

REPORT TO: Planning Committee

MEETING DATE: Tuesday 1 September 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **15/00094/PPM**

Proposal Planning permission in principle for the erection of 21 holiday lodges and 40 houses

Location **Whitekirk Golf Club
Whitekirk
North Berwick
East Lothian
EH39 5PR**

Applicant Whitekirk Developments Ltd

Per Wardell Armstrong LLP

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

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.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00020/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report was submitted with this application. The report informs that some 20 people attended the pre-application public exhibition, which was held at Whitekirk Golf Club, and that those attendees made a number of comments regarding the proposals. The development for which planning permission in principle is now sought is the same as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The originally submitted pre-application consultation report included an incorrect statement regarding the phasing of the development approved by the grant of planning permission in principle 08/00078/OUT. This statement was subsequently corrected by the planning agent acting for the applicant, and a revised pre-application consultation report was received by the Council in March 2015.

This application relates to Whitekirk Golf and Country Club, which is located in the countryside to the northeast of Whitekirk.

In June 1999 planning permission (Ref: 98/00748/FUL) was granted for an extension to the existing club house of Whitekirk Golf Club to contain function rooms and a 30 bedrooms hotel. The approved extension was to adjoin the northeast corner of the club house so as to be aligned at a right angle to the existing building, creating an L-shaped footprint. The approved extension was to be two storeys in height. Development of the extension did not commence and planning permission 98/00748/FUL lapsed in June 2004.

In June 2011 planning permission in principle (Ref: 08/00078/OUT) was granted for the development of a 100 bedroom hotel, a new club house, relocation of a greenkeeper's compound, a new 18 hole golf course, 21 holiday lodges and 42 houses on some 138 hectares of land in the countryside to the north and east of Whitekirk. A docketed masterplan indicates how the different components of development could be laid out within the site. Planning permission in principle 08/00078/OUT was granted subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

The original Clause 3.1 of the Section 75 Agreement contained the obligation that there shall be no commencement of development of the housing component of the development unless and until:

- a) Commencement of development of the holiday lodges and the new golf course has occurred; and
- b) The hotel has been constructed and completed less only the internal fitting out of the hotel building.

In January 2012, through application 12/00001/OBL, Whitekirk Golf and Country Club Ltd sought a modification to the obligation of Clause 3.1 of the Section 75 Agreement to the effect that there shall be no commencement of development of the housing component of the development unless and until:

- a) Commencement of development of the holiday lodges and the new golf course has occurred; and
- b) A hotel of 70 bedrooms, of the 100 bedrooms to which planning permission in principle (08/00078/OUT) relates, has been constructed and completed less only the internal fitting out of the hotel building; and
- c) There shall be no commencement of development of any more than 30 houses of the 42 to which this planning permission in principle (08/00078/OUT) relates unless and until a hotel of 70 bedrooms has been constructed and completed less only the internal fitting out of the hotel building; and
- d) There shall be no commencement of development of the remaining 12 houses of the 42 to which planning permission in principle (08/00078/OUT) relates unless and until all

of the remaining 30 hotel bedrooms (of the 100 bedroom hotel to which planning permission in principle (08/00078/OUT) relates) have been constructed and completed less only their internal fitting out.

In March 2012 East Lothian Council approved that applied for modification to the obligation and determined that it be made.

In October 2012 East Lothian Council approved (Ref: 12/00007/OBL) that part a) of the obligation of Clause 3.1 of the Section 75 Agreement be discharged. This now allows commencement of development of the housing component of the development without the need for the commencement of development of the holiday lodges and the new golf course.

Clause 5 of the Section 75 Agreement is designed to secure from the applicant a financial contribution to the Council of £777,588 (£18,514 per house) towards the provision of additional educational capacity at Law Primary School and North Berwick High School.

In September 2013 East Lothian Council approved (Ref: 13/00001/OBL) that the obligation of Clause 5 of the Section 75 Agreement be modified. The approved modification allows a change in the amount of education contribution to a total of £620,256 with consequent changes to the amounts paid in the agreed phased instalments, and date for consideration of percentage increase of Tender Price Index.

