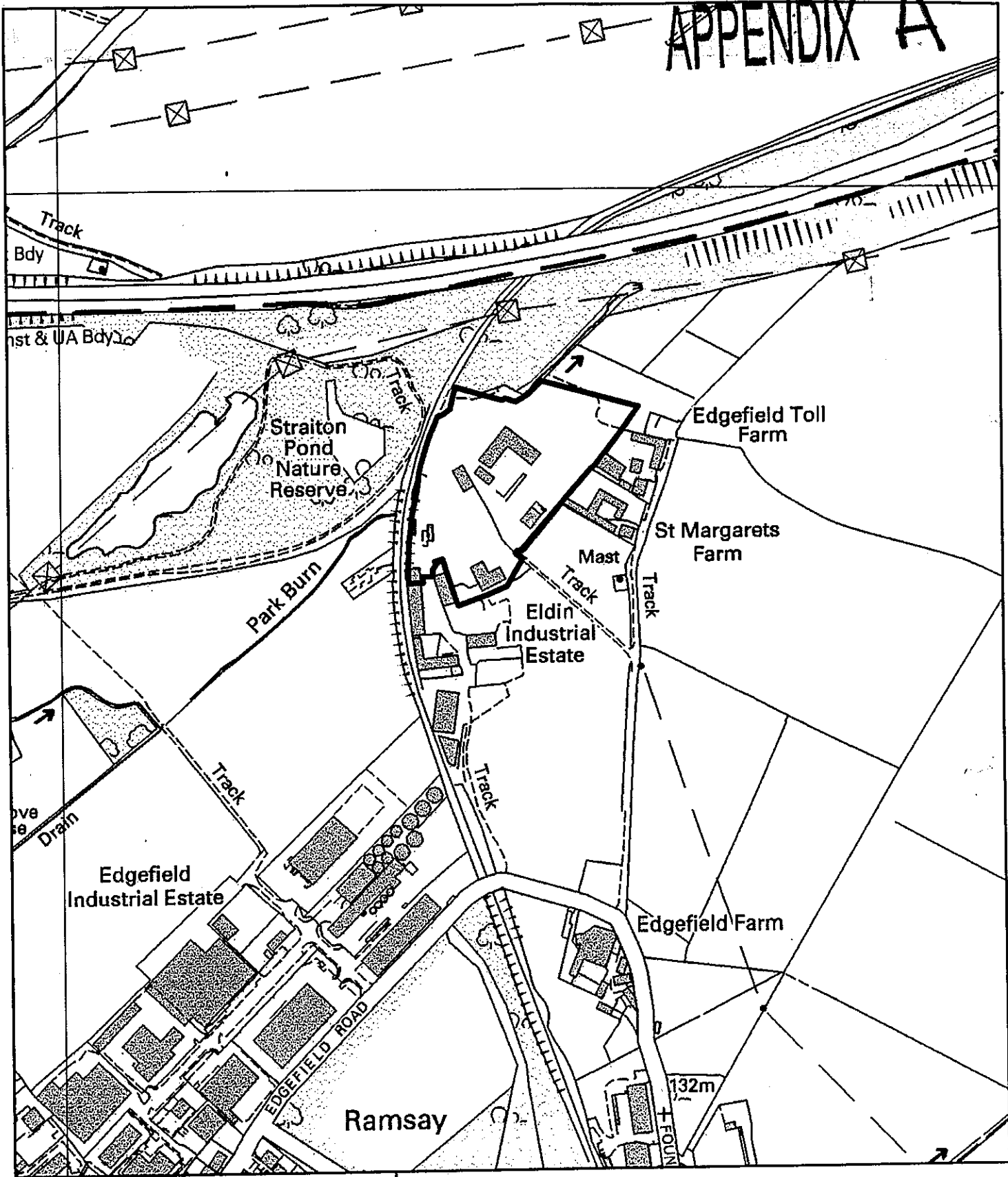




APPENDIX A



 <p>Corporate Resources Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3ZQ</p>	<p>Amendment to condition 10 of planning permission 08/00680/FUL to amend hours of operation from 6.00am 7 days a week (retrospective) at Caleco Waste, Eldin Industrial Estate, Loanhead</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 (2013)</p>	<p>File No. 12/00390/DPP</p> <p>Scale: 1:5,000</p> <div style="text-align: right;">  </div>

Midlothian

Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: planning-applications@midlothian.gov.uk

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000058850-001

The online ref number 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:

Format Design

You must enter a Building Name or Number, or both:*

Ref. Number:

Building Name:

Format Design

First Name: *

Bob

Building Number:

146

Last Name: *

Tait

Address 1 (Street): *

Duddingston Road West

Telephone Number: *

01316617666

Address 2:

Extension Number:

Town/City: *

Edinburgh

Mobile Number:

Country: *

UK

Fax Number:

01316596033

Postcode: *

EH16 4AP

Email Address: *

formatdesign@aol.com

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>
Other Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Company/Organisation: *	<input type="text" value="Caleco Waste"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="4"/>
Address 1 (Street): *	<input type="text" value="Hope Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Edinburgh"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="EH2 4DB"/>

Site Address Details

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

Address 1:	<input type="text" value="UNIT 23"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="ELDIN INDUSTRIAL ESTATE"/>	Town/City/Settlement:	<input type="text" value="LOANHEAD"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="EH20 9QX"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="666589"/>
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Easting	<input type="text" value="328334"/>
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Description of the Proposal

