

Local Review Body: Review of Planning Application Reg. No. 18/00654/DPP

Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Midlothian Council, as Planning Authority, having considered the review of the application by Scottish Midland Co-Operative Society Limited (Scotmid), Hillwood House, 2 Harvest Drive, Newbridge, Edinburgh, EH28 8QJ which was registered on 11 February 2019 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Change of use from retail (Class 1) to hot food take away (sui generis) and installation of flue at 70 Lothian Street, Bonnyrigg, EH19 3AQ, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	L(--)-001(A) 1:1250	31.08.2018
Floor Plan, Elevations	L(--)-002(B) 1:100	31.08.2018
Other Statements		31.08.2018

The reason for the Council's decision is set out below:

The proposed hot food takeaway would be within 400m of the curtilage of Lasswade Primary School contrary to the Council's Food and Drink and Other Non-retail Uses in Town Centres Supplementary Guidance and as such would encourage school pupils to eat unhealthy food.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 April 2019. The LRB carried out a site visit on the 16 April 2019.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan - Protecting amenity within the built-up area

2. Food and Drink and Other Non-Retail Uses in Town Centres Supplementary Guidance

Material considerations:

1. The individual circumstances of the proposal;
2. The potential impact on highway safety and amenity; and
3. The Council's healthy life styles/eating agenda.

Dated: 16/04/2019

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

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

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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