In June 2013 approval of matters specified in conditions of planning permission in principle 08/00078/OUT (Ref: 13/00229/AMM) was granted for the details of the siting, design and external appearance of the 100 bed hotel and golf club house, greenkeeper's shed and compound, club store/trolley store and alterations to the existing golf course, the means of access, the landscaping of the site and of other principles of development.

Development of the car park to serve the hotel commenced in June 2015.

The site the subject of planning permission in principle 08/00078/OUT is bisected into two parts by the A198 road, which runs north-eastwards from Whitekirk towards North Berwick. The majority of the land within the north-western part of the site is in golf and leisure use, under the operation of the Whitekirk Golf and Country Club. It includes an 18 hole golf course, golf driving range, practice area, maintenance compound, club house and leisure facility and associated car parking.

The site that is the subject of this planning application has an area of some 16 hectares and forms part of the larger site the subject of planning permission in principle 08/00078/OUT. It consists of the following two parts of the larger site: (1) the land that is approved in principle for 42 houses; and (2) the land that is approved in principle for 21 holiday lodges.

The land approved in principle for 42 houses consists of the western end of the operational land of Whitekirk Golf and Country Club. It is bounded to the north and east by the golf course, to the southeast by the A198 road, and otherwise by farmland. The land approved in principle for 21 holiday lodges consists of farmland. It is bounded to the northwest by the A198 road, to the southeast by the Peffer Burn, and otherwise by farmland. The land immediately to the east of the Peffer Burn forms part of the Tynninghame Designed Landscape.

Planning permission in principle is now sought for the erection of 21 holiday lodges and 40 houses on the application site.

When the application was first submitted, planning permission in principle was sought for the erection of 21 holiday lodges and 42 houses on the application site. Subsequent to the registration of the application, the applicant confirmed that they were now seeking permission for the erection of 40 houses, instead of the 42 originally proposed. An amended site layout plan showing an indicative layout for the 40 houses has also been submitted.

The holiday lodges and houses would be erected in the same positions as those indicatively shown for them by planning permission in principle 08/00078/OUT. Moreover, the indicative details of the holiday lodges and houses are identical to those approved by planning permission in principle 08/00078/OUT.

The lodges are indicated with a rectangular footprint, a single storey height and walls of timber construction. The master plan shows that the lodges could be set in a landscaped woodland setting with a mix of native species. It is further advised that the site for the lodges could contain a woodland play area. The master plan indicatively shows that the lodges would be accessed off the A198.

The principle of the 40 houses is being promoted by the applicant as a necessary provision of enabling development to cross-subsidise the development of the proposed hotel and associated development, the details of which have already been approved (Ref: 13/00229/AMM).

The master plan indicates how the 40 houses might be located adjacent to part of the existing golf course and laid out on either side of the access road that would serve them. That access road would be an extension of the road that currently serves the existing green keepers compound. It is shown how the houses might be of coordinated architectural style with some detached and others semi-detached, each of a single storey height with accommodation in their roof space and with walls finished in wet dash render and timber cladding, stone base courses, chimneys and feature panels and a pitched roof clad in slate. It is also shown how the boundaries of the housing area might be landscaped with trees and how a toddlers play area could be incorporated into the housing area.

The southern part of the site for the proposed housing is within the Whitekirk Conservation Area. The remainder of the application site is within the North Berwick-Dunbar Coastline Area of Great Landscape Value.

In a letter submitted with the planning application, the applicant informs that due to the economic downturn it has taken longer than anticipated to commence the approved development. The applicant is therefore seeking what they consider to be in effect a duplicate permission for the enabling houses and the lodges. They further advise that the purpose is to provide more time to work up a detailed proposal for the enabling housing and lodges. In support of their case, the applicant have submitted a financial report, which they believe proves that the hotel development is not viable without the proposed housing.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

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 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), ENV4 (Development within Conservation Areas), DP1 (Landscape and Streetscape Character), DP2 (Design), DP17 (Art Works – Percent for Art), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