Please provide a description of the 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)

Amendment to condition 10 of planning permission 08/00680/FUL (Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings (part retrospective) to amend hours of operation to be from 6.00a.m, 7 days a week (retrospective) at Caleco Waste, Eldin Industrial Estate, Loanhead

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) – 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 of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see supporting statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

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)

Supporting statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00390/DPP

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

21/06/12

Has a decision been made by the planning authority? *

Yes No

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

12/12/12

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: Bob Tait

Declaration Date: 11/03/2013

Submission Date: 11/03/2013

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Planning Application Reference: 12/00390/DPP****Site Address: Calico Waste, Eldin Industrial Estate, Loanhead****Site Description:**

The application site is the northern part of Eldin Industrial Estate which is situated to the north east of Loanhead, between the settlement and the Edinburgh Bypass. It is accessed from two routes. The first is by Edgefield Road from Fountain Place, the entrance to Loanhead from Straiton. The second is by Foundry Lane from Linden Place, the east entrance from Lasswade. These routes meet on the north east edge of the built up area. A narrow lane of 400m in length serves the site. Another industrial estate, modern and purpose built, is accessed off Edgefield Road. This road becomes residential further west. The other approach, Foundry lane provides access to industrial premises, a hospital and an area of residential properties.

The site is located within a former, partially infilled, quarry adjacent to existing industrial and business users. Land to the north, east and west of the site is in agricultural use. The disused Danderhall to Loanhead railway line is to the immediate west of the site. The application site also includes an area of land to the north west currently occupied by Calico Waste, the ownership of which is in dispute between Railway Paths Ltd, Midlothian Council and Caledonian Industrial.

The site is presently occupied by Caledonian Industrial Ltd which is the parent company of a number of different operators on the site which are: (i) Calico Waste - a waste transfer station and picking station located on the southern part of the site; (ii) Calgen - a generator hire business located roughly in the middle of the site; (iii) RD Anderson Haulage (formerly Veitch's site) located on the north west corner of the site; and, (iv) a railway plant hire and storage company located on the northern extremity of the site.

The southern part of Eldin Industrial Estate, which is out with the application site, comprises a variety of industrial uses.

Proposed Development:

Amendment to condition 10 of planning permission 08/00680/FUL (Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings (part retrospective)) to amend hours of operation from 6.00am 7 days a week.(retrospective).

Proposed Development Details:

In January 2012 planning permission 08/00680/FUL was granted for the permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection

of ancillary buildings (part retrospective) on the application site. Condition 10 of planning permission 08/00690/FUL states:

“No operation of plant or machinery shall be operated on any part of the site and no HGV’s shall enter the site or be dispatched out with the following hours unless otherwise approved by the Planning Authority:

<i>Monday - Friday inclusive</i>	<i>7.00am -10.00pm</i>
<i>Saturdays</i>	<i>7.00am - 6.00pm</i>
<i>Sundays</i>	<i>8.00am -12.00 Noon</i>

Reason: In the interests of safeguarding the amenity of neighbouring residences.”

The applicant now seeks planning permission to amend the hours of operation from 6.00am seven days a week. The application is retrospective as HGV’s are presently accessing and egressing the site out with the hours specified in condition 10 of planning permission 08/00690/FUL.

Consultations:

The Scottish Environment Protection Agency informs that the applicant is the subject of numerous complaints which date back to pre-2007. They are currently classed as ‘poor’ on their national compliance assessment scheme. One of the subjects of complaints has been noise emitting from the site. In 2010 and 2011 SEPA completed noise monitoring exercises as a consequence of the noise complaints. This found the “likelihood of complaints to be of marginal significance”. SEPA are currently undertaking a modification of the waste management licence for the whole site and this will include a stringent noise condition with this modification. It should be noted that they would line up the working hours in their modified licence with the planning consent. However, they would highlight that extending the working hours so that they can start waste activities at 6am would have a high probability of causing noise nuisance and complaints to SEPA and the Planning Authority. In this regard they advise that the Planning Authority take this into consideration when determining the planning application. They recommend that the applicant be asked to demonstrate that they can manage their operations in such a way so as not to cause noise nuisance to local residents as such an early hour.

Representations:

Six letters of objection were received on the grounds that the extended operating hours would cause significant noise pollution from HGV movements.

Relevant Planning Policies:

The relevant Midlothian Local Plan Policies are **RP1: Protection of the Countryside** and **RP2: Protection of the Greenbelt**. These policies seek to protect the countryside and Green Belt from development other than where these are necessary for an agricultural or forestry use or where it is necessary for another use which is appropriate to the countryside. The Edinburgh and Lothian Structure Plan 2015 similarly protects the Green belt from inappropriate development.

Planning Issues:

The main planning issue to be considered is whether the proposal complies with the development plan policies unless material planning considerations indicate otherwise. Material considerations in this case include the planning history, off site traffic generation, consultee responses and the representations received.

Although the site lies in the countryside where development of the nature proposed is, in principle resisted, the Council has recognised that a number of businesses have been allowed to expand in this location, and planning permission has been granted in other cases. Although Eldin Industrial Estate is in the countryside it is a long established use. The Council has given less weight to the strict terms of this policy than to the social and economic benefits that would accrue from the businesses operating on the industrial estate. It has already been determined by the Planning Authority that the uses on the site do not in principle conflict with the strategic objectives of Local Plan Policies RP1 and RP2.

