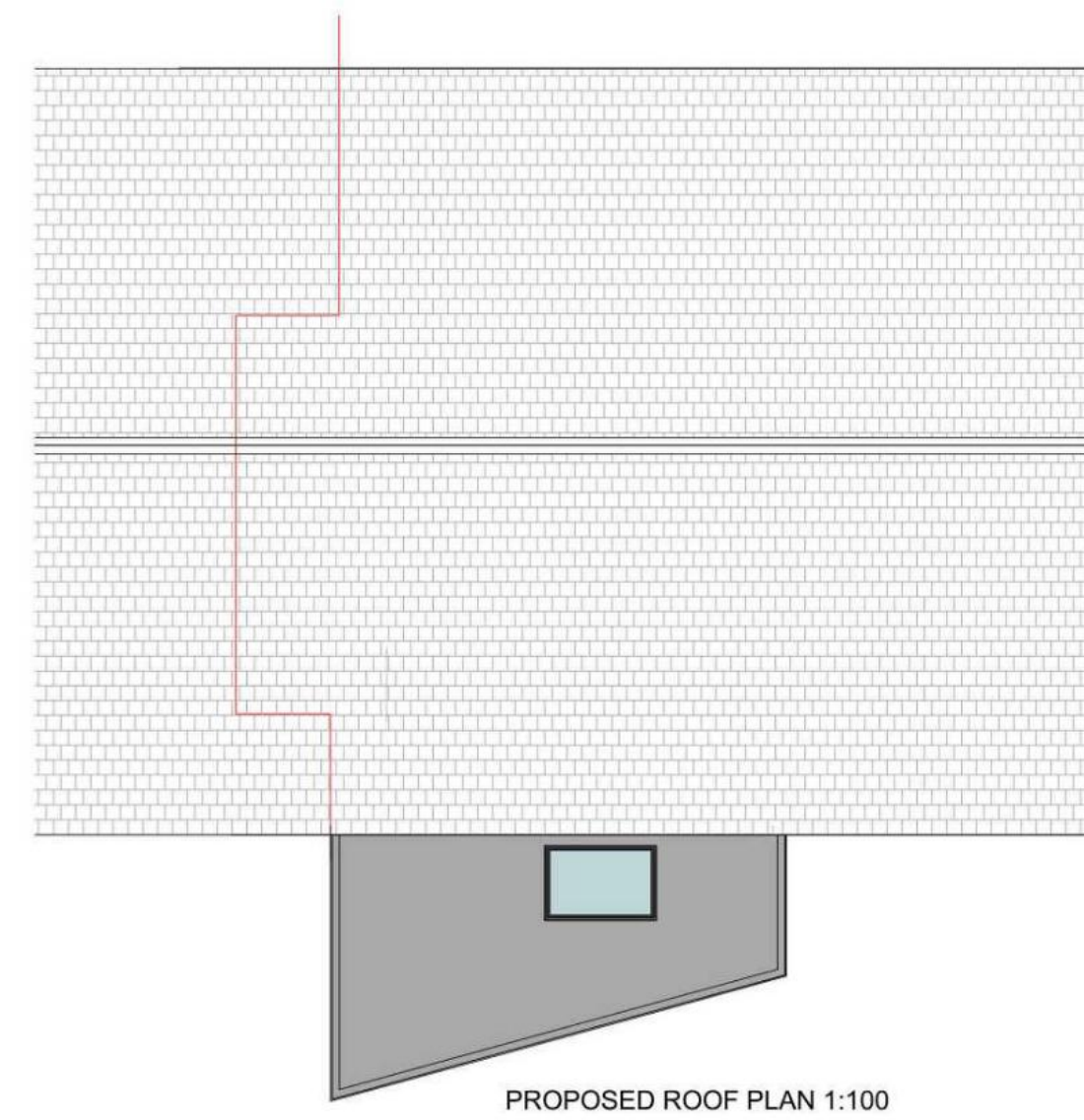
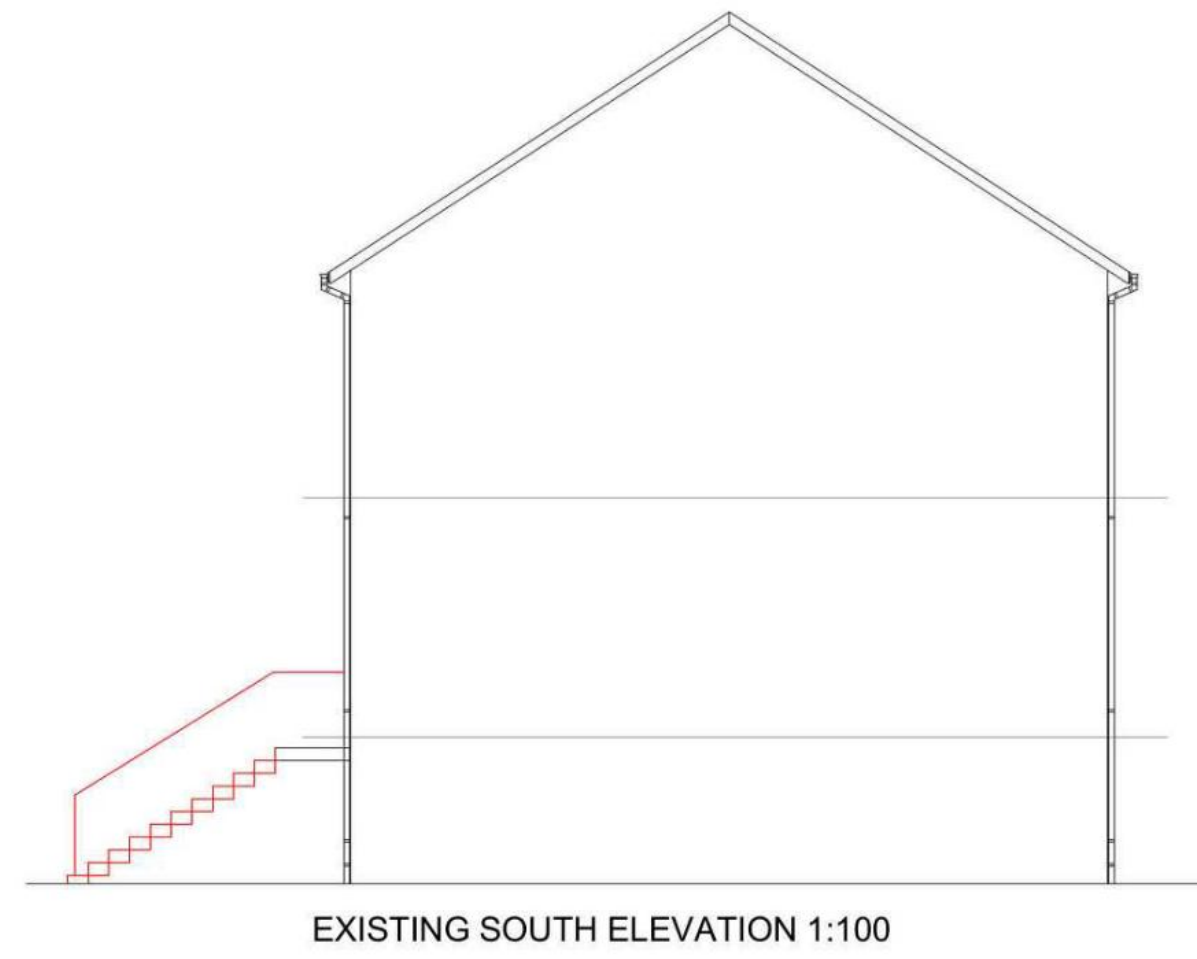
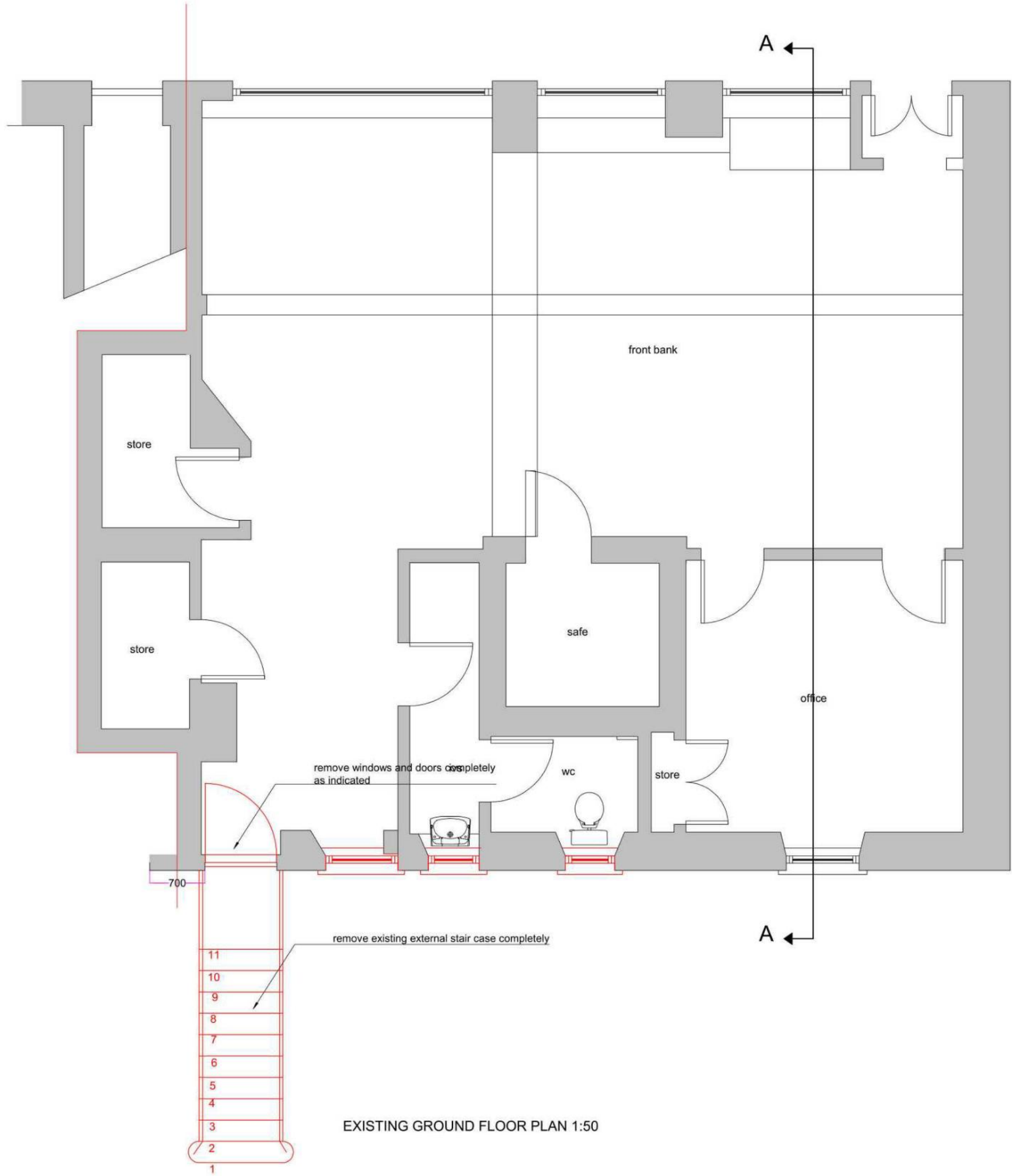
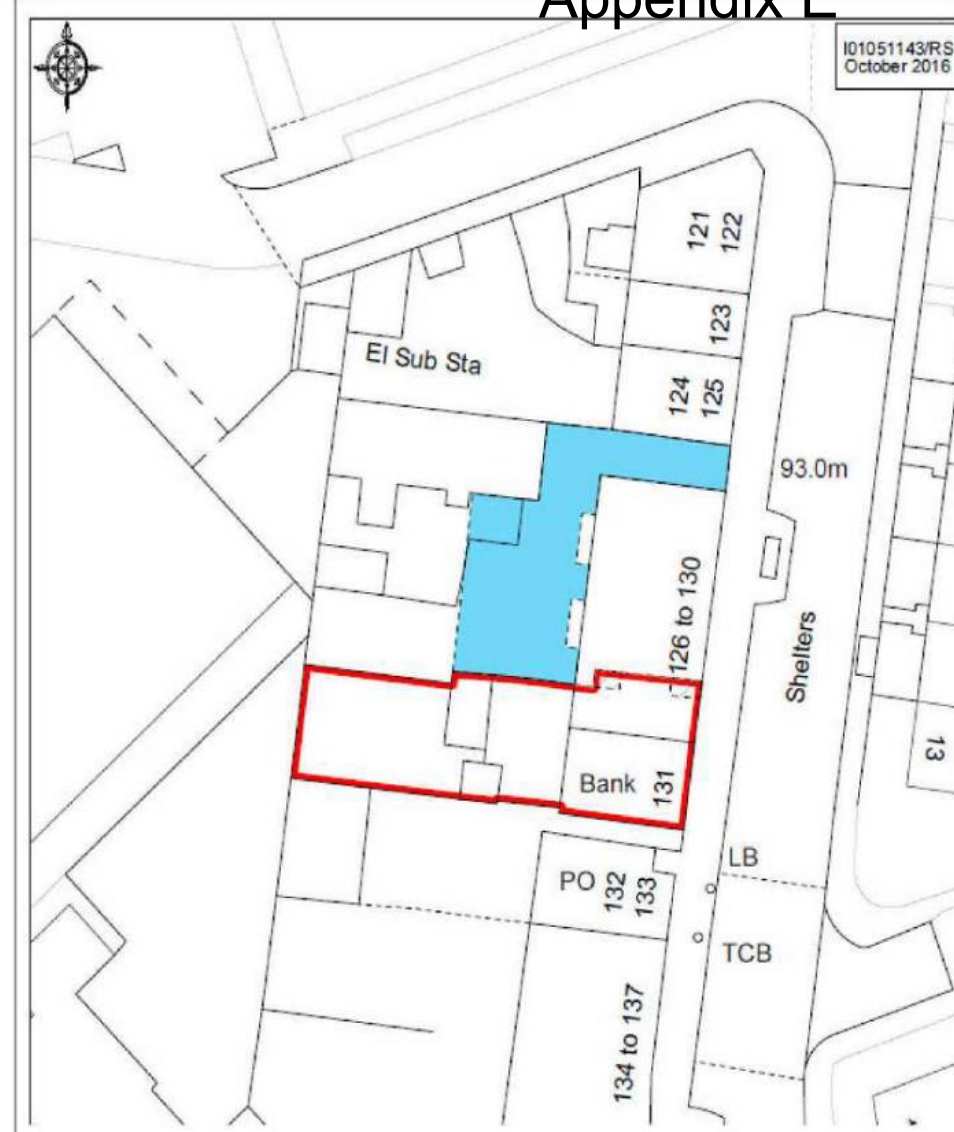
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

