



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

**TUESDAY 4 DECEMBER 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Bruce
Councillor J Findlay
Councillor N Gilbert
Councillor W Innes
Councillor C McGinn
Councillor K McLeod
Councillor J McMillan
Councillor B Small
Councillor J Williamson

Council Officials Present:

Mr I McFarlane, Service Manager – Planning
Mr K Graham, Solicitor
Ms S McQueen, Planner
Ms J McLair, Planner
Mr G McLeod, 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 K Clark
Item 3 – Ms K Watson, Mrs V McNeill

Apologies:

Councillor F O'Donnell
Councillor S Kempson

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 OCTOBER 2018

The minutes of the meeting of the Planning Committee of 3 October 2018 were approved.

2. PLANNING APPLICATION NO. 18/00843/PM: DEVELOPMENT OF AN AREA FOR STATIC AND TOURING PITCHES AND ASSOCIATED WORKS AT SETON SANDS HOLIDAY VILLAGE, PORT SETON

A report was submitted in relation to Planning Application No. 18/00843/PM. Julie McLair, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Katy Clark of Lichfields, agent for the applicant, outlined the expansion proposal. She informed Members that Seton Sands Holiday Village was an important part of the Bourne Leisure portfolio and there had been significant investment in the site over the years. She gave further details of various aspects of the planned improvements. This holiday village contributed to the local economy and received positive feedback from the local community.

Ms Clark responded to questions from the Committee. She clarified that the construction phase would take place over the winter months and would take two, or maybe three winter periods to complete. Regarding additional employment, more staff would be required upon completion of the works but the actual number was uncertain. In relation to the clubhouse facilities, she said there was enough capacity to take into account people using the new pitches but added that the club was principally for use by static caravan owners/visitors.

Local Member Councillor Innes stated that Seton Sands Holiday Village played an important part in the local economy. Bourne Leisure had invested significantly in this site, which was a quality facility and attracted people to East Lothian. He would be supporting this application.

Local Member Councillor Bruce indicated that he would also be supporting this application. Bourne Leisure were good neighbours and a vital part of the local economy.

Local Member Councillor Gilbert echoed his colleagues' comments. He would be supporting this application.

Councillor McMillian expressed support for this application from an economic development and tourism aspect.

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

For: 10

Against: 0

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following 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.

3. PLANNING APPLICATION NO. 17/00954/P: 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 AT LAND ADJACENT TO ROSELEA COTTAGE, PENCAITLAND

A report was submitted in relation to Planning Application No. 17/00954/PM. Stephanie McQueen, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Ms McQueen and Iain McFarlane, Service Manager – Planning, responded to questions from Members. Ms McQueen advised, in relation to the proposed roof terrace and privacy issues, that the appropriate guidelines had been met. Regarding the appraisal by the Council's Independent Rural Business Consultants (RBC), she was not aware what comparators had been used; the RBC's concerns related to the viability and sustainability of the proposed business, which in their view had not been demonstrated clearly. In response to queries about the impact of vehicle movements, she stated that Road Services had recommended that if the application were to be granted, that the 30mph zone should be extended, otherwise they had no immediate concerns. She confirmed that there was sufficient parking on site to accommodate the applicant's proposals.

Regarding queries about the house and business linkage, Ms McQueen said that if Members were minded to approve this application then inserting a condition tying the occupancy of the house to the business would be recommended. Mr McFarlane informed the Committee that since 2012 the Scottish Government's advice was that conditions/legal agreements on occupancy of a house and to tie businesses and houses together should be avoided. He highlighted the need to ensure that the tests for a new house in the countryside were sufficiently high so as to support the policy. In this case it was important to ensure that Members were satisfied that in principle there were operational requirements for a house in

the countryside and satisfied that they were linked to a viable business and not an untried business. This was a significant material consideration.

Responding to a question about whether, if the application was approved and the business then failed, the house would have to be demolished, Mr McFarlane indicated there could be situations where the removal of a house would have to be considered, which explained why the test was so high and that the usual approach where an operational requirement might exist was to test the business whilst supported by temporary accommodation. He referred to the RBC appraisal, which had concluded that there was no case, in principle or evidence, that the business needed or could support a house in this way. Ms McQueen clarified that the RBC's full appraisal had not been provided to the applicant. RBC had been contracted to provide an appraisal for the Council; a brief summary had been issued and following this, the applicant had supplied further information.

Veronica McNeill, the applicant, outlined the concept of the proposal. She drew attention to existing attractions in/around the village stating that this proposal would encourage further tourism into the area. The café would be beneficial for the village. The key to the success of the proposal was being on site; it was not an option to live elsewhere and provide the necessary service. Mrs McNeill stated that Pencaitland Community Council supported the application. She disagreed with the RBC's view that the proposal was not viable. She also disagreed that the need for the house had not been demonstrated. Building the house would not set a precedent; it was an infill site, in a unique location. She asked the Committee to consider the economic, employment and other benefits this proposal would bring to Pencaitland.

Kirsty Watson of Slorach Wood Architects, agent for the applicant, reiterated that this proposal would provide a much needed amenity in Pencaitland. It was an infill site surrounded by houses. No issues had been raised regarding the design of the house. She stressed that it was not financially viable for her clients to live off site as both the house and the business would depend on each other to succeed. The tourism aspect of the proposal was supported. This proposal would be of significant benefit to Pencaitland.

Mr McFarlane advised Members, for clarification, that the grouping of houses referred to was not a settlement, it was not defined as such in the newly adopted Local Development Plan (LDP) and that the site was not an infill development.

Mrs McNeill and Ms Watson responded to questions. Mrs McNeill clarified that her two daughters would be assisting with the business. One daughter lived at the existing cottage but ran the caravan storage business so could not provide the servicing required for the proposed facilities. Regarding the support from Pencaitland Community Council, Mrs McNeill stated that the Chair had submitted a letter of support. In relation to growth potential, she outlined the range of activities that they hoped to encourage. She clarified that these had not been factored in to the application; only a one-year plan had been put forward, they had not realised that a longer plan was needed. With regard to determining need, Ms Watson gave details of the various kinds of research carried out, stating that the response had been overwhelmingly positive. She clarified that a lifestyle business was a holistic business fully encompassing family and business life. Mrs McNeill confirmed that the eco-accommodation site would be available 24/7 and promoted as a base for groups, i.e. golfers, cyclists, walkers, wishing to come to Pencaitland/East Lothian. She also clarified that she was happy not to occupy the house until the cabins and shop/café were completed.

Mr McFarlane cautioned the Committee that new information was being presented that had not been within the application and seemed to relate to uses more appropriate to Pencaitland itself rather than to the countryside location of the application site.

Responding to further questions, Mrs McNeill and Ms Watson expanded on issues regarding servicing the accommodation site and the shop/café. Mrs McNeill gave her view as to why living in temporary accommodation whilst operating the business would not be feasible.

Opening the debate, Local Member Councillor Small stated there was an issue as regards precedent; to support this application would increase the potential for future issues. He referred to the LDP, which clearly stated what was permissible. He had no concerns with the business element of the proposal but he did have an issue regarding linkage with the house; he did not accept that the house was required to run the business. He would therefore be supporting the officer's recommendation in the report for refusal.

Local Member Councillor McMillan highlighted consideration of the two different aspects of the proposal. The applicant was very passionate about the business and believed she needed to be present on site for it to be successful. Officers had no issue with the business aspect of the proposal. However, the RBC had raised doubts about viability. It was development in the countryside; it was not a gap site. He believed that the rural economy could benefit from the proposal but he did have some reservations.

Councillor McLeod noted that statutory consultees had raised no concerns. This was a desirable tourist area. There had been houses at this location previously as shown on historic maps, therefore having one new house now would not, in his opinion, set a precedent. He supported this application; he felt that having the owners on site would be good for the business and for security.

Councillor McGinn expressed his support for the application in terms of tourism, location and connectivity. He felt that the stability of having someone living on site would be beneficial. This proposal would be a very welcome addition to the village and to the tourist trade.

Councillor Gilbert agreed with his last two colleagues' comments. He would also be supporting the application but felt a condition was required to link the house to the business.

Councillor Innes said this was a difficult application to determine. Tourism was an important part of the East Lothian economy. The café could meet a need in the local area. Conversely, the countryside policy was an important tool in protecting East Lothian; in the past the county had benefited from strong countryside policies. As regards the site itself, his opinion was that it was clearly not in open countryside; there was a major commercial operation to one side and houses and a caravan storage facility on the other sides. However, the key question was whether the house was necessary to support the business. He had been impressed by the applicant's passion for her business idea and her commitment to improving her community. He would therefore be supporting the application but would also insist that the house must be tied to the business by a Section 75 Agreement.

Councillor Findlay supported the need for the business itself but not for the house as well; a family member already lived on the site. He agreed with his colleague Councillor Small, this would set a precedent if approved. He would be supporting the recommendation for refusal.

The Convener ended the discussion. He referred to the two different parts to the proposal. The eco accommodation site and café/shop could generate good business for the area. He stated that although the site was on the edge of the village it was classed as in the countryside; it was difficult therefore to support the house element of the proposal. He remarked that if the applicant had come forward with an application for temporary accommodation and then demonstrated viability he would have considered supporting this. He stressed that if the current proposal was approved there was a danger of potentially many more applications coming forward for sites across the East Lothian countryside. Therefore, given that the proposal was contrary to Policies DC1 and DC4 of the LDP, he would be supporting the officer's recommendation.

The Convener moved to the vote on the report recommendation (for refusal):

For: 3

Against: 7

Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to conditions to be determined by the Service Manager – Planning, Convener and local members and a Section 75 Agreement (tying the house and business together) and subject to the Council's standard practice that if the Section 75 was not completed and registered within 6 months of the decision, then the application would be refused.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee