

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 October 2012

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note: this application was called off the Scheme of Delegation List by Councillors McMillan and Trotter for the following reasons:

Councillor McMillan: There are 13 listed conditions in this recommendation to grant consent. Many refer to the Planning Authority needing to approve, and to the need to safeguard the character and visual amenity of the area. I should prefer the Planning Committee to consider these issues at its meeting, and to take particular note of the changes to the original application and the timeous repair, restoration and maintenance of the dovecot which is a building listed as being of Special Architectural/Historic Interest.

Councillor Trotter: Because of the response locally in regards to visual appearance, traffic generation and road safety and impact of increased activity through the village, I think this application should be heard before the full Committee.

Application No. **11/00914/P**

Proposal Erection of 7 houses, 10 flats and associated works

Location **Under Bolton Farm
Bolton
Haddington
East Lothian
EH41 4HL**

Applicant Ogilvie Homes

Ward 6

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to part of the site of the former Under Bolton farm steading and an area of associated land, located on the northeast corner of the village of Bolton. The site is within the predominantly residential area of Bolton, as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

In 2007, planning permission (06/00415/FUL) was granted for a development of the site comprising conversion of the agricultural buildings of the farm steading to form 12 houses, for the erection on the land of 19 houses and for associated works, including the formation of an access, access road and parking areas for a total of 47 car parking spaces. Planning permission 06/00415/FUL was granted following the prior conclusion of an agreement

under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure developer contributions for education, affordable housing and play park provisions.

Planning permission 06/00415/FUL has been partly implemented. The steading buildings, which occupy the southern part of the site, have been converted into the 12 houses. An 'L' shaped terrace containing 9 houses has been erected on the northwest part of the site. The foundations of the two other terraces of 10 new build houses have been laid out on the northeast part of the site. 3 of the 10 houses are approved for the northern most of these two terraces and 7 are approved for the other.

Some of the houses in the original steading buildings have been sold and are now occupied. Five of those houses were sold to the East Lothian Housing Association and fulfil the affordable housing contribution required of the development approved by the grant of planning permission 06/00415/FUL. Some of the nine new build houses in the terrace on the northwest part of the development site have been sold and are occupied. Most of the access, parking and turning arrangements have been formed and are available for use.

Planning permission is now sought for the provision of a total of 7 houses and 10 flats within the two terraces approved for the northeast part of the site (the two terraces for which the foundations have been laid) instead of the 10 houses approved for these two terraces by the grant of planning permission 06/00415/FUL. Planning permission is also sought for associated revisions to the existing layout of the development to accommodate additional car parking. As now proposed the north terrace would contain 5 houses and the south terrace would contain 2 houses and 10 flats. In association with this 11 additional car parking spaces would be provided.

The applicant considers that the now proposed 7 houses and 10 flats would be more marketable in the current financial climate than the 10 houses approved for the two terraces by the grant of planning permission 06/00415/FUL.

Amended plans have been submitted detailing changes to the layout of the proposed new parking arrangements and the omission of an access deck and bridge originally proposed for the north side of the south terrace.

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) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV1 (Residential Character and Amenity), ENV3 (Listed Buildings), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP20 (Private Parking), T2 (General Transport Impact), INF3 (Infrastructure and Facilities Provision) and HOU4 (Affordable Housing) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: February 2010.

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.

Twelve written objections to the application have been received, including one from Bolton Community Association. The grounds of objection are:

- (i) the proposed flats would result in an overdevelopment of the site;
- (ii) flats would be an incongruous form of development in the village and rural environment of Bolton. They would not be suitable for families, would be unlikely to sell and would be rented out with a high turnover of tenants, none of which would help the sustainability of the community;
- (iii) the existing and proposed properties lack sufficient garden space;
- (iv) there is inadequate parking for the existing and proposed properties of the development, parking should be at 1 car space per adult due to the rural location and infrequent public transport;
- (v) the developer has not provided the play park improvements required by the Section 75 legal agreement relevant to planning permission 06/00415/FUL;
- (vi) the proposed deck parking and access and external stairs are inappropriate to the character and appearance of the area and are dangerous due to high winds in the area;
- (vii) the prohibition on sheds and washing lines makes it difficult to store bikes and garden equipment and to dry clothes, and there is no storage for bins, all of which has an impact on the appearance of the development and of the village;
- (viii) the proposed flats would affect property values; some of the residents of houses in the development state that they would not have bought their houses had flats been a part of it. The effect on values could mean that Bolton becomes an economic burden on East Lothian Council;
- (ix) there should be no further development on the site until the Doocot at the southeast of the original steading buildings is restored.

As a consultee, Humbie, East and West Saltoun and Bolton Community Council object on the grounds that the proposals seek to create accommodation which is not in keeping with that already present within the village or within the development as approved by the grant of planning permission 06/00415/FUL. They consider that the proposals will result in a loss of amenity to neighbouring properties, will provide housing units that lack garden space and privacy and is an overdevelopment of the site. They also raise concerns over parking provision and the lack of bin stores.

The impact of the proposed development on property values is not a material planning consideration in the determination of an application for planning permission.

Neither is the potential tenure of unsold properties in the development.

The safety of access arrangements is a matter for Building Standards legislation and not planning legislation.

The proposal for an access deck and bridge is now deleted from the application and planning permission is not now being sought for them.

There is no absolute prohibition on the erection of sheds within the development site of planning permission 06/00415/FUL. Through a condition of that grant of planning permission householder permitted development rights are restricted. This means that sheds cannot be erected without planning permission having been applied for and granted by the Council. In each case the determination would be on the appropriateness of the shed in terms of its size, height, form, finishes and positioning. The intention is not to oppose all proposals for sheds but to enable the Council, as Planning Authority to manage, through the planning process, the development of sheds in the interests of safeguarding the character, appearance and residential amenity of the housing development.

There is no planning prohibition on the installation and use of drying lines.

The developer has provided the Council with the developer contribution for improvements to the village play park required by the Section 75 Agreement that pertains to the development approved by the grant of planning permission 06/00415/FUL. The Council is working with the Bolton Community Association towards the refurbishment of the existing play park

The principle of residential development of the application site as an infill development of the northeast corner of the village of Bolton consistent with Policy DP7 of the adopted East Lothian Local Plan DP7 is established by the grant of planning permission 06/00415/FUL.

The material considerations in the determination of this application are whether or not the proposed additional houses and the now proposed flats, together with the proposed associated changes to the design and layout of the development and the provision of additional car parking spaces is acceptable in the context of the development of the site otherwise in accordance with the grant of planning permission 06/00415/FUL.

As now proposed, the north terrace of the north-eastern part of the development approved by the grant of planning permission 06/00415/FUL would contain 4 x 2 bedroom houses and 1 x 3 bedroom house instead of the approved 3 x 3 bedroom houses and the south terrace would contain 2 x 2 bedroom houses, 6 x 2 bedroom flats and 4 x 1 bedroom flats.

To accommodate this greater number of units some design changes to each of the two terraces are proposed. Otherwise the two terraces would still be much the same in size, height, footprint, positioning and general architectural form to that which is approved for them by the grant of planning permission 06/00415/FUL.

The north terrace would be of the same height but some 1 metre longer on its east - west length than approved by the grant of planning permission 06/00415/FUL. It would differ in having gable ends to its roof rather than hipped ends. Some of the window openings in its elevations would be formed as doorways to facilitate access to the additional number of house now proposed for it. Some additional dormers are proposed to serve the rooms to be formed in its roof space.

The ridge height of parts of the northwest element of the south terrace would be some 0.5 of a metre higher than is approved and the southeast element of it would be some 1 metre higher. These elements of the terrace would be 2 storey in height rather than 1½ storey, as approved. External stairs would be formed on the northwest and inner courtyard elevations to serve some of the upper flats. The other upper flats would be accessed by internal

stairs. Some of the already approved window openings of the terrace would be formed as doorways to facilitate access to the additional number of units now proposed for it.

The materials and finishes of the two terraces would still be natural stone, render, timber panelling and slate and the doors and the frames of the windows would still be of timber, all as approved by the grant of planning permission 06/00415/FUL.

Notwithstanding the number of additional units to be formed within them and the design changes required to achieve this, the proposed two terraces would not be radically different in appearance from what they would be were they to be completed as already approved. The small changes to the length of the north terrace and the height of the south terrace and the proposed change to a gable end form would not significantly change the form and appearance of them and would not cause them to be out of keeping with the already completed other components of the development. The gabled end form would be similar to that of the converted steading buildings and the completed terrace of new build houses on the north-western part of the development site. The proposed external stairs would be similar to the existing external stairs on two of the converted steading buildings. The stairs would be constructed of stone and rendered blockwork with precast stone steps.

In their limited changed form, the two terraces would not harmfully disrupt the architectural composition and design integrity of the development as a whole. They would continue to respect the form and setting of the converted steading buildings and they would not appear dominant or incongruous when seen in relation to them. They would also respect the form of the new build terrace of houses that now occupies the northwest part of the development site. Due to their distance away from the dovecot in the southeast corner of the development site the two terraces would still not have a dominant impact or appear incongruous in relation to that listed building and they would not detract from its setting. They would not cause the overall development of the Under Bolton Steading development site to detract from the character and appearance of the village of Bolton.

As required by the grant of planning permission 06/00415/FUL, variable colour should be employed in the finishing colours of the terraces in a co-ordinated manner that marries with the component elements of the overall built form of the development site of Under Bolton Steading. This control should again be employed through a grant of planning permission for the two terraces in their proposed changed form.

The proposed changes to the internal roadway and car parking/vehicular turning spaces of the development would not radically change the overall appearance of the overall development of the Under Bolton Steading development site. Parking spaces would be provided within the layout of the development as already approved by planning permission 06/00415/FUL, within the curtilage of the houses of the north terrace, and alongside the internal roadway of the development at the northeast corner and the east side of the roadway. None of these proposed parking arrangements would appear exposed or incongruous and thus they would not harm the character and amenity of the overall development of the site development or the character and appearance of the village of Bolton.

The proposed terraces would not give rise to harmful loss of sunlight, daylight or privacy to neighbouring buildings.

The proposed residential accommodation would be of a satisfactory size and layout. Each of the houses to be formed in the north terrace would have its own garden ground. Each of the houses and flats to be formed in the south terrace would have access to communal garden ground.

No details of bin storage facilities have been provided. This can be made conditional on the grant of planning permission.

On all of the foregoing considerations the proposed development accords, as applicable with Policies ENV1C and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV1, ENV3 and DP2 of the adopted East Lothian Plan 2008 and Scottish Planning Policy: February 2010.

If the proposed development were to be granted planning permission the houses and flats to be formed in the terraces would, once occupied, benefit from permitted development rights for certain extensions and/or alterations to them. In addition the garden ground of the houses would benefit from permitted development rights for the erection of certain structures such as garden sheds and garages and other development on it. Those extensions and structures and other curtilage development could harm the character, integrity and appearance of the buildings and/or lead to an overdevelopment of the site and the creation of a density of built form harmful to the character and amenity of the area. 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 extensions to the new 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. In addition, in the interests of safeguarding the character, appearance and setting of the proposed housing development it would be prudent for the Council, as Planning Authority, to impose a condition on a grant of planning permission requiring that a scheme of landscaping for the site be submitted for the prior approval of the Planning Authority.

The Council's Transportation service does not object to the proposals. They advise that the revised layout, with additional parking provision, is to an acceptable standard for the 7 houses and 10 flats which would be created in place of the already approved 10 houses. Whilst the proposed parking spaces at the east side of the access road of the development are outwith the application site, they are part of the greater Under Bolton Steading development site and thus are within the control of the developer to ensure the formation of those proposed parking spaces. Transportation raise no concerns over the intensification of use of the existing site access arrangements approved by planning permission 06/00415/FUL resulting from the proposed additional number of residential units within the overall development of the site.

The Council's Executive Director (Services for People) informs that the planning application site is located within the catchment areas of Yester Primary School with its nursery class, and Knox Academy. He confirms that there would be space at Yester Primary School and nursery for nursery and primary aged pupils that might arise from the proposed 17 housing units. In respect of secondary pupils he advises that Knox Academy would not have capacity to accommodate the children that might arise from the proposed houses and flats. He objects to new residential development proposals in the catchment area of Knox Academy on the grounds of lack of permanent capacity at that school. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £45,968 (£2,704 per unit) towards the provision of additional accommodation at Knox Academy.

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 developer proposes that affordable housing provision be made through the Scottish Government's New Supply Shared Equity with Developers Scheme (NSSE). Under this scheme the developer would make 6 units available for purchase on a shared equity basis. The Council's Housing Strategy and Development Services section confirm that the NSSE scheme is an appropriate one for the delivery of affordable housing in East Lothian and accords in principle with the Council's Affordable Housing Policy approved by the Council in January 2006.

They advise that the requirement for the provision of affordable housing arising from this proposed housing development of 7 houses and 10 flats is determined by the Council's Affordable Housing Policy approved by the Council in January 2006, amounting to 25% of the 7 additional housing units proposed over the 10 houses approved by the grant of planning permission 06/00415/FUL i.e. 2 units. They are satisfied that the proposed 6 units to be made available under the NSSE scheme would fulfil this requirement for 2 units.

The Scottish Government has approved the developer's participation in the NSSE scheme. In the circumstances of this case 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, requiring either the provision of a minimum of 2 units as proposed by the developer under the NSSE scheme, or the provision of 2 units by means of on-site provision, off site provision or, if appropriate, a commuted sum. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Condition 22 of planning permission 06/00415/FUL requires the restoration and maintenance of the listed dovecot in the southeast corner of the Under Bolton Steading development site in accordance with a programme of works to be approved by the Planning Authority. Such a programme of works has been approved. The condition requires that the works be carried out prior to the last of the houses approved being occupied. Any implementation of a grant of planning permission for the development now proposed would preclude the completion of that previously approved scheme of development. Therefore a similar condition should be attached to a grant of planning permission for the development now proposed, to secure the restoration and future maintenance of the listed dovecote.

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 £45,968 towards the provision of additional school accommodation at Knox Academy; and
- (ii) Secure the provision of a minimum of 2 affordable housing units under the Scottish Government's New Supply Shared Equity with Developers Scheme, or the provision of 2 units by means of on-site provision, off site provision or, if appropriate, a commuted sum.

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 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 Knox Academy and a lack of provision of affordable housing, contrary to Policies INF3 and H4 of the adopted East Lothian Local Plan 2008

CONDITIONS:

- 1 Prior to the erection of the buildings hereby approved, final site setting out details shall be submitted to and approved by the Planning Authority.

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and 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 buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Prior to the erection of the buildings hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include full details of: the height and slopes of any mounding on or recontouring of the site, tree and shrub sizes, species, habitat, siting, planting distances, a programme of planting and details of all means of enclosure and all hard surfaces. The scheme shall include indications of all existing trees and hedgerows on the site, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the 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.

- 3 Samples of the finishing materials and colours to be used for the external walls, roofs, windows and doors of the buildings hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the finishing materials used for the external walls of the new build terraces of houses shall accord with the samples so approved.

The sections of the external walls of the buildings that are to be rendered shall be rendered in a coloured wet dash render in accordance with a sample, including finishing colours, to be provided for the prior inspection and approval of the Planning Authority and the coloured wet dash render applied shall accord with the samples so approved. The colour of the wet dash render finish of each of the buildings shall be different from each other.

Reason:

To ensure the development is of a satisfactory appearance in the interests of safeguarding the character and visual amenity of the area.

- 4 All stonework shall match as closely as possible the existing stonework of the walls of the existing steading buildings and all the stonework pointing shall comprise a lime-based mortar, which shall match, as closely as possible, the existing lime pointing of the steading buildings

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 visual amenity of the area.

- 5 All roof windows shall be conservation style roof windows installed as near to a flush fitting as possible with the roof surface and with minimum required flashing. Scale 1:10 or 1:20 section drawings showing the size, appearance and flush positioning of the roof windows shall be submitted to and approved by the Planning Authority prior to their installation and once installed the new and replacement roof windows shall accord with the details so approved.

Reason:

To safeguard the character and visual amenity of the area.

- 6 Details of any vents and flues to be installed on the buildings hereby approved shall be submitted to and approved in advance 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 wall mounted vents and flues. The details shall show the vents and flues to be concealed as much as possible and for visible parts to match as closely as possible the colour and materials of the part of the building to which they would adjoin.

Reason:

To safeguard the character and visual amenity of the area.

- 7 Unless otherwise approved in writing by the planning authority all rainwater goods shall be cast iron and 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 visual amenity of the area.

- 8 The handrails and balustrades to be installed on the external stairs shall be painted black or some other colour to be approved in advance by the Planning Authority.

Reason:

To safeguard the character and visual amenity of the area.

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

Reason:

To safeguard the character and visual amenity of the area.

- 10 Prior to the occupation of any of the houses and flats hereby approved bin storage facilities shall be provided for the houses in accordance with details to be made available for the prior approval of the Planning Authority and the bin storage facilities provided shall accord with the details so approved.

Reason:

To ensure that acceptable bin storage facilities for the houses and flats are provided in the interests of safeguarding residential amenity and the character and visual amenity of the area.

- 11 Prior to the last of the houses or flats hereby approved being occupied repair and restoration work on the listed dovecote at the southeast corner of the original steading buildings shall be completed in its entirety to the satisfaction of the Planning Authority and in accordance with the detailed programme of work for the repair, restoration and maintenance of the dovecot as approved by the Planning Authority in terms of condition 22 of planning permission 06/00415/FUL. Thereafter it shall be subsequently maintained in accordance with that approved programme of work.

Reason:

To secure the timeous repair and restoration and the future maintenance of the dovecot which is a building listed as being of Special Architectural of Historic Interest.

- 12 The car parking areas hereby approved shall be constructed in accordance with the details shown for them on the docketed site layout drawing. None of the houses or flats hereby approved shall be occupied unless and until the car parking shown on the docketed site layout drawing have been constructed in their entirety and are made available for use.

Reason:

In the interests of pedestrian and road safety and in the interests of the amenity of the future occupants of the proposed houses and flats.

- 13 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 or flats 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:

In the interests of safeguarding the character, integrity and appearance of the buildings and the visual amenity of the area.