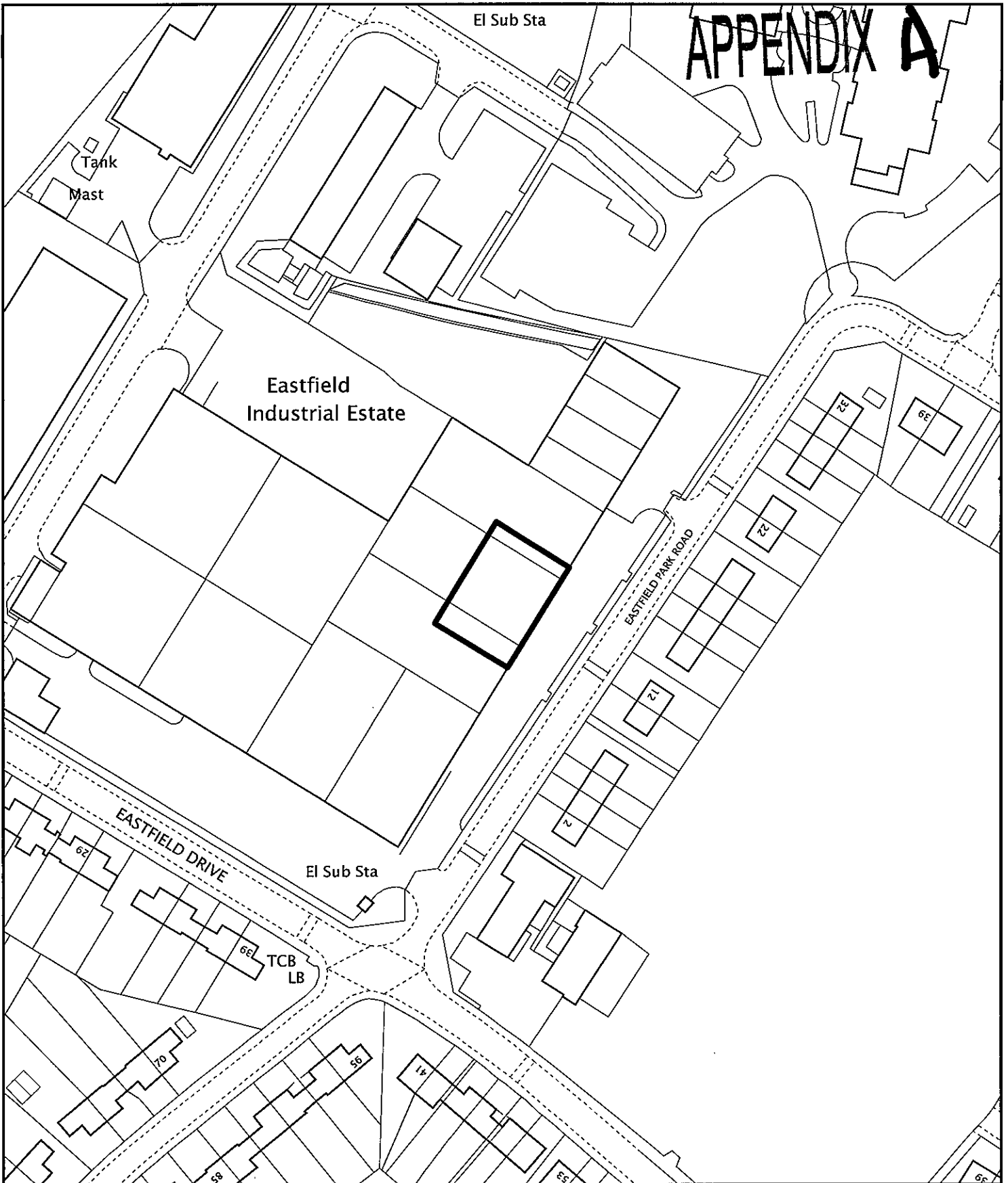


APPENDIX A



Corporate Resources
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

Change of use from general industry (class 5) to dance and fitness studio (class 11) at 98/6 eastfield Drive, Penicuik

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File No. 12/00835/DPP

Midlothian Council Licence No. 100023416 (2013)

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 000054364-002

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: *	Mr
Other Title:	
First Name: *	Alastair
Last Name: *	Ranken
Company/Organisation:	ALEX F NOBLE & SON
Telephone Number: *	01314405353
Extension Number:	
Mobile Number:	
Fax Number:	01314405335
Email Address: *	alastair.ranken@afnoble.co.uk

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

Building Name:	
Building Number:	1
Address 1 (Street): *	SWINTON PLACE
Address 2:	STRAITON
Town/City: *	LOANHEAD
Country: *	UK
Postcode: *	EH20 9FB



Site Address Details

Planning Authority:

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

Address 1: Address 5:

Address 2: Town/City/Settlement:

Address 3: Post Code:

Address 4:

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

Northing Easting

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 FROM GENERAL INDUSTRY TO DANCE AND FITNESS STUDIO AT 98/5 EASTFIELD DRIVE PENICUIK MIDLOTHIAN EH26 8HJ

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.

PLEASE SEE SUPPORTING DOCUMENT SECTION BY COLIN NOBLE PARTNER OF ALEX F NOBLE & SON

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)

LETTER OUTLINING WHY WE SHOULD BE GRANTED CHANGE OF USE. AERIAL PHOTOGRAPH

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00835/DPP

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

11/01/13

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

08/03/13

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

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

Declaration Name: Mr Alastair Ranken

Declaration Date: 25/04/2013

Submission Date: 25/04/2013

Mr Ian Johnson
Head of Planning
Midlothian council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZQ

19 April 2013

Dear Mr Johnson

Refusal of Permission for change of use Reg.No, 12/00835/DPP

We write to appeal against your decision to refuse our "Change of Use" application.

We applied for a change of use for one of our units within Eastfield Industrial Estate which currently lies vacant with no other business interest at present.

At the outset we would like to inform you that when we took over the existing premises it was a derelict factory in a state of severe disrepair and a harbour for local vandals and a large family of pigeons, and of no economic benefit to the area whatsoever.

We have refurbished the factory and split into useable sized units ranging from 2000 sq. ft. up to 13500 sq.ft with varying sizes in between and now have 10 companies who occupy them and in turn employ somewhere in the region of 45 people. We have also been very selective and particular in choosing clients for the units facing the residential area of the street and have steered away from any activities that would offend the residents. Listed below are the current occupants of the units and as you can clearly see the word industrial would appear rather old fashioned in this current climate genuine industrial use has long gone. To give you an example, The Door Centre, who did operate within the estate have closed that side of their business down and the property is up for sale.

We would like to take this opportunity to point out that whilst refurbishing and now that the units are occupied, that the immediate and local residents have been nothing less than complimentary in the fact that they now overlook premises which are now a hive of activity and no longer presented with vacant and disused building.

The change of use application came after the laundry made a request to downsize to reduce their overall costs and secure their long term future which in turn left the vacant space in question.

As explained in our application, the unit has been of interest from a gymnastic centre and dance class, on the basis that they were able to operate from our unit and it is their intention that the facility would create further employment.

Surely you must agree that this is job creation and security for existing employees of the gymnastic club and dance group and fits well with employment opportunities in Eastfield Industrial Estate and Penicuik?

In your reason for refusal in (1) our change of conflict with employment objectives. We would contend that the foregoing explanation clarifies the existing and expanding job creation which would follow a change of use.

Cont'd overleaf/.....

Page 2

In (2) you state that the proposal would likely have significant detrimental impact on the amenity of Eastfield Park Road and neighbouring industrial units. The aerial photographs shows our units and existing outlets adjacent to and in the vicinity of the proposed change of use. As you can see they are commercial operations with high footfall and commercial usage.

Our proposal would be minor compared to these large operators who we welcome to Penicuik as large employers.

In closing, I wish to reiterate that when we took over these units, they were derelict, vacant and in a state of disrepair but now contain 10 companies with around 45 employees.

I would contend therefore that we do know our market and have successfully built up a strong employment/ business base in Penicuik from nothing. Referring back to the aerial view, on that side of the industrial estate, facing the houses, the dance studio would fit well within the current businesses that operate from that side. Nobody would be more welcoming in more industrial usage coming to area, but the harsh realities are that these clients / tenants are not around and surely occupancy is key as businesses attract businesses.

Yours sincerely

Colin Noble

Current Tennants facing the residents are as follows:

Q4 Laundry
Alba Water Distribution
LR Executive Chauffeur Drive
Kay Builders
Lothian Liners
Clarks Speciality Foods / Wholesalers
Walter Boak – Wholesale Butcher/Fishmongers

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:

12/00835/DPP

Site Address:

98/6 Eastfield Drive, Penicuik.

Site Description:

The application site comprises a unit within a large, purpose built, industrial building. This is a single storey building and it has grey profiled metal walls and roof. There is a large roller shutter door on the front elevation. There are business units to either side of the site – the immediate neighbours are a laundrette and a beverage supplier. There is a parking area to the front of the site.

The application site is located within Eastfield Industrial Estate. There are industrial units surrounding the site, with the exception of to the east where there are residential properties facing the site.

Proposed Development:

Change of use from general industry (class 5) to dance and fitness studio (class 11).

Proposed Development Details:

It is proposed to change the use of the existing industrial unit to a dance and fitness studio. The applicants have stated that the site would be used for a small cheerleading and gymnastic facility offering a range of classes. There would be approximately 200 people using the site per week, with opening hours of 2pm-9pm Mondays to Fridays and 9am-9pm at weekends. These hours may be extended depending on the success of the business.

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

11/00271/DPP Unit 5A Eastfield Industrial Estate Extension to industrial unit.
Consent with conditions.

09/00495/DPP Unit 5A Eastfield Industrial Estate Erection of fences and retaining wall and installation of roller shutter doors. Consent with conditions.

00/00089/FUL Unit 5 Eastfield Industrial Estate Change of use from (class 6) warehouse to light industrial (class 4) installation of dust extraction unit, four window openings and fire door. Consent with conditions.

05/00008/FUL 96 Eastfield Drive Change of use from distribution warehouse to family entertainment centre. Refused – see notes below.

Consultations:

Policy and Road Safety Manager has no objection.

The Council's **Environmental Health** section has no objection to the proposal subject to conditions relating to noise.

Representations:

No letters of representation have been received.

Relevant Planning Policies:

Midlothian Local Plan

RP20 Development in the built up area

COMD1 Established economic land supply

ECON4 Storage and distribution and other non-residential uses on existing industrial land and buildings

Planning Issues:

The main issue to be considered is whether the proposal is consistent with the relevant provisions of the development plan and if not, whether there are any material considerations which would justify its approval.

Policy RP20 states that development will not be permitted within existing built up areas where it is likely to detract materially from the existing character or amenity of the area. Policy COMD1 identifies Eastfield Industrial Estate as an established economic land supply for business/general industry.

Policy ECON4 of the local plan states that in exceptional circumstances, and in appropriate locations, non-residential uses can be considered on industrial land where the employment arising from the proposed use is equivalent to a class 4 or 5 use, and provision is made to accommodate traffic generated by the proposed use, and for suitable access without adversely affecting the local area.

It is proposed to change the use of an existing industrial unit, which is located within an established and active industrial estate. There are residential properties opposite the site.

In normal circumstances, the use of this premises for anything other than an office/industrial type use (classes 4 and 5 of the Use Class Order) would not be acceptable and should not be supported. The planning authority must consider,

through this report, whether there are 'exceptional' circumstances which could result in the proposal being supported.

The applicant has submitted a very limited supporting statement. He states:

"The proposed use would be for a small cheerleading and gymnastic facility offering a variety of classes to children, young adults and adults in Midlothian.

The number of users would be 200 per week, with a staff of 10 in total. The hours of opening we envisage would be 2pm-9pm Monday to Friday and weekends 9am-9pm however there hours maybe extended depending on the success of the venture. There are six car parking spaces at the front of the building. A large number would be dropped off and collected, therefore there is no requirement for an abundance of car parking."

The applicant has submitted no information to suggest that the unit is currently vacant and if it is how long it has been vacant for and whether there has been any difficulty in leasing the unit in the past. In addition, the applicant has submitted no details of whether the property has been marketed or if there has been any other interest in the site.

It is worth noting that during the pre-application discussions the planning authority were advised that the unit was being used by the neighbouring laundry firm. This may explain why the applicant has not (or can not) supplied this information.

Given that the applicant has not provided any details with regards the current occupancy status of the building the applicant cannot intend on using the argument of it being uneconomic to have an empty industrial building as a justification for having a non-industrial/business use within the industrial estate.

There are a very low number of vacant industrial sites within Penicuik. The planning authority would be concerned if these units were to be lost from the economic development land supply to a leisure facility use.

The applicant has submitted only very limited information with regards employment figures. There is little evidence to suggest that the use will actually employ 10 people. There are no details of the size of classes and how many people are required to oversee each class. Therefore, it has not been demonstrated, to the satisfaction of the planning authority, that the proposed use will employ a similar number of people as a class 4 or 5 use.

The proposed use of the unit as a dance and fitness studio would result in an uncomfortable mix of uses within an established industrial estate. It appears as though the majority of the users of the proposed dance facility would be children. The planning authority has significant concerns regarding the compatibility of having children being pedestrians within an active and busy industrial estate. It raises safety concerns for both the pedestrians and vehicles accessing the unit as well as the operators of the existing businesses at the site and their vehicles.

Having so many pedestrians accessing the site, many of which will be children, may impact on the desirability of the industrial estate to businesses.

In addition to the potential impact that the high numbers of users accessing the site would have on the existing businesses, the planning authority is also concerned regarding the impact of the proposal on the amenity of the occupiers of the residential properties opposite the site. The proposed development is likely to create significant volumes of traffic during peak periods at the beginning and ends of classes. Any such concentrations of traffic and pedestrians might cause some disturbance and inconvenience to these occupiers. Although these houses face on to an industrial estate which has regular traffic movements, the proposal would result in a high number of users at particular times which is different to the existing situation and could result in the loss of amenity to the occupiers of these properties.

In addition to the above issues, it is worth noting that there was previously a planning application for the change of use of a nearby unit from a distribution warehouse to a family entertainment centre. The family entertainment centre included play equipment for children, soft play, football/basketball court, party rooms, stage and refreshment area. This application was refused by the Planning Committee in 2005 for the following reason:

“The proposal would result in the use of a relatively modern, purpose-built industrial unit on a site within the Eastfield Industrial Estate for a non-industrial activity. The industrial estate is identified as part of the Established Industrial Land Supply in the adopted Midlothian Local Plan, and the proposal would therefore conflict with the objective of policy ECON1 in that plan, which aims to maximise the employment potential of the existing economic land supply. Given the existing shortage of economic development land in Penicuik, the largest settlement in Midlothian, the Council believes that either the building or the site on which it stands should be retained for development for industrial/business purposes and that it would not be in the long term interests of the community to encourage its use for other purposes.”

It has not been demonstrated that there are exceptional circumstances which would lead to the planning authority being able to support this proposal. There is a realistic probability that the site could quite easily be leased by a business which would offer appropriate employment and use of this industrial unit. The planning authority is seriously concerned regarding a proposal which would result in children accessing an active and busy industrial estate, and the resultant safety issues.

These reasons mentioned above, paired with the Planning Committee’s earlier decision to refuse a similar type use at a nearby unit can only lead the planning authority to refuse this application.

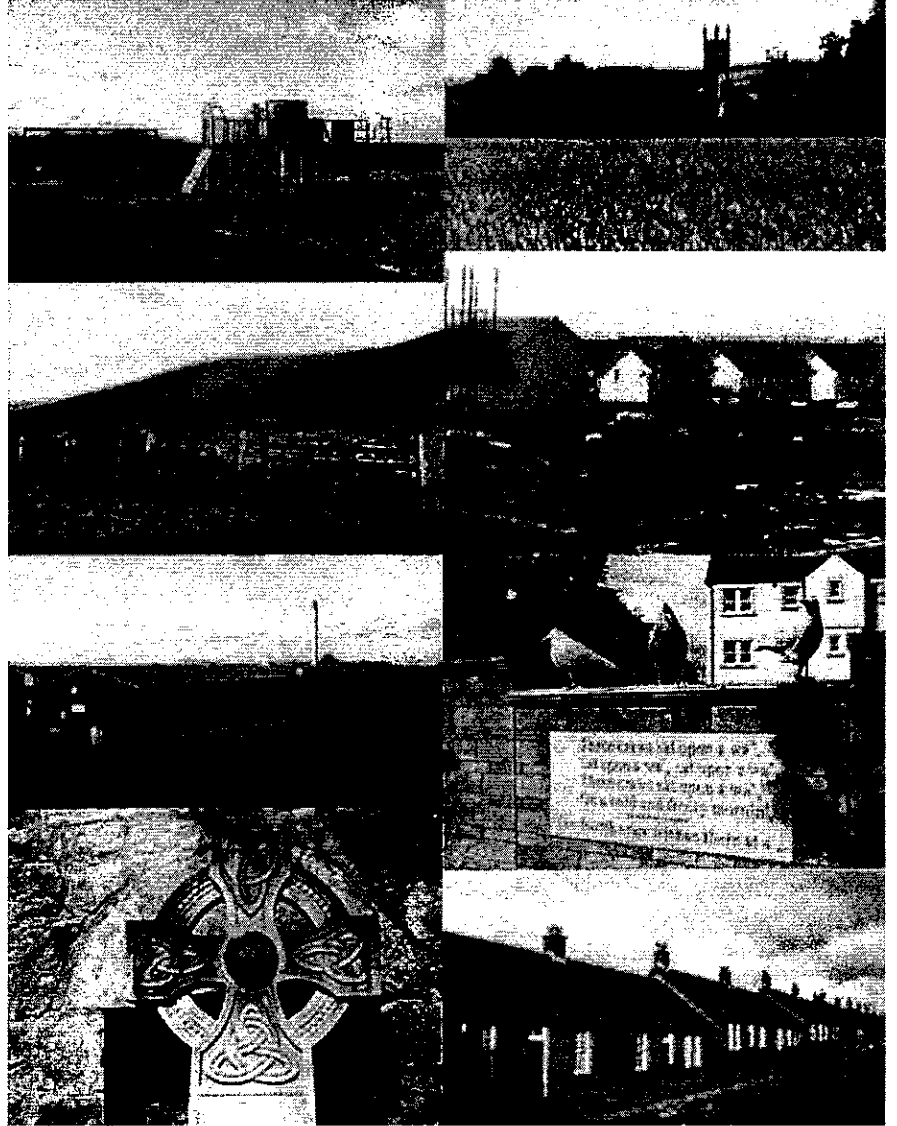
Recommendation:

It is recommended that planning permission be refused.

APPENDIX D

Midlothian Local Plan

MIDLOTHIAN



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

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

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is “to maintain and enhance the quality of the natural heritage and built environment”. In addition, the importance of good design is highlighted as a priority for the planning system, given that “mistakes cannot be easily or cheaply rectified”.

2.2.2 SPP 3 Planning for Housing (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that “infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas”. It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

3.1 Committed Development

Policy Title

COMD1 COMMITTED DEVELOPMENT

3.1.1 Background. In 2003, the now superseded Midlothian and Shawfair Local Plans were adopted. These plans allocated land for about 9,000 houses and over 70 hectares of economic development land, and included the creation of a new community at Shawfair as part of the South-East Wedge strategic release of Green Belt in accordance with the Lothian Structure Plan 1994. The policies and proposals contained in the 2003 Local Plans were the subject of consultation and major public local inquiries prior to adoption. As well as allocating land to meet the strategic requirements of the Lothian Structure Plan 1994, they set out a framework for the delivery of affordable housing, infrastructure, facilities and a wide range of other key developments.

3.1.2 Para. 1.3.6 explains that delays have occurred in the commencement of development on a number of these sites. This has been linked to factors such as the need to resolve complex infrastructure constraints and to finalising legal agreements. However, good progress is being made, and the housing audit process confirms that house completion rates have risen.

3.1.3 These committed development proposals remain important to Midlothian's future. Given that the policies and proposals of these two Local Plans were the subject of detailed scrutiny, and they continue to be afforded support by the ELSP 2015, these committed proposals are rolled forward in this replacement Local Plan. The purpose of policy COMD1 and Appendices 1 and 2, as explained in para 1.3.13, is to confirm that all committed development proposals, the developer contributions required in association with them, and the existing policies and proposals which apply specifically to the Shawfair new community and the expansion of Danderhall, continue as commitments in the context of this Local Plan.

COMD1 COMMITTED DEVELOPMENT

Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing requirements, as listed in Appendix 1 and identified on the Local Plan Proposals Map*. These include:

- ❖ sites in the established housing land supply, including the provision of affordable housing as specified for inclusion within particular sites in the base land supply (Appendix 1A.1-1A.3)**;
- ❖ sites in the established economic land supply (Appendix 1B) (refer also to policy ECON4);
- ❖ the Shawfair new community, and expansion of Danderhall, as detailed in the Shawfair Masterplan and Design Guide, and including Shawfair town centre and the redevelopment of the former Monktonhall Colliery site (refer to the Local Plan Proposals Map for the defined area and Appendix 2 for relevant detailed policies and proposals);
- ❖ the site for the Midlothian Community Hospital at Bonnyrigg/Eskbank;
- ❖ sites allocated for new primary schools as listed in Appendix 1C;
- ❖ consented sites for the provision of park and ride facilities at Sheriffhall (extension);
- ❖ the extension of the Drummond Moor landfill site in connection with the provision of a Waste Management Complex (provided it can be shown to contribute to the Best Practicable Environmental Option for Municipal Waste);
- ❖ essential infrastructure required to enable development sites included in the established housing and economic land supply to be implemented (Appendix 1D); and
- ❖ leisure and community facilities to meet deficiencies exacerbated by the additional housing arising from sites included in the established housing land supply (Appendix 1E).

* Shown on Local Plan Proposals Map.

** For housing sites listed in Appendix 1A.2, there is a requirement for the provision of 5 -10% affordable housing units, an estimate of which is included in the site capacities identified. For sites listed in Appendix 1A.3, there is a requirement for the provision of 20% affordable housing units, included in the site capacities identified. Levels of affordable housing provision will be agreed through negotiation between the Council and the developer/ landowner. These may be adjusted where the Council is satisfied that this has been fully justified.

APPENDIX 1B ESTABLISHED ECONOMIC LAND SUPPLY As at March 2006

Map Ref	Site Name	Town	Class
General industry/business use			
e1	Eastfield Industrial Estate	Penicuik	Business/General Industry*
e2	Eastfield Farm Rd Industrial Estate	Penicuik	Business/General Industry*
e3	Bilston Glen	Loanhead	Business/General Industry
e4	Pentland Industrial Estate	Loanhead	Business/General Industry*
e5	Edgefield Industrial Estate	Loanhead	Business/General Industry*
e6	Engine Road	Loanhead	Business/General Industry*
e7	Straiton	Loanhead	Business Use
e8	Nivensknowe	Loanhead	Business/General Industry ²
e9	Burghlee	Loanhead	Business Use ³
e10	Thornycroft Industrial Estate	Dalkeith	Business/General Industry ⁷
e11	Hardengreen Industrial Estate	Dalkeith	Business/General Industry
e12	Whitehill Business Centre	Dalkeith	Business Use*
e13	Grannies Park	Dalkeith	Business Use*
e14	Salter's Road/Thornycroft	Dalkeith	Business/General Industry
e15	Sherwood Industrial Estate	Bonnyrigg	Business/General Industry
e16	Hopefield	Bonnyrigg	Business/General Industry
e17	Mayfield Industrial Estate	Mayfield	Business/General Industry
e18	Easthouses Industrial Estate	Easthouses	General Industry
e19	Butlerfield Industrial Estate	Newtongrange	Business/General Industry
e20	Lady Victoria Business Centre	Newtongrange	Business/General Industry
e21	Stobhill Road	Newtongrange	Business/General Industry
e22	Redheugh	Gorebridge	Business/General Industry
e23	Engine Road	Gorebridge	Storage
e24	Gorton Road	Rosewell	Business/General Industry ⁸
e25	Millerhill Marshalling Yards/ Monktonhall Colliery	Shawfair	Business/General Industry/ Storage and Distribution ⁴
e26	Whitehill Mains	Shawfair	Business/General Industry
e27	Shawfair Park	Danderhall	Business/General Industry ⁶
e28	Hunter's Yard	Danderhall	Business/General Industry

Policy Titles

ECON3 WORKSHOP HOMES**ECON4 STORAGE AND DISTRIBUTION AND OTHER NON-RESIDENTIAL USES ON EXISTING INDUSTRIAL LAND AND BUILDINGS****ECON5 INDUSTRIES WITH POTENTIALLY DAMAGING IMPACTS****ECON6 OFFICES**

3.3.23 Structure Plan Policy The ELSP 2015 recognises that a range of employment opportunities arises from a broad economic base. This requires the availability of premises and sites to cater for a wide range of business and industrial needs.

3.3.24 The Structure Plan allows for the emergence of secondary office/business centres within the northern end of Midlothian's CDAs. It also considers that office development can be supported on business or industrial land identified as suitable in local plans.

3.3.25 Local Plan Policy Policy ECON3 makes provision for a type of small business enterprise which can make an important contribution to local job prospects. Workshop homes can foster such small-scale businesses, including those that can be operated successfully from the home with some provision for storage or operational premises.

3.3.26 Policies ECON4 and ECON5 address the problems of identifying sites capable of accommodating storage and distribution uses (Class 6) or other operations with special requirements which may be classed as 'bad neighbour'. Whilst promoting the implementation of all sites within the established economic land supply (refer to Appendix 1B for details), policy ECON4 recognises that, with certain provisos, there may be some scope to identify opportunities for storage and distribution uses within the established supply. Policy ECON5 sets out the parameters for assessing development proposals which may potentially have damaging impacts in environmental terms.

3.3.27 Policy ECON6 directs the provision of office accommodation to the main communities of Midlothian.

ECON3 WORKSHOP HOMES

Workshop home proposals will be permitted where they accord with all relevant Local Plan policies and proposals and the following criteria are met:

- A. the business can be conducted without detriment to local residents with regard to noise, disturbance, traffic movement, visual intrusion and other forms of pollution;
- B. suitable access, parking, and services are available; and
- C. the proposal does not include any retail use.

Permission will be subject to appropriate conditions and, where necessary, legal agreements, to prevent any intensification of business use which may result in problems for the surrounding area. In exceptional circumstances, planning permission may be made personal to a particular applicant, because of the specific circumstances of his/her proposed business use.

ECON4 STORAGE AND DISTRIBUTION AND OTHER NON-RESIDENTIAL USES ON EXISTING INDUSTRIAL LAND AND BUILDINGS

Policy COMD1 continues to seek the early implementation of all committed development sites in the established economic land supply (as listed in Appendix 1B). In exceptional circumstances and in locations close to the strategic road network, consideration may be given to a storage and distribution use (Class 6), or other non-residential use, on such sites and on existing industrial land and buildings, subject to the following criteria being met:

- A. the level of employment arising from the proposed use is equivalent to Class 4 or Class 5 uses;
- B. there is no loss of land identified for research and development / knowledge-based industries; and
- C. provision is made to accommodate traffic generated by the proposed use, and for suitable access, without adversely affecting the local area.

ECON5 INDUSTRIES WITH POTENTIALLY DAMAGING IMPACTS

Proposals for industrial developments of a kind which may give rise to environmental problems will be assessed with regard to relevant Local Plan policies and proposals, and to expected economic benefits and any benefits of locally harmful industrial operations to the wider environment. The Council will require to be satisfied that any such site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impact, and not primarily because of the availability of the land to the intended developer or operator. Developments of this nature will require to be screened and operational conditions are likely to be imposed.

ECON6 OFFICES

Office development will be permitted on appropriate sites within the main communities of Midlothian, providing the proposal accords with all relevant Local Plan policies and proposals and there is satisfactory access to public transport.

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

APPENDIX E

Reg. No. 12/00835/DPP

Alex F Noble & Son
1 Swinton Place
Straiton
Loanhead
EH20 9FB

Midlothian Council, as Planning Authority, having considered the application by Mr Alastair Ranken, 1 Swinton Place, Straiton, Loanhead, EH20 9FB, which was registered on 11 January 2013 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from general industry (class 5) to dance and fitness studio (class 11) at 98/6, Eastfield Drive, Penicuik, EH26 8HJ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		11.01.2013
Supporting statement		11.01.2013

The reason(s) for the Council's decision are set out below:

1. The proposal would result in the use of a modern purpose built industrial unit within the Eastfield Industrial Estate for a non-industrial activity. The industrial estate has been identified as part of the Established Economic Land Supply in the adopted Midlothian Local Plan and the proposal would therefore conflict with the objectives of policies COMD1 and ECON4 of that plan. Given the limited amount of economic development land in Penicuik, it is considered that the unit can be retained for development for industrial/business purposes.
2. The proposal is likely to have a significantly detrimental impact on the amenity of the occupiers of the dwellinghouses on Eastfield Park Road and neighbouring industrial units through the high amounts of users, both pedestrian and vehicular, accessing the application site, which would be contrary to policy RP20 of the adopted Midlothian Local Plan.

Dated 8 / 3 / 2013



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

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

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

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

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

Making comment on an application

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

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

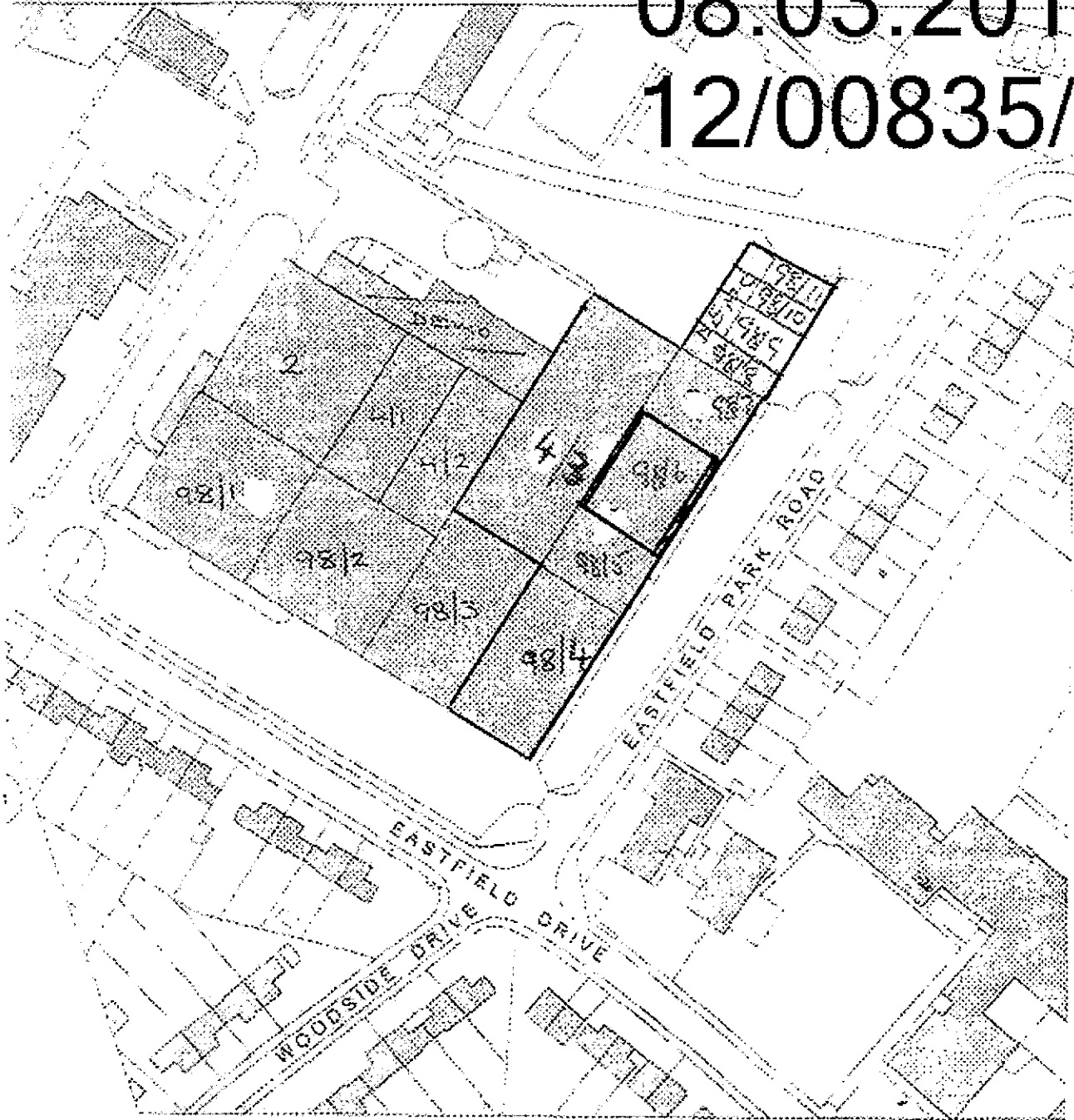
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APPENDIX F

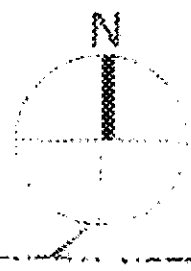
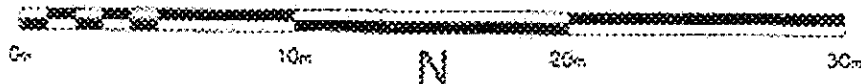
REFUSED

08.03.2013

12/00835/DP



EASTFIELD INDUSTRIAL ESTATE, PENICUIK - LOCATION PLAN



DATE	23 NOV 2009
FILE	
PROJECT	
FRAMES	

