

PLANNING COMMITTEE

4 DECEMBER 2018

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**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**WEDNESDAY 3 OCTOBER 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor S Kempson
Councillor K McLeod
Councillor J McMillan
Councillor B Small

Council Officials Present:

Mr K Dingwall, Team Manager – Planning Delivery
Mr K Graham, Solicitor
Ms L Ritchie, Senior Planner
Ms E Clelland, Planner
Ms M Haddow, Transportation Planning Officer
Ms J Allen, Communications Adviser
Mr J Allan, Planning Technician

Clerk:

Ms A Smith

Visitors Present/Addressing the Committee:

Item 2 – Ms J Bell
Item 3 – Mr G Young, Mr A Kemp

Apologies:

Councillor S Currie
Councillor C McGinn
Councillor F O'Donnell

Declarations of Interest:

None

Prior to commencement of business Keith Dingwall, Team Manager – Planning Delivery gave Members an update regarding the East Lothian Local Development Plan (ELLDP). He advised that on 27 September the Scottish Government had indicated that they did not propose to issue a direction therefore the Council could proceed and adopt this Plan, which would then supersede the 2008 Local Development Plan.

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 4 SEPTEMBER 2018

The minutes of the meeting of the Planning Committee of 4 September 2018 were approved subject to the following changes:

- Item 2, page 3 – line 1 – delete *a local resident*, line 5 – change *southern to northern*

2. PLANNING APPLICATION NO.17/00488/PM: ERECTION OF 68 HOUSES AND ASSOCIATED WORKS AT LAND TO SOUTH OF BRODIE ROAD, DUNBAR

A report was submitted in relation to Planning Application No.17/00488/PM. Esme Clelland, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Jacquie Bell, representing Dunbar Community Council (DCC) stated that DCC was generally supportive of the application appreciating that the site was included within the ELLDP but had some issues for further consideration. These included the type of housing, with a preference for some bungalows, dispersal rather than zoning together of the affordable housing units, play equipment provision and safe routes to school and the town centre. She also raised issues regarding the SUDS system, the bus service, which was lacking for developments south of the railway line, contributions to improve the town centre and construction related concerns in relation to noise and dust.

Local Member Councillor Kempson welcomed the more imaginative design of the development, the reduction in the number of houses and the addition of green spaces. She would be supporting the application.

Councillor Innes requested, in respect of future developments, that Planning Officers, during negotiations with developers, highlight the need for more bungalow style properties; there was a lack of this type of property across the county. He would be supporting the report recommendation.

Councillor Small echoed those comments; he was supportive generally of single storey bungalow type housing and felt there was a market for this type of property, which could enable people wishing to downsize to stay in East Lothian. As regards this application, he would be supporting the recommendation in the report.

The Convener, a local member, responded to some of the issues raised by Ms Bell on behalf of DCC. Regarding play parks he referred to the Council's policy change to the provision now of larger play parks outlining the reasons behind this and stating that a play park would be provided at the end of this site. As regards public transport, lack of buses along Brodie Road was an issue; officers within Roads Services were working with the developer to try to address this. He would be supporting the application.

The Convener then moved to the vote on the report recommendation (to grant consent):

For: 9

Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) a financial contribution to the Council of £152,864 towards the provision of additional capacity and facilities at Dunbar Primary Lower School

(ii) a financial contribution to the Council of £294,916 towards the provision of additional capacity and facilities at Dunbar Primary Upper School;

(iii) a financial contribution to the Council of £219,300 towards the provision of additional capacity and facilities at Dunbar Grammar School

(iv) 17 affordable residential units within the application site

(v) a financial contribution to the Council of £64,289 towards the off site provision of sporting provision in Dunbar

(iv) secure a financial contribution to the Council of £1,864 for transport improvements. (Comprised of £221 for road improvements to Old Cragihall Junction, £227 for Salters Road Interchange, £1,027 for Bankton Interchange, £131 for Musselburgh town centre improvements and £258 for Tranent Town Centre improvements).

(v) secure a financial contribution to the Council of £33,456 towards a Segregated Active Travel Corridor

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that 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 reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Macmerry Primary and Ross High School, a lack of provision of affordable housing, sports provision, a lack of roads and transport infrastructure improvements contrary to, as applicable, Policies INF3, H4 and C2 of the adopted East Lothian Local Plan 2008 and ED4, DEL1, HOU3, OS4, T3 and T32 of the East Lothian Local Development Plan.

1 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

- * Years 19/20 - 24 dwellings completed
- * Years 20/21 - 30 dwellings completed
- * Years 21/22 - 14 dwellings completed

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 22/23 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 2 Prior to the commencement of development, final site setting out details shall be submitted to and approved in writing 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 the position of adjoining roads, land and buildings;

b. finished ground levels and finished floor levels of the development relative to existing ground levels of the site and existing ground and road levels of adjoining land. 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 hereby approved, shown in relation to the finished ground and finished 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.

- 3 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 3 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

* Mitigation measures to control noise, dust, construction traffic (including routes to/from site).

* Hours of construction work

* Temporary measures to be put in place to control surface water drainage during the construction works

* Routes for construction traffic

* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 5 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting.

The scheme shall take account of the positioning of street lighting columns and include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. The scheme shall include a hedge along the northern boundary of the SuDS basin with appropriate complimentary tree planting.

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 completion of the development or occupation of any house hereby approved, whichever is the sooner.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority

gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted and in the interest of residential and environmental amenity.

- 6 Prior to the commencement of development on site full details of the proposed bin collection point within the application site shall be submitted to and approved in writing by the Planning Authority. These details shall include ground finishes, boundary treatments and the design and position of signage to identify which dwellings are to use each area.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interests of residential amenity.

- 7 The existing stone walling along the south and south eastern boundary of the application site shall be repaired and retained, other than where demolition is required to facilitate the formation of new accesses to the site as shown on the approved site plan DR4-02-01 R docketed to this permission.

Prior to the commencement of development, details of the repairs to the stone wall, including a timetable for repairs to be undertaken, shall be submitted to and approved by the Planning Authority. The repair of the stone walling shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the repair and retention of an existing feature that contributes positively to the visual amenity of the area.

- 8 The glazing and ventilation specification of any habitable rooms (living rooms or bedrooms) on dwellings shall be as shown in Figure 4 'Committed mitigation' of Appendix A of ITP Energised's updated Report Ref EDI_904 dated 26th February 2018.

Reason:

To mitigate the effects of predicted noise from the A1 road on the internal rooms of neighbouring dwelling houses in the interest of residential amenity.

- 9 Prior to the occupation of any dwelling hereby approved, an acoustic barrier comprised of a 1.8m acoustic fence on top of a 2m high earth bund shall be erected in compliance with the requirements of Figure 4 'Committed Mitigation' of Appendix A of ITP Energised's updated Report Ref EDI_904 of 26th February 2018. The fence shall have a mass of 10kg/m² or greater. The barrier shall have no holes or gaps either between individual panels or between the base of the fence and the top of the bund.

Thereafter, the fence and bund shall be retained in perpetuity.

Reason:

To mitigate the predicated impact of noise associated with road traffic on the A1 on residents and ensure compliance with guideline for daytime garden noise levels in the interest of residential amenity.

- 10 Prior to the occupation of the last house on the application site, the proposed access roads, parking spaces, and footpaths shall be constructed on site in accordance with the approved drawings docketed to this permission.

Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres.

All prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres.

Reason:

To ensure that adequate and satisfactory provision is made for access and for off-street parking in the interests of road safety.

- 11 Prior to the occupation of any house on site:
- i) Details, including a timetable for implementation, of traffic calming on Brodie Road in the vicinity of the double driveway from proposed houses 1 and 2 as shown on the approved drawings docketed to this permission, shall be submitted to an approved in writing by the Planning Authority. Thereafter, the traffic calming shall be implemented as approved
 - ii) Details, including a timetable for implementation, for a bus stop with appropriate hardstanding on either side of Brodie Road next to the application site shall be submitted to an approved in writing by the Planning Authority. Thereafter, the bus stops shall be implemented as approved.
 - iii) A factoring plan clearly showing the responsibilities for long term maintenance including of all roads and parking areas shall be submitted to and approved in writing by the Planning Authority.

Reason:

To allow the consideration of details yet to be submitted in the interests of road safety.

- 12 Prior to the occupation of any dwelling hereby approved, details of a Green Travel Plan shall be submitted to and approved in writing by the Planning Authority. This should seek to encourage the minimisation of private car trips and increased use of active means of travel and the use of public transport.

The Green Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. Thereafter, the Green Travel Plan shall be implemented in accordance with the approved details.

Reason:

To encourage sustainable and active travel in the interests of environmental and residential amenity.

- 13 The boundary treatments for each dwelling shall be implemented as shown on approved 'Site Layout Plan DR4-02-01 R' docketed to this permission, prior to the occupation of that house, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure fencing and walls are implemented as detailed in the application in the interests of privacy and amenity.

- 14 The communal landscape areas as defined on the drawing titled Open Space Layout DR4-02-02 shall be maintained by a factor, residents association or other suitable organisation.

Prior to the occupation of any residential unit hereby approved, details of the maintenance arrangements shall be submitted to and approved in writing by the Planning Authority.

Thereafter, these maintenance arrangements shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 15 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

3. PLANNING APPLICATION NO.18/00388/PM: RESTORATION OF ASH LAGOONS NO.6 AND NO.8, REGRADING WORKS TO ASH LAGOON NO.7 AND ASSOCIATED WORKS AT SITE AT LEVENHALL LINKS, MUSSELBURGH

A report was submitted in relation to Planning Application No.18/00388/PM. Linda Ritchie, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Ms Ritchie, along with Grant Young of Young Planning and Energy Consenting, agent for the applicant, and Alan Kemp, of Scottish Power Generation, the applicant, responded to questions.

Ms Ritchie clarified, that as far as she was aware, there had been no problems with the other lagoons now looked after by the Council. Regarding questions about possible contamination on site and leachate disposal Ms Ritchie advised that the lagoons were the subject of a Pollution Prevention and Control (PPC) Permit; SEPA was the key agency. Until restoration work was completed, monitoring was being carried out; following completion Scottish Power would seek the agreement of SEPA regarding the PPC Permit and the Council would take over the site. Mr Young clarified that the leachate was discharged into the sea. He reiterated that SEPA was the responsible party so results were relayed to SEPA and only once they were satisfied would the PPC Permit be surrendered. SEPA would usually inform the Council's Environmental Protection Service of the results. Mr Kemp added that if anything were detected SEPA would query the cause of the contamination. He stressed that the lagoons were in a stable state and monitored regularly.

Councillor Innes, regarding points raised, stressed that regular monitoring took place; SEPA as the responsible party, had to be trusted to act appropriately. Development of these lagoons over many years had been successful; they were a great asset to Musselburgh with their huge diversity of wildlife. He would be supporting the application.

Councillor McLeod agreed with those comments; he would be supporting the application.

Councillor Small echoed the comments from Councillor Innes. He stated that once finished this would be beneficial for the people of Musselburgh and beyond. He was supportive of the proposal.

Councillor McMillan agreed with his colleagues. He referred to the report noting that the various agencies were satisfied that the proposal would contribute positively to the landscape. He welcomed the report and supported the recommendation.

The Convener welcomed the proposal, stating this would be a very attractive site and would attract many visitors to Musselburgh and the East Lothian coastline. He did have some concerns about vulnerability to the sea, stating that the Council would have responsibility for ongoing maintenance for many years to come; long-term viability of the site was important.

He moved to the vote on the report recommendation (to grant consent):

For: 9
Against: 0
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 Details of the phasing of the restoration of the site, including the landscaping of it, shall be submitted to and approved by the Planning Authority. The restoration and landscaping of the site shall thereafter be carried out in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the timely phasing of the restoration in the interests of the amenity of the area.

- 2 Prior to the commencement of site restoration, a Water and Drainage Assessment covering operation details for all surface water and drainage systems, including pumps, pipes and automated water control for lagoon 8, the boating pond, wader scrapes (lagoon 5) and lagoon 6 shall be submitted to and

approved by the Planning Authority. The submitted detail shall include a timetable for the delivery of all identified mitigation measures.

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

Reason:

To ensure that the development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 3 Prior to the commencement of site restoration a Construction Management Plan, including a Vehicle Management Plan and Dust Suppression Plan, shall be submitted to and approved an advance in writing by the Planning Authority following consultation with SNH.

The Construction Management Plan shall include the following mitigation measures:

- Work shall be planned and scheduled to limit damage to the Firth of Forth SPA and its qualifying features and to the Firth of Forth SSSI and its protected species, habitats and geodiversity features;
- The timing of works shall avoid the breeding season where possible;
- The timing of works shall avoid dawn and dusk where possible as these are usually the times of day when birds are most active, and any reduction in potential disturbance is welcomed;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage;
- An Ecological Clerk of Works (ECoW) shall be employed during construction to advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, and the contractors regarding notable species, sensitive areas and legal obligations;

It shall also include the following details:

- Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- Hours of construction work;
- Routes for construction traffic;
- Wheel washing facilities; and
- Measures to address public access and active travel during construction, particularly relating to the Core Path network around the site, and other paths through the site and detailing any alternate temporary provision measures.

Thereafter all construction works associated with the site restoration hereby approved shall accord with the approved Construction Management Plan, unless otherwise approved in writing by the Planning Authority following consultation with SNH.

Reason:

To protect the Firth of Forth Special Protection Area and Site of Scientific Interest from significant disturbance arising from the site restoration works hereby approved, and in the interests of the amenity of the area.

- 4 No restoration works shall take place until there has been submitted to and approved in writing by the Planning Authority a Landscape Management Plan covering all of the application site and shall include details of:

- The height and slopes of any mounding on or recontouring of, the site;
- Tree and shrub sizes, seed mixes, species, habitat, siting, planting distances and a programme of planting and aftercare;
- Details of soil depths within lagoons 6 and 8;

- Landscape treatment of the current wash plant adjacent to lagoon 6;
- The detailed design of the sand martin bank to be formed in lagoon 8;
- A ditch to be re-established along the north and western sides of lagoon 8

The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. These details shall include a description of woodland management to be carried out in woodland on the south side of lagoon 6.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the phasing plan approved in respect of Condition 1 above.

Any trees or plants which within a period of five years from the completed restoration of the site, 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.

- 5 Site restoration shall be carried out in strict accordance with the mitigation measures set out in Table 8-1 of the Habitat Regulations Appraisal docketed to this planning permission.

Reason:

In the interests of ecology.

- 6 Notwithstanding that which is detailed in the docketed drawings, a total of 5 bird hides shall be provided around lagoon 8. Details of the bird hides, including their positioning, finishing and form shall be submitted to and approved by the Planning Authority. The submitted details shall also include a timetable for their provision. Provision of the bird hides shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the amenity of the area.

- 7 Prior to their erection on the site, details of the fencing, gates and other means of enclosure to be erected on the site shall be submitted to and approved in advance by the Planning Authority. Unless otherwise approved by the Planning Authority fencing around the lagoons shall be three wire with netting/mesh to prevent dogs and foxes accessing the lagoons. The submitted details shall also include a timetable for their provision.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the amenity of the area.

- 8 Prior to their erection on the site, details of seating areas along the sea wall perimeter of the site shall be submitted to and approved in advance by the Planning Authority. The submitted details shall also include a timetable for their provision.

The seating shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the amenity of the area.

- 9 Unless otherwise agreed in writing by the Planning Authority, the existing shared use path to the west and north of Lagoon 8 shall be hardsurfaced over its entire length and to a width of 2.5 metres. Prior to the commencement of development details of the hardsurfacing of the shared use path shall be submitted to and approved in writing by the Planning Authority. following consultation with Scottish Natural Heritage Those details shall include a timescale for the hard surfacing of the shared used path. The hardsurfacing of the shared use path shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of the amenity of the area and recreational access.

- 10 Unless otherwise agreed in writing by the Planning Authority, all of the new and altered paths shall have a bound surface and a width of 2.5 metres.

Reason:

In the interests of the amenity of the area and recreational access.

- 11 Prior to the commencement of site restoration details of the depths of water and material specification for lagoons 6 and 8 shall be submitted to and approved by the Planning Authority. The details shall include the specification of any artificial liners and details of any inert material to be used. It shall also show the use of puddle clay for the lining of the lagoons. Site restoration shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interest of the ecological value of the site.

DRAFT

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

2

Application No. **18/00843/PM**

Proposal Development of an area for static and touring pitches and associated works

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

Applicant Bourne Leisure Ltd

Per Katy Clark

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application relates to an area of land within Seton Sands Holiday Village. The site is within the countryside as defined by Policy DC8 of the adopted East Lothian Local Development Plan 2018. It is also within the Prestonpans Battlefield as included in the inventory of historic battlefields and a Coal Authority Development High Risk Area.

The holiday village comprises of static caravans, touring caravan and camping pitches. There are onsite entertainment and sport and leisure facilities. The holiday village also includes various areas of open space, a golf course with golf pavilion and a fishing lake.

The application site occupies a central location on the wider holiday village site and is bounded to the north, east and north-west by existing static and touring caravan pitches. To the south, the site is bounded by the holiday village golf course, open space and exercise areas which include a lake to the south west. An existing internal site access road abuts the northern boundary of the application site. A mature landscape/tree strip is located to the immediate west of the application site.

Seton House Gardens and Designed landscape and Seton Castle with terrace and walls, which is listed for its architectural or historic interest (Category A) are located to

the southwest of the application site.

In November 2008 planning permission in principle (Ref: 06/00754/OUT) was granted for the expansion of the holiday village to accommodate 780 static caravan pitches, 100 tourers, a 9-hole family golf course with club house and the relocation, upgrading and expansion of the existing commercial facilities.

In June 2012 application (Ref:11/00975/AMC) was granted for approval of matters specified in conditions of planning permission in principle 06/00754/OUT for the expansion of the holiday village to accommodate an additional 195 static caravans, a 9 hole golf course and associated works (Part Retrospective).

In March 2012, planning permission (Ref: 12/00007/P) was granted for a golf pavilion and associated works.

In October 2017, planning permission (Ref: 17/00597/P) was granted for the erection of a new golf and owners' clubhouse with associated car parking, hardstanding and landscaping, including the formation of a new putting green.

In March 2018, planning permission (Ref: 17/01185/PM) was granted 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.

Planning permission is now sought for the further expansion of the holiday village with the development of an area for static and touring pitches.

The proposed scheme of development has been amended from that originally submitted to address the comments of the Council's Landscape Officer. The proposal as amended is for the erection of 75 static caravan pitches and 10 touring caravan pitches. The proposed pitches would be sited on either side of a new access road that would be formed within the application site and which would provide vehicular access to the pitches from the existing access roads that are located to the north and east of the application site. An area of landscaped tree planting is indicated in the south west corner of the application site, with lower level landscaping within the application site. A pedestrian footpath link is proposed along the eastern boundary of the application site providing a link from the northern boundary to the southern boundary and to the open space area with adventure trail and activity space to the south. A play area is proposed within the north east corner of the application site.

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 Development Plan 2018.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC8 (Countryside Around Towns), CH1 (Listed Buildings), CH5 (Battlefields), CH6 (Gardens & Designed Landscapes), DP1 (Landscape Character), DP2 (Design), Policy T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

No written representations have been received to the application.

Cockenzie and Port Seton Community Council were consulted on this planning application but did not respond.

The proposed development would be wholly contained within the lands of the existing Seton Sands Holiday Village, which is an established leisure/tourism business use in this part of the East Lothian countryside that provides local employment opportunity as well as contributing to the tourism economy of East Lothian. What is now proposed is a further development of the Holiday Village. It would not result in the loss of any agricultural land. Nor would it prejudice the expansion of the Holiday Village approved by planning permission in principle 06/00754/OUT. On all of these counts the principle of the development now proposed is consistent with Policy DC8 of the adopted East Lothian Local Development Plan 2018.

The occupation of the static caravans on the application site should be restricted to prevent them from being used as permanent residences. Such restriction should be similar to the standard of occupancy control of static caravans that already applies to Seton Sands Holiday Village and to other caravan parks within East Lothian. This matter can be controlled by a condition of a grant of planning permission.

The physical form of the existing Seton Sands Holiday Village is a well-established feature in its countryside location. The expansion and development of the application site for the siting of 75 static caravan pitches and 10 touring caravan pitches, including the formation of the new lengths of access roads would not create a significantly different visual impact than exists at present and would not harm the character or appearance of the landscape of the area. It would not constitute an overdevelopment of the application site. The layout is broadly consistent with the masterplan approved by planning permission in principle 06/00754/OUT, with the southern boundary for caravan use in such a set back position such that the proposed caravans would not appear prominent or intrusive in public views from the south of the site. The proposed landscaped belts along the south west boundary and southern boundaries of the site for the 75 static caravan pitches and 10 touring caravan pitches would help to create an enhanced setting for those caravans that would also lessen their visual impact. On this consideration the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC8, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

In their positions, and with the intervening tree belt proposed for the southwest corner of the site, the proposed development would not harm the setting of the listed building of Seton Castle, or the conservation interests of the Seton House Gardens and Designed landscape. On these considerations the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies CH1 and CH6 of the adopted East Lothian Local Development Plan 2018.

The Council's Landscape Officer advises that the site layout plan as amended has taken on board the previous landscape comments and is satisfactory. The Council's Landscape Officer advises that the tree planting should be carried out with a mix of the 'Proposed Tree Planting' and the 'Proposed Pine Tree Planting' as detailed on the submitted 'Detailed Landscape Proposals' plan drawing no.1001 revision B. This matter can be controlled by a condition of a grant of planning permission.

In its position, the proposed development would not harm the privacy or amenity of any neighbouring land use, including nearby residential properties. The Council's Senior

Environmental Health Officer raises no objection to the proposed development.

Condition 6 of planning permission in principle 06/00754/OUT states that no more than 780 static caravans shall be located on those combined areas of land of the application site marked for caravans, other than touring caravans, on the masterplan docketed to the planning permission in principle. The reason for that condition was to ensure a satisfactory density of development, and in the interests of preserving the amenity of neighbouring properties.

There are currently 778 static caravan pitches within the existing Seton Sands Holiday Village, therefore the proposed expansion of the site with the further development of 75 static caravan pitches would take the total number of static caravans within the Seton Sands Holiday Village to 853, above the limit imposed by condition 6 of planning permission in principle 06/00754/OUT.

Whilst the proposed development would increase the number of static caravans to 853, some 73 caravans above the limit set out in condition 6 of planning permission in principle 06/00754/OUT, it is nevertheless necessary to consider whether there are material considerations in this case that would justify this limit being exceeded. The proposed scheme of development shows the formation of static caravan and touring caravan pitches with a layout and density within the application site similar to that of the existing static and touring pitch areas within the existing holiday village. Through this assessment of the application, it has been demonstrated that the proposed static caravans would ensure a satisfactory density of development and an acceptable impact on the character and appearance of the area. It would not harm the amenity of neighbouring properties. The proposed development represents an acceptable expansion of an existing established tourist facility in the countryside of East Lothian. In all of this there is sufficient justification to accept the limit set out in condition 6 being exceeded in the manner proposed.

The site is within a Coal Authority Development High Risk Area. In such areas there are existing recorded risks to the ground stability which need to be assessed and mitigated as part of the new development proposals in the interests of public safety. The Coal Authority's Guidance for Scottish Planning Authorities: 2017 clearly states that any planning application for development which intersects the ground in the Development High Risk Area requires a desk based Coal Mining Risk Assessment and once this has been provided, consultation with the Coal Authority. A Coal Mining Risk Assessment Report has been submitted with this planning application and The Coal Authority have been consulted on the application. The Coal Authority notes that the Coal Mining Risk Assessment report is unable to demonstrate that the application site is stable in respect of past shallow coal mining activity. Nevertheless, the Coal Authority note that the proposals would appear to entail only relatively minor groundworks with no permanent structures proposed. As such, in this particular case, the Coal Authority wishes to raise no objection to the planning application.

Historic Environment Scotland have advised that they have no comment to make on the proposal with regards to its location within the designated Prestonpans Battlefield site.

The Council's Road Services raise no objection to the proposed development, being satisfied with the means of access and the amount of car parking proposed and that the proposal would not have an adverse impact on pedestrian or road safety. On this consideration the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Scottish Environment Protection Agency raise no objection to the proposals, being satisfied that there would be no unacceptable flood risk from development of 75 static caravan pitches and 10 touring caravan pitches and associated works.

The Council's Senior Structures Officer raises no objection to the proposal subject to the imposition of a condition requiring the submission of a SUDS scheme to the Planning Authority for approval prior to commencement of development on site. This matter can be controlled through a condition of a grant of planning permission.

In conclusion given all of the above and subject to the aforementioned conditions the proposed scheme of development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC8, CH1, CH5, CH6, DP1, DP2, T1 and T2 of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

CONDITIONS:

- 1 The static holiday caravans within the application site will only be occupied during the following specified periods and outwith these periods they will not be used for any purpose:

(1) Seven days per week between 1st March and 30th November in any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, 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 buildings 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 Prior to the commencement of development, a SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency, and all work shall be carried out in accordance with the approved scheme.

Reason:

In order to ensure that there is no flood risk to nearby property.

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2018
BY: Depute Chief Executive
(Partnerships and Community Services)
SUBJECT: Application for Planning Permission for Consideration

3

Note - this application was called off the Scheme of Delegation List by Councillor McMillan for the following reasons: Given the recent refresh of the Economic Development Strategy with its emphasis on encouraging businesses and jobs, I would like Committee to discuss the operational requirement for a house on site and the potential economic and tourism benefits. The officers' report is full and thoughtful on every aspect, but there is no comment from Economic Development. I would ask that Committee considers this application in terms of its potential to promote the rural economy. The applicant states the business and house are integrally linked.

Application No. **17/00954/P**

Proposal Formation of a eco accommodation site with a shop (Class 1 Use), coffee shop (Class 3 Use), 5 holiday cabins, 1 house and associated works

Location **Land Adjacent To Roselea Cottage
Pencaitland
East Lothian
EH34 5DH**

Applicant Mr & Mrs I McNeill

Per Slorach Wood Architects

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The site the subject of this application occupies a countryside location, some 0.25 of a mile to the west of Pencaitland on the south side of the A6093 classified public road. By being within the countryside, the application site is covered by Policy DC1 (Rural Diversification) of the adopted East Lothian Local Development Plan 2018.

The application site is an irregular shaped plot of land, measuring some 4,400 square metres (0.4 of a hectare) in area. The site comprises of an area of grassed paddock land, part of the western area of garden ground and a gravel surfaced driveway and parking area of the house of Roselea Cottage, a tarmac surfaced shared access driveway, which serves the house of Roselea Cottage and an existing authorised caravan storage business that is located to the south of the application site, a strip of land to the east of that shared access driveway, and a further narrow strip of land

located to the east of the existing caravan storage business. The main western part of the site is comprised of the grassed paddock land, which appears to have been latterly used as part of the garden of the house of Roselea Cottage.

The application site is bounded to the north in part by the A6093 classified public road and its associated road verge, and in part by the house of Roselea Cottage and its remaining garden ground and driveway and parking area. To the south, the application site is bounded in part by the existing caravan storage business and by land of the Pencaitland Railway Walk. To the east is the Blackford Burn beyond which is land of Pencaitland Maltings. To the west is a different house with the name of Roselea and its associated garden ground.

The application site is enclosed along its west boundary by 2.0 metres high vertical boarded timber fencing, along its south boundary with the existing caravan storage business by a combination of 2.0 metres high coniferous hedging and 2.2 metres high timber fencing and 2.0 metres high metal gates, along its south boundary with the Pencaitland Railway Walk by tall coniferous trees, along its east boundary with the Blackford Burn by intermittent low timber post and wire fencing, and along its north boundary by a combination of 2.0 - 2.5 metres high beech hedging behind part of which is 2.0 - 2.5 metres high vertical board fencing.

There are a number of trees on the northern part of the site: a Scots Pine tree close to the east boundary with the Blackford Burn, a Norway Maple tree to each side of the existing vehicular access onto the A6093 classified public road, three small trees on the western part of the garden of Roselea Cottage, a row of seven early mature Norway Maple trees on the northern part of the main grass paddock of the western part of the site, and a further row of seven small fruit trees to the south of the row of seven Maple trees. There are further trees outwith the application site on the road verge on the south side of the A6093 classified public road, within the remaining land of the garden of the house of Roselea Cottage, on the eastern part of the garden of the house of Roselea to the west of the site, along the northern side of the Pencaitland Railway Walk further to the south, and on the western part of the land of the Pencaitland Maltings.

The application site is accessed from the A6093 classified public road via an existing access junction and private driveway that presently serves the house of Roselea Cottage and the existing caravan storage business. The existing vehicular access gates are set back from the edge of the public road by some 18 metres.

The Pencaitland Railway Walk and Core Path (No.72) are located outwith the site to the south and passes along the route of the former railway line.

The application site is located in a wider area that is identified by The Coal Authority as being potentially at high risk from past coal mining works.

By being close to the Blackford Burn, a small part of the eastern part of the application site is within the medium to low fluvial flood risk areas of the Indicative River and Coastal Flood Map (Scotland) as defined by Scottish Environment Protection Agency (SEPA).

Planning permission is sought for the formation of a tourism accommodation site comprising five cabins, a shop (a use within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997), a coffee shop/café (a use within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997), a house and associated works.

The proposed associated works comprise the formation of footpaths, parking and turning areas, the erection of a bike store and a bin enclosure, and the erection of fencing and a gate.

The proposed five self-catering eco-accommodation cabins would be positioned in two staggered rows (one row of three cabins and one row of two cabins) on the southern part of the main western grassed area of the application site. The two rows of cabins would be positioned parallel to each other on an east-west alignment and each cabin would be positioned on the same alignment. Each of the proposed cabins would have a simple rectangular shaped footprint, measuring some 5.6 metres by 4.3 metres and would be single storey in height, some 2.6 metres. Their external walls would be clad with horizontal timber boarding and their shallow dual-pitched roofs would be clad with timber shingles. Each proposed cabin would comprise of a sleeping/living area, an en-suite shower room and an open sided covered porch.

The proposed shop and coffee shop/café would be accommodated in one building single storey building. It would have an 'L-shaped' footprint measuring some 51 square metres in area and would measure some 3.5 metres from ground level to the ridge of its dual-pitched roof. The proposed building would be positioned on the eastern half of the site, some 5 metres away from the southern boundary of the site with the existing caravan storage business. The external walls of the proposed building would be clad with horizontal timber boarding and its dual-pitched roof would be clad with timber shingles. The proposed building would accommodate the proposed shop and coffee shop/café with capacity for 20 covers, and W.C. facilities and storage.

The proposed bike storage building would have a simple rectangular shaped footprint with a mono-pitched roof. It would be positioned on the eastern half of the site, some 0.6 of a metre from the southern boundary of the site with the existing caravan storage business, and to the east of the position of the proposed shop/coffee shop building. The proposed bike storage building would measure some 6.6 metres in length by some 2.3 metres in width and would be some 1.7 metres in height above ground level at its lowest point and some 2.6 metres in height above ground level at its highest point.

The proposed bin storage enclosure would have a rectangular footprint measuring some 6 metres by some 4 metres with a pair of gates in one of its narrower sides and a single gate in its other narrow side. The enclosure would comprise of 1.5 metres high vertical timber cladding supported by 1.5 metres high metal posts. The proposed bin storage enclosure would be located on the northern part of the site in a position on the narrow strip of land to the east side of the existing vehicular access gates.

The proposed house would be single storey in height and would be of a contemporary architectural form and design with a simple cuboid form with a flat roof and large areas of glazing. The proposed house would be located on the northern part of the site in a position to the west of the existing house of Roselea. Its roughly rectangular shaped footprint would measure some 14.3 metres in length by some 8.3 metres in width, with a further smaller rectangular shaped component, some 6.6 metres by 4.0 metres, attached to its eastern side. Its flat roof would accommodate a roof terrace that would be accessed via an external staircase, of steel and glass construction, attached to the west elevation of the house.

Two car parking spaces for the proposed new house would be provided to the south side of the proposed house. Five parking spaces for the proposed holiday accommodation cabins would be provided on the site in a position to the south of the existing house and garden of Roselea. Eight parking spaces would be provided on the

site in a position on the narrow strip of land to the east side of the existing shared driveway between it and the east boundary of the site with the Blackford Burn. Two small areas of additional hardstanding, one to each side of it, are proposed to be formed to each side of the existing vehicular access onto the A6093 classified public road.

Hardstanding areas in the form of paved patios and footpath would be formed at various locations across the site, including patio and footpaths for the proposed house, footpaths to access the proposed holiday accommodation cabins and a cycle path link to access the Pencaitland Railway Walk. A 1.5 metres high 'living fence' would be erected to enclose the boundaries of the garden of the proposed house. A new pedestrian opening would be formed in the south boundary of the site with the Pencaitland Railway Walk and a new pedestrian gate would be installed at that opening.

Since the application was registered amendments have been made to:

- * ensure the red application site outline is shown the same on all of the application drawings;
- * change the red application site outline to reflect the proposals correctly at the location of the proposed footpath connection to the Pencaitland Railway Walk and in relation to the existing house and garden of Roselea Cottage and to allow for the retention of existing trees;
- * re-position the proposed house and its associated garden ground and parking spaces some 5 metres further to the west;
- * change the layout of the proposed footpath serving the proposed cabins;
- * move the western most cabin further to the east so that it would be a minimum of 9 metres away from the west boundary of the site;
- * change the position of the proposed bin storage enclosure;
- * show the position of the existing vehicular access gates onto the A6093 classified public road;
- * reduce the amount of on-site parking proposed to be formed;
- * propose additional landscape planting;
- * show the provision of a new pedestrian gate onto the Pencaitland Railway Walk;
- * change the materials for the roofs of the proposed cabins and café/shop;
- * clarify the details of the existing and proposed boundary enclosures;
- * alter the fenestration of the north elevation of the proposed house;
- * provide amended visibility splay information for the vehicular access onto the A6093 classified public road;
- * provide swept path analysis information;
- * include the addition of new areas of hardstanding to each side of the existing vehicular access that would be sufficient to accommodate a refuse vehicle;
- * provide an amended Tree Survey, Arboricultural Constraints and Implication Assessment report; and
- * provide a noise management plan.

These changes have been shown on amended and additional drawings submitted by the applicant's agent.

In addition to these amended drawings, a Design Statement (October 2017) prepared by the agents, Slorach Wood Architects, a Tree Survey, Arboricultural Constraints and Implications Assessment, an Archaeology & Cultural Heritage Desk-based Assessment (May 2017) prepared by Guard Archaeology, an Ecological Assessment (June 2017) prepared by JDC Ecology Limited, a Report on Mineral Position relative to the site (August 2017) prepared by DLM Mining Consultants Ltd, and a Transport

Consultants Statement (September 2017) prepared by Transport Planning Lid have been submitted with the application.

Also provided by the applicant's agent, but on a confidential basis, is a Business Statement and Cash-Flow Forecast for the proposed business.

Since the application was registered it has been amended to change the area of the application site to correctly reflect the proposals and to take account of changes made at the location of the proposed footpath connection to the Pencaitland Railway Walk and in relation to the positioning of the proposed house and the land retained for the existing house and garden of Roselea Cottage. These changes are shown on revised and additional drawings submitted by the applicant's agent.

The change to the application site area was considered to be a significant change to the application and because of this the application was re-registered and accordingly neighbours were again notified.

In the Design Statement submitted with the application it is explained that the proposed business would be a family run establishment offering holiday accommodation in the proposed five cabins with tourism facilities provided in the proposed café/shop. The Statement explains that the proposed café/shop would provide homemade food and fresh made coffee for customers staying at the cabins and is also intended to attract passing trade from local people of Pencaitland, from vehicles travelling on the road and from cyclists and walkers using the Pencaitland Railway Walk. It is further explained that once established the proposed café/shop building could also be used for pop up events and themed food nights, dominos, and music nights for OAPs in the area. It is stated that the proposed café would serve hot and cold drinks, home-made soups, sandwiches, salads and breakfasts, and that the shop would sell ornaments and artwork created by local artists.

The Statement goes on to explain that the applicant's require a new house on the site in order to oversee and manage the proposed new tourism accommodation and café/shop business. It is stated that this is necessary as the opening hours of the café/shop would be seven days per week between 8.00am and 5.00pm each day and support will be required to the proposed cabins 24 hours a day, and that due to the type of facilities on the site, the applicants will need to be available at all times to assist their visitors and so it is necessary that they live on the site. Additionally, living on site would have an added security benefit for the site and for customers staying there. It is explained that the applicants have lived in Pencaitland for many years and currently run a successful construction business from the village, and that they have sold their house to put everything into this proposal and are presently living in rented accommodation in a nearby town.

The Statement further explains that the facilities in Pencaitland are limited due to the site of the village, and that currently there are no coffee shop facilities to cater for locals or visitors other than a community café operated by the Parish Church that is open for part of one day each week. The Statement purports that at present the amenities of the village are dispersed along the A6093 through the village and that in this context locating a gift shop/café on the outskirts of Pencaitland would not break the existing pattern of scattered amenities. It is stated that the location of the proposed tourism accommodation and the proposed café/shop will be of benefit to existing cyclists/walkers and will allow visitors to the accommodation to link to other nearby walks/cycle routes throughout East Lothian.

A further two supporting letters have been submitted by the applicants. In those letters it is explained that the proposals would be a family run business seeking to provide unique cabins to provide accommodation to a target customer base of cyclists, walkers, families and golfers, and that it is intended that walking and cycling tours around East Lothian or the Pencaitland area would be offered to customers. It is also stated that the café/shop would serve homemade produce and fresh coffee. It is further stated that the applicant's are seeking to create a family run business that would be a lifestyle business and that the proposed new house is an integral part of the proposals, without which the proposed business could not operate. They have sold their previous property to fund the proposed business venture, including the proposed house.

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 Development Plan 2018.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DP1 (Landscape Character), DP2 (Design), NH8 (Trees and Development), NH11 (Flood Risk) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

Also material to the determination of the application is Scottish Government guidance on housing and rural development given in Scottish Planning Policy: June 2014, and Planning Advice Note 72: Housing in the Countryside.

PAN 72 states that: "Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity."

Five representations to the application have been received. All of those representations raise objection to the proposed development and as summarised the grounds of objection are:

1. the house of Roselea Cottage and the adjoining land the subject of this application were advertised for sale together as one unit;
2. the proposed business use would change the rural residential character of the area and may lead to large scale business development harmful to the amenity of neighbouring properties;
3. there is already an existing house (Roselea Cottage) and there is no requirement for two houses to serve the proposed business and the existing caravan storage business operated from Roselea Cottage;
4. the proposals could result in further residential housing development or the conversion of the proposed buildings in the future to more housing;
5. what would stop the various elements from being split up and sold separately in the

future?;

6. increase in noise from the use of the proposed cabins, café/shop and play area outwith normal business hours would be harmful to amenity of nearby residential properties;

7. access to the site is from a 60mph road and increased vehicle movements could lead to a road safety hazard and accidents;

8. Roselea and Roselea Cottage share a septic tank and there is not the capacity for the septic tank and its outflow to accommodate the proposed house, cabins and café/shop so how would the sewerage (and water) requirements of these new buildings be accommodated;

9. there have been problems with the existing septic tank and outflow in the past and the addition of the proposed house, cabins and café/shop would completely overload this small natural sewage treatment system;

10. concerns about disruption to the electricity supply of neighbouring property during construction as the electrical supply crosses the site;

11. the roof terrace of the proposed house would allow for harmful overlooking of the neighbouring residential properties and the use of it would result in noise disturbance;

12. concerns that the proposed air source heat pump would result in noise nuisance and disturbance;

13. taken together with proposals at Broomrigg Farm for tourism and events facilities, this proposal would result in a lot of development in a small area;

14. granting permission for this development would set a precedent for building on land designated as countryside; and

15. neighbouring houses have not been allowed dormers on the road facing roof slope so would it be fair to allow a roof deck on the opposite side of the road.

One of the representations also comments that the village of Pencaitland would benefit from a coffee shop.

How the property of Roselea Cottage and adjoining land was advertised for sale and whether or not it has been purchased as two different units is not a material consideration in the determination of this application for planning permission.

The application stands to be determined on its own merits, and speculation as to whether further development may in the future be proposed for the site or a nearby property is not a material consideration in the determination of this application for planning permission. If proposed, any future development would be assessed and determined on their own merits. There is no record on the Council's database of planning applications of proposals for tourism / events facilities at nearby Broomrigg Farm.

Any impact or disruption to electricity supplies is a matter for the electricity infrastructure provider and is not material to the determination of this application for planning permission.

Each proposal is assessed and determined on its own merits and the constraints of the particular site, therefore whether or not dormers would be supported on a nearby house is not relevant to the current proposals.

With regard to the outflow for the proposed septic tank that would serve the proposed development, this matter would be considered through Building Regulations, which will require that the system be designed in accordance with the most current BRE guide, and separate permission under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) would be required for any discharge into a watercourse.

The considerations in this case are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the proposed business use is operationally required and is of an appropriate scale and character for this countryside location, whether there is an operational justification of need for the proposed house in relation to the proposed business, and whether the proposed house would be of an appropriate scale, form and appearance, whether the proposed development would result in harmful impacts to the amenity of neighbouring properties, whether the proposed development would have a harmful impact on the trees on or adjacent to the site and whether it could be suitably serviced, and provided with a satisfactory means of vehicular access with provision for on-site parking.

Scottish Water have been consulted on the application and raise no objection to the proposed development.

Due to part of the application site being in the flood risk area of the Blackford Burn the Scottish Environment Protection Agency (SEPA) have been consulted.

SEPA raise no objection to the proposed development. They comment that the only part of the proposed development that would lie within the flood risk area would be the proposed car parking spaces for the proposed café/shop and a proposed footpath/cycle path, and state that advice set out in Appendix 2 of SEPA's Standing Advice would apply. SEPA's Standing Advice seeks to ensure that the design of footpaths, roads, playing fields, car parks and other landscaping proposals do not result in an elevation of the land within the functional flood plain.

The application drawings do not propose an increase in the ground levels at the location of the proposed car parking area or the proposed footpath. If planning permission were to be granted, it could be made a requirement of a condition that no land/ground raising be undertaken of the land of the site that falls within the fluvial flood risk area on the west side of the Blackford Burn.

The Council's Structures, Flooding and Street Lighting Team Manager advises that after further consideration of SEPA's flood maps and the application drawings, he is satisfied that the proposed development raises no concerns on flood risk matters.

According, subject to the aforementioned control relating to ground raising of the eastern part of the site adjacent to the Blackford Burn, on the consideration of flood risk, the proposed development does not conflict with Policy NH11 of the adopted East Lothian Local Development Plan 2018 and Scottish Ministers' policy on flooding given in Scottish Planning Policy: June 2014.

By being part of the wider area that is potentially at high risk from past coal mining works, The Coal Authority have been consulted on the application. A Report on Mineral Position relative to the site (August 2017) prepared by DLM Mining

Consultants Ltd has been submitted with the application. The Coal Authority has considered this Report and advises that they concur with the recommendations of the Mineral Position Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development on the site, in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends that if the Planning Authority are minded to grant planning permission a condition should be imposed requiring the undertaking of a scheme of intrusive site investigations adequate to site safety and stability prior to commencement of development, the submission of a report on the findings of that investigation, including details of recommended remedial measures, if relevant, and the results of any gas monitoring, and the implementation of any recommended remedial measures prior to the commencement of development. Subject to the aforementioned condition being imposed, the Coal Authority raise no objection to the proposed development.

There are a number of trees on the application site and outwith the site to the north, west, east and south. A Tree Survey, Arboricultural Constraints and Implications Assessment report has been submitted with the application and since the registration of the application that report has subsequently been amended to include tree planting proposals.

The Council's Policy and Projects Team have considered the content of the amended Tree Survey, Arboricultural Constraints and Implications Assessment report.

In their initial consultation, the Council's Policy and Projects Team raised concerns regarding the loss of trees on the site that make a positive contribution to the landscape character of the area. The application has since been amended to reflect landscape comments made by the Council's Policy and Projects Team.

It is proposed to fell five trees from the site: a fir tree located adjacent to the east boundary of the site, which would be removed to facilitate the provision of on-site parking for the proposed café/shop; two fruit trees on the northern part of the site to facilitate the erection of the proposed house; and two Norway Maple trees, which are located to each side of the existing vehicular access onto the public road. All other trees on the site would be retained.

The landscape advice from the Council's Policy and Projects Team is that the loss of the five trees from the site would not be detrimental to the landscape character of the area, subject to the replacement tree planting being carried out in accordance with the details provided in the amended Tree Survey, Arboricultural Constraints and Implications Assessment report.

It is proposed to plant eight new trees on the application site; one to each side of the vehicular access onto the public road as replacement for the two Maple trees and six new trees on the northern part of the site forming a line with other trees on that part of the site. It is also proposed to plant supplementary hedge plants to bolster the existing hedge planting along the northern (roadside) boundary of the site. If planning permission were to be granted, it could be made a requirement of a condition that the replacement planting and the additional hedge planting be undertaken.

The landscape advice from the Council's Policy and Projects Team is also that provision be made for the inspection and monitoring of all tree-related works by a qualified and experienced arboriculturalist in accordance with section 5.5 of the amended Tree Survey, Arboricultural Constraints and Implications Assessment report. This requirement could be controlled by a condition of a grant of planning permission.

The landscape advice also is that the trees that are proposed to be retained on the site should be protected during any construction works. This requirement could be controlled by a condition of a grant of planning permission.

Subject to the aforementioned planning controls relating to tree retention, protection supervision and the replacement tree planting, the proposed development would not have a detrimental impact on the trees that are on and adjacent to the site and on this matter would not conflict with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

In their initial consultation, the Council's Environmental Protection Manager raises concerns that noise arising from use of the proposed cabins and their associated land, particularly from the conduct and behaviour of patrons, may impact upon the amenity of the occupiers of existing residential properties and the occupiers of the proposed house. However, any noise that may arise will be subjective and vary with time and will depend upon the behaviour of the occupiers. Accordingly, it may be difficult to control via the application of a specific noise limit. However, a noise management plan would demonstrate how the applicant would control noise arising from the site with a view to protecting the amenity of neighbouring residential properties.

The applicant has submitted a noise management plan for the site. The Council's Environmental Protection Manager has assessed the noise management plan submitted with the application, and advises that, subject to the site being managed in accordance with the noise management plan, the proposed development would not have a harmful impact on the amenity of nearby residential properties. Accordingly, the Environmental Protection Manager raises no objection to the proposed development. If planning permission were to be granted, it could be made a requirement of a condition that the site be managed in accordance with the noise management plan.

In respect of the potential for plant and equipment associated with the proposed development, including the air source heat pump for the proposed house, resulting in harm to the amenity of any neighbouring residential property, the Council's Environmental Protection Manager recommends that a condition be imposed requiring that noise from plant or equipment associated with the proposed development, including the air source heat pump for the proposed house, should not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 23:00 to 07:00 and Noise Rating curve NR25 at any octave band frequency between the hours of 07:00 to 23:00, within any neighbouring residential property with windows open at least 50mm.

Subject to the recommended planning controls, on these matters of amenity the proposed development would not conflict with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The Council's Environmental Protection Manager (Food and Safety) raises no objection to the proposed development however, advises that the proposed café would require to be registered with the Council as a food business. This information has been forwarded to the applicant's agent for their information.

The application drawings propose that refuse collection for the proposed development would be undertaken from a road-side collection point and it is proposed that additional hardstanding areas would be formed to each side of the existing vehicular access to create sufficient space for this to be achieved. Subject to the formation of the additional hardstanding areas, a detail that could be secure through a condition

attached to a grant of planning permission, the Council's Waste Services confirms that this arrangement would be acceptable.

Vehicular access to the proposed development would be taken via the existing vehicular access onto the A6093 classified public road. The existing vehicular access incorporates vehicular gates set back some 17 metres from the edge of the public road.

The Council's Road Services advises that the proposed development would result in increased vehicle movements from the existing vehicular access onto the A6093 classified public road. The A6093 classified public road at the point from which the site would be accessed is derestricted and subject to the national speed limit for a single carriageway road, and Road Services advise that the required visibility splays would be 2.5 metres by 215 metres to each side of the existing vehicular access.

A speed survey undertaken and prepared by Transport Planning Ltd has been submitted with the application. That survey and the application drawings indicate that, whilst it is possible to achieve the visibility splay to the east, it is not possible to achieve the required visibility splay to the west. Thus, the speed survey proposes that the speed limit be reduced to 40mph in the vicinity of the vehicular access over the length of the site frontage.

The Council's Road Services have considered the content of the speed survey, and advises that they concur with the recommendations to reduce the speed limit to 40mph in the vicinity of the vehicular access over the length of the site frontage. The Traffic Regulation Order (TRO) would be promoted by East Lothian Council as Roads Authority with the costs being borne by the applicant. The requirement for the reduction of the speed limit could be controlled by a condition of a grant of planning permission.

Road Services also advise that: (i) the new dwellinghouse should be provided with a minimum of two on-site parking spaces; (ii) visibility splays of 2.5 metres by 120 metres be provided and maintained on each side of the existing vehicular access such that there would be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway surface within the defined area; (iii) thirteen on-site parking spaces shall be provided to serve the proposed cabins and café/shop; (iv) a turning area shall be provided on the site and maintained free of parked vehicles and other obstruction in order to ensure that vehicles can enter and exit the site in a forward gear; and (v) a construction method statement shall be submitted for the prior approval of the Planning Authority.

The application drawings show that two on-site parking spaces would be provided for the proposed house, the existing house would retain two on-site parking spaces and thirteen on-site parking spaces would be provided to serve the proposed cabins and café/shop (5 spaces and 8 spaces respectively). The application drawings also include details of the required visibility splay, new 40mph speed limit, and an on-site turning area.

Road Services are satisfied that the provision of the additional hardstanding areas to each side of the existing vehicular access to facilitate a 'pull-off' area for the refuse collection vehicle would be acceptable.

The requirements for the provision of the on-site parking, turning, visibility splay, reduced speed limit and construction method statement could be secured through conditions attached to a grant of planning permission. Subject to such planning

controls, Road Services raise no objection to the proposed development being satisfied that the site could be provided with a safe means of vehicular and pedestrian access and a satisfactory provision of on-site parking and turning. Accordingly, the proposed development would not conflict with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Amongst other matters, Local Development Plan Policy DP2 requires that new development should ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties.

On the matter of the impact of the proposed development on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. By virtue of their height, positioning and distance away from neighbouring residential properties, the proposed house, café/shop building, bike store and bin enclosure, and each of the proposed five holiday accommodation cabins would not, in accordance with the Guide, give rise to harmful loss of daylight or sunlight to any neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of them. In turn, the proposed house would receive a sufficient amount of daylight and the garden of the proposed house a sufficient amount of sunlight.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Each of the proposed five holiday accommodation cabins would be positioned more than 9 metres away from the north boundary of the site with the A6093 classified public road and would not be within 18 metres of any directly facing windows of any neighbouring house to the north. The two northern most of the proposed five holiday accommodation cabins would be more than 9 metres away from the south boundary of the application site with the existing caravan storage business. Furthermore, whilst the three southern most of the proposed five holiday accommodation cabins would be less than 9 metres away from the south boundary of the site, they would not result in any harmful loss of privacy or amenity to the existing caravan storage business to the south of the site, as that business is not afforded the same levels of privacy and amenity as would be a residential property. The western most of the proposed five holiday accommodation cabins would be positioned a minimum of 9 metres away from the west boundary of the site with the garden of the existing neighbouring house of Roselea and would not be within 18 metres of any directly facing windows of that existing house. None of the other five holiday accommodation cabins would be within 9 metres of the west boundary of the site or within 18 metres of any directly facing windows of the existing house of Roselea. The two eastern most cabins of the proposed five holiday accommodation cabins would not be within 18 metres of any directly facing windows of the proposed house. The eastern most cabin of the proposed five holiday accommodation cabins would be less than 9 metres away from the garden of the proposed house however the proposed house is proposed as part of the development proposals for a tourism related business at the site, including the provision of the proposed five holiday cabins, and in the Design Statement submitted with the application, it is stated that the proposed house would be occupied by the applicant in their operation of that proposed business. Thus, the positioning of the

eastern most cabin of the proposed five holiday accommodation cabins less than 9 metres away from the garden boundary of the proposed house would not allow for harm to the amenity of the proposed house. Moreover, to ensure the amenity of the occupiers of the proposed house it could be made conditional of a grant of planning permission that the proposed holiday accommodation business on the site is only operated by a person(s) living in the proposed house. None of the proposed five holiday accommodation cabins would be within 9 metres of the garden boundary of the existing house of Roselea Cottage or within 18 metres of any directly facing windows of that existing house. Accordingly, the proposed five holiday accommodation cabins would not allow for harmful overlooking or loss of privacy to any neighbouring residential property.

Although the windows and doors of the south elevation of the proposed café/shop building would be less than 9 metres away from the south boundary of the site with the existing caravan storage business they would not allow for any harmful loss of privacy or amenity to the existing caravan storage business, as that business is not afforded the same levels of privacy and amenity as would be a residential property. None of the windows and glazed doors of the proposed café/shop would be within 9 metres of the garden boundary of the existing house of Roselea Cottage or within 18 metres of any directly facing windows of that existing house. Nor would they be within 9 metres of the garden boundary of the proposed house or within 18 metres of any directly facing windows of that proposed house. Again, to ensure the amenity of the occupiers of the proposed house it could be made conditional of a grant of planning permission that the proposed café/shop element of the proposed development only be operated by a person(s) living in the proposed house. Accordingly, the proposed café/shop building would not allow for harmful overlooking or loss of privacy to any neighbouring residential property.

The proposed house would be positioned so that its north elevation would be less than 9 metres away from the north boundary of the site however due to the intervening public road those windows would be more than 9 metres away from the gardens of the neighbouring houses of 1 and 2 Broomrigg Cottages and Talisker, and would not be within 18 metres of any directly facing windows of those neighbouring houses. The west, east and south elevations of the proposed house would be less than 9 metres away respectively from the west, east and south boundaries of the garden of that proposed house. The windows of the west and south elevations of the proposed house would face towards the land of the proposed holiday accommodation cabins and thus would not allow for harmful overlooking or loss of privacy of any neighbouring use. The windows and doors of the east elevation of the proposed house would be less than 9 metres away from the east boundary of the garden of the proposed house with the garden of the existing house of Roselea Cottage. The application drawings indicate that the window in the east elevation of the small rectangular shaped component of the east side of the proposed house would be obscurely glazed and that the entrance door would be of a solid alu-clad timber construction with no glazed openings. This obscurely glazed window and the other windows of the east elevation of the main body of the proposed house would face towards the existing gravel surfaced driveway of the house of Roselea Cottage and existing sheds of that house that are located on the west side of that driveway and which are bounded to the north, west and south by hedging. They would not be within 9 metres of the private garden space of the existing house of Roselea Cottage. In such circumstances the windows of the east elevation of the proposed house would not allow for harmful overlooking of the private garden space of the existing house of Roselea Cottage. Nor would they be within 18 metres of any directly facing windows of that neighbouring house.

The roof terrace of the proposed house would not be within 9 metres of the private

garden ground of any neighbouring residential property. Although its east side would be less than 9 metres away from the driveway and some sheds of the house of Roselea Cottage that driveway is not afforded the same level of privacy as would be the private amenity space of that house. Nor would it be within 18 metres of any directly facing windows of any neighbouring residential property. Accordingly, the roof terrace of the proposed house would not allow for harmful overlooking of any neighbouring house or garden.

Accordingly, the proposed house would not have an unacceptable impact on the privacy or amenity of the occupants of any of neighbouring houses or their garden ground. The future occupants of the proposed house would also benefit from an acceptable degree of privacy and amenity.

By their nature, positioning and character, the proposed bike storage building and the proposed bin enclosure would not allow for a harmful loss of privacy to any existing or proposed neighbouring residential property.

On these considerations of overlooking and loss of sunlight or daylight, the proposed development would not conflict with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

In terms of the design, height, form, scale, positioning and architectural character of the proposed development, Local Development Plan Policies DP1 and DP2 are specifically relevant. Local Plan Policy DP1, amongst other matters, requires that new development be well-integrated into its surroundings by responding to and respecting landform and retaining, where appropriate, existing natural and physical landscape features. Local Plan Policy DP2 requires that, amongst other matters, all new development is appropriate to its location, respects and complements the site and the surrounding area, is not harmful to amenity, retains physical and natural features important to the amenity of the area, and can be suitably serviced and accessed with no significant traffic or other environmental impacts.

Each of the proposed five cabins would be small in size and in the positions proposed for them would be well contained on the application site. Due to the existing boundary enclosures, including the high beech hedging along the north (roadside) boundary of the site and the existing and proposed trees on the northern part of the site, the proposed five cabins would not be readily visible in public views from outwith the site. Subject to the colour of their timber clad walls and their timber shingle roof being appropriate, a detail that could be controlled by a condition of a grant of planning permission, the proposed five cabins, by virtue of their size, height, scale, form, positioning and external finishes, would not appear harmfully intrusive, incongruous or exposed within their landscape setting, but rather would be well integrated into their surroundings. Consequently, they would not be harmful to the landscape character of the area.

The proposed café/shop building would be single storey in height and would be positioned on the southern part of the application site, in a position to the south of the existing house of Roselea Cottage. It would have a simple rectangular footprint measuring some 9 metres in length by some 3.8 metres in width with an additional square shaped component, measuring some 3.6 metres by 3.6 metres, attached to its northern side, creating an 'L-shaped' footprint, and would be some 3.5 metres in height from ground level to its roof ridge. In its position, the proposed café/shop building would be well contained on the application site. Due to the existing boundary enclosures, including the high beech hedging along the north (roadside) boundary of the site and the existing and proposed trees on the northern part of the site, the

proposed café/shop building would not be readily visible in public views from outwith the site. Subject to the colour of its timber clad walls and its timber shingle roof being appropriate, a detail that could be controlled by a condition of a grant of planning permission, the proposed café/shop building, by virtue of its size, height, scale, form, positioning and external finishes, would not appear harmfully intrusive, incongruous or exposed within its landscape setting, but rather would be well integrated into its surroundings. Consequently, the proposed café/shop building would not be harmful to the landscape character of the area.

The proposed bike storage building would be single storey in height and would be small in size with a mono-pitched roof. It would be positioned on the southern part of the application site, in a position to the east of the proposed café/shop building. In its position, the proposed bike storage building would be well contained on the application site. Due to the existing boundary enclosures, including the high beech hedging along the north (roadside) boundary of the site and the existing and proposed trees on the northern part of the site, the proposed bike storage building would not be readily visible in public views from outwith the site. However, there would be short duration, glimpsed views of it at the point of the vehicular access to the site from the A6093 classified public road. In such views, the proposed bike storage shed would be seen in the context of the greater height and massing of the existing house of Roselea Cottage, the proposed café/shop building and against the backdrop of the existing fencing and hedging along the south boundary of the site with the caravan storage business. Subject to the colour of its timber clad walls and its timber shingle roof being appropriate, a detail that could be controlled by a condition of a grant of planning permission, the proposed bike storage building, by virtue of its size, height, scale, form, positioning and external finishes, would not appear harmfully intrusive, incongruous or exposed within its landscape setting, but rather would be well integrated into its surroundings. Consequently, the proposed bike storage building would not be harmful to the landscape character of the area.

The proposed bin storage enclosure would be some 1.5 metres in height and would have a small rectangular footprint measuring some 24 square metres in area. In its position on the northern part of the site, to the east of the existing vehicular access, the proposed bin storage enclosure would be partially visible in public views from outwith the site. However, it would be afforded some containment by the existing beech hedging that encloses the north (roadside) boundary of the site and which also extends along the east and west sides of the recessed vehicular access, by the proposed tree planting to each side of the existing vehicular access, and by the trees outwith the site to the east beyond the Blackford Burn on land of Pencaitland Maltings. Furthermore, it would be viewed in the context of that hedging and those trees, the existing vehicular gates, and the greater height, bulk and massing of the existing house of Roselea Cottage on the western side of the vehicular access and the buildings of Pencaitland Maltings further to the east beyond the trees. In these circumstances, in the views of it, the proposed bin storage enclosure would not appear harmfully prominent. Subject to the colour of its timber sides and its metal posts being appropriate, a detail that could be controlled by a condition of a grant of planning permission, the proposed bin storage enclosure, by virtue of its size, height, scale, form, positioning and external finishes, would not appear harmfully intrusive, incongruous or exposed within its landscape setting, but would be sufficiently integrated into its surroundings so as not to be harmful to the landscape character of the area.

The proposed house would be single storey in height and would be of a contemporary design. It would be of a simple, functional design with a rectangular shaped footprint, with a further smaller rectangular shaped component attached to its east side. It would have a flat roof with a parapet upstand. A roof terrace would be formed on the flat roof

of the main body of the proposed house, and would be accessed via an external staircase of metal and glazed construction attached to the west side of the proposed house. The footprint of the main body of the proposed house would measure some 14.3 metres in length by some 8.3 metres in width and the smaller rectangular shaped component attached to its east side would measure some 6.6 metres by 4.0 metres. It would be some 4.0 metres in height from ground level to the upper edge of the upstand of its flat roof. The external walls of the main body of the proposed house would be finished in vertical timber cladding with a base course and the external walls of the smaller component of the proposed house would be finished with painted render. There would be large areas of glazing on its east, south and west elevation walls. The main entrance door of the proposed house would be in its east elevation wall and would be recessed thereby forming an integral porch. The frames of the windows and glazed doors would be of alu-clad timber construction in a light green colour. The flat roof of the proposed house would be clad with a grey coloured single ply roofing membrane. An externally positioned air-source heat pump would be positioned adjacent to the north elevation of the proposed house.

The proposed house would be positioned with its north elevation wall set back some 6 metres away from the north (roadside) boundary of the site. Areas of hardstanding comprising footpaths, patios and a parking area would be positioned to the east, west and south sides of the proposed house. Garden ground would be formed around the proposed house to all sides. The proposed house plot would be accessed from within the site to the south, with access to the public road being taken via the existing vehicular access onto the A6093 classified public road. Other than to allow for access to the parking spaces for the proposed house, a new 1.5 metres high 'living' fence would be erected along the west, east and south boundaries of the garden of the proposed house. The existing fencing and hedgerow of the north (roadside) boundary of the site would be retained along the north boundary of the garden of the proposed house.

The north (roadside) boundary of the site is enclosed by a 2.5 metres high beech hedge with fencing of similar height on its south side. Although single storey in height, the upper third of the proposed house, including its roof terrace, would be readily visible in public views above the height of the roadside boundary hedging and fencing. Otherwise, the existing north (roadside) boundary hedging, the row of trees on the northern part of the site to the west of the position of the proposed house and the existing house of Roselea Cottage to the east, all together would provide containment and partial screening of the proposed house from the north, east and west.

The nearest neighbouring houses within the context of which the proposed house would be viewed are two storey or single storey in height, some with accommodation in their roof space. They have dual pitched roofs that are predominantly clad with natural slates and their external walls are predominantly finished with render or natural stone, although there are some areas of timber cladding.

In this countryside location there is little definitive layout of built form for the proposed house to be respectful of. However, in its proposed position with its north elevation wall set back from the north (roadside) boundary of the site by some 6 metres, the north elevation of the proposed house would be generally in alignment with the positioning of the north elevation of the existing house of Roselea Cottage to the east, and with the position of the north elevation of the detached garage of the property of Roselea to the west, and thus the proposed house would sit comfortably in its positional relationship both with those neighbouring buildings and with the public road to the north.

Furthermore, by its single storey height the proposed house would fit comfortably with the single storey heights of the neighbouring houses to the east and north, and of the buildings of the wider area.

In its position on the site the proposed house would be seen in the context of the existing house of Roselea Cottage to the east, and 1 and 2 Broomrigg Cottages and Talisker to the north on the opposite side of the public road. It would also be viewed in the context of the greater heights and massing of the two storey house of Roselea to the west and the buildings of Pencaitland Maltings further away to the east.

The simple contemporary architectural design of the proposed house would contrast in a complementary manner with the more traditional architectural form of the neighbouring houses to the east, west and north. Although of a contemporary flat roofed design, the proposed house, by virtue of its size and height and thus also its scale and massing would not appear harmfully intrusive, overbearing or dominant on the site. The existing north (roadside) boundary hedgerow of the site would largely screen the proposed house in immediate views from the A6093 public road. Only the upper third of its elevation walls would be readily above the roadside hedgerow. In such views as there would be of it, the proposed house would be afforded some immediate visual containment by the roadside hedgerow and nearby trees on the northern part of the site to the west of the proposed house plot.

The use of a grey coloured single ply roofing membrane for the finish of the flat roof of the proposed house would not be dissimilar in colour to the grey colouring of slated roofs of the neighbouring houses to the east, west and north.

In the context of its rural landscape setting and the timber clad details on some of the nearby houses, the use of timber cladding for the finish of the external walls of the proposed house would not be inappropriate and would complement and add to the mixed palette of finishes of the external walls of the nearby houses. The pale green colouring of the frames of the windows and external doors of the proposed house would not be readily visible in public views due to the containment afforded by the roadside hedgerow, which would largely screen the lower parts of the proposed house. Subject to the final external surface finish of the timber cladding and the specific colour of the external surface of the frames of the windows and doors being appropriate, details that could be controlled by conditions of a grant of planning permission, the timber clad finish of the external walls of the proposed house and the pale green colouring of the frames of the windows and doors would not appear harmfully prominent in their landscape setting. Subject to the aforementioned conditional controls in respect of the external finishes of its walls and the frames of its windows and external doors, and the visual containment afforded by the north (roadside) boundary hedging of the site, the proposed house, by virtue of its design, height, form, scale, positioning, and external finishes, would be sufficiently integrated into the landscape in a manner compatible with its surroundings. It would not be harmfully uncomplementary to the character and appearance of the existing nearby houses and buildings or to the wider area. The proposed house would not, in its landscape setting, appear dominant or incongruous or exposed and would not be harmful to the landscape character and appearance of the area.

The proposed air-source heat pump would be located in a contained position adjacent to the north elevation wall of the proposed house between it and the north (roadside) boundary hedgerow. In the context of the greater bulk and massing of the proposed house the proposed air-source heat pump would not appear dominant or incongruous or exposed and would not be harmful to the landscape character and appearance of the area.

In their immediate relationship with the house, proposed five cabins, café/shop building and bike and bin storage, and as contained by the enclosures of the application site and its surrounding setting, the hardstanding areas comprising footpaths, patios and parking areas, and the new fencing and gate would not be uncommon features of the garden of a house or in the context of the proposed business use. They would not in themselves appear dominant or incongruous or exposed within their landscape setting and would not cause the proposed house and proposed business use to be harmful to the landscape character and appearance of the area.

The development of the site would not result in the loss of any prime agricultural land. The application site is physically capable of accommodating the proposed business use, proposed new house, garden ground, hardstanding areas, and parking areas in a manner that would not be an overdevelopment of it.

On these considerations of design the proposed five holiday accommodation cabins, the proposed café/shop, bike and bin storage, the proposed house and the proposed associated hardstanding, fencing and gate would not conflict with Policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 and PAN 72: Housing in the Countryside.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape. Although the application site is part of a loose group of buildings that straddle the A6093 classified public road at Broomrigg Farm, those buildings are existing houses, all of which are long established in their countryside location and are part of the character and appearance of the area. It is not identified in the adopted East Lothian Local Development Plan 2008 as being within a settlement and the Local Plan does not allocate the land of the site for housing development.

Consequently, the principle of locating the proposed business and the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 sets out controls for development in the countryside, including criteria for the assessment of need for a new business development where it is not for agriculture, horticulture, forestry, infrastructure or countryside recreation, to be in the countryside. It is for the Planning Authority to decide if the proposed business demonstrates an operational need to be located in the countryside.

The proposed business is for a tourism accommodation site comprising five holiday accommodation cabins, a café/shop, and associated parking and turning areas, hardstanding and enclosures, and a new house.

Supporting statements have been submitted with this application.

In the supporting statements submitted with the application it is stated that the applicant's require a new house on the site in order to oversee and manage the proposed new tourism accommodation and café/shop business, and that it is necessary for them to live on site as the opening hours of the café/shop would be seven days per week between 8.00am and 5.00pm each day and in order to support the requirements of the proposed cabins 24 hours a day, and that due to the type of facilities on the site, the applicants will need to be available at all times to assist their visitors. Additionally, living on site would have an added security benefit for the site

and for customers staying there. In subsequent supporting statements, it is stated that the applicant's have sold their previous property to fund the proposed tourism accommodation and café/shop business, and that it is not viable for them to not build a new house from which to operate that business. It is purported that the proposed tourism accommodation and café/shop business requires a person to live on site and that the proposed business would support a house, that the business would sustain employment and no other appropriate existing building or house is available within a reasonable budget. It is further stated that the applicants cannot build a business of the intent planned and not have a house, and that one is dependent on the other.

The Council seeks where possible in principle to support new business enterprises in East Lothian where they would not otherwise be contrary to development plan policies.

In respect of the proposed business, Policy DC1 of the adopted East Lothian Local Plan states that development, including changes of use, will be acceptable in principle within the countryside where it is for agriculture, horticulture, forestry, infrastructure and countryside recreation uses. Other business use will also be acceptable where there is an operational requirement for a countryside location, including tourism and leisure uses.

In this instance, the proposed tourism accommodation site comprising five holiday accommodation cabins, a café/shop, and associated works would not be directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. It would be for a sui generis use incorporating holiday letting accommodation, class 1 retail and class 3 food and drink uses (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997). However, together the uses would be considered to be a tourism and leisure use. Whilst such uses could be accommodated within an urban area, the applicant's supporting statement explains that they would hope to attract accommodation, and food and drink related business from cyclists and walkers using the nearby Pencaitland Railway Walk and other surrounding walks and cycle routes in the East Lothian countryside, families and golfers wanting to stay in the East Lothian countryside, and also to attract passing trade from tourists moving through or wanting to stay in the area. Whilst the supporting statement explains that the applicant is keen to encourage families to use this proposed new amenity, it is assumed that this is in respect only of the proposed café/shop building as the proposed tourism accommodation cabins are not designed as family sized accommodation, being shown to only accommodate space for one double bed. Nonetheless, this type of holiday letting accommodation and retail/café facilities would serve to provide accommodation and retail/café facilities for tourists wishing to benefit from a stay in the East Lothian countryside. The proposed cabins would be within easy reach of many of the tourism and leisure attractions of East Lothian. In principle, based on the nature of the proposed tourism accommodation as 'eco' accommodation seeking to provide holiday letting accommodation close to outdoor activities, there is justification for the holiday letting accommodation use in this rural location and the particular type of holiday accommodation proposed could not reasonably be accommodated within an existing urban or allocated area. As a part of the proposed tourism business, the proposed café/shop would provide a facility for the proposed holiday accommodation cabins and for tourists passing through the area, as well as locals using the nearby walks and cycle routes. Furthermore, by its small scale of operation, the proposed holiday accommodation use of the site, and thus of the proposed five cabins and the proposed café/shop, is of a scale and character appropriate to its countryside location. It is not unreasonable to assume that such development would be likely, in turn, to positively contribute towards the tourist industry of East Lothian. Accordingly, the proposed tourism accommodation site comprising five holiday accommodation cabins, a café/shop, and associated works would not conflict with Policy DC1 of the adopted

East Lothian Local Development Plan 2018.

The Council's Economic Development Service was consulted on the application however no comments have been received from them.

Policy DC4 of the adopted East Lothian Local Development Plan 2018 sets out controls for the erection of new build housing in the countryside, including criteria for the assessment of need for new housing in the countryside. It is for the Planning Authority to decide if the proposed business demonstrates an operational need for a new house in support of it.

In Section 5.10 of the adopted East Lothian Local Development Plan 2018 it is stated that where a new house is sought on the basis of an operational requirement in conjunction with a business that is not yet established a business case that supports the proposal will also be required to be submitted as part of the planning application and if the Council is of the opinion that there is an operational need of the proposed business use for a person to live on site in support of the proposed business then the Council will normally grant temporary planning permission for temporary accommodation in the first instance. Permanent accommodation will only be permitted once the business is established and the Council is satisfied that it is viable and that permanent accommodation is justified.

In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long distance car based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate.

Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 respectively set out controls for the development of new businesses and new housing in the countryside. It is for the Planning Authority to decide if the proposed business demonstrates an operational need for a new house in support of it.

In the case of this application, the proposed business is not yet established, thus, even if the Council were of the opinion that there is an operational need of the business for a person to live on the site, that business has not yet established and demonstrated to be viable and justifying permanent accommodation. Thus, the principle of the erection of the proposed house on the site at this time conflicts with Policy DC4 of the adopted East Lothian Local Development Plan 2018.

Moreover, the operation of the proposed holiday accommodation and the café/shop elements of the proposed tourism business are such that the operation of them (i.e. servicing of holiday accommodation cabins, cleaning/maintaining buildings and land, operating the café/shop, etc) could be done from anywhere close-by. A person working in the café/shop could facilitate the issuing or return of keys during the opening hours of the café/shop, and outwith those times it is not uncommon for key safes to be used on holiday accommodation properties or for keys to be collected from specific locations or check-in times to be restricted to be at specified times. Furthermore, the application site is in close proximity to the village of Pencaitland, within which there are a variety of houses and accommodation, which would be sufficiently close to the proposed business site for the applicants to live and operate the proposed business remotely.

Thus, there is nothing in the operation of the proposed tourism business that would require a person to live on-site, which could not otherwise be managed remotely from a property in Pencaitland, being only some five minutes away from the site, or another close-by location. Accordingly, without an operational justification of need for it, the proposed house is contrary to Policy DC4 of the adopted East Lothian Local Development Plan 2108. Moreover, it has not been demonstrated that the proposed tourism business is sufficiently viable and robust to support the proposed house.

In addition, the new house is not promoted as enabling development for the business. It is only proposed in support of the operation of the business to facilitate the applicant to live on the site. In any event, the benefits of the proposed business would not be sufficient to outweigh the normal policy presumption against new building housing in the countryside.

The Council's Rural Business Consultants have carried out a rural business appraisal of the proposed development based on an assessment of the Business Statement and Cash-Flow Forecast for the proposed business submitted with the application.

In respect of the viability / robustness of the proposed business (holiday accommodation/café/shop), the Council's Rural Business Consultants raises concerns that the Business Statement and Cash-Flow Forecast do not demonstrate that the proposed tourism business would be viable and sustainable. The Rural Business Consultants state that the proposed business would have to be highly successful to achieve the levels of occupancy indicated and that it would almost certainly take a number of years to attain this level of success, and that there is a lack of information regarding the anticipated profitability of the business, demand for the facilities, and the drawings (wages) for the owners and other staff. The Rural Business Consultants also comment that seasonality in respect of the café/shop does not appear to have been factored into the calculations. The Rural Business Consultants further comment that the provision of the proposed house would also need to be supported by the business plan in terms of the business being able to support wages (drawings) as well as the borrowing costs associated with a new house.

In conclusion, the Rural Business Consultants advise that the submitted information does not demonstrate that the proposed business would be sufficiently viable and sustainable in its own right or to support a new house.

The Council's Rural Business Consultants comments that the submission of more robust financial forecasts would be helpful but may not necessarily be sufficient to demonstrate the viability of the proposed business, as there would have to be little doubt about the business viability from any submitted documentation, and the Rural Business Consultants therefore suggests that it may be that the business would need to be operating from the site in order to demonstrate its viability and sustainability.

Thus, even if the Council were to conclude that there was an operational need for a house to support the proposed holiday accommodation/café/shop there are concerns regarding the viability of the proposed business, and it would be necessary to establish the proposed business at the site and to then demonstrate its viability and sustainability and its robustness to support a house before consideration could be given to the provision of a new house.

The applicant has indicated that the proposed tourism business and the requirement for the proposed house are integrally linked and one could not function without the other. Furthermore, the applicants have stated that to help fund the proposals they have sold their previous house and being familiar with the Pencaitland housing market,

they know that their remaining budget is such that it would not stretch to the purchase of a house within the village of Pencaitland.

The applicant's financial situation is not a material consideration in the assessment of need for a house to be located in a countryside location or the operational requirement for a person to live on site in support of a business.

In conclusion, without an operational justification of need of an established business use, the proposed house would constitute intrusive, sporadic development in the countryside. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. The applicant has not demonstrated a case of justification of need for the proposed new house. In the absence of any such direct operational requirement or justified supporting case for the erection of a house on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a house on the site is contrary to Policy DC4 of the adopted East Lothian Local Plan 2008, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

It would not be competent for the Council as Planning Authority to grant planning permission for the proposed tourism business (holiday accommodation, café and shop) and to refuse through a planning condition the erection of the proposed house, which is described by the applicant as being an integral part of the proposals. Thus, it must be concluded that whilst the erection of the proposed tourism business (holiday accommodation, café and shop) on the site may be supported by relevant policies, the applicant has indicated that the proposed business and house are one integral proposal, and without an operational justification of need of an established business use for the proposed house, the overall business proposal, including the proposed house would be contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

Thus, notwithstanding that the material considerations of the access, turning and parking provision, architectural form and design, loss of sunlight and daylight, privacy and amenity are not contrary to the relevant policies of the adopted East Lothian Local Development Plan 2018, as set out earlier in this report, these considerations are not sufficient to outweigh the development plan considerations that without an operational justification of need of an established business use for the proposed house, the overall business proposal including the proposed house would be contrary to the other relevant policy provisions of the development plan in the form of Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

REASONS FOR REFUSAL:

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

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)