

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 October 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

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Note: this application was called off the Scheme of Delegation List by Councillor Gillies for the following reasons: Constituents in Gardiners Place have concerns of the impact of the change of use for access and parking in the area. Members should have the opportunity to see the site in question.

Application No. **12/00577/P**

Proposal Part change of use of open space to form vehicular access, formation of hardstanding areas and erection of garage (part retrospective)

Location **6 Gardiners Place and Coal Neuk
Tranent
East Lothian**

Applicant Mr Robert Campbell

Per Colin Findlay

Ward 4

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to the detached, two-storey house of Coal Neuk and the garden of the house, the detached single storey house and garden of 6 Gardiners Place, and a small area of grass verge open space to the south of Coal Neuk. The properties of Coal Neuk and 6 Gardiners Place, and the area of grass verge open space are located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. Those houses and gardens, and the area the subject of the proposed change of use are also within Tranent Conservation Area. The cul-de-sac of Gardiners Place is to the north of the properties.

In August 2010 planning permission (ref: 10/00614/P) was sought by Mr Robert Campbell for the erection of a detached double garage in the northwest corner of the garden of Coal Neuk and for the formation of vehicular access and hardstanding area which would serve to access the garage, with the access taken from Gardiners Place. As it was proposed, access would have been taken over both part of the existing grass verge that separates the road of Gardiners Place from the garden of Coal Neuk, and the car parking spaces serving the neighbouring property of 6 Gardiners Place. Planning permission was sought

part retrospectively as the base of the proposed garage had been formed and was being used to park cars. As there was public objection to application 10/00614/P, it was included in the Council's Scheme of Delegation List of 23 June 2011. On 1 July 2012 application 10/00614/P was refused by the Council, as Planning Authority through the Council's Scheme of Delegation.

The reason for refusal of application 10/00614/P was:

"The new vehicular access would require movement over an existing car parking space which, if occupied would obstruct movement in and out of the proposed garage. As the proposed garage cannot be conveniently and safely accessed the proposed development is contrary to Policy T1 of the adopted East Lothian Local Plan 2008".

The applicant subsequently submitted a notice of review against that refusal to the Council's Local Review Body in August 2011. The Local Review Body dismissed the applicant's notice of review and refused to grant planning permission 10/00614/P. The Local Review Body agreed with the reason for refusal of planning application 10/00614/P and sited it as their reason to dismiss the applicant's notice of review.

Planning permission is now again sought by Mr Robert Campbell for the erection of a detached double garage in the northwest corner of the garden of Coal Neuk and for the part change of use of an area of grass verge open space to form a vehicular access and hardstanding area which would serve to access the garage. Planning permission is again sought part retrospectively as the base of the proposed garage has been formed. The proposed vehicular access would be used to access the proposed garage. It is proposed that the new vehicular access be hardformed in pavior blocks. The proposed garage would be accessed from Gardiners Place at the north side of Coal Neuk, with access being taken over both part of the existing grass verge that separates the road of Gardiners Place from the garden of Coal Neuk, and land in ownership of 6 Gardiners Place. Gardiners Place is a private road.

It is now proposed that the vehicular access be realigned from that previously proposed in application 10/00614/P and that the 2 car parking spaces serving 6 Gardiners Place are also realigned by moving them westwards such that the proposed new vehicular access would not require movement over those existing car parking spaces.

To create the vehicular access a length of the north boundary wall of the applicant's property has been removed. Planning permission is not required for this and thus it does not form part of this application.

The applicant is the owner and occupier of the property of Coal Neuk. However he also owns the residential property of 6 Gardiners Place, although he does not reside there. The applicant's agent confirms in writing that the proposed garage would be for use of the occupiers of 6 Gardiners Place.

As a non-material amendment to the application a revised drawing has been received which correctly states on it that Gardiners Place is a private road and not an adopted road.

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.

Policies ENV1D (Regional and Local Natural and Built Environment Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV4 (Development Within Conservation Areas) and DP2 (Design) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: February 2010.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservations area should be appropriate to the character of the conservation area.

Five written objections to the application have been received. The main grounds of objection are:

- (i) the proposed garage would lead to a loss of light to an objector's property;
- (ii) the proposed garage would by its height, design and massing be out of keeping with the street scene, the development of houses of Gardiners Place and would be detrimental to the Conservation Area and would have a harmful impact on the visual amenity of the area;
- (iii) the proposed garage would be an overdevelopment of the site;
- (iv) the applicant parks commercial vehicles on the constructed garage base and in Gardiners Place;
- (v) increasing the parking capacity of the applicant's property is incompatible with the residential character of the area and the character and appearance of the Conservation Area;
- (vi) the proposed development would lead to increased traffic movements which could lead to consequential road safety issues and increased noise and pollution;
- (vii) issues of the maintenance of the private road of Gardiners Place;
- (viii) the applicant has no right of access over Gardiners Place;
- (ix) there would be a conflict between access to the proposed garage and the parking spaces for 6 Gardiners Place;
- (x) cars parked in Gardiners Place block other parking spaces;
- (xi) the proposed driveway will be used to park cars;
- (xii) a taxi business is being run from the applicant's house;

(xiii) conditions of the grant of planning permission for the Gardiners Place development prohibits the open parking of vehicles other than private cars, motorcycles or cycles;

(xiv) the applicant is in breach of numerous conditions of his missives;

(xv) the proposed development would be incompatible with the residential character of the area, would be detrimental to the character of the Conservation Area and would not protect or enhance residential amenity;

(xvi) the application does not mention the proposed change of use of a grass verge and driveway;

(xvii) the application drawings state Gardiners Place is an adopted road and this is not the case.

Whether or not the applicant parks commercial vehicles on the private road of Gardiners Place is not a material consideration in the determination of this application.

The applicant's agent confirms in writing that the proposed garage would be for use of the occupiers of 6 Gardiners Place. Thus the use of the proposed garage would be incidental to the residential use and enjoyment of the occupiers of the house of 6 Gardiners Place and such use to be made of it would not harm the residential amenity of the area.

As the proposed garage is to serve the existing residential property of 6 Gardiners Place such use is unlikely to give rise to increased traffic, noise, or pollution. Nor would the proposed garage and vehicular access in themselves result in an unacceptable road safety hazard.

Matters concerning breaches of conditions on missives, maintenance of a private road and rights of access are not material considerations in the determination of an application for planning permission.

There is no evidence to suggest a business is being run from the applicant's house of Coal Neuk. In any event such a matter would be for the Council's planning enforcement officer to investigate as a separate matter.

Planning permission 01/00127/FUL was granted in May 2001 for the development of the houses of Gardiners Place. Contrary to what is stated by one of the objectors, there is no condition imposed on the grant of planning permission 01/00127/FUL that prohibits the open parking of vehicles other than private cars, motorcycles or cycles.

The application forms, the application description and the application drawings clearly state and show it is proposed to part change the use of a small area of grass verge open space to form the proposed new vehicular access.

As stated above a revised drawing has been received which correctly states on it that Gardiners Place is a private road and not an adopted road.

The proposed garage would have a rectangular footprint and would be single storey in height with a pitched roof. Its walls would be finished in render to match the walls of the applicant's house and its pitched roof would be clad in red pantiles. It would have a large roller door installed in its north elevation and a painted timber door installed in its east elevation. It would measure some 7m in length, 6m in width and 4m in height to the ridge of its roof.

The applicant's property of Coal Neuk occupies a prominent corner location on the public road of Coal Neuk. However the proposed garage would be positioned at the northwest corner of the rear garden of Coal Neuk and would be well contained within the house plot. There would still remain ample garden ground to serve that house. In such a position the proposed garage would be mostly concealed in public views from Coal Neuk and would only be readily visible from the cul-de-sac of Gardiners Place. As such and due to its lower height the proposed garage would appear as a subordinate structure in relation to the house of Coal Neuk and in addition due to the limited public views of it would not be an overly prominent or obtrusive structure in the rear part of the garden of that house. It would not dominate or impose itself upon the house. Thus, and although it would be 4 metres high to the ridge of its roof, the proposed garage would not harmfully dominate the neighbouring properties to the west and north. Therefore although the proposed garage would have a relatively large footprint, it would sit comfortably within the garden of the house of Coal Neuk and would not be an overdevelopment of the garden of that house. By virtue of its size, height, form, proportions, positioning and materials the proposed garage would not be inappropriate to its setting and would not harm the setting of the existing house of Coal Neuk or of neighbouring houses or the character and appearance of the Conservation Area.

On the foregoing design considerations the proposed garage does not conflict with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 or with Scottish Planning Policy: February 2010.

Policy DP2 of the adopted East Lothian Local Plan 2008 requires, amongst other considerations, that the design of all new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

As there would be no windows in the proposed garage there would no loss of amenity to neighbouring residential properties through overlooking from it.

Application of the sunlight and daylight tests given in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair demonstrates that owing to the form, position and orientation of the proposed garage, it would not give rise to a harmful loss of sunlight or daylight received by the neighbouring residential property of 2 Coal Neuk Corner to the west, or any other neighbouring residential property.

On the considerations of overlooking and overshadowing the proposed garage is consistent with Policy DP2 of the adopted East Lothian Local Plan 2008.

On the north side of the proposed garage within the rear garden of Coal Neuk it is proposed to lay an area of Marshalls Brindle pavior blocks. This proposed paved area would be extended northwards over an area of grass verge open space and part of the front garden of 6 Gardiners Place. This proposed new pavior blocks area would provide for vehicular access to the proposed garage from Gardiners Place. To enable the proposed garage to be accessed without movement over the existing car parking spaces serving 6 Gardiners Place it is proposed to realign those car parking spaces by moving them a small distance westwards towards the house of 6 Gardiners Place.

The small area of grass verge open space the subject of the proposed change of use to use as part of the new vehicular access is a small irregular shaped area of grassed verge measuring some 8.7 square metres. Due to its small size and that there otherwise would remain a larger portion of the grass verge to the east, the loss of this small area of grass

verge to use as part of the vehicular access to the proposed garage would not be harmful to the character, appearance and residential amenity of the area, or the character and appearance of the Conservation Area.

The proposed pavior block hardstanding area would be a relatively minor form of development that would not harm the setting of the existing house or of the neighbouring houses or the character and appearance of the Conservation Area. Similarly the proposed realignment of the existing car parking spaces serving 6 Gardiners Place would be appropriate in their relationship with that existing residential property and would not harm the setting of the existing house or of the neighbouring houses or the character and appearance of the Conservation Area.

The proposed change of use of the land, the formation of the proposed driveway and the realignment of the existing car parking spaces are consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: February 2010.

Although the applicant's agent advises in writing that it is the intention the proposed garage would be for use of the occupiers of 6 Gardiners Place, there is no guarantee this would be the case, as at any time the applicant could sell the property of 6 Gardiners Place and retain the proposed garage for his own use.

Even if this were that case, then due to the proposed realignment of the existing car parking spaces serving 6 Gardiners Place westwards, the proposed vehicular access driveway to the proposed garage would have uninterrupted access to the proposed new garage, and access would not have to be taken over either of the realigned car parking spaces provided for the use of the occupiers of 6 Gardiners Place. However to ensure those realigned car parking spaces for 6 Gardiners Place remain unobstructed and available for use it should be made a condition on the grant of planning permission that no cars shall be parked on the new vehicular access driveway that would serve to access the proposed garage and that it remains free from obstruction at all times.

Subject to the imposition of this condition and to the realignment of the existing car parking spaces serving 6 Gardiners Place, the Council's Transportation service raise no objection to the proposed garage, vehicular access and hardstanding area.

CONDCTIONS:

- 1 Prior to any use being made of the vehicular access driveway and garage hereby approved the two parking spaces serving 6 Gardiners Place shall be realigned as shown on docketed drawing no.1112/PL01 Revision B and thereafter the two parking spaces shall be retained in place for such parking use.

Reason:
In the interests of road safety.

- 2 The vehicular access driveway hereby approved shall at no time be used for the parking of vehicles and shall remain free from obstruction to use to access the garage hereby approved at all times, unless otherwise approved in writing by the Planning Authority.

Reason:
In the interests of road safety.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

REPORT TO: Planning Committee
MEETING DATE: Tuesday 2 October 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **12/00263/PM**

Proposal Variation of condition 5 of planning permission 08/00467/FUL to extend the areas from where waste can be transferred to the energy from waste facility

Location **Consented Energy From Waste Facility
Oxwellmains
Dunbar
East Lothian
EH42 1SW**

Applicant Viridor Waste Management Ltd

Per McNally Associates Ltd

Ward 7

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this application proposal was the subject of a Proposal of Application Notice (Ref: 11/00011/PAN) and, thereby, community consultation prior to the application being made to the Council. As a further statutory requirement a report on the pre-application community consultation that was undertaken is submitted with this application.

The report informs that a total of 25 people attended the two pre-application public exhibitions, one of which was held at Hallhill Healthy Living Centre in Dunbar and the other at Innerwick Village Hall, and that those attendees made a number of comments regarding the proposal. The conclusion of the report is that no material changes to the pre-application proposal were considered necessary. The proposal for which planning

permission is now sought is the same as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site, which has an area of some 6.9 hectares, forms the western part of the existing waste landfill site of Oxwellmains. The landfill site is operated by Viridor Waste Management Ltd under the terms of planning permission P/0867/91 granted in June 1993. It occupies a countryside location 4.5km to the south east of Dunbar, 2km to the northwest of the village of Innerwick, and 3.5km to the west of Torness Nuclear Power Station. The landfill site is bounded to the north by the main east coast railway line, to the east by farmland, to the south by the A1 trunk road and to the west by the Lafarge cement works.

In May 2008, through application 08/00467/FUL, planning permission was sought by Viridor Waste Management Ltd for the erection on the application site of an energy from waste with combined heat and power facility (EfW) and for associated works.

The purpose of the EfW would be to convert non-hazardous household, commercial and industrial waste into energy. It would have the capacity to process up to 300,000 tonnes per annum, based on two lines with a capacity of 150,000 tonnes each.

At their meeting in September 2009, the Planning Committee refused to grant planning permission for the proposed EfW for the following five reasons:

“1 It is not demonstrated to the Planning Authority that large amounts of waste would not be transported to the proposed energy from waste facility by road from sources outwith the local area and that with such sourcing and transportation of waste the proposed energy from waste facility would not accord with the proximity principle of criterion 1 of the Scottish Environment Protection Agency's 'Guidelines for Thermal Treatment of Municipal Waste 2009'.

2 The submitted heat plan does not demonstrate to the Planning Authority that the proposed energy from waste facility would be efficiently operated so as to effectively deliver combined heat and power outputs and therefore the proposed energy from waste facility would not accord with the energy recovery principles of criterion 5 of the Scottish Environment Protection Agency's 'Guidelines for Thermal Treatment of Municipal Waste 2009'.

3 It is not demonstrated to the Planning Authority that only residual waste would be treated at the proposed energy from waste facility and without the treatment being only of residual waste the proposed energy from waste facility would not accord with criterion 4 of the Scottish Environment Protection Agency's 'Guidelines for Thermal Treatment of Municipal Waste 2009'.

4 The proposed energy from waste facility would be visually intrusive and a further industrialisation of the area, detrimental to the amenity of the surrounding areas.

5 For the foregoing four reasons and with regard to public concerns about adverse environmental and health impacts of the proposed energy from waste facility, it is not the best practicable environmental option for treatment of the waste stream and therefore it would not accord with criterion 6 of the Scottish Environment Protection Agency's 'Guidelines for Thermal Treatment of Municipal Waste 2009'”.

The applicant appealed that decision to the Scottish Ministers. Following a public local inquiry, the decision of a Reporter appointed by the Scottish Ministers was to allow the appeal and thus planning permission (ref.08/00467/FUL) was granted for the proposed EfW subject to conditions.

Of these Condition 5 states:

“Unless otherwise approved in writing by the Planning Authority, waste received and treated at the energy from waste facility shall be restricted to:

- (1) Non-hazardous residual municipal waste arising within the East Lothian, Midlothian, Scottish Borders and City of Edinburgh Council areas; and
- (2) Non-hazardous residual commercial and industrial waste arising within the East Lothian, Midlothian, Scottish Borders and City of Edinburgh Council areas.

For the avoidance of doubt, waste generated outwith these areas but transferred to the facility via transfer stations (or some other form of intermediate treatment or handling facility) within these areas, is not to be classed as arising within the council areas identified in (1) and (2) above and shall not be treated at the facility, unless otherwise approved in writing by the Planning Authority.

To this end, the operator of the energy from waste facility hereby approved shall maintain a written log recording the nature and source of the waste entering the facility. If waste is delivered via a transfer station (or some other form of intermediate treatment or handling facility) the log must detail the primary geographic source, by council area, of the waste. The log shall be made available to the Planning Authority on request.”

The reason for Condition 5 is “To ensure that waste is not being transported for treatment at the plant from outwith these council areas, in accordance with the proximity principle”.

Planning permission is now sought for a variation of Condition 5 to extend the areas from where waste can be transferred to the EfW. Accordingly, the applicant has applied to re-word Condition 5 as follows:

“Unless otherwise approved in writing by the Planning Authority, waste received and treated at the energy from waste facility shall arise within Scotland and be restricted to:

- (1) Non-hazardous residual municipal waste; and
- (2) Non-hazardous residual commercial and industrial waste.

For the avoidance of doubt, waste generated outwith Scotland but transferred to the facility via transfer stations (or some other form of intermediate treatment or handling facility) within Scotland, is not to be classed as arising within Scotland and shall not be treated at the facility, unless otherwise approved in writing by the Planning Authority.

To this end, the operator of the energy from waste facility shall maintain a written log recording the nature and source of the waste entering the facility. If waste is delivered via a transfer station (or some other form of intermediate treatment or handling facility) the log must detail the primary geographic source of the waste. The log shall be made available to the Planning Authority on request”.

The determination in the case of this application has to be limited to a decision on the merits or otherwise of the variation of Condition 5 for which planning permission is sought. The determination cannot be extended to a reconsideration of the merits or otherwise of the application site being developed for a EfW, because planning permission is already granted for 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 development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

There are no policies of the approved Edinburgh and the Lothians Structure Plan 2015 or of the adopted East Lothian Local Plan 2008 that are relevant to the determination of this application because of the specific terms of the proposal that is subject of the application.

Material to the determination of the application is Scottish Planning Policy: February 2010, the Scottish Government's Zero Waste Plan and the Scottish Environment Protection Agency Guidance Note 6 entitled "Guidance on input to development management consultations in relation to Zero Waste Plan issues" (issued March 2012).

Also material to the determination of the application are the representations received from the public.

There are a total of 21 written representations, all of which make objection to the proposed variation of Condition 5.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection are summarised as follows:

- At the Public Inquiry, Viridor said that they would not need to import waste from outside Lothian and Borders;
- Condition 5 is a key condition imposed on the grant of planning permission 08/00467/FUL;
- The applicant's submission does not provide new arguments to reverse this decision;
- The Proposed variation would breach the proximity principle;
- To approve this application would encourage others to be less than open in their applications and to seek to alter conditions imposed on them once planning permission is obtained;
- The local area is becoming a dumping ground for all and sundry; and
- Increase in traffic from all over Scotland would lead to increased traffic congestion and would make the A1, and in particular its junction at Oxwellmains, more dangerous.

Dunbar Community Council raise concerns over the proposed variation of Condition 5. They do not believe that waste should be transported long distances as this would have a significant impact on the environment.

East Lammermuir Community Council, a consultee on the application raise concerns over the proposed variation stating that the limitations imposed by Condition 5 on where waste originates from was the bedrock of the granting of planning permission 08/00467/FUL. The proposed variation does not reflect faith in the public inquiry system and does not in any way take account of the strong objections local people have made about the idea of waste

being transported long distances to East Lammermuir. The Community Council are aware that there remain strong sustained objections to the proposed variation of Condition 5.

When the appeal decision was taken to grant planning permission 08/00467/FUL on 14 December 2010 national planning policy on waste management was set out in the National Planning Framework for Scotland 2 (NPF2), Scottish Planning Policy: February 2010 and the Scottish Government's Zero Waste Plan.

The Zero Waste Plan, which the Scottish Government, published in June 2010 continues to set a long-term policy framework for future waste management in Scotland.

As then, NPF2 continues to state that waste management infrastructure has an important part to play in realising the Scottish Government's objective of a greener Scotland. The planning system has a crucial role to play in ensuring that installations are delivered in time to allow waste management targets to be met.

Scottish Planning Policy which was published in February 2010, then and now states that the Scottish Government has adopted Zero Waste as a goal. To this end a significant commitment to enabling the development of new waste management infrastructure through the planning system is required. In paragraph 213 of Scottish Planning Policy reference is made to the proximity principle, which requires that waste is dealt with as close as possible to where it is produced.

A further material consideration in the appeal decision that granted planning permission 08/00467/FUL was SEPA's 'Guidelines for Thermal Treatment of Municipal Waste' 2009, which provided more detailed guidance on the Scottish Government's policy on the requirement to recover energy from waste in an efficient manner. Part of that detailed guidance set out the proximity principle as being a key land use planning consideration in terms of the location of a proposed EfW. That proximity principle was one of ensuring that waste is dealt with as close to source as possible, in order to avoid the adverse environmental impacts of unnecessary transport.

The limitation of Condition 5 on where waste could be transferred from were imposed to ensure that the EfW would only treat waste arising from a relatively local area in order to accord with the proximity principle and thus with Scottish Planning Policy: February 2010 and SEPA's 'Guidelines for Thermal Treatment of Municipal Waste' 2009.

Since the appeal decision granted planning permission 08/00467/FUL, the Scottish Government published in February 2011 Annex B of its Zero Waste Plan. It confirms that the land use planning system is central to delivering waste management facilities for all waste to ensure that the objectives and targets of the Zero Waste Plan are met. It also confirms that there is a national shortfall in the operational capacity of waste management infrastructure required to meet the Zero Waste Plan targets by 2025.

Annex B of the Zero Waste Plan advises that references in paragraph 213 of Scottish Planning Policy to the proximity principle should be taken in the context of the guidance in Section 4 of the Annex. In Section 4 of Annex B it is stated that the "need and proximity for waste management facilities should be considered strategically as the achievement of a sustainable strategy may involve waste crossing planning boundaries within Scotland".

Whilst Annex B states that the Zero Waste Plan now supersedes some references to waste policy in Scottish Planning Policy: February 2010 it is not specific in defining what exactly has been superseded.

Further to the publication of Annex B of the Zero Waste Plan, the Scottish Environment Protection Agency issued in March 2012 Guidance Note 6 entitled “Guidance on input to development management consultations in relation to Zero Waste Plan issues”.

On the matter of the proximity principle it is Guidance Note 6 that states that what Section 4 of Annex B means is that it is acceptable for waste arising from any location within Scotland to be treated in any waste management facility proposed within Scotland.

The Scottish Environment Protection Agency will not therefore require information about the origin of the waste to be treated in a particular waste management facility to be provided in a planning application for any such facility.

In a supporting statement submitted with this application the applicant claims that the limitation of Condition 5 of planning permission 08/00467/FUL on where waste to their approved EfW at Oxwellmains could be transferred from does not accord with Annex B of the Scottish Government’s Zero Waste Plan and the related Scottish Environment Protection Agency Guidance Note 6.

In other words, through the applicant’s proposed variation of Condition 5 approval is sought to allow the transfer of waste to their approved EfW from any location within Scotland.

This is consistent with the part of the Scottish Environment Protection Agency’s Guidance Note 6 that advises that it is acceptable for waste arising from any location within Scotland to be treated in any waste management facility proposed within Scotland. Thus it is also consistent with Annex B of the Zero Waste Plan.

The Scottish Environment Protection Agency has been consulted on the application. They confirm that they no longer comment on the matter of proximity when consulted on waste management facility proposal. Given that the proposed variation to Condition 5 of planning permission 08/00467/FUL does not affect the nature of the waste to be transferred to the approved EfW at Oxwellmains, and that it is only the geographical area from where waste is to be transferred from, the Scottish Environment Protection Agency advise that they do not have any objection to the proposed variation of Condition 5.

Both the Council’s Policy and Projects Manager and the Council’s Environmental Protection Manager raise no objection to the proposed variation of Condition 5.

There is no proposal to increase the capacity of the approved EfW. Thus there is unlikely to be a significant increase in the amount of vehicles accessing it from the A1 trunk road.

Neither the Council’s Transportation Service nor Transport Scotland raise concerns over the use of the existing road network, including the A1 trunk road for the transportation of waste to the approved EfW.

Originally the proximity principle was one of ensuring that waste was dealt with as close to source as possible, in order to avoid the adverse environmental impacts of unnecessary transportation. As this is no longer the requirement of Annex B of the Scottish Government’s Zero Waste Plan and that it is now acceptable for waste arising from any location within Scotland to be treated in any waste management facility proposed within Scotland the proposed variation to Condition 5 of planning permission 08/00467/FUL is acceptable.

RECOMMENDATION

That planning permission be granted for the applied for variation to Condition 5 of planning permission 08/00467/FUL as follows.

1 Condition 5:

Unless otherwise approved in writing by the Planning Authority, waste received and treated at the energy from waste facility shall arise within Scotland and be restricted to:

- (1) Non-hazardous residual municipal waste; and
- (2) Non-hazardous residual commercial and industrial waste.

For the avoidance of doubt, waste generated outwith Scotland but transferred to the facility via transfer stations (or some other form of intermediate treatment or handling facility) within Scotland, is not to be classed as arising within Scotland and shall not be treated at the facility, unless otherwise approved in writing by the Planning Authority.

To this end, the operator of the energy from waste facility shall maintain a written log recording the nature and source of the waste entering the facility. If waste is delivered via a transfer station (or some other form of intermediate treatment or handling facility) the log must detail the primary geographic source of the waste. The log shall be made available to the Planning Authority on request.

Reason:

To ensure that waste is not being transported for treatment at the plant from outwith Scotland, in accordance with the guidance given in Annex B of the Zero Waste Plan.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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3

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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)