

Case reference	NA-ELN-018
Application details	Variation of Condition 3 of Planning Permission 15/00387/P to provide occasional guest (family & friends) accommodation
Site address	Riverside house, 4 Station Road, East Linton
Applicant	Mr P Burns and Ms R Lowrie
Determining Authority	East Lothian Council (LRB)
Local Authority Area	
Reason(s) for notification	Objection by Government Agency (SEPA)
Representations	Nil
Date notified to Ministers	1 July 2016 but not fully documented until 7 July 2016
Date of recommendation	21 July 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission is sought to vary 3 of planning permission 15/00387/P, to provide occasional guest accommodation.
- The application relates to a single storey detached House and garden located in East Linton.
- The building is located within a predominately residential area as defined by the adopted East Lothian Local Plan 2008. It is also within the East Lothian Conservation Area.
- In August 2015 planning permission was granted for a single story building on condition that it could only be used for ancillary purposes and shall not be used as residential accommodation, a separate dwelling house or for any business, trade or other commercial use.

EIA Development:

- The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2, but is below the size threshold of 0.5ha. The site is not located within a sensitive area. No EIA was required.

Consultations and Representations:

- SEPA objects to the proposed variation of the condition on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy. They are of the view that the site is likely to be at flood risk during the 0.5% annual probability and objected to the building being used for residential purposes unless a full Flood Risk Assessment was undertaken. No details have been provided to demonstrate that the building would be free from flood risk so as to be safe for use as an occasional guest accommodation.
- Following notification, the Scottish Government's Managing Flood Risk Team was consulted. Given the small scale, low impact nature of the proposal it is considered there is no national interest at stake in this case and that it should be cleared back to the Council.
- There are no objections from other statutory consultees or third parties

Assessment:

1. The Council is minded to grant planning consent for this proposal against the advice of SEPA and the application has been duly notified to Scottish Ministers as a result of that objection.
2. The application was recommended for refusal but this decision was overturned at Local review Body, subject to a condition that allows occasional overnight use by non-paying guests as long as it does not exceed a total of 30 days in any calendar year.
3. SEPA's objection is maintained in the absence of any additional information on flood risk. However, Scottish Government's Flooding Policy Team do not recommend the application is called in for decision by Scottish Ministers due to the nature and scale of the proposal.
4. It is considered that this application raises no issues of national importance that would warrant intervention by Scottish Ministers.

Decision/Recommendation:

- Clear the application back to East Lothian Council.