During pre-application discussions the applicant stated to a Council Enforcement Officer that the extended operating hours is required to allow vehicles associated with the railway plant hire and storage company located on the northern extremity of the site to enter/be dispatched during busy periods and not for any other purpose. The Enforcement Officer advised the applicant to submit with the application a supporting statement explaining this reason(s) for the proposed extended operating hours. However, no supporting statement has been submitted with the application. The applicant has not sought in this application a temporary permission to extend the hours of operation of the uses on the site. Neither have they advised of any proposed mitigation measures to be put in place to address potential sources of noise nuisance during the extended operating hours.

Both the Council and SEPA have received numerous complaints from neighbouring residences regarding noise from operations on the application site. The extension of the working hours of the waste transfer station and picking station, the generator hire business the haulage business and the railway plant hire and storage company; all occupying the site, could have the potential to cause significant noise nuisance and disturbance to neighbouring residential properties to the detriment of their residential amenity, particularly as a result of HGV movements on the access road into and out of the site. Consequently, the proposed development is not acceptable and planning permission should be refused.

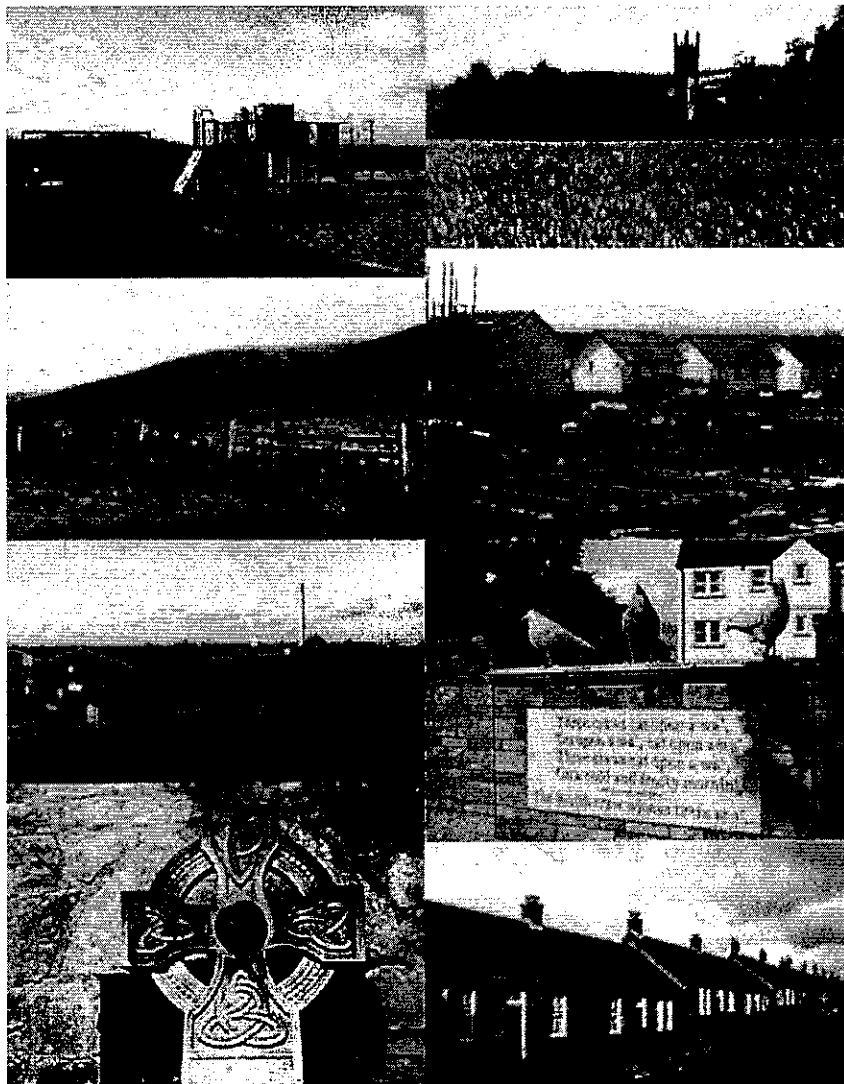
Recommendation:**Refuse planning permission for the following reason:**

1. The proposed extended operating hours have the potential to give rise to significant noise nuisance to neighbouring residences; both from the operations on the site and from associated HGV movements on the access road into and out of the site.

APPENDIX D

Midlothian Local Plan

MIDLOTHIAN



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

2.1 The Natural Heritage

Policy Title

RP1 PROTECTION OF THE COUNTRYSIDE

2.1.1 National Planning Policy National policy on development in the countryside is set out in SPP 3 *Planning for Housing* (now replaced by SPP3 *Planning for Homes* – refer to para. 3.2.6) and SPP 15 *Planning for Rural Development*. SPP 3 *Planning for Housing* stipulates that, in general, rural housing should be provided in accessible locations, within or adjacent to existing settlements. This promotes a more sustainable pattern of development, making efficient use of land and buildings, safeguarding environmental resources and offering opportunities to reduce travel. Traditionally, planning policies have sought to restrict new houses in the countryside, to maintain rural character and amenity and safeguard agricultural production. SPP 3 sets out the case for some small-scale housing in rural areas to assist in the regeneration of the rural economy where this can be justified through local plans.

2.1.2 SPP 15 *Planning for Rural Development* confirms that most development will continue to be met within or adjacent to existing settlements in the more accessible and densely populated areas. Once again, it suggests that there may be scope in rural areas for some small-scale housing development and for businesses to diversify where there is access to public transport and services, or where these may be provided at reasonable cost.

2.1.3 SPP 3 and SPP 15 highlight the need for high quality development that fits in the landscape and further guidance is provided in PAN 72 *Housing in the Countryside*. Advice on rural diversification is set out in PAN 73 *Rural Diversification* which addresses issues such as sustainable diversification, accessibility, infrastructure, scale and design, and the need to respond to individual circumstances.

2.1.4 Structure Plan Policy The Structure Plan strategy for countryside areas is to strike a balance between protecting the character of the countryside from development pressures whilst allowing some limited and appropriate development. Midlothian's countryside falls within the Areas of Restraint referred to in para.1.2.19. ELSP policy ENV3 allows for acceptable development in the countryside where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside

development includes agriculture, horticulture, forestry and countryside recreation. Other types of development may be allowed including tourism and other recreational uses, the reuse of redundant rural buildings that make a positive contribution to the landscape, and agricultural diversification of an appropriate scale and character. Such developments must be justified in local plans and must:

- ❖ be well integrated into the rural landscape;
- ❖ reflect its character and quality of place; and
- ❖ not result in a significant loss of prime agricultural land.

Any additional infrastructure required as a result of such development must be either committed through the ELSP Action Plan or funded by the developer.

2.1.5 Local Plan Policy Local Plan policy for protecting Midlothian's countryside follows both national and Structure Plan guidance and makes provision for acceptable countryside development. It allows some scope for rural development opportunities related to specific countryside activities including farm diversification, tourism and waste disposal (where this is essential as a method of site restoration). Provision is made for appropriate development within the areas identified as non-conforming land uses in the Green Belt, where such development satisfies policy RP3, and for development in accordance with the detailed provisions for development in the countryside as set out in policy DP1.

2.1.6 In all such cases development must demonstrate the need for a countryside location; have due regard to scale, character, landscape fit, accessibility to public transport and services; and avoid the significant loss of prime quality agricultural land.

2.1.7 In certain locations some limited and controlled development related to low density housing, new or expanded businesses, the winning of mineral resources, renewable energy and tourist accommodation may be acceptable and specific provisions are set out in proposal ECON1 and policies HOU5, ECON7, ECON8, MIN1 and NRG1. In such circumstances, these policies take precedence over the provisions of policy RP1. For countryside areas that are also Green Belt, policy RP2 takes precedence. Additional limited development may be acceptable where it satisfies the particular provisions of policy DP1, for example, in respect of the reuse of redundant non-residential buildings in the countryside.

RP1 PROTECTION OF THE COUNTRYSIDE

Development in the countryside will only be permitted if:

- A. it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or
- B. it is within a designated non-conforming use in the Green Belt; or
- C. it accords with policy DP1.

All such development will need to:

- A. demonstrate a requirement for a countryside location;
- B. be of a scale and character appropriate to the rural area;
- C. be well integrated into the rural landscape;
- D. avoid a significant permanent loss of prime quality agricultural land; and
- E. take account of accessibility to public transport and services (where appropriate).

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).

Policy Titles

RP2 PROTECTION OF THE GREEN BELT

RP3 MAJOR NON-CONFORMING LAND USES IN THE GREEN BELT

2.1.8 National Planning Policy Government policy on green belts is provided by SPP 21 *Green Belts*. This 2006 revision of green belt policy has taken account of changes in Scotland's population, pattern of households and economic base, and the resulting pressures for the expansion of some towns and cities. The aim is to strengthen and enhance the role of green belts and encourage greater stability in order to increase their effectiveness. The SPP emphasises the need for green belts to provide long-term certainty and proposes a timeframe of at least 20 years. Inner boundaries should not be drawn too tightly in order to allow an area between the settlement boundary and the green belt to be reserved for settlement expansion. Proposals to release green belt land should be considered as part of development plan strategy, rather than through individual planning applications. The SPP sets out three key objectives for green belt policy:

- ❖ to direct planned growth to the most appropriate locations and support regeneration;
- ❖ to protect and enhance the character, landscape setting and identity of towns and cities; and
- ❖ to protect and give access to open space within and around towns and cities, as part of a wider structure of green space.

2.1.9 There should be a general presumption against intrusion into designated green belts. In particular, approval should not be given, except in very special circumstances, for development other than that relating to agriculture, horticulture, forestry, outdoor recreation and other uses appropriate to the rural character of the area. SPP 21 recognises that existing institutions in large grounds may be redeveloped if no longer required for their original purpose; where possible, development plans should identify such opportunities. SPP 21 also supports the reuse of buildings of architectural and historic merit.

2.1.10 Structure Plan Policy The Edinburgh Green Belt was established in 1957 and has been successful in limiting the expansion of the city, preserving its identity and landscape setting, and directing new development to urban areas within the city and to the landward towns. The Green Belt boundary has been modified on a number of occasions as development plans have sought the balance between containment and urban growth.

The ELSP 2015 continues to give support for a green belt around Edinburgh, but acknowledges that modifications may be required to the boundaries, where justified in local plans, to accommodate the strategic land allocations defined in ELSP policies ECON2, ECON3 and HOU3. However, in identifying land releases, the Structure Plan makes it clear that these should be limited in extent and confined to locations where the impact on Green Belt objectives is least. The aim is to secure long-term, robust boundaries. The principle of a continuous green belt should not be undermined.

2.1.11 Structure Plan policy ENV2 requires local plans to define the boundaries of the Green Belt, which will be maintained for the following main purposes:

- ❖ to maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;
- ❖ to provide countryside for recreation;
- ❖ to maintain the landscape setting of the city; and
- ❖ to protect the setting of neighbouring towns.

The policy seeks to control development and changes of use more strictly than elsewhere in the countryside unless this is necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, or other use appropriate to the rural character of the area. Development associated with the established (non-conforming) uses at the Bush Estate and Roslin Institute in the A701 corridor, as well as their expansion (covered by ELSP policy ECON3), is also supported.

2.1.12 The introduction of SPP 21, and its advice to provide green belt boundaries that allow for longer-term expansion, cannot be applied through this Local Plan. Consideration of such a fundamental review of the Edinburgh Green Belt in order to establish a long-term boundary will require a change in direction through the Structure Plan. A local plan must conform to the current approved structure plan and therefore the changes proposed in the MLP must be compliant with the ELSP 2015.

2.1.13 Local Plan Policy The Local Plan modifies the Green Belt boundary in a number of locations, principally where minor rationalisation is required or to increase protection in areas which are vulnerable to development pressures and whose contribution to the landscape and setting of Midlothian settlements is considered particularly important. The changes are as follows:

- ❖ exclude a small area of land at Pentland Lea, Seafield Road and incorporate it into Bilston village envelope;
- ❖ exclude Loanhead Hospital and Loanhead cemetery and incorporate them into Loanhead settlement envelope, thus enabling the hospital site to be reused when (as expected) it becomes redundant;
- ❖ include land at Nazareth House, Bonnyrigg;
- ❖ include land in the Kevock/Eskgrove area of Lasswade; and
- ❖ include land at Polton and Hewan Bog, west of Poltonhall.

2.1.14 In order to meet the strategic land requirements of the ELSP 2015, a number of Green Belt releases have been made to provide for housing and economic land allocations. For housing purposes, these relate to land at Cowden and Larkfield North in Dalkeith/Eskbank, Ashgrove in Loanhead, both Seafield Moor Road and Seafield Road East in Bilston, and Penicuik Road in Roslin. In all cases the sites have been removed from the Green Belt and incorporated into the relevant settlement envelopes. Land has also been released from the Green Belt to provide for the economic land allocations at Shawfair Park Extension (by Danderhall), and Ashgrove (Loanhead). However, sites designated for economic development at Sheriffhall South (north of Dalkeith) and Oatslie (by Roslin) have been retained in the Green Belt to ensure that the development of these sites respects Green Belt objectives. For further information, reference should be made to proposals HOUS1 and ECON1.

2.1.15 The possibility of more extensive changes to the Green Belt in the Bonnyrigg area will require to be considered as part of the preparation of the strategic development plan (see para. 1.2.21). In line with SPP 21 guidance, this could involve extending the Green Belt designation around and to the south of the town to safeguard its setting, while at the same time leaving room to accommodate a limited amount of planned growth on the inner edge.

2.1.16 The strategic land allocations required for knowledge-based industries are to be found in the A701 Corridor and relate to existing non-conforming Green Belt uses. The boundary of the Bush Estate non-conforming use area has been amended to incorporate these allocated sites. The Roslin Institute has intimated possible future proposals to relocate from its current site to land within the Bush Estate. The Council will be supportive of this relocation and will look at reviewing the use of the non-conforming site. This can be addressed as part of the development plan review process.

2.1.17 The Local Plan Proposals Map identifies the revised boundary of the Green Belt. Within the Green Belt, development will be strictly controlled in line with national guidance and the Structure Plan. Provisions have been made in policies RP3, ECON7 and DP1 and proposal ECON1 to enable development in support of the established non-conforming Green Belt uses; for hotel accommodation in key gateway locations; for the conversion of redundant buildings and on specific allocated economic sites. There is local justification for this policy stance.

RP2 PROTECTION OF THE GREEN BELT

Development will not be permitted in the Green Belt except for proposals that:

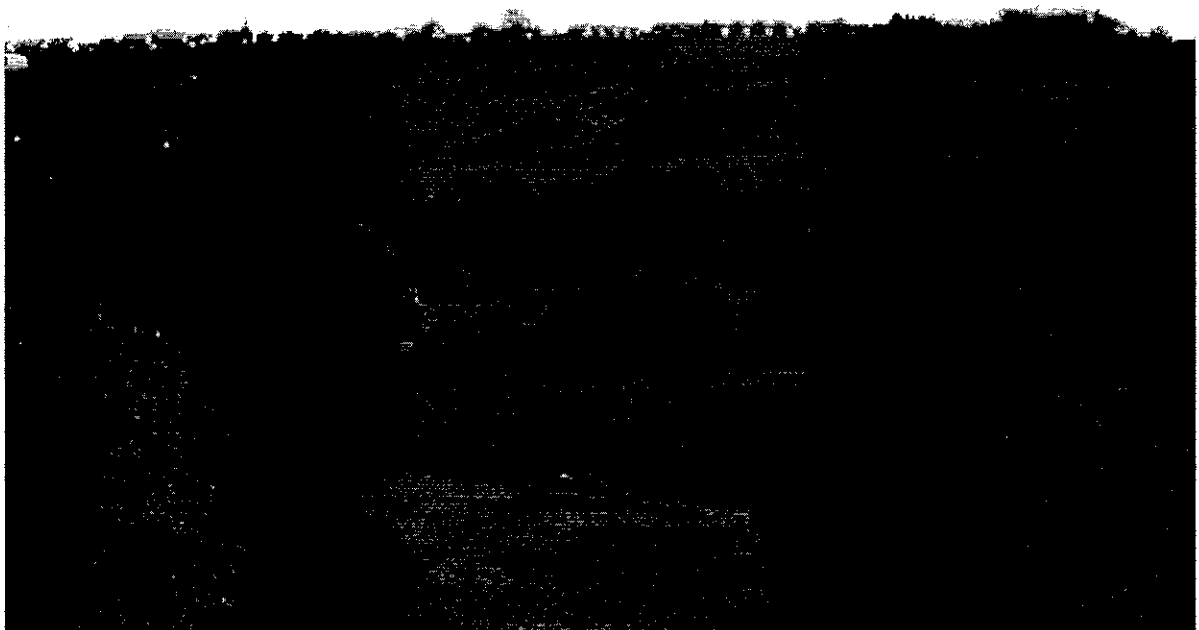
- A. are necessary to agriculture, horticulture or forestry; or
- B. provide for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield or, in exceptional circumstances, community facilities (where no suitable alternative location exists); or
- C. are related to other uses appropriate to the rural character of the area; or
- D. accord with policy RP3, proposal ECON1, policy ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt to:

- ❖ maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence;
- ❖ provide countryside for recreation and institutional purposes of various kinds; and
- ❖ maintain the landscape setting of the city and Midlothian towns.

RP3 MAJOR NON-CONFORMING LAND USES IN THE GREEN BELT

Planned development of established activity at the following 'non-conforming' sites will be permitted: the Bush Estate and the Roslin Institute.



Refusal of Planning Permission
Town and Country Planning (Scotland) Act 1997

Reg. No. 12/00390/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Caleco Waste, 4 Hope Street, Edinburgh, EH2 4DB, Scotland, which was registered on 21 June 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Amendment to condition 10 of planning permission 08/00680/FUL (Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings (part retrospective)) to amend hours of operation to be from 6.00am, 7 days a week (retrospective) at Calico Waste, Eldin Industrial Estate, Loanhead

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

The proposed extended operating hours have the potential to give rise to significant noise nuisance to neighbouring residences; both from the operations on the site and from associated HGV movements on the access road into and out of the site.

Dated 12 / 12 /2012



.....
Joyce Learmonth
Principal Planning Officer
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

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 require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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 reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the 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.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Councils web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submit in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 08/00680/FUL

Format Design
 Holyrood Business Park
 146 Duddingston Road West
 Edinburgh
 EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Caledonian Industrial Ltd, C/o Format Design, Holyrood Business Park, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 25 March 2009, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

**Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings (part retrospective)
 at Eldin Industrial Estate, Edgefield Road, Loanhead, Midlothian, EH20 9DX**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	9411 1:2500	09.10.2008
Proposed Location Plan	9411 07 H 1:1250	08.05.2009
Erect Steel Framed Building (Plans)	954/03 (Plans)	08.05.2009
Erect Steel Frames Building (Elevations)	954/06 (Elevations)	08.05.2009
Annotated drawing titled "Adapted from Drawing 9411 07H, created by Format Design 07/05/09	Adapted from Drawing 9411 07H created by Format Design 07/05/09	07.05.2009

This permission is granted for the following reason(s):

While the site is situated within the green belt, there has been a waste transfer business, road haulage business and plant hire business operating on it for several years. The further expansion of the industrial estate sought in this application will allow for a better and more efficient management of the industrial estate. It is this which provides a reasoned justification for the development within the countryside and greenbelt. Subject to the recommended dust suppression measures, screen landscaping and transportation improvements being carried out expeditiously, which can be controlled by planning conditions, the developments would be acceptably accommodated on the site and would not be harmful to the character and amenity of the area, including the amenity of neighbouring properties.

Subject to the following condition(s):

1. The waste transfer use on the site shall only be carried out on the area of land within the dashed purple line delineated on approved drawing No. 9411 07H unless otherwise approved by the Planning Authority. The waste transfer station hereby approved is solely for the storage, transfer, sorting, salvaging and recycling of waste materials, together with the storage of skips and other containers, equipment and vehicles and the carrying out of other ancillary activities associated with the primary use of the site. There shall be no permanent disposal of any waste materials, or any burning of materials on the site.

Reason: For the avoidance of doubt as to the extent of the permitted use of the site, and to ensure that there is no long term contamination of the land through waste disposal, or amenity and air pollution problems arising from the disposal of materials within the site.