A total of 14 written representations have been received in respect of this planning application. Of these, 12 make objection to the proposed development. One of these is from Whitekirk Community Company, one is from the Woodland Trust and another is from the Architectural Heritage Society of Scotland. The other 2 written representations do not state whether they object to or support the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * the need for enabling housing development is based on an economic feasibility study that was carried out in 2008. Since then, so much has changed that makes the original justification 'history';
- * Insufficient infrastructure to support the proposed development;
- * such a proposal fails to justify the erection of 42 houses;
- * according to a survey undertaken by Whitekirk Community Company, local residents do not want this development (of the 36 households in the village, 30 said that the Community Company should oppose the development, 1 was in favour of the development proceeding, and 7 asked that the Community Company remain neutral);
- * the lodges and houses would both be intrusive and unsustainable forms of development;
- * it is questionable whether the pre-application consultation report is a true representation of the feedback from the local community; and
- * two ancient woodlands (Whitekirk Covert and an unnamed woodland) would be indirectly and/ or directly threatened by the proposal.

Dunpender Community Council advise that the proposed houses and lodges are an enabling development for a new hotel and golf course. They consider that the hotel and golf course are no longer economically viable which means that there is no justification for this application. The Community Council refer to a report from DTZ, who were commissioned by East Lothian Council during the determination of previous planning application 08/00078/OUT to provide an independent appraisal of whether or not the long term operation of the hotel would be economically viable. The Community Council consider that this report did not make a very good case for the hotel/ golf course development. Now, seven years later, the Community Council advise that circumstances have changed, the economic benefit is even more questionable and the failure to start the work reinforces this. In this regard, they state that the market for golf tourism has declined since planning permission in principle 08/00078/OUT was granted. Hotels and pubs have continued to close in towns and villages, and the reduction in the drink drive limit has had an adverse effect on golf clubs, pubs and restaurants. The Community Council add that the proposed development breaches most current planning policies and is not environmentally sustainable. For these reasons Dunpender Community Council recommend that planning permission in principle be refused.

North Berwick Community Council have no comments to make on the application.

The adopted East Lothian Local Plan recognises that East Lothian is an important tourism destination. The Local Plan's policies and proposals seek to ensure that a balance is found between the encouragement of tourism and the economic benefits it provides, and the protection of, for example, important landscape and nature conservation interests.

The indicative details for the proposed 21 holiday lodges are identical to the indicative details for the proposed 21 holiday lodges that were approved by the grant of planning permission in principle 08/00078/OUT.

The applicant has confirmed in writing that the proposed holiday lodges would be either rented out in conjunction with the use of the proposed hotel, or sold to owners as part of a timeshare arrangement, or sold as holiday homes. It is likely that the holiday lodges would be occupied mainly by users of the golfing and other leisure facilities available at the Whitekirk Golf and Country Club. The proposed holiday lodges would positively contribute towards the further development of tourism in East Lothian.

In approving planning permission in principle 08/00078/OUT, the Council has already accepted that there is a clear operational requirement for the holiday lodges in their proposed countryside location that cannot reasonably be accommodated within an existing urban or allocated area. On this consideration the principle of the proposed holiday lodges remains consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

Although the lodges are not proposed for housing use they would nevertheless be capable of being used as houses. Whilst the principle of their use as holiday accommodation is consistent with development plan policy a proposal to build houses on this site would be contrary to the policies of the development plan that control the development of new build housing in the countryside. Therefore if planning permission in principle is to be granted for the principle of use of the proposed holiday lodges then it should be subject to the occupancy of them being restricted to short term letting, time sharing or by some other form of limitation on duration of stay to defined short periods of time. Such control can be secured by an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The applicant has confirmed a willingness to enter into such an Agreement. This would have the effect of safeguarding the purpose

and integrity of the Council's policies for the control of new build housing development in the countryside.

The mixed use development approved by planning permission in principle 08/00078/OUT included for a 100 bedroom hotel. The details of the siting, design and external appearance of the 100 bed hotel were approved (Ref: 13/00229/AMM) in June 2013 and development of the hotel development commenced in June 2015. In taking the decision to approve planning permission in principle 08/00078/OUT, the Council accepted that the hotel could benefit the local and wider East Lothian economy and provide much needed overnight accommodation.

Another component of development approved by planning permission in principle 08/00078/OUT was the erection of 42 houses. The 42 houses were accepted as a necessary form of enabling development to provide the other elements of the proposed scheme of leisure and tourism development.

The principal local plan policies in the determination of the 42 houses proposed in previous application 08/00078/OUT was Policy TOUR1 of the adopted East Lothian Local Plan 2000 and Policy DC1 of the Finalised East Lothian Local Plan 2005. The principal local plan policy in the determination of the 40 houses now proposed is Policy DC1 of the adopted East Lothian Local Plan 2008. Policy DC1 is similar in its content to Policy DC1 of the Finalised East Lothian Local Plan 2005.

The adopted East Lothian Local Plan 2008 does not allocate any of the land of the application site for residential development. Rather, the area of land of the application site proposed for development in this application is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

Policy DC1 is very restrictive in its support for new build housing development in the countryside of East Lothian. Through Part 1(b) of the policy new build housing is only permissible where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The housing development proposed in principle in this application is not to meet a direct operational requirement of an agricultural, horticultural, forestry or other employment use in the countryside to the northwest of Whitekirk and therefore it does not comply with Part 1 (b) of Policy DC1.

However, it is stated in Part 1(c) of Policy DC1 that "in the case of an employment, tourism or leisure use, an element of new build housing may be acceptable as enabling development where the Council is satisfied that (i) the wider public benefits of securing the primary use outweigh the normal policy presumption against new build housing in the countryside, and (ii) the enabling development is essential, it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding, including borrowing".

The applicant seeks to justify the erection of 40 houses as a means of generating revenue required to provide the hotel component of the proposed scheme of leisure and tourism development that was approved in principle by planning permission in principle 08/00078/OUT and in detail by approval of matters specified in conditions 13/00229/AMM.

At the Planning Authority's request the District Valuer has carried out an independent appraisal of the applicant's case for the proposed houses as enabling development.

The District Valuer has appraised the applicant's case for the proposed houses as enabling development. Their appraisal takes into account the alterations to the existing golf course and the new greenkeeper's shed that would be required to facilitate the proposed hotel and enabling housing. They advise that the hotel development would only be viable with some element of enabling housing development. Moreover, the District Valuer concludes that the minimum amount of enabling housing development necessary to make the development viable would be 40 houses. It is for this reason that the applicant now seeks planning permission in principle for 40 houses instead of the 42 houses originally proposed.

Therefore, on the basis of the independent appraisal of the District Valuer, it can reasonably be concluded that the residential component of 40 houses is necessary and justified as an enabler for the delivery of the already approved hotel.

The Council's Team Leader for Business Development advises that he supports this application, as the proposal would help to achieve East Lothian Council's Economic Development Strategy 2012-22 strategic goal of increasing the number of businesses in East Lothian with growth potential. In particular, it would help to achieve the strategic objective of East Lothian being Scotland's leading coastal, leisure and food and drink destination.

Dunpender Community Council and some of the objectors express doubt about the long term viability of the proposed 100 bedroom hotel.

However, having regard to the findings of the DTZ report and with regard to the general expressions of interest given in letters from hotel operators and other management companies that were submitted with previous planning application 08/00078/OUT, it was concluded by the Council in the determination of that application that there was a reasonable prospect that the proposed hotel could be operated on an economically viable footing. There is no evidence to suggest that this is still not the case.

As justified enabling development the proposed housing is consistent with Policy DC1 of the adopted East Lothian Local Plan 2008.

The proposed 21 holiday lodges are indicatively shown to be located adjacent to the proposed golf course and on the lowest lying part of the site, being the northeast edge of the site. The holiday lodges are shown to be set within a substantial landscape framework of field boundary trees and woodland. If so and if appropriately designed and not significantly larger or higher than indicatively shown the proposed holiday lodges would not appear as intrusive, incongruous or exposed features harmful to the landscape character and visual amenity of the Area of Great Landscape Value or to the setting of the Whitekirk Conservation Area or to the setting of the Tynninghame Designed Landscape. The creation of an effective landscape setting for the proposed holiday lodges and a limitation on the size and height of them could be secured through conditions imposed on a grant of planning permission in principle.

