

REPORT TO: Planning Committee
MEETING DATE: 4 October 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **21/00997/PM**

Proposal Erection of 78 houses, golf clubhouse, golf related facilities including driving range, short course, practice area and associated works

Location **Dunbar Golf Club
East Links Road
Dunbar
EH42 1LL**

Applicant Dunbar Golf Club & Cala Management Ltd

Per Apt Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

As the area of the application site is greater than 2 hectares and the proposal is for more than 49 residential units, 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 for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 19/00001/PAN) and thus of community consultation prior to this application for planning permission 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 is submitted with this application. The report informs that some 58 people attended the pre-application community

consultation event, which was held at the Dunsmuir Hotel, Dunbar on 26 April 2019 and that those attendees made a number of queries and suggestions regarding the proposals. The PAC report informs that 11 completed feedback forms were received following the consultation event. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application site has an area of some 55 hectares and mainly consists of the golf course land and buildings of Dunbar Golf Club, which occupies a countryside and coastal location on the southeast side of Dunbar. It also includes an area of land to the south of the golf course that is known as Deer Park, and an area of former agricultural land to the south of the golf course and parts of the A1087 public road.

The application site is bounded to the north by the Firth of Forth and to the west by the eastern edge of Dunbar. The extensive south boundary of the application site is bounded by the A1087 public road beyond which is existing residential areas of Dunbar, including new developments at Bowmont Terrace and Newtonlees and the Deer Park Cemetery. To the east is Broxmouth House Estate beyond which is the Dunbar Camping and Caravanning Club Site.

Broxmouth House, and its boundary walls and gate piers are all listed as being of special architectural or historic interest (Category B). The boundary walls of Broxmouth House also enclose the land of the Deer Park, which is within the application site.

The application site is within the Broxmouth Park Designed Landscape.

A scheduled monument, known as 'Samoya, 100m NNE of' is located within the western part of the application site.

To the north of application site, some 250m off the coast of Dunbar, is the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area. Outwith, but in close proximity to, the application site is the Barns Ness Coast Site of Special Scientific Interest.

A small part of the northern area of the application site is within the Dunbar to Barns Ness Coast Special Landscape Area.

RELEVANT PLANNING HISTORY

In July 2009 outline planning permission (Ref: 09/00574/OUT), now known as planning permission in principle, was sought by Dunbar Golf Club for the principle of a development on the application site of a golf clubhouse, a 9 hole golf course, a golf academy and driving range, short game practice facilities, a greenkeeper's shed, a hotel and 67 residential units.

The principle of the 67 residential units was promoted by the applicant as a necessary provision of enabling development to cross-subsidise the development of the golf clubhouse, 9 hole short golf course, golf academy and driving range, short game practice facilities, greenkeeper's shed, and the servicing of the hotel site and also the repair of the listed Deer Park wall.

The case put forward by the applicant was that the development sought to effectively address a number of deficiencies that are adversely impacting on the golf experience and the teaching of the game at Dunbar Golf Club, and to ensure that in the long term, the quality of the golf course, its practice facilities, clubhouse and training facilities, are of the highest order, through which the community will substantially benefit with enhanced local employment opportunities, greater local expenditure and a broadened range of sport and leisure facilities available to the community and to visitors. It was continued that the Golf Club could not finance further significant capital expenditure such as would be required by the proposed development and it was for that reason that enabling housing was being proposed.

A report on application 09/00574/OUT was presented to Council at their meeting of 27 March 2012 with a recommendation for refusal, for the following reasons:

1. As the Deer Park listed wall is not in need of essential restoration and as the wider public benefits of securing the proposed development are not sufficient to outweigh the normal policy presumption against new build housing development in the countryside of East Lothian there is no justification for the proposed housing as enabling development and therefore it is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

2. As the proposed new build housing development would be on land that is mostly greenfield land not allocated for housing development by the adopted East Lothian Local Plan 2008 and as there is no justification for the proposed new build housing development under the terms of Policy DC1 of the Local Plan, the proposed new build housing development is contrary to Policy HOU8 of the approved Edinburgh and the Lothians Structure Plan 2015.

In their meeting of 27 March 2012 the Council decided to grant planning permission in principle for the proposed development against Officer recommendation, with Members accepting there was a case for the new build housing development as enabling development to cross-subsidise the development of the golf clubhouse, 9 hole short golf course, golf academy and driving range, short game practice facilities, greenkeeper's shed, and the servicing of the hotel site and also the repair of the listed Deer Park wall. The decision to grant planning permission in principle was subject to conditions and the conclusion of a legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 to:

(i) secure a financial contribution towards the provision of additional accommodation at Dunbar Primary School and Dunbar Grammar School, and (ii) secure a phasing control over the development on the following terms:

- * Construction of the housing units cannot commence until commencement of development of the clubhouse and car park;
- * No more than 5 housing units can be occupied until (1) the commencement of development of the golf academy and range or (2) the completion of the clubhouse and car park to a building shell extent;
- * Development of the green keeper facilities and short hole golf course shall commence no later than the occupation of the 15th housing unit;
- * Construction of housing units on the existing clubhouse site cannot commence until the construction of the clubhouse, car park, golf academy and driving range are complete;
- * Occupation of housing units on the existing clubhouse site cannot occur until the green keeper facilities building shell has been completed;
- * No more than 20 housing units on the existing clubhouse site can be occupied until the

short hole golf course in completed; and

* The parties shall work collaboratively to agree a marketing strategy for the hotel site.

Following conclusion of the legal agreement planning permission in principle 09/00574/OUT was granted on 28 October 2015, and would remain extant until 28 October 2018.

Prior to planning permission in principle 09/00574/OUT lapsing (which would have been on 28 October 2018), on 26 October 2018 an application for planning permission (ref: 18/01151/PM) was submitted to vary condition 1(e) of outline planning permission 09/000547/OUT to amend the required visibility splay at the junction of the new access with the A1087 public road.

Application 18/01151/PM was made under Section 42 of the Town and Country Planning (Scotland) Act 1997. Section 42 of the Act applies to applications for a new planning permission or new planning permission in principle for a development but with different conditions from those attached to a previous permission for that development. Planning Circular 3/2013 (Development Management Procedures) is clear that the effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the Section 42 application.

On 5 February 2019, the Council's Planning Committee agreed to grant planning permission 18/01151/PM subject to conditions and the prior 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 a financial contributions to the Council towards the provision of additional capacity at the Lochend Campus of Dunbar Primary School and the John Muir Campus of Dunbar Primary School, and additional capacity at Dunbar Grammar School and also to secure a phasing control over the development on the same terms as that secured through the grant of outline planning permission 09/00574/OUT.

The legal agreement for application 18/01151/PM has not yet been concluded and therefore planning permission has not yet been issued. However on conclusion of the legal agreement the planning permission would be granted. The effect of this would result in a new separate planning permission in principle for the development originally approved by outline planning permission 09/00574/OUT.

PROPOSAL

Planning permission is now sought through this application for the erection on the application site of 78 houses, a new golf clubhouse, golf related facilities including a new pro-shop, golf academy, driving range, short course, practice area, maintenance facilities with associated access roads and footpaths, parking areas, landscaping and open space.

The existing golf course is served by its existing golf clubhouse and two greenkeeper's sheds. Those buildings, together with two detached houses that are owned by the Golf Club, are all located in the western part of the site and are all accessed from Golf House Road, which presently provides vehicular access to the Golf Club from the A1087 road (Queens Road).

It is proposed that the new golf clubhouse and maintenance facility would replace the

existing clubhouse and two greenkeeper's sheds that serve the golf course. The existing clubhouse, two greenkeepers sheds and the two detached houses that are owned by the Golf Club would all be demolished to facilitate the proposed development.

It is shown on the planning application drawings that the replacement clubhouse building would be centrally located within the southern part of the application site, in a position to the south of the existing golf course. The golf clubhouse would be single storey in height and of a contemporary design with a pitched roof clad in slate, external walls clad in a mix of white render and timber and zinc cladding and would include expanses of glazing to allow views over the golf course. The new golf clubhouse would have within it a lounge/bar, a restaurant, kitchen, offices and changing facilities for golfers including locker rooms, showers and toilets.

On the south side of the proposed new golf clubhouse would be a covered entrance area which would in turn attach to a single storey pitched roofed building housing the new pro-shop with reception area, golf academy comprising academy space with putting studio and golf simulator, driving range bays and storage areas. To the east side of this building would be formed the proposed driving range. To the north of the driving range would be formed a new putting green.

It is shown on the application drawings that a small practice area for the short game would be located to the northwest of the new golf clubhouse. Next to this would be formed a 9-hole short-hole course for beginners and those wanting to practice/warm-up. The application drawings show how the 9-hole short-hole course would be laid out.

It is proposed that vehicular access to the new golf clubhouse, golf related facilities, short course and practice area would be taken from the Deer Park Cemetery existing vehicular access junction with the A1087 road, with that junction being upgraded to ensure it is safe for increased traffic use.

A total of 173 car parking spaces, including 5 accessible spaces, would be provided on the west and south sides of the replacement clubhouse building to serve Dunbar Golf Club and the new facilities proposed in this application. This includes an overflow car park which comprises 90 of the total number of spaces which would be used for tournaments and functions. Secure cycle parking would also be provided.

The proposed new maintenance facility building would be located in an area of land on the western side of the proposed short course, adjacent to the A1087 public road. It would be a single storey building some 5.1m in height, 40m long and 15.5m wide. It would have external walls clad in olive green coloured profile sheets, a pitched roof also clad in olive green coloured metal sheets and would have steel doors and aluminium framed windows. An existing opening in the southwest boundary wall of the golf course site would be widened and within that widened opening would be formed a new vehicular access junction with the A1087 public road which would be used to access the new maintenance facility building. A new access road would be created from that opening past the maintenance facility building leading to a gravel surfaced yard with parking area which would be formed on the north side of the building.

The proposed 78 houses are being promoted by the applicant as a necessary provision of enabling development to cross-subsidise the development of the new golf clubhouse, golf related facilities including new pro-shop, golf academy, driving range, short course, practice area and maintenance facilities.

The application drawings show that 18 of the 78 houses could be located on the northwestern part of the application site (shown on the application drawings as 'Site 2').

Those 18 houses would be laid out in a linear form, on a mainly west-east alignment and otherwise on a south-north alignment.

To achieve this, the existing Golf House Road would be realigned to a more southerly position than at present and therefore some of the 18 houses would be on land presently occupied by the existing golf clubhouse, two greenkeepers sheds and the two detached houses that are all to be demolished.

All of the proposed 18 houses would be two-storey detached 5 bedroom homes of 6 different types. Of the 18 house plots 12 would have a detached single storey garage building with ancillary accommodation above, 2 would have a detached garage building with no ancillary accommodation above and 4 would have integral garages.

The applications drawings show how the other 60 houses would be located on the southern part of the site, close to the proposed new golf clubhouse, driving range and short course (shown on the application drawings as 'Site 1'). The 60 houses would all be detached and two-stories in height and would comprise of 12 different house types. Of those 60 houses 18 would have 4 bedrooms and 42 would have 5 bedrooms. Of the 60 house plots 13 would have a detached single storey garage building, the rest would have integral garages.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 16 September 2021 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

The following reports have been submitted as part of this application:

- Design and Access Statement
- Archaeological Appraisal
- Ecology Report
- Bat Survey Report
- Flood Risk Assessment
- Noise Assessment
- Transport Assessment
- Drainage Strategy Plan
- Landscape and Visual Impact Assessment
- Economic Assessment and Enabling Justification Report

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.

Relevant Proposals of the adopted East Lothian Local Development Plan 2018 are Proposals CF1 (Provision of New Sports Pitches and Changing Accommodation), ED6 (Dunbar Cluster Education Proposals), T3 (Segregated Active Travel Corridor), T15 (Old Craighall Junction Improvements), T17 (A1 Interchange Improvements (Salters Road, Dolphinstone Interchange, Bankton Interchange and Gladsmuir)), T19 (Transport Improvements at Musselburgh Town Centre) and T26 (Transport Improvements at Tranent Town Centre).

Relevant Policies of the adopted East Lothian Local Development Plan 2018 are DC1 (Rural Diversification), DC5 (Housing as Enabling Development), DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), CH4 (Scheduled Monuments and Archaeological Sites), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), CH6 (Gardens and Designed Landscapes), T1 (Development Location and Accessibility), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), T32 (Transport Infrastructure Delivery Fund), W3 (Waste Separation and Collection), DP1 (Landscape Character), DP2 (Design), DP8 (Design Standards for New Housing Areas), and DEL1 (Infrastructure and Facilities Provision).

Also material to the determination of the application are:

- * the Council's Design Standards for New Housing Areas Supplementary Planning Guidance;
- * the Council's Countryside and Coast Supplementary Planning Guidance; and
- * the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance.

REPRESENTATIONS

A total of 57 representations to the application have been received. Of these 53 raise objection to the proposed development and 4 make comment on it.

The main grounds of objection can be summarised as follows:

- * The area has already been flooded with new homes;
- * The golf club land is used for recreation purposes;
- * There would be no affordable housing provision;
- * The proposed development would be harmful to the Designed Landscape;
- * The exiting golf club house should not be demolished;
- * The proposed development would have a harmful impact on the visual character and amenity of the area;
- * There would be impacts on wildlife and loss of habitats;
- * There would be no informal walking routes;
- * Development would encourage more traffic and car based travel;
- * Little or no wider public benefit of the enabling development for the wider community or the immediate local residents;

- * There is no demand for new golfing facilities;
- * A higher quality proposal is needed;
- * Communities should have access to green space, this proposal would remove green space and restrict public access;
- * Building a new clubhouse does not constitute diversification of the existing business;
- * There should be an independent assessment of the enabling development;
- * The proposals will only benefit the private members of the golf club, not the wider community;
- * Housing does not require a coastal location;
- * No sense to proceed with development due to climate emergency;
- * The proposed housing would be out of scale and character with Dunbar and would cause a harmful visual impact in the Dunbar townscape;
- * The proposal is contrary to the policies in the LDP;
- * The proposed development would set a precedent for large scale development;
- * Lighting would be harmful to residential amenity;
- * Increase in traffic would result in a road, pedestrian and cycle safety hazard;
- * Services in Dunbar already overstretched, i.e schools, doctors, dentists and there is no capacity to serve the proposed development;
- * Accompanying reports are too old to support the application;
- * Public consultation on the application was inadequate;
- * Bats are present in the area and should be surveyed properly;
- * The housing would adversely affect the concrete esplanade and wall joining to the East Beach;
- * The land of the application site is not identified for housing in LDP;
- * Land slippage on Roxburgh Park could lead to land stability issues;
- * The site is at risk of flooding;
- * The land of the application site is a Special Landscape Area and should not be built on;
- * Nearby residents were not neighbour notified of the application;
- * The proposals are a misuse of the intention of the enabling development principle;
- * Public consultation has been unacceptable; and
- * There would be harmful noise impacts from the development of the golf club facilities on the amenity of nearby residential properties.

The main comments raised in representation can be summarised as follows:

- * The visual impact of the proposed development on neighbouring properties should be taken into account; and
- * The proposals have changed since the original planning permission in principle was granted.

All neighbours were notified of the application in accordance with statutory requirements.

Public pre-application consultation has been carried out in accordance with statutory requirements.

Any matters of land stability in respect of the application site would be for the applicant to address through building standards legislation and thus such matters are not a material consideration in the determination of this application.

Any future application for development would be assessed on its own merits.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council, as a consultee on the application, objects to the planning application. The main grounds for objection are summarised as follows:

- (i) the proposed development would have a harmful landscape impact;
- (ii) there is concern that there could be a slippage of the land which might impact on the existing properties at Roxburgh Park. There are also concerns about the extent of any construction works with regard to the loss of amenity of Roxburgh Park residents e.g noise, dust;
- (iii) the proposed development could lead to flooding and drainage problems;
- (iv) there could be harmful noise impacts from the use of the maintenance shed;
- (v) the proposed development would lead to risks of road, pedestrian and cycle safety;
- (vi) the proposed development would result in a loss of public access rights;
- (vii) the proposed development would damage the biodiversity of the area;
- (viii) the proposed new houses are stock Cala design and do not respect the vernacular architecture of East Lothian or Dunbar;
- (ix) the proposed development would impact on the historic landscape;
- (x) there would be impacts on the road network, GP surgeries, dentists and schools; and
- (xi) affordable homes should be provided.

West Barns Community Council, as a consultee on the application, also objects to the planning application. The main grounds of objection are:

- (i) the proposed development would result in a loss of open space;
- (ii) the proposed development would not benefit people of Dunbar
- (iii) housing should not be allowed in order to improve the Golf Club facilities for the benefit of their members;
- (iv) the proposed development would harm the amenity of the area;
- (v) the proposed development would lead to flooding issues;
- (vi) affordable housing should be provided;
- (vii) the proposed development would put pressure on infrastructure including roads, schools, doctors, dentists and education, and;
- (viii) there would be a loss of habitat for nature.

PLANNING ASSESSMENT

The land of the application site, by being in the countryside of East Lothian, is covered by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The northwestern part of the site where it is proposed to erect 18 houses is located in the Developed Coast, and the remainder of the proposed development is located in the Constrained Coast, both of which designations are covered by Policy DC6 of the adopted East Lothian Local Development Plan 2018.

In terms of development in the countryside of East Lothian, Policy DC1 supports in principle tourism and leisure proposals, provided they have an operational requirement for a countryside location.

Policy DC6 states that development proposals in the coastal area will be assessed against the relevant qualities of the coastal area in addition to all other relevant Plan policies, and where it is proposed on the Developed Coast it will be supported in principle if it complies with other relevant Plan policies, and where it is proposed on the Constrained Coast it will only be supported if it requires a coastal location.

The components of the scheme of development that are proposed to enhance the

facilities of Dunbar Golf Club can, by such association, be considered to have an operational requirement for their countryside and coastal location and can be considered to be consistent, in principle, with Policies DC1 and DC6.

The proposed new golf clubhouse would be located on an area of raised ground on the southern part of the site. Its elevated position has been taken advantage of through the modern contemporary design of the building. The clubhouse building would address the golf course and Firth of Forth beyond and would be of a form and scale with an appropriate palette of materials and colours to complement its countryside and coastal location. Car parking has been located to the southwest of the building, partially screened from the coast by the building, existing tree planting and proposed low grass bunding.

The proposed building containing the new pro-shop, golf academy and driving range would be located to the rear of the clubhouse, further from the coast, with the building partially screened by the clubhouse building and bunding. It has been designed in a simpler aesthetic with timber clad walls and profiled roof cladding providing a material finish commensurate with function, whilst subtle detailing provides continuity with the established modern clubhouse aesthetic.

It is proposed to site the new maintenance building adjacent to and midway along the boundary wall to the A1087 public road on the western of the site, opposite the road junction to Comrie Avenue. At this point the level of the application site is some 2.5m lower than the level of the adjacent A1087 public road, which would result in the eaves of the maintenance building sitting below the top of the roadside boundary wall and the ridge of the building sitting some 1.2m above the top of the boundary wall. Given this positioning and by its form and materials the maintenance building would not appear obtrusive or exposed in its roadside location.

The proposed new golf clubhouse, golf related facilities including a new pro-shop, golf academy, driving range, short course, practice area, maintenance facilities along with their associated access roads and footpaths and parking areas, in their relationship with the continuing golf club use of the site, would successfully integrate into their landscape setting and would not appear harmfully prominent, incongruous or intrusive in this countryside and coastal location.

On these considerations the proposals are consistent with Policies DC1, DC6, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The adopted East Lothian Local Development Plan 2018 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 Development Plan 2018 as being part of the countryside of East Lothian.

Policy DC4 of the adopted East Lothian Local Development Plan 2018 is very restrictive in its support for new build housing development in the countryside of East Lothian. Policy DC4 states that new build housing development is only permissible where the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1, or in the case of other small scale housing proposals, it is for affordable housing.

The housing development proposed in this application is not to meet a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other

business, leisure or tourism use in the countryside and therefore it does not comply with Policy DC4.

However Part a) of Policy DC5 of the adopted East Lothian Local Development Plan 2018 states that housing in the countryside may exceptionally be supported as enabling development where it will enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside. Policy DC5 states that the Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding including borrowing.

The primary use of Dunbar Golf Club as a leisure and tourism facility is an established use that continues to be operated in its countryside location at Dunbar.

The new build development of 78 houses for which planning permission is now sought is being promoted as enabling development, not to secure the creation of a new primary use but to secure the continuation and further development of the existing primary use through the development of the new golf clubhouse, golf related facilities including new pro-shop, golf academy, driving range, short course, practice area and maintenance facilities.

As stated above, the approved Minute of the Council meeting of 27 March 2012 records that Council accepted that in principle there was a case for new build housing as enabling development to cross-subsidise the development of a golf clubhouse, 9 hole short golf course, golf academy and driving range, short game practice facilities, greenkeeper's shed, and the servicing of the hotel site and also the repair of the listed Deer Park wall.

Also as stated above, on conclusion of the legal agreement for application 18/01151/PM that planning permission would be granted, the effect of this would result in a new separate planning permission in principle for the development originally approved by outline planning permission 09/00574/OUT.

The now proposed 78 houses are again being promoted as a necessary provision of enabling development to cross-subsidise the development of the new golf clubhouse, golf related facilities including new pro-shop, golf academy, driving range, short course, practice area and maintenance facilities.

As the Council has accepted the principle of new build housing as enabling development to cross subsidise a new clubhouse and other golf related facilities on the application site, it must now be accepted again that a new build residential development is in principle acceptable to cross-subsidise such new facilities at the Golf Club, as long as it can be demonstrated that, in accordance with Policy DC5, the extent of enabling development is the minimum necessary to continue the primary use and it is not a substitute for normal development funding including borrowing.

The advice of the District Valuer has been sought to appraise the applicant's submitted Economic Assessment and Enabling Justification Report and other submitted financial information as the case for enabling development. The District Valuer concludes that the enabling development proposed in the form of 78 houses is the minimum necessary to fund a new clubhouse and other golf related facilities on the application site, in that the land receipt broadly equates to the cost of providing the new clubhouse and those other golf related facilities.

Therefore it can be concluded that the proposed new build housing, in the form of 78 houses, meets the terms of Policy DC5 of the adopted East Lothian Local Development Plan 2018 and are an acceptable form of enabling development.

A phasing of the development would require to be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement to ensure the proposed new golf course facilities are delivered at key stages and these are completed prior to the completion of the proposed housing development. On this matter, discussions have