

REPORT TO: Planning Committee
MEETING DATE: 7 November 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note: This application has been called off the Scheme of Delegation list by Councillor Findlay for the following reason: *Given the high level of publicity that this application has received and the large number of objections it is only right that it should be viewed by the Planning Committee and that residents are given opportunity to outline their objections.*

Note: This application has been called off the Scheme of Delegation list by Councillor Cassini for the following reasons: *There are a considerable number of objections from constituents. As these are the people we were all elected to represent, it is only right that we take the time to examine their objections properly.*

Application No. **23/00911/P**

Proposal Change of use of agricultural land for the formation of two sports pitches and associated works

Location **Land South West of North Berwick High School
Grange Road
North Berwick
East Lothian**

Applicant East Lothian Council

Per East Lothian Council

RECOMMENDATION Consent Granted

REPORT OF HANDLING

SITE CONTEXT

The site of this application is a roughly square shaped area of agricultural land of some 1.8 hectares located to the southwest of North Berwick High School. The site is mainly contained with land safeguarded for educational uses by Proposal NK2: North Berwick High School and Law Primary School Expansion Land of the adopted East Lothian Local Development Plan 2018. The easternmost part of the application site falls within the existing sport pitch of North Berwick High School and therefore on land safeguarded for education and community facilities as defined by Policy SECF1 of the adopted East

Lothian Local Development Plan 2018.

The land of the site is generally flat with a grassed surface. Towards the east of the site is a section of an existing mature hedgerow belt with tree planting that extends from Grange Road to the north. That section of hedgerow forms the existing west and south boundaries of North Berwick High School. To the northeast of the site are the existing sports pitches/ playing fields of North Berwick High School beyond which are the main buildings of the school campus. To the west of the site are areas of housing and associated amenity ground. The site is bounded to the south by agricultural land with the B1347 public road beyond and to the north by further agricultural land.

The land of the application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land.

PLANNING HISTORY

Planning permission has previously been granted for extensions and alterations to the buildings of North Berwick High School.

In May 2002 planning permission (ref: 02/00115/FUL) was granted for alterations and extensions to building and associated works.

In October 2019 planning permission (ref: 19/00538/P) was granted for extension to building and associated works.

In November 2020 planning permission (ref: 20/00984/P) was granted for the formation of a roof over an external courtyard within the grounds of North Berwick High School.

PROPOSAL

Through this application planning permission is sought for the change of use of the agricultural land to form two sports pitches and associated works as an extension to the North Berwick High School campus.

The proposed sports pitches would extend the existing school campus by the addition of the 2 sports pitches to the southwest edge of the existing sports pitches. To integrate the new pitches with the existing pitches and allow oversight of them, it is proposed to remove a 142 meters long section of the hedgerow and tree planting that forms the existing western boundary of the school grounds. The proposed sports pitches would be oriented east to west. It is proposed that the ground area of the proposed sports pitches and grassed areas would be cleared of large stones and surface materials and laid with existing and, where required, imported topsoil over compacted subsoil to facilitate grass planting. The proposed pitches would be set back some 14 meters from the B1347 road at their closest point. Each pitch would be some 113 meters in length and some 60 meters wide and would be separated by a central 4 meters wide grassed strip. Additionally a 4 meters wide grassed safety margin would be laid along each of the north and south edges of the proposed pitches and 3 meters wide grassed strips along the east and west edges. The grassed pitches would further facilitate the provision of a grassed and white-lined running track as required.

The north and south boundaries of the site would be enclosed by temporary 0.9 meters high timber post and wire fences to facilitate the growth of planted mixed species hedges, hedgerow trees and wildflower planting along those boundaries. It is proposed that an area of woodland some 74 meters in length and some 6 meters wide and consisting of mixed species trees and shrubs is planted along a section of the western

boundary of the site to link with proposed north and south boundary planting. The proposed woodland would be enclosed to the west by 0.9 meters high post and rabbit proof galvanised wire mesh fencing. The remaining west boundary to the north would be enclosed by 0.9 meters high timber post and wire fence and hedge planting. A 1.2 meters high timber pedestrian access gate and 1.2 meters high double timber service gates would be formed within those enclosures to the northwest of the application site.

Surface water management would be controlled through the installation of surface drainage and underground pipes draining to an attenuation crate and hydrobrake chamber with connection to existing Scottish Water infrastructure. Proposed finished ground levels would be some 1.8 meters lower than existing at the southwest end of the site, some 1.6 meters lower to the south, some 0.3 lower than existing to the east and some 0.4 meters lower to the north and northwest. Finished ground levels to the northeast of the site would be some 0.3 meters higher than existing.

It is further proposed that a 3 meters wide shared footpath is formed to the south and southwest of the application site to provide pedestrian and cycle access between the B1347 public road to the south and Farquharson Rest to the west. The proposed footpath would extend some 118 meters along the south boundary of the site and for some 42 meters northwards from the southwest corner of the site. It would be constructed of a type 1 sub base, 50mm binder course and 30mm tarmac surface and would tie in with existing footpaths adjacent to the B1347 public road and at Farquharson Rest.

Application drawings inform that the levels of the proposed footpath will range from between some 0.3 meters and some 2.4 meters higher than the proposed sports pitch ground levels to the south and some 2.4 meters higher than the ground levels of the pitches to the southwest. It is proposed that a concrete retaining wall is constructed between the proposed footpath and the sports pitches. The proposed retaining wall would feature ivy planting and would be heightened through the attachment of a 1.5 meters high galvanised steel safety railing for its entire length. A total of five 5 meters high aluminium alloy lighting columns featuring LED top mounted lanterns would be erected at roughly equidistant intervals along the entirety of the proposed footpath.

In addition to application drawings the following documentation has been submitted in support of the application:

- Preliminary Ecology Appraisal (Findlay Ecology Services, August 2023);
- Ground Investigation Report (SKF Ltd, June 2023);
- Landscape Design Statement (East Lothian Council, August 2023);
- Path Lighting Specification; and
- Surface Water Layout

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that 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. The Council's Policy and Projects Section were requested to undertake a screening opinion to establish if an Environmental Impact Assessment (EIA) was required to be submitted as part of the application to identify the environmental effects of the proposals. Policy and Projects have provided no response advising of a requirement for the proposed development and associated works to be the subject of an EIA.

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 adopted National Planning Framework 4 (2023) (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 1 (Tackling the climate and nature crises) 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 6 (Forestry, Woodland and Trees), 13 (Sustainable Transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 20 (Blue and green infrastructure), 21 (Play, recreation and sport) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application.

Also material to determination of the application are Proposals PROP NK2 (North Berwick High School and Law Primary School Expansion Land) and Policies SECF1 (Safeguarded Education and Community Facilities), DP1 (Landscape Character) and DP2 (Design), NH3 (Protection of Local Site and Areas), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), NH8 (Trees and Development), NH11 (Flood Risk), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP.

REPRESENTATIONS

A total of 35 public letters of objection including objections from the North Berwick High School Parent Council, North Berwick Environment and Heritage Trust and Sustaining North Berwick and 6 representations neither objecting to nor supporting the application have been received to the application.

The main grounds of objection and the matters raised in representations are:

- i) removal of hedgerow and trees that provide nature networks and biodiversity, amenity and carbon storage benefits;
- ii) minimal engagement undertaken with local community;
- iii) application is deficient in information which is essential for its determination;
- iv) no information has been provided on calculated carbon impacts of tree/hedge removal and proposed ground and excavation works;
- v) Ecology Report submitted as part of the application is not competent and does not accurately reflect the biodiversity value of the existing hedge and tree planting;
- vi) proposed rugby pitches are not consistent with Sportscotland Guidance on Design of School Playing Fields and do not have adequate run off spaces;
- vii) no detailed scaled drawings of the proposed sports pitches and wider application site have been submitted -the application is accompanied by engineering style drawings not easily understood by members of the public;
- viii) proposed seasonal running track is oversized and can be accommodated within alternative options;
- ix) proposals involve only part of land subject of Proposal NK2 - alternative location for proposed development that fully utilises available land has not been considered;
- x) risk of balls flying out of school grounds onto nearby residential properties and public footpaths
- xi) effect on bats of any ball-stopping nets erected;
- xii) proposed footpath adjacent to existing housing will impact on residential amenity of neighbouring residential properties and encourage anti-social behaviour;
- xiii) proposed footpath lighting will disturb nocturnal nightlife and impact on residential

and visual amenity of the area;

- xiv) proposals will result in farm vehicles accessing land to the north via residential housing developments;
- xv) proposals do not comply with relevant policies as provided within NPF4 and the adopted East Lothian Local Plan 2018 nor are they consistent with the Council's Climate Change Strategy and Tree and Woodland Strategy;
- xvi) no evidence of site notices informing public of proposals;
- xvii) proposed excavation works will compromise structural integrity of residential buildings adjacent to application site;
- xix) proposed sports pitches will result in increased parking in Farquharson Rest;
- xx) council has not been open and transparent and has failed to communicate information on which objections may be raised;
- xxi) a Landscape Design Statement submitted as part of the application fails to identify author/qualifications, makes no reference to public submissions and fails to fully consider the landscape impact of the proposals;
- xxii) proposals are not cost-effective;
- xxiii) proposals display a bias of land use towards rugby, which is mainly played by males, over other sports such as netball and therefore do not promote gender inclusion in sport and activity;
- xxiv) proposals do not provide safe routes to school for access to North Berwick Nursery, Law Primary School and North Berwick High School from the west, north and east;
- xxv) cumulative effect of future planning applications has not been taken into account;
- xxvi) the proposed new rugby pitches will impinge significantly on the existing playing fields within the grounds of North Berwick High School; and
- xxvii) proposed development of footpath will require development on land of the residential property at 18 Farquharson Rest - applicants have failed to serve required Land Ownership Notices on relevant landowners.

The application drawings and information are sufficient to enable the determination of the planning application.

Matters relating to the control and management of antisocial behaviour are controlled by legislation other than that of Planning and are not material to the determination of the application.

Applicants have submitted a detailed drawing to show that the proposed footpath would be constructed at a distance of some 300mm from the boundary of the residential property of 18 Farquharson Rest.

As this is a Local Development type there is no requirement to carry out Pre-Application Consultation before the submission of a planning application. Furthermore, the Council, as planning authority, has published details of the application in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 with relevant neighbours being notified and an advert placed in East Lothian Courier. Therefore the Council as Planning Authority has fulfilled its statutory requirements on the notification and publicity of this planning application.

There is no requirement within planning legislation that requires alternative proposals for the provision of the sports pitches to be assessed or that this proposal is cost effective. This planning application will be determined on its merits in accordance with the Development Plan unless material considerations indicate otherwise.

The applicant has certified that all relevant landowners have been notified of the application.

On the matter of the design of the pitches, that they do not take into account future development, that they will impinge on the existing pitches and that they have a bias towards male sporting use the sports pitches will be used in the delivery of the PE curriculum at North Berwick High School. Therefore they have been designed in accordance with the requirements of the school curriculum.

Additionally 3 letters of support have been received to the application

The three letters of public support state that: i) additional sports pitches for the school are welcome; ii) the proposed pitches will increase sporting opportunities for young people; and iii) proposals will provide a safe pedestrian footpath connection between North Berwick High School campus and residential properties to the west.

COMMUNITY COUNCIL COMMENTS

North Berwick Community Council advise that whilst recognising that the proposed sports pitches are necessary for the delivery of curricular sport by North Berwick High School, they object to the application on the following grounds:

- the application contains an Ecological Report on the hedge that is proposed to be removed. This report is heavily redacted. The un-redacted report should be provided, or good reason given why it has not been;
- there is a petition raised by the school pupils and interested parties relating to the removal of this hedge. This cannot be ignored. -removal of the hedge would appear to be against the Council's own policies on Woodland strategy;
- it has been demonstrated that the formation of the pitches retention of the hedge are not mutually exclusive. This should be explored further;
- North Berwick Community Council have previously written to the council requesting better dialogue with the Parent Council in relation to this proposal, but this appears to have been ignored;
- the council are ignoring the legal requirement for statutory consultation, and ignoring the requirements of the Education Act and Sports Scotland Guidance in this proposal; and
- the application should include a pathway providing a safe route to school. The pathway shown includes unnecessary tall lighting poles. These should be removed as they are not required.

PLANNING ASSESSMENT

PROP NK2: North Berwick High School and Law Primary Expansion Land of the adopted East Lothian Local Development Plan 2018 safeguards the land to the west of North Berwick High School campus, including the application site, for the future expansion of North Berwick High School to accommodate the increase in pupil numbers generated from new housing delivered within the North Berwick High School catchment area through housing allocations within the adopted East Lothian Local Development Plan 2018.

Policy SECF1: Safeguarded Education and Community Facilities of the adopted East Lothian Local Development Plan 2018 supports the continued use of land currently occupied by education and community facilities and also applies where planning permission has been approved for the expansion of existing or provision of new education facilities.

The **Council's Head of Education** informs that the current school roll at North Berwick High School is 1052 pupils but that planning capacity for the school is set at 1200 to allow for fluctuations in pupil numbers over a 10-year period. She advises that based on

a pupil roll of 1050 there is a legislative requirement for North Berwick High School to have a minimum of 3.6 hectares of external space that would meet statutory requirements up to a pupil roll of 1200. She advises that the previous extensions to North Berwick High School building and North Berwick Law Nursery to meet the needs of the projected pupil rolls has led to a reduction in sport pitch provision at North Berwick High School. The 2 additional sports pitches proposed within this application would result in the external space of the school being sufficient for to meet the external space requirements for a school roll of up to 1300 pupils which roll projections are not expected to exceed.

A statement submitted by North Berwick High School Senior Leadership Team informs:

- o The growing school roll has necessitated an expansion block and new nursery on site, creating a 3-18 campus. The building work has led to the need for reconfiguration of outdoor space to reflect a new school boundary encompassing additional land to enable full delivery of curricular sport. We see it as our role to ensure the curriculum can be delivered appropriately and agree the planning application meets the curricular needs of the school.

- o Initial questions about the amount of land acquired by East Lothian Council from the North Berwick Trust and its sufficiency for curricular delivery have been asked and answered.

- o North Berwick High School has never had a 400m running track before. The planning application if granted would allow the school to have this, to support the delivery of the PE curriculum.

- o Safeguarding concerns have been taken into consideration, with clear sightlines in place.

- o The flexible grass learning and teaching space includes a proposal for outdoor hardcourts. We understand this has not been budgeted for but welcome this further resource and learning space in terms of enhancing our curriculum.

- o We are aware of community concerns around the impact of the plan on biodiversity. We acknowledge the independent ecology report, planting detail and planting plan and feel this answers our questions sufficiently.

Sportscotland were consulted on the application. They note that works to form the proposed sports pitches will require some works to be undertaken to the existing grass pitches to the west of the school grounds to ensure matching ground levels across all pitches. They are satisfied that any impacts of such works on the existing sports pitches will be short term and will not be detrimental to the long term use of those existing sports pitches. Sportscotland raise no objection to the proposals.

As the sports pitches and associated works are for the expansion of North Berwick High School on the land safeguarded for that purpose or on land already used for education purpose then the principle of this proposal for 2 additional pitches and for associated work does not conflict with either Prop NK2 or with Policy SEFC1 of the adopted East Lothian Local Development Plan 2018.

NPF4 Policy 5 provides significant protection for valued soils including prime agricultural land. The application site is defined as being prime agricultural land capable of producing a moderate range of crops. Policy NH7 of the ELLDP states that development on prime agricultural land will not be permitted unless in the particular circumstances listed in the Policy. One of those circumstances is if it is to implement a proposal of the plan, which

this application is. Policy 5 of NPF4 also sets out circumstances where development proposals on prime agricultural land will be supported and although sport pitches is not listed as one of those circumstances this land is safeguarded for the expansion of North Berwick High School. These sports pitches are required to support provision of North Berwick High School sports curriculum and cannot reasonably be provided on land that is not Prime Agricultural Land. The Scottish Government's Transitional Arrangements for NPF4 states that "It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement". In the circumstances of this application where it is to implement a proposal of the LDP, the proposal complies with Policy NH7 of the ELLP and, although not falling within the types of acceptable development listed in Policy 5, it does not conflict with NPF4 when read as a whole.

NPF4 Policy 14 supports development proposals where they are consistent with the six qualities of successful place, those being: Healthy; Pleasant; Connected; Distinctive; Sustainable; and Adaptable.

NPF4 Policy 15 supports development proposals that contribute to local living and, where relevant, 20-minute neighbourhoods. Consideration will be given to the level and quality of interconnectivity of proposed development with the surrounding area including local access to, amongst other things, schools and lifelong learning opportunities and sport and recreation facilities.

The proposed sports pitches would provide additional, accessible sports provision for North Berwick High School. By being an expansion of the North Berwick High School campus they would be seen in the context of the existing school campus and therefore well integrated into their setting. Due to their form, size, scale and positioning they would not be inappropriate to their setting and would not be out of keeping with their surroundings. They would not be harmful to the character and appearance of the area.

The proposed footpath, retaining wall, railings and lighting columns would be seen in the context of the sports pitches. Due to their form and positioning they would not be inappropriate to their setting or out of keeping with their surroundings. They would not be harmful to the character and appearance of the area.

The proposals would not have an unacceptably harmful impact on the landscape character of the area. On these matters of design and layout the proposals do not conflict with Policies 14 and 15 of NPF4 and Policies DP1 and DP2 of the ELLDP.

Due to their positioning in relation to neighbouring residential properties the proposals would not result in any harm to the privacy and amenity of any neighbouring residents.

The **Council's Senior Environmental Protection Officer** has been consulted on the application and has no comments to make on the application.

On the above considerations the proposals are not inconsistent with NPF4 Policies 14 and 15 nor do they conflict with Policies DP1 and DP2 of the ELLDP.

NPF4 Policy 3 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.

On matters of biodiversity the **Council's Team Manager – Countryside** advises that the

existing site habitat provides limited biodiversity value with no evidence of protected species. She advises that the 142 meters long section of mature hedgerow and trees that it is proposed to remove is not considered priority habitat and is not included within the Central Scotland Green Networks. She is satisfied that the proposed planting to include hedgerow and a new woodland area will mitigate for the loss of the section of existing hedgerow and provide positive effects for biodiversity.

The Council's Team Manager – Countryside does however advise that the 142 meters long section of mature hedgerow and trees to be removed will likely support foraging and nesting birds and informs that it is an offence within the provisions of the Wildlife and Countryside Act (1981) (as amended) to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. She recommends that works to remove the section of mature hedgerow and trees should be undertaken outwith the breeding bird season of March to August inclusive unless it is implemented in accordance with a Species Protection Plan submitted for approval by the planning authority. This can be made a condition of a grant of planning permission.

Subject to the above controls the Council's Team Manager – Countryside raises no objection to the application being satisfied that the proposals do not conflict with NPF4 Policy 3.

NatureScot were consulted on the proposals and have advised of the proximity of the application site in relation to the Firth of Forth Special Protection Area (SPA) and potential connectivity with designated bird features. They are satisfied however that, given the relatively small size of the application site and the alternative land available, the proposals would have no adverse effect on the integrity of the SPA or on any protected features.

NatureScot raise no objection to the application.

On the above considerations the proposals are not inconsistent with NPF4 Policy 4 and Policies NH3 and NH5 of the ELLDP.

NPF4 Policy 6 states that development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

NPF4 Policy 20 states that development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

The **Council's Landscape Officer** has been consulted on the application and is in agreement with the findings of the submitted Landscape Design Statement. He is satisfied that the proposed new areas of planting will mitigate for the loss of the existing hedgerow and trees to the east of the application site and concurs with the Council's Team Manager-Countryside on matters of Biodiversity. He recommends that any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. These matters can be controlled through conditions attached to a grant of planning permission.

Subject to the above controls the Council's Landscape Officer raises no objection to the application.

The proposals are therefore consistent with NPF4 Polices 6 and 20 and Policy NH8 of the ELLDP.

The proposals would have a neutral impact in terms of Policies 1 and 2 of NPF4.

The **Council's Amenity Services** have been consulted and advise that an area of open space to the west of the application site is Council owned and managed. They advise that the development applied for would not impact on the existing public open space and are supportive of proposals for the woodland boundary to the west of the application site.

The Council's Amenity Services therefore raise no objection to the application.

NPF4 Policy 13 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and investment hierarchies and where appropriate they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation.

Access to the proposed sports pitches would be taken from the existing grounds of North Berwick High School. The proposed access gates to the northwest of the site would be for maintenance purposes and no additional vehicle parking areas are proposed within the application.

The **Council's Roads Services** advise that there are no requirements for additional car or cycle parking based on use of the proposed pitches in association with the existing school. They are supportive of the proposed footpath to the south and southwest of the sports pitches in providing a shared active travel path connection for pedestrians and cyclists between the residential properties at Farquharson Rest and the B1347 public road. They note variations in ground levels between the proposed footpath and sports pitches and advise that the proposed 1.5 meters high galvanised steel railings are an appropriate safety measure for cyclists and pedestrians. They do however recommend that a collapsible bollard is provided at each end of the footpath to control access along with signage to inform of active travel path status. These matters can reasonably form the subject of a condition attached to a grant of planning permission.

Subject to the above control the Council's Roads Services raise no objection to the application.

In all of this the proposals are consistent with NPF4 Policy 13 and Polices T1 and T2 of the ELLDP.

The **Council's Senior Engineer (Flooding)** has been consulted on the application and advises that SEPA's Flood Hazard Mapping indicates that the site of the application is not at risk from a surface water flood event with a return period of 1 in 200 years plus climate change allowance. He further advises that whilst a change of use of the site from agriculture to sports pitches may have some impact on drainage and surface water run-off, the proposed lateral filter drains leading to storm pipes and a hydrobrake are a substantial improvement to the current site drainage arrangements.

The Council's Senior Engineer (Flooding) raises no objection to the application.

Given the above the proposals are consistent with NPF4 Policy 22 and Policy NH11 of the ELLDP.

Scottish Water have been consulted on the application and raise no objection to the proposals. They inform however that Scottish Water will not accept any surface water connections into the public sewer system. They do advise that there may be limited exceptional circumstances where such connection is permitted and that this will require significant justification from the customer. A copy of Scottish Waters consultation response has been forwarded to the applicant accordingly.

In all of the above considerations, the proposals are consistent with Policies 3, 4, 5, 6, 13, 14,15, 20,21 and 22 of NPF4 and Policies SECF1, DP1, DP2, T2, NH3, NH5, NH7, NH8, NH11 T1 and T2 of the ELLDP.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development Plan.

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring 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.

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 occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 Unless otherwise agreed in writing by the Planning Authority through the submission and approval of a Species Protection Plan prior to the commencement of development, no removal of hedgerow, trees or clearance of vegetation within the site shall take place during bird breeding season (which is March- August inclusive).

Reason:

In the interests of safeguarding biodiversity interests.

- 4 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority. Thereafter those transportation requirements shall accord with the details so approved and remain in place unless otherwise approved by the Planning Authority:

- i) bollards to be located at access points to the shared footpath hereby approved to restrict its use to that of pedestrians and cyclists; and
- ii) way finding signage to be provided at access points to show shared active travel path.

Reason

In the interests of road and pedestrian safety.