

LOCAL REVIEW BODY

30 May 2024

Application No: 23/01388/P

**Bolton Muir Wood, Gifford, East Lothian**

Appointed Officer's Submission

## **23/01388/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION**

Planning Application Review Against Decision (Refusal): Erection of furniture making studio (Class 4) and associated works at Bolton Muir Wood, Gifford.

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5<sup>th</sup> April 2024

Neil Millar  
Planner (Planning Delivery)



# OFFICER REPORT

**9th January 2024**

App No. **23/01388/P**

Application registered on **21st November 2023**

Target Date **20th January 2024**

Proposal	<b>Erection of furniture making studio (Class 4) and associated works</b>	SDELL	N
		CDEL	N
Location	<b>Bolton Muir Wood Gifford East Lothian</b>	Bad Neighbour Development	N

APPLICANT: **Chapelhill Fine Furniture**

Is this application to be approved as a departure from structure/local plan? N

**c/o APT Planning & Development  
Per Tony Thomas  
1 West Road  
Whitekirk  
EH42 1XA**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The application site is an area of vacant land, measuring some 0.15 hectares in area, positioned on the south side of the B6355 (Gifford to East Saltoun) public road, opposite the junction of the Eaglescairn to Bolton public road with the B6355. It is within an area of countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. Bolton Muir Wood is a local biodiversity site and it is also designated as ancient woodland. There are a number of mature trees which surround the application site.

The site is bounded to the west by woodland and to the south and east by agricultural land. To the north, on the opposite side of the B6355 public road, are areas of woodland and a house and its garden.

The site is served by an existing gated vehicular access from the B6355 public road and there is an access track which runs through the site. Planning permission (Ref: 02/00436/FUL) for the vehicular access and its associated access track so formed was granted in September 2002.

The site was formerly occupied by a small rectangular shaped single storey house with walls of timber boarding and a pitched roof clad with cedar shingles. In 2002, the existing house on the

site was demolished and an application for a new house (Ref: 02/01309/FUL) was submitted to the Council. Planning permission 02/01309/FUL was refused on the grounds that:

(i) If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside of East Lothian; and

(ii) The proposal amounts to the building of a new house in a countryside location. No case has been made for the building of the proposed new house to meet an agriculture, horticulture, forestry or other employment need. No other operational need has been advanced to justify the erection of the proposed new house. Consequently and because the proposed new house would constitute isolated, sporadic development in the countryside this proposal is contrary to Policy ENV16 of the approved Lothian Structure Plan 1994, Policy DC1 of the adopted East Lothian Local Plan 2000 and Government policy guidance regarding the control of new housing development in the countryside expounded in revised National Planning Policy Guideline 3: Land for Housing and in National Planning Policy Guideline 15: Rural Development.

An appeal against the Council's decision to refuse planning permission 02/01309/FUL was dismissed by Scottish Ministers. Since then the site has remained vacant.

In September 2012, planning permission in principle (Ref: 11/00901/PP) was granted for the erection of 3 holiday homes on this site at Bolton Muir Wood subject to conditions and a Section 75 Legal Agreement. In August 2015, planning permission (Ref: 15/00169/AMC) was granted for approval of matters specified in conditions of planning permission 11/00901/PP for the erection of 3 holiday homes and associated works on the site. Planning permissions 11/00901/PP and 15/00169/AMC lapsed some time ago without them having been implemented.

Planning permission is now sought for the erection of a furniture making studio building (Class 4) and associated works within the site.

The proposed furniture making studio building would be located within an existing cleared area of ground within the southern end of the site and would be orientated on an east to west axis. Its internal floorspace would measure some 406 square metres in area and it would contain a large open plan workshop area and otherwise it would have a tea prep area, a welfare space and toilet facilities.

The proposed building would be rectangular in shape measure some 28.7 metres long, some 15.2 metres wide and some 5.3 metres high to the ridge of its pitched roof form above ground level. Its pitched roof slopes would be clad in grey coloured profile steel sheets and its external walls would be clad in natural larch timber boarding. Its rear (north) and side (east) elevations would be of a solid form and would be positioned some 3 metres and some 5.8 metres away from the north and east boundaries of the site respectively. Its front (south) elevation would have fixed glazed windows, doors and a large solid roller door formed within it that would be recessed behind solid timber sliding doors. It would also have fixed glazed windows formed within the south end of its side (west) elevation that would be recessed behind a solid timber sliding door. It would have a series of roof windows formed within the upper part of its north facing pitched roof slope and 20 solar panels formed within the upper part of its south facing pitched roof slope. Two air conditioning units would be located at the northern end of the side (east) elevation of the proposed building.

The proposed associated works within the site comprise of (i) the surfacing of the existing access into the site, positioned on the west side of the B6355 public road, in a bitmac surface finish; (ii) the re-alignment of part of the existing access track within the site and for the re-surfacing of that new re-aligned access track in a compacted aggregate surface finish; (iii) the formation of a hardstanding area, comprising of a compacted aggregate surface finish, that would abut the base level of the front (south) and side (east and west) elevations of the proposed furniture making studio building; and (iv) the formation of 12 parking spaces within the southern end of the site.

The application is supported by a Planning Statement and an Aboricultural Impact Assessment. Subsequent to its registration, the applicant's agent has also submitted a Transport Statement.

The Planning Statement submitted with this application states that Chapelhill Fine Furniture are craftsman furniture makers who specialise in designing and making high quality bespoke furniture from British hardwoods. It states that the applicant seeks planning permission to build the furniture making studio workshop to support local economic development in supporting both his own business and that of other several other furniture makers and craftspeople who wish to remain in the county. It states that the proposed site at Bolton Muir Wood can provide the necessary scale in a secluded setting whilst the close proximity to Gifford means that the Chippendale School will provide a regular feed of prospective tenants. It states that the proposed workshop, which will accommodate between 5 and 10 craftspeople, will provide bench space for the practicing of hand-skills and furniture assembly whilst also providing the necessary machine-space for larger floor-mounted powered machinery. It states that the furniture created is bespoke and may be commissioned by clients to serve a specific purpose in a house, or be in a particular size, style or type of wood that is not available from other furniture retailers and that furniture repair and restoration work will also be undertaken. It states that working hours in the studio will normally be from 9am until 5pm and that deliveries from timber merchants would typically be every two weeks. It states that deliveries of finished products to clients will usually be carried out by the makers themselves making use of Transit type vans hired specially for the occasion. It states that there is no alternative location within the settlement boundary of Gifford to accommodate the proposed furniture making studio building and that no suitable premises are available elsewhere in East Lothian that are both big enough and affordable. It concludes that the proposal will create/retain up to 10 jobs in Gifford, has few (if any) negative impacts on the site or surrounding area, will incorporate sustainable construction methods and can be accessed directly off the B3655 (via an existing site access) whilst building on the historic success and reputation of the Chippendale International School of Furniture.

This is a substitute application submitted in favour of planning application 22/01217/P that has been withdrawn at the request of the applicant's agent. The main difference between this new application and the previous withdrawn application is that the internal floorspace of the proposed furniture studio making building has been reduced from some 433 square metres to some 406 square metres.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian

Local Development Plan 2018.

Policies 3 (Biodiversity), 6 (Forestry, woodland and trees), 9 (Brownfield, vacant and derelict land and empty building), 13 (Sustainable transport), 14 (Design, quality and place), 26 (Business and Industry) and 29 (Rural Development) of NPF4 are relevant to the determination of this application. Policies DC1 (Rural Diversification), NH3 (Protection of Local Sites and Areas), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), DP1 (Landscape Character), DP2 (Design), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impacts) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

There is no public objection to this application.

Three representations to this application has been received. They are all made in support of this application. The main reasons given by the representors for supporting the proposals are set out below:

- (i) the proposals will create a base for the applicant to run his own business which will provide workspace for other craftsmen and rehabilitate the remaining area of woodland;
- (ii) the proposals will bring an economic benefit and cultural benefit to East Lothian and although it may be possible for the applicant to find suitable premises elsewhere there is no guarantee that the terms of any lease could be negotiated;
- (iii) although industrial units are likely to be available elsewhere, the requirements of the applicant's particular profession (including large, fixed equipment requiring specialist extraction etc) means that suitability goes beyond mere square footage;
- (iv) the proposals to create a bespoke workshop, sustainably and sympathetically, allows the applicant to safeguard the future of his own business, and that of others, in East Lothian;
- (v) any environmental damage to the site has already been done by the previous owner;
- (vi) the general impact of the proposed development will be largely hidden apart from a brief glimpse when approaching from Gifford and as the workshop is likely to be in use mostly during daylight hours any light pollution is likely to be minimal;
- (vii) the proposed furniture making studio business will not be open to the public and does not require a lot of deliveries/collections or the use of large trucks/articulated lorries, so the volume of traffic accessing the site will be small and largely within the control of the applicant; and
- (viii) the application site is a brownfield site and, unlike the previous applications made for a residential home and holiday let lodges, this proposal will strengthen the guardianship of Bolton Muir Wood whilst creating and supporting skilled jobs in the area.

Humbie, East & West Saltoun and Bolton Community Council support this application on the grounds that:

- \* the development is consistent with East Lothian Council's Economic Development Strategies in providing workshop/studio space from graduates of the Chippendale School in Gifford who wish to establish businesses locally (there is no similar provision anywhere in the county);
- \* bespoke furniture making is an appropriate activity for a woodland setting - more appropriate than the previous permission for holiday accommodation;
- \* the proposal reuses a brownfield site rather than clearing an area of woodland;
- \* the proposed building is environmentally appropriate, using sustainable materials and renewable energy; and
- \* the structure proposed could not readily be re-purposed as residential accommodation.

The proposed resurfacing of the existing access into the site, positioned on the west side of the B6355 public road, in a bitmac surface finish would not radically alter the character or appearance of it. In the manner in which the existing site access is to be upgraded and resurfaced, it would not appear harmfully intrusive, incongruous or exposed within its landscape setting. Neither would (i) the proposed re-alignment of part of the existing access track within the site and for the re-surfacing of that new re-aligned access track in a compacted aggregate surface finish; (ii) the formation of a hardstanding area, comprising of a compacted aggregate surface finish, that would abut the base level of the front (south) and side (east and west) elevations of the proposed furniture making studio building; and (iii) the formation of 12 parking spaces within the southern end of the site. Accordingly, the proposed associated works would not be harmful to the character and appearance of the landscape of the area and thus they do not conflict with Policy 14 of NPF4 or with Policies DP1 or DP2 of the adopted East Lothian Local Development Plan 2018.

In its countryside location the proposed furniture making studio building and its associated works would not harm the privacy or amenity of any neighbouring residential properties.

The Council's Senior Environmental Health Officer raises no objection to the application and notes that the proposal relates to a Class 4 business use and that the nature, scale and size of the proposed development should be capable of being carried out without detriment to local residential amenity.

The Council's Contaminated Land Officer has advised that, whilst there is no direct evidence to suggest any previous contaminative use of the site, there is always the possibility that isolated areas of made ground may exist. Accordingly, he advises that should any 'unexpected' ground conditions (contamination) be encountered at any time when carrying out the development, work on site shall cease and the issue shall be reported to the Planning Authority. At this stage, a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority, and that it may also be necessary to submit a Remediation Strategy (should the reporting determine that remedial measures are required) and that a Verification Report would also need to be submitted confirming the satisfactory completion of any necessary remedial works. Accordingly, this recommended control could be made a condition on a grant of planning permission.

Forestry Commission Scotland raise no objection to this application advising that the proposals will have minimal impact on the wider woodland context. However, they note that nine trees within the site are proposed to be removed and thus they state that consideration should be given to replacement planting. They state that any compensatory planting proposal must comply with the UK Forestry Standard and, as a minimum, should include planting details relating to species, cultivation, protection and ongoing maintenance requirements.

The site is located within the countryside of East Lothian. Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development in the countryside, including changes of use, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.



The proposed furniture making studio building is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. The supporting statement submitted by the applicant's agent states that there is no alternative location within the settlement boundary of Gifford to accommodate the proposed furniture making studio building and that no suitable premises are available elsewhere in East Lothian that are both big enough and affordable. However, the supporting statement does not provide any evaluation of alternative locations that have been considered nor does it provide any justification as to why those alternative sites are not attractive to local businesses seeking a commercial premise. Therefore the principle of this use of the site as a furniture making studio building conflicts with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy 26 of NPF4 states that development proposals for business, general industrial and storage uses outwith areas identified for those uses in the LDP will only be supported where (i) it has demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and (ii) the nature and scale of the activity will be compatible with the surrounding area. In this specific case, the application site is not an area identified for business use in the LDP and is not a site that is an area identified as employment land. Furthermore, no information has been submitted to demonstrate whether there are any alternative sites in more suitable locations. Whilst the supporting statement concludes that the use of this brownfield site would give the applicant the opportunity to build on, and maintain a link to, the success of the Chippendale School of Furniture, the need for a furniture making studio building (particularly of the size and scale shown for it) within this countryside location has not been justified. Therefore the proposal conflicts with Policy 26 of NPF4.

Policy 29 of NPF4 states that development proposals that contribute to viability, sustainability and diversity of rural communities and local rural economy will be supported that involve reuse of brownfield land where a return to a natural state has not or will not happen without intervention. Policy 29 further states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Moreover, Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 requires that new development be well integrated into their surroundings and complement those surroundings.

The proposed furniture making studio building would be located within an existing cleared area of ground within the southern end of the site and would be orientated on an east to west axis. It would be rectangular in shape measure some 28.7 metres long, some 15.2 metres wide and some 5.3 metres high to the ridge of its pitched roof form above ground level. Its north elevation would be located parallel to, and some 3 metres away from, the existing hedge positioned along the eastern end of the north roadside boundary of the site. As positioned and orientated on the site, the exposed 28.7 metres long north elevation of the proposed building, at a height of some 5.3 metres above ground level, would not be sufficiently screened by the existing hedging along the eastern end of the north roadside boundary of the site. In the views to which it would be seen from the B6355 public road and beyond from the junction of the minor road from Eaglescairnie, the proposed furniture making studio building would appear as a harmfully dominant and intrusive feature within its landscape setting. Moreover, the application drawings show the intention to remove a number of trees that would further expose the furniture making studio building's visual prominence in views of it from the B6355 public road. By virtue of its architectural form, size, scale, proportions, massing and position, the proposed furniture making studio building would not be in keeping with, but rather would

significantly alter, the natural landscape character of this part of the East Lothian countryside. It would detract from the landscape character and amenity of the area contrary to Policies 14 and 29 of NPF4 and Policies DC1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity Officer notes that this application is not accompanied by an ecological survey and advises that the proposed development is within the Bolton Muir Local Biodiversity Site which will have both direct and indirect impacts on trees and the adjacent woodland. She also advises that, since the adoption of NPF4, the importance of ecological survey work to inform planning applications is increasingly important - particularly to guide biodiversity enhancements under Policy 3 but also in this instance noting that Policy 9 (brownfield, vacant, derelict land) states that "in determining whether the reuse of land is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account". Accordingly, the Council's Biodiversity Officer objects to this planning application stating that the proposal will negatively impact on the Bolton Muir Local Biodiversity Site, contrary to Policies 3 and 9 of NPF4 and Policies NH3 and NH5 of the adopted East Lothian Local Development Plan 2018.

Policy 6 of NPF4 states, amongst other things, that development proposals will not be supported where they will result in any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition.

Policy NH8 of the adopted East Lothian Local Development Plan 2018 states that there is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where; (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Government's Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees. It also notes that development must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction.

The Council's Landscape Officer notes that the proposals are located within the eastern corner of Bolton Muir Wood, which is identified as an area of ancient woodland, and that the site is surrounded by hedges, trees and woodland understorey. She also notes from the submitted arboricultural report that 9 trees are to be felled to facilitate the proposals, 6 of which are located at the vehicular entrance to the site to enhance sightlines/visibility splay from and to the adjacent B6355 public road and 3 of which are to be removed to facilitate access and turning areas within the site. She also notes that the arboricultural report indicates that the proposed development encroaches within the root protection areas of three other trees (numbered T11, T13 and T14) and that an additional tree (number T2), which lies outwith the site to the southeast and does not appear to be within the ownership of the applicant, is also to be removed. She advises that no mitigation for removed trees has been included with this application nor is there any biodiversity enhancement proposed. She also notes that whilst the supporting statement mentions management of adjacent woodland there is no information provided to demonstrate how this will be done. She also advises that the site plan does not align with the tree protection plan. Notwithstanding the above, the Council's Landscape Officer advises that development within areas of ancient woodland is not supported. Accordingly, the proposal conflicts with Policy 6 of NPF4 and with Policy NH8 of the adopted East Lothian

Local Development Plan 2018.

Policy 13 of NPF4 states that, amongst other things, development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they (i) provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; (ii) will be accessible by public transport, ideally supporting the use of existing services; (iii) integrate transport modes; (iv) provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; (v) supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; (vi) are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; (vii) have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and (viii) adequately mitigate any impact on local public access routes.

Policy T1 of adopted East Lothian Local Development Plan 2018 states that new developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards.

Policy T2 of the adopted East Lothian Local Development Plan states that new development must have no significant impact on road safety or on the capacity of the surrounding road network to deal with traffic unrelated to the proposed development.

The Council's Road Services have been consulted on the application and they state that the proposed 12 car parking spaces to be formed within the site accords with the Council's adopted car parking standards for this land use in a rural area. They state that some cycle parking should be made available, either within the site or contained within the building, and recommend that an electric vehicle charging point be provided for staff and customer use. They also recommended that a draft construction method statement be submitted for their review.

Notwithstanding the above, the Council's Road Services also note that the vehicular access to the site is taken from the B6355 public road and makes use of an existing private gated access point into the woodland area. They state that the B6355 public road is a single carriageway rural road with a 60mph national speed limit and has a relatively straight alignment at the point of the access whereby relatively high speeds can occur. They state that the proposals show a visibility splay of 2.4 metres by 160 metres which is below the Council's minimum requirements for a visibility splay on a road of this type and typical speeds. They also state that the width of the existing vehicular access is not wide enough for two larger vehicles to pass one another and thus indicate that this will be potentially problematic in the situation whereby vehicles arrive and depart at the same time which could result in vehicles entering the site having to wait on the main road for vehicles to exit. They therefore indicate that a visibility splay of 4.5 metres by 215 metres would be required, with all necessary tree clearances undertaken to ensure the visibility splays are kept clear of obstructions above 1.05 metres in height, and that the width of the site access and first 30 metres of the access road be increased by 3 metres to accommodate two-way movements. They also recommend that the bell mouth of the junction be surfaced in a sealed bitmac finish for the first 20 metres of its length to minimise loose chippings being displaced onto the B6355 road surface. They also note that the

submitted Transport Statement provides speed data on the B6355 public road which shows that 85% of speeds are 57.7mph and 55.3mph in the east and west directions respectively. However, and whilst it is noted that this is slightly below the 60mph speed limit, and that the transport statement suggests that road warning signs together with rumble strips and/or road markings could be used, the Council's Road Services Officer states that none of these measures allow for a relaxation on the visibility splay distance at the junction into the site such that a 4.5 metres by 215 metres splay would still be needed. The Council's Road Services Officer also advises that a full 4.5 metres by 215 metres visibility splay for the proposed Class 4 furniture making studio use is based on the nature of the operation and the associated likely number and type of vehicle movements to and from the business, with particular reference to heavy vehicles. The relaxation to a 2.5 metres by 160 metres visibility splay for the previous permission for 3 holiday homes would have been justified based on the typical vehicle movements associated with that particular land use, which would attract fewer vehicle movements overall and fewer heavy vehicles in particular, therefore meaning a less onerous requirement was stipulated. Furthermore, he also advises that the speed survey data for the B6355 suggests that, based on the 85%ile speeds being identified as only slightly below the 60mph speed limit, that the 215 metres 'Y' distance would be appropriate. Given that the width of the existing vehicular access serving the site is not sufficient to accommodate two-way vehicular movements and as the existing visibility splay does not comply with the requirements of the Council's parking standards, the proposal is contrary to Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposed furniture making studio building and its associated works are contrary to Policies 3, 6, 9, 13, 14, 26 and 29 of NPF4 and with Policies DC1, NH3, NH5, DP1, DP2, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

It is now necessary to consider whether or not there are material considerations in this case that outweigh this conflict with the Development Plan.

A material consideration is the previous planning history of the site. In that respect, planning permission was granted for the erection of 3 holiday homes within the site but was not implemented. However, those 3 holiday homes were smaller, in both their sizes and footprints, in comparison to the now proposed furniture making studio building. Moreover, unlike this current application, the 3 holiday homes did not require the removal of all the trees within the site. Therefore, the impact of the proposed furniture making studio building would be significantly greater, in terms of its built form and visual prominence, than the approved scheme of development for the 3 holiday homes within this part of the site. Consequently the fact that permission has previously been granted for the 3 holiday homes is not a material planning considerations that outweighs the fact that the proposed building would be contrary to the development plan.

Another material consideration is that the supporting statement submitted by the applicant states that the proposals will contribute to the vitality and diversity of the East Lothian rural economy and specifically in the Gifford area creating new employment opportunities (approx. up to 10 jobs) and helping create a wood workers area of excellence.

The Council's Economic Development Service Manager states that the proposals will (i) support business development and employment growth in a primarily rural part of East Lothian; (ii) create jobs and support a number of local businesses; and (iii) support the viability

and growth of the existing Chippendale School of Furniture business. Therefore, the Council's Economic Development Service Manger supports this planning application stating that the furniture making studio building and its associated works support the strategic goals and objectives of the Economic Development Strategy 2012-2022. However, the local economic benefits associated with the proposals are not a material planning consideration that outweigh the fact that the proposed building is contrary to the development plan.

In conclusion the proposed furniture making studio building and its associated works is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposals are not in accordance with the Development Plan and is contrary to Policies 3, 6, 9, 13, 14, 26 and 29 of NPF4 and Policies DC1, NH3, NH5, DP1, DP2, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018.

#### REASONS FOR REFUSAL:

- 1 The proposed furniture making studio building is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. Neither is it located on an area identified for business use in the LDP and is not a site that is an area identified as employment land. Therefore the proposal conflicts with Policy 26 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed furniture making studio building would, in the views of it from the B6355 public road and beyond from the junction of the minor road from Eaglescairnie, appear as a harmfully dominant and intrusive feature within its landscape setting due to its large size and scale. By virtue of its architectural form, size, scale, proportions, massing and position, the proposed furniture making studio building would not be in keeping with, but rather would significantly alter, the natural landscape character of this part of the East Lothian countryside, contrary to Policies 14 and 29 of NPF4 and Policies DC1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 3 It has not been demonstrated that the proposals would not have a harmful impact on the Bolton Muir Local Biodiversity Site or the ecology of the ancient woodland, contrary to Policies 3 and 9 of NPF4 and Policies NH3 and NH5 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposals would result in the loss of a number of trees which positively contribute to the landscape character of the area and form part of an area of ancient woodland of Bolton Muir Wood, contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.
- 5 The width of the existing vehicular access serving the site is not sufficient to accommodate two-way vehicular movements and the existing visibility splay does not comply with the minimum requirements set out in the Council's parking standards, contrary to Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

9th January 2024

App No. 23/01388/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Chapelhill Fine Furniture  
c/o APT Planning & Development  
Per Tony Thomas  
1 West Road  
Whitekirk  
EH42 1XA**

**APPLICANT: Chapelhill Fine Furniture**

With reference to your application registered on 21st November 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of furniture making studio (Class 4) and associated works  
at  
Bolton Muir Wood  
Gifford  
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed furniture making studio building is a business use that is not directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It is therefore a business use that does not have an operational requirement for this countryside location. Neither is it located on an area identified for business use in the LDP and is not a site that is an area identified as employment land. Therefore the proposal conflicts with Policy 26 of NPF4 and Policy DC1 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed furniture making studio building would, in the views of it from the B6355 public road and beyond from the junction of the minor road from Eaglescairn, appear as a harmfully dominant and intrusive feature within its landscape setting due to its large size and scale. By virtue of its architectural form, size, scale, proportions, massing and position, the proposed furniture making studio building would not be in keeping with, but rather would significantly alter, the natural landscape character of this part of the East Lothian countryside, contrary to Policies 14 and 29 of NPF4 and Policies DC1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 3 It has not been demonstrated that the proposals would not have a harmful impact on the Bolton Muir Local Biodiversity Site or the ecology of the ancient woodland, contrary to Policies 3 and 9 of NPF4 and Policies NH3 and NH5 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposals would result in the loss of a number of trees which positively contribute to the landscape character of the area and form part of an area of ancient woodland of Bolton Muir Wood, contrary to Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.
- 5 The width of the existing vehicular access serving the site is not sufficient to accommodate two-way vehicular movements and the existing visibility splay does not comply with the minimum requirements set out in the Council's parking standards, contrary to Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
MANU LITERATURE 01	-	21.11.2023
MANU LITERATURE 02	-	21.11.2023
MANU LITERATURE 03	-	21.11.2023
MANU LITERATURE 04	-	21.11.2023
2234(PL)002	B	21.11.2023
2234(PL)001	-	21.11.2023



2234(PL)013	-	21.11.2023
2234(PL)014	-	21.11.2023

**15th January 2024**



Keith Dingwall  
Service Manager - Planning

## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 reasonably 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 5 of the Town and Country Planning (Scotland) Act 1997.

**From:** [REDACTED]  
**To:** [Millar, Neil](#)  
**Subject:** RE: 23/01388/P- - Planning Consultation  
**Date:** 03 January 2024 11:37:50

---

Hi Neil,

[REDACTED]

Thank you for the update on this application, I have reviewed the submitted Transport Statement and comment as follows:

The report provides speed data on the B6355 which shows that the 85%ile speeds are 57.7mph and 55.3mph in the east and west directions respectively – this is slightly below the 60mph speed limit but not sufficient for us to typically be able to accept a relaxation to a 160m visibility splay ‘Y’ distance, hence the 4.5m by 215m splay would still apply. The applicants have shown that they could only achieve a Y distance of 160m due to land ownership limitations – they are suggesting that this is mitigated in the form of ‘side road ahead’ warning signs, together with rumble strips and/or “SLOW” road markings on the approach to the junction area to control speeds – none of these measures would be particularly appropriate for such an access to a single business operation so we would maintain our requirement for the full visibility splay distance.

The report makes reference to upgrading the site access junction to include 6m bell-mouth radii – this would be welcome. We would still maintain that the sealed bitmac surface for the bell-mouth of the junction be increase to the first 20m in length to minimise loose chippings coming onto the B6355 road surface.

All of the other issues that I raised in my initial comments would still stand as they have not been addressed by the applicant in this report or any other correspondence.

Regards,

Jon

---

**From:** Millar, Neil <nmillar@eastlothian.gov.uk>  
**Sent:** 21 December 2023 12:13  
**To:** [REDACTED]  
**Subject:** RE: 23/01388/P- - Planning Consultation

Hi Jon,

Many thanks for your comments on this application and I note that the proposed visibility

splay of 2.4 metres by 160 metres does not meet the Council's minimum requirements for a road of this type and speed limit. I also note that it is your preference that the sealed bitmac surface for the bell-mouth of the junction be increased from 10 metres to 20 metres in length to minimise loose chippings being displaced onto the B6355 road surface.

Notwithstanding that the visibility splay could be overcome (should it be demonstrated that a visibility splay of 4.5m by 215m can be achieved – with all necessary tree clearances to be undertaken to ensure the visibility splays are kept clear of obstructions above 1.05m in height) and that the bitmac surface could be increased in length, there are a number of other issues with the proposals which cannot be mitigated for and thus our position is that planning permission should be refused.

Notwithstanding the above, the applicant's agent submitted a transport statement yesterday (see below) and I just wanted to share this with you to make sure that the issues you have raised would not change in light of the information contained within the transport statement. Please could you review and confirm.

Kind regards

Neil

<< File: 3415543-Report-TRANSPORT STATEMENT.pdf >>

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**From:** [REDACTED]  
**Sent:** 08 December 2023 10:18  
**To:** Millar, Neil <nmillar@eastlothian.gov.uk>  
**Subject:** RE: 23/01388/P- - Planning Consultation

Hi Neil,

Having reviewed this application, I have the following comments:

### **Vehicular access**

The proposed vehicular access to the site onto the B6355 makes use of an existing private gated access point to the woodland area. The B6355 is a single carriageway rural road with a 60mph national speed limit and a relatively straight alignment at the point of the access whereby relatively high speeds can occur which means that sufficient visibility is important. The proposals show a visibility splay of 2.4m by 160m, which is below our absolute minimum requirements for a road of this type and typical speeds - visibility splays of 4.5m by 215m should be shown on the application drawings and be deliverable as part of the application with all necessary tree clearances to be undertaken to ensure the visibility splays are kept clear of obstructions above 1.05m in height (it is likely that much of this would be within land adopted by ELC but it would be good to establish the

boundary positions). The sealed bitmac surface for the bell-mouth of the junction for at least the first 10m from the carriageway edge is noted, however, our preference would be that this is increased to 20m in length to minimise loose chippings coming onto the B6355 road surface.

The vehicular access that is proposed has a width of approximately 4.3m which is not wide enough for two larger vehicles to pass one another and this will be potentially problematic in the situation whereby vehicles arrive and depart at the same time. At the site access junction onto the B6355 the restricted width could result in vehicles entering the site having to wait on the main road for vehicles to exit. We therefore request that the width of the site access and first 30m of the access road be increased to 7.3m to accommodate two way movements. Along the access road itself, widening of the whole length of road would be the best solution to allow unimpeded two way traffic but we could accept the introduction of a passing place at its mid-point large enough for an articulated vehicle as a minimum operational requirement. The proposed use of compacted aggregate surfacing would be acceptable along the access road generally speaking. Swept paths should be provided to demonstrate how access for the largest likely vehicles could successfully leave and depart coincidentally with this arrangement.

A servicing area is shown, however, we require swept paths showing turning manoeuvres into the servicing point and turning around within the service area for the largest lorries that might access the site e.g. articulated lorries.

### **Parking**

The proposed furniture making studio would be accommodated in 400 sqm of Class 4 use and 12 car parking spaces are proposed (of which one is accessible which is welcomed), equivalent to one space per 33sqm, which is in accordance with our adopted car parking standards for this land use in a rural area. Some cycle parking should be made available within the site, which can be within the building itself. We would recommend that an electric vehicle charging point be provided for staff and customer use.

### **Construction Method Statement**

A draft document should be submitted with the final version to be secured through an appropriate planning condition to ensure that obstructions to the local road network are minimised during the construction period.

I look forward to a response from the applicant to address the above issues before we can be in a position to give our support to the proposals, I would be happy to liaise with them directly if that would be easier.

Kind Regards,

Jon

**Jon Canty**

Transportation Planning Officer

East Lothian Council

**01620 827285**

[jcanty@eastlothian.gov.uk](mailto:jcanty@eastlothian.gov.uk)

-----Original Message-----

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>

Sent: 22 November 2023 15:00

To: [REDACTED]

Subject: 23/01388/P- - Planning Consultation

Please see attached document in relation to the following application: Erection of furniture making studio (Class 4) and associated works at Bolton Muir Wood Gifford East Lothian

**From:** [REDACTED]  
**To:** [Environment Reception](#)  
**Subject:** RE: 23/01388/P- - Planning Consultation  
**Date:** 28 November 2023 10:11:41  
**Attachments:** [REDACTED]

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I refer to your consultation request of 22<sup>nd</sup> November 2023 in connection with the above and would advise as follows.

Please see attached response for previous application for this site 22/01217P, where the comments made remain valid.

Happy to discuss

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection  
| Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |  
Tel. 01620 827443 [REDACTED] | Email. [cclark1@eastlothian.gov.uk](mailto:cclark1@eastlothian.gov.uk) | Visit our website at  
[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

-----Original Message-----

From: Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>  
Sent: 22 November 2023 15:42  
To: [REDACTED]

Subject: FW: 23/01388/P- - Planning Consultation

-----Original Message-----

From: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk) <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>  
Sent: 22 November 2023 15:00  
To: Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>  
Subject: 23/01388/P- - Planning Consultation

Please see attached document in relation to the following application: Erection of furniture making studio (Class 4) and associated works at Bolton Muir Wood Gifford East Lothian

**From:** [REDACTED]  
**To:** [Millar, Neil](mailto:Neil.Millar@eastlothian.gov.uk)  
**Subject:** RE: 22/01217/P- Planning Consultation  
**Date:** 14 December 2022 11:07:00

---

Neil

As this is for a Class 4 Business the nature, scale and size of the development should be capable of being carried out without detriment to local residential amenity so I would have no significant concerns. However, if there could be impacts upon local amenity, then surely this application should be amended to Class 5 in which case we would consider imposing conditions to restrict Noise/Deliveries/ operating hours, etc? No need for conditions if they are not necessary.

Colin

From: Millar, Neil <[nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)>  
Sent: 08 December 2022 12:49  
To: [REDACTED]  
Subject: RE: 22/01217/P- Planning Consultation

Hi Colin,

Thank you for your email below with regards to the above planning application.

Please see attached email from Mr Forder who objects to the proposals. You will note that his concerns relate to (i) noise associated with the proposed nature and operation of a furniture making studio building; and (ii) noise associated with the operation of the proposed air source heat pump on the amenity of occupiers of neighbouring residential properties.

Please can you confirm whether or not you have any further comments to make in light of the above.

Regards

Neil

From: [REDACTED]  
Sent: 29 November 2022 09:56  
To: Environment Reception <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>  
Cc: Millar, Neil <[nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)>  
Subject: RE: 22/01217/P- Planning Consultation

I refer to your consultation request of 28th November 2022 in connection with the above and would advise I have no comment to make regarding the proposal.


Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |  
Tel. 01620 827443 [REDACTED] | Email. [cclark1@eastlothian.gov.uk](mailto:cclark1@eastlothian.gov.uk) <<mailto:cclark1@eastlothian.gov.uk>>  
| Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk) <<http://www.eastlothian.gov.uk>>

-----Original Message-----

From: Environmental Health/Trading Standards <[ehs@eastlothian.gov.uk](mailto:ehs@eastlothian.gov.uk)> <<mailto:ehs@eastlothian.gov.uk>>>  
Sent: 28 November 2022 13:35  
To: [REDACTED]





Subject: FW: 22/01217/P- Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk<<mailto:environment@eastlothian.gov.uk>>>

Sent: 28 November 2022 12:36

To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk<<mailto:ehts@eastlothian.gov.uk>>>

Subject: 22/01217/P- Planning Consultation

Please see attached document in relation to the following application: Erection of furniture making studio (Class 4) and associated works at Bolton Muir Gifford East Lothian NHS Coronavirus Information

[[https://intranet.eastlothian.gov.uk/multimedia/1624/1624\\_250x83.jpg](https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg)]

**From:** [REDACTED]  
**To:** [Millar, Neil](#)  
**Cc:** [Environment Reception](#); [Clark, Colin - EHO](#)  
**Subject:** Planning Consultation : 23/01388/P (Bolton Muir Wood Gifford)  
**Date:** 06 December 2023 15:13:30

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Hi Neil,

Having reviewed the various historical maps for the site there is no direct evidence to suggest any previous contaminative use of the site, however, there is always the possibility that isolated areas of made ground may exist. It should also be noted that (according to the latest Radon Mapping) the site falls within a Radon Affected Area (Class 5 : 10-30 % of properties are at or above the radon action level). This means that the new build will require full radon protection measures to be installed.

In light of the above I would recommend that the following condition be attached to any grant of consent:

**Contaminated Land Condition -**

*In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.*

*If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.*

**Advisory for Radon –**

*It is recommended that the relevant Radon Report be obtained to determine the Radon Potential for the site and based on this reporting any radon protection measures deemed necessary should be suitably installed.*

Regards,

Scott

**[Scott Callow | Senior Environmental Compliance Officer | Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA](#)**

Tel. 01620 827256

Email. [scallow@eastlothian.gov.uk](mailto:scallow@eastlothian.gov.uk)

Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

# EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

## PLANNING APPLICATION - ECONOMIC DEVELOPMENT RESPONSE

*The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.*

### POLICY BACKGROUND

The East Lothian Community Planning Economic Development Strategy 2012-22 was adopted by East Lothian Council on 9th October 2012 and the mid-term refresh was concluded December 2018. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities. The Strategy is being reviewed and renewed during 2023 and continues to be in effect during that process. It sets out clear strategic direction and is the foundation of the vision set out in the East Lothian Plan of:

*Working in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.*

To help achieve the vision, *two major strategic goals* have been set:

- To increase the proportion of East Lothian residents working in and contributing to East Lothian's economy.
- To increase the number of businesses in East Lothian with growth potential.

The two strategic goals are underpinned by five key objectives:

- To be the best place in Scotland to set up and grow an innovative business.
- To be Scotland's leading coastal, leisure and food & drink destination.
- To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.
- To provide high quality employment pathways for East Lothian's workforce.
- To become Scotland's most sustainable and digitally-connected local economy.

In recognition for the need of economic land/commercial units throughout the county and the varying levels of demand/requirement the following tables identify preferred requirements for locations, serviced plots, office and units. The following tables have been developed from data gathered from the Business Base Survey undertaken in 2017.

Table 1 - Preferred locations - area	%
Haddington/Macmerry	25%
Musselburgh	25%
North Berwick	23%
Dunbar	15%
Tranent / Prestonpans	5%
A1 corridor	5%

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

<b>Table 2 - Land – serviced plots</b>	%
Land 0 - 0.25 acre	48%
Land 0.26 to 0.50 acre	22%
Land 0.51 to 0.75 acre	13%
Land 0.76 to 1.5 acre	17%
Land more than 1.5 acre -	0%

<b>Table 3 - Office – preferred size</b>	%
Office/unit 0 to 500 sq ft / 50 sq m	38%
Office/unit 501 to 1,000 sq ft / 100 sq m	12%
Office/unit 1,001 to 1,500 sq ft / 150 sq m	8%
Office/unit 1,501 to 2,000 sq ft / 200 sq m	12%
Office/unit more than 2,000 sq ft / 200 sq m	30%

<b>Table 4 - Units – preferred size</b>	%
Office/unit 0 to 500 sq ft / 50 sq m	14%
Office/unit 501 to 1,000 sq ft / 100 sq m	21%
Office/unit 1,001 to 1,500 sq ft / 150 sq m	13%
Office/unit 1,501 to 2,000 sq ft / 200 sq m	14%
Office/unit more than 2,000 sq ft / 200 sq m	38%

In addition to the Business Base survey 2017 an extrapolation of the six East Lothian area partnerships based on the percentage of working age population in each partnership area and the Strategy target to create 7,500 new jobs has produced the following result.

<b>Table 5 - %age job density</b>					Target new jobs	ind units space required m2	office space required m2
From area p/ship snapshots	Total population	% of working age population per area	actual number	% area for working population	7,500	47	12
Musselburgh	24,998	67%	16,749	28%	2,064	97,007	24,768
Dunbar	13,337	62%	8,269	14%	1,019	47,893	12,228
Haddington	9,064	63%	5,710	9%	704	33,074	8,444
North Berwick	12,515	57%	7,134	12%	879	41,317	10,549
Fa'side	18,396	64%	11,773	19%	1,451	68,191	17,410
Preston Seton Gosford	17,540	64%	11,226	18%	1,383	65,018	16,600

Over the 10 year period of the Strategy the average number of new jobs which will need to be created in each area partnership to achieve the target are as follows:-

<b>Table 6 - Area Partnership jobs required to meet Economic Development Strategy target</b>	Average jobs annually
Musselburgh	206
Dunbar	102
Haddington	70
North Berwick	88
Fa'side	145
Preston Seton Gosford	138

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

**Planning application reference** – 23/01388/P

**Proposal** - Erection of furniture making studio (Class 4) and associated works.

**Location** – Bolton Muir Wood Gifford East Lothian

**Planning Officer** – Neil Millar

### **Introduction**

This proposal pertains to the development of a furniture making studio / local hub (Class 4 – 400msq) and associated works at Bolton Muir Wood, adjacent to Bolton Muir, approximately 2km from the centre of Gifford. Through its Business Gateway service, the Council has been supporting the applicant to develop their business plan for a local cooperative hub for the development of small furniture making and joinery / carpentry businesses. Proposed and supported by graduate furniture makers from the Chippendale International School of Furniture, also located at Gifford, the new facility will help grow East Lothian's reputation for quality artisan products and services. The proposed facility will increase local employment and business productivity and increase the capacity of the nearby furniture school to host graduates locally, retaining talent in the area.

**ELC Estates comment required?** – No

### **Economic Development Recommendation**

The Economic Development Service supports the proposal set out in the above noted application.

Reason(s):

- The development of the class 4 business space (being a use which can be carried on in any residential area without detriment to the amenity of that area etc.) will support business development and employment growth in a primarily rural part of East Lothian and is unlikely to cause a nuisance.
- The number of jobs highlighted by the applicant would deliver 14% of the current annual job target for the Haddington and Lammermuir area and provide a size of unit that is in highest demand in the County.
- The proposal will support a number of local businesses / self employed persons to grow their activity in East Lothian, including supporting the viability and growth of another East Lothian Business (Chippendale School of Furniture), and will continue to grow the area's reputation for high quality products and services in this sector.
- We concur with the applicant's view that the size and type of unit proposed would not be available on the market within East Lothian and could only be secured through a new development, and that a rural location is particularly suitable.
- The proposed site has previously been developed and has recent planning history that suggests development in this area can be supported.
- The proposal contributes positively to the policy agendas set out in relation to rural areas within NPF4, specifically sustainability and transition to net-zero, supporting 20-minute neighbourhoods (people can meet most of their day-to-day needs within a 20min walk or cycle), targeting economic investment and building community wealth (cooperative working, cost sharing, and the development of local supply chains) and the development of local hubs (places can be resilient and self-supporting).

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

This proposal supports the Council's strategic goals and objectives in relation to the local economy:

- To increase the proportion of East Lothian residents working in and contributing to East Lothian's economy.
- To increase the number of businesses in East Lothian with growth potential.
- To be the best place in Scotland to set up and grow an innovative business.
- To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.
- To provide high quality employment pathways for East Lothian's workforce.
- To become Scotland's most sustainable and digitally-connected local economy.

**Response author:** Jamie Baker, Service Manager, Economic Development

**Date:** 5<sup>th</sup> December 2023

**From:** [REDACTED]  
**To:** [Millar, Neil](mailto:neilmillar@eastlothian.gov.uk)  
**Subject:** RE: Planning Ref: 23/01388/P; Bolton Muir Wood, Gifford  
**Date:** 19 December 2023 12:35:08

---

Hi Neil,

Further to my previous comments, I note that the development is within the Bolton Muir Local Biodiversity Site and will have both direct and indirect impacts on trees and the adjacent woodland. Without ecological information to demonstrate otherwise, the proposals in my view will negatively impact the Bolton Muir Local Biodiversity Site and cannot be supported from a biodiversity perspective.

Kind regards,

Catherine

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**From:** Millar, Neil <[nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk)>  
**Sent:** 07 December 2023 10:53  
**To:** [REDACTED]  
**Subject:** RE: Planning Ref: 23/01388/P; Bolton Muir Wood, Gifford

Hi Catherine,

The applicant's agent has not submitted an Ecological Survey with this application. The only reports submitted are (i) the Arboricultural Impact Assessment report you refer to; and (ii) the supporting statement (attached above).

The supporting statement refers to Policy 3 (Biodiversity) of NPF4 but not Policy 9 (Brownfield, vacant and derelict land and empty buildings). In terms of Policy 3 the supporting statement states that:

*'The proposals will have very little impact on the woodland to the west and south of the site – the development will not encroach into the woodland and the proposed workshop will be on an already cleared site of limited biodiversity value. Nevertheless, action will be taken to maintain and enhance the adjacent woodland that is within the applicant's ownership and ensure its long term viability. The long term security of the woodland will more than compensate for the very limited biodiversity loss as a result of the proposed development'.*

Accordingly, in my view, it has not been demonstrated that the proposals would not have a harmful impact on the Bolton Muir Local Biodiversity Site and that any impacts would not be minimised through careful planning and design, contrary to Policies 3 and 11 of NPF4 and Policy NH3 of the adopted East Lothian Local Development Plan 2018.

You will also note from the submitted drawings that the proposals seek to remove a number of trees within the application site.

I would be grateful for your comments and confirmation as to whether or not the proposals are acceptable from a Biodiversity perspective.

Kind regards

Neil

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**From:** [REDACTED] (Biodiversity Officer) [REDACTED]  
**Sent:** 07 December 2023 10:16  
**To:** Millar, Neil <nmillar@eastlothian.gov.uk>  
**Subject:** RE: Planning Ref: 23/01388/P; Bolton Muir Wood, Gifford

Hi Neil,

In my consultation response to application 22/01217/P for the erection of a furniture making studio at the same site (response sent by email dated 20<sup>th</sup> December 2022), I requested that an ecological survey was undertaken given that the development site is within a Local Biodiversity Site, and whilst the site was previously developed there may have been some colonisation of the site by woodland vegetation in the intervening years. Since the adoption of NPF4, the importance of ecological survey work to inform planning applications is increasingly important – particularly to guide biodiversity enhancements under Policy 3 but also in this instance noting that Policy 9 (brownfield, vacant, derelict land) states that “in determining whether the reuse of land is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account”. I’ve had a look at the planning portal and see an Arboricultural Impact Assessment has been submitted but cannot see an ecological survey report – was an ecological report submitted with the application?

Kind regards,

Catherine

---

**From:** Millar, Neil <nmillar@eastlothian.gov.uk>  
**Sent:** 06 December 2023 14:53  
**To:** [REDACTED] (Biodiversity Officer) [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Planning Ref: 23/01388/P; Bolton Muir Wood, Gifford

Hi Catherine,

Just wondering if you have had a chance to review my consultation request relating to this application? I note that your comments are due today.

Kind regards

Neil

Neil Millar | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827383 | E. [nmillar@eastlothian.gov.uk](mailto:nmillar@eastlothian.gov.uk) Visit our website at  
[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



**From:** [REDACTED]  
**To:** [Millar, Neil](#)  
**Subject:** 23/01388/P – erection of a furniture making studio in Bolton Muir Wood  
**Date:** 11 December 2023 17:36:25  
**Attachments:** [REDACTED]

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Hi Neil

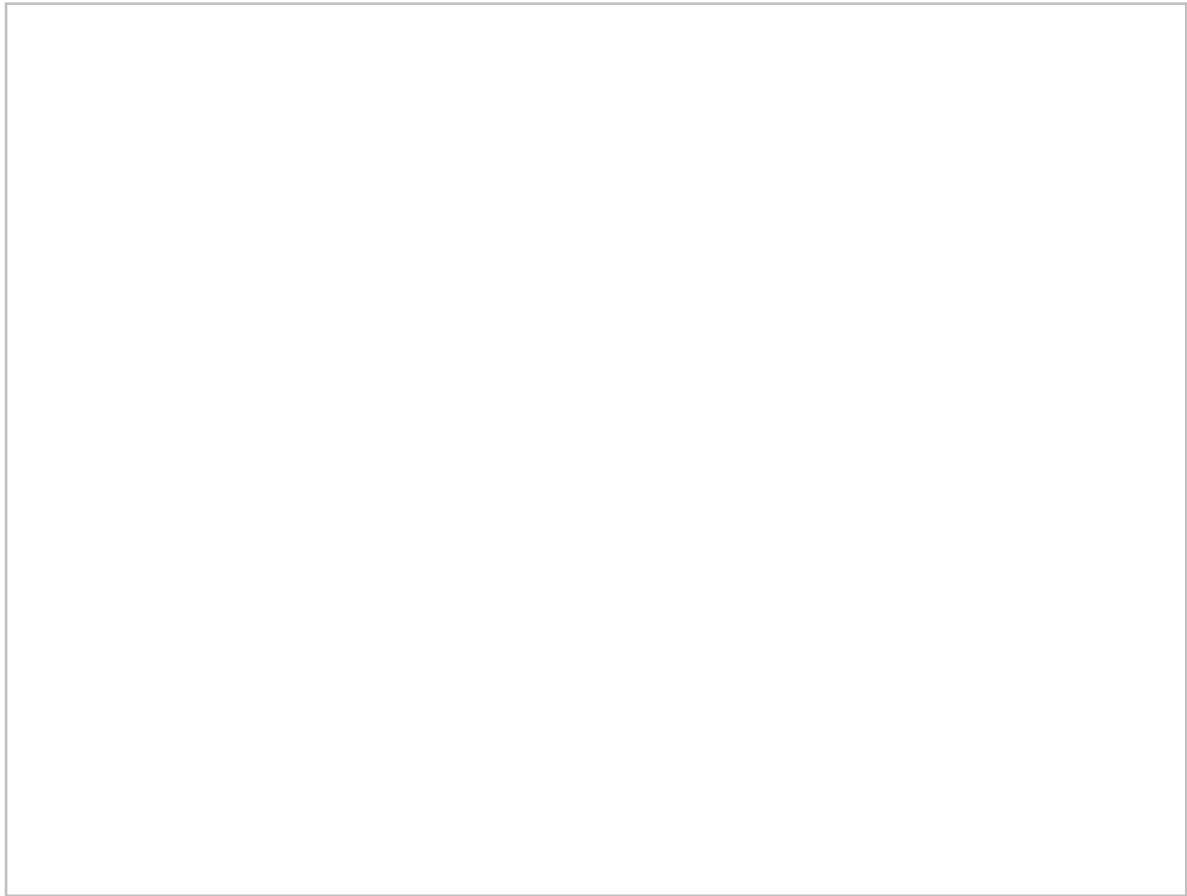
I write in response to the consultation on the above application.

The proposal for erection of a furniture studio and related access, hard surfacing and parking is located within the eastern corner of Bolton Muir Wood. It is identified within an area of Ancient Woodland. Specifically an area of ancient woodland of long established plantation origin. The site is surrounded by hedges, trees and woodland understorey. Hardcore has been laid. No information has been provided on SUDS proposals.

It is appreciated that the proposal is for a wood related use and that being close to woodland that is being managed for hutting may be beneficial by providing a local source of wood. Development within areas of ancient woodland is not supported by the draft Tree and Woodland Strategy. See policy 8. However should there be reasons for granting this application that go against the draft Tree and Woodland Strategy, then we would recommend that it be conditioned that the only business use of the site be wood related.

I have provided further information below should you wish to consider this application further.

An arboricultural report has been submitted with the application. This is incorrect in stating that the site is not ancient woodland. The red hatched area in the extract from Earthlight below is ancient woodland. This covers more than half the site and the whole of the access drive, and the majority of the footprint of the proposed new building is located within this.



The arboricultural report states that 9 trees are to be felled to facilitate the development.

Six category C trees at the vehicular entrance to the site are proposed to be felled to facilitate site lines. (T19-T24)

T12, T17 and T18, all category C trees, are proposed to be removed to facilitate access and turning areas. The tree report actually proposes retention of tree T17.

The arboricultural report also notes that the proposed development encroaches within the root protection areas of three trees T11, T13 and T14. It notes that these could be retained providing appropriate precautions are undertaken.

An additional tree was found to be in poor condition. This is tree T2, a mature sycamore, that is outwith the site to the southeast. This tree does not appear to be within the ownership of the applicant. This tree could not be felled without the consent of the owner.

No mitigation for removed trees has been included with the application. No biodiversity enhancement has been included either. The supporting statement mentions management of adjacent woodland, however no information has been provided on how this will be done.

The site plan does not align with the tree protection plan.

Extract from site plan

Extract from tree protection plan



We recommend that the applicant aligns the site plan with tree protection plan. This should show retained trees, proposed removed trees and new tree planting on site plan. There should be no development within the construction exclusion zone defined by the black tree protection line.

Information on any service runs, drainage connections to the sewer and to SUDS systems should be provided so that the impact of these on the trees and hedges on the site can be assessed. The location of any soakaway should be shown.

A planting plan should be provided that includes mitigation for the trees proposed to be removed to allow the application to be assessed in line with policy 6 of NPF 4 and policy NH8 of ELLDP and the Draft Tree and Woodland Strategy for East Lothian including the Spatial Delivery section and Policies 1, 8, and 9. A tree management plan for the woodland in the applicant's ownership should also be included.

Once this information has been received and should you be considering granting this application then I can offer further guidance including on conditions.

Regards  
Sarah

**Sarah Cheyne**

*Landscape Projects Officer | Planning Service | East Lothian Council | John Muir House | EH41 3HA*

*T: 01620 828756 | E: [landscape@eastlothian.gov.uk](mailto:landscape@eastlothian.gov.uk)*



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Scottish  
Forestry  
Coilltearachd  
na h-Alba

**Central Scotland Conservancy**  
Bothwell House  
Hamilton Business Park  
Caird Park  
Hamilton  
ML3 0QA

Email: [centralscotland.cons@forestry.gov.scot](mailto:centralscotland.cons@forestry.gov.scot)

Tel: 0300 067 6006

Conservator: [REDACTED]

Your Ref: 23/01388/P

Our Ref: D32-158 Bolton Muir Wood

Email: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)

Date: 24th November 2023

To whom it may concern,  
**PROPOSAL Erection of furniture making studio (Class 4) and associated works**  
**LOCATION Bolton Muir Wood Gifford East Lothian**

Thank you for the opportunity to comment on this proposal.

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

Scottish Government policy is opposed to the permanent removal of woodland for the purposes of conversion to another land use in line with the Control of Woodland Removal Policy and the Climate Change Plan 2018-2032.

Scottish Government planning policy seeks to protect the existing forest resource in Scotland, and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. A proposal for compensatory planting may form part of the determination.

From the documents available it is clear that the proposed development will have minimal impact on the woodland context within which it is proposed. However, as some (9) trees are proposed for removal, it is appropriate to consider compensatory planting in mitigation.

It was reassuring to read that the developer recognises the policy aims mentioned and is willing to consider compensatory planting to mitigate the removal of a number of trees.

I would recommend that the following be addressed explicitly within any planning consent

- Where trees have been identified for removal, permission to fell trees must be sought from Scottish Forestry before any felling is undertaken
- Where permanent removal of trees is proposed, a compensatory planting proposal should be required
- The Compensatory Planting proposal must comply with the UK Forestry Standard and as a minimum include detail relating to species, cultivation, protection and ongoing maintenance requirements

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

If you would like to discuss any of the points raised in further detail, please contact the Conservancy office who will put you in touch with the relevant Woodland Officer.

Yours sincerely

[REDACTED]

Regulations and Development Manager

For Conservator

[REDACTED]

# Comments for Planning Application 23/01388/P

## Application Summary

Application Number: 23/01388/P

Address: Bolton Muir Wood Gifford East Lothian

Proposal: Erection of furniture making studio (Class 4) and associated works|cr|

Case Officer: Neil Millar

## Customer Details

Name: Humbie Saltoun and Bolton Community Council

Address: [REDACTED]  
[REDACTED]

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Humbie, Bolton, East & West Saltoun Community Council support this application on the grounds that:

- The development is consistent with East Lothian Council's Economic Development Strategies in providing workshop/studio space from graduates of the Chippendale School in Gifford who wish to establish businesses locally - there is no similar provision anywhere in the county.
- Bespoke furniture making is an appropriate activity for a woodland setting - more appropriate than the previous permission for holiday accommodation.
- The proposal reuses a brownfield site rather than clearing an area of woodland.
- The proposed building is environmentally appropriate, using sustainable materials and renewable energy.
- The structure proposed could not readily be repurposed as residential accommodation.



THE  
**CHIPPENDALE**  
INTERNATIONAL SCHOOL OF  
**FURNITURE**

Planning Department  
East Lothian Council  
John Muir House  
Brewery Park  
Haddington  
EH41 3HA

7 December 2023

To Whom It May Concern,

**Planning application 23/01388/P: Erection of furniture making studio (Class 4) and associated works, Bolton Muir Wood, Gifford, East Lothian**

I would like to write to express my full support for Planning Application 23/01388/P.

I have known Iain Stirling since January 2020 when he first contacted me about becoming a student on the Professional Course at the Chippendale International School of Furniture. He won The Public's Choice Award in September 2021 for his portfolio of furniture made whilst on the course and since then has rented a bench in the incubator studios adjacent to the school.

The School is able to provide rental space to students for up to 3 years post-graduation. Space is at a premium and the amount of space required by students expands as they develop their businesses – increasing as their turnover grows and their skills and abilities flourish. When students leave the incubator studios to embark upon life after Chippendale their first task is to find a workshop in which to continue their businesses. Unfortunately, it is at this point that many of the fledgling businesses struggle because there is a paucity of workshops suitable for woodworkers in East Lothian and without a workshop a woodworker cannot function and may be forced to move out of the region to find employment elsewhere.

Iain Stirling's desire to help his colleagues is to be encouraged and admired. Not only will the building of a new furniture making studio be a considerable financial investment but it will also be a very time consuming one – all whilst he is running his own furniture business. East Lothian is awash with housing and holiday homes and if the alternative development that takes place on the Bolton Muir plot is the provision of an independent facility for a small number of woodworkers then that should be welcomed.

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GIFFORD, EAST LOTHIAN, SCOTLAND, EH41 4JA

TEL: (+44) (0)1620 810 680

info@chippendale.co.uk [www.chippendaleschool.com](http://www.chippendaleschool.com)

DIRECTORS: **TOM FRASER** Principal **P.ANSEL M FRASER** **ANTONIA FRASER** Secretary

Registered in Scotland No. SC172877 Registered Office: as above



The building proposed in the planning application is a modest size for a workshop and will be able to accommodate both the bench space for assembly and the machine space for the static equipment used to mill and shape wood. The facility will allow several woodworkers to continue their independent businesses whilst also being able to work collaboratively when necessary and share resources.

The fledgling furniture businesses housed at Bolton Muir will provide a cost effective and local furniture-making service to a variety of customers (individuals, interior designers and other furniture making businesses) across East Lothian and wider afield throughout Central Scotland. These same fledgling businesses will also provide custom to local East Lothian businesses such as sawmills, hardware stores, retailers and cafes in Haddington and Gifford. Some of the individuals are also employed on occasion as part-time tutors of the short-courses at the Chippendale School – such as the woodturning course of which Iain Stirling is a tutor – and the close proximity of the new studio to the school is beneficial.

In summary, the continued development of the Gifford area as a hub for furniture makers is a fantastic opportunity for East Lothian and should be supported by East Lothian Council. The woodworking studio proposed by Iain Stirling will be a marvelous facility that will support several businesses on their next stage of development and will further enhance East Lothian's reputation as being open for business.

Yours sincerely,



**Principal, The Chippendale International School of Furniture**

# Comments for Planning Application 23/01388/P

## Application Summary

Application Number: 23/01388/P

Address: Bolton Muir Wood Gifford East Lothian

Proposal: Erection of furniture making studio (Class 4) and associated works|cr|

Case Officer: Neil Millar

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: [REDACTED], I am aware of this brownfield site and some of the applications that have come forward previously for residential properties and holiday lets.

I support this application as - unlike the other uses proposed for this site - I feel it will strengthen the guardianship of Bolton Muir Wood that is so important to me and my fellow owners, while creating and supporting skilled jobs in the area, and establishing a business with an inherent connection to the woodland.

! December 2023

Planning application 23/01388/P  
Bolton Muir, Gifford  
Letter of Support

██████████ ██████████, part of the wider Bolton Muir wood which is adjacent to the application site, and I would like to support Iain Stirling's application for permission to erect a furniture-making studio on his land.

Mr Stirling's vision for the site is three-fold. Mr Stirling wishes to provide a base for his own business, to provide work space for other craftsmen in the early stages of their careers, and to rehabilitate the remaining area of woodland which has recently suffered significant degradation. The first two bring an economic benefit and cultural benefit to East Lothian which may otherwise be lost. While it may be possible for Mr Stirling to find suitable premises (most likely to rent) for his own business elsewhere, there is no guarantee that he would be able to negotiate the terms of a lease that would allow him to fulfil his second objective. In addition, although industrial units are no doubt available elsewhere, the requirements of Mr Stirling's particular profession (including large, fixed equipment requiring specialist extraction etc) means that suitability goes beyond mere square footage. By building a bespoke workshop, sustainably and sympathetically, Mr Stirling is ensuring the future of his own business, and that of others, in East Lothian.

From an environmental perspective, the land on which Mr Stirling wishes to build is presently in a sorry state. I am aware that the Landscape Team has visited Bolton Muir in the past, but if they have not visited more recently, they may not be aware of the current situation. Prior to marketing the site for development, the previous owner took out a significant number of mature trees. Storm Arwen brought some down, but as part of the clearing up after that, several other mature conifers were felled, with the loss of perhaps 1.5 acres of woodland. In addition, the proposed build site (which had regenerated well since the demolition of the cottage with various shrubs and wildflowers, as well as self-seeded broadleaf species) was cleared completely, using a JCB, removing virtually all the vegetation. The site was then re-surfaced using red whin.

Bolton Muir wood is a beautiful place, the rest of which enjoys LEPO status, and the current state of the development site is sad in comparison to the rest of the wood. It is Mr Stirling's intention to regenerate the woodland as part of his development. Indeed, he has already begun replanting the felled area with oak, beech and other broadleaf species. While this area can be regenerated quite easily, the destruction of the area of the build site has been so comprehensive that it's difficult to see how it can be rehabilitated without a lot of work and a level of expenditure which is unrealistic to expect. Essentially, any environmental damage to the site has already been done by its previous owner.

In terms of the general impact of the proposed development, the site is largely hidden. Apart from a brief glimpse when approaching from Gifford, trees and hedging obscure the site. By comparison to eg the sheds recently built at Upper Bolton, Mr Stirling's proposed

workshop is small, and will be more sympathetic to its surroundings. The building would not be intrusively visible from Smiddy Wood or Knox Wood, the woodland plots immediately adjacent. The insulation of the building would mitigate any potential sound issues, and as the workshop is likely to be in use mostly during daylight hours, light pollution is likely to be minimal.

As things currently stand, the entrance to Mr Stirling's land is frequently used for parking, primarily by people coming from Gifford to walk in the wood. Because it is a relatively small area, most drivers simply reverse onto the main road to get out. If it was an entrance to a business, that parking would probably no longer happen (there is parking available at the main entrance to Bolton Muir wood, further to the west). Mr Stirling's business will not be open to the public and does not require a lot of deliveries/collections, or the use of large trucks/articulated lorries, so the volume of traffic accessing the site will be small and largely within the control of Mr Stirling. No matter where Mr Stirling's business is situated, at least some of those involved will require to commute, in common with most residents and workers in the county, and the site will have ample parking for cars and bikes, with EV charging available.

I wholeheartedly support Mr Stirling's application. Allowing Mr Stirling to develop the site will contribute to the economy of East Lothian through the production of high-quality, high-value products by skilled craftsmen. The presence of the Chippendale school is already a step towards establishing East Lothian as a centre for excellence for furniture making, and this development is a further step along that road.

Residential development of the site has already been ruled out on several occasions, and I would suggest that given that the rest of Bolton Muir is now subject to active conservation management, at ELC's request, a development such as the holiday lodges previously granted permission would no longer be appropriate. It will be beneficial for the county and for Bolton Muir if Mr Stirling's application is successful. If the application is not granted, it seems more than possible that Mr Stirling may have to locate his business outwith the county, where land prices are more affordable, and the site will remain in its currently degraded state which will serve limited environmental, and no economic, purpose.



## **National Planning Framework 4**

### **Policy 3 (Biodiversity)**

(a) 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. Proposals should also integrate nature-based solutions, where possible.

(b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria: i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats; ii. wherever feasible, nature-based solutions have been integrated and made best use of; iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements; iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their longterm retention and monitoring should be included, wherever appropriate; and v. local community benefits of the biodiversity and/or nature networks have been considered.

(c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

(d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

### **Policy 6 (Forestry, woodland and trees)**

(a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

(b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the

mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

(c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

(d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

### **Policy 9 (Brownfield, vacant and derelict land and empty building)#**

(a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

(b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

(c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

(d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

### **Policy 13 (Sustainable transport)**

(a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals: i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy; ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery; iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

(b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; ii. Will be accessible by public transport, ideally supporting the use of existing services; iii. Integrate transport modes; iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; vi. Are designed to

incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and viii. Adequately mitigate any impact on local public access routes.

(c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

(d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

(e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

(f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

(g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### **Policy 14 (Design, quality and place)**

(a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

(b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy: Supporting the prioritisation of women's safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to

investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.

(c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

### **Policy 26 (Business and Industry)**

(a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.

(b) Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.

(c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

(d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where: i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and ii. The nature and scale of the activity will be compatible with the surrounding area.

(e) Development proposals for business and industry will take into account: i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment; ii. The need for appropriate site restoration at the end of a period of commercial use.

(f) Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

### **Policy 29 (Rural Development)**

(a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected; ii. diversification of existing businesses; iii. production and processing facilities for local produce and materials, for example sawmills, or local food production; iv. essential community services; v. essential infrastructure; vi. reuse of a redundant or unused building; vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention; ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or x. improvement or restoration of the natural environment.



(b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

(c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal: i. will support local employment; ii. supports and sustains existing communities, for example through provision of digital infrastructure; and iii. is suitable in terms of location, access, siting, design and environmental impact.

(d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to their rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.

## **Adopted East Lothian Local Development Plan 2018**

### **Policy DC1 (Rural Diversification)**

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- (a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- (b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

### **Policy NH3 (Protection of Local Sites and Areas)**

Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites, as shown on the Proposals Map. Details of these sites are set out in Technical Note 10: Planning for Biodiversity (2016) and Technical Note 11: Planning for Geodiversity (2016).

Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured.

### **Policy NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species)**

Developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. Sufficient supporting information should be submitted.

New development that would result in:

- a. an adverse impact to nationally protected species;
- b. an adverse impact to the biodiversity value of the development site or the surrounding area (for example through fragmentation or loss of habitat); or
- c. serious damage to or destruction of a significant geodiversity feature;

will only be permitted where the loss is clearly outweighed by the public benefit of the development and suitable mitigation has been proposed and will be secured.

Proposals should indicate how they have had regard to the mitigation hierarchy, the potential for incorporating biodiversity or geodiversity features within the site into the proposal in a positive way where appropriate, and for providing on-site or off-site enhancements. Where relevant, a species protection plan based on survey results must be submitted including details of the status of nationally protected species on site and how possible adverse effects will be mitigated.

### **Policy DP1 (Landscape Character)**

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

### **Policy DP2 (Design)**

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;

4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

### **Policy NH8 (Trees and Development)**

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, 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; in particular the loss of Ancient Woodland will not be supported; or (ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

### **Policy T1: Development Location and Accessibility**

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

### **Policy T2: General Transport Impact**

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;

- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

## **SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING APPLICATION BY THE LOCAL REVIEW BODY – 23/01388/P**

Should the Local Review Body be minded to uphold the review it is respectfully requested that planning permission be granted subject to the following 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. The furniture making studio building hereby approved shall only be used for wood related activities and shall not be used for any other Class 4 business use, unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the furniture making studio building is limited to the use applied for in the interests of safeguarding the character and appearance of the woodland area.

3. Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent person(s) and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use or occupation of the building approved.

4. Prior to any use being made of the furniture studio making building hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of the replacement tree size, species, habitat, siting, planting distance and a programme of planting.

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of the development and if the replacement trees die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with another of a similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the implementation and retention thereafter of landscaping in the interests of the landscape character and biodiversity of the area.

5. Prior to the commencement of development hereby approved, details to show a visibility splay of at least 4.5 metres by 215 metres shall be submitted to and approved in advance by the Planning Authority. The details shall include that no obstruction within the visibility splays shall be above a height of 1.05m measured from the level of the adjacent carriageway of the B6355 public road. Thereafter the visibility splay shall be maintained in accordance with the details so approved.

Reason:

To ensure that adequate visibility is provided at the vehicular access in the interests of road safety.

6. Prior to the commencement of development hereby approved, the width of the existing vehicular access serving the site, and the first 30 metres of the access road within the site, shall be increased by 3 metres to accommodate two-way movements with details to be submitted to and approved in advance by the Planning Authority. The details shall also show that the bell mouth of the junction of the site access to be surfaced in a sealed bitmac finish for the first 20 metres of its length to minimise loose chippings being displaced onto the B6355 road surface.

Thereafter the works to the vehicular access serving the site and the works to the access road within the site shall be implemented in accordance with the details so approved.

Reason:

To ensure two-way traffic movements and to prevent loose materials being displaced onto the public road in the interests of road safety.

7. Prior to the commencement of development hereby approved, a Construction Method Statement designed to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance by the Planning Authority. The Construction Method Statement shall include mitigation measures to control noise, dust, construction traffic (including routes to/from the site) and shall include proposed hours of construction work and details of any temporary measures to be put in place throughout the duration of the construction process.

The construction of the development hereby approved shall be carried out in strict accordance with the approved Construction Method Statement.

Reason:

To minimise the impact of construction traffic and activity in the interests of road safety.

8. Prior any use being made of the furniture making studio building hereby approved, the car parking spaces shown on docketed drawing number 2234(PL)013, titled 'Site/block plans', shall be fully formed and made available for use. Thereafter the car parking spaces shall be retained in place in their entirety for use for the parking of vehicles.

Reason:

To ensure the provision of adequate car parking facilities are available in the interests of road safety.

9. Prior to any use being made of the furniture making studio building hereby approved, details of the location, number and design specification of cycle racks shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the cycle racks shall be installed in the location shown for them and retained in place in their entirety in accordance with the details of them so approved.

Reason:

To ensure the provision of adequate cycle parking facilities are available in the interests of road safety.

10. Prior to the commencement of development hereby approved, details of the provision of the EV charging point and its associated infrastructure shall be submitted to and approved in advance by the Planning Authority. 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. Prior to the commencement of development hereby approved, 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 advance by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and an electric vehicle car charging point and the associated infrastructure

for it, 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.

12. Prior to the commencement of development hereby approved, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved in advance by the Planning Authority. The measures as so approved shall thereafter be implemented and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding woodland area.