

Notice of Review: Unit 7A Pentland Industrial Estate, Loanhead

Determination Report

Report by Chief Officer Place

1 Purpose of Report

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

2 Background

- 2.1 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.
- 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 22 December 2022 (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 <u>www.midlothian.gov.uk</u>.

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 three consultation responses and no 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 conditions have 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 materials of the areas of hardstanding;
 - b) Details of the proposed surface water management scheme; and
 - c) A landscape plan, including details of a scheme of landscaping for the site. Details shall include a plant schedule with position, density, number, size and species of all planting proposed, as well as identifying all trees on site which are proposed to be removed and retained and specification for landscape works and landscape maintenance/management proposals.

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 drainage is provided; to protect the visual amenity of the surrounding area.

3. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 2a) shall be surfaced in a porous material.

Reason: To ensure that the site is adequately drained in the interests of the amenity of the area.

- 4. The scheme of landscaping hereby approved in condition 2c) shall include details of replacement tree planting and hedgerow and tree planting between the industrial unit hereby approved and the site boundary with Main Street and Pentland Road. The hedgerow planting should comprise a mix of native species such as hawthorn, blackthorn, field maple and beech or single species hedgerow, such as beech or hawthorn.
- 5. The scheme of planting approved in condition 2c) shall provide details of all replacement planting to a ratio of 3:1 canopy area of the trees being removed.

Reason for conditions 4 and 5: To ensure that appropriate replacement planting is provided at the site, to maintain and enhance the character and appearance of the surrounding area and also perpetuate canopy cover.

6. The scheme of landscaping hereby approved in condition 2c) shall be carried out and completed within six months of the unit either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: To ensure the landscaping is carried out and becomes successfully established.

- 7. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the works hereby approved is brought into use, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

8. On completion of the decontamination/ remediation works required in condition 7 and prior to the unit being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

Reason for conditions 7 and 8: To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment; to ensure the remediation works are undertaken.

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 the provision of at least two electric vehicle charging point within the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the planning authority.

Reason: To ensure the development accords with the requirements of policy TRAN5 of the adopted Midlothian Local Development Plan 2017.

11. 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.

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

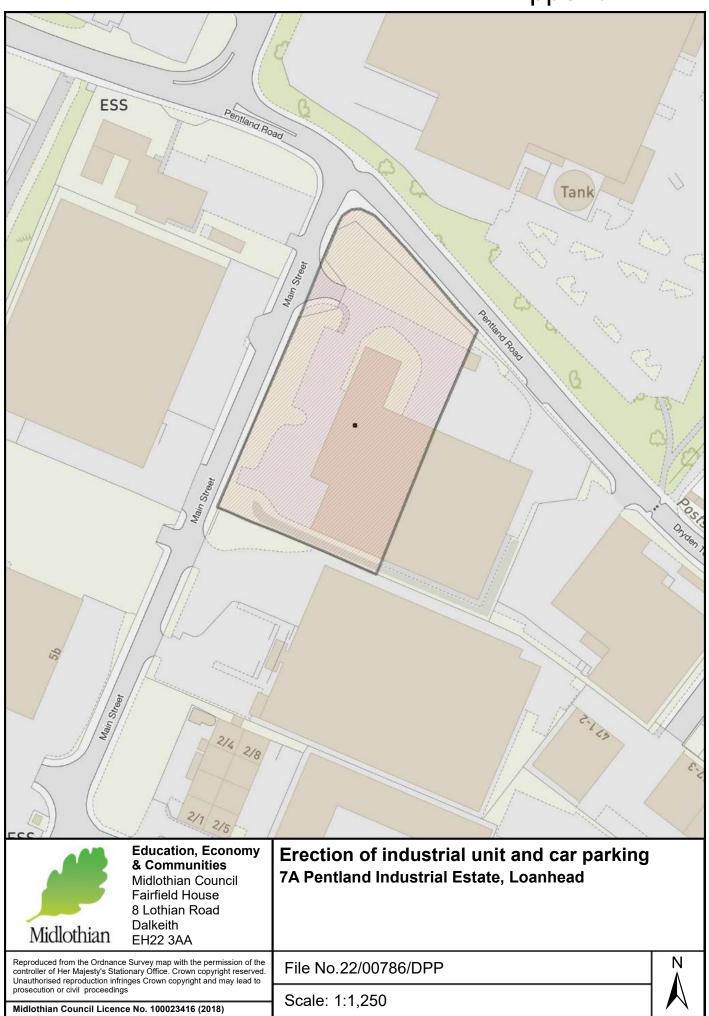
Peter Arnsdorf

Planning, Sustainable Growth and Investment Manager

Date:	12 May 2023
Report Contact:	Peter Arnsdorf - Planning, Sustainable Growth and
-	Investment Manager
	peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 22/00786/DPP available for inspection online.

Appendix A



Appendix B

Midlothiar	n ji			
Fairfield House 8 Lothian applications@midlothian.g	Road Dalkeith EH22 3ZN Tel: 0131 271 33 gov.uk	02 Fax: 0131 271 35	37 Email: planning-	
Applications cannot be va	lidated until all the necessary documentation	n has been submitted	and the required fee has been paid.	
Thank you for completing	this application form:			
ONLINE REFERENCE	100604421-004			
The online reference is the	e unique reference for your online form only ase quote this reference if you need to cont		rity will allocate an Application Number when prity about this application.	
Applicant or A Are you an applicant or ar	Agent Details	ant or someone else a		
on behalf of the applicant	in connection with this application)		\leq Applicant ${ m T}$ Agent	
Agent Details				
Please enter Agent details	3			
Company/Organisation:	Cameron Laird Architects Ltd			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Cameron	Building Name:		
Last Name: *	Laird	Building Number:	8	
Telephone Number: *	0131 370 6698	Address 1 (Street): *	Rutland Square	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Edinburgh	
Fax Number:		Country: *	United Kingdon	
		Postcode: *	EH1 2AS	
Email Address: *	claird@cameronlairdarchitects.co.uk			
Is the applicant an individu	ual or an organisation/corporate entity? *			
\leq Individual T Organ	\leq Individual $ m T$ Organisation/Corporate entity			

	ails		
Please enter Applicant det	tails		
Title:		You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *		Building Number:	7A
Last Name: *		Address 1 (Street): *	Main Street
Company/Organisation	The Trustees of Charlotte James	Address 2:	Pentland Industrial Estate
Telephone Number: *		Town/City: *	Loanhead
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH20 9QH
Fax Number:			
Email Address: *			
Site Address [Details		
Planning Authority:	Midlothian Council		
Full postal address of the s			
	site (including postcode where available):	
Address 1:	7A MAIN STREET):	
Address 1: Address 2:			
	7A MAIN STREET): 	
Address 2:	7A MAIN STREET): 	
Address 2: Address 3:	7A MAIN STREET		
Address 2: Address 3: Address 4:	7A MAIN STREET		
Address 2: Address 3: Address 4: Address 5:	7A MAIN STREET PENTLAND INDUSTRIAL ESTATE		
Address 2: Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	7A MAIN STREET PENTLAND INDUSTRIAL ESTATE LOANHEAD		
Address 2: Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	7A MAIN STREET PENTLAND INDUSTRIAL ESTATE LOANHEAD EH20 9QH		
Address 2: Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	7A MAIN STREET PENTLAND INDUSTRIAL ESTATE LOANHEAD EH20 9QH		

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 industrial unit and formation of car parking at Unit 7A, Pentland Industrial Estate, Loanhead, EH20 9QH

Type of Application

What type of application did you submit to the planning authority? *

- ${
 m T}$ Application for planning permission (including householder application but excluding application to work minerals).
- \leq Application for planning permission in principle.
- \leq Further application.
- \leq Application for approval of matters specified in conditions.

What does your review relate to? *

- T Refusal Notice.
- \leq Grant of permission with Conditions imposed.
- Solution 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 a 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.

Refer to Agent Cover Letter Statement attached as Supporting Document

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

 \leq Yes T 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 to rely on in support of your review. You can attach these documents electronically later in the	
Notice of Review - Agent Cover Letter Statement 22030 (2-) 010 - As Proposed Elevations	s in Context
Application Details	
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00786/DPP
What date was the application submitted to the planning authority? *	26/10/2022
What date was the decision issued by the planning authority? *	22/12/2022
Review Procedure	
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further information may be
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sets $T~$ Yes $\leq~$ No	
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your opinion:
Can the site be clearly seen from a road or public land? *	T Yes \leq No
Is it possible for the site to be accessed safely and without barriers to entry? *	T Yes \leq No
Checklist – Application for Notice of Review	
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of your appeal. Failure
Have you provided the name and address of the applicant?. *	T yes \leq No
Have you provided the date and reference number of the application which is the subject of t review? *	his T Yes \leq No
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *	h the
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 \leq No
Note: You must state, in full, why you are seeking a review on your application. Your stateme require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessand on and wish the Local Review Body to consider as part of your review.	ortunity to add to your statement of review ry information and evidence that you rely
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 \leq No
Note: Where the review relates to a further application e.g. renewal of planning permission o planning condition or where it relates to an application for approval of matters specified in co application reference number, approved plans and decision notice (if any) from the earlier co	nditions, it is advisable to provide the

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Mr Cameron Laird

Declaration Name:

Declaration Date: 17/03/2023



Cameron Laird Architects Ltd 8 Rutland Square Edinburgh EH1 2AS www.cameronlairdarchitects.co.uk

The Planning, Sustainable Growth & Investment Manager Planning, Sustainable Growth & Investment Service, Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

17th March 2023

Dear Sirs

Submission of Notice of Review towards Refusal of Planning Permission

Planning Application: 22/00786/DPP

Erection of Industrial Unit and Formation of Car Parking at Unit 7A, Pentland Industrial Estate, Loanhead, EH20 9QH.

Applicant: The Charlotte James SSAS, 7A Main Street, Pentland Industrial Estate, Loanhead, EH20 9QH **Planning Case Officer:** Mhairi-Anne Cowie

We have been instructed by the Applicant for the above, The Charlotte James SSAS, to submit a Notice for Review towards the Refusal of Planning Permission ref 22/00786/DPP for the Erection of a 3,000sqft Industrial Unit and Formation of Car Parking at Unit 7A, Pentland Industrial Estate, Loanhead, EH20 9QH. The following submission summarises the background to the proposed development and responds to items and relevant policy statements within the Planning Application Delegated Worksheet that recommended Refusal of Planning Permission.

It should also be noted that prior to the Refusal being issued there was no dialogue from or further information requested by the Case Officer involved in the assessment of the application. Neither the Applicant nor Agent were provided the opportunity to respond to assist the assessment of any areas of concern, or indeed offered the opportunity to Withdraw the application prior to the Refusal being issued.

The stated reasons for the Refusal dated 22/12/22 were:

- 1. "The size, scale and position of the proposed building would be very prominent at the entrance to Pentland Industrial Estate, out of character for the surrounding area and detract from the character and appearance of the surrounding area, which is generally characterised by the positioning of buildings set back from the road behind tree and shrub planting.
- 2. The proposal would result in the loss of mature trees with inadequate room or scope for replacement planting within the site.

3. For the above reasons, the proposal is contrary to policies DEV2, DEV7, ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017."

Attached for consideration alongside the Notice of Review are the following relevant supporting documents :

Planning Submission Drawings:

Location Plan 22030 (--) 001 – As Existing Site Plan 22030 (2-) 001A – As Proposed Site Plan 22030 (2-) 002A – As Proposed Ground Floor Plan 22030 (2-) 003A – As Proposed North and South Elevations 22030 (2-) 004A – As Proposed East and West Elevations Design Statement

Further Information:

Copy of Planning Application Delegated Worksheet Copy of Decision Notice Drawing 22030 (2-) 010 – As Proposed Elevations in Context (NB. This was not included in the original Application)

The Application Proposal

The proposed use comprises the development of a new Class 5/6 storage warehouse with a nett internal area of 3,000sqft (280sqm) with additional parking and landscaping enhancement. The proposed unit is to be ancillary to the existing building occupied by Charlotte James Furniture, an established and successful manufacturer of bespoke high quality furniture who have occupied the site at Pentland Industrial Estate for the last 10 years, and located in Midlothian since 2003. The business currently employs 40 staff from the local and surrounding area.

Due to continued growth and future expansion plans, the business requires additional space for storage and warehousing to supplement the increase in manufacture and storage area within the main building which is now at capacity.

A feasibility exercise was conducted to review both the existing building and operation alongside opportunities to expand and create additional capacity within the existing site. Through this process it was established the business required circa 3,000sqft additional space to meet future growth requirements and given existing constraints within the existing building it was concluded that the business could either:

- a) Seek new suitable premises either within Pentland Industrial Estate or another suitable location within the wider Edinburgh or surrounding area.
- Or
- b) Seek to develop additional space via a new building within the constraints of the existing site.

Due to the lack of suitable vacant premises within the existing industrial estate and given Charlotte James have occupied the site for a decade, alongside local employee considerations, it was concluded the

preferred option was to seek permission to build the required additional space within the existing development site.

Suitable areas for potential development are limited within an otherwise constrained site, and the proposed building occupies the only suitable location with sufficient area to accommodate the potential development area for the business's future needs.

Clearly the proximity to the entrance to the estate and the existing trees were a consideration in the approach to the siting of the proposed unit. These considerations were reviewed and discussed within a previous pre-application enquiry in 2019. (this is referred within the Application Design Statement).

The application proposal sites a proposed building of 3,000sqft (280sqm) NIA within an unused area of land to the north-west corner of the existing site. The proposed building is typical of an industrial building of its type being steel portal framed and externally clad in high quality composite cladding to walls and roof. Internally a 4.8m portal frame haunch height is required for operational / storage racking purposes and this in turn dictates an external eaves height of 5.9m rising to 6.9m at the apex of the pitched roof.

The existing buildings on the site are fronted by a 4.8m high brick faced single storey office building with the main industrial manufacturing building to the rear. The main existing manufacturing unit has an external eaves height of circa 6m rising to a ridge height of circa 7m.

Given the proximity to the existing entrance to Pentland Industrial Estate and taking cognisance of comments raised within the previous pre application of 2019, the proposed new unit is positioned as far south as possible from the existing northern boundary whilst maintaining access to the existing service yard / loading area to the east.

This would require the removal of 9 existing trees in the proposed building location (N.B the trees are not protected under any tree prevention orders or with a conservation area).

Given the necessary loss of the existing trees and recognition by the Applicant to the importance and visual impact of the corner site as the entrance to the Industrial Estate, the proposal would be to replace and enhance the landscaping to the corner providing the potential for a more attractive entrance to the estate.

The current estate entrance is currently marked by a rather tired and dilapidated signage, and the Applicant would be keen to assist where necessary in the provision of appropriate enhancements as part of the proposed development.

Consideration and Response to the Development Management Planning Application Delegated Worksheet

With reference to the Delegated Worksheet recommending refusal of the Planning Application we wish to respond to relevant points raised in consideration to this review:

Consultations

It is noted that no objections were received as part of the consultation process through either statutory consultees or public comment.

Relevant Planning Policy

As noted in the Refusal notification it was considered that the proposal was contrary to policies DEV2, DEV7, ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.

Policy DEV 2 - Protecting Amenity within the Built-Up Area

Development will be permitted within existing and future built-up areas, and in particular within residential areas, unless it is likely to detract materially from the existing character or amenity of the area.

Policy DEV 7 - Landscaping in New Development

The Council will require development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme should be informed by the results of an appropriately detailed landscape assessment, to ensure the landscaping proposals:

A. complement the existing landscape both within and in the vicinity of the site;

B. create landmarks in the development layout and use the landscape framework to emphasise these;

C. provide shaded areas and shelter from prevailing winds, where possible and appropriate with regard to the overall design of the development;

D. make use of tree and shrub species that are of a good appearance, hardy and require low maintenance, with a preference for indigenous species;

E. provide effective screening. Where the development abuts the countryside an effective tree belt will be required to define the urban edge, allow for future growth of trees and promote pedestrian access to the countryside beyond and wider path networks;

F. ensure that, where roads are to be lined with trees, these are given adequate room to grow and mature;

G. make use of trees to define the edge of development areas within sites;

H. promote local biodiversity and, where appropriate, community food growing; and

I. ensure that finishing materials, surface textures and street furniture, together with the design of walls and fencing, combine with the landscaping to create an attractive environment.

Landscaping schemes should be implemented at an early stage in the development to allow adequate time to become successfully established. Maintenance proposals must accompany schemes of landscaping.

Policy ENV7 - Landscape Character

Development will not be permitted where it may have an unacceptable effect on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New developments will normally be required to incorporate proposals to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.

Policy ENV11 - Woodland, Trees and Hedges

Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

Where an exception to this policy is agreed, any woodland, trees or hedges lost will be replaced with equivalent. Removal of woodland, trees and hedges will only be permitted where it would achieve

significant and clearly defined additional public benefits. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.

We will address the various aspects of the above relevant policy points in the below comments relative to the Delegated Report, however we would also note that given the principal reasons behind the application, the policies surrounding the Promotion of Economic Growth are also relevant as a material consideration.

Promoting Economic Growth

Promoting economic growth is a primary objective of the Midlothian Economic Development Framework and the Economic Recovery Plan. As noted in the Policy Guidelines within Section 4 of the Midlothian Local Development Plan 2017 seeks to deliver economic benefits by:

Providing land and supporting the redevelopment of existing sites/ property to meet the diverse needs of different business sectors;

Supporting measures and initiatives which increase economic activity; Giving due weight to the net economic benefit of the proposed development; and Ensuring the necessary capacity in the physical and transport infrastructure network is available to enable development

As stated within the MDLP section 4.1.3 " Business growth is integral to the objective of supporting economic activity and employment"

Policy Econ1 - Existing Employment Locations

Existing business and industrial locations will be safeguarded against loss. Within these areas (except within the policy boundaries relating to policy ECON2), economic development, redevelopment or expansion (excluding retail) will be supported where it:

A. would contribute to an employment density* commensurate with the type of development proposed;

- B. would be compatible with neighbouring uses;
- C. would not have a detrimental impact on the amenity of the area; and
- D. could mitigate any infrastructure deficiency or requirement.

As noted previously the Applicant is seeking additional space to grow and expand due to the continued success of the business. The additional area is critical to Charlotte James Furniture's growth strategy and further staff employment, however the existing building and site present constraints that limit the options available to achieve this growth.

For operational and functional reasons it is not feasible to extend or alter the existing building and as noted previously this presents 2 possible options for the business moving forward:

- a) Relocate to alternative suitable premises elsewhere
- Or
- b) Develop additional space via a new building within the constraints of the existing site.

Option A has been explored by the Applicant, and due to the current lack of suitable, available and cost effective space within the Pentland Industrial Estate and wider Midlothian, this option would necessitate the business to relocate to another authority area. It should be noted that this is not the preferred option by the

applicant, (with their locally employed staff being a consideration) and is the principal reason why the potential for development on the existing site is being proposed with the submitted Planning Application as per Option B.

Response to Delegated Worksheet Planning Issues

Whilst the erection of an industrial unit at Pentland Industrial Estate would be deemed as acceptable the main Planning issue noted within the delegated worksheet is whether the proposal complies with relevant development plan policy, and if not whether there are any material considerations which would otherwise justify approval.

Please find below our responses to specific comments made within the report:

Paragraph 3:

"The position of the building would be very prominent at the entrance to Pentland Industrial Estate (PIE), in an area of landscaping between the exiting building at the site and the spine road running through PIE. There are 9 mature trees here which appear in good/fair condition with no obvious defects that would be removed as a result of the proposal. The combination of this landscaping area and trees soften the entrance to PIE and act as a buffer between the entrance and the industrial buildings. This set back and landscaping has a positive contribution to the character and appearance of this industrial area. Tree cover is characteristic to this industrial estate with trees and landscaping continuing along the spine road, particularly the entrance points, which provides notable screening and landscape softening to existing industrial units. This has been carried out successfully and so creates more of a sense of place and character to the area, rather than being a standard industrial space with lots of hardstanding and industrial buildings hard up to the road. The loss of these trees and area of landscaping would have a detrimental impact on the character and appearance at a prominent position of this industrial estate."

The potential prominence of a building close to the north western entrance of the Industrial Estate is recognised by the Applicant, and as such the proposed unit has been located as far south as possible within the constraints of the site whilst maintaining the required loading / delivery access to service the existing building. Offsetting the building in parallel with the existing building enables a landscaping area of circa 415 sqm (0.10 acres or thereby) to the corner and Pentland Road Boundary to enable an enhanced landscaping proposal to be developed. It would be the intention that the landscaping would both enhance the corner and setting and be of an appropriate scale to visually soften the proposed building from the corner aspect.

Landscaping in new development relates to Planning policies Dev7, Env7 and Env11 and it should be noted that given the importance placed on the landscaping strategy regards this application it would be reasonable that further information was provided in order to assess proposals fully prior to determination. A detailed landscape proposal was not requested at any time through the determination period in order to assist assessment prior to the Refusal being issued. At the very least we would normally expect some discussion or dialogue with the Planning Department if further information / clarity was required, and to provide the Applicant the opportunity to respond to any concerns raised.