2. Within one month from the date of the grant of this planning permission details of the design and appearance of the 4 metre high fence to be erected around the perimeter of the site, as delineated on docketed drawing No.9411 07H, shall be submitted to the Planning Authority for prior approval.
3. Within three months from the date of either: (a) the Planning Authority approving in writing the details of the design and appearance of the 4 metre high perimeter fence to be erected around the perimeter of the site submitted by the applicant; or, (b) in the event of the details being submitted not being considered acceptable by the Planning Authority and the Planning Authority specifying in writing the details of the design and appearance of the fence to be erected, the fence approved or specified in writing by the Planning Authority shall be erected in its entirety. Thereafter the fence shall be retained as approved. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

Reason for conditions 2 and 3: To ensure the erection of a perimeter fence around the site in order to contain rubbish and debris from escaping from the site in the interests of safeguarding the amenity of the area and to ensure that its design and appearance is appropriate to the locality.

4. Within one month from the date of the grant of this planning permission detailed drawings of a scale no less than 1:100 of the angled profiled metal canopy to be erected on top of the existing sleeper wall on the east and south boundaries of the waste transfer site, as delineated on application drawings, and a detailed written specification of the profiled metal canopy shall be submitted to the Planning Authority for prior approval.
5. Within three months of the date of either: (a) the Planning Authority approving in writing detailed drawings of the angled profiled metal canopy to be erected on top of the existing sleeper wall on the east and south boundaries of the waste transfer site; or, (b) in the event of the details drawings submitted not being considered acceptable by the Planning Authority and the Planning Authority specifying in writing the details of the design and appearance of the canopy to be erected, the canopy approved or specified in writing by the Planning Authority shall be erected in its entirety. Thereafter the canopy shall be retained as approved. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

Reason for conditions 4 and 5: To debris and rubbish to within the waste transfer site in the interests of safeguarding the amenity of the area, including the amenity of neighbouring properties.

6. Within six months from the date of this planning permission, passing places shall be formed along the industrial estate access road in accordance with details to be submitted for the prior approval of the Planning Authority.
7. Within six months from the date of this planning permission, the visibility splays at the junction where the industrial estate access road meets Edgefield Road shall be improved in accordance with details to be submitted for the prior approval of the Planning Authority.

Reason for conditions 6 & 7: The existing access road to the industrial estate and its junction with Edgefield Road is substandard and require to be upgraded to satisfactorily accommodate the increase in the number of vehicles using it as a result of the development.

8. Prior to the installation of any external lighting on the site, details of the position, types of light fittings, spread of illumination and glare, shall be submitted to and be approved in writing by the Planning Authority. Thereafter all external lighting shall be erected and maintained as per the approved details.

Reason: In the interests of safeguarding the character an amenity of the area.

9. All of the vehicles associated with Calico Waste travelling between the site and the receiving landfill site (and back) shall only do so by way of Foundry Lane until the Edgefield relief road through Edgefield Industrial Estate is opened and then all of the vehicles associated with the application site shall travel via that new relief road. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

Reason: To reduce the amount of traffic using Edgefield Road in the interests of road safety and the amenity of the area.

10. No operation of plant or machinery shall be operated on any part of the site and no HGV's shall enter the site or be dispatched out with the following hours unless otherwise approved by the Planning Authority:

Monday - Friday inclusive	7.00am -10.00pm,
Saturdays	7.00am - 6.00pm,
Sundays	8.00am -12.00 Noon

Reason: In the interests of safeguarding the amenity of neighbouring residences.

11. The buildings hereby approved shall be used only for purposes in connection with the use of the site as a waste transfer station, a railway plant and storage business and a haulage yard, unless otherwise approved by the Planning Authority.

Reason: To ensure that the use of the buildings remain ancillary to the principal permitted uses of the site and do not become used as independent units, unless the Planning Authority has had the opportunity to consider such a change and its planning implications.

12. The existing L shaped plan building on the site, which is presently in use for the maintenance and repair of vehicles and machines associated with the existing uses on the application site, shall only be used for this purpose and shall not be used for any other use unless with the prior approval of the Planning Authority.

***Reason:** To ensure that the use of the building remain ancillary to the principal permitted uses of the site and does not become used as independent units, unless the Planning Authority has had the opportunity to consider such a change and its planning implications.*

13. No waste or other material shall be stored within the site to a height exceeding 3 metres unless with the prior approval of the Planning Authority.

***Reason:** To ensure that the storage of waste and other material within the site does not become visually obtrusive from surrounding land and to contain dust and debris to within the site in the interests of safeguarding the amenity of the area and the amenity of neighbouring properties.*

14. Any fuel oil stored on the site shall be provided with the necessary containment or bunding, equivalent to 110% of the volume stored, in order to contain spillage or leakage.

***Reason:** To prevent any contamination of land, or pollution of groundwater and watercourses.*

15. Development shall not begin on the new vehicle service garage building, head office building and industrial office building until samples of materials to be used on external surfaces of the buildings have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:** In the interests of safeguarding the character and visual amenity of the area.*

16. All existing trees, hedges and shrubs on the boundaries of the site and overhanging the site shall be retained unless with the prior written approval of the Planning Authority.

***Reason:** The existing trees, hedges and shrubs on the boundaries of the site provide screening that will reduce the visual impact of the development.*

17. Within six months of the date of this planning permission, or such other period as is approved in writing by the Planning Authority the following landscaping shall be carried out in accordance with details to be approved in advance by the Planning Authority:

- a. Landscaping proposals for the areas coloured in blue on the annotated drawing titled "Adapted from Drawing 9411 07H, created by Format Design 07/05/09" docketed to this planning permission. The proposals shall be designed to provide a strong landscaped perimeter to the Eldin Industrial Estate;

- b. Notwithstanding that delineated on docketed drawings a hedge interspersed with trees shall be planted on the east side of the 4 metres high fence to be erected on the east boundary of the site, as delineated by orange lines on the annotated drawing titled "Adapted from Drawing 9411 07H, created by Format Design 07/05/09" docketed to this planning permission. The hedge shall be allowed to grow to at least the height of the 4 metres in height; and,
- c. A hedge interspersed with trees planted on the west side of the 4 metre high fence to be erected on the north and west boundaries of the north west expansion of the industrial estate, as delineated by the orange line on the annotated drawing titled "Adapted from Drawing 9411 07H, created by Format Design 07/05/09" docketed to this planning permission.

Any trees or shrubs approved by this condition that are removed, dying, severely damaged or seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required. There shall be no variation therefrom unless with the prior approval of the Planning Authority.

- 18. Within one month from the date of the grant of this planning permission, proposals for ensuring the future maintenance of all areas of landscaping as approved in terms of Condition 17 above shall be submitted for the prior approval of the Planning Authority. The landscape maintenance proposals approved by the Planning Authority shall be fully implemented.

Reasons for conditions 17 & 18: *To soften the visual impact of the development and to ensure that it is satisfactorily integrated into the landscape.*

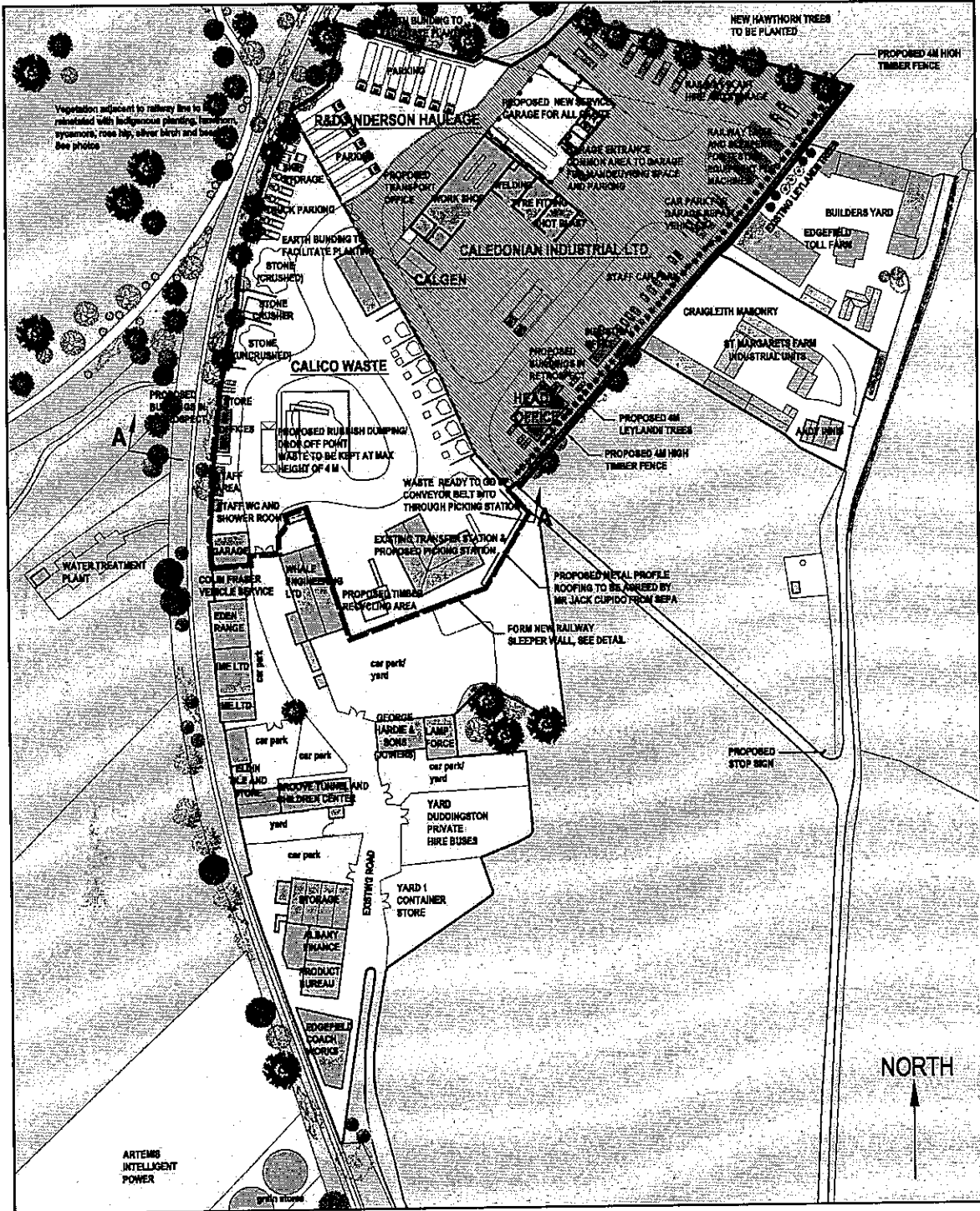
To ensure that appropriate landscaping is carried out on the site and is successfully established.

Dated: 31/01/2012



.....
Peter Arnsdorf
Development Management Manager
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

APPENDIX C



PROPOSED LOCATION PLAN

Scale 1:1250