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

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REFUSED
22.00804.DPP
30.01.2023



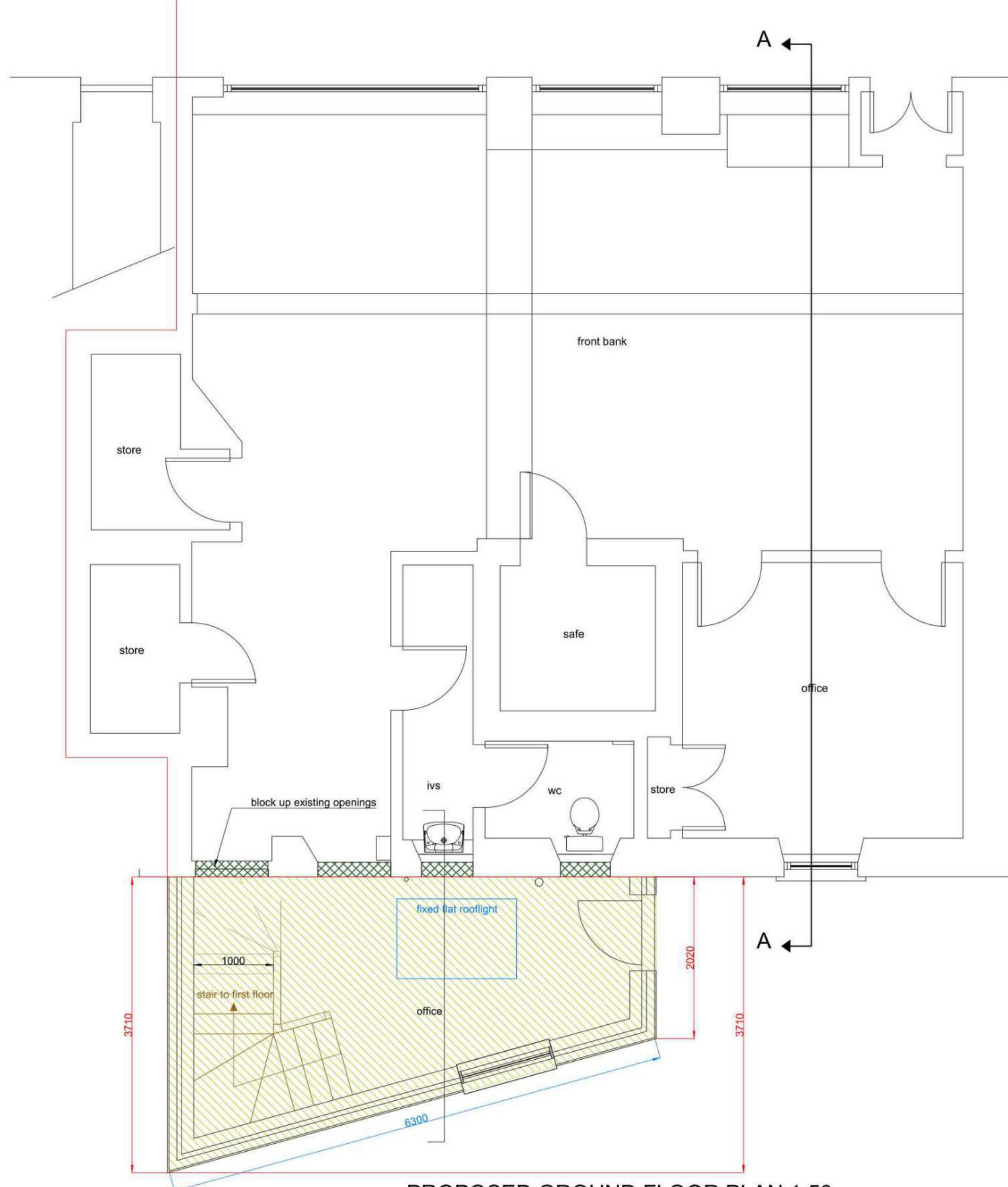
- This drawing is the copyright of FEM building design and should not be reproduced in part or whole without prior permission.
- The Construction (Design and Management) Regulations 2015(CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health 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

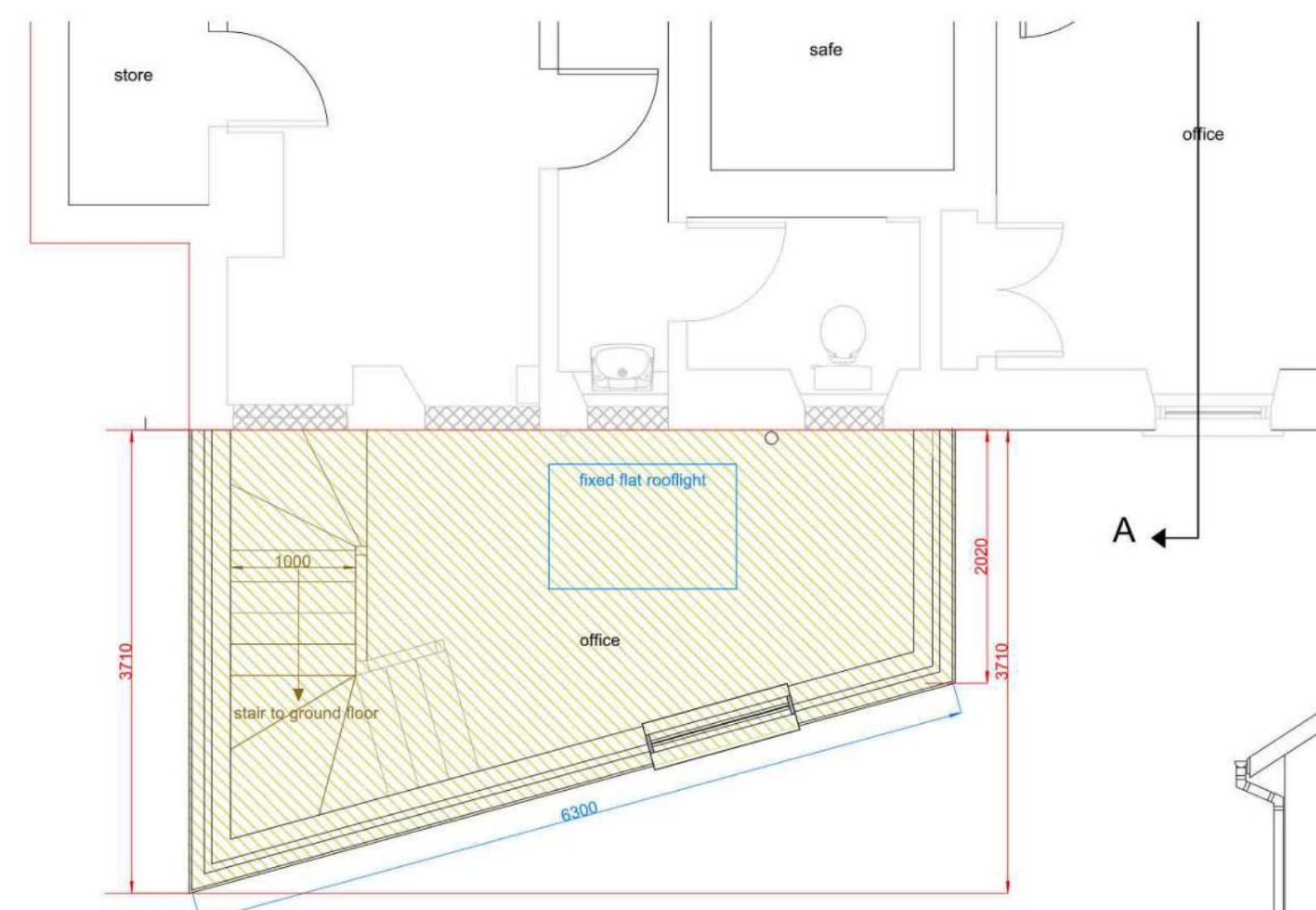
Project:
Erect office store

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



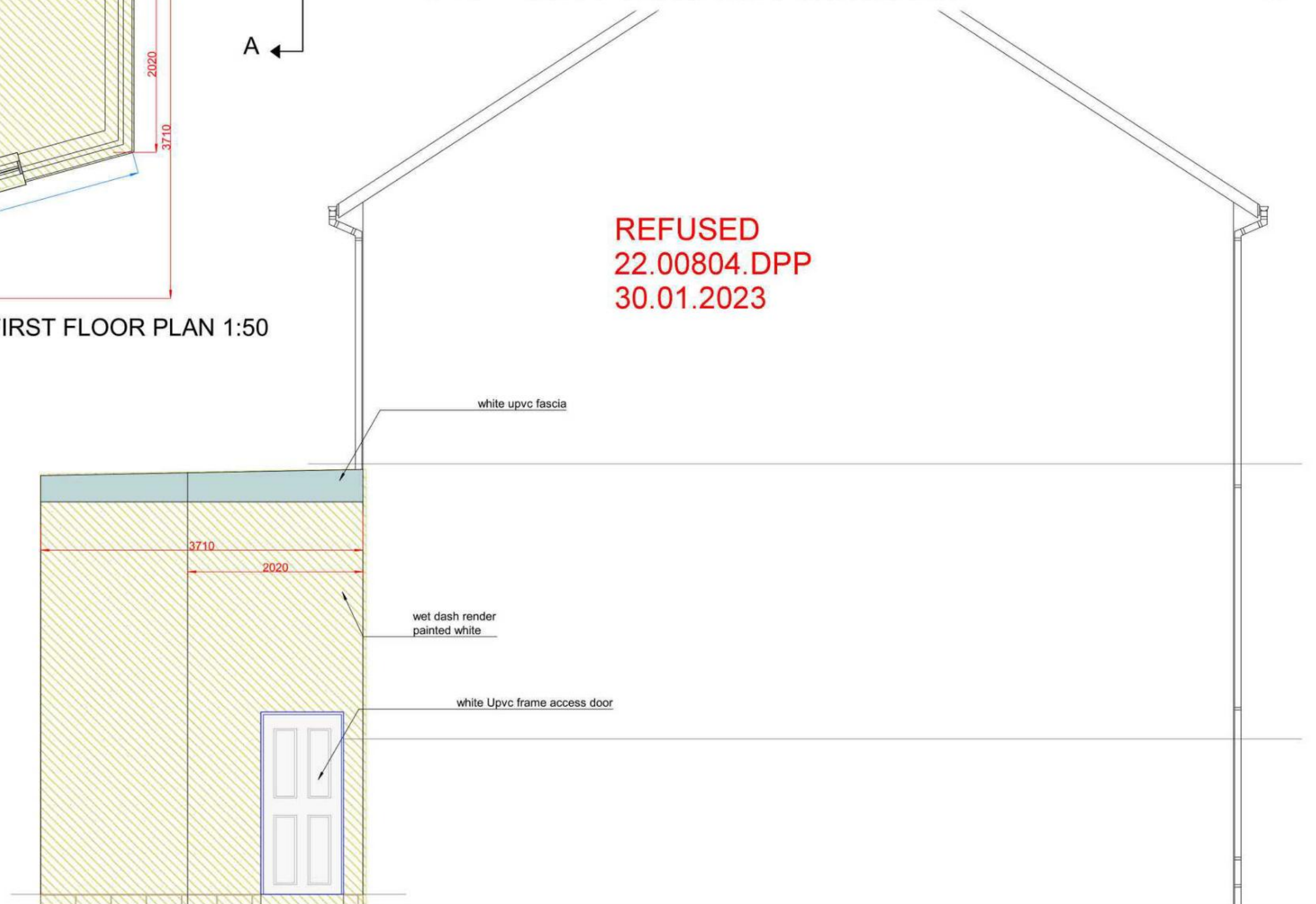


PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED FIRST FLOOR PLAN 1:50

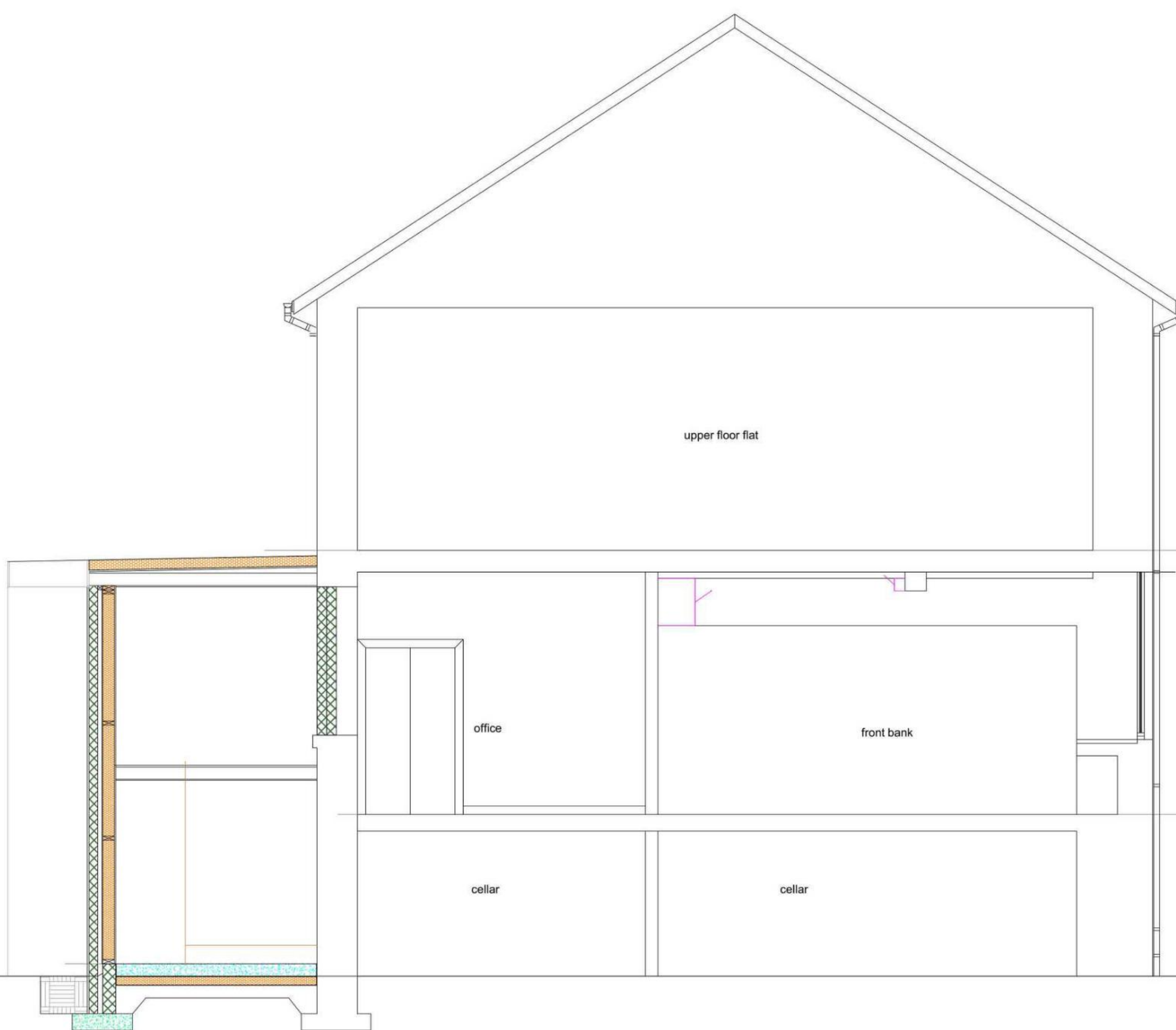
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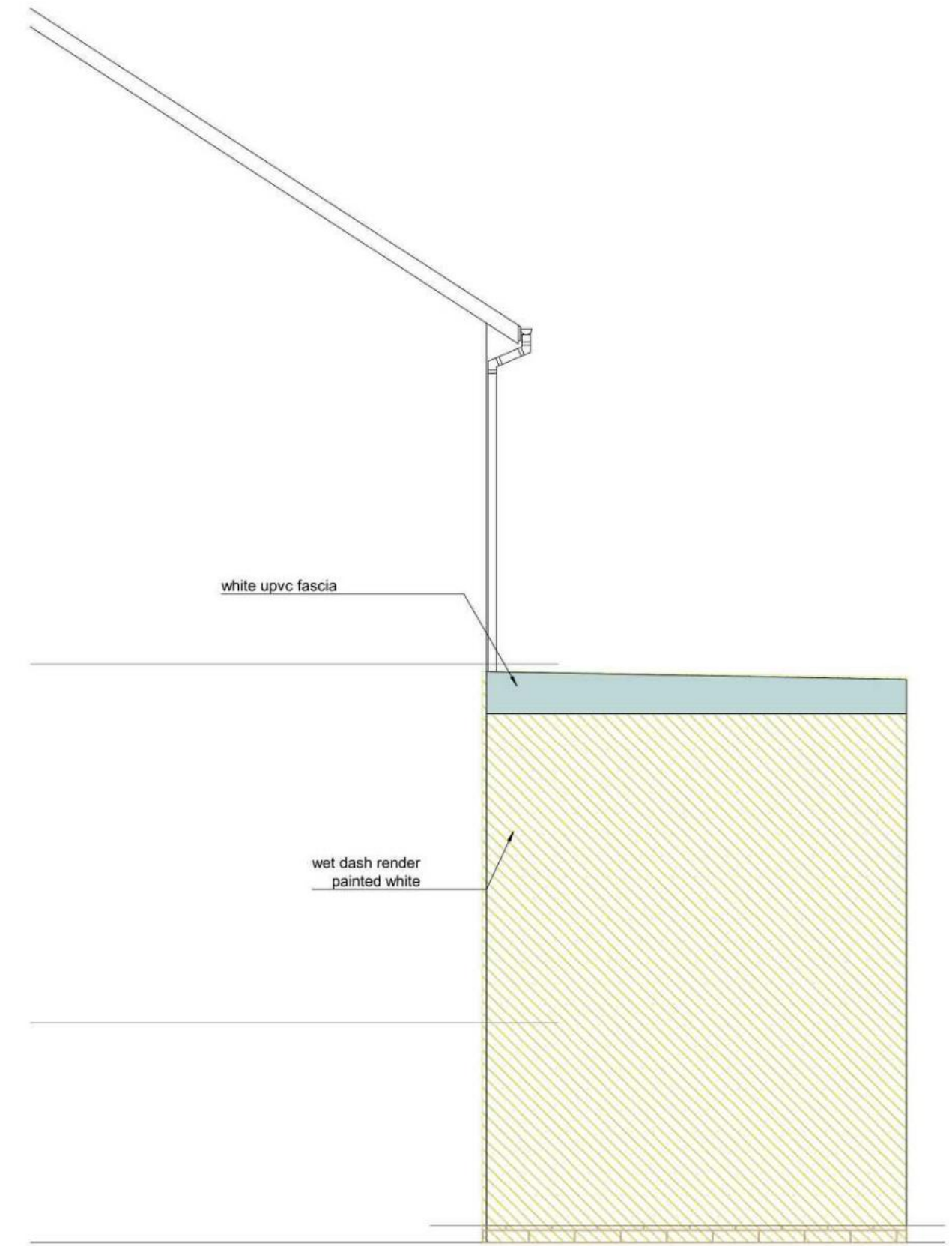
PROPOSED SOUTH ELEVATION 1:50



PROPOSED REAR (WEST) ELEVATION 1:50



PROPOSED SECTIONAL ELEVATION A-A 1:50



PROPOSED NORTH ELEVATION 1:50



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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
Drawing number:
22/Aird/PP/002(-)

Project:
Erect office store



Notice of Review: 13 Glenview Road, Gorebridge

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 subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge.

2 Background

- 2.1 Planning application 22/00870/DPP for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge was refused planning permission on 16 February 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 16 February 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.

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 one consultation response and six representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received. 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. The materials used to implement the external alterations hereby approved shall match those on the existing dwellinghouse.

Reason: *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the existing building and surrounding area.*

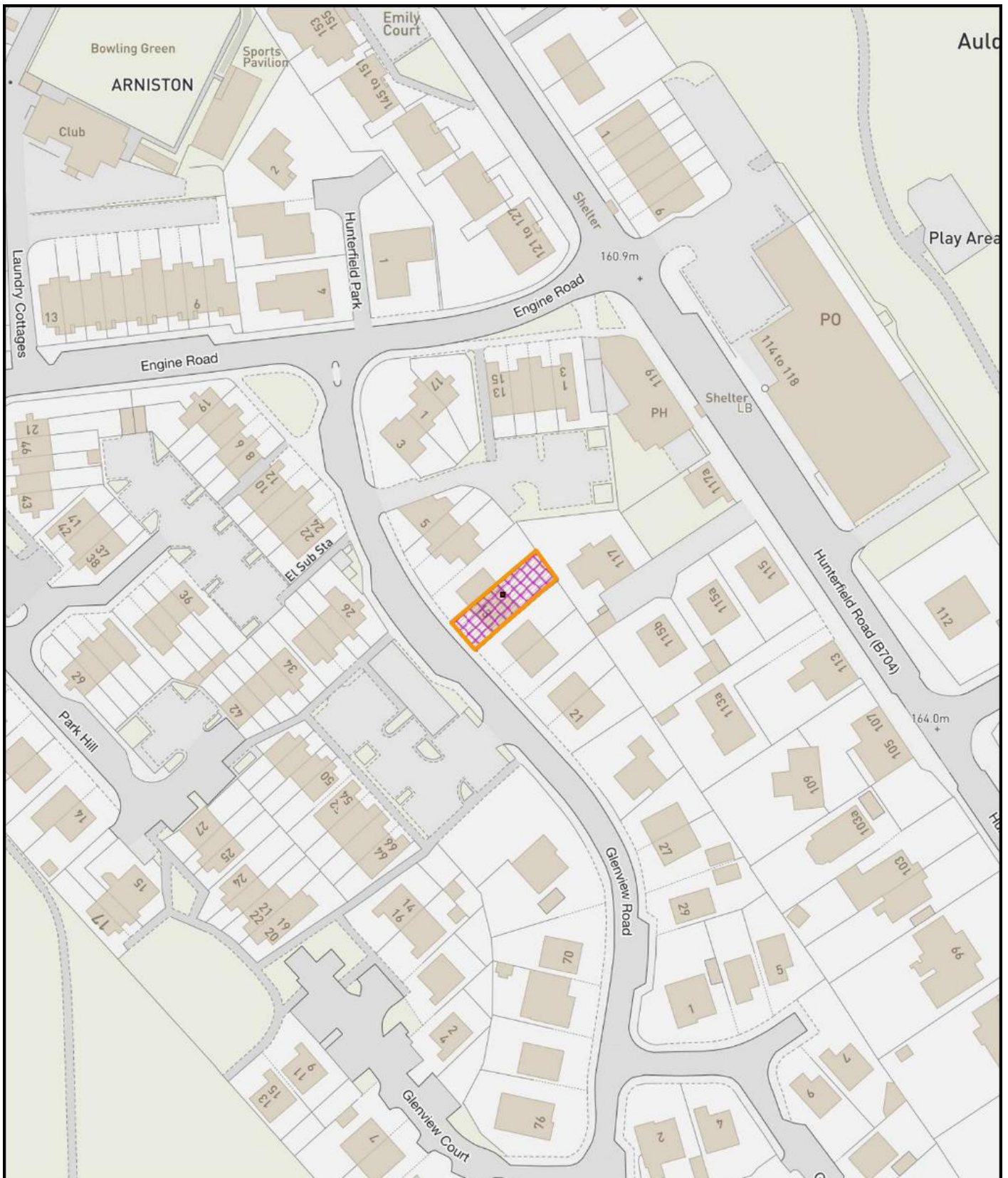
6 Recommendations

- 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

Background Papers: Planning application 22/00870/DPP available for inspection online.



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

**subdivision of house to form 2 flatted dwellings
13 Glenview Road, Gorebridge**

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Midlothian Council Licence No. 100023416 (2018)

File No.22/00870/DPP

Scale: 1:1,250



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Andrew"/>	Forename	<input type="text" value="Bradley"/>
Surname	<input type="text" value="Wesley"/>	Surname	<input type="text" value="Clarke"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Clarkes Bespoke Design Ltd"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="27"/>	Address Line 1	<input type="text" value="83 Ducie Street"/>
Address Line 2	<input type="text" value="Union park"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Bonnyrig"/>	Town/City	<input type="text" value="Manchester"/>
Postcode	<input type="text" value="EH193DF"/>	Postcode	<input type="text" value="M12JQ"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value=""/>	Email	<input type="text" value="brad@cbdarchitecture.com"/>
3. Application Details			
Planning authority		<input type="text" value="Midlothian Council"/>	
Planning authority's application reference number		<input type="text" value="22/00870/DPP"/>	
Site address			
<input style="width: 100%; height: 100%;" type="text" value="13 Glenview Road, Gorebridge, EH23 4BN"/>			
Description of proposed development			
<input style="width: 100%; height: 100%;" type="text" value="Subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations, at 13 Glenview Road, Gorebridge, EH23 4BN"/>			

Date of application	06.12.2022	Date of decision (if any)	16.02.2023
---------------------	------------	---------------------------	------------

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions	<input type="checkbox"/>
One or more hearing sessions	<input checked="" type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

We believe the planning decision was made without great consideration and without proper substance with reference to planning policy and current design guidance.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

they would need access to the rear garden space which is through the main dwelling

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

As discussed we believe the planning decision was made without great consideration and without proper substance with reference to planning policy and current design guidance. We would also like to report a quote made in the Scottish media that states there is a huge Social requirement for 1 bed room affordable living accommodation and that currently 30% of the Scottish population now lives alone so the need for this sized property out weights any potential impact the proposals may have. As discussed the provision for residential amenity proposed for the two separate units is within current guidelines, the impact on any neighbouring dwelling with regards to privacy and overlooking would be less than the existing dwelling and that the proposed parking provision is only 0.5 spaces above the current use. We believe along with the above information that this proposal should be granted and would provide some well needed affordable living accommodation in the local area.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

we did not have chance to discuss any of the planning offciers reasons for refusal in depth.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Appeal statement - 13 Glenview road

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☐

Statement of your reasons for requesting a review ☐

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☐

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

Amenity space : We have 100m² to the rear and 40m² to the front of the existing property. The rear can be split into two separate 50m² private gardens which is more than adequate for the proposed occupancy. This amendment could have easily been made during the planning process by introducing a fence within the rear garden if deemed necessary. We have search for a clear outline in Midlothian SPG but there was no clear dimensional target or minimum, that being said West Lothian council have an in depth SPG for new residential development, in this design guidance it states the below which seems to confirm the 50m² / unit to be acceptable.

167. The council will not require developers to apply uniform standard garden sizes across an entire residential development since it is recognised that a degree of flexibility is necessary in order to facilitate varied and more interesting layouts. Nevertheless, the following guidelines are provided as indicators of average minimum standards and these will be used by the council when assessing the general appropriateness of garden provision within a development.

All houses with five and more bedrooms	not less than 100m ²
Three and four bedroomed detached and semi-detached houses	not less than 80m ²
Two bedroomed detached and semi-detached houses	not less than 60m ²
Terraced houses	not less than 50m ²

(Residential design guide - Approved by West Lothian Council)

Impact on residential amenity and overlooking : Regarding the reason for refusal based on Overlooking and impact to privacy, There are no new windows proposed to either elevation at any level. The current use as a 4 bedroom family dwelling could be used by a maximum of 7 occupants (3x double bedroom + 1 x single bedroom). The proposed 2 x one bed room units have a total proposed occupancy of 3 people, the ground floor unit is a 1 bedroom 1 person unit and the first floor unit is a 2 bedroom 2 person unit when the national space standards are used. Along with this reduction in occupancy numbers which has a clear reduction on neighbouring amenity, privacy and overlooking, the existing dwelling could be lawfully amended so that all the living space could be moved to the 1st floor at the rear of the property which should be taken as relevant planning consideration.

Parking : Another reason for the refusal has in our opinion been made without proper reasoning by the planning officer and is clearly backed by a lobbied neighbouring home owner to prevent the proposals being approved where as the proposals should be decided based on its own merits along with the current design guidance and adopted policy. The current dwelling is a 4 bedroom dwelling house, as set out in Midlothian's parking standards the level of provision would be 2.5 parking spaces. The proposal of 2 x one bedroom flats would have a level of provision of 3 parking spaces, this can be seen in the table below.

Table 1: Housing

Housing	Number of Bedrooms							
	1		2		3		4 or more	
Private	residents	visitors	residents	visitors	residents	visitors	residents	visitors
	1.00	0.50	1.00	0.50	2.00	0.50	2.00	0.50

The client has carried out various visits to the site at different times during the day which clearly shows that the level of free parking on Glenview road is more than adequate to take an increase of 0.5 parking spaces over the current use as a 4 bedroom dwelling. These photos can be seen below



Photo 1

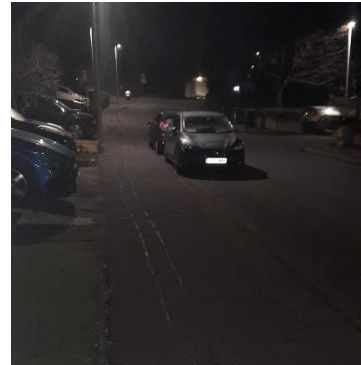


Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

Conclusion

As discussed we believe the planning decision was made without great consideration and without proper substance with reference to planning policy and current design guidance. We would also like to report a quote made in the Scottish media that states there is a huge Social requirement for 1 bed room affordable living accommodation and that currently 30% of the Scottish population now lives alone so the need for this sized property out weights any potential impact the proposals may have. As discussed the provision for residential amenity proposed for the two separate units is within current guidelines, the impact on any neighbouring dwelling with regards to privacy and overlooking would be less than the existing dwelling and that the proposed parking provision is only 0.5 spaces above the current use. We believe along with the above information that this proposal should be granted and would provide some well needed affordable living accommodation in the local area.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00870/DPP

Site Address: 13 Glenview Road, Gorebridge.

Site Description: The application site comprises a semi-detached house and associated garden ground. The walls are light brown dry dash render, the roof brown concrete profiled tile and the window frames white uPVC. This has been extended with a two storey gable extension. The site is in a predominantly residential area, with two storey detached, semi-detached, terraced and flatted dwellings.

Proposed Development: Subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations.

Proposed Development Details: It is proposed to subdivide the existing four bed house. The application form states these are two one bed flats but the plans indicate the upper flat could be three bed. An existing door opening on the front elevation is to be replaced with two doors, with the existing canopy porch extended over one of these. The doors will provide separate access to each flat plus access through the house into the rear garden. A replacement door opening is proposed on the rear elevation. The garden ground is to be shared and a cycle store and a bin storage area is proposed. The application form states there are two existing parking spaces on site, with space proposed. The proposed site plan does not show any parking.

The applicant states the house is currently occupied by a family of 5 with three and potentially four cars, meaning the two flats would result in less parking demand. More parking could be formed in the front garden and there is sufficient parking in the area. Less people means less noise and the proposed occupants are more likely to be older people who may no longer drive due to the proximity of local bus stops and free bus passes. There will be less people to overlook neighbouring houses.

Background (Previous Applications, Supporting Documents, Development Briefs): Application site 11/00697/DPP Extension to dwellinghouse. Consent with conditions.

Consultations: The **Council's Senior Manager Neighbourhood Services (Roads)** states the proposal does not include the provision of any new residential or visitor parking. This would place additional pressure on the limited number of on-street spaces available and may lead to inconsiderate or illegal parking in the surrounding area. They recommend the application be refused.

Representations: Six objections have been received on the following grounds:

- Impact on privacy and amenity of neighbours;
- The changes will be out of character with the area;
- The alterations to the front elevation are ugly and out of keeping with the area;

- Impact on parking in the area and exacerbated existing issues;
- Effect on road safety;
- Impact on property value;
- The subdivision is prevented in the title deeds for the house;
- The timeframe to provide comments is not acceptable;
- The proposal would result in works that would severely impact the neighbours;
- The existing extension is poorly built and issues relating to the proposal would exacerbate this;
- The previous extension does not fully match the approved plans;
- Increase in noise;
- There are enough 1 bed flats in the area; and
- Subdividing houses to flats increases anti-social behaviour. This is a quiet area.

Relevant Planning Policies:

The following policies of NPF4 are relevant to the proposal:

- Policy 3 Biodiversity
- Policy 14 Design, quality and place
- Policy 16 Quality homes

The relevant policies of the **2017 Midlothian Local Development Plan** are; **STRAT2 Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals;

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;

TRAN5 Electric Vehicle Charging seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals; and

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

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 representations and consultation response received are material considerations.

The application site is within the built-up area and so, in principle, some development could be acceptable. The details of the proposal require to be considered.

There are a number of flatted properties in the wider area to the north on the approach to the site, with the character of the area changing to detached, semi-detached and terrace housing in the immediate vicinity of the site.

The proposed external alterations on the front elevation would result in an unusual layout of three doors in close proximity to one another. However these do not significantly detract from the character or appearance of the area to warrant refusal. Similar alterations could be done to other houses in the area without requiring planning permission.

The proposal would result in two separate flatted dwellings. One would be at first floor level and afford overlooking to the neighbouring properties, particularly the garden ground. While there could be overlooking at first floor level from the existing arrangement, this would be from bedrooms and a bathroom which are ancillary, less public rooms. The proposed flat would have a living room and dining room to the rear which could provide more overlooking to these neighbouring properties.

A material planning consideration in this case is whether the property will provide an acceptable level of amenity for future residents of the development. The plans show 90 square metres of garden ground at the site and it is not proposed to provide separate garden ground to each flat. The garden ground will be shared and will be directly overlooked by the flat at first floor level. The size of the usable, private garden ground is below the required standards.

The proposal does not provide any additional parking for the additional residential unit or associated visitor parking. This would place additional pressure on the limited number of on-street spaces available and may lead to inconsiderate or illegal parking in the surrounding area. Given the existing pressures on parking in the area, an increased demand will have a detrimental impact on the amenity of local residents; will have a detrimental impact on the character of the surrounding area; and will have a detrimental impact on road safety.

The applicant has stated that the house is currently occupied by a family of 5 with three and potentially four cars, meaning the two flats would result in less parking demand. They also state they could create more parking in the front garden and that there is sufficient parking in the area in evenings. This level of occupation is not unusual for a four bed semi-detached house and would be in keeping with the area. The proposal for one one bed flat and potentially a four bed flat could result in up to six cars, which would result in the above road safety concerns. The creation of additional parking at the site would result in the loss of an area of on-street parking and also not fully address these road safety concerns.

The following addresses representor comments not addressed above.

The following matters are not material planning considerations:

- The impact on property value;
- The content of title deeds are not material planning considerations;

- Concerns about possible anti-social behaviour from future occupants of the property. Such behaviour could occur irrespective of property being a flat or house; and
- The amount of one bedroom flats in the area.

The timeframe to submit comments on the application were in line with the planning regulations.

The construction of the existing extension is not a material planning consideration. This extension appears to match the approved plans and even if not, the planning authority could not take action against this due to the length of time since the extension was constructed.

Although there would be an increase in noise from two households at the site, this is not considered significant enough to warrant refusal of the application.

Recommendation: Refuse planning permission.

Reg. No. 22/00870/DPP

Clarkes Bespoke Design Ltd
83 Ducie Street
Manchester
M12JQ

Midlothian Council, as Planning Authority, having considered the application by Mr Andrew Wesley, 13 Glen View Road, Gorebridge, EH23 4BN, which was registered on 6 December 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations, at 13 Glenview Road, Gorebridge, EH23 4BN

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	PL-003 P1 1:200	05.12.2022
Elevations, floor plan and cross section	PL-001 P1 1:50	05.12.2022
Elevations, floor plan and cross section	PL-002 P1 1:1250	05.12.2022

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

1. *The proposed subdivision of the property would result in significantly low levels of amenity for the dwellings, with below standard garden ground provided for the proposed flatted dwellings.*
2. *The proposed subdivision of the property would result in overlooking to the gardens of neighbouring houses and detrimentally affect the amenity and privacy of these existing properties.*
3. *For the above reasons, the Planning Authority considers the proposal overdevelopment which does not comply with policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Plan.*
4. *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 16 / 2 / 2023



.....
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 (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 coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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 2023 until 31st December 2024

NOTES

ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE

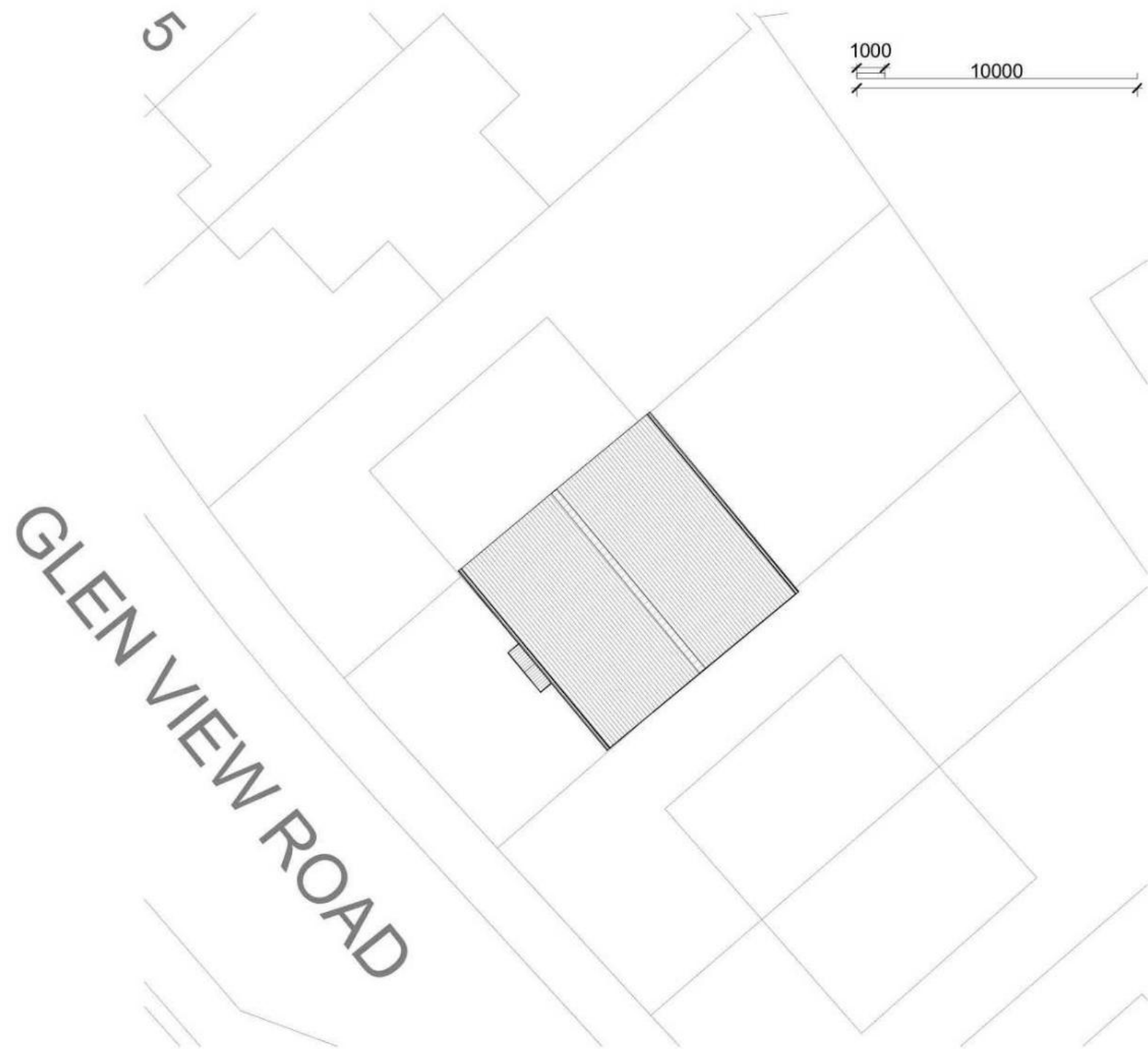
ANY DISCREPANCIES ARE TO BE REPORTED TO THE PROJECT MANAGER BEFORE ANY WORK COMMENCES

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THIS DRAWING SHALL NOT BE REPRODUCED WITHOUT EXPRESS WRITTEN PERMISSION FROM Clarkes Bespoke Design LTD.

REFUSED
16.02.2023
22/00870/DPP

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2 Existing Site Plan
1 : 200



1 Proposed Site Plan
1 : 200

P128.11.22BCFirst Issue

Rev No.	Rev Date	Rev By	Description
project			
13 Glen view Rd			
location			
13 Glen View Rd Gorebridge EH23 4BN			
client			
Andrew Wesley			



DESIGN
ARCHITECTURE.INTERIOR.LANDSCAPE

T: 07402266305 E: brad@cbdarchitecture.com

Clarkes Bespoke Design LTD



CIAT
CHARTERED PRACTICE

drawing title

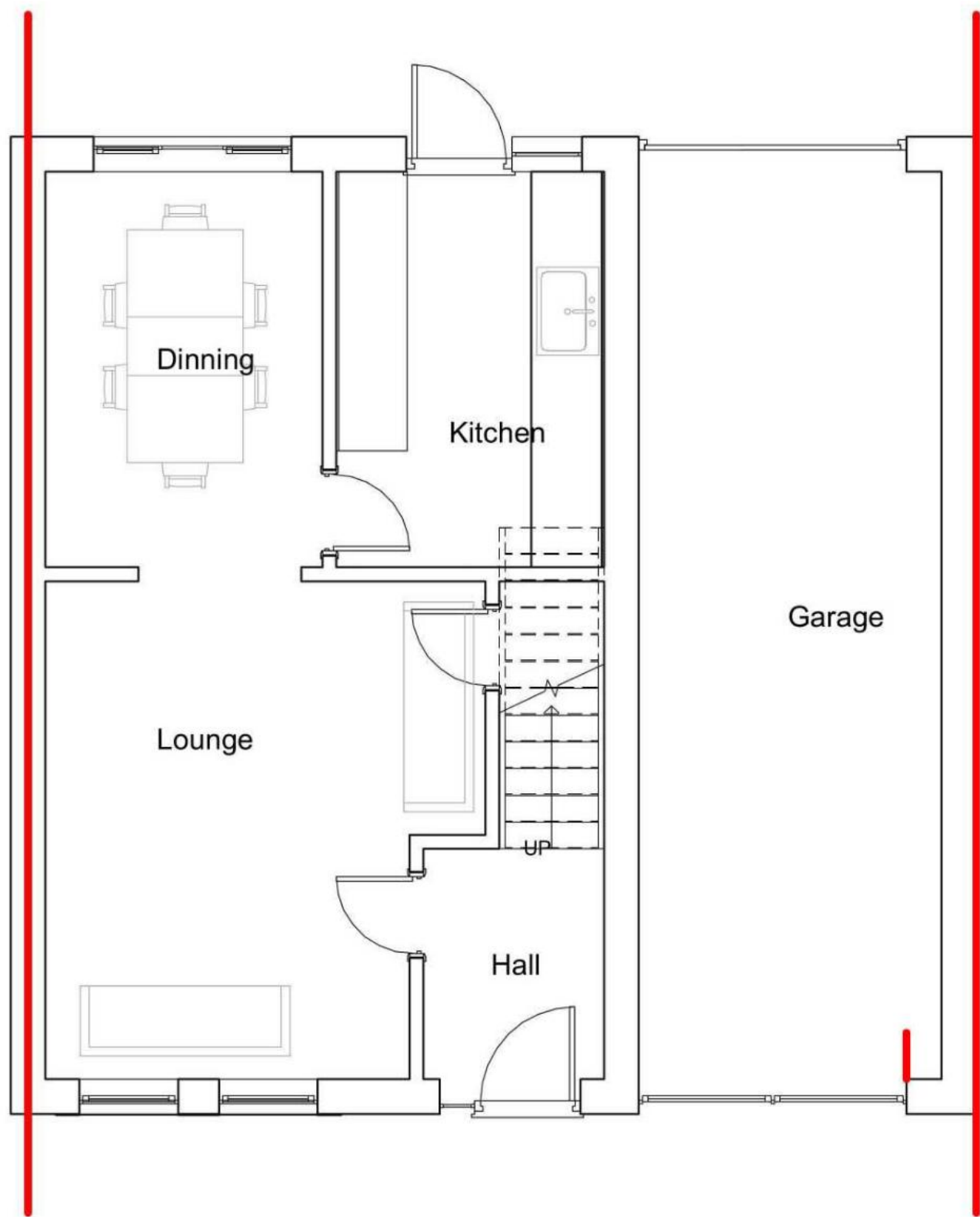
As Existing and Proposed Site Plans

dwg purpose

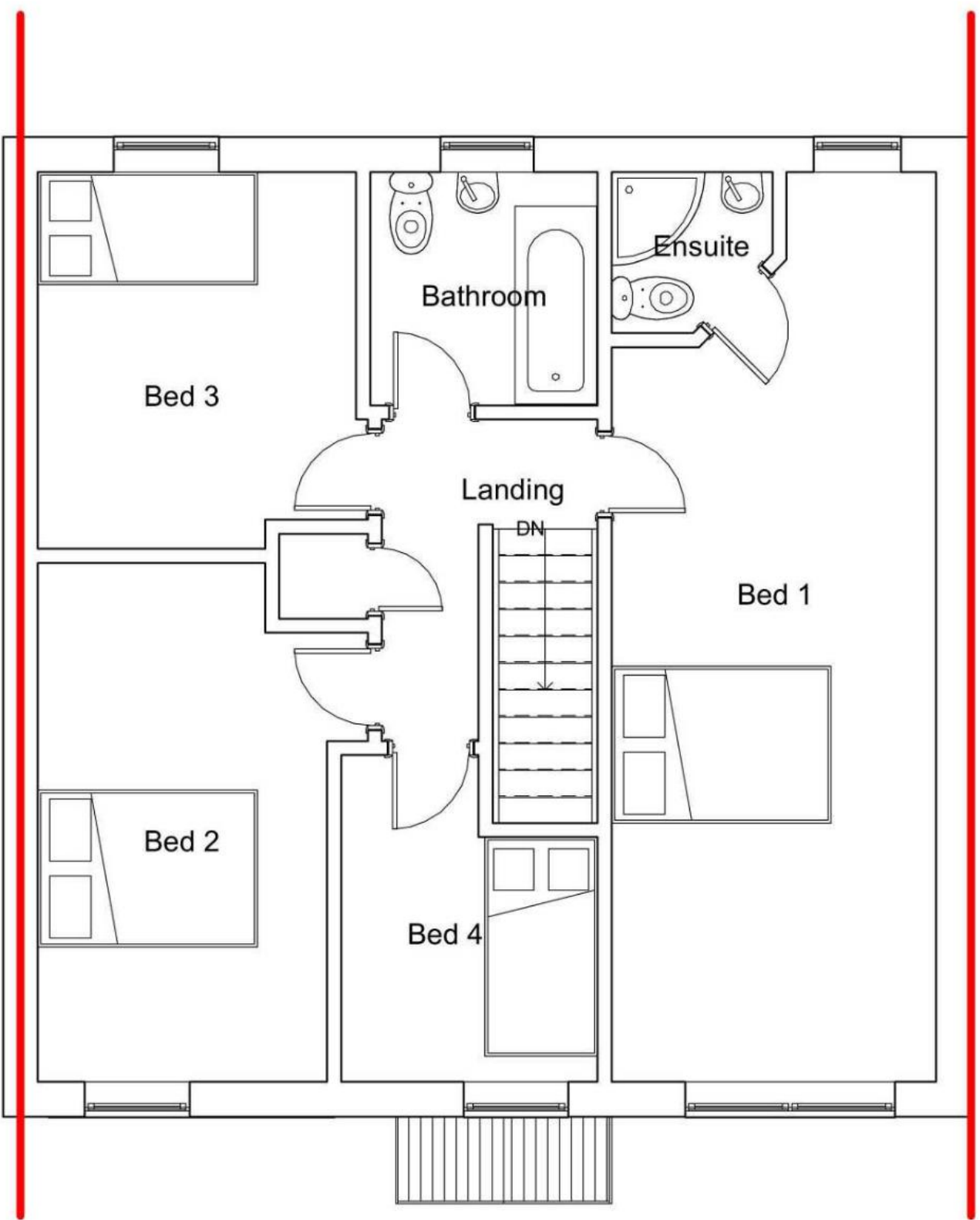
PRELIMINARY

scale 1 : 200	drawn BC	checked BC
@ sheet size A1	rev date 28.11.22	
22-081	PL-003	P1
job number	drawing number	revision

Page 111 of 134



3 Existing Ground Floor
1 : 50



8 Existing 1st Floor
1 : 50



9 Existing 3D

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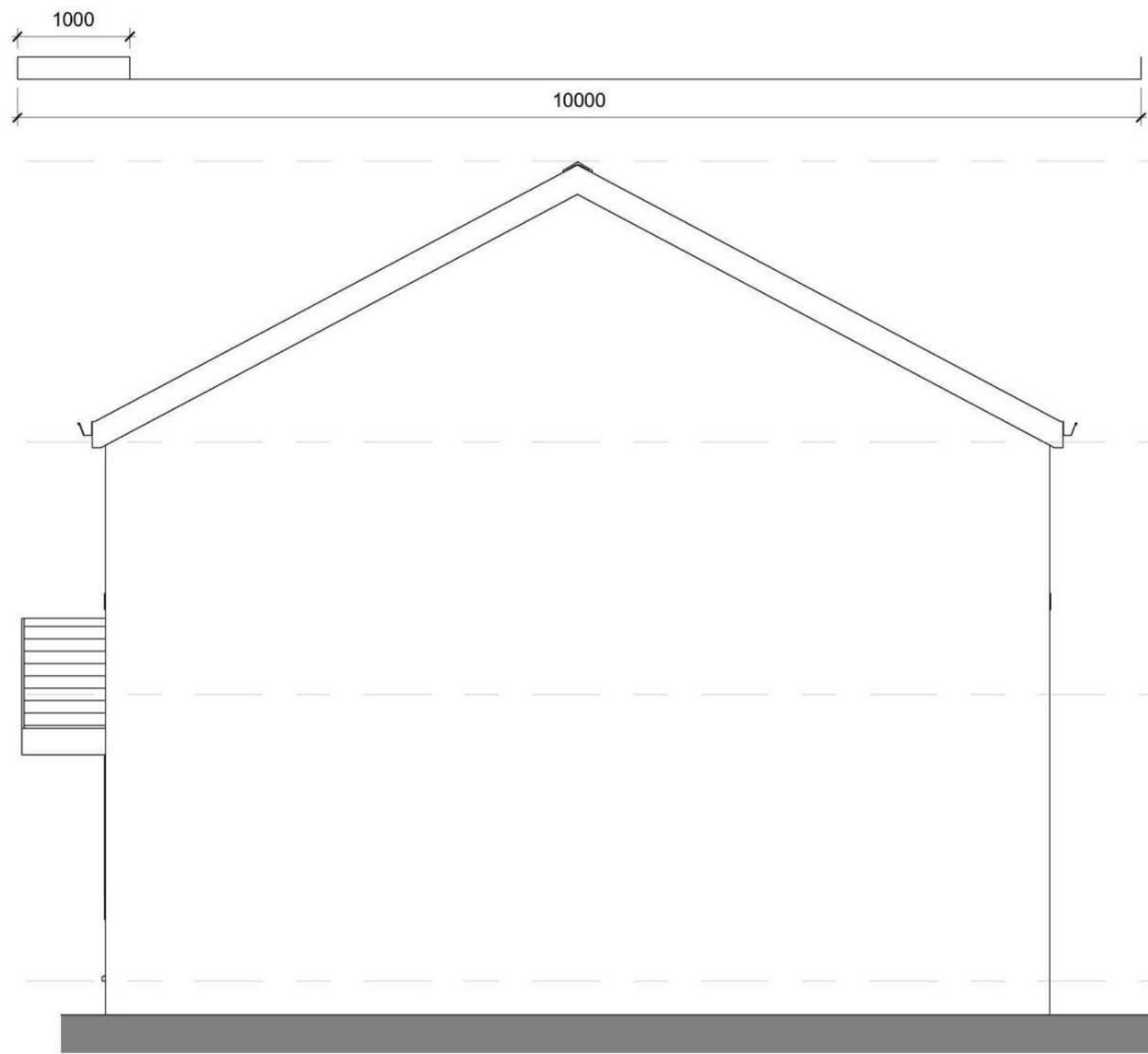


1 Location Plan
1 : 1250

REFUSED
16.02.2023
22/00870/DPP



6 Existing Front Elevation
1 : 50



5 Existing RHS Elevation
1 : 50



4 Existing Rear Elevation
1 : 50

NOTES
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Rev No.	Rev Date	Rev By	Description
P1	28.11.22	BC	First Issue

project
13 Glen view Rd
location
13 Glen View Rd
Gorebridge EH23 4BN

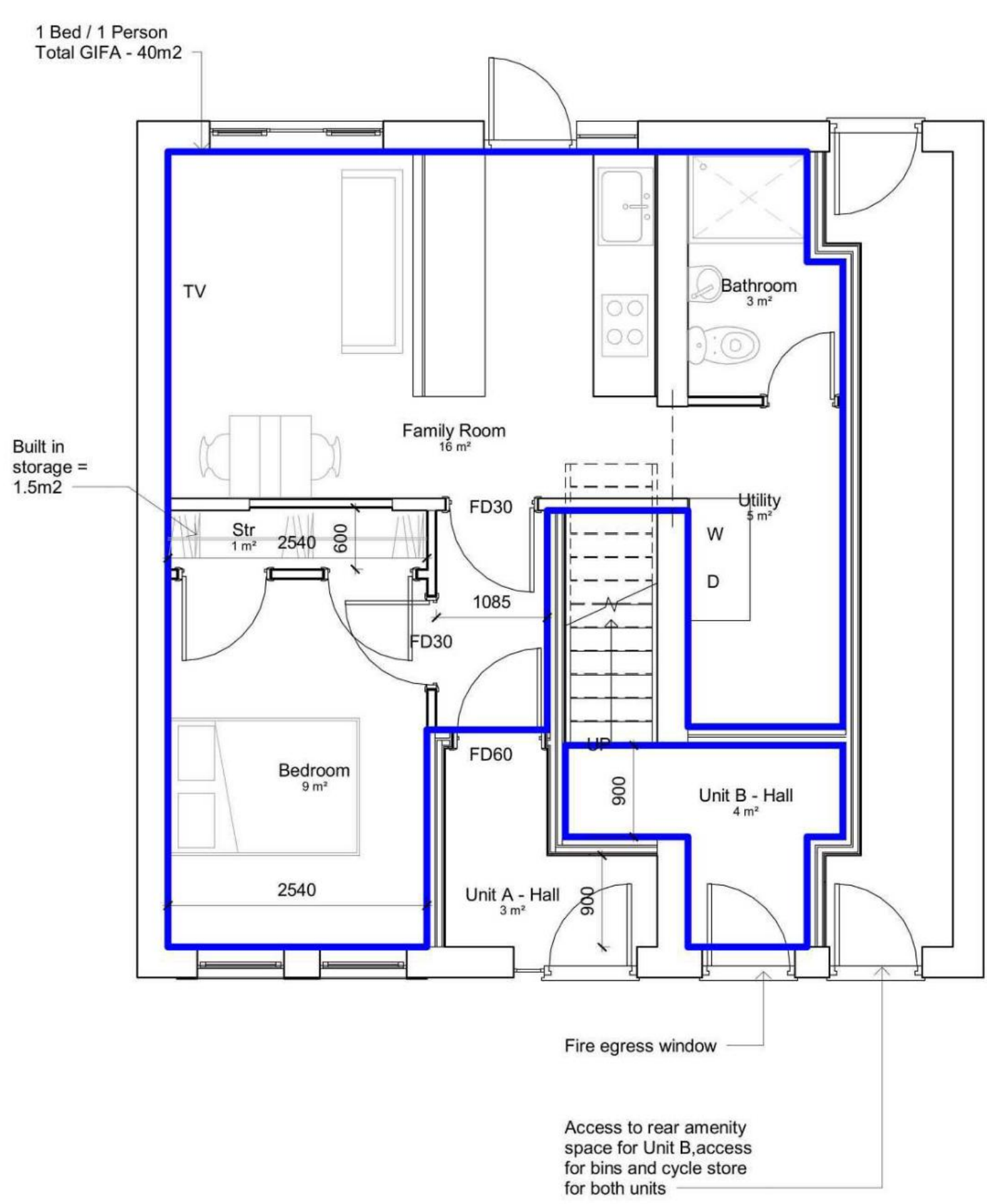
client
Andrew Wesley



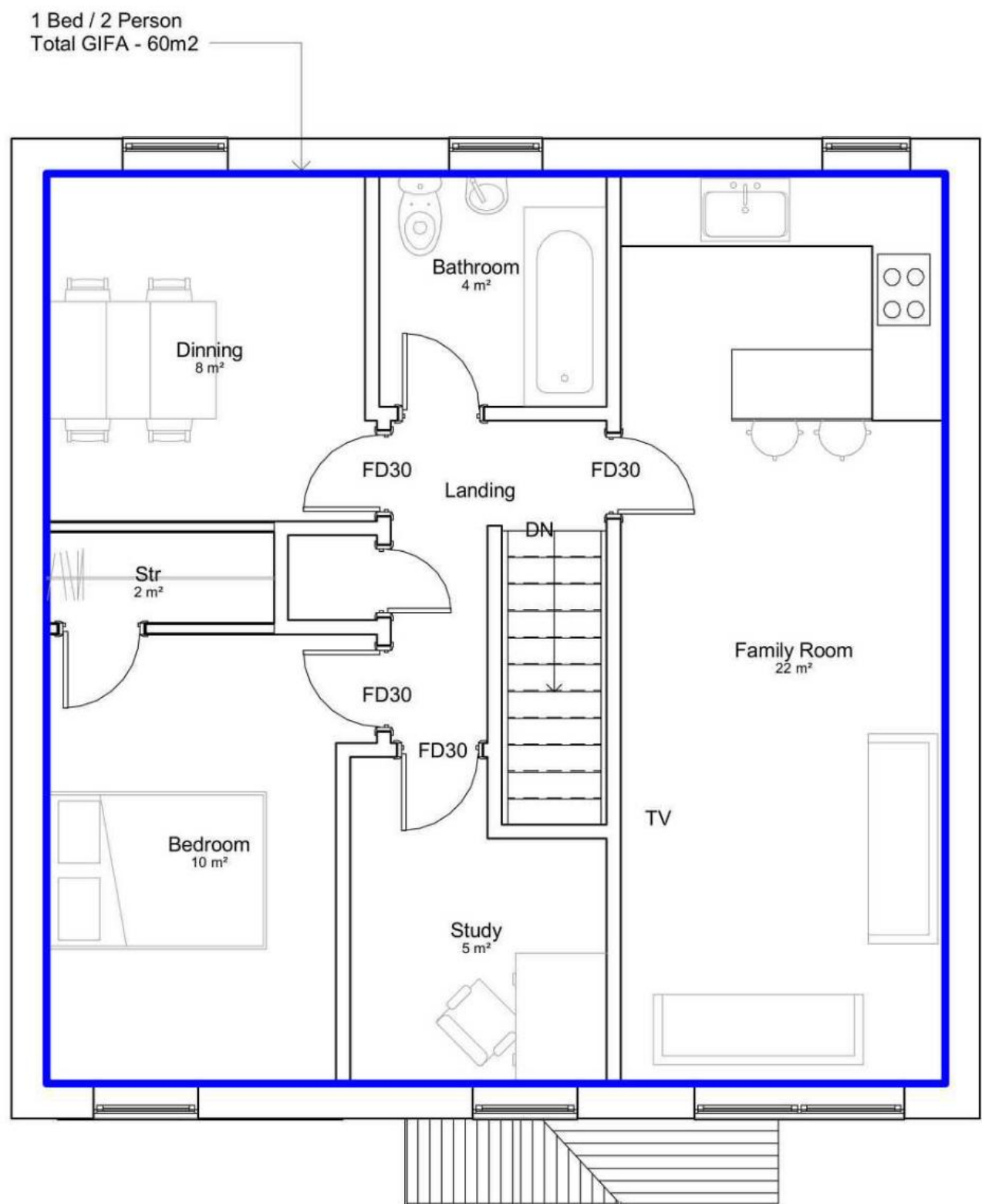
drawing title
Location Plan and As Existing Plans

dwg purpose
PRELIMINARY

scale As indicated	drawn BC	checked BC
@ sheet size A1	rev date 28.11.22	
22-081	PL-001	P1
job number	drawing number	revision

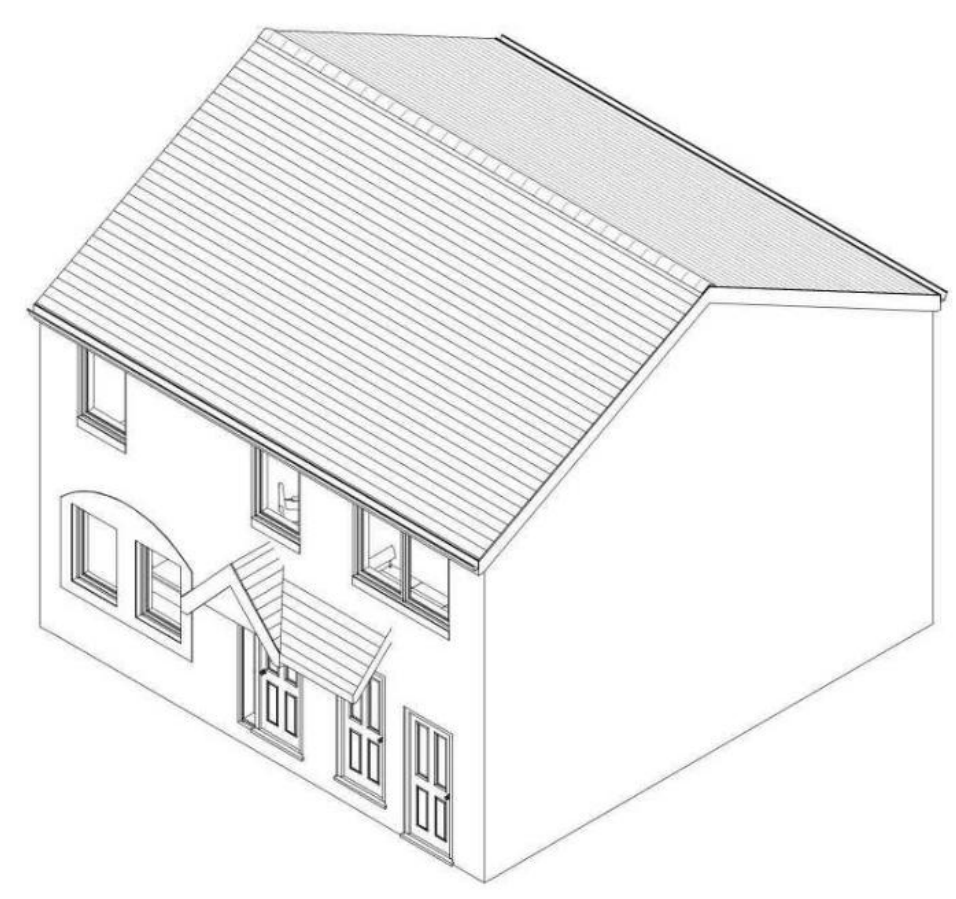


2 As Proposed Ground Floor
1 : 50



3 As Proposed 1st Floor
1 : 50

REFUSED
16.02.2023
22/00870/DPP



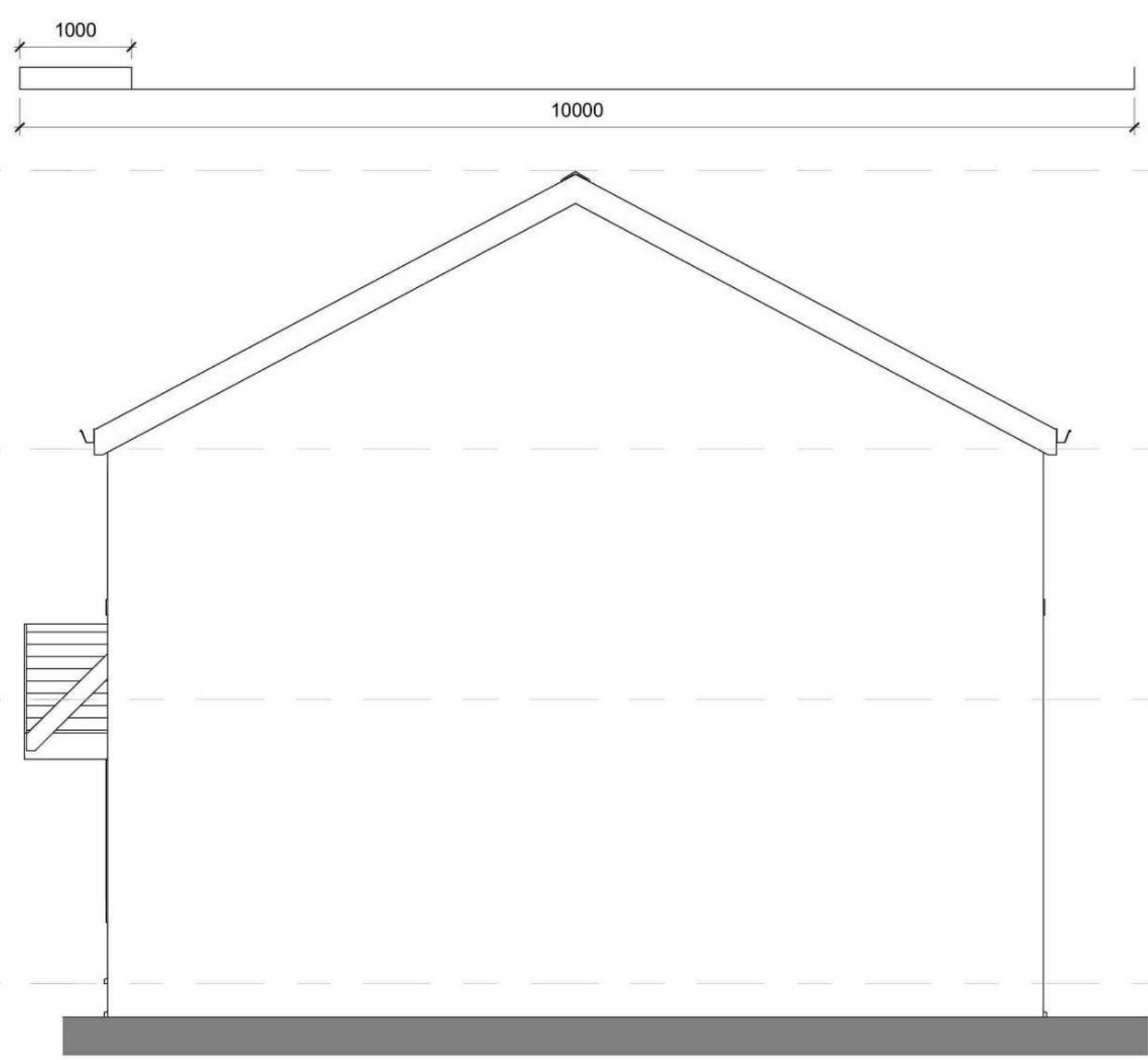
8 Proposed 3D

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NOTES
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4 As Proposed Rear Elevation
1 : 50



5 As Proposed RHS Elevation
1 : 50



6 As Proposed Front Elevation
1 : 50

Rev No.	Rev Date	Rev By	Description
P1	28.11.22	BC	First Issue

project
13 Glen view Rd

location
13 Glen View Rd
Gorebridge EH23 4BN

client
Andrew Wesley

client logo
DESIGN
ARCHITECTURE.INTERIOR.LANDSCAPE
T: 07402266305 E: brad@cbdarchitecture.com

Clarke
Bespoke
Design LTD

CIAT
CHARTERED PRACTICE

drawing title
As Proposed

dwg purpose
PRELIMINARY

scale 1 : 50	drawn BC	checked BC
@ sheet size A1	rev date 28.11.22	
22-081	PL-002	P1
job number	drawing number	revision

Notice of Review: 5 Braeside Road South, Gorebridge

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 alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge.

2 Background

- 2.1 Planning application 23/00033/DPP for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge was granted planning permission subject to conditions on 17 March 2023; a copy of the decision is attached to this report. Condition 1 on planning permission 23/00033/DPP subject to review is as follows:

1. The depth of the driveway as shown on the site plan is not approved: within three months of the date of this decision the rear section of retaining wall shall be repositioned closer to the house and the depth of the hardstanding shall be increased from 4.2m to a minimum of 4.8m as measured from the rear of the pavement along the site frontage.

Reason: *In order that a car can be safely parked off the public highway: to ensure no hazard is caused to pedestrians using the footway.*

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence the retaining wall shall stay in situ as positioned and the driveway will be retained at 4.2m

- 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 17 March 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.

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 was one consultation response and no representations received. As part of the review process the interested party was notified of the review. No additional comments have been received. 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. Any railings to be erected on top of the retaining walls shall be in accordance with details to be submitted to and approved in writing by the planning authority. The railings shall thereafter be retained in accordance with the approved details unless otherwise agreed in writing by the planning authority.

Reason: *To safeguard the visual amenity of the surrounding area.*

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

Background Papers: Planning application 23/00033/DPP available for inspection online.



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

Formation of driveway and associated works 5 Braeside Road South, Gorebridge

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File No.23/00033/DPP

Scale: 1:750





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 100600870-005

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	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="Michelle"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Watson"/>	Address 1 (Street): *	<input type="text" value="5 Braeside Road South"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Gorebridge"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH23 4DN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

5 BRAESIDE ROAD SOUTH

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GOREBRIDGE

Post Code:

EH23 4DN

Please identify/describe the location of the site or sites

Northing

661613

Easting

334838

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)

Driveway

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? *	
<div style="display: flex; justify-content: space-between;"> <div> <input type="radio"/> Refusal Notice. <input checked="" type="radio"/> Grant of permission with Conditions imposed. <input type="radio"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal. </div> </div>	
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> I state that the driveway in my property is identical to the ones which are nearby. The vehicle I own safely fits the driveway space available. I believe the modifications mentioned(condition 1)is cosmetic and superficial. There is a pipeline laid in front of the house, which will prevent any demolition of the wall.This type of small scale building work does not have a significant impact on the character of the house, the visual amenity of the area or the amenity of the neighbouring houses. </div>	
<div style="display: flex; justify-content: space-between;"> <div> Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * </div> <div> <input type="radio"/> Yes <input checked="" type="radio"/> No </div> </div>	
<p>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)</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
<p>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)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> I will Include 2 photos of my car safely within my driveway that show the public pathway completely clear and safe for people to walk past. </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 5px;">23/00033/dpp</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 5px;">23/01/2023</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 5px;">21/03/2023</div>

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. *

T 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? *

T Yes ≤ No

Is it possible for the site to be accessed safely and without barriers to entry? *

T 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?. *

T Yes ≤ No

Have you provided the date and reference number of the application which is the subject of this review? *

T 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 T 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? *

T 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 *

T 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 Michelle Watson

Declaration Date: 27/04/2023





MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00033/dpp

Site Address: 5 Braeside Road South, Gorebridge

Site Description:

The application property comprises a two storey mid-terraced dwellinghouse, and its associated garden located within a residential area. The house is finished externally in drydash render with a painted brick basecourse. The house at the application site is set at an elevated level as compared to the road at the front of the house. A driveway with retaining walls along the sides and rear has been formed in the front garden.

Proposed Development:

Alterations to garden levels, erection of retaining wall and formation of driveway (retrospective)

Proposed Development Details:

Planning permission is being sought retrospectively for a driveway and retaining walls formed in the front garden of the application property. The front garden has been excavated to form a driveway level with the pavement. The driveway surface measures 4.2m deep by 5.1m wide and is surfaced in monoblock. Block retaining walls have been erected at the side and rear of the driveway measuring 0.65m in height for a distance of 1.6m from the rear of the pavement and then rising in height to 1.3m.

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

History sheet checked.

22/00394/dpp - Formation of driveway and associated alterations to garden levels at 7 Braeside Road South - proposal for a driveway within the front garden. Application assessed on the basis of altering the ground levels to form a sloped driveway rising in level from the pavement to the ground level at the front of the house. Submitted plans indicated the driveway measuring 6m wide by 6m deep with the part of the driveway nearest the house measuring 1.3m above the ground level of the pavement at the front of the house. PP 26.07.22 subject to conditions including details of surface materials and retaining walls.

Consultations:

Senior Manager Neighbourhood Services (Roads) - recommends that the application be refused - road safety concerns over the very short length of driveway which has been provided. Driveways of a substandard length can result in parked vehicles overhanging and obstructing the public footway which can result in pedestrians being required to walk on the carriageway.

Representations:

None received.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

g) Householder development proposals will be supported where they:

i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

Whilst it hasn't been demonstrated by the applicant that the build has been built sustainably to comply with Policy 1 of NPF4, the small scale of the works is unlikely to negatively contribute to the global climate and nature crisis. NPF4 has only recently been adopted and in the absence of further guidance in relation to policy 1 at this current time it would be unreasonable to refuse the application on these grounds.

There are a number of driveways on this side of Braeside Road South including sloping driveways at nos 1 and 19 rising in level by approximately 1.1m from pavement level. Nos 9, 15 and 17 have excavated the front gardens to form a driveways level with the pavement at the front with retaining walls at the sides and rear of the driveways. The retaining wall would be more in keeping with the character of the house if it was rendered to match the house. Subject to this the driveway does not have a significant impact on the character of the application property, the visual amenity of the area or the amenity of neighbouring properties.

However a major issue in the consideration of the application is road safety. The length of the driveway at 4.2m (as measured on site) is much less than the standard 6m and may result in parked vehicles overhanging and obstructing the public footway, resulting in pedestrians being required to walk on the carriageway. This is clearly undesirable and would not be in the interests of improving road safety. (This was clearly evident during the case officer's site visit in relation to the driveway which has been constructed at no. 7 next door where a car was seen to overhang the pavement. The drive at no. 7 is 4.2m long rather than the approved 6m. This will be passed to the Council's enforcement team to investigate.) The hardstanding at the application site should be increased to a minimum of 4.8m deep in order to minimise the risk of cars overhanging the pavement. This can be covered by condition should planning permission be forthcoming.

Recommendation:

Grant planning permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00033/DPP



Miss Michelle Watson
5 Braeside Road South
Gorebridge
EH23 4DN

Midlothian Council, as Planning Authority, having considered the application by Miss Michelle Watson, 5 Braeside Road South, Gorebridge, EH23 4DN, which was registered on 23 January 2023, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge, EH23 4DN

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	23.01.2023
Site Plan		23.01.2023
Proposed Elevations		23.01.2023
Illustration/Photograph		23.01.2023
Illustration/Photograph		23.01.2023
Illustration/Photograph		23.01.2023
Illustration/Photograph		23.01.2023
Illustration/Photograph		23.01.2023

This permission is granted for the following reasons:

Whilst it hasn't been demonstrated that the build has been built sustainably to comply with Policy 1 of NPF4, the small scale of the works is unlikely to negatively contribute to the global climate and nature crisis. The works do not have a significant impact on the character of the house, the visual amenity of the area or the amenity of neighbouring properties and comply with the aims of policy DEV2 of the adopted Midlothian Local Development Plan 2017 and policies 14 and 16 of NPF4.

Subject to the following conditions:

1. The depth of the driveway as shown on the site plan is not approved: within three months of the date of this decision the rear section of retaining wall shall be repositioned closer to the house and the depth of the hardstanding shall be increased from 4.2m to a minimum of 4.8m as measured from the rear of the pavement along the site frontage.

Reason: *In order that a car can be safely parked off the public highway: to ensure no hazard is caused to pedestrians using the footway.*

2. Within three months of the completion of the works required in terms of condition 1 the exposed sections of retaining wall shall be rendered to match the colour and texture of the render on the external walls of the existing house at the application site.

3. Details of any railings to be erected on top of the retaining walls shall be submitted to the Planning Authority and the railings shall not be installed until these details have been approved in writing by the Planning Authority.

Reason for conditions 2 and 3: *To safeguard the visual amenity of the surrounding area.*

Dated 17 / 3 / 2023



.....
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 (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 coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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:

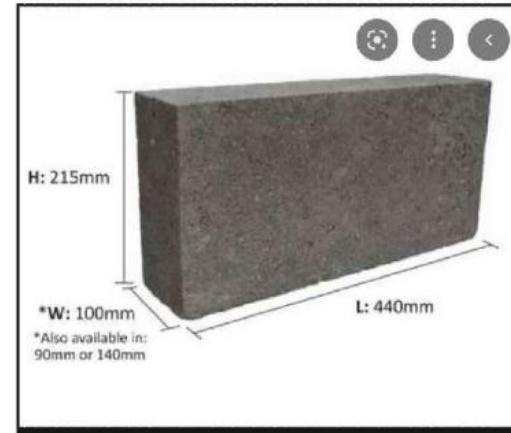
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

N.T.S

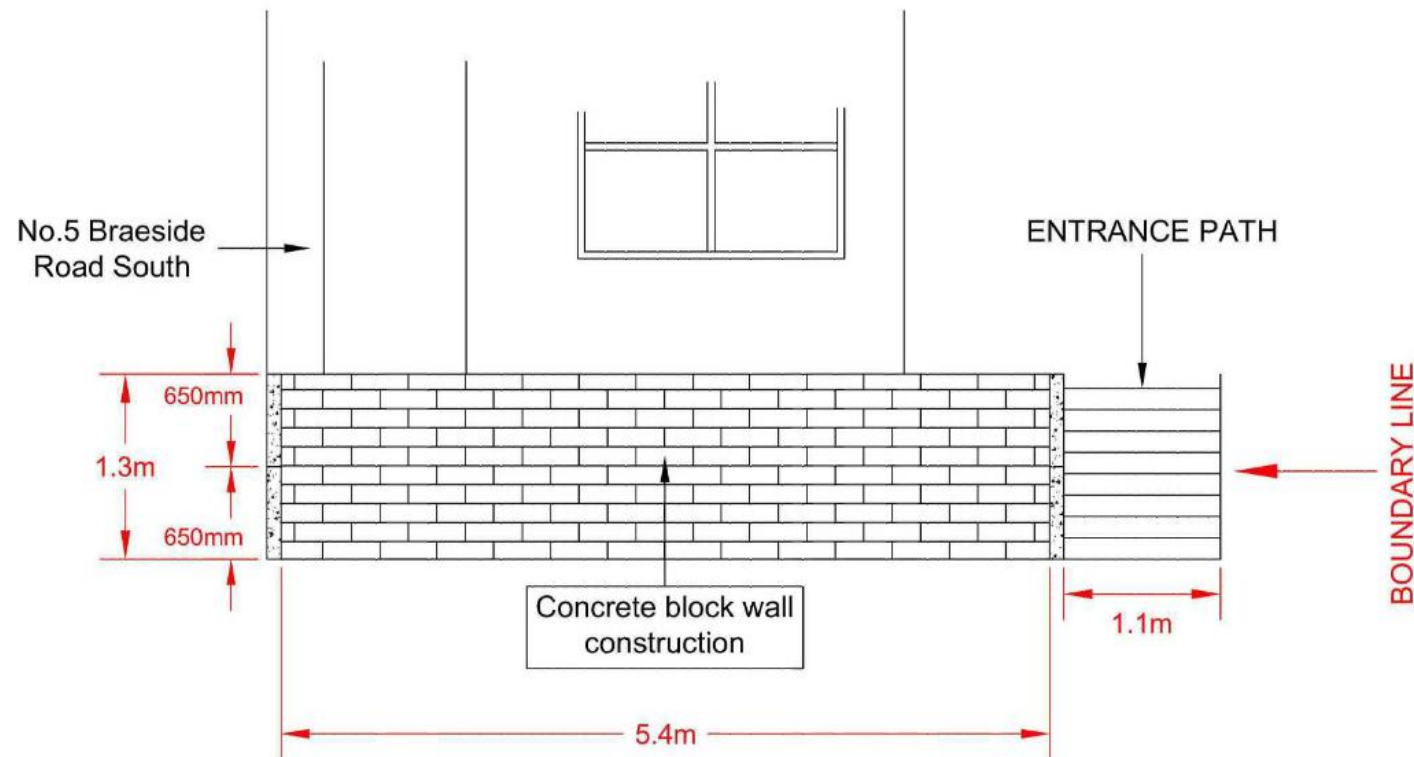
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APPROVED
17.03.2023
23/00033/DPP



NOTES:

Breeze block wall construction
Block Dimensions:-
L = 440mm / H = 215mm / W = 100mm



5 Braeside Road South
Elevation
Vehicular Entrance

N.T.S

APPROVED
17.03.2023
23/00033/DPP

No.5 Braeside
Road South

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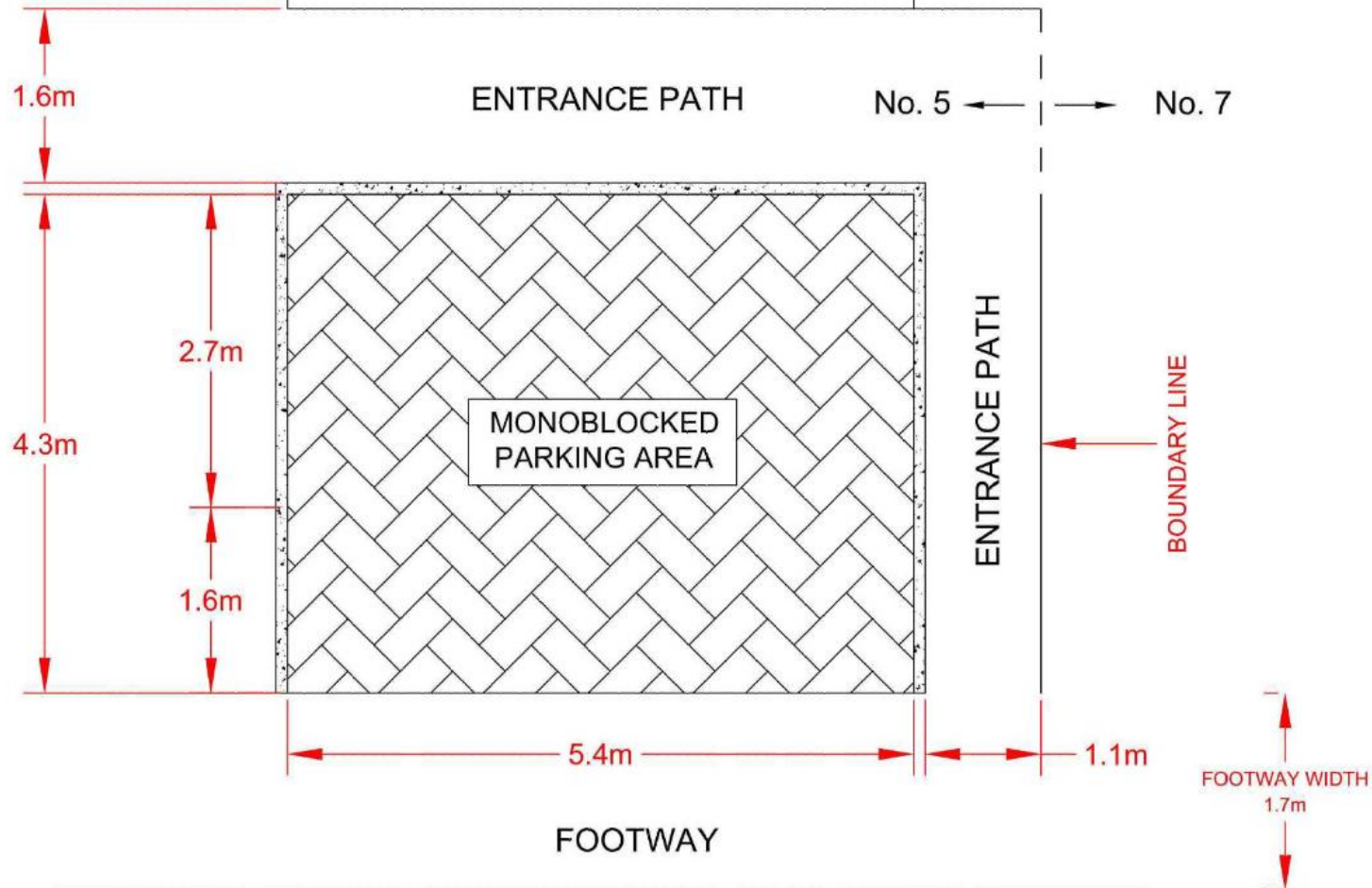
NOTES:

+ PLEASE REFER TO MONOBLOCK DETAIL
DRAWING FOR BLOCK LAID INFORMATION.



Concrete block wall construction.

Block Dimensions:-
L = 440mm / H = 215mm / W = 100mm



5 Braeside Road South
Plan View
Vehicular Entrance

APPROVED
17.03.2023
23/00000000PP