Paragraph 4:

"While the proposed building has a generally industrial appearance with grey clad walls and a pitched roof and is generally in keeping with the surrounding industrial estate, this is relatively large at 7 metres high. The existing building is approximately 3 metres high and set back further into the site, softened by landscaping. The proposed building would be set back approximately 11 metres from the boundary onto the spine road through PIE and as close at 1 metre to the boundary to the north. The size of the building, along with its position closer to the road through PIE and the loss of landscaping would make the scale of this appear very large compared to the existing building."

The proposed building is 6.9m high at the apex of the ridge falling to an eaves height of 5.9m. This height is dictated by the required internal steel frame haunch height of 4.8m which is dictated by internal storage requirements and is recognises as a minimum internal height for a portal framed building of this type.

It should be noted however that the existing brick faced office building is not 3m high as noted in the Planning Report. The actual height is approximately 4.8m from ground level on a sloping site with levels gradually grading higher into the site towards its southern boundary. To assist and illustrate we enclose drawing 22030 (2-) 010 – As Proposed Elevations in Context. It should be noted that this drawing was not included within the original application and is for illustrative purposes only to assist the Notice for Review and clarify heights incorrectly noted within the Delegated worksheet.

From the enclosed it is clear the proposed unit does not appear "*very large compared to the existing building*" and is in fact similar in scale to the wider built context within the existing site.

Paragraph 5:

"There will be proposed landscaping along the boundaries to the spine road and the north which would provide some landscape mitigation through new tree and hedgerow planting. While this is generally welcomed in terms of landscape enhancement and improved boundary treatment, the size and scale of the proposed building and its proximity to the site boundary would limit the extent to which any new landscaping could negate the prominence of the new building and integrate this into the area."

As noted above in comments relating to Paragraph 3, no additional information was requested regards the Applicants Landscape Strategy for the proposals prior to refusal being determined to enable a material assessment to be made. Comments noted could be perceived as subjective unsubstantiated opinion.

Paragraph 6:

"The combination of the size, scale and position of the building would mean this is a very prominent building at the entrance to the industrial estate, removing an area of landscaping that positively contributes to the appearance of the area and the character of PIE. This would have a detrimental impact on the area."

Refer to previous comments above.

Paragraph 7:

"Also given the ongoing climate emergency, the Planning Authority is reluctant to support the removal of healthy mature trees. These should be retained, protected and enhanced where possible. Where the removal of existing trees is unavoidable, It is expected that replacement tree planting is carried out. In order to maintain canopy cover, any replacement planting should be carried out at a rate of 3:1 at suitable locations within the red line boundary. This proposal would not only would result in the removal of nine mature healthy trees but given the size of the site which would have a relatively constrained nature if the building were approved, there would be inadequate room for sufficient replacement planting to maintain canopy cover."

Whilst the principals outlined within the above comments are fully understood, the constraints of the site would necessitate the removal of the existing trees to enable development and this is recognised within the submitted Design Statement and by the Applicant. As noted an enhanced landscaping strategy was proposed to offset the loss of trees to enhance the overall setting of the site and entrance to the Industrial Estate and spine road.

Paragraph 12:

"It is acknowledged that the site is in an established industrial estate and that this relates to a successful business looking to expand. The planning authority would be happy to support development at this site that retains the landscaping and is set off the boundary to be less prominent, such as extending the existing building."

Whilst it is acknowledged that authority would support extension of the existing building as noted previously this has been explored in depth in conjunction with the expansion and growth plans for the business. Extending the existing building is not feasible both practically and operationally given the existing manufacturing / production flow given the existing buildings constraints and arrangements. The limitations to the development of the site to meet the future business requirements is a material consideration as outlined in the requirements of policy Econ 1 outlined above.

Summary

The Applicant is disappointed that a decision was reached without the opportunity to provide further information to clarify and assist the assessment of concerns raised, or indeed the opportunity to Withdraw the application prior to refusal being issued.

Given the importance of this decision to the future expansion and growth plans for the associated business, the Applicant would welcome the reconsideration to the decision reached, and should further information be required please do not hesitate to contact us.



Appendix C

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00786/DPP

Site Address: Unit 7A Pentland Industrial Estate, Loanhead.

Site Description: The application site comprises an industrial unit, car parking, service yard and landscaping, including mature trees. There is mesh fencing around the site. The site sits within and at the entrance to Pentland Industrial Estate from the north and currently operates as a furniture manufacturer. There are industrial units to the west, south and east, within Pentland Industrial Estate, and the Costco retail unit to the north, separated from the proposed site by Pentland Road and landscaping. Penicuik Industrial Estate is an established business/general industry area.

Proposed Development: Erection of industrial unit and formation of car parking.

Proposed Development Details: An industrial unit is proposed close to the site entrance measuring 28.3 metres long by 11.2 metres deep with a pitched roof 7metres high to ridge. The basecourse is buff brick, the roof composite clad coloured RAL 000 55 00 Pure Grey with 10 rooflights proposed and the doors glazed with aluminium frames, steel or PPC, all coloured RAL 9007. The walls composite clad, with the horizontal areas coloured RAL 9006 Metallic Silver or RAL 9007 Grey Aluminium and the vertical areas RAL 00 55 00 Pure Grey.

Six parking spaces are proposed to the east of the building, with areas of hardstanding to the east and west. The site plan indicates landscaping along the site boundary, as does the submitted design statement. The building will be associated with the existing business on site as additional storage and warehousing (class 5 and 6). This will connect to the public drainage system.

Background (Previous Applications, Supporting Documents, Development Briefs): Application site and units to east

18/00913/CL Certificate of lawfulness for a proposed use (servicing, maintenance and cleaning of buses). Refused.

18/00142/FUL Formation of new door openings; formation of car parking and erection of fence. Permitted.

15/00154/CL Certificate of Lawfulness for an existing use (manufacturing, storage and distribution - classes 4, 5 and 6). Refused.

14/00904/CL Certificate of Lawfulness for an existing use (manufacturing, storage and distribution - classes 4, 5 and 6). Withdrawn.

14/00887/DPP External alterations and formation of access and car parking. Consent with conditions.

Units to east

20/00218/DPP Alterations to industrial unit. Permitted.

19/00080/DPP Change of use from general industry (class 5) to bus depot (sui generis). Permitted.

18/00925/DPP Installation of roller shutter doors; formation of door and window openings. Consent with conditions.

Units to west 17/00846/DPP Erection of biomass boiler house and silo. Consent with conditions.

Unit to south 11/00273/DOP Erection of warehouse. Consent with conditions, 08/00422/FUL Erection of units for Class 5 (General Industry) and Class 6 (Storage and Distribution) use with ancillary Class 4 (Office) use, formation of associated access, parking and landscaping. Consent with conditions. 06/00653/CL Application for Certificate of Lawfulness for the use of site for storage or distribution (as per Class 6 of The Town and Country Planning (Use Classes) (Scotland) Order 1997). Permitted.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection but recommends conditions be attached to any approval requiring that at least two parking spaces are electric vehicle charging points and details of the proposed surface water management scheme.

The Council's **Senior Manager Protective Services** does not object, subject to conditions being attached to planning permission ensuring that ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times. They also make reference to noise limits in relation to nearby residential properties.

Scottish Water has no objection but states they will not accept any surface water connections to the combined sewer.

Representations: No representations were received.

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 6 Forestry, woodland and trees
- Policy 14 Design, quality and place
- Policy 24 Digital infrastructure
- Policy 26 Business and industry

The relevant policies of the **2017 Midlothian Local Development Plan** are; **STRAT5 Strategic Employment Land Allocations** supports development for employment uses on sites identified as strategic employment land allocations; **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;

DEV5 Sustainability in New Development sets out the requirements for development with regards to sustainability principles;

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;

DEV7 Landscaping in New Development requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme shall be informed by an appropriately detailed landscape assessment; **ECON1 Existing Employment Locations** states that business and industrial locations will be safeguarded against loss. Development will be supported where it:

- A. Will contribute to an employment density commensurate with the type of development proposed;
- B. Will be compatible with neighbouring uses;
- C. Will not have a detrimental impact on the amenity of the area; and
- D. Can mitigate any infrastructure deficiency or requirement;

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

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; and

ENV11 Woodland, Trees and Hedges states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees and hedges (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter or historical value or are other importance.

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 erection of an industrial unit at this established industrial estate is acceptable in principle, however the details of the proposal need to be considered.

The position of the building would be very prominent at the entrance to Pentland Industrial Estate (PIE), in an area of landscaping between the exiting building at the site and the spine road running through PIE. There are 9 mature trees here which appear in good/fair condition with no obvious defects that would be removed as a result of the proposal. The combination of this landscaping area and trees soften the entrance to PIE and act as a buffer between the entrance and the industrial buildings. This set back and landscaping has a positive contribution to the character and appearance of this industrial area. Tree cover is characteristic to this industrial estate with trees and landscaping continuing along the spine road, particularly the entrance points, which provides notable screening and landscape softening to existing industrial units. This has been carried out successfully and so creates more of a sense of place and character to the area, rather than being a standard industrial space with lots of hardstanding and industrial buildings hard up to the road. The loss of these trees and area of landscaping would have a detrimental impact on the character and appearance at a prominent position of this industrial estate.

While the proposed building has a generally industrial appearance with grey clad walls and a pitched roof and is generally in keeping with the surrounding industrial estate, this is relatively large at 7 metres high. The existing building is approximately 3 metres high and set back further into the site, softened by landscaping. The proposed building would be set back approximately 11 metres from the boundary onto the spine road through PIE and as close at 1 metre to the boundary to the north. The size of the building, along with its position closer to the road through PIE and the loss of landscaping would make the scale of this appear very large compared to the existing building.

There will be proposed landscaping along the boundaries to the spine road and the north which would provide some landscape mitigation through new tree and hedgerow planting. While this is generally welcomed in terms of landscape enhancement and improved boundary treatment, the size and scale of the proposed building and its proximity to the site boundary would limit the extent to which any new landscaping could negate the prominence of the new building and integrate this into the area.

The combination of the size, scale and position of the building would mean this is a very prominent building at the entrance to the industrial estate, removing an area of landscaping that positively contributes to the appearance of the area and the character of PIE. This would have a detrimental impact on the area.

Also given the ongoing climate emergency, the Planning Authority is reluctant to support the removal of healthy mature trees. These should be retained, protected and enhanced where possible. Where the removal of existing trees is unavoidable, it

is expected that replacement tree planting is carried out. In order to maintain canopy cover, any replacement planting should be carried out at a rate of 3:1 at suitable locations within the red line boundary. This proposal would not only would result in the removal of nine mature healthy trees but given the size of the site which would have a relatively constrained nature if the building were approved, there would be inadequate room for sufficient replacement planting to maintain canopy cover.

Due to the nature of the proposal and that the building is linked to the existing business operating from the site, there are no road safety issues. Had the existing and proposed units not been linked, there may be some conflict due to the site being relatively small and proximity of the proposed parking and shared access. However the proposed unit is fully related to the existing operation on site. Should planning permission be approved, details of the electric vehicle charging points and surfaced water management scheme are required to ensure compliance with policy and also to ensure drainage is adequately considered and dealt with.

The proposed building is to be used as storage and warehousing, which would be a class 6 use. The surrounding industrial estate is in business/general industry use, so class 4 or 5. An independent class 6 use here could raise concerns over traffic generation and further information and assessment would be required. However this is to be used in association with the existing business operating from the site and would not be a separate use.

With regards to the construction at the site, mitigation measures regarding ground conditions and contamination and/or previous mineral workings must be considered. The Council's Senior Manager Protective Services has no objection to the proposal but recommends that conditions be attached to ensure any that any necessary ground contamination works are undertaken to ensure the site is safe for development and the potential impact of contaminated land. A scheme mitigating any contamination of the site and/or previous mineral workings, and the submission of a validation report(s) confirming the approved works have been carried out, shall be required by planning condition.

Although the Senior Manager Protective Services recommended a condition restricting the hours of construction at the site, this is better controlled by their own legislation rather than through planning measures and so the condition will not be attached. They also make reference to noise limits in relation to nearby residential properties. The application site is in an established industrial estate with a range of class 4 and 5 uses in operation. There are industrial units closer to the nearest residential properties than the application site. Therefore it would not be reasonable to attach the suggested noise conditions should permission be approved.

It is acknowledged that the site is in an established industrial estate and that this relates to a successful business looking to expand. The planning authority would be happy to support development at this site that retains the landscaping and is set off the boundary to be less prominent, such as extending the existing building.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00786/DPP

Cameron Laird Architects Ltd 8 Rutland Square Edinburgh EH1 2AS

Midlothian Council, as Planning Authority, having considered the application by The Trustees of Charlotte James SSAS, 7A Main Street, Pentland Industrial Estate, Loanhead, EH20 9QH, which was registered on 2 November 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of industrial unit and formation of car parking at Unit 7A, Pentland Industrial Estate, Loanhead, EH20 9QH

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

<u>Document/Drawing.</u>	Drawing No/Scale	<u>Dated</u>
Location Plan	1:1250	02.11.2022
Site Plan	()001 1:500	02.11.2022
Site Plan	(2-)001 A 1:500	02.11.2022
Proposed Floor Plan	(2-)002 A 1:100	02.11.2022
Proposed Elevations	(2-)003 A 1:100	02.11.2022
Proposed Elevations	(2-)004 A 1:100	02.11.2022

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

- 1. The size, scale and position of the proposed building would be very prominent at the entrance to Pentland Industrial Estate, out of character for the surrounding area and detract from the character and appearance of the surrounding area, which is generally characterised by the positioning of buildings set back from the road behind tree and shrub planting.
- 2. The proposal would result in the loss of mature trees with inadequate room or scope for replacement planting within the site.
- 3. For the above reasons, the proposal is contrary to policies DEV2, DEV7, ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.

Dated 22 / 12 / 2022

- 1

Duncan Robertson Lead Officer – Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

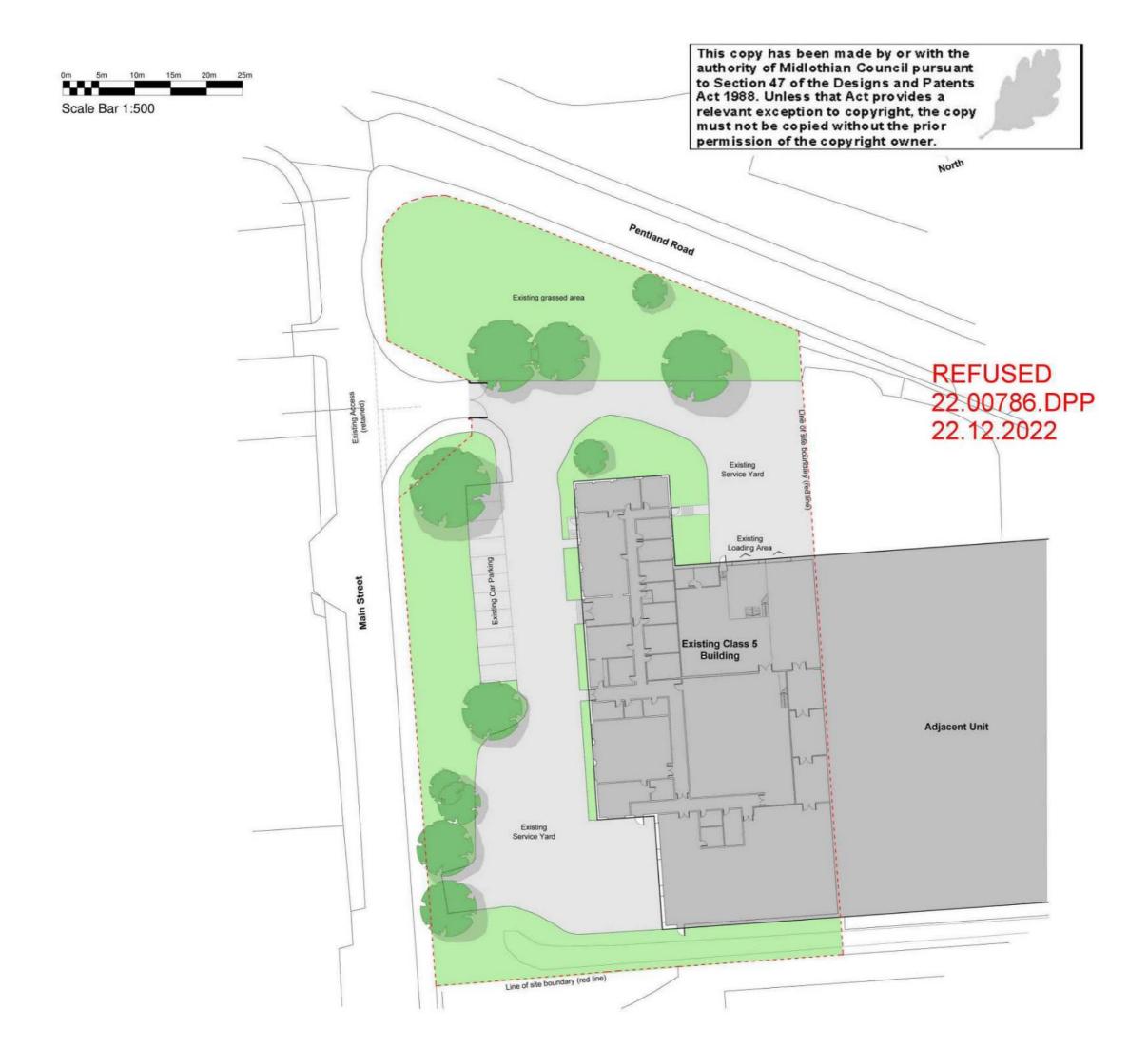


STANDING ADVICE

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 2021 until 31st December 2022



Appendix E

Notes

Do not scale from this drawing. All dimensions to be checked on site prior to construction and any discrepancies reported to the

Architect. Copyright Reserved.

Revisions

Client

The Trustees of Charlotte James SSAS

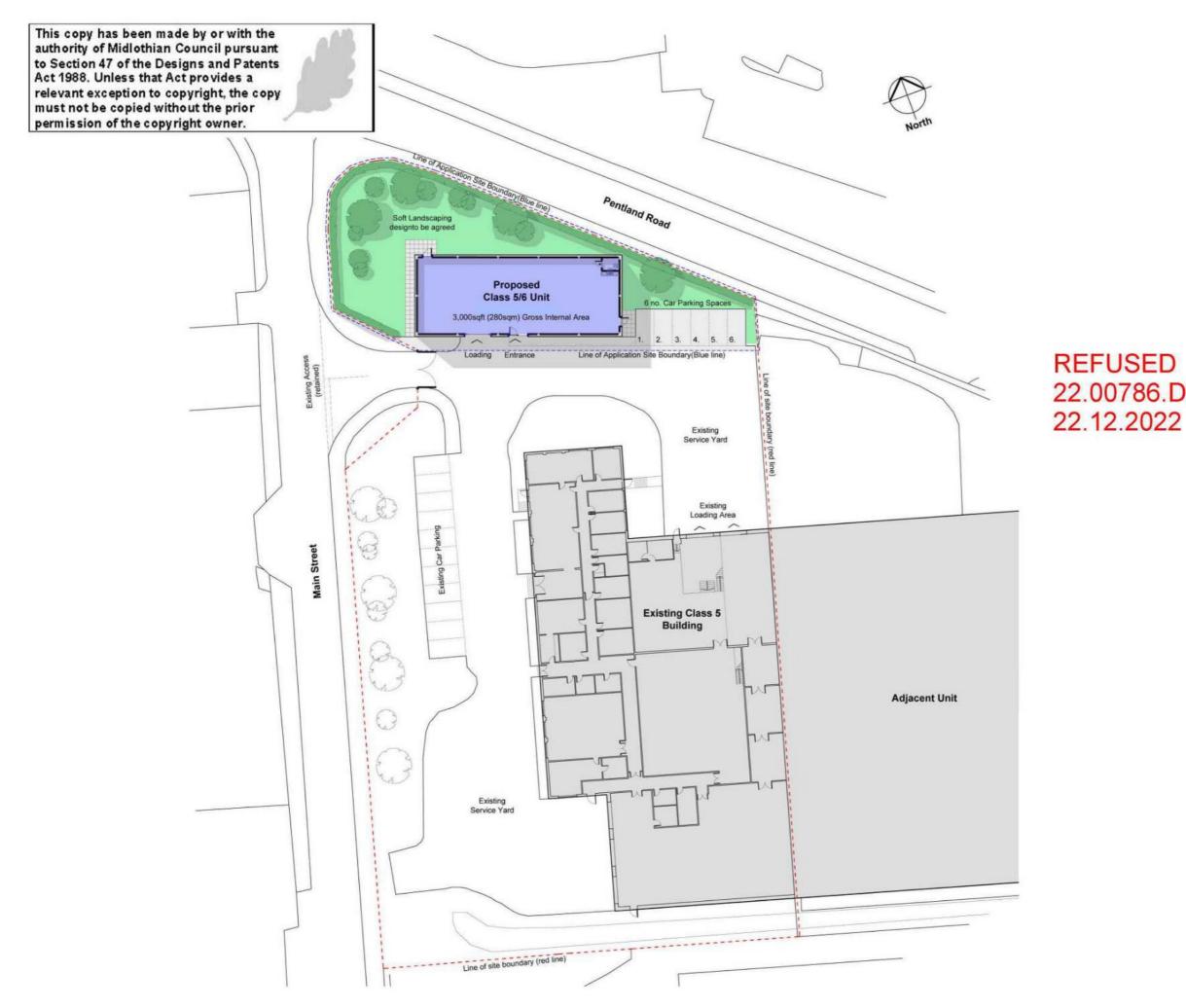
Project Title Proposed New Unit Charlotte James Furniture Ltd Pentland Industrial Estate Loanhead EH20 9QH

Drawing Title

As Existing Site Plan

Scale	Size	Date	Drawn	Chk
1:500	AЗ	Sept 22	CL	CL
Cameror 8 Rutland Edinburg EH1 2AS	d Square h	chitects Ltd		
Tel: 0131	370 6698			Λ
www.can	neronlairdi	architects.co.uk	inlock the po	otential
Project N	lumber	Drawing Number	1	Rev
2203	0	() 001		
Status	5			

Planning



Notes

All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. Copyright Reserved.

Building Gross External Area - 315sqm (3,390sqft)



А	Gross Internal Area Note Updated	01.11.22
Re	visions	

Client

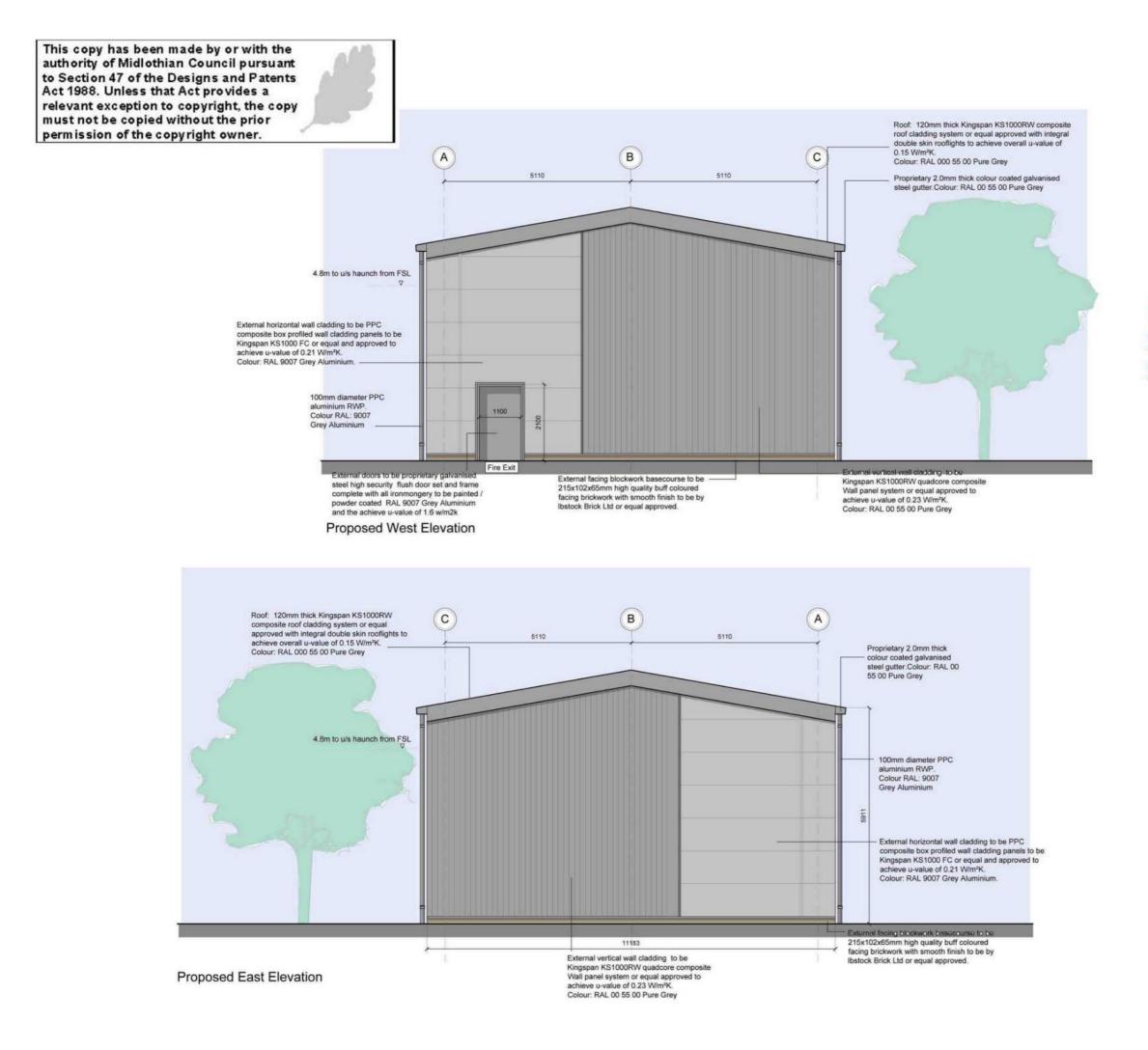
The Trustees of Charlotte James SSAS

Project Title Proposed New Unit Charlotte James Furniture Ltd Pentland Industrial Estate Loanhead EH20 9QH

Drawing Title

Proposed Site Plan

Scale	Size	Date	Drawn	Chk
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Edinburg EH1 2AS				
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Notes

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REFUSED 22.00786.DPP 22.12.2022

A	Scale Bar Removed	
Rev	visions	

Client

The Trustees of Charlotte James SSAS

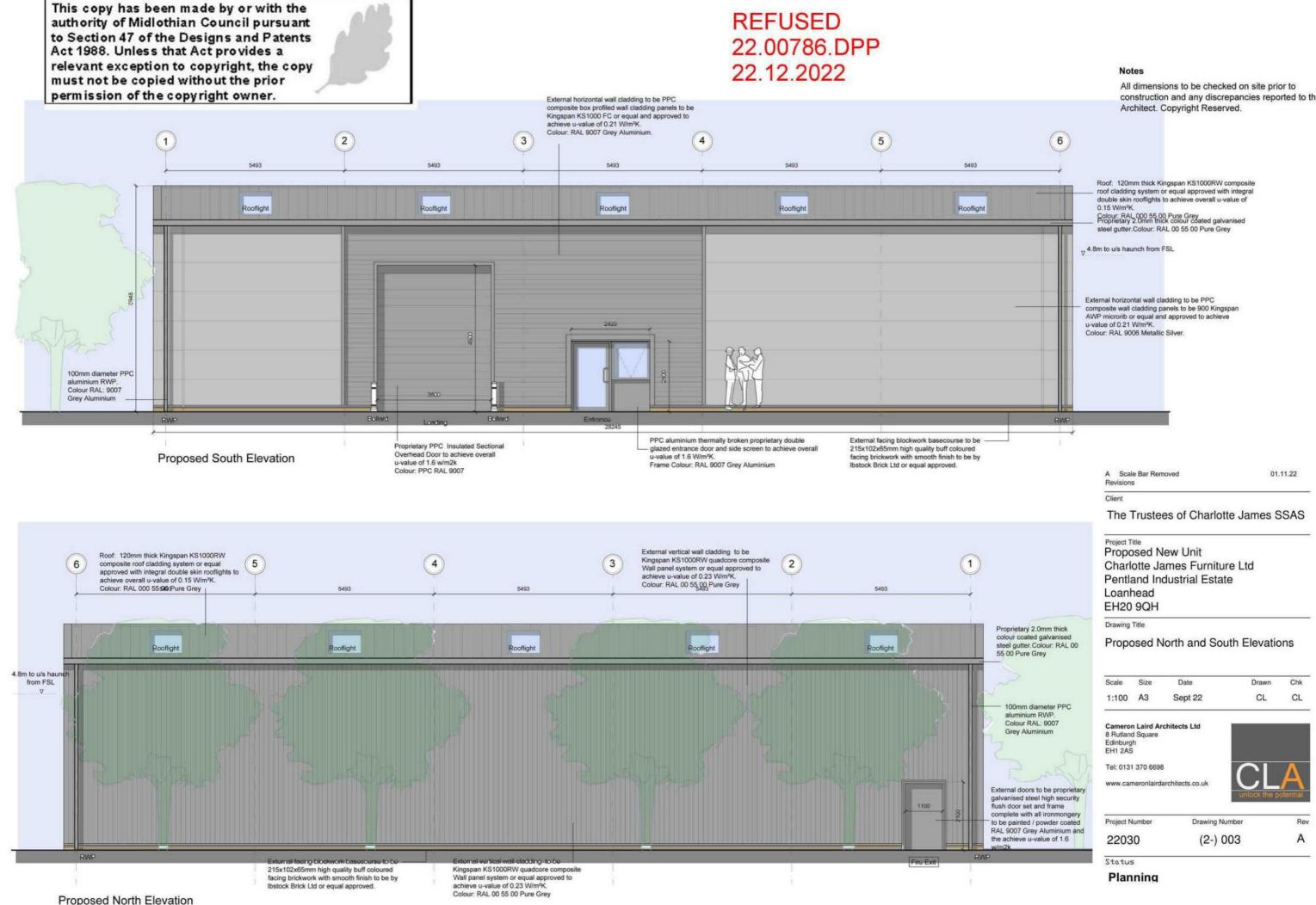
01.11.22

Project Title Proposed New Unit Charlotte James Furniture Ltd Pentland Industrial Estate Loanhead EH20 9QH

Drawing Title

Proposed East and West Elevations

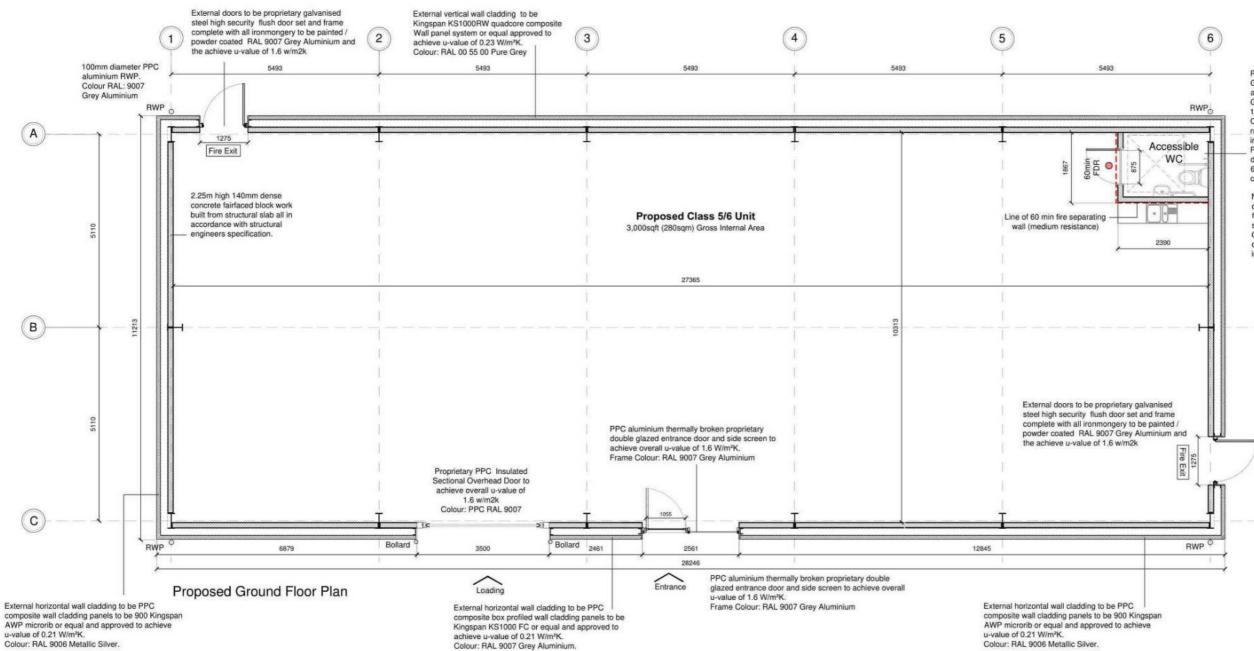
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construction and any discrepancies reported to the

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REFUSED 22.00786.DPP 22.12.2022



Notes

All dimensions to be checked on site prior to construction and any discrepancies reported to the Architect. Copyright Reserved.

Building Gross External Area - 315sqm (3,390sqft)

Roof deck to be formed with with 200mm British Gypsum Isover Spacesaver insulation or equal approved between timber joists with 2 layers 12.5mm Gyproc fireline wallboard to topside and 1 layer 12.5mm Gyproc fireline wallboard to u/s joist. 18mm OSB board to be installed over extent of top face of roof deck all in accordance with structural engineer's instructions and specification to achieve 0.23w/m2k. Plasterboard fireline and OSB ply to be dressed down vertical wall face to circa 415mm to provide 60min fire protection continuity with blockwork wall construction.

New dividing wall between wc and unit to be 140mm dense fairfaced concrete block work built from structural floor slab to 3150mm. All to be in accordance with structural engineers specification and instructions. Overall wall construction including deflection head detail to satisfy 60 min fire rating (integrity and insulation.)

A Gross Internal Area Note Updated 01.11.22

Revisions

Client

The Trustees of Charlotte James SSAS

Project Title Proposed New Unit Charlotte James Furniture Ltd Pentland Industrial Estate Loanhead EH20 9QH

Drawing Title

Proposed Ground Plan

Scale	Size	Date	Drawn	Chk
1:100	A3	Sept 22	CL	CL
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Project N	lumber	Drawing Number		Rev
2203	0	(2-) 002		А
Status	5			

Planning