

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 March 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **17/01185/PM**

Proposal Variation of condition 2 of approval of matters specified in conditions 11/00975/AMC - to remove requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction

Location **Seton Sands Holiday Village
Port Seton
East Lothian
EH32 0QF**

Applicant Bourne Leisure Limited

Per Katy Rodger

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site, which has an area of some 61 hectares, occupies a countryside location to the east and southeast of Port Seton. It consists of Seton Sands Holiday Village.

The site is bounded to the north by the B1348 road and partly to the south and west by Seton House and Seton Collegiate Church and their respective grounds. The grounds of Seton House and Seton Collegiate Church are designated as the Seton House (Palace) Designed Landscape. Seton House and Seton Collegiate Church are also each listed as being of special architectural or historic interest (Category A). The building of Seton Collegiate Church and its grounds are an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. To the east the site is otherwise bounded by a public footpath, by Seton Dean Woodland, and by the residential properties of Seton Mains. The site is otherwise bounded to the west by agricultural land and to the south by the A198 public road.

Planning permission in principle (Ref: 06/00754/OUT) was granted in November 2008 for the expansion of the Seton Sands Holiday Village, which has been operating in its

countryside location as a leisure/tourism business for many years. The expanded Holiday Village would accommodate a total of 780 static caravans and 100 pitches for touring caravans, together with a 9 hole golf course with golf pavilion. The approved expansion also includes upgrading and extension of the existing main amenity building, upgrading works to accesses and car parking areas and landscaping works.

In March 2008, full planning permission (Ref: 06/00753/FUL) was granted for the development of 58 stances, each of which would accommodate one static caravan. That site forms part of the land that is the subject of planning permission in principle 06/00754/OUT. Development of the 58 stances has been completed.

In November 2009 approval of matters specified in conditions (Ref: 09/00826/AMC) relative to planning permission in principle 06/00754/OUT was granted for the reconfiguration and upgrading of the existing entrance to the Holiday Village, which is at the northwest end of the site. The caravan park entrance has since been fully reconfigured and upgraded in accordance with the details so approved.

In March 2012 full planning permission (Ref: 12/00007/P) was granted for the erection of a golf pavilion, in a similar position to that shown for the golf pavilion on the Masterplan docketed to planning permission in principle 06/00754/OUT. The golf pavilion has since been erected.

In June 2012 approval of matters specified in conditions (Ref: 11/00975/AMC) relative to planning permission in principle 06/00754/OUT was granted, subject to conditions, for the expansion of the Holiday Village to accommodate an additional 195 static caravans, a 9 hole golf course, ponds and associated works. Work on the expansion of the Holiday Village has commenced.

Condition 2 of planning permission 11/00975/AMC states:

"A new 2 metres wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Holiday Village access junction to the Double D islands on the eastern part of the B1348 road (Links Road) and from the Double D islands on the western part of the B1348 road (Links Road) to the existing footpath at Sandy Walk.

Within two months from the date of grant of this approval of matters specified in conditions, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety."

In September 2013 approval of matters specified in conditions (Ref: 13/00612/AMC) relative to planning permission in principle 06/00754/OUT was granted for alterations and extensions to the main amenity building and for other associated works. Work to the main amenity building has commenced.

In March 2014 full planning permission (Ref: 13/00678/P) was granted for alterations to the layout of part of the Holiday Village for the siting of 15 static caravans, for the formation of a bulk gas compound and for the erection of a bin store. Development of the 15 stances has been completed.

Planning permission is now sought for the variation of condition 2 of approval of matters specified in condition 11/00975/AMC to remove the requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are relevant to the determination of the application.

Policies T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan are relevant to the determination of this application.

No public written representations have been received to the application.

Cockenzie and Port Seton Community Council as a consultee on the planning application have raised no objection to the application. They advise that they agree that for road safety reasons it would be better not to have the footpath. They state that the road is dangerous and pedestrians should be encouraged to cross at the existing crossing and that a new path might encourage pedestrians to wander and cross at a potentially dangerous place.

Since the time of the determination of planning application 11/00975/AMC Seton Sands Holiday Village has been further developed, evolved and expanded through the implementation of the above named planning permissions. At the time of the determination of planning application 11/00975/AMC a footpath ran along the eastern boundary of the site, within the Holiday Village site, together with a stile providing a pedestrian access point over the boundary wall along the north of the site adjacent to the B1348. This stile provided access from the northeast part of the Holiday Village to the grass verge on the southern side of the B1348 road. It was for this reason that condition 2 of approval of matters specified in conditions 11/00975/AMC required the provision of a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction. The footpath would have provided a formal pedestrian footpath between the stile at the northeast part of the Holiday Village site and the main access to the Holiday Village.

However, since that time and through the expansion and development of the Holiday Village the north-eastern section of the site has now been developed with the siting of static caravans and stances on it and the footpath along the eastern boundary together with the stile access are no longer in use.

The vehicular and pedestrian access to the Holiday Village entrance has also been fully reconfigured and upgraded in accordance with the details approved through the granting of approval of matters 09/00826/AMC. Given the Holiday Village's location to the east of Port Seton, pedestrian movement into and out of the site is primarily to the west of the site access along the south side of the B1348 (Links Road) to and from Port Seton.

Accordingly this application is for the variation of condition 2 of approval of matters specified in conditions 11/00975/AMC to remove the requirement for a footpath on the

south side of the B1348 road (Links Road) to the east of the Holiday Village access junction.

The Council's Road Services raise no objection to the application, being satisfied that this footpath is no longer required and that there would be no adverse impact on pedestrian or road safety. They advise that if planning permission is to be granted for the variation of Condition 2 of planning permission 11/00975/AMC then Condition 2 of planning permission 11/00975/AMC should be amended to ensure that the required 2 metre wide footpath to be formed on the south side of the B1348 road (Links Road), from the existing Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk be formed. This can be controlled by an amendment to the condition.

Subject to the aforementioned planning control, the proposed variation of condition 2 of approval of matters specified in condition 11/00975/AMC to remove the requirement for a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction is consistent with Policies T1 and T2 of the adopted East Lothian Local Plan 2008.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to condition 2 and subject to all of those conditions from approval of matters specified in condition 11/00975/AMC, where it is intended these should apply. In this case, conditions 1 and 3 should continue to apply.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 All planting, seeding or turfing comprised in the landscaping drawings docketed to approval of matters specified in conditions 11/00975/AMC shall be carried out in the first planting and seeding season following the occupation of any of the additional 195 static caravans 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.

- 2 A new 2 metre wide footpath shall be formed on the south side of the B1348 road (Links Road), from the existing Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk.

Within two months from the date of grant of this planning permission, details of the proposed new footpath, including a timetable for its formation, shall be submitted to, and thereafter approved by the Planning Authority.

The new footpath shall thereafter be formed in full accordance with the details so approved.

Reason:

In the interests of road safety.

- 3 Unless otherwise approved in writing by the Planning Authority, within one month from the date of grant of this planning permission, a scheme to connect the development approved by approval of matters specified in conditions 11/00975/AMC to the public waste water network shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Water.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.