

APPENDIX A

Spring

Old Pentland

Track

Flowerfield

Sawmill

LB

Jacaranda
Cottage



Midlothian

**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Change of use of vacant land to storage area for storage of
skips at Land 70M North West Of Old Pentland Sawmill, Old
Pentland, Loanhead

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

Midlothian Council Licence No. 100023416 (2014)

File No. 14/00047/DPP

Scale: 1:1,250



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: planning-applications@midlothian.gov.uk

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 000093464-001

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

Applicant Details

Please enter Applicant details

Title: *

Other Title:

First Name: *

Last Name: *

Company/Organisation:

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

OLD PENTLAND SAWMILL

Address 5:

Address 2:

OLD PENTLAND

Town/City/Settlement:

LOANHEAD

Address 3:

Post Code:

EH20 9NU

Address 4:

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

Northing

666178

Easting

326549

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)

change of use of vacant land to storage area for storage of skips at Land 70M North West of Old Pentland Sawmill, Old Pentland, 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 or any agreed extension) – 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.

see attached supporting document

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)

Document showing full reasons for requested review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00047/DPP

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

20/01/14

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

26/03/14

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

It would appear from refusal the layout of the land and site has not been fully understood

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

Possible amendments re SUDS

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

prefer representative from M McKenzie to be present to further explain

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: Mr Alasdair Mackenzie

Declaration Date: 23/06/2014

Submission Date: 23/06/2014

From: M. McKenzie [REDACTED]
Sent: 07 July 2014 12:05
To: Duty Planning Officer
Subject: Planning Application 14/00047/DPP

Good Morning

Further to my telephone conversation this morning with duty planning officer, as discussed I attach copy of supporting statement for the above appeal. This has also been sent to Peter Arnsdorf as requested.

Please acknowledge receipt

Regards
Marlyn McKenzie

Click [here](#) to report this email as spam.



M. McKENZIE

(OLD PENTLAND)

Waste & Wood Recycling
Seps Reg. Transfer Station

OLD PENTLAND, LOANHEAD, MIDLOTHIAN EH20 9NU
TEL. 0131 440 0301 FAX No. 0131 448 2183
Email: mckenziepentland@btconnect.com



SKIP HIRE 2 yds - 16 yds
Hook Lifts 16 yds - 40 yds

VAT Registration No. 270 1561 84

P.R.N.s for Sale • All Types of Wood Chips & Bio Mass Fuel Chips

The Development Manager
Development Management Section
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

23rd June 2014

Dear Sir,

Refusal of planning permission application No 14/00047/DPP

We M McKenzie wish to appeal against the refusal of the above planning permission on the following grounds.

The three main reasons given by the council were:-

1) The proposed change of use is inappropriate and is an unacceptable form of development within the countryside and Green Belt and would result in the loss of an area of countryside and Green Belt.

Midlothian Local Development Plan – Main issue reports 2013-Technical Note Green Belt Available on line at

www.midlothian.gov.uk/download/downloads/id/.../main_issues_report

In this report page 7 under heading potential sites to remove from the green belt it states; "Another requirement for national policy is to remove those uses from the green belt that are not appropriate for green belt location (non-conforming uses) there are a number of sites in Midlothian that have been reviewed"

We refer to site A701 realignment site LD1 and BN1 it states that in the light of the A701 alignment this site would not result in any further pressure for development over and above which is identified in the preferred strategy it is expected that the land to the NE of BN1 (LD1) which also falls within the two road lines will come forward for development in the future.

The West Straiton site (LD1) (our proposed site is included in this land package) is contained within the North end of the proposed realigned A701 and the current route and has been proposed to be removed from the green belt.

Why when the Council's own report suggest the removal of this piece of land from the green belt does the Council insist our proposal would result in the loss of an area of green belt – this appears to us as a contradiction

We draw the council's attention to MLDP policy RP 1 section 2.1.4 Structure Plan Policy which states that it should allow for development within the countryside where it is an operational requirement for such a location which cannot be met on a site within an urban area or land allocated for that purpose. We feel that this relates to our situation as operationally and financially it would be impractical for us to use a storage facility further away from our current premises increasing carbon footprint and raise HGV traffic in the local urban area.

RP1 section 2.1.7 states that in certain locations some limited and controlled development related to new or expanded businesses may be acceptable with specific provisions set out in ECON 1 and ECON 8. In ECON 1 section 3.3.2 one of the key objectives is to promote development opportunities by providing a range of choice of sites yet the two sites we have suggested, one of which already has been used as industrial land by a commercial business, have both been denied with no such range of choices being put forward by the council.

Section 3.3.7 also states that the Structure Plan identifies the need to provide new development opportunities within Midlothian to support local economic growth and reduce out commuting. We have been a local employer for over 66 years helping to add to the economic growth of the region and yet we are not allowed to aid the economic growth of our own business due to the constant rejections by the council.

Section 3.3.7 states that where sites out with the greenbelt are not available, sites within the green belt can be identified providing that the impact on the green belt objectives is minimised. As the proposed site is currently next to two industrial complexes on the fringes of the green belt in an area which has been proposed to be removed from the green belt and is not prime agricultural land, we feel the development impact would be minimal compared to such sites as, for example, Pentland Biomass which is over 10 times larger than our proposal and was allowed on prime agricultural land in the middle of the green belt, at the time.

We feel the council stating that our proposal is contrary to policy ECON 8 is inaccurate.

ECON 8 A, states that proposals should be located adjacent to a smaller settlement unless there is a location requirement for it to be in the countryside. In our case this is valid as we are currently located in the countryside and having a site anywhere else would be operationally impractical.

Section B states the proposal should be well located in terms of the strategic road network which our proposal is and has existing access to the site.

Section D In keeping with this, our proposal will not introduce unacceptable levels of noise, light or traffic or cause nuisance to residents in the vicinity than already exists.

Section E states the proposal is capable of being served by an adequate and appropriate access, as mentioned above the site already has existing access.

Section F See (3)

Section G Our proposal is not of a retail nature.

2) The storage of skips would be highly visible from a wide area, significantly detracting from and having a significant detrimental impact upon the landscape character and appearance of the area and would not enhance the rural environment.

In our opinion this is a misleading statement as the proposed site has a 10ft high hawthorn hedge as a boundary on the west side, large trees as a boundary on its east side the boundary to the south is our existing premises and its northern boundary is two houses. The topography of the site is that it sits within a hollow of the surrounding land and therefore is certainly not visible from the A701, A702, A720 or the old Pentland Road which passes no more than 30m away from the proposed site. This shows that the area would not be as the council states; "highly visible from a wide area". We feel a council representative should at least have a site visit as it is clear from this statement the Council have no concept of where this site is, if they had seen the site they would know that our point is extremely valid.

As we have already stated the site is not visible from any road in the local area. The landscape character of the site is currently an unmaintained area of waste land which is overgrown with common weeds and has no plant species of significant importance. The site has a boundary to the east with a large disused shale bing owned by the council which is again unmaintained and is clearly visible from the A 720 City Bypass. It is our opinion this site detracts more from and has a significant detrimental impact upon, the landscape character and appearance of the area than our proposed plan.

We bring to the council's attention the site allowed at Pentland Biomass for the purpose of Biomass production and storage, timber storage and overnight vehicle parking. This was a large site allowed for a new development on prime agricultural land in contradiction to the MLDP, at the time, on a virgin area of the green belt. The storage of large piles of timber and chipped biomass product on this site is **clearly visible** from the A701, A702 and A703 and presents a bigger scar on the landscape, detracts more from the landscape characteristic of the area and certainly does not enhance the rural environment. This makes our application for a small area of non-prime agricultural land in an area which has already been proposed to be removed from the green belt look insignificant in comparison to the Pentland Biomass facility allowed.

3) It has not been demonstrated that adequate drainage is to be provided at the site as no surfacing materials, infilling or re-grading or SUDs details have been submitted for consideration.

Re Suds plan not having been submitted; this is due to the fact that we feel our proposed plan for the site would generate no more surface run off from the site than there is at present. The only surfacing work to take place would be the removal of the current vegetation with no surfacing added as the site is already hard standing, however we would be willing to construct a small angled swale running into a small retention pond and reed bed at the bottom of the slope to the north end of the site to catch any surface runoff.


Again we bring to the council's attention Pentland Biomass facility where there is no such suds in place this is a larger site and presents more of a danger of contaminants from the site entering water courses. We feel precedence has already been set here as the Pentland Biomass facility does not require it.

We feel for these reasons precedence has been set by the council and that the constant rejection of M McKenzie planning applications could be seen as discrimination against us.

We would emphasise to the council that our business has operated on its current site for 66 years which is 9 years before the first planned green belt was proposed. As we are a business which has always been located in the countryside we ask you where we can expand to if not the area around our current site.

We have put forward two sites, one which we own and has been used for over 40 years for commercial purposes, both non-prime agricultural land to date these have been refused. As a Council it is your responsibility to suggest sites close to our premises which we could use provided they are financially and operationally viable.

Yours faithfully,



A MacKenzie BSc Sustainable Environmental Management
M McKenzie

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 14/00047/DPP

Site Address: Land 70m north west of Old Pentland Sawmill, Old Pentland, Loanhead.

Site Description: The application site is a triangular area of land within the countryside and Green Belt measuring approximately 0.4 hectares. Old Pentland Sawmill, now a waste transfer business, is to the south and east. There is a dwellinghouse to the northwest, Straiton Bing to the north and northeast and there is countryside to the southwest. The site is at a lower level than the access track running along the western boundary which leads to the residential dwellinghouse. There are trees on Straiton Bing to the north and northeast along the boundary of the site.

Proposed Development: Change of use of vacant land to storage area for storage of skips.

Proposed Development Details: It is proposed that the application site be used for storing skips in association with the waste transfer station to the south. The applicant has stated that the site will be used as an overflow to the existing business and there will be varying numbers of skips at the site. The majority of skips stored on site are to be empty, however there may be times when full skips will be stored when they are unable to be emptied/stored at the existing waste transfer site. No waste will be stored on site. There will be between 10 – 60 skips stacked to a maximum height of 5 metres. Ten parking spaces are proposed. No information regarding hardstanding materials or drainage has been submitted. The proposed boundary treatments are to be post and wire fencing, although potentially security fence may be erected in the future.

Background (Previous Applications, Supporting Documents, Development Briefs):

Old Pentland Sawmill

09/00338/FUL Extension to existing waste transfer building. Permitted.

02/00652/FUL Erection of industrial building for wood-chipping plant. Consent with conditions.

00/00407/FUL Erection of garage. Consent with conditions.

Tarmac Topmix, Old Pentland (east of the site)

03/00719/FUL Erection of 5 portacabins for use as office and welfare facilities (retrospective). Permitted.

99/00195/FUL Installation of telecommunications antenna and ancillary works. Refused.

Consultations: The **Policy and Road Safety Manager** has no objection, further to additional information having been submitted.

The **Damhead and District Community Council** has objected as it is contrary to their emerging Neighbourhood Plan. The area is proposed site would be suitable to create an area for use by the whole community. The applicant has stated there are no trees on or adjacent to the site when there are trees along the north boundary. The applicant refers to the site as a sawmill when it is a waste transfer station. In order to facilitate the storage of skips the existing land would need to be replaced with hardstanding, which would create drainage issues and water run-off. They are also concerned over an increase in traffic.

Representations: Five letters of representation of have been received objecting to the application on the following grounds:

- The site is within the Green Belt;
- The nature of the proposal is visually unacceptable and would increase the industrial landscape of Old Pentland;
- Increase in noise and litter pollution;
- Disturbance to the natural habitat of wildlife;
- The ground in its current state is unsuitable for vehicular traffic and would need major infill to provide a suitable hard standing, causing drainage problems in the area;
- There is existing debris at the site from the waste transfer station which results in debris and litter;
- Querying if the proposal is for storage of skip containers and parking;
- The applicant does not own the access track;
- If more space is required at the waste transfer station, an area of derelict ground to the east could be used with screening to limit visibility;
- The possible storage of skips full of waste 'occasionally' is a subjective term;
- The submitted site plan showing the position of the skips is not to scale and raises the possibility of encroachment onto land and the number of stacks of skips proposed will be more than as per the plan to accommodate the proposed number of skips.

A number of representors commented that the applicants are in breach of planning conditions at another site in the area which is considered an eyesore and there is a concern that the proposed site would deteriorate from green landscape to an unsightly mess.

Other representors raised the same concerns as the DDCC regarding the Neighbourhood Plan, stating it is intended to be used as a community garden; the lack of information submitted regarding trees along the boundary; that the site is not a sawmill but a waste transfer station; potential drainage issues from resurfacing the site; and an increase in traffic levels.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP1: Protection of the Countryside states that development in the countryside will only be permitted if: 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); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

RP2: Protection of the Green Belt advises that Development will not be permitted in the Green Belt except for proposals that;

- A. are necessary to agriculture, horticulture or forestry; or
- B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. are in accord with policy RP3, ECON1, 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;

RP7: Landscape Character which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required; and

ECON8: Rural Development states development that will enhance rural economic development opportunities will be permitted provided they accord with all relevant policies and meet the following criteria: the proposal is located adjacent to a smaller settlement unless there is a locational requirement for it to be in the countryside; the proposal is well located in terms of the strategic road network and access to a regular public transport service; the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area and is sited, designed and landscaped so as to enhance the rural environment; the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor a nuisance to residents in the vicinity of the site; the proposal is capable of being served by an adequate and appropriate access; the proposal is capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply.

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 relevant policies in the Local Plan restrict development in the countryside. Policy RP1 states that development will be allowed where it is required for the furtherance of appropriate countryside activities and businesses, including waste disposal where this is shown to be essential as a method of site restoration. In addition, the policy states that in certain locations expanded business development may be appropriate but this must comply with other policies. In any case, a supportable development will need to be of a scale and character that is appropriate to the rural area and be well integrated into the rural landscape. As noted above, policy RP2 restricts development in the Green Belt to uses considered appropriate to those areas. In addition, policy ECON8 requires a number of criteria to be satisfied for rural development, including that the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment.

The proposed development is in connection with the adjacent waste transfer unit, providing an additional storage area for skips and parking for staff, effectively amounting to an extension of the existing site and business. The waste transfer unit was historically the site of a sawmill and so the principle of an industrial use has been established there, albeit within the countryside and Green Belt. The applicant has stated that the site is to be used for storing the skips and cars when there is no room within the existing waste transfer site.

Although the waste transfer business is an established use in the area, the proposed site currently forms part of the open countryside and Green Belt. The waste transfer business is not considered to be one of the appropriate types of development/land uses within the Midlothian countryside and Green Belt.

The Green Belt aims to provide for opportunities for access to open countryside, outdoor sport or outdoor recreation. This proposal does not comply with the aspirations of the Green Belt policy.

The Protection of the Countryside policy, in the local plan, states that the use of land for waste disposal in the countryside is appropriate only where it is shown to be essential as a method of site restoration. It has not been justified that the site requires to be restored.

The proposed development, if approved, would result in the loss of an area of countryside and Green Belt without any adequate justification. Given that the change of use of this area does not comply with the provisions of the local plan, the principle of this development in this location can not be supported.

Turning to more detailed aspects of the proposal, the site is located in a slight dip in the landscape, with the Straiton Bing on higher ground to the northeast. There is vegetation within the application site, with trees sited along the boundary to the Bing and hedging along the field to the other side of the track, to the west. The site has a rural character and is well integrated into the surrounding landscape. The site is screened from views from the northeast by the Bing and from the southeast by the existing waste transfer site. The site is, however, highly visible from views from the south, west and northwest. These views are from close proximity, such as from the road leading through Damhead and the surrounding area, to wider views from the Pentlands, Hillend, the A702 and extending to Fairmilehead, located along the bypass to the north.

No landscaping is proposed, as part of the application, to help integrate the storage area into the surrounding landscape. In any case, the site is seriously constrained and there would be limited scope for any mitigation measures to be accommodated, such as screen planting to reduce the visual impact of the proposal.

As noted above, the area is currently overgrown with vegetation and is lower than the existing roads and Bing that bounds the site. In order to allow the site to be used as a storage area and car park, hardstanding and new surfacing would be required, as well as ground workings to stabilise and raise the land. No information has been submitted regarding any re-grading or infilling of the area, or regarding the proposed surfacing of the site. Due to the topography of the area, the planning authority is

concerned that the use of inappropriate surfacing, or indeed alterations to the ground levels of the site, could result in the surface water run-off to the property to the northwest as well as a detrimental visual impact to site. It has not been demonstrated, to the satisfaction of the planning authority, that the proposed works could be carried out without resulting in surface water run-off to the surrounding land. In addition, at times when the site is not full of skips or cars, the newly formed area of hardstanding would be highly visible within this rural area from wider views into the site.

The use of the site, for the storage of skips, would significantly detract from the character and appearance of the area.

It is proposed that the site store up to 60 skips potentially to a height of 5 metres and to create a parking area. A site plan has been submitted indicating the proposed locations of the skips and car park within the site. This plan is not to scale and shows an area for four stacks of skips and four stacks of hooklift containers (larger skips) as well as an area of car parking. The applicant has stated that there may be up to 60 skips at any one time, which would effectively densely fill this relatively small site. As the site plan is not to scale, it is not clear if the areas shown by the applicant could accommodate the number of skips and car parking proposed. The applicant has stated that the site will occasionally and only when necessary store skips which contain waste and it is indicated that this will not happen often. Although the planning authority acknowledge that the applicant states this will only happen when there is no room on the existing waste transfer site, it is concerning that the current site may be used as a storage area for waste as well as skips, which would raise issues which have not been assessed as part of the current application and require detailed information regarding the use of the site and consultation with SEPA. The storage of waste on site has not been assessed as part of this application.

The site is to be used as an overflow area to store skips and park cars in connection with the existing adjacent waste transfer business. As a result, the proposal is not likely to result in increased traffic in the area.

The objectors have made reference to the Neighbourhood Plan for the area. This plan appears to be at the early draft stages and does not form a material consideration in the assessment of the planning application.

No concerns have been raised by the Council's Biodiversity consultant in relation to wildlife as a result of the proposal. Ownership of the access track is not a material planning consideration. The application can only be assessed as submitted and so the suggestion that more space could be provided in land to the east of the waste transfer station cannot be considered. The comments regarding the potential breach of planning conditions at another site in the area is not a material planning consideration. The concerns raised regarding an increase in noise and litter pollution are outwith the control of the planning authority but are controlled by SEPA through the waste transfer licence at the waste transfer site.

Overall, the proposed development is unacceptable in this countryside and Green Belt location. The proposed use would be inappropriate in this sensitive location and

would detract from the appearance of the surrounding area. In addition, it has not been demonstrated that the site could operate without causing drainage or surface water issues to the neighbouring properties.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

APPENDIX D

Reg. No. 14/00047/DPP

M McKenzie
Old Pentland
Loanhead
EH20 9NU

Midlothian Council, as Planning Authority, having considered the application by M McKenzie, Old Pentland, Loanhead, EH20 9NU, which was registered on 21 January 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use of vacant land to storage area for storage of skips at Land 70M North West Of Old Pentland Sawmill, Old Pentland, Loanhead,

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	21.02.2014
Illustration/Photograph		21.01.2014
Site Plan		06.03.2014

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

1. The proposed change of use is inappropriate, and is an unacceptable form of development within the countryside and Green Belt and would result in the loss of an area of countryside and Green Belt.
2. The proposed storage of skips would be highly visible from a wide area, significantly detracting from, and having a significant detrimental impact upon, the landscape character and appearance of the area and would not enhance the rural environment.
3. It has not been demonstrated that adequate drainage is to be provided at the site as no surfacing materials, infilling or re-grading or SUDs details have been submitted for consideration.
4. For the above reasons the proposal is contrary to policies RP1, RP2, RP7 and ECON8 of the adopted Midlothian Local Plan

Dated 26 / 3 / 2014

DR

.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

APPENDIX E



M Mckenzie Timber Merchant, Old Pentland Sawmill, Old Pentland, Loanhead, EH20 9NU

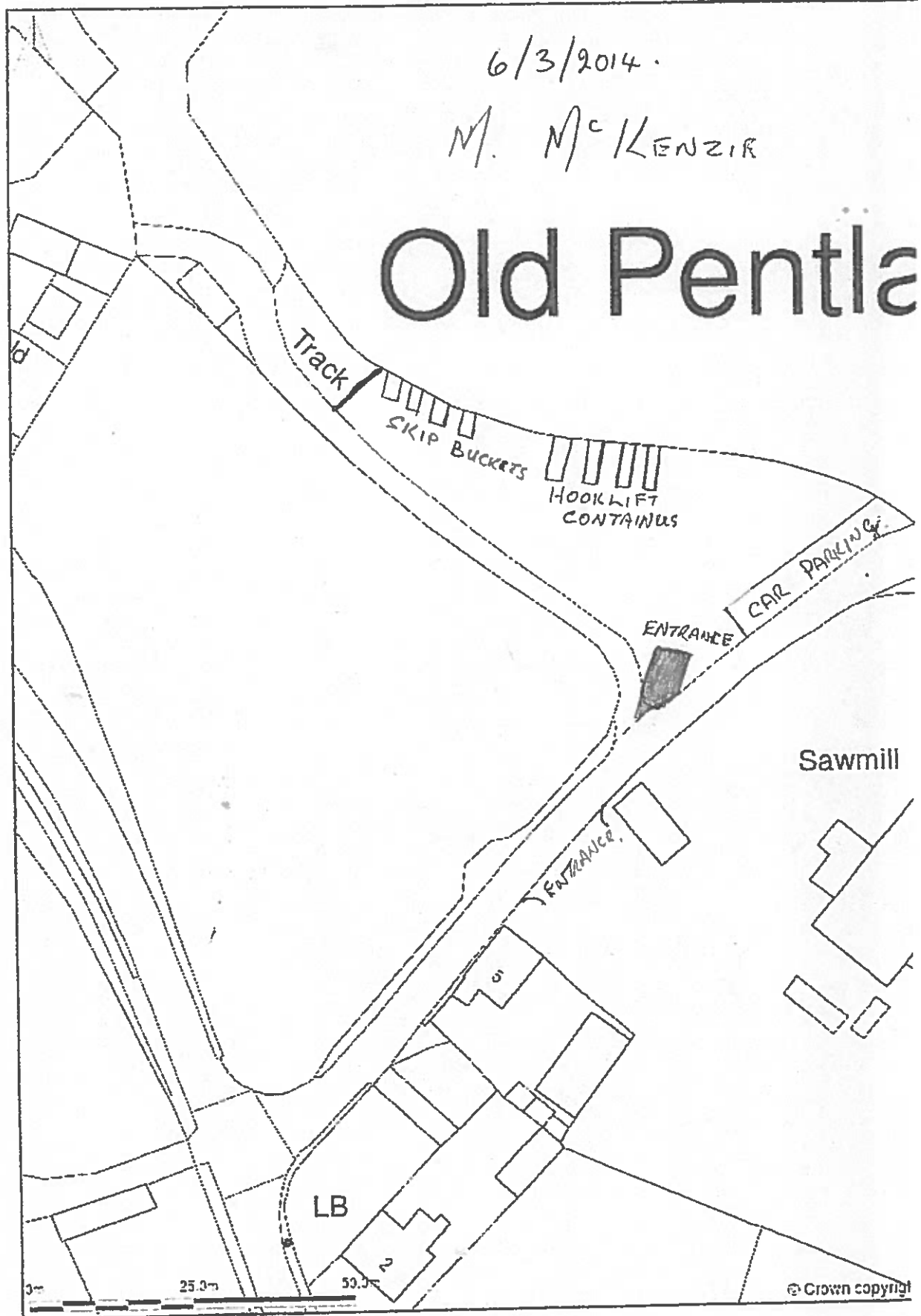


Site Plan shows area bounded by: 326408.90564766,686111.37388594 326609.90554766,686311.37388594 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 20th Jan 2014 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2014. Supplied by buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00025303-820200

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the buyaplan.co.uk website are Copyright © Pass Inc. Ltd 2014

CORPORATE RESOURCES	
FILE:	14/00047/000
RECEIVED	21 FEB 2014
MAC	



Site Plan shows area bounded by: 326409.90554766,666111.37388594 326609.90554766,666311.37388594 (at a scale of 1:1250) of way. The representation of features as lines is no evidence of a property boundary.

Produced on 20th Jan 2014 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available prior permission of Ordnance Survey. © Crown copyright 2014. Supplied by buyaplan.co.uk a licensed Ordnance Survey partner (11

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Copyright © Pass Inc Ltd 2014

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



CORPORATE RESOURCES

FILE: 14/00047/DP

RECEIVED 21 JAN 2014