

**Application by City of Edinburgh Council
at
Land Opposite
40 East Trinity Road
Edinburgh
EH5 3DJ**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Place communal domestic waste containers
Applicant: The City OF Edinburgh Council.
Reference No: 03/02076/CEC

1 Purpose of report

To recommend that **NOTICE OF INTENTION TO DEVELOP IS SERVED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. The application shall be referred to the Scottish Ministers prior to determination.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2 Main report

Site description

The sites detailed in this application are to the south side of East Trinity Road. This is a quiet residential area characterised by stone built terraces and tenement properties. On street parking predominates in this area.

The site is located within the Trinity Conservation Area and 17-27 East Trinity Road is a listed building (category B).

Site history

There is no relevant planning history for this site.

Development

The application proposes:

1 x 3200 litre bin on the carriageway outside 41/43 East Trinity Road

1 x 1800 litre bin on the carriageway outside 21/23 East Trinity Road

1 x 2400 litre bin on the carriageway outside 3 East Trinity Road

1 x 2400 litre bin on the carriageway outside 1 East Trinity Road (this is for a temporary period only)

Supporting Statement - Available for inspection in Party Group Rooms.

In March 1997 the Environmental Services Committee approved the "Containerisation of Refuse" report recommending that the City adopt a rigid bin refuse collection. In adopting this course, the Committee recognised the shortcomings of a sack-based refuse collection service. The indiscriminate presentation of adequately contained refuse on the streets up to seven days per week resulted in litter, spillage and staining on the streets, in addition to posing an obstruction to pedestrians.

Consequently, containers were introduced on a trial basis to the Newington area in April 1998 as part of the Council's containerisation initiative. On 16 February 2000, the Development Control Sub-Committee granted planning permission for the first application submitted by the Environmental and Consumer Services Department for the siting of permanently fixed communal refuse containers. This was subject to approval by the First Minister, which was duly granted on 27 March 2000. In the intervening period, experience of operating the system has resulted in various changes in locations, sizes, use of fixings and emptying frequencies of the containers. All changes have been made with a view to fine-tuning and delivering an efficient method of refuse collection.

Permission to locate the containers as identified in this application would allow the current collection arrangements in the named street to change from a sack collection to a containerised service, in line with Council policy.

The containers included in this submission require planning permission since they are within the Trinity Conservation Area, which has an Article 4 Direction and Class 30 exemption. Different options have been examined in an attempt to provide a satisfactory solution in line with Council policy on containerisation of waste, including:

- Placing containers on the carriageway equally distributed along East Trinity Road. This proved impossible due to the distribution of the properties;
- supply of individual bins is not practical due to the number of properties involved and their configuration;
- Placing containers on the pavement on East Trinity Road would not be visually acceptable as this would impact on domestic properties and shop fronts. Further, cars could park in front of the containers, making it impossible to uplift the refuse;
- The option of placing containers across a road does not exist.

All sites within the current application have passed a Road User Safety Audit and City Development (Transportation) has been made aware of the locations at an early stage in order to ensure that there is no conflict with Greenways, cycle routes etc. A copy of this correspondence forms part of this submission.

In identifying these proposed locations great care has been taken to balance the often conflicting priorities of Transportation, Planning and Waste Management. Indeed, two highways technicians and two planning officers work full time within the Containerisation Project Team to ensure the best possible sites are chosen and that all possible options are considered. In moving towards a final choice all potential sites are subjected to a Road User Safety Audit. Given the exhaustive nature of these deliberations I believe the best possible sites have been identified representing the balance of interests.

The Environmental and Consumer Services Department appreciates that Section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 defines conservation areas as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". It is considered that the introduction of communal refuse containers to this conservation area will help to enhance the appearance of the area through the removal of black sacks and the litter associated with their use.

A further detailed statement has been submitted with the application detailing the reasons for the choice of each site.

Consultations

No consultations undertaken.

Representations

The application was advertised on 11 July 2003.

Nine letters of objection have been received on the grounds of:

parking congestion, damage to visual amenity, road safety, pavement widths, impact on setting of listed buildings, impact on residential amenity

Policy

North East Edinburgh Local Plan:

The site is within an area of housing and compatible uses, where the existing residential character and amenities will be safeguarded.

The site is also within the Trinity Conservation Area.

Relevant Policies:

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy H7 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve or enhance the character and appearance of the conservation area? (If they do not there is a strong presumption against the granting of planning permission.
- Do the proposals preserve the listed building or its setting or any features of special architectural or historic interest, which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a listed building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

- Do the proposals comply with the local plan?
- If the proposals do not comply with the local plan, are there any compelling reasons for approving them?
- If the proposals do comply with the local plan, are there any compelling reasons for not approving them?

ASSESSMENT

In order to address these determining issues, it must be considered whether:

- a) The proposed development will have a detrimental impact on the character or appearance of the conservation area or the setting of any listed building
- b) The proposed development will have a detrimental impact on the amenity of the occupiers of any neighbouring properties
- c) The proposed development will have a detrimental impact on road safety

a) The character of the Trinity Conservation Area is described in the North East Edinburgh Local Plan as follows: -

"This typical villa area is dominated by houses set in large gardens with stone walls and mature trees. The style and mix of Georgian and Victorian villas is not repeated in Edinburgh; some are embellished with Gothic details and ornamental ironwork; others have towers and attractive stone porches. Although the area is overwhelmingly domestic in scale and suburban, in nature, it lacks the order of other stone-built suburbs such as the Grange and Merchiston."

The bins in this application are all to be located on the street in existing parking areas. The bins are slightly higher than the average car. However, the bins will sit comfortably in the street scene and will have no detrimental impact on the character or appearance of the conservation area.

Site 2 is adjacent to a category B listed building, built between 1897 and 1902. The property is a 4-storey, 9-bay pair of rectangular-plan tenements forming a terrace.

There is continuous parking to the street frontage outside this building and the proposed location of the bin, in the line of cars will have no detrimental impact on the setting of this listed building.

b) The proposed development will not result in the loss of daylight to any neighbouring properties in the terms of the Council's non-statutory guidelines.

Environmental and Consumer Services are the appropriate authority to address the issues raised relating to the misuse and proper management of the containers.

c) All sites have passed a Road User Safety Audit. Neither pedestrian nor vehicular safety will be compromised by the proposed development.

The proposed development will result in the loss of parking spaces. This is acceptable in this case, as the locations proposed are the best viable option for the siting of the bins.

In conclusion, residential amenity and road safety will not be affected by the proposal. The setting of the listed building and the character and appearance of the conservation area will be preserved. The removal of the black bags will help preserve the amenity of the area. There are no material considerations to outweigh this conclusion.

It is recommended that the Committee approve the application, subject to the conditions stated.

As this is a Council application and there have been objections, it must be referred to the First Minister as a Notice of Intention to Develop.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Peter Jones on 0131 529 3770 (FAX 529 3706)

Ward affected 11 -Trinity

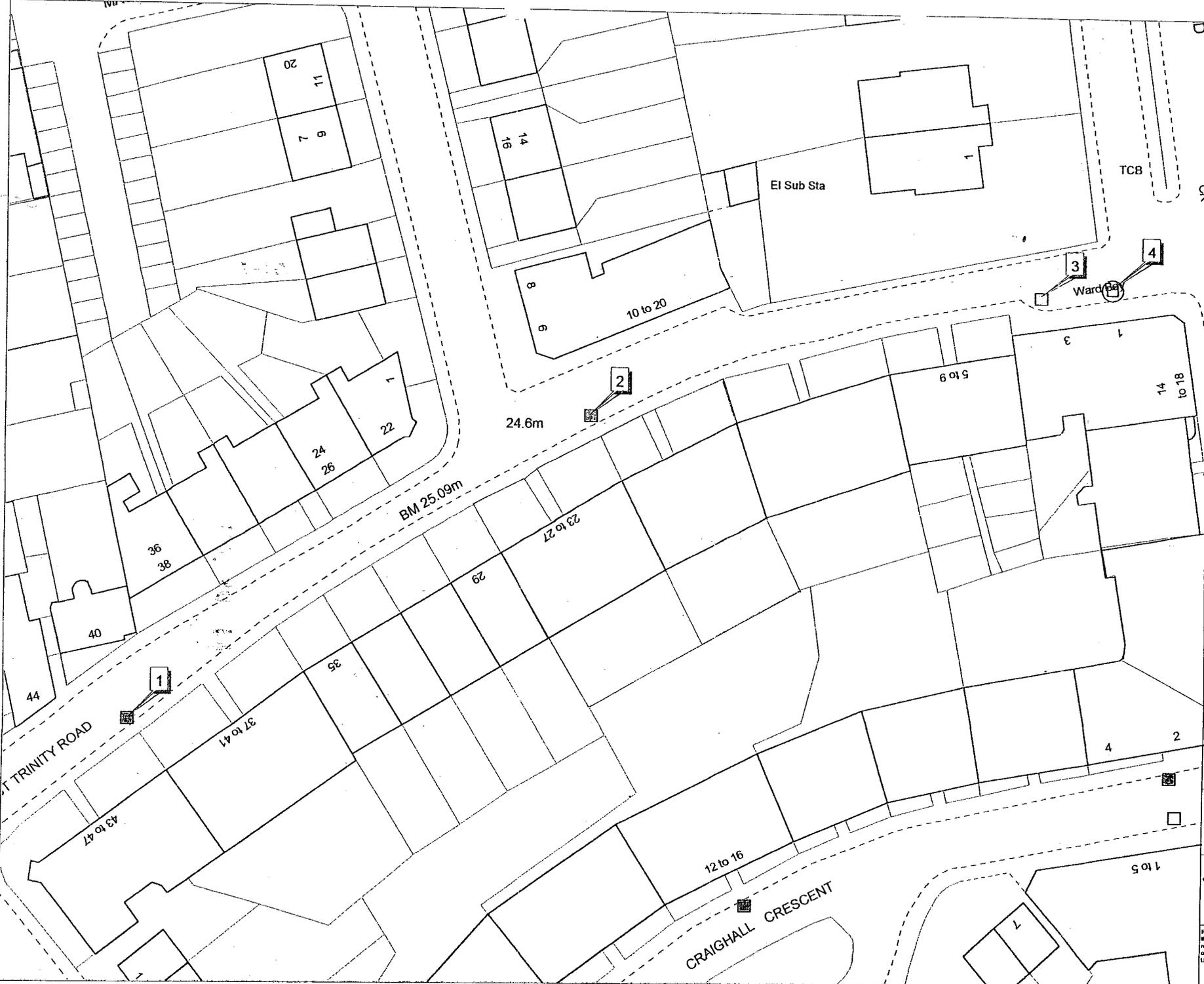
Local Plan Non Statutory Policy/Guideline

**Statutory Development
Plan Provision** North East Edinburgh

File Housing and Compatible Uses

Date registered 6 June 2003

**Drawing numbers/
Scheme**



Domestic Waste Containers

KEY:
symbols are not to scale

-  3200 litre bin
-  2400 litre bin
-  1800 litre bin
-  1280 litre bin
-  660 litre bin

Listed buildings

-  A
-  B
-  C(s)
-  C
-  No Data

-  3200 litre paper recycling bin
-  Conservation Areas
-  Ward borders
-  World Heritage Site
-  Temporary site

Site 3 requires a Traffic Regulation Order.
Site 4 is temporary for approx. 12 months.

Drawing: w11/a81/1
Title: Application 81
Original scale 1: 500
Date: 22 May 2003 Drawn: B. Taylor

EDINBURGH
THE CITY OF EDINBURGH COUNCIL

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