



**APPLICATION FOR PLANNING PERMISSION 20/00491/DPP, FOR
ERECTION OF BUILDING FOR CLASS 4, 5 AND 6 USES; FORMATION OF
CAR PARKING AND ASSOCIATED WORKS AT POLTONHALL
INDUSTRIAL ESTATE, POLTON ROAD, LASSWADE**

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of a building for class 4, 5 and 6 uses (business, general industry and storage or distribution); formation of car parking; and associated works at Poltonhall Industrial Estate, Polton Road, Lasswade.**
- 1.2 There have been 14 representations from 12 different households and consultation responses from Scottish Water, Poltonhall and Hopefield Community Council; and the Council's Policy and Road Safety Manager.**
- 1.3 The relevant development plan policies are STRAT1, DEV2, ECON1, ENV6 and ENV19 of the Midlothian Local Development Plan 2017 (MLDP). The site forms part of economic land allocation e30 and is an allocated business/general industrial site.**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 Poltonhall Industrial Estate is situated at the western edge of Bonnyrigg and overlooks the valley of the River North Esk. The estate forms part of the Council's economic land supply as allocation e30 and comprises various modern buildings and is situated on the site of Polton House. The majority of units are occupied. The industrial estate is situated within the Mavisbank Conservation Area and is accessed from Polton Road via a private access road. To the east and southeast of the estate there are residential areas of Bonnyrigg. To the southwest, west and north of the estate are grazing fields that form part of the Edinburgh Green Belt.**
- 2.2 The application site is a tarmac yard area at the south-eastern edge of the industrial estate. To the northeast the site is bounded by a modern**

detached industrial unit (known as Unit 1). To the northwest the site is bounded by vehicle circulation space at the south-eastern edge of the main building on the estate. To the southwest the site is bounded by a further yard area and a grass banking. To the south east the site is bounded by a grassed area that slopes uphill towards the boundary with houses on Polton Road. The site is 65m away from Polton Road and 33m away from the closest residential property (11 The Nursery). The south-eastern edge of the site is occupied by a brick clad sub-station and a line of three shipping containers; the remainder of the site is used for vehicle parking and open storage.

3 PROPOSAL

- 3.1 It is proposed to erect a steel framed industrial unit at the south-eastern edge of the yard. The proposed building measures 21m wide, 11m deep, 6.6m tall to the eaves and 8.55m tall to the ridge of the roof. The walls and roof will be clad with profiled steel insulated cladding panels, coloured grey. There will be 2 roller shutter doors in the northwest elevation of the building, facing towards the main building on the estate. A yard area will be formed in front of the building and this area will include 4 parking spaces. The application seeks consent for the use of the building as business (class 4), general industrial (class 5) and storage or distribution (class 6).
- 3.2 No details have been provided of the intended user and the unit is considered to be speculative. The applicant is the firm that owns the industrial estate; they own one other industrial unit in Midlothian (at Edgefield Industrial Estate) and various other buildings/estates in West Lothian.
- 3.3 The Town and Country Planning (Use Classes) (Scotland) Order 1997 categorises different land uses into different classes to enable planning practitioners and decision makers to determine if a change of use of land or buildings is proposed or has occurred. In defining if a material change of use between one class and another has occurred it enables planning authorities to assess the impact of different uses and enables decisions to be made with regard the right development in the right location. Different uses within the same class are seen to have similar impacts and characteristic and are therefore interchangeable in land use planning terms.

4 BACKGROUND

- 4.1 Historically the site of Poltonhall Industrial Estate was occupied by Polton House, an 18th Century house that was eventually demolished in the mid to late 1970's. The site has been in industrial use since at least the early 1960's; two of the largest buildings on the estate date from this period. For many years the site was occupied by a printing works; and when that business ceased trading in 2002 the buildings

were sub-divided to create the current industrial estate. The following applications relate to the site's current use as an industrial estate.

- 4.2 Planning permission 04/00058/FUL for alteration and subdivision of existing industrial building to form smaller units for industrial use; introduction of door and window openings; removal of boiler and generator rooms; removal of retaining wall; and extension of hardstanding for associated car parking was granted.
- 4.3 Planning permission 10/00292/DPP for a change of use from Class 6 (storage and distribution) to Class 4 and 5 was granted. This permission relates to the building to the northeast of the application site.
- 4.4 Planning application 18/00553/DPP for the siting of a snack van at the entrance to the car park area of the industrial estate was refused on 8 October 2018.
- 4.5 Planning permission 18/00614/DPP for the siting of shipping containers, this permission relates to the containers on the application site, was granted.
- 4.6 In addition to the applications relating to the current use of the industrial estate there has also been two applications which sought consent for residential development on open space to the east of the industrial estate.
- 4.7 Planning application 13/00264/DPP for the erection of 34 dwellinghouses and 6 flatted dwelling; formation of associated access roads and car parking; and associated works was refused on 27 August 2013. The reasons for refusal were as follows:
 1. The proposed housing development is located within the countryside on land designated as green belt with no foreseeable prospect of it being released for development, and the proposal therefore conflicts significantly with the 2008 Midlothian Local Plan policies RP1 and RP2 as well as Edinburgh and Lothians Structure Plan 2015 policies ENV2 and ENV1.
 2. The site is a highly visible site and one that is protected for its outstanding character being both within the Mavisbank Conservation Area and the Midlothian Area of Great Landscape Value, and the design and layout of the development will have a significant adverse affect on the visual amenity of the area and the setting of the conservation area and it conflicts with local plan policies RP6 and RP22 of the 2008 Midlothian Local Plan.
 3. The scale, layout and density of the development will lead to the loss of significant mature trees on site and these trees contribute significantly to the landscape setting of the edge of Bonnyrigg and

the setting of the conservation area, and this loss is considered to be unacceptable and conflicts with policy RP5 of the 2008 Midlothian Local Plan.

4. The quality of the design and layout, and the quality of the materials, are not of a standard appropriate for a prominent location in the countryside, and are not of a standard appropriate for a development in a conservation area and as such the proposal does not comply with the requirements of policies DP1 or RP20 of the 2008 Midlothian Local Plan.
 5. The location of the proposed housing adjacent to an existing industrial estate will give serious concerns for future occupiers of the development and is likely to result in noise complaints from these future residents.
- 4.8 Planning application 19/00925/PPP for planning permission in principle for residential development was registered on 12 November 2019 and withdrawn on 6 January 2020.
- 4.9 The application has been called to committee for determination by Councillor Milligan. The reasons for call-in are; concerns with road safety and parking issues; the fact that the site is close to the green belt and Mavisbank Conservation Area and the need for more consultation and clarity.

5 CONSULTATIONS

- 5.1 **Scottish Water** does not object to the application. The water supply will be fed from Rosebery Water Treatment Works. The foul water drainage will be dealt with by the Edinburgh PFI Waste Water Treatment Works. Both have sufficient capacity at present, however it is not possible to reserve capacity for future developments.
- 5.2 **Poltonhall and Hopefield Community Council** objects to the application. The grounds for objection are as follows:
- The industrial estate lies next to a residential road where householders already have to run the gauntlet of HGVs using Polton Road which was never intended to be used by such vehicles;
 - The impact on the environment of another industrial unit must also be taken into consideration;
 - Additionally, the safety of school children walking to Lasswade High School cannot be compromised; and
 - It's questionable why it is considered necessary to erect a further unit when there already a number of industrial units available for let in Midlothian.

- 5.3 The Council's **Policy and Road Safety Manager** does not object to the proposal subject to the details of surface water drainage being supplied. The response notes that the proposed new unit is relatively small (in the order of 200sqm) compared to the overall footprint of the existing units within the industrial estate and the layout shows the standard 4 parking spaces which meet the provision for a new industrial unit of this size. If part of the land proposed for this development is being used as informal parking by other operators of the estate that would be an issue for the owner of the land to address. The introduction of this small unit into the existing industrial estate does not raise any major transport/road safety issues.

6 REPRESENTATIONS

- 6.1 There have been 14 representations (objections), from 12 different properties, which can be viewed in full on the online planning application case file. A summary of the points raised are as follows:
- Vehicles already using the space for parking will be displaced, adding further to the already congested parking on Polton Road;
 - The new units will attract further unsuitable traffic, and create yet more need for parking;
 - Detrimental impact on the character of the Special Landscape Area and Conservation Area;
 - Detrimental impact on the amenity of local residents due to increase traffic causing noise and pollution;
 - Polton Road already carries traffic well beyond its capacity; this creates congestion, noise and potholes;
 - There is a surplus of industrial units in Midlothian; this unit not required;
 - The tenants on the industrial estate are using the areas of green space for fly tipping and burning of waste;
 - The units will be closer to houses than the existing units and will disturb residential amenity;
 - The existing access to the site can't cope with the size and number of vehicles using it;
 - Lasswade is a conservation area and a green belt area; the use is not compatible with these designations;
 - More local residents should have received neighbour notification;
 - The development will create additional noise and light pollution;
 - Polton Road is not safe for children walking to Lasswade High School and increase traffic from the development will exacerbate this problem;
 - Existing planning conditions are ignored; and
 - No further development should occur on the industrial estate without infrastructure improvements.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan, adopted in November 2017. The following policies are relevant to the proposal:
- 7.2 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, including sites in the established economic land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.3 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.
- 7.4 Policy **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.
- 7.5 Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.
- 7.6 Policy **ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of Development

- 8.2 The proposed development is within the Poltonhall Industrial Estate which is identified as part of the Council's established economic land supply in the MLDP and as being within the built-up area of Bonnyrigg and Lasswade (the site is not identified as being either countryside or

green belt). MLDP policies STRAT1, DEV2 and ECON1 support the principle of economic development on the site unless this presumption is outweighed by other material considerations.

- 8.3 The application seeks consent for the proposed unit to be used for business (class 4), general industrial (class 5) and storage or distribution (class 6) uses. As is noted above Poltonhall Industrial Estate is identified in the MLDP as forming part of the established economic land supply. Like the majority of the sites forming part of the Council's economic land supply Poltonhall Industrial Estate is identified as being acceptable for business and general industry (classes 4 and 5). These uses have traditionally been those which produce the highest density of employment thereby providing a sustainable jobs market to the residents and future residents of Midlothian.
- 8.4 Policy ECON1 of the MLDP sets the criteria by which potential uses are assessed and includes the following requirements; the contribution towards appropriate employment densities; compatibility with neighbouring uses; avoiding detrimental impacts on the amenity of the area; and, meeting infrastructure deficiencies or requirements. This policy does not specifically support the introduction of non-business or non-industrial uses such storage or distribution.
- 8.5 The comparatively small size of the unit means that a storage or distribution use will be unlikely to generate employment densities similar to business or general industry uses. Furthermore a storage or distribution use would require increased vehicle movements when compared to business or general industry use and this could have a detrimental impact on the surrounding road network. Given the content and aims of policy ECON1, and the long established use of the industrial estate for business and general industry, it would be appropriate to condition that the proposed unit only be used for business and general industry uses.

Road Safety and Parking

- 8.6 The detail of the proposal has been assessed by the Council's Policy and Road Safety Manager who considers that the proposed new unit is relatively small (in the order of 200sqm) compared to the overall footprint of the existing units within the industrial estate. The layout shows 4 parking spaces which meet the provision for a new industrial unit of this size as set out in the Council's parking standards. The introduction of this small unit into the existing industrial estate does not raise any major transport and/or road safety issues.

Amenity

- 8.7 The proposed unit is of a similar scale and appearance to the existing unit to the northeast of the application site and is of a typical design for a contemporary industrial building. The unit will not be overbearing

when viewed from residential neighbours and the separation distance will ensure that it will not have a significant detrimental impact on daylight and sunlight to residential neighbours. The planning permission for the neighbouring unit to the northeast included conditions to protect the amenity of local residents; these conditions included a noise condition, a condition restricting the hours of use of the unit and a condition restricting outdoor activities associated with the unit. It would be reasonable to attach similar conditions to the current proposal. Whilst these conditions will not have any impact on activities on the wider industrial estate they will help to minimise the impact of the proposed unit.

- 8.8 The closest house to the proposed unit is 11 The Nursery which will be 34m from the building; there is an existing yard area that is 28m from no.11, however there is an intervening stable building between no.11 and the yard. The closest house to one of the buildings is 7 The Nursery which is 27m from the existing main building on the industrial estate. The scale and form of the proposed building is comparable to the existing industrial style buildings on the wider industrial estate.

Impact on Conservation Area

- 8.9 The industrial estate is a long established presence in the area and industrial use of the site pre-dates the creation of Mavisbank Conservation Area in 1977. The conservation area originally covered a smaller area than its current boundaries and was expanded in 1992 to cover land on the south side of the valley; the majority of the buildings on the industrial estate were in place at the time that the boundary was extended to include the site.
- 8.10 The building will be of a relatively small scale, when compared to the main buildings on the industrial estate, and will be associated with the established grouping of industrial buildings. Whilst the presence of an industrial estate of this type within a conservation area is an unusual situation the scale and location of the proposed development will ensure that it will not have a detrimental impact on the character of the conservation area when compared to the current situation.

Impact on Green Belt and Special Landscape Area

- 8.11 The proposed development is located on land that forms part of the established economic land supply and the built-up area of Bonnyrigg and Lasswade; it will not result in any encroachment into the existing neighbouring green belt. The site was for many years identified in development plans as being part of the green belt, however the site was removed from the green belt when the MLDP was adopted; this reflects a change in national policy which sought to remove existing areas of development from the green belt.
- 8.12 The industrial estate is clearly visible from the Special Landscape Area (SLA) however the proposed unit will be screened by existing buildings

in views from the SLA and will not have any impact on the special landscape qualities of the identified area. The site was formerly part of an Area of Great Landscape Value; when this designation was replaced by the Special Landscape Areas, via the adoption of the MLDP, the landscape qualities of Midlothian were reviewed and 7 separate SLAs were identified. As an existing long-established use the industrial estate was not considered to be a suitable form of development to be included within an SLA.

Developer Contributions

- 8.13 The floorspace of the building is 231sqm. Midlothian Council does not seek developer contributions for commercial developments of 500sqm or less as the scale of development is not significant enough to warrant developer contributions.

Other Matters

- 8.14 The following matters raised in representations are not material considerations in the determination of the application:
- Procedural matters - neighbour notification was sent to all notifiable addresses within 20 metres of the boundary of the application site. This neighbour notification complies with the statutory requirements set out in regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013; and
 - Fly tipping is a matter for the landowner, the Police, SEPA and other Council services, not a consideration in the assessment of a planning application.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The application site is situated on an industrial estate that forms part of the Council's established economic land supply. The scale and use of the building is compatible with the surrounding industrial estate and with residential properties in the area. The proposal complies with policies STRAT1, DEV2, ECON1 and ENV19 of the Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Prior to development commencing details of a scheme to deal with surface water drainage shall be submitted to and approved in writing by the planning authority. Development thereafter shall comply with the approved details, or such alternative as may be agreed in writing in advance by the planning authority, and the unit hereby approved shall not be brought into use until the surface water drainage scheme is installed and operational.

Reason: To ensure that the development is provided with adequate surface water drainage.

2. No machinery shall be operated, no process shall be carried out, nor shall any storage of materials take place, associated with the business of the occupier of any unit, outwith the building which is the subject of this application.

Reason: In the interest of residential amenity.

3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Reason: In the interest of residential amenity.

4. No machinery shall be operated, no process shall be carried out, nor any deliveries received or dispatched outwith the hours of 8.00am to 8.00pm on Mondays to Fridays, nor outwith the hours of 8.00am to 1.00pm on Saturdays, nor at any time on Sundays.

Reason: In the interest of residential amenity.

5. The use of the building erected on the site shall be for uses within Class 4 (Business) and Class 5 (General Industrial) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and in accordance with these defined uses in any subsequent replacement/amendment order.

Reason: To ensure that the use is compatible with existing uses on the industrial estate.

Peter Arnsdorf
Planning Manager

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| Date: | 13 November 2020 |
| Application No: | 20/00491/DPP |
| Applicant: | AHA Units 2let Ltd, 2 Poltonhall Industrial Estate, Lasswade |
| Agent: | Robert Bloor, Architects Designworks, 3/4 Dun-Ard Garden, Edinburgh |
| Validation Date: | 5 August 2020 |
| Contact Person: | Graeme King |
| Email: | graeme.king@midlothian.gov.uk |
| Background Papers: | N/A |
| Attached Plans: | Proposed location plan, site plan and elevations. |



**Planning Service
Place Directorate**
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EH22 3AA

Erection of building for class 4, 5 and 6 use; formation of car parking and associated works at Poltonhall Industrial Estate, Polton Road, Lasswade



Committed Economic Development Site e30
Poltonhall Industrial Estate

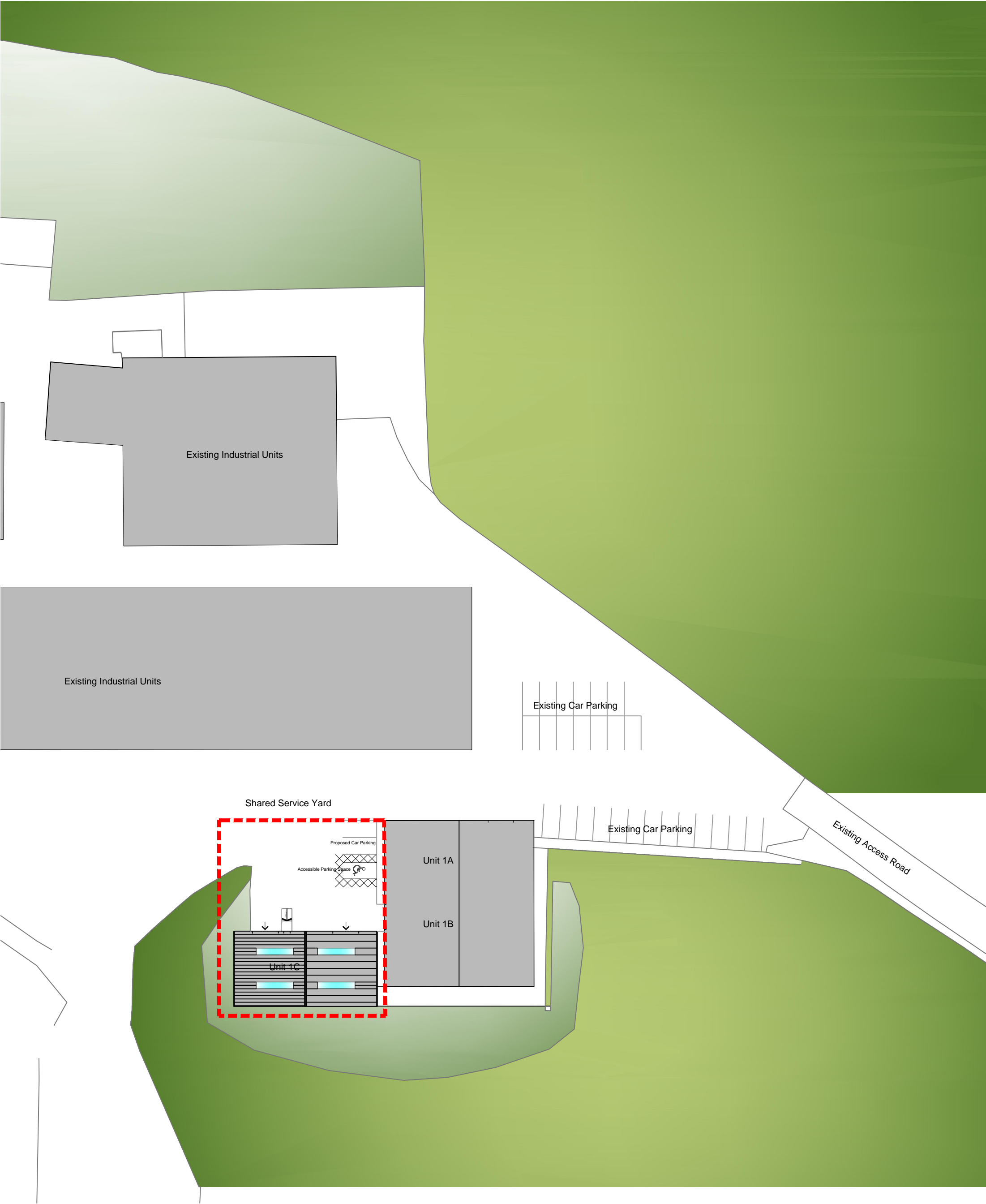
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Scale: 1:1,250





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Project:
Polton Industrial Estate
Polton Road,
Lasswade EH18 1BW

Drawing:

Site Plan

Scale:
1/500 @ A3
Date:
July 20

Drawn:
rb
Dwg No: 3120/L(2)01 Rev:

