

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 September 2012

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

***Note:** this application was called off the Scheme of Delegation by Councillor McMillan for the following reasons: a) there are a large number of conditions attached to this approval, and I would wish to explore them further with the applicant and those who have commented; b) this is a recognised "historical" site, on a complicated rural road junction; c) although the number of comments and objections is small, a high proportion of the local residents (at the time of the application) have made their contrary views known, and I believe they should be heard at the Planning Committee; d) the application also increases the number of properties on the "site" and in the small community from 7 to 22-a large increase.*

Application No. **11/00663/P**

Proposal Conversion of agricultural buildings to form 15 houses, formation of vehicular access and associated works

Location **Begbie Farm Steading
Begbie
Haddington
East Lothian
EH41 4HQ**

Applicant H and K Enterprises Limited

Per Smith Architects

Ward 6

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is at Begbie Farm, which is located in the countryside to the southwest of Haddington.

The application site comprises the buildings of Begbie Farm Steading and some areas of agricultural land. It is rectangular in shape, with a small rectangular area projecting from the southeast corner. The site is some 0.78 hectares in area. The majority of the steading buildings are listed as being of special architectural or historic interest (Category B). These listed buildings consist of a large rectangular central range, a small rectangular eastern range, a long rectangular southern range and a 'T' shaped northern range. They are a variety of one, one and a half and two storeys in height. Along the

north-eastern boundary of the site are three small modern agricultural buildings and close to the southwest boundary are two large modern agricultural buildings.

The site is bounded to the north by agricultural land with houses beyond, to the northeast by a field used for the keeping of horses and by Begbie Farmhouse and its garden with the C67 public road and agricultural land beyond and to the southeast by another part of the C67 public road with agricultural land beyond. To the southwest and northwest it is bounded by agricultural land. Begbie Farmhouse is Category C(S) listed as being of special architectural or historic interest.

The listed steading buildings are all built of random rubble stone with dressed stone quoins, including around the major openings. The design of the buildings makes extensive use of gables. The roofs of the buildings are pitched and clad with pantiles.

The modern agricultural buildings on the northeast and southwest of the site are utilitarian, metal framed and metal clad agricultural buildings. The application drawings detail an intention to demolish those utilitarian buildings. Such demolition does not require planning permission.

Planning permission is sought for the conversion of the whole group of listed steading buildings other than a small building at the north end of the east range, to form 15 houses together with the formation of a vehicular access and for associated works including the erection of a building housing a biomass boiler, the erection of walls, fences and a bin store and the formation of hard surfaces. The small building at the north end of the east range is used as storage for the house of Begbie Farmhouse.

To facilitate the use of the listed steading buildings as houses, some modern utilitarian features and additions would be removed and a number of physical alterations, including part demolition of the central range, would be made. A communal courtyard would be formed within the central range. Communal garden ground would be formed to the south of the central range and on the north-western part of the site. Gardens would also be formed in the north range of the building to serve the proposed houses.

The proposed biomass boiler building would be positioned on the western corner of the site. The proposed bin store would be positioned on the south-western part of the site.

It is proposed that access would be taken from the C67 public road near the south corner of the site at a point south of an existing access to the site. The existing access at the south-eastern corner of the site, close to the south range of the group of steading buildings, would be stopped up. Parking and turning areas would be provided on the south-western part of the site, and a parking area at the southwest end of the south range.

A Supporting Statement, a written scheme of investigation for a Historic Building Survey, a European Protected Species Study; a Window Survey; a Daylight/Ventilation study, a letter from the applicant's consultant Structural Engineer and a Structures to be Removed report have been submitted with the application.

Revised plans have been submitted showing amendments to the thickness of the astragals proposed for new and replacement windows.

Listed building consent is sought separately through application 11/00663/LBC for alterations to the group of steading buildings, the erection of walls, fencing and gates and for the part demolition of buildings and walls. A separate report on application 11/00663/LBC is, at this time, on the Committee Expedited List.

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

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies ENV1C (International and National Historic or Built Environment Designations), ENV1G (Design of New Development) and ENV3 (Development in the Countryside) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP8 (Replacement Windows), DP22 (Private Parking), T2 (General Transport Impact), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing) and Appendix 2: Farm Steading Design Policy of the adopted East Lothian Local Plan 2008.

Also material to the determination of the application is Scottish Planning Policy: February 2010 and Planning Advice Note 72: Housing in the Countryside.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 42: Archaeology similarly advises.

Planning Advice Note 72 explains how the conversion or rehabilitation of rural buildings not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings, which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.

Also material to the determination of the application are the written representations from the public. Four written objections and one written comment have been received. Three objections have been lodged by a planning consultant on behalf of the family who own and live in Begbie Farmhouse and the other one was from that family. The grounds of objection are that:

(i) Due to its countryside location the proposed conversion of the steading buildings to houses is inconsistent with Scottish Planning Policy: February 2010 and development plan policy on new housing in the countryside;

- (ii) No design statement has been submitted, conflicting with Scottish Government Planning Advice Note 68: Design Statements and Policy DP4 of the adopted East Lothian Local Plan;
- (iii) There is no justification for enabling development to fund the restoration of the listed buildings;
- (iv) The farm buildings are not redundant and therefore there is no justification for their conversion;
- (v) The demolition would harm the historic character of the listed buildings;
- (vi) The bat survey and archaeological assessment submitted with the application give little reassurance and appear vague in their conclusions as to the likelihood of the proposals causing harm to natural and historic interests. The possibility of bats being present mean that there is a likelihood of a criminal offence being committed if any permission for conversion were to be implemented;
- (vii) There is no assessment of place, identity or context. Begbie has no facilities and is unsuitable for new residential development;
- (viii) Poor layout and lack of amenity space;
- (ix) The proposals relate poorly to the existing 'hamlet' of Begbie; and
- (x) The site has poor road access and raises road safety concerns, with most traffic likely to head towards Edinburgh or Haddington and having to negotiate a dangerous blind corner.

A letter from the Architectural Heritage Society of Scotland states that the society is impressed and encouraged by the general treatment of the listed steading, though they do raise concerns at the number of proposed houses, the level of parking provided and a lack of provision for children or play space.

No enabling development is proposed in this planning application.

The applicant's Supporting Statement includes a Design Concept Statement for Site Development together with a survey of the buildings and a commentary on the alterations to be made. In this the application accords with the relevant requirements of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008. Scottish Government guidance as set out in Planning Advice Note 68: Design Statements makes no statutory provision for the submission of a design statement with an application for planning permission. Policy DP4 of the adopted East Lothian Local Plan 2008 requires design statements for applications for planning permission only for strategic and local housing sites and for strategic employment sites, or where the Council otherwise requires.

Part 2 of Policy DC1 of the adopted East Lothian Local Plan 2008 presumes in favour of the change of use/restoration of existing buildings within the East Lothian countryside provided amongst other things the building(s) is worthy of retention by virtue of its architectural or historic character, stands substantially intact and is capable of conversion, and is physically suitable for the proposed use. In the case of the conversion of agricultural buildings to housing the change of use must involve the whole building group.

The Council's Policy and Projects Manager raises no objection to the principle of the proposed steading conversion. In respect of the objection raised on the grounds of policy on development in the countryside he advises that whilst Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 has a general presumption against development in the countryside, it makes allowance for development that re-uses appropriate redundant rural buildings that make a positive contribution to the landscape, where justified in local plans. He further advises that the adopted East Lothian Local Plan 2008, in paragraph 2.11, justifies the specific circumstances where new development in the countryside is acceptable, including farm steading conversions. He is of the view that the buildings of the Category B listed Bebgie Steading are redundant rural buildings that make a positive contribution to the landscape and are worthy of retention by virtue of their special architectural or historic character. The Policy and Projects Manager further advises in respect of Policy DC1 that there is no requirement for change of use/restoration of a building to be directly related to agriculture, horticulture, forestry or countryside recreation. He advises that in part 2 of the policy, whilst acceptable changes of use are the same as for new build uses, the operational requirement as specified in part 1 does not apply. Providing that an acceptable use is being proposed only the requirements of part 2 must be met.

The steading buildings are listed as being of special architectural or historic interest (Category B). They make a positive contribution to the rural landscape and built heritage of the area. They are an established and attractive feature of their landscape setting and are part of the historic form and character of this part of the East Lothian countryside.

The steading buildings lend themselves to a sensitive residential conversion. They are all substantially intact, still having their traditional rubble stone walls and pitched roofs. A consultant Structural Engineer's letter and Supporting Statement submitted by the applicant in support of the proposed conversions concludes that the agricultural buildings are substantially intact and capable of being converted into the proposed 15 houses without the need for any significant demolition works. The Council's Structural Engineer verifies this.

The listed steading buildings which are proposed to be converted to houses are, by their historic architectural form, no longer reasonably capable of modern agricultural use. Whilst currently they might at times be used for agricultural storage purposes, they are not suited to the needs of modern, mechanised agriculture. The buildings are therefore in need of a new lease of life to preserve them. The other, modern, utilitarian agricultural buildings on the site are not subject to planning control of their demolition.

The proposed conversion to residential use would involve almost all of the steading buildings. The small building at the north end of the east range is used as storage for the house of Bebgie Farmhouse. Such use is compatible with the proposed residential use of the steading buildings. Thus there would be no scope for conflict of use between agriculture and housing.

On these matters of policy principle, the proposed conversion of the listed steading buildings accords with Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2008 and Policy DC1 (Part 2) of the adopted East Lothian Local Plan 2008.

Removal from the site of the utilitarian agricultural sheds to the south of the group of steading buildings would serve to enhance the character and setting of the Category B listed steading, and of the Category C(S) listed Bebgie Farmhouse.

The central range of the listed steading buildings is formed of 4 parallel sections with northwest and southeast facing gables. To facilitate the formation of four of the proposed houses this range would be significantly altered by the removal of the greater part of the two central sections of it. An existing internal stone wall of the south part of the range would have window openings formed in it. The openings of the eastern and western sections of this range would have timber walls built up behind the line of existing metal columns to allow those columns to remain exposed. Glazed panels and windows would be formed in the new timber elevations. As so altered the central range would have a 'U'-shaped form around a northwest facing courtyard. The central part of the northwest facing elevation, with its large cartshed openings would be retained to wallhead height to complete the courtyard. Thus the central range of the steading buildings would retain the character of its existing rectangular shape.

Where possible, existing window and door openings would be used. Existing timber openings on the external elevations of the central range would be glazed and no new openings would be formed. The south elevation of the south range of the steading buildings faces the C67 public road. It is the main publicly viewed elevation of the listed steading buildings. No new openings would be formed in that elevation wall. Three roof windows would be formed on the central part of the roof slope of part of this range. Thus the character and appearance of that main public elevation of the south range would not be significantly altered. Only two new openings would be formed in the north elevation of the south range. Roof windows formed on the north facing roof slope of that range would face into the group of steading buildings and not outwardly to public views. No new openings would be formed in the gable elevations of the south range.

No new openings would be formed in the east elevation of the east range. Two existing window openings on the west elevation would be altered to form doorways and one new window opening would be formed. Roof windows would be installed on the west facing roof slope so as to line up with the openings on the west elevation. Existing openings on the south gable would be glazed. The elevation walls of the north range have few existing openings in them. In addition to these existing openings, several new window openings would be formed on each of its elevations.

By virtue of their number and positioning, the proposed new and altered openings and the proposed new roof windows would not harm the architectural character and appearance of the steading buildings.

New openings for windows and doors would be finished with dressed natural stone lintols, cills and rybats.

There are few existing windows remaining in the existing openings of the buildings. The applicant's Window Survey demonstrates that these remaining windows are either beyond repair or are later replacements inappropriate to the listed buildings. Replacement and new windows would be constructed of timber frames and fitted with 'Slimlite' double glazing. They would be casement windows with astragals. For fixed and larger glazed openings, the glazing would be single pane and would be set back within the openings.

Subject to the proposed roof lights being installed as near flush as possible with the upper surface of the roof into which they would be installed, and the glazing to larger openings being set back into their respective openings, these proposed alterations would not harm the special architectural or historical interest of the group of listed steading buildings.

The stone walls of the buildings would be repaired and repointed. Pantiled roofs would be re-clad with new clay pantiles. Existing and new rainwater goods would be in cast iron. No details of roof ventilation or of flues and wall mounted vents to be installed on the buildings have been submitted. To safeguard the special architectural or historic interest of the steading buildings it should be made a condition on the grant of planning permission that details of roof ventilation measures and the visible part of any new flues and vents be submitted to and approved by the Planning Authority prior to their use in the proposed development.

All of the above proposed alterations to the buildings are compatible with and would not harm any significant architectural features of the buildings and would be in keeping with the size, form, scale, proportions, massing and architectural character of the buildings. Nor would they be harmful to the special architectural or historic interest of the Category B listed steading buildings.

Historic Scotland raise no objection to the proposed conversion of the steading buildings. They do not consider that any complex or sensitive issues are raised by the proposals. They had expressed concern at the proposed astragal thickness of the new and replacement windows. The revised plans submitted by the applicant show an astragal thickness of some 28 mm rather than the 36 mm originally proposed, thus addressing Historic Scotland's concern on this detailed aspect of the application.

The proposed building housing the biomass boiler would be some 4 metres to the highest point of the ridge of its pitched roof. It would have two flues, to a height some 1.5 metres above the ridge level. The proposed building would be clad in timber with metal profiled sheet roofing. It would be positioned on the western corner of the site where the land levels of the site drop down. It would be set into those levels. It would be seen as a small agricultural type building set down in the landscape. It would be well contained and largely screened from public view by trees to the north and existing built development to the east, with only its roof and flues visible in views from the south. Hedging along the roadside to the south and west would screen it in views from those directions. Thus the proposed biomass boiler building would not be an intrusive or incongruous form of development. It would not be harmful to the character and appearance of the area.

The proposed bin store would be enclosed by 1.35 metres high stone walls and timber gates. Stone walls to a height of 0.9 metres would be erected to partially enclose the garden areas serving houses to be formed in buildings of the north and central ranges. Stone walls to a height of 1.5 metres, a metal farm gate and post and wire fencing would be erected to enclose the biomass boiler building. By virtue of their proposed height and materials these walls, fences and gates would not appear out of keeping with the scale, form and character of the existing steading buildings or harmful to the character and appearance or historic interest of the steading buildings.

Nineteen parking spaces would be formed in 4 separate groupings on the south-western part of the site. Four parking spaces would be formed on the south-eastern part of the site, to the south of the south range. The parking areas and the access road and internal roadway of the site would be surfaced with block paving stones with paths and surrounding hardstanding laid with natural stone paving slabs. These proposed changes would not be intrusive or harmful to the character and appearance of the steading buildings or of the area.

Communal garden ground would be provided on the north-western part of the site and to the south side of the central range. The two houses to be formed in the north range would have private garden areas. The change of use of land in the site to garden or communal ground, the formation of hardstanding areas and the enclosure of boundaries

in the manner proposed would not appear intrusive, incongruous or exposed in their landscape setting. They would not significantly alter the contribution the site makes to the character of this part of the countryside and would not be inappropriate to the rural character of the area.

None of the above parts of the proposed development would be harmful to the settings of the Category B listed steading or the Category C(S) listed Begbie Farmhouse.

None of what is proposed would involve a significant or unacceptable loss of agricultural land. The area of agricultural land within the site (i.e. to the north and south of the steading buildings) that would be changed to residential use is relatively small as required by Policy DC1 of the adopted East Lothian Local Plan 2008. Accordingly, the proposed change of use of the area of land from agriculture to residential use is not a significant departure from Policy DC1 of the adopted East Lothian Local Plan 2008.

However, although relatively small in area, the land on the north-western part of the site which is the subject of the proposed change of use to residential use is still of sufficient size to accommodate a new house(s) on it. Therefore, an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 is required, if planning permission for the change of use is to be granted, to prevent any future erection of a house(s) on it. This would have the effect of safeguarding the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

What is proposed is a scheme of sensitive alteration, extension and conversion of existing buildings within this part of the countryside, together with a small amount of new build development, sensitively positioned and of an appropriate form, scale and appearance. The alterations, extension, conversion and small amount of new build development would not radically change the architectural form, character, appearance or setting of the listed group of steading buildings and thus there would not be significant change to their established affect on the character and appearance of this part of the countryside. With the development so proposed the buildings would continue to reflect the character and quality of their place in a manner compatible with their surroundings and would not be inappropriate to the rural character of the area.

On the foregoing considerations the proposed development is, as applicable, consistent with Policies ENV1C, ENV1G and ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015, Policies DC1, ENV3, DP6 and DP8 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: February 2010.

If the proposed development were to be granted planning permission the 15 houses to be formed from the conversion of the agricultural buildings, once occupied, would benefit from permitted development rights for certain alterations and extensions to them. In addition, if the proposed development were to be granted planning permission, the land that would be changed from agricultural use to domestic garden ground for the new houses, would benefit from permitted development rights for the erection on it of structures such as garden sheds and garages and for other development of it. Such subsequent erection of structures and other curtilage development could harm the character, integrity and appearance of the buildings and/or lead to an over development of the site, create a density of built form harmful to the character and amenity of the area or cause harmful impacts on the privacy and amenity of neighbouring residential properties. It would therefore be prudent for the Council, as Planning Authority, to impose a condition on a grant of planning permission for the proposed development removing permitted development rights for any alterations and extensions to the houses and for any building of detached structures and the carrying out of other development on the land to be changed to domestic garden ground.

If the proposed development were to be granted planning permission and if the existing utilitarian agricultural buildings on the northeast and southwest parts of the site were to remain in place and not be demolished as is indicated on the planning application drawings, there would be conflict between the agricultural use of them and the residential use of the steading buildings, which would be harmful to the occupants of the houses to be created. Therefore, it should be made a condition of the grant of planning permission for the proposed steading conversion that prior to occupation of any of the proposed 15 houses that the utilitarian agricultural buildings be removed.

In respect of privacy it is the practice of the Council as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Windows on the northwest elevation of the northeast part of the south range of the steading face towards the front garden of Begbie Farmhouse within 9 metres of the garden boundary. The boundary of that garden is enclosed by a 1.5 metres high stone wall with shrubs and trees to some 2 metres in height in the farmhouse garden. In such circumstances, no harmful overlooking of the farmhouse garden would arise. Roof windows proposed to be formed on the northwest facing roof slope of this part of the south range and which would also face towards the front garden of Begbie Farmhouse would be some 9 metres from the garden boundary and consequently would not give rise to harmful overlooking of that front garden. No other windows or other openings proposed to be formed would give rise to harmful overlooking of neighbouring gardens, nor would any window or other opening be within 18 metres of an existing directly facing window.

Windows on facing elevations of houses 1 and 10; 2 and 10; 8 and 11; and 7 and 12 would be directly facing within 18 metres.

In the cases of houses 1, 2 and 10, this would be a relatively small amount of intervisibility resulting from the closeness of those existing listed buildings and the use of existing openings in the elevations of them. It would not arise as a result of new buildings or the formation of new openings on the elevations of the existing buildings. In such circumstances where this intervisibility would affect only the houses to be so formed within the existing listed buildings and not affect any existing residential property, it would not be sufficient to warrant a refusal of planning permission.

In the cases of houses 8 and 11 and houses 7 and 12, the intervisibility would be across the courtyard to be formed within the footprint of the central range of the steading. The windows with intervisibility would be formed on the new elevations to be constructed after the demolition of the central part of the steading. They would serve ground floor rooms only. They would be some 17 metres apart. Intervening between the facing windows would be a 1.25 metres high wall which would remain from the otherwise demolished central wall of this range, and a 1.25 metres high wall around a ramp to be formed across the levels of part of the site. In such circumstances with some 17 metres between the windows and with the intervening structures, such degree of overlooking between those proposed houses would not warrant refusal of a grant of planning permission.

The residential accommodation to be formed in the buildings would be of a satisfactory size and layout.

On these considerations of privacy and amenity the proposed development does not conflict with Policy DP6 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service raise no objection to the proposed development.

Following detailed discussions between the applicant and the Transportation service and the submission of a Speed Survey of traffic on the C67 public road, Transportation confirm that the proposed development could be satisfactorily accessed from the C67 public road. They are satisfied that the proposed visibility splays of 4.5 x 70 metres to the west of the proposed access and some 2.5 x 90 metres to the east would, in conjunction with the display of a road marking and road sign denoting the access in positions agreed with the Council, allow safe access and egress from the site. They recommend that the first 10 metres of the internal access road be hard formed and be drained to prevent surface water from the new access road flowing onto the C67 public road.

Transportation confirm that the proposed 23 car parking spaces give an acceptable level of parking provision for the 15 proposed houses. They recommend that the positioning of bollards to achieve the closure of the existing access to the C67 road from the southeast of the site be amended so as to remove any possibility of use of the part of that access road and the proposed position of the bollards for parking.

The above recommendations can be made conditional on the grant of planning permission. Subject to these planning controls, Transportation are satisfied with the proposed access, parking and turning arrangements. The proposed development complies with policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager confirms that the proposed access and turning arrangements constructed to the applicant's specifications would allow for the servicing of the proposed 15 houses.

The Council's Policy and Projects Manager raises no landscape objection to the proposals. He advises that mature trees in the garden of Begbie Farmhouse should not be affected by the proposed conversion of the existing steading buildings. He recommends that hedgerow planting, in combination with post and wire fencing, be carried out along the western and northern boundaries of the site to enclose the development and screen the proposed parking areas, bin store and biomass building in a manner in keeping with the agricultural character of the area. He further recommends that some tree planting be carried out on the grass areas within the development. These requirements can be made the subject of a condition on the grant of planning permission.

The Council's Environmental Protection Manager raises no objection to the proposals.

The Council's Heritage Officer advises that as a historic building recording has been carried out to his satisfaction he has no requirements for any further archaeological work. In this the proposals are consistent with Scottish Planning Policy: February 2010, Planning Advice Note 42: Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer raises no objection to the proposed conversion of the steading buildings. He informs that the applicant's species survey is well carried out and presented and does not find evidence of bats roosting at Begbie Steading. He advises that it would be beneficial if the applicant considered the installation of bat and swallow boxes to accommodate potential roosts and nests of those species.

The Council's Executive Director (Services for People) informs that the planning application site is located within the catchment areas of Haddington Infant School with its nursery class, Kings Meadow Primary School, St Marys RC Primary School, and Knox Academy. He confirms that there would be space at Kings Meadow Primary School and

St. Mary's RC Primary School for primary aged pupils that might arise from the proposed 15 houses but advises that nursery provision at Haddington Infant School and St. Mary's RC Primary School would not be capable of taking the pre-school children that could arise. He further advises that the existing facilities are not capable of expansion due to the very high parent pick up traffic movements associated with pre-school facilities and that the only available option would be to provide additional pre-school space as part of the new Letham Primary School proposal associated with the strategic housing allocation at that location. In respect of primary and secondary pupils he advises that Haddington Infant School and Knox Academy would not have capacity to accommodate the children that might arise from the proposed houses. He objects to new residential development proposals in the catchment area of Haddington Infant School and Knox Academy on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £105,339 (£7,022.60 per unit) towards the provision of additional accommodation at those schools and the new Letham Primary School. This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 1/2010: Planning Agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan, which stipulates that new housing will only be permitted where the developer makes appropriate provision for infrastructure required as a consequence of their development. This will include funding necessary school capacity. A legal agreement will be used to secure this provision.

The Council's Housing Strategy and Development Services section advise that the requirement for the provision of affordable housing arising from this proposed housing development is determined by the Council's Affordable Housing Policy approved by the Council in January 2006. Accordingly, 25% of the fifteen houses proposed should be affordable housing, which amounts to four units. In the circumstances of this case the Housing Strategy and Development service advises that the affordable housing requirement should be met by a commuted sum payment to the Council of a value equivalent to the cost of providing the affordable housing requirement of four units. The terms for the provision of an affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

The decision to grant planning permission is subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to:

- (i) Secure from the applicant a financial contribution to the Council of £105,339 towards the provision of additional school accommodation at Haddington Infant School, Knox Academy and the new Letham Primary School;
- (ii) Secure the provision of a commuted sum payment to the Council for a value equivalent to the cost of providing the affordable housing requirement of four units; and
- (iii) prevent any future development of any new build house(s) on the area of land comprising the north-western part of the application site.

In accordance with the Council's policy on time limits for completion of planning agreements the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party

within six months of the decision taken on this application, the application shall then be refused for the reasons that:

(i) without the developer contributions to be secured by the Section 75 Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Haddington Infant School, Knox Academy and the new Letham Primary School and a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008;

(ii) without the control of the Section 75 Agreement to prevent a house(s) being built on the north-western part of the application site its change of use to residential use would be contrary to the purpose and integrity of the Council's policies for the control of new housing development in the countryside.

CONDITIONS:

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

Reason:

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

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

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

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

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area and to protect the setting of the buildings listed as being of special architectural or historical interest.

- 3 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall include full details of:

(i) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting, including hedgerow planting to the northern and western boundaries of the site and standard trees on the grassed areas of the site;

(ii) details of all surfacing treatment within the site, including for the gardens and communal areas for the houses, access roads and turning areas, car parking spaces, footpaths, and of any new means of enclosure or delineation of boundaries.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the new houses or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the

development in the interests of the amenity of the area and to protect the setting of the buildings listed as being of special architectural or historic interest.

- 4 No development shall take place until details of roof ventilation measures have been submitted to and approved by the Planning Authority and the ventilation measures used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 5 All new and replacement stone to be used in the development shall be natural stone to match as closely as possible the existing stonework of the buildings, in accordance with a sample to be submitted to and approved by the Planning Authority prior to its use in the development and the stone used shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 6 All new stonework, including infill stonework for the existing existing buildings shall match as closely as possible the existing stonework of the walls of the existing existing buildings and all the pointing or re-pointing of that stonework shall comprise a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority. The specification shall include a timetable for the limework; and also details of the masonry preparation; lime mortar mix, showing type of lime, aggregate and proportions and protective measures for the limework during and after the work being carried out. The specification shall be based on a lime specialists analysis of and report on the building, and a copy of this analysis and report shall be included with the detailed submission for this condition.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 7 Samples of replacement pantiles to be used in the development shall be provided for the prior inspection and approval of the Planning Authority and the replacement pantiles used shall accord with the samples so approved.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 8 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors, walls and timber boarded infill panels;
2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;
3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 9 Samples of the new and replacement windows to be used in the development shall be provided for the inspection and approval of the Planning Authority prior to them being installed on the buildings.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 10 The glazed doors and windows to be installed in existing door, cart arch and other large openings of the steading buildings shown on the approved drawings docketed to this planning permission shall be installed as far back within those openings as possible, to a detail to be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 11 All roof windows shall be 'conservation type' roof windows and shall be installed as near to a flush fitting as possible with the roof surface and with minimum required flashing.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 12 Prior to their installation on the buildings, details of any flue and vent outlets shall be submitted to and approved by the Planning Authority. Details shall include scale 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed flue and vent outlets. The details shall show the flue and vent outlets concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the buildings to which they would adjoin.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 13 All new and replacement cast iron rainwater goods shall be painted a colour to be approved in advance by the Planning Authority and the colour of the paint applied to them shall accord with the detail so approved.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 14 No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 15 Prior to their use in the development a schedule and samples of the materials and finishes for the biomass boiler building hereby approved shall be submitted to and approved in writing by the Planning Authority and the materials and finishes of the biomass boiler building shall be in accordance with the schedule and samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance to safeguard the character and appearance of the buildings listed as being of special architectural or historic interest and the character and visual amenity of the area.

- 16 Prior to the occupation of any of the houses hereby approved:

(i) a visibility splay of 4.5 metres by 70 metres shall be formed at the west side of the junction of the site access with the C67 public road and a visibility splay of 2.5 metres by 90 metres shall be formed at the east side of that junction. The visibility splays so formed shall be maintained such that no obstruction shall lie within the splay above a height of 1.05 metre measured from the adjacent carriageway surface;

(ii) bollards to close off the existing access to the site from the C67 public road at the southeast of the site shall be installed. They shall be of a type and in positions to be agreed in advance with the Planning Authority and shall be retained in their approved positions thereafter, unless otherwise agreed in writing by the Planning Authority; and

(iii) road marking shall have been carried out and a road sign denoting the access shall have been

erected, in positions agreed in advance with the Planning Authority.

Reason:

In the interests of road safety.

- 17 Prior to the occupation of any of the houses hereby approved the private access road within the site, of which the first 10 metres from its junction with the C67 public road shall be hard formed, the 23 car parking spaces, vehicular manoeuvring areas, and all footpaths all as delineated on drawing no. 626/104 docketed to this planning permission shall have been formed and made available for use and thereafter shall remain available for use unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety and the residential and visual amenity of the development.

- 18 None of the fifteen houses to be created from the conversion of the group of steading buildings hereby approved shall be occupied unless the two utilitarian agricultural buildings positioned to the southwest of the group of listed steading buildings and the three utilitarian agricultural buildings positioned to the northeast of the group of listed steading buildings and which are stated to be demolished on the drawings docketed to this planning permission have been demolished and the materials of them completely removed from the site.

Reason:

To ensure that the fifteen houses benefit from an acceptable amount of residential amenity and in the interests of road safety.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no development of the types specified in Part 1 and Part 2 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting those Parts of the Order shall be undertaken on the houses to be formed from the conversion of the steading buildings hereby approved, or on any part of the application site, other than the development shown on the drawings docketed to this planning permission, unless with the prior approval of the Planning Authority.

Reason:

To safeguard the character and appearance of the buildings listed as being of special architectural or historic interests and the character and visual amenity of the area.