



APPLICATION FOR PLANNING PERMISSION (13/00118/DPP) FOR THE CHANGE OF USE AND WORKS REQUIRED FOR THE FORMATION OF COMMUNITY RECYCLING FACILITY INCLUDING FORMATION OF RAISED ROADWAY, ERECTION OF RETAINING WALL AND ALTERATIONS TO GROUND LEVELS; FORMATION OF CONCRETE SURFACED YARD; ERECTION OF FENCES AND MODULAR BUILDINGS AT LAND TO THE NORTH OF THE CRYSTAL BUSINESS CENTRE, EASTFIELD INDUSTRIAL ESTATE, PENICUIK

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the change of use of the application site from an area of redundant and unused brownfield land to a community recycling facility along with physical alterations, including the construction of walls, roads and surfaced areas and the siting of skips and modular buildings. The application site is to the north of the Crystal Business Centre, at Eastfield Industrial Estate, Penicuik. Twenty six letters of representation have been received, 24 object to the application and two support it. The Council's Director of Education, Communities and Economy and Environmental Health Manager have objected to the planning application. The relevant development plan policies are RP20, COMD1, ECON4 and WAST2 of the Midlothian Local Plan. The recommendation is to refuse planning permission because of the incompatibility of the proposed use with the surrounding land uses and the significant detrimental impact that the development will have on their amenity.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is located on an area of unused brownfield land on the south side of Eastfield Farm Road, Penicuik. The application site is an area of flat ground, approximately 0.51ha in area, located between Strathesk Primary School and AF Noble's vehicle servicing premises, previously forming part of the Edinburgh Crystal site at Eastfield Industrial Estate. To the south of the site are business premises accommodating an insulation business and gas service business. To the north, across Eastfield Farm Road, is a vacant building and an area of residential properties.
- 2.2** The site is currently covered in rough grass and contains some trees and bushes. The site is enclosed by a high wire mesh fence.

3 PROPOSAL

- 3.1 The applicant proposes to change the use of the site in order to allow a community recycling facility to be established on the land. Besides the change of use the applicant requires planning permission for the physical engineering works on site. These works include:
- Construction of a raised roadway around the internal perimeter of the site (not along the western boundary);
 - Construction of retaining walls which will enclose five groups of two skips, a salt bay, a welfare facilities area, a fridge/freezer compound and a gas cylinder compound;
 - Construction of a bund/landscape buffer along the eastern boundary of the site;
 - Construction of an acoustic barrier/timber fence on top of this bund (this fence was amended from 2m high to 3m high during the course of this application);
 - Provision of a row of different recycling containers along the eastern boundary of the site;
 - Provision of some landscaping; and
 - Erection of 2m high steel palisade fencing along western and southern boundaries of the site.
- 3.2 Access to the site, for members of the public, is to be taken from the small access road to the south, with the exit (and access for staff vehicles) at the north-west end of the site on to the service road through Eastfield Industrial Estate.
- 3.3 The recycling facility will contain ten skips for the recycling of different waste products. In addition there will be a number of smaller containers along the eastern boundary of the site which will deal with the recycling of light bulbs, glass bottles, batteries, oils, books and CDs and clothes. There will also be areas for the disposal of fridges and freezers and gas cylinders.
- 3.4 Also within the site there will be a salt bay, a vehicle wash bay and storage areas for skips. There will also be ten parking spaces for service vehicles and two additional staff parking spaces.
- 3.5 There will be two small buildings on site, one is the Control Office and the other accommodates the Welfare Facilities.
- 3.6 Surface water treatment will be via a SUDs system. There will be CCTV cameras installed on the site.

4 BACKGROUND

- 4.1 The applicant is Midlothian Council. The Council's Scheme of Delegation requires applications which are submitted by the Planning Authority to be considered by the Planning Committee.

5. CONSULTATIONS

- 5.1 The Council's **Environmental Health Section** have stated that they are not satisfied that the waste recycling facility can operate in such close proximity to sensitive receptors without complaint and, in the case of the school, without detriment to learning and concentration both inside the building and in the outdoor learning areas.
- 5.2 The Council's **Policy and Road Safety Manager**, in respect of transport and road safety related issues, has no objection to the proposal.
- 5.3 The Council's **Director of Education, Communities and Economy** objects to the planning application stating that the application site should no longer be considered to be industrial land given the investment in the adjacent Strathesk Primary School. Serious concerns are raised regarding the impact of having a waste recycling facility in such close proximity to the primary school. There will be risks to pupils, and general traffic safety, as a result of more and heavier vehicles moving around and near to the school. Some of the waste products collected at the site will be hazardous to the pupils, in particular gas cylinders, broken glass, batteries, fluorescent tubes, oils, fridges, plastics, laminates, wood and general waste. Waste recycling centres are noisy and will be disruptive to pupils trying to learn. There may be incidences of aggressive and anti-social behaviour at the recycling site which may be witnessed by young children. Furthermore, it is likely that the school will be affected by undesirable odours, litter, dust and vermin. In general, the proposed development would have a negative impact on learning and teaching at the school and would present a health and safety risk to pupils.
- 5.4 **SEPA** has no objection to the application, and has made the following statement:

