

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Chapelhill Fine Furniture c/o APT Planning & Development Per Tony Thomas
1 West Road Whitekirk EH42 1XA decision to refuse Planning Permission for erection of furniture
making studio (Class 4) and associated works at Bolton Muir Wood Gifford East Lothian

Site Address: Bolton Muir Wood Gifford East Lothian

Application Ref: 23/01388/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 25 June 2024

Decision

The ELLRB by majority of 2 to 1 agreed to uphold the appeal and grant Planning Permission for erection of furniture making studio (Class 4) and associated works Bolton Muir Wood Gifford East Lothian subject to conditions for the reasons more particularly set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

The above application 23/01388/P for erection of furniture making studio (Class 4) and associated works Bolton Muir Wood Gifford East Lothian was considered by the ELLRB, at a meeting held on Thursday, 29 February 2024. The Review Body was constituted by Councillor L Allen (Chair), Councillor D Collins and Councillor A Forrest. All three members of the ELLRB had attended a site visit accompanied by the Planning Adviser in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB: -

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser to the LRB
Ms M Scott, Clerk

2. Proposal

2.1. The planning application is for erection of furniture making studio (Class 4) and associated works Bolton Muir Wood Gifford East Lothian and was registered on 21 November 2023.

2.2. The Decision Notice refusing the application was dated 15 January 2024.

2.3. The reason for refusal more particularly set out in full in the said Decision Notice and set out as follows:

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.

2.4. The notice of review is dated .26 March 2024

3. Preliminaries

3.1. The ELLRB members were provided with copies of the following: -

i.	The drawings accompanying this application are referenced and numbered as follows:																											
	<table border="1"> <thead> <tr> <th><u>Drawing No.</u></th> <th><u>Revision No.</u></th> <th><u>Date Received</u></th> </tr> </thead> <tbody> <tr> <td>MANU LITERATURE 01</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>MANU LITERATURE 02</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>MANU LITERATURE 03</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>MANU LITERATURE 04</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>2234(PL)002</td> <td>B</td> <td>21.11.2023</td> </tr> <tr> <td>2234(PL)001</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>2234(PL)013</td> <td>-</td> <td>21.11.2023</td> </tr> <tr> <td>2234(PL)014</td> <td>-</td> <td>21.11.2023</td> </tr> </tbody> </table>	<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
<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																										
ii.	The Application for planning permission registered on 21 November 2023																											
iii.	The Appointed Officer's Submission																											

iv.	<p>Policies relevant to the determination of the application:</p> <p>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</p> <p>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</p>
v.	<p>Notice of Review dated 26 March 2024 together with Applicant's Submission with supporting statement and associated documents.</p>

4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the application before members is an appeal against the refusal of planning permission for the erection of a furniture making studio building (Class 4) and associated works within the site which 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. It is located some 2km west of Gifford. 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 kitchen area, a welfare space and toilet facilities. 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.

In 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 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.

The proposed workshop 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. The proposed building 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.

The Planning Adviser noted that the application was supported a Planning Statement, an Aborigicultural Impact Assessment and a Transport Statement.

The Planning Adviser noted that there were no public objections to the application and three letters from members of the public were received in support of the proposal. The main reasons given by the representors for supporting the proposals were that: (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.

The Planning Adviser also confirmed that a letter of support was also received from Humbie, East & West Saltoun and Bolton Community Council and summarised it as follows: (i) the development is consistent with East Lothian Council's Economic Development Strategies in providing workshop/studio space for graduates of the Chippendale School in Gifford who wish to establish businesses locally (there is no similar provision anywhere in the county); (ii) bespoke furniture making is an appropriate activity for a woodland setting - more appropriate than the previous permission for holiday accommodation; (iii) the proposal reuses a brownfield site rather than clearing an area of woodland; (iv) the proposed building is environmentally appropriate, using sustainable materials and renewable energy; and (v) the structure proposed could not readily be re-purposed as residential accommodation.

The Planning Adviser then set out the legal and policy framework referring to the policies relevant to this application and more particularly set out in 3(iv) of this decision notice and noting that 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 Planning Adviser then confirmed that the case officer carried out a consultation process and summarised comments received from our internal and external consultees.

The Planning Adviser then confirmed that there were no objections received from the Council's Senior EHO, Contaminated Land officer and from Forestry Commission Scotland. Forestry Commission noted that nine trees within the site are proposed to be removed and thus 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 Council's Biodiversity Officer, Landscape Officer and Road Services also provided comments on the proposal. The Council's Biodiversity Officer noted that the application was not accompanied by an ecological survey and advised 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. The Biodiversity Officer advised 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 objected to the 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.

The Council's Landscape Officer advised 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 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. The Landscape Officer advised that development within areas of ancient woodland is not supported and that the proposal conflicts with Policy 6 of NPF4 and with Policy NH8 of the adopted East Lothian 10 Local Development Plan 2018. The Landscape Officer also noted that the development within areas of ancient woodland is not supported by the draft Tree and Woodland Strategy (it should be noted that the Tree and Woodland Strategy was approved by Cabinet on the 14th of May 2024).

The Council's Road Services advised that the vehicular access to the site would be taken from the B6355 public road and would make use of an existing private gated access point into the woodland area. They advised that this 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.

The Council's Road Services Officer advised that a full 4.5 metres by 215 metres visibility splay for the proposed Class 4 furniture making studio use was required. This requirement 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 Road Service Officer explained that a shorter and shallower visibility splay was accepted for the previous planning application for 3 holiday homes, and this was justified by that particular land use which would attract fewer vehicle movements overall and fewer heavy vehicles in particular. The Officer confirmed that the proposal was contrary to Policy 13 of NPF4 and Policies T1 and T2 of the current East Lothian LDP.

The case officer considered all of the above comments and representations. In his policy assessment the case officer noted that 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 case officer noted that 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 officer concluded that 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.

The Planning Adviser then summarised the case officer's conclusions, which were that the proposal was contrary to Policies 3, 6, 9, 13, 14, 26 and 29 of NPF4 and contrary to Policies DC1, NH3, NH5, DP1, DP2, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018. Furthermore, the case officer considered 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 case officer acknowledged that The Council's Economic Development Service Manager supports the proposal. However, the officer concluded that 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.

The Case Officer concluded his report stating that 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.

The Planning Adviser then turned to the submission from the applicant's agent and summarised it through the following points:

- Application 23/01388/P for the creation of a fine furniture workshop at Bolton Muir, just outside Gifford, has the full support of the Council's Economic Development Service, the local Community Council, a number of letters of support and NO objections.
- The proposals represent a unique opportunity to support a specialised fledgling rural business, closely linked to the world-renowned Chippendale International School of

- Furniture and located on a previously developed brownfield site to the west of Gifford.
- The building would appear like many agricultural buildings in the countryside, would generate very few daily vehicle trips and seeks to remove just 9 trees within the context of the many thousands of trees that form Bolton Muir Wood. The previous permission for holiday accommodation would have seen totally alien 'New England' type buildings being introduced to the site with much higher ridge lines.
 - This is a cleared site; there will be very little impact on the existing biodiversity of the wider site whilst the applicant owns a much larger area of woodland at Bolton Muir that he intends to manage proactively to ensure an overall net gain in the quality of the local biodiversity. The applicant will look to work with East Lothian Council to achieve this aim.
 - The policies of NPF4 and the Local Development Plan should be looked at as a whole and it is the applicants conviction that the overall conclusion should be to support this unique and high quality opportunity.

The Planning Adviser noted that the applicant's agent accepts that the proposed use does not fit into the categories identified in policy DC1 of the East Lothian LDP, but also suggests there is a clear locational relationship between the proposals and the location in creating a 'centre of excellence' for the furniture making industry. The agent notes the response from the Economic Development Service which suggests that there is no existing suitable accommodation available for the proposed business. Further the Planning Adviser noted that the applicant's agent states that considerable investment is required to support a furniture maker – both financially and in terms of space – and consequently appropriate properties are very rare, and particularly so in East Lothian. The agent states that a balance needs to be found between creating an unnecessarily large and expensive building and a building that is too small to support enough businesses to be economically viable. It is considered that the size of the building proposed is an ideal size to support a small group of furniture makers – something which is not possible financially at the commercial rates demanded by available industrial units such as those at Gateside in Haddington. The agent also emphasises that the proposed building in the context of its countryside location, would appear as one of many agricultural buildings in the East Lothian countryside.

The agent suggests that this previously developed cleared site has limited biodiversity value and that the applicant will enhance the remainder of the site through proactive and careful management of the residual woodland. The agent states that the very nature of the proposed use of the site, to accommodate small fine furniture making businesses will align with the woodland setting and that the applicant would be happy to accept a condition of planning to work with the Council's Biodiversity officer to agree on a Biodiversity Enhancement Plan alongside the development.

- 4.3. The members then raised a question as to whether they could add condition to enhance the visibility of the entrance and were advised that as this would have further impact on the trees there would require further assessment and therefore if members were minded to grant today such condition would not be possible.
- 4.4. The Chair asked her colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Collins confirmed that the site visit for this matter was very helpful. She noted that the trees in the area were big and noted there was a sycamore which appeared to have been around for around 150 years, while confirming that this tree would stay. She noted that in contrast the trees around the boundary were younger. She noted that the

shed was bespoke for the business and noted that there were plans to make this environmentally friendly with introduction of heat source pumps and other measures to reduce carbon use. She then confirmed that in her opinion the entrance issue would not be a huge issue as she did not envisage many artic lorries passing or using the site. She concluded by noting this would provide employment for ten people and was supportive of the application.

- 4.6. Councillor Forrest confirmed that the site visit helped put the application into perspective. He believed that this was a good business but unfortunately agreed with the case officer that this was in the wrong place. He was of the view that there were risks around road access and did not believe there were sufficient sight lines. He was of the view that the biodiversity of the site would be detrimental. Accordingly he was minded to refuse the appeal and supported the case officer's determination.
- 4.7. The Chair noted that this was a brown field site. She then confirmed that without the site visit she would not have understood the concerns being raised regarding the location of the road. She did note that there was a shortage of the type of buildings required for the applicant to carry out their business. She was of the view that due to the type of traffic flow expected along this road the visibility issues would be minimised. She felt there had been great care in the design of this building and it would be a positive addition to the area. Accordingly, she was minded to uphold the appeal

Accordingly, the ELLRB by majority of 2 to 1 agreed to uphold the appeal and grant planning permission 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. 53 (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, 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 55 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.

11. 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.

Planning Permission is hereby granted.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A (8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 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 V of the Town and Country Planning (Scotland) Act 1997.