

**REPORT TO:** Planning Committee  
**MEETING DATE:** Wednesday 24 June 2020  
**BY:** Head of Development  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **20/00251/PM**

Proposal Variation of condition 2 (in respect of the footpath) of planning permission 17/01185/PM

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

Applicant Bourne Leisure Limited

Per Lichfields

**RECOMMENDATION** **Consent Granted**

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to Seton Sands Holiday Village that has an area of some 61 hectares and occupies a countryside location as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018, to the east and southeast of Port Seton.

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

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

The Seton Sands Holiday Village, has been operating in its countryside location as a leisure/tourism business for many years.

In November 2008 planning permission in principle (Ref: 06/00754/OUT) was granted for the expansion of the holiday village. This allowed the expanded Holiday Village to accommodate a total of 780 static caravans and 100 pitches for touring caravans, together with a 9 hole golf course with golf pavilion. The approved expansion also included upgrading and extension of the existing main amenity building, upgrading works to accesses and car parking areas and landscaping works.

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

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

In June 2012 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 195 static caravans, a 9 hole golf course and associated works (Part Retrospective).

At the time of the determination of application (Ref:11/00975/AMC) a footpath ran along the eastern boundary of the site, within the Holiday Village site, together with a stile providing a pedestrian access point over the boundary wall along the north of the site adjacent to the B1348 Road. This stile provided access from the northeast part of the Holiday Village to the grass verge on the southern side of the B1348 road. It was for this reason that condition 2 of approval of matters specified in conditions 11/00975/AMC required the provision of a footpath on the south side of the B1348 road (Links Road) to the east of the Holiday Village access junction.

Condition 2 of planning permission (Ref: 11/00975/AMC) states:

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

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

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

Reason:

In the interests of road safety."

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

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

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.

Alterations to the layout of the Holiday Village has included the siting of static caravans and stances on the north-eastern section of the site and the footpath along the eastern boundary together with the stile access are no longer in use.

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.

Amended condition 2 of planning permission (Ref: 17/01185/PM) states:

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

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

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

Reason:

In the interests of road safety"

Subsequent to the determination of application 17/01185/PM East Lothian Council received objections from local residents to the formation of the footpath on the south side of the B1348 as approved by permission 17/01185/PM. Therefore in February 2019 East Lothian began discussions with the applicant's agent regarding those objections. A meeting was convened at Seton Sands Holiday Village in May 2019 and was attended by Council officers, applicants, agents and local resident representatives. During the meeting Council officers advised that the implementation of a footpath on the south side of the B1348 road, as required by condition 2 of planning permission (Ref: 17/01185/PM), was no longer the preferred option and advised that the installation of a controlled crossing point was preferred.

Planning permission is therefore now sought for a variation of condition 2 (in respect of the footpath) of planning permission 17/01185/PM to require the formation of a new Puffin Crossing on the B1348 road as a replacement for the existing Double D island to provide controlled pedestrian access between pavements on the north and south sides of the B1348 (Links Road) to the west of the existing Holiday Village access junction.

## **DEVELOPMENT PLAN**

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.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Policy T2 (General Transport Impact) of the adopted East Lothian Local Plan is relevant to the determination of this application.

### **REPRESENTATIONS**

No public written representations have been received to the application.

### **COMMUNITY COUNCIL**

Cockenzie and Port Seton Community Council have been consulted on the application and have made no comment

### **PLANNING ASSESSMENT**

Since the time of the determination of planning application (Ref: 17/01185/PM) Seton Sands Holiday Village has been further developed, evolved and expanded through the implementation of a number of planning permissions.

Given the Holiday Village's location to the east of Port Seton, pedestrian movement into and out of the site is primarily to the west of the site access. An existing controlled pedestrian crossing is located to the east of the main site entrance providing access to a formal pedestrian pavement that runs to the east and west along the north side of the B1348 (Links Road).

An existing pavement is located to the west of the site access and runs for a short distance along the south side of the B1348 Road to an existing uncontrolled pedestrian crossing consisting of a Double D refuge island sited on the B1348 road, with a grass roadside verge beyond.

The proposed Puffin pedestrian crossing would replace the existing Double D island and provide controlled pedestrian access between pavements on the north and south sides of the B1348 (Links Road).

Policy T2 of the adopted East Lothian Local Development Plan 2018 requires that new development must have no significant adverse impact on: road safety; the convenience, safety and attractiveness of walking and cycling in the surrounding area; public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times; the capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and residential amenity as a consequence of an increase in motorised traffic.

**The Council's Road Services Manager** raises no objection to the application, being satisfied that submitted details of the proposed Puffin pedestrian crossing meets Council standards and is an appropriate alternative to the previously conditioned footway in providing Seton Sands residents who wish to walk or cycle towards Port Seton and vice versa with a suitable route. He further advises that due to seasonal restrictions on works being undertaken on public roads a timescale for the provision of the controlled Puffin pedestrian crossing should be submitted for approval within a period of one month from the date of any grant of planning permission in order to allow control of works to secure such provision. This can reasonably and competently be secured through an amendment of condition 2 of planning permission (Ref: 17/01185/PM).

Subject to the aforementioned planning control, the proposed variation of condition 2 (in respect of the footpath) of planning permission (Ref: 17/01185/PM) is consistent with policy T2 of the adopted East Lothian Local Development Plan 2018.

Annex I of Planning Series Circular 3/2013 (Development Management Procedures) provides guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". However in this instance there are no conditions from planning permission (Ref 17/01185/PM) or from any other previous consents that would apply to this planning permission to vary condition 2 of planning permission 17/01185/PM.

## **RECOMMENDATION**

That planning permission be granted unconditionally:

- 1 A new controlled Puffin pedestrian crossing shall be formed on the south side of the B1348 road (Links Road) as a replacement for the Double D islands on the B1348 road (links Road) to the west of the existing Holiday Village access junction, to the existing footpath at Sandy Walk. The new controlled Puffin pedestrian crossing will be formed in accordance with the details shown on approved drawing ref 10140 Rev C docketed to this planning permission.

Within one month from the date of grant of this planning permission a timetable for the formation of the controlled Puffin pedestrian crossing shall be submitted to, and thereafter approved by the Planning Authority.

The new crossing shall thereafter be formed in accordance with the timescale and the detail so approved unless otherwise approved in writing by the planning authority.

Reason:

In the interests of road safety.