As the operation of this site will be regulated under a Waste Management Licence (WML), we consider that decisions on development proposals for proposed regulated sites near to sensitive receptors should be made with full knowledge of the potential interaction between the two. There are many examples of regulated development being permitted close to sensitive receptors that result in requirements for tighter and more expansive controls for the business concerned in order to avoid nuisance. The developments can also lead to long term complaints in relation to – for example – odour and noise. This in turn results in disproportionate use of SEPA resources to resolve such problems, which would not have arisen had the decision to place a SEPA regulated site close to a sensitive receptor been taken in full awareness of the likelihood of impact on people.

With this in mind, the proximity of the proposed site in relation to the adjacent school should be considered by the planning authority through the planning application process.

- 5.5 **Scottish Water** has no objection to the application.

6 REPRESENTATIONS

- 6.1 Twenty six letters of representation have been received in connection with this application. There are 24 letters of objection and 2 letters of support.
- 6.2 Among the objections there are letters from the following groups, organisations and companies:
- The Strathesk Parents Partnership
 - The staff of Strathesk Primary School
 - The Strathesk Primary School pupil reps
 - Midlothian Schools Ltd (PPP service delivery)
 - Skanska (Strathesk PS facilities services provider)
 - The Educational Institute of Scotland
- 6.3 While some of the objectors appreciate that the existing recycling facility at Bellman's Road is not fit for purpose there are serious concerns and objections to the recycling facility being relocated to a site in such close proximity to Strathesk Primary School.
- 6.4 The objectors are concerned that the noise, dust, smell, litter and traffic related to the recycling centre will have a serious detrimental impact on the health and safety of the pupils at Strathesk PS, and will seriously affect their ability to learn. The school pupils are concerned that the site is immediately adjacent to their playground and they are worried about the smell and noise of breaking glass. They also state that the school is working towards their Eco-School flag but that they are worried that litter from the recycling plant will blow in to their playground and stop them achieving this.
- 6.5 The two letters of support come from members of the public who think that the existing facilities at Bellman's Road are not acceptable. They would rather see the site at Eastfield be developed than lose the recycling facility from Penicuik completely. One supporter states that the existing facility is located next to a school (Penicuik HS) so there should not be a problem locating the new facility next to Strathesk PS. He disputes the objectors' concerns about vermin. He suggests that if Penicuik loses the recycling facility there will be more instances of fly-tipping.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 The application site is identified in the adopted Midlothian Local Plan as being located within the built-up area of Penicuik. Policy **RP20: Development within the Built-up Area** states that development will not be permitted within

the built-up area where it is likely to detract materially from the existing character or amenity of the area.

- 7.3 The site is located on the established economic development land at Eastfield Industrial Estate and is therefore covered by policy **COMD1: Committed development**. This policy seeks the early implementation of all committed development sites.
- 7.4 Policy **ECON4: Storage and distribution and other non-residential uses on existing industrial land and buildings** states that in exceptional circumstances and in locations close to the strategic road network, consideration may be given to a storage and distribution use or other non-residential use, on such sites on existing industrial land, subject to:
- The level of employment arising from the proposed use is equivalent to class 4 or class 5 uses;
 - There is no loss of land identified for research and development/knowledge-based industries; and
 - Provision is made to accommodate traffic generated by the proposed use, and for suitable access, without adversely affecting the local area.
- 7.5 Policy **WAST2: Waste management facilities for municipal waste** states that the council will support the principle of new waste recycling centres (civic amenity sites), if required, in each of the core development areas, provided that:
- It is demonstrated that they contribute to the best practicable environmental option of the Area For Waste Plan for municipal waste;
 - They are located in or adjacent to existing waste management facilities, general industrial areas, or on degraded, contaminated or derelict land;
 - They are readily accessible from the population centres they serve;
 - Appropriate road access can be provided;
 - There is no unacceptable detriment to the locality in which they are sited, particularly to residential, commercial, recreational or high amenity business areas; and
 - The proposal accords with all other relevant local plan policies and proposals.
- 7.6 National planning policy and advice is available in the **Scottish Planning Policy (SPP)** and **PAN 63: Waste management planning** and **PAN51: Planning and environmental protection**.
- 7.7 The SPP states that buffer zones should be instigated around waste management facilities, particularly when located near sensitive receptors. In the case of recycling centres the Scottish Government suggest a buffer zone of 100m.
- 7.8 PAN63 looks to balance locating civic amenity sites conveniently and minimising disturbance to local amenity.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise. The letters of representation and the responses from consultees are material considerations.
- 8.2 There is a strategic aim across Scotland to reduce the amount of waste going to landfill. Appropriately sited community recycling centres can contribute to efforts towards reducing the amount of waste being sent to landfill sites.
- 8.3 The policy position, both nationally and locally, is clear in that a balanced and proportionate approach must be taken with regards the siting of community recycling facilities which, whilst essential, can potentially significantly harm the amenity enjoyed in an area.
- 8.4 The national and local planning policies are generally supportive of community recycling facilities. The policies seek to ensure that these facilities are located in close proximity to those communities who are to use them.
- 8.5 It is accepted that the Penicuik area requires a new and improved community recycling centre. However, it is necessary to establish whether the site at Eastfield is appropriate for this type of development.
- 8.6 The applicant states that the site was chosen given that it was zoned for industrial use and it had good access roads nearby.
- 8.7 The application site is located within the boundary of an established economic development area, Eastfield Industrial Estate, which is allocated for business/general industry. However, generally, there are very few traditional industrial uses left at Eastfield. There are a good number of service based businesses, which are generally quiet and compatible with the newer educational and medical uses located in the area.
- 8.8 Policy COMD1 of the local plan seeks the early implementation of the economic development site at Eastfield. However, other local plan policies, in particular policy RP20, seek to prevent potentially incompatible developments from being granted planning permission in close proximity to one another. The policies state that developments that are likely to detract materially from the character or amenity of the area should not be supported.
- 8.9 Over recent years a number of developments at Eastfield have been granted planning permission, and have subsequently altered the character of this area in terms of its appearance and function. Immediately to the east of the application site is the recently constructed (2008) Strathesk Primary School and nursery. Immediately to the east of the primary school is the Eastfield Medical Centre. Neither of these are uses that would typically be found on an industrial estate.

- 8.10 Strathesk Primary School is considered to be a sensitive receptor in the assessment of this planning application. The school building and nursery is only 21m from the application site boundary, and five classrooms face towards the proposed recycling centre. In addition, a large area of playground is situated between the application site and the school building. Four of five classrooms mentioned above have doors that open on to the play area immediately adjacent to the application site. This playground comprises a large surfaced area, a seating area, several picnic tables and a formal games pitch. It is clear that this area is well used and plays an important part in daily school life.
- 8.11 External areas around schools have taken on a greater role in the primary school curriculum in recent years. The Council's specifications for playgrounds at new schools reflect this. Strathesk Primary School includes a well defined open air classroom with formal seating for 30. There are also a large amphitheatre, quiet areas, cycle areas, a MUGA, basketball court and a biodiversity area.
- 8.12 The applicant has acknowledged that the school is a sensitive receptor in their submission and, as a result of a commissioned Noise Impact Assessment (NIA), has suggested the erection of a 3m high acoustic fence on top of a bund along the boundary between the application site and the school. This acoustic fence is also to be erected along the northern boundary, in order to protect nearby residential properties, which are also considered to be sensitive receptors.
- 8.13 During the assessment of the planning application the applicant was asked whether a compactor would be used on site. Despite the applicant stating that there was no intention to use a compactor the applicant's NIA states that noise from compacting is likely to be frequent and fairly loud. Since the submission of the NIA the applicant has reaffirmed the position that it is not the intention to use a compactor on site. Other noise generating activities involve skip movements, stock loading (glass), general materials and glass being dumped, vehicle movements (including reversing alarms) and the jet wash. Also, concerns have been raised regarding the potential for loud, aggressive and antisocial behaviour by patrons of the recycling facility.
- 8.14 The NIA recommends that there is no scope for rescheduling activities to minimise the impact of noise on the neighbouring school as the recycling centre's proposed hours are similar to the school's opening hours. The report does recommend that the proposed acoustic barrier is increased to 3m high, as opposed to the originally proposed 2m, along its full north and east boundaries.
- 8.15 However, it appears that even at 3m the height of this acoustic fence may not be sufficient to satisfactorily mitigate the noise generated at the recycling site. The NIA suggests that site operations of the recycling site will be of 'marginal significance to the neighbouring residential properties'. Based on the design standard for the proposed recycling facility, the Council's Environmental Health section have stated that they cannot be confident that complaints will not be received from neighbouring residents.

- 8.16 In any event, a fence at 3m or higher, on top of a landscape bund, is likely to have a significant adverse impact on the appearance of the area and is also likely to be significantly overbearing to children in the adjacent playground.
- 8.17 In addition to general noise from the site, from vehicles and people, there are likely to be incidents of sporadic impact noise, from breaking glass and other materials being thrown into the skips. These impact noises will be heard within the adjacent school building and will disrupt the teaching of the children. Whilst adults are able to guess at words that may have been missed while listening to somebody talking, children are less experienced at doing this and therefore may miss out on important information during classes. The Council's Environmental Health section has stated that they are not satisfied that 'impulsive' noise events will not be intrusive inside the school classrooms and learning areas.
- 8.18 In addition to noise, there are concerns regarding dust, smell, litter and vermin from the proposed recycling facility. While there will be staff at the facility it is unrealistic to expect that, particularly during busy periods, they will be able to monitor all deposits. There may be times when materials with harmful particulates are deposited at the site. The prevailing wind direction would blow dust in to the school grounds and nursery play area. The applicant states that they will use covers to reduce dust.
- 8.19 The smell from waste disposal sites can be unpleasant and difficult to mitigate. Again, due to the prevailing wind direction this may result in unpleasant smells, from the recycling site, being experienced at the school.
- 8.20 The applicants state that any vermin can be adequately controlled, although it is their intention to contract the Council's Environmental Health Service in this respect.
- 8.21 The applicant intends on siting a compound for the storage of gas cylinders at the north-east side of the site. This compound is in close proximity to the school playground, and an area that has been formally designated for children to gather. The applicant states that most of the gas cylinders that are deposited to them are empty and are stored in a locked container. However, there does not appear to be any check mechanism in place to make sure that cylinders are empty before they are deposited.
- 8.22 It is for the reasons identified above that the Scottish Government, through national planning policy, suggest a buffer of 100m be established around this type of operation.
- 8.23 The applicant has identified an area for storing salt on the site. The applicant was asked whether this was part of a roads depot. It was stated that there were no plans to incorporate a roads depot but that in winter it is intended to use the site for the storage of salt for gritting roads. Whilst relatively small in scale, this would introduce an element of highway maintenance use into this site. There may not be an issue with this, but the potential for increased levels of traffic may need further consideration.

- 8.24 Many objectors are concerned that increased vehicle movements in the area may result in an impact on pedestrian safety, particularly given that many of the children at the primary school cross the roads around the proposed recycling facility on their way to and from school. The school has made efforts to improve pedestrian safety in the area by working with pupils and parents on best routes to school. The perception that there will be an increased number of heavy vehicles in the area may result in more children being driven to school and may in itself result in pedestrian safety being detrimentally affected.
- 8.25 The Council's Policy and Road Safety Manager does not consider that there will be an impact on road safety in the area. However, it must be noted that the community recycling facility is to be used by the whole community, including Penicuik and beyond, and may result in significant numbers of vehicle movements. While the peak times may be outwith school opening hours there is still a risk that the increased levels of traffic may have an adverse impact on road safety. The junction at Edinburgh Road and Eastfield Farm Road can be busy and may be affected by increased congestion as a result of siting this community facility at Eastfield.
- 8.26 The applicant has expressed the intention to open the site between 10am and 4pm in the winter and between 10am and 6pm during the summer.
- 8.27 This site would be regulated by SEPA. As such it could be subject to restrictions which SEPA could deem necessary which could affect the way the site operates, with potentially significant constraints to the public use, for example in terms of opening hours.
- 8.28 Therefore, while the site is allocated as being part of the economic land supply the presence of the primary school has severely restricted the types of activities which could be carried out without having an adverse impact on the amenity of the area. Successful operations are likely to be very 'light' in nature and may include office-type developments. The significantly detrimental impact of the proposed recycling centre would constitute an incompatible neighbouring use and not in compliance with policies RP20 and WAST2 of the Midlothian Local Plan. Accordingly, the proposal cannot be supported.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be refused for the following reasons:
1. It has not been demonstrated to the satisfaction of the planning authority that the proposed community recycling facility will not have a significant detrimental impact on the amenity of the adjacent primary school and nursery and nearby residential properties. The proposed development is, therefore, significantly incompatible with the neighbouring land uses.

2. For the above reason the proposal is contrary to policy RP20 of the adopted Midlothian Local Plan, which seeks to protect the character and amenity of the area through preventing incompatible developments.
3. In addition, the proposal is contrary to policy WAST2 of the Midlothian Local Plan which, while being supportive of waste recycling centres, seeks to protect against developments which will cause an unacceptable detriment to the locality.

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Application No: 13/00118/DPP (Available online)
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Background Papers: