

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 May 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reason: there is a considerable amount of community opposition to this application and concerns for access if the change of use goes ahead. I consider this warrants discussion by Committee.

Application No. **18/00145/P**

Proposal Alterations, extension and change of use of stable block and extension to house for short term hospitality, support and training for leaders in church ministry and for the use for occasional small scale retreats (class 8 use)

Location **Mansefield
Humbie
East Lothian
EH36 5PA**

Applicant Reverend Karl Martin

Per Blueprint Design (Dunbar) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a large detached house, its garden ground, and to an adjacent stable block/garage that is located to the west side of the house, all of which are located in the countryside some 1.5km to the northeast of Humbie.

At present the house is occupied by a minister of the Church and his family and is in use as a church manse. Therefore its use is for domestic use and the stable block and garage are used in association with that house.

In October 2017 planning application 17/00751/P was submitted which proposed an extension to the house of Mansefield. Also in October 2017 planning application 17/00755/P was submitted for alterations and extensions to the stable block to form bunkrooms/church counselling service and recreation space. As the extension to the house was also to be used as part of the church counselling use the applicant was advised that the two applications should be withdrawn and one new application

submitted including both elements within that one application. Applications 17/00751/P & 17/00755/P were subsequently withdrawn.

Planning permission is sought now for (i) the change of use of the stable block and garage from domestic use to use as a centre for short term residential training courses and occasional small scale retreats (Class 8) of the Town and Country Planning (Use Classes)(Scotland) Order 1997, (ii) extensions and alterations to the stable block and garage to facilitate that proposed change of use; and (iii) for a single storey extension to be attached to the rear elevation of the house. The use of the extension will also be for use for the proposed short term residential training courses and for occasional small scale retreats.

It is proposed to add a single storey extension to the southwest (side) elevation of the stable block and which would also attach to the front (southeast) elevation of the stable block. As the gable of the front elevation of the proposed extension to be added to the west side elevation of the stable would protrude some 3.7m forward of the part of the extension to be attached to the front elevation of the stable block, this would give the whole block an L shaped footprint. The proposed extension would be 4.4m in height to the top of the ridge of its pitched roof. The walls of the proposed extension would be of red cedar timber cladding, and its roof would be of grey coloured slate. Its windows and doors would be of a grey powder coated grey finish.

The proposed alterations to the stable block building comprise (i) the formation of new window openings in its rear (northwest) elevation, (ii) the blocking up part of the large opening on the front elevation of the garage, to form a smaller opening and an adjacent door and (iii) the re-roofing of the existing stable block with grey slate to match the proposed extension.

The extension to be added to the rear elevation of the house would be a single storey flat roofed extension that would in part replace an existing extension. It would have a largely rectangular footprint with a curved west (side) elevation wall. The proposed extension would be some 16.4m in length, some 5m in width and some 3.06m in height to the top of its flat roof. There would be 2 glazed cupolas positioned on the flat roof of the extension which would protrude some 0.35m above the flat roof, a glazed skylight on the western end of the flat roof that would protrude some 0.8m above the flat roof and a flue that would protrude some 1.2m above the flat roof. The north (rear), sides (east and west) elevation of the proposed extension would be rendered to match the walls of the existing house. Its south (front) elevation would be glazed with white powder coated frames to match the existing conservatory on the front elevation of the house.

The applicant advises that the centre will be aimed at church leaders, for retreat, training and development. It will be used as an extension of the service offered by a traditional Manse. It will be for occasional use. The accommodation will enable the centre to house 8 -10 people for overnight accommodation. It is anticipated that typical stays would be of between 1-2 nights on a maximum of 10 retreats in any given year although it is likely to be less than this. The gathering space will also enable the centre to run 1 day long events for church leadership teams (anticipated maximum 15 people) once again this will be infrequent (approximately 10 days per year).

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.

Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP2 (Design), DP6 (Extensions and Alterations to buildings), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

The proposed East Lothian Local Development Plan (PELLDP) was submitted to Scottish Ministers for examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The PELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Relevant policies DC1: Rural Diversification, DP5: Extensions and Alterations to Existing Buildings, T1: Development Location and Accessibility and T2: General Transport Impact of the PELLDP do not represent any significant alteration to the current relevant policies.

One letter of support has been received to the application. In addition the Kirk Session of Humbie Church has stated that whilst not objecting to the proposed use of the buildings as a retreat, they have concerns over the traffic it may generate and the use of their car park by the centre.

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

- (i) The rural location is inappropriate for the business and the secret nature of the application is a concern which can cause friction in the local community;
- (ii) Concern that the wording of the description does not accurately describing the actual intention of the applicant – this is a commercial endeavour and will be used for business/commercial purposes and therefore should be for a change of use to class 7 (Hotels and hostels);
- (iii) What might occur in the future if the current owners were to leave?
- (iv) The proposal would lead to traffic problems as the access road is not of sufficient width to cope with the additional traffic generated by staff and visitors – a Transport Assessment should be required;
- (v) Noise and light pollution;
- (vi) The plans show 12 bunks but the space could easily accommodated double that number without any planning restriction;
- (vii) The design is of poor quality;
- (viii) The number of visitors will generate waste which must not be allowed to discharge in the river which hold important habitats;
- ix) the proposal will impact on the peaceful and tranquil environment of Humbie;
- x) inaccuracies in the application form;
- xi) If planning permission granted then how would the centre be policed?
- xii) Will the premises be licensed?

Humbie, East & West Saltoun and Bolton Community Council have also objected to the application. The grounds of objection are: i) the Humbie Manse was sold by the Church of Scotland in the 1970s and that records in the Land Registry of Scotland state that the property should never be used by any religious denomination nor for religious purposes; ii) there is no practical basis for enforcing any restrictions on the number, scale or frequency of events hosted at Mansefield if this application was granted (iii) The single track road leading to the property from the junction with the B6368 has blind corners and no passing places other than as created by the recently constructed upper car park of the Church; (iv) the proposed activities at Mansefield will not be inspected by a public agency which causes public concern given the previous conduct of the religious organisation which provided care at the former Humbie Children's village; (v) no details have been provided regarding sewage disposal; (vi) informal events at Mansefield have

already brought significant numbers of cars to the site, no details of onsite parking have been provided; (vii) Contrary to the statement on the Land Ownership Certificate submitted the property is owned by Mansefield Estates LLC, registered in Delaware. The local community would have no say over what the future use, within the Class 8 consent, to which the property could be put to in the event the property was sold.

Any restrictions on the use of a property within its title deeds and the regulation and enforcement of activities carried out within the proposed centre are not a material planning consideration in the determination of a planning application.

The applicant's agent has stated that a new septic tank is proposed to cater for additional waste created by the proposed development. Details of the septic tank will be specified at building warrant stage and if necessary a planning application for that new/replacement septic tank will be submitted.

A residential training facility falls within Class 8(Residential Institutions) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. The wording of the description of the application was agreed with the applicant and reflects the development they propose. There is nothing within the application that indicates that the applicant is intending to sell food or drink, including licensed alcoholic drinks. However, the licensing of premises is controlled through other regulatory regimes. If in the future, the activities taking place within the centre do not reflect this planning permission then a further planning application would be required, which would be determined on its merits.

Policy DC1 states 'Development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation. Other business use will also be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts'.

The use of the property as a centre for short term residential training courses and occasional small scale retreats is not one which is directly related to agriculture, horticulture, forestry or countryside recreation.

However, the applicant has stated that it is their desire to make use of the tranquility of the land and the beautiful setting of Humbie to offer hospitality rest and re-envisioning to leaders in our communities who give of themselves to serve. As proposed the use of the centre will be small scale in terms of numbers of people attending – approximately up to 15 people at any one time – and in terms of the number of retreats or 1 day long events that are proposed.

Although the proposed use does not have a locational requirement to be within the countryside, the development would be of a scale and character which is acceptable for this location. The proposed development would be largely contained within the existing buildings and all of the proposed development would be contained within the existing curtilages of the existing properties. The development would not result in the loss of any agricultural land.

On the basis of the information submitted, the Council's Environmental Health Service advises they have no comment to make on the application. There are no immediate neighbouring residential properties which would be affected by the proposed development.

The existing access, driveway and parking spaces within the site would be used to serve the proposed development. The Council's Road Service advise that the capacity of the single track road to Humble Church is likely to be far higher than the traffic generated by the proposed development at Mansfield. The use of the retreat as proposed (up to 10 people for 20 nights a year and up to 15 people for 1 x day visits up to 10 times a year) is not excessive. They advise that there is the potential for road management issues if an event at Mansfield coincided with events at the Humble Church. However, these issues could be managed through the submission of a Travel Plan which could ensure that departure and arrival times for events at Mansfield are staggered so they do not coincide with those for the church. The Travel Plan should also encourage visitors to Mansfield to car share. The submission of the Travel Plan can be made a condition of a grant of planning permission. Subject to this planning control, Roads Services raise no objection to the proposals being satisfied that it complies with Policies DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008. It would also be consistent with Policies T1 and T2 of the proposed East Lothian Local Development Plan.

Provided the proposed retreat centre was operated in the manner stated by the applicant, the proposed retreat centre would neither by its nature nor through its scale of operation be harmful to the amenity of any neighbouring residential property or any other land use associated with its location. The proposed use is one which falls within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Other uses within that Class (e.g. a hospital or nursing home or a residential school, college or training centre) might be likely to have a different impact on neighbouring land uses and the wider locality. Therefore, it would be prudent to restrict the Class 8 use of the site specifically to the retreat centre use applied for. This can reasonably and competently be controlled by a condition on the grant of planning permission.

To safeguard the residential amenity of the occupants of the house of Mansfield it would also be prudent to attach a condition to any grant of planning permission to ensure that the retreat centre only be operated by a person(s) who also occupies the house of Mansfield.

Therefore, subject to those planning controls the use of the stable block and the extension to the house as a centre for short term residential training courses and occasional small scale retreats (Class 8) is not contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DC1 of the proposed East Lothian Local Development Plan.

The proposed extension to the existing house would in part replace an existing extension located there. However, it would have a larger footprint and therefore would protrude beyond the building line of the west side elevation of the house by some 5m.

The existing house is a large detached house that is located on the outskirts of Humble. The nearest neighbouring residential property is some 70m away to the south at the bottom of a slope. The proposed extension by being single storey in height and by having a glazed frontage would be a lightweight and modern addition to the house. Although larger than the existing extension the proposed extension would still be a subservient addition to the large detached house and would not by its form, size, scale or positioning appear as a dominating or incongruous addition to it. It would not cause the house to appear unacceptably harmful or dominating in its landscape setting.

The existing stable block and garage building is located to the southwest side of the house. It is a relatively modern building with grey dry dash rendered walls and with a roof covered in mineral felt tiles.

The proposed extension to the front (south) and west (side) elevations of the stable building would be visibly different to the existing stable block. However, it would be of a lightweight timber form and of a size and scale in keeping with the existing stable block. Although appearing different to the existing stable block and garage neither the proposed extension nor the re-roofing of the whole building with grey slate would cause the stable block and garage building to appear harmfully intrusive, incongruous or exposed and would not harm the character or appearance of the landscape setting. The proposed extensions are therefore consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DP5 of the proposed East Lothian Local Development Plan.

Due to the distance of the property from neighbouring residential properties the proposals would not give rise to a loss of amenity to the occupants of any neighbouring residential properties through overlooking or overshadowing. Thus the proposal is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

It would also be consistent with Policy DP5 of the proposed East Lothian Local Development Plan.

CONDITIONS:

- 1 The Class 8 use of the site hereby approved shall only be that as a centre for short term hospitality, support and training and occasional small scale retreat and of no other use of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason:

In the interests of safeguarding the amenity of the area.

- 2 Prior to the commencement of development details of the external finishes of the extensions hereby approved shall be submitted to and approved by the Planning Authority. The external finishes used shall accord with the details so approved unless agreed in writing by the Planning Authority..

Reason:

To safeguard the character and appearance of the buildings and the landscape character of the area.

- 3 Prior to the operation of the property as a centre for short term hospitality, support and training and occasional small scale retreat a Travel Plan shall be submitted to and approved by the Planning Authority. The Travel Plan shall include details of (i) measures to encourage visitors to car share and (ii) outline how vehicles arriving and leaving events at Mansefield shall be managed to avoid coinciding with traffic generated by events at Humble Church. Once the short term hospitality, support and training centre and occasional small scale retreats centre is operational the measures within the Travel Plan shall be implemented unless otherwise approved by the Planning Authority

Reason:

In the interests of road safety.

- 4 The short term hospitality, support, training and retreat centre hereby approved shall only be operated by a person or persons who also occupy the residential property of Mansefield unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the residential amenity of the occupants of Mansefield.