

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 10 October 2017  
Item No 5.1

## Local Review Body: Review of Planning Application Reg. No. 17/00390/DPP

Spartan Gym  
Unit 33/1  
Mayfield Industrial Estate  
Dalkeith  
EH22 4AD

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Ludovico Rizza, Unit 33/1, Mayfield Industrial Estate, Dalkeith, which was registered on 28 July 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from general industry (class 5) to bodybuilding gym (class 11) (retrospective) at Unit 33/1, Mayfield Industrial Estate, Dalkeith,** in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	16.05.2017

Subject to the following condition:

1. The building shall be used as a gymnasium, bodybuilding centre or fitness studio and for no other use, including those uses identified in Class 11 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent replacement or amendment Order relating to the use of land or the Use Classes Order.

***Reason:*** *To enable an assessment to be made with regard a proposed use's suitability for its location within an industrial estate.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 29 August 2017. The LRB carried out a site visit on the 28 August 2017.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. COMD1 Midlothian Local Plan – Committed development
3. ECON4 Midlothian Local Plan – Storage and distribution and other non-residential use on existing industrial land and buildings
4. STRAT1 Proposed Midlothian Local Development Plan – Established economic land supply
5. DEV2 Proposed Midlothian Local Development Plan – Protection amenity within the built-up area
6. ECON1 Proposed Midlothian Local Development Plan – Existing employment locations

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed use is compatible to its location within an industrial estate; it provides employment benefits and opportunities for the community to be involved in sports and keep fit which accords with the Council's healthy lifestyles objectives.

Dated: 29/08/2017



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

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

*Advisory note:*

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