

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 4 February 2020

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **19/00692/PM**

Proposal Erection of building for visitor's centre/exhibition/cafe/shop and associated works

Location **Museum Of Flight  
East Fortune  
Athelstaneford  
North Berwick  
East Lothian  
EH39 5LF**

Applicant National Museums of Scotland

Per Hoskins Architects

**RECOMMENDATION** **Consent Granted**

## **REPORT OF HANDLING**

### **PROPOSAL**

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This planning application relates to a 2.51 hectare area of land located within the East Lothian Countryside as defined by Policy DC1 of the adopted East Lothian Local development Plan 2018 to the south of the existing National Museum of Flight.

The application site is bound to the north by an area of woodland, Big Wood, with the access road and National Museum of Flight site beyond, to the west by an area of woodland and to the east and south by agricultural land. The northern woodland strip G02 and Big Wood G26 are both recorded in the Ancient Woodland Inventory Scotland as Long Established (of plantation origin) woodland. Big Wood (G26) is also protected by Tree Preservation Order Number 22 – Gilmerton Estate, Woodland W1.

The National Museum of Flight is located within the south east corner of the former East Fortune Airfield which is a Scheduled Ancient Monument (SM4804). The application site abuts the south boundary of the Scheduled Ancient Monument and thus is outwith its boundary.

The application site is located within the Gilmerton House Local Garden and Designed Landscape with the northern part of the site comprising part of the ancient woodland within Sunnyside Strip and the southern part of the site comprising part of an arable field.

Planning permission is sought through this application for the erection of a large portal building to serve as a new visitor's centre/exhibition/café/shop and associated works including a large car park as an extension to the existing facilities and exhibition space of the Museum of Flight.

The proposed building would be a large hangar type building located on the eastern part of the application site with the western part of the site hard surfaced to provide parking and access to serve the proposed building.

The proposed building would have a largely rectangular footprint and would measure some 150 metres by some 43 metres and would have a flat roof. The application site slopes gently to the south. The building has been designed using the site topography to allow for the formation of a lower ground area for the exhibition area space for the aircraft to be provided. However, when viewed from the north that lower ground floor of the building would not be visible. Therefore the northern component of the building would be some 13 metres in height above ground level but the southern part of the building would at its tallest point be some 17.5m in height above ground level.

The proposed building would largely be finished in dark grey/black profiled and flat metal cladding. However, the main entrance which would be in the north elevation of the building would comprise a large glazed curtain wall with a glazed revolving door entrance within it. Above the curtain wall would be a section of translucent polycarbonate cladding panel above. The south elevation of the building would also contain a glazed curtain wall at ground floor level with a glazed revolving door entrance within it. It would also have a section of translucent polycarbonate cladding panel above. The east elevation of the proposed building would contain 7 aluminium fire escape doors at various points within the building, along with 2 fire escape stairs which would be enclosed with metal mesh weather protection screens, a large aluminium framed window is proposed within the southern part of the east elevation of the building along with 4 ventilation louvres. The south elevation of the building would contain a maintenance access door, 2 ventilation louvres and a fire escape stair enclosed with a metal mesh weather protection screen.

The proposed building would be accessed from the existing access road which currently serves the existing National Museum of Flight site which runs to the immediate north of the application site. A new access off this existing access road would be formed in the north western corner of the application site to serve the proposed building and new visitor car park.

In September 2018 a proposal of application Notice (Ref: 18/00006/PAN) was submitted on behalf of the National Museum of Scotland.

The PAN was agreed with East Lothian Council and The National Museum of Scotland undertook two pre-application consultation events to disseminate information about the proposed application to the local community. These events took place on 18 September and 24 October 2018 with the events attended by some 25 and 20 people respectively.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls under the development description Schedule 2, Part 10 (Infrastructure Projects) of the EIA (Scotland) Regulations

2017, in that it is for the erection of an approx. 5,700 sqm building to create a new visitor's centre, aircraft storage space and associated facilities, together with car parking for around 140 vehicles along with coach parking and additional overspill parking, being a development which may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA.

On 9th September 2019 the Council issued a formal screening opinion to the applicant. The screening opinion concluded that it is East Lothian Council's view that the proposed development by virtue of its characteristics, location and characteristics of the potential impact, is unlikely to have a significant environmental effect to the extent that an expert and detailed study through EIA is needed to properly assess any effect. Whilst it is considered that the development would require robust assessments and possible mitigation in respect of a number of issues, it is the opinion of East Lothian Council as planning authority that the proposed development does not constitute 'EIA development' under the terms of the EIA regulations. As such it is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

The applicant's agent has submitted a number of documents in support of the planning application including a Design and access Statement, a Planning Statement, Travel Plan Framework, Heritage Impact Assessment, Ecological Appraisal, Archaeology Report, Tree Survey, Arboricultural Impact Assessment, Bat Survey, and Landscape Strategy Report.

The Design and Access Statement advises that:

'the proposed development will create a purpose built display space with associated visitor facilities. The project aims to conserve aircraft currently on external display and to meet the aspirations of National Museum of Scotland to improve upon the visitor experience and create a new gateway to the National Museum of Flight and Scheduled Monument airfield.

In addition to rescuing historically important aircraft, and showcasing the Museum's unseen collections and the fascinating stories behind them, it will:

- O Relocate key visitor facilities such as the public entrance, car parking, shop and café from the Scheduled Ancient Monument to the new development.
- O Enable anachronistic temporary buildings and car-parking to be removed from the Second World War airfield
- O Enable the reimagining of the Second World War airfield, bringing its historic significance to life for visitors and enhancing their experience.
- O Encourage a wide range of people to become involved in the heritage that has shaped their lives and communities, through learning, training and volunteering opportunities both on the site and throughout Scotland. The designs will be shaped by their involvement.'

The Planning Statement submitted in support of the application concludes: 'that there is an operational requirement for the proposed hangar, in order to accommodate the existing aircraft which are currently in a bad state of repair, due to being located outdoors. The proposed new building is located next to the existing Museum of Flight which has been an established existing use in the Countryside since 1975. The Planning Statement concludes that the proposed development is considered to be in accordance with relevant policies of the ELC Local Development Plan.'

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations

indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

Relevant to the determination of the application are Policies DC1 (Rural Diversification), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP1 (Landscape Character), DP2 (Design), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), NH8 (Trees and Development), T1 (Development Location and Accessibility), T2 (General Transport Impact) and SEH2 (Low and Zero Carbon Generating Technologies).

Also material to the determination is The Scottish Government's Policy on "Control of Woodland Removal: February 2009."

The Scottish Government's Policy on Control of Woodland Removal states:

- There is a strong presumption in favour of protecting Scotland's woodland resources;
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits;

It states that these public benefits include where the proposals are required to support Scotland as a tourist destination. In those instances compensatory planting may be required.

## **REPRESENTATIONS**

A total of 13 written representations have been received to this application. All 13 of these written representations make objections to the proposed development. The main grounds of objection are:

- i) Destruction and loss of ancient woodland contrary to both local and national planning policy;
- ii) Loss/Blocking of public footpath;
- iii) Loss of prime farmland;
- iv) Scale of the building imposing on the skyline;
- v) No detailed plan of re-plantation;
- vi) Loss of environmental habitat;
- vii) The building is proposed for a café, shop etc, there is already a café and shop located at the Museum of Flight and there are also cafes, coffee shops etc located close to this area and therefore it is unnecessary for another coffee shop;
- viii) There is substantial ample ground within the existing Museum of Flight to accommodate this development and as such there is no necessity to destroy ancient woodland;
- ix) Increase of vehicular traffic on the roads associated within the area. These roads are already struggling to cope with traffic volume at present without further increases;
- x) Statement that the proposed use is an existing use within the countryside is blatant nonsense, the fact that the proposed site may be in the same ownership as the museum is wholly irrelevant in terms of land use;
- xi) Serious omission of the proposal in not evaluating the impacts on a very significant route for walking and off-road cycling;
- xii) Building would be set back a considerable distance from the site entrance and as such in no way could it form a gateway feature;
- xiii) Proposed compensatory planting along the eastern edge of the development however this is not specified and will take 20+ years to develop biodiversity and visual screening and hence it will be largely ineffective for an extended period of time;
- xiv) Not a great deal of detail provided about the sustainability of the development from an

economic perspective. The estimates of additional visitor numbers seem extremely optimistic;

xv) Visual and landscape impact assessments are not adequately detailed for a building of this scale;

xvi) Building would be a dominant feature in the landscape;

xvii) Removal of mature trees would not result in significant public benefits and although replacement trees are to be planted they would take many years to become as efficient as the older trees in mitigating climate change through absorption of CO<sub>2</sub>. In the light of East Lothian Council's acknowledgement of the challenge of Climate Change in its recently issued draft Climate Change Strategy, and the Scottish Government's undertakings to combat the Climate Emergency, this aspect of the plan appears weak and out of date

xviii) Proposal does not sufficiently favour active travel and public transport rather than cars as a form of movement. Application says that the proposed development will increase visitor numbers by an estimated 16%, but it does nothing to positively encourage more visitors to make the journey by train or bus;

xix) it makes no sense at all, to encourage folk to travel out to a centre which by its construction and the destruction of the plants and trees around it, will contribute to increased emissions and add to the emissions these aircraft have already been responsible for.

The matter of the need for another café and shop is not a material planning consideration in the determination of this planning application.

### **COMMUNITY COUNCIL COMMENTS**

There have been no Community Council Comments received to the planning application.

### **PLANNING ASSESSMENT**

The application site is part of a larger area designated as countryside by Policy DC1 of the adopted East Lothian Local Development Plan 2018 (ELLDP 2018). Policy DC1 amongst other things states that development in the countryside will be supported in principle where it is for businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

The National Museum of Flight is a long established tourism use. It has been operating from its existing countryside location within the East Fortune Airfield Scheduled Monument for a considerable number of years. It is one of East Lothian's leading visitor attractions.

**The Council's Economic Development and Strategic Investment Manager** is supportive of the application as it pertains to the redevelopment of the existing successful National Museum of Flight in order to save historically important aircraft; to bring the historic Second World War airfield to life for visitors; to help support creative community engagement and volunteering projects; to enable the most significant collection of Jet Age commercial passenger material to be put on display and provide a permanent home for Scotland's Concorde; to create a Scotland-wide National Programme to develop partners' skills and capacity; to drive additional employment opportunities and further tourism development. In so doing economic development will be improved, visitors attracted and retained, and jobs created and safeguarded, especially in tourism, a significant sector of the East Lothian economy. The National Museum of Flight is one of the county's leading attractions and supports a number of national and local economic development initiatives.

The adopted East Lothian Local Development Plan 2018 states that all leisure and tourism related development proposals, including visitor attractions, hotels and holiday accommodation, will be assessed against all relevant Local Development Plan policies. The proposed scheme of development would facilitate the erection of a new display and visitor centre building to serve the National Museum of Flight which is an established tourist attraction within the East Lothian Countryside attracting considerable numbers of visitors and tourists to East Lothian. The proposed building would enable the National Museum of Flight to

upgrade the existing facilities and overall visitor experience of the attraction. Additionally it would enable the long term protection and maintenance of a number of historically important aircraft which would as a result of the proposed scheme of development be able to be relocated and exhibited indoors for the public to view. The tourism, financial and economic benefits that the proposed scheme of development would bring to the National Museum of Flight and in turn the surrounding East Lothian towns and county as a whole should be taken into consideration.

Therefore, and subject to the proposal being acceptable on other relevant planning policies and in considering other material considerations, the proposed use of the site as part of the exhibits and facilities comprising the National Museum of Flight, would not be contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The proposed scheme of development would facilitate the upgrading of the existing Museum of Flight facilities. The proposed new building would allow for aircraft currently stored outdoors to be housed and exhibited in a new purpose built building. It would also be used to exhibit Concorde which would be moved from its existing hangar building within the existing National Museum of site to the new proposed building. The existing hangar building which currently exhibits Concorde would be reused to house other aircraft which are currently displayed outdoors. The proposed building would be located outwith, but immediately adjacent to the existing National Museum of Flight site within the East Fortune Airfield Scheduled Monument. As such the new purpose built display and visitor centre building would in its proposed position expand the footprint of the Museum of Flight boundary and allow for its continued operation and expansion.

The floor plans submitted with the application indicate that the basement level of the proposed building would provide the main exhibition hall and would accommodate Concorde, and 3 other important historical aircraft a Viscount, BAC 1-11 and Comet. The ground floor, entrance level, of the building would provide the entrance foyer, shop, a Story of Flight display, Male and Female toilets, an accessible toilet, an Office, a cleaners cupboard, lift, stair and a visitor viewing platform/walkway for the aircraft. The first floor of the building would accommodate a visitor café with servery, Male and Female toilets, Staff/Tea preparation area/room, accessible toilet, lift, stair and void over the foyer in which a further aircraft would be displayed.

The proposed display and visitor centre building would be a large hangar type building that due to its size, scale and positioning would be impossible to screen completely. However, the trees located to the west of the application site in Big Wood would provide a degree of screening from the west and would provide a backdrop to the building in views from the east. A number of trees along the eastern boundary of the application site are proposed to be retained. Therefore and with additional supplementary planting proposed to be undertaken this would provide some visual relief of the building in views of it from the east. The southern part of the site is to be planted with a wooded area to compensate for the trees which are to be felled along the northern boundary. This planting, while taking a number of years to reach maturity would provide some visual relief in views from the south.

The National Museum of Flight is located to the north of the application site and contains a number of buildings and aircraft hangars of varying sizes and heights. The proposed new display and visitor centre building would be larger and higher and would have a greater massing than those existing buildings. However, it is a building designed for its function to house and display aircraft as part of the National Museum of Flight and thus is a building that is required to be of a large size and scale. Furthermore, it would be finished externally in a subtle and appropriate palette of materials in keeping with the colours and finishes of the existing buildings of the Museum of Flight. When seen in its context, as part of the Museum of Flight, it would be a building appropriate for its setting. Therefore, with the screening provided by the existing woodland and also with the visual relief provided by the proposed compensatory

planting, then on balance the building would not appear as such an unacceptably large, isolated or incongruous feature in its landscape setting. As a building appropriate to its setting it would not be contrary to Policy DP1 or DP2 of the ELLDP 2018.

The proposed car park would be well contained between the west side of the proposed new building and to the east side of woodland of Big Wood that is to be retained. Thus whilst a large expanse of hardsurfacing, given its position and with appropriate compensatory planting and landscaping the proposed car park would not appear unduly prominent in its landscape setting. It would not be contrary to Policies DP1 or DP2 of the adopted ELLDP 2018.

In their visual relationship with and as part of the Museum of Flight and with the screening provided by the retained woodland and compensatory planting the proposals would not be seen to significantly harm the elements justifying the designation of the Gilmerton House Local Garden and Designed Landscape. Thus the proposals are not contrary to Policy CH6 of the ELLDP 2018.

The application site is located to the immediate south of the access road that serves the existing National Museum of Flight. The southern part of the site is currently in use as arable farmland with the northern part of the site comprising part of the ancient woodland within Sunnyside Strip. A number of trees are also dispersed along the eastern boundary of the application site.

To facilitate the development an area of existing arable farmland which comprises the southern part of the application site would be developed.

Policy NH7 presumes against the loss of prime agricultural land unless a number of criteria are met. This includes if the land is required for an appropriate development in the countryside, including that which is directly linked to a rural business. In this instance the loss of prime agricultural land is required to facilitate the upgrading of the visitor and exhibition facilities at the National Museum of Flight an established tourist and business attraction within the East Lothian countryside. Furthermore as the Museum of Flight is itself located within the south-eastern corner of the East Fortune Airfield, Scheduled Monument (SM4804), then if the proposed building were to be located within the existing National Museum of Flight site boundary such development would harm the East Fortune Airfield, Scheduled Monument (SM4804). Therefore, as the proposal is directly linked to an existing rural business and as no other suitable site is available within the existing Museum of Flight site boundary the proposed scheme of development is not contrary to Policy NH7 of the adopted ELLDP 2018.

A Tree Survey and Arboricultural Impact Assessment and Arboricultural Method Statement Report has been submitted in support of the application. It concludes that the erection of the new building and associated car park would require the felling of an area of some 0.64 ha (299 trees) of woodland. The majority of these trees would be located within the northern part of the site within an area of the Sunnyside Strip measuring some by 115 metres by 46 metres and comprising a number of different species of varying age composition. This would include the removal of some of the Ancient Woodland of Sunnyside Strip.

The Arboricultural Impact Assessment and Arboricultural Method Statement Report proposes an area of compensatory tree planting to compensate for the loss of woodland. A minimum replanting area of some 0.7 ha (113 metres by 66 metres) with circa 780 trees planted would be undertaken within the southern part of the application site to compensate for the felled trees in Sunnyside Strip.

The development has been amended to be sufficiently far away from the trees of Big Wood to ensure they would not be affected by the development.

Part b (i) of Policy NH8 of the ELLDP 2018 does not support the removal of Ancient Woodland. However the same part of that Policy states that “Development affecting trees or groups of trees or areas of woodland will be permitted where its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal”. The proposed loss of woodland would, in this instance, be to facilitate the expansion of an important tourist facility within East Lothian. This in turn would support Scotland as a tourist destination. Therefore and as an area of compensatory planting is proposed that would be of a size similar to the area of felled woodland, the proposal is not contrary to the guidance within The Scottish Government’s Policy on Control of Woodland or Policy NH8 of the ELLDP 2018.

**The Council's Landscape Project Officer** has appraised the Tree Survey and The Arboricultural Impact Assessment and Arboricultural Method Statement Report. He has advised that the submitted landscape plans have been amended during the determination process of the application to address previous concerns raised by him. The Council's Landscape Officer has advised that whilst the proposed scheme of development cannot be supported on landscape grounds he acknowledges that the loss of trees and the impact of the building on the landscape has to be weighed against other relevant planning considerations, including those that would ensure the development and continued operation of the Museum of Flight as a major tourist attraction in East Lothian. He advises that the proposed compensatory planting would go some way to replacing the felled woodland, and potentially would improve the mix and condition, and thus could enhance the condition of the woodland in the area.

In addition to the compensatory tree planting it is also proposed that detailed landscaping would be undertaken around the application site. This would include around the proposed car park where new shrubs and hedge planting would be undertaken. It is also proposed to form a mounded landscaping features along the northern boundary of the application site. This landscaping would provide visual relief and soften the visual impact of the proposal on the landscape.

The Council's Landscape Project Officer advises that if planning permission is to be granted for the proposal that conditions should be attached to any grant of planning permission requiring the submission of detailed landscape planting plans and maintenance plans plus timescales for planting to be submitted for the planning authorities approval. This matter could be controlled through a condition of a grant of planning permission.

Section 2.3 of the Arboricultural Impact Assessment has also taken account of the matter of carbon sequestration which is the long term removal, capture or sequestration of CO<sub>2</sub> from the atmosphere to mitigate or reverse global warming. As the proposed compensatory planting would, in the long term, enhance the woodland in the area, such replanting would balance the loss of carbon sequestration caused by the woodland removal. Thus the proposals, provided there is compensatory planting, would not conflict with the council's declaration of a Climate Change Emergency.

**Scottish Natural Heritage** have advised that they have no comment to make on the application as the proposal would not present any natural heritage implications.

**The Council's Biodiversity Officer** has assessed the Ecological Appraisal report submitted with the application. She advises that much of the development site is arable fields which have limited biodiversity value. Some woodland habitat however will be lost during construction. She further advises that the Council has no records for the development site, and the development is not within or adjacent to any designated sites. She notes that the Ecological Appraisal was submitted with the application and which was based on extended phase 1 habitat survey, and undertaken by a suitably qualified ecologist and using an appropriate methodology as recommended by CIEEM found no evidence of protected species during the



survey. However she notes that the report identified 15 trees as having potential to support roosting bats and furthermore considered the impact of the loss of woodland habitat on site. She agrees with the conclusions in the report that further investigations will be required before work commences, including (but not limited to):

- \* A site walkover undertaken by a suitably qualified ecologist prior to works starting to ensure the absence of badgers.

- \* A Phase 1 bat survey undertaken by a licenced bat worker to investigate potential roosting features. Where an aerial survey is not possible, emergence surveys will be required to identify potential bat roosts. If bats are found to be roosting on site, a species protection plan must be submitted to demonstrate the impact of the development and identify appropriate mitigation measures. Additionally a licence may be required from SNH prior to works starting.

- \* If it is not possible to schedule works to take place outwith the bird nesting season (April to August inclusive), a nesting bird check should be undertaken by a suitably qualified ecologist.

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Therefore provided a condition is attached to any grant of planning permission that would secure those further investigations prior to works commencing that the Council's Biodiversity Officer does not object to the and the proposal is not contrary to Policy NH5 of the ELLDP 2018.

Access to the proposed new building and visitor centre would be taken off the existing access road which currently serves the existing National Museum of Flight site which runs to the immediate north of the application site. It is proposed that a new access off this existing access road would be formed in the north western corner of the application site to serve a proposed new visitor car park which would be located to the immediate west of the proposed new display building and visitor centre. The proposed car park would provide some 140 car parking spaces including 7 accessible car parking spaces along with a coach drop off bay, cycle parking/storage area and a new public bus stop which is to be relocated from the existing National Museum of Flight site where it is currently located within the Scheduled Ancient Monument.

**The Council's Road Services** have also appraised the application. They, are satisfied that the existing road network will not be adversely impacted by the proposals nor would the proposal would have an adverse impact on pedestrian or road safety. Therefore subject to conditions being attached to any grant of planning permission requiring the submission of: (i) a Construction Method Statement to control works during the construction process and (ii) a Green Travel Plan to encourage sustainable means of travel, the Councils Road Services raise no objection to the application. Accordingly and subject to the imposition of those conditions the proposals are consistent with Policies T1 and T2 of the adopted ELLDP 2018.

**The Councils Access Officer** has appraised the application. He notes that the application site has an existing footpath running across it. He advises that the proposed building will be built upon this path and will also truncate the shelterbelt of woodland that currently runs along the southern boundary of the Museum of Flight. However, provided the new footpath which is shown to be formed on the southern boundary of the site is provided which can reasonably be made a condition of planning permission then the Councils Access Officer does not object to the proposals.

**Scottish Water** raise no objection to this planning application.

**Historic Environment Scotland** (HES) have assessed the proposal and have no comment to make. However, during the determination of the planning application Historic Environment Scotland have since granted scheduled monument consent for works to be undertaken on the East Fortune Airfield Scheduled Monument associated with the scheme of development the subject of this planning application.

**The Council's Archaeology Officer** advises that there is the potential for buried structural remains and features relating to East Fortune Airfield and dating to WWII to survive within the proposed development area. Given this the Council's Archaeology Officer has advised that a condition be attached to any grant of planning permission requiring that a programme of works to mitigate the impacts of the proposed development upon the Historic Environment be required. This matter could be controlled through a condition of a grant of planning permission. Therefore the proposals are not contrary to Policy CH4 of the ELLDP 2018.

**The Council's Environmental Protection Manager** has no comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant all applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

### **RECOMMENDATION:**

It is recommended that planning permission be granted subject to the undernoted conditions.

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings; shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Prior to its use on the building a sample of each of the external finishes of the building hereby approved shall be submitted to and approved by the Planning Authority. Thereafter the cladding used shall accord with the sample so approved unless otherwise agreed in writing by the Planning Authority.

Reason

To safeguard the character and appearance of the building and of the area.

- 3 Other than the trees identified to be removed in the Tree Survey and Arboricultural Impact Assessment and Arboricultural Method Statement Report dated December 2019 by Ecus Environmental Consultants no other trees shall be felled unless otherwise agreed by the Planning Authority.

No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" and as detailed on Figure 3.1 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Protection Plan' Drg. No. 10676-ARB-03 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants, shall be positioned outwith

the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- \_ No vehicular or plant access
- \_ No raising or lowering of the existing ground level
- \_ No mechanical digging or scraping
- \_ No storage of temporary buildings, plant, equipment, materials or soil
- \_ No hand digging
- \_ No lighting of fires
- \_ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

- 4 Prior to commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site, tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall include details of planting along the eastern boundary of the site along with details of the replanting area within the southern part of the site which should accord with the minimum replanting area as shown on Figure 2.1 Arboricultural Impact Assessment Drg. No. 10676-ARB-02 of the Arboricultural Impact Assessment and Arboricultural Method Statement dated December 2019 by Ecus Environmental Consultants. Thereafter the approved scheme of landscaping shall be implemented unless otherwise agreed by the Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure implementation and retention of landscaping important to the amenity of the wider area.

- 5 Prior to the commencement of development a woodland management plan detailing how the trees and woodland on the site shall be managed and maintained shall be submitted to and approved by the Planning Authority. This shall include for the annual inspection of the trees and woodland by a qualified and experience arboriculturist identifying any trees requiring work and thinning and / or new planting works to allow development of a balanced woodland structure. The annual tree inspection report shall be submitted to the Council within one month of undertaking and any tree works identified as required at the annual inspections shall be submitted to and approved in writing by the Planning Authority. Thereafter the details within the woodland management plan docketed to this planning application for all trees and woodlands on the site shall be complied with unless otherwise agreed by the Planning Authority.

Reason

To safeguard the trees and woodland on the boundaries of the site in the interests of safeguarding the landscape character of the area.

- 6 Prior to the commencement of development a long term habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of the proposed planting to be undertaken within the southern part of the application site and along the eastern boundary and should demonstrate the habitat connectivity between Big Wood and Sunnyside Strip and its maintenance. Thereafter the details within the habitat management plan docketed to this planning application site shall be complied with unless otherwise agreed by the Planning Authority.

Reason:

To maximise the ecological connectivity of the proposed scheme of development.

- 7 Prior to the commencement of development an Ecological Report detailing the undertaking and findings of a site walkover by a suitably qualified ecologist to ensure the absence of badgers on the application site shall be submitted to and approved by the Planning Authority.

Prior to the commencement of development a Bat Survey Report detailing the undertaking of a Phase 1 Bat survey by a licenced Bat worker to investigate potential Bat roosting features on the application site shall be submitted to and approved by the Planning Authority. If Bats are found to be roosting on site, a species protection plan must be submitted to demonstrate the impact of the development and identify appropriate mitigation measures. In such circumstances a licence may be required from Scottish Natural heritage prior to site works commencing.

Thereafter an Ecological Clerk of Work (ECoW) shall be employed during the works to monitor the impact of the development on any ecological interests on site.

Reason:

In the interests of safeguarding the ecological interests of the site.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development and shall be implemented until the development of the site is complete unless otherwise agreed by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 9 No part of the development hereby approved shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the Road Services. The GTP shall have particular regard to provision for walking, cycling public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The recommended measures shall thereafter be fully undertaken in accordance with the GTP so approved.

Reason:

In the interest of the promotion of green travel associated with the development hereby approved.

- 10 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 11 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 12 Prior to the commencement of development a schedule of boundary enclosures shall be submitted to and approved by the Planning Authority. Thereafter the boundary enclosures shall be in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the area.

- 13 Prior to the commencement of development details of the new footpath to be formed across the southern part of the site in accordance with drawing ref: P17-013 - AL(00)021 REV: E docketed to this planning permission, including a timetable for its provision shall be submitted to and approved by the Planning Authority. Thereafter the footpath shall be provided in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To ensure the provision of footpath connections in the interests of the amenity of the area.