As indicatively shown in the application the proposed 40 houses would be located in the south-western corner of the application site, adjacent to part of the existing golf course. They would be adjacent to but outwith the northwest corner of the Whitekirk Conservation Area. In that position, the houses would be readily visible both from the existing golf course and from the track that is immediately to the west of the application site. Additional tree belt screen planting could be used to define the landscape setting for the houses and to lessen their visual impact. This matter could be secured through a condition imposed on a grant of planning permission in principle. The matter of design and layout of individual houses would be detailed matters for consideration through the

determination of any subsequent application for the approval of reserved matters. If located in the positions indicatively shown for them the group of 40 houses would not appear as harmfully intrusive, incongruous or exposed features harmful to the landscape character and visual amenity of the Area of Great Landscape Value or to the setting of the Whitekirk Conservation Area.

The proposed houses and holiday lodges would be located some distance away from the Whitekirk Covert and the other wooded area referred to by the Woodland Trust in their written objection. Consequently the proposed development would have no harmful impact on the conservation or landscape value of those wooded areas.

The Scottish Environment Protection Agency raise no objection to the principle of the proposed development, although they recommend that the discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA. This matter can be addressed through a conditional grant of planning permission in principle.

The 21 holiday lodges and 40 houses would be erected at some distance from residential properties in the area, the majority of which are located within the village of Whitekirk. The Council's Environmental Protection Manager has considered this application in respect of the environmental impacts that might arise from the proposed development. He recommends that prior to the commencement of development, a Construction Method Statement should be submitted to and approved by the Planning Authority. The Statement should include mitigation measures to be employed to control noise and dust. The implementation of an agreed Construction Method Statement would ensure that the construction activities did not have a significantly harmful impact on the environment or on the privacy and amenity of neighbouring properties. This matter can be addressed through a conditional grant of planning permission in principle.

In view of this advice it can be concluded that the site is capable of accommodating a development of the nature proposed without occupiers of nearby properties suffering a significant loss of privacy or amenity.

The indicative drawings satisfactorily demonstrate that 40 houses could be located and designed to ensure that future occupants of them would have a satisfactory amount of privacy and amenity.

The Council's Road Services recommend that a Travel Plan in respect of the proposed scheme of development be submitted to and approved in advance by the Planning Authority. The Travel Plan should include an assessment of whether or not new bus stops should be provided and whether or not a courtesy bus service should be provided by the developer for the transporting of guests of the holiday lodges to and from major public transport interchanges such as the airport and train and bus stations. Moreover a footpath link should be provided between the site access for the housing development and the existing pedestrian facilities at the edge of Whitekirk. The provision of wheel washing facilities for site vehicles and the submission of a method statement for the routing and traffic management of construction traffic is also recommended. These matters can all be controlled through conditions on a grant of planning permission in principle. The implementation of a Travel Plan, which might include provision of a courtesy bus service, and new bus stop(s) to serve the proposed scheme of development would help to encourage more sustainable travel patterns and reduce reliance on use of the private car, in accordance with national planning policy set out in Scottish Planning Policy: June 2014.

The Council's Road Services are satisfied that the local road network would be able to

accommodate increased traffic generated by the proposed development.

On the aforementioned transport considerations, the principle of the proposed development is consistent with T2 and DP22 of the adopted East Lothian Local Plan 2008.

The Council's Waste Services Manager raises no objection to the principle of the proposed holiday lodges. He does however raise some concern over access to the proposed 40 houses, particularly given the width of the road to allow vehicles to pass. If planning permission in principle were to be granted the details of the siting, design, external appearance and landscaping of and the means of access to the proposed development would be for the subsequent approval of the Planning Authority. It would be through the subsequent determination of such details that planning control would be exercised to ensure that the access arrangements for the proposed housing development is acceptable.

Given the scale of the proposed development, it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This can be achieved by means of a condition on the grant of outline planning permission. This is consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

Given the enabling aspect of the proposed housing development of the site, it has to be taken to be an exception in respect of the Council's affordable housing policy and that consequently the proposals should not be subject to a required provision of affordable housing.

The Council's Services Manager for Strategic Asset and Capital Plan Management advises that a financial contribution from the proposed development towards the provision of educational accommodation requires to be £781,632.40 (£19, 540.81 per unit). This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the test of reasonableness of a planning agreement set in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the appropriate developer contribution the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development. Planning conditions and/or legal agreements will be used to secure this provision.

As proposed the housing component is necessary and justified as an enabler for the delivery of the other components of the proposed scheme of development. Otherwise it would be contrary to the Council's development plan policies for the control of new build housing in the countryside of East Lothian. Consequently, and if planning permission is to be granted for the proposed scheme of development it would be prudent through controls imposed on the phasing of the development to safeguard against the building of the houses without the assurance of the delivery of the new hotel, greenkeeper's shed and compound, and alterations to the existing golf course (all as approved by approval of matters specified in conditions 13/00229/AMM). In this regard there should be no commencement of development of any part of the housing component of the proposed scheme of development until the hotel building (less the internal fitting out of it), the greenkeeper's shed and compound and alterations to the existing golf course have been completed. This control of phasing can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

RECOMMENDATION

That planning permission in principle be granted 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 to:

(i) Secure from the applicant a financial contribution to the Council of £781,632.40 (£19,540.81 per unit) towards the provision of additional educational capacity at Law Primary School and North Berwick High School.

(ii) Secure a control on the phasing of the proposed development such that there be no commencement to the development of any part of the housing component of the proposed scheme of development until the hotel building (less the internal fitting out of it), greenkeeper's shed and compound and alterations to the existing golf course (all as approved by approval of matters specified in conditions 13/00229/AMM) have been completed.

(iii) Secure a restriction on the occupancy of the holiday lodges to short term letting, time sharing or some other form of limitation on duration of stay to defined short periods of time.

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 reasons 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 Law Primary School and North Berwick High School Knox Academy contrary to Policy INF3 of the adopted East Lothian Local Plan 2008, and that without the control of the Section 75 Agreement to phase the proposed development and control the occupancy of the 21 holiday lodges the proposed development would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of the 21 holiday lodges and 40 houses, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site and those details shall generally accord with the drawings docketed to this planning permission in principle, and those details shall accord with the following principles of development for the site:

a. a toddlers play area shall be provided within the housing area. Details of the toddlers play area, including the equipment to be provided within it, shall be submitted to and approved in advance and the play area shall be installed in accordance with the details so approved;

b. The houses shall be no higher than single storey with accommodation in the roof space;

c. The holiday lodges shall each be no higher than single storey and with a footprint not significantly greater than is indicatively shown on the drawings docketed to this planning permission in principle and the holiday lodges shall be set within a well landscaped wooded setting, including a belt of trees that shall be positioned between the boundaries of Development Area 3 Lodges and the application site;

d. The group of 42 houses shall be set within a comprehensive framework of trees; and

e. The existing trees and hedgerows on field boundaries shall be retained and enhanced.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

- 2 No development shall take place on site unless and until final site setting out details have been submitted to and approved 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 position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). 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 shown in relation to the finished ground and 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 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.

- 4 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 5 A Travel Plan to minimise private car trips and to encourage use of alternative modes of transport shall be submitted to and approved by the Planning Authority prior to the commencement of development of any component part of the scheme of development hereby approved. The Travel Plan shall include an assessment of whether or not new bus stops should be provided and whether or not a courtesy bus service should be provided by the developer for the transporting of guests of the holiday lodges to and from major public transport interchanges such as the airport and train and bus stations. Additionally the Travel Plan shall include details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The approved Travel Plan shall be implemented prior to any component part of the scheme of development hereby approved being brought into use.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the use of the scheme of development.

- 6 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 7 A method statement for the routing and management of construction traffic shall be submitted to and approved by the Planning Authority prior to the commencement of development.

The recommendations of the method statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction traffic in the interests of road safety and the amenity of the area.

- 8 The discharge of surface water to the water environment shall be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

Reason:

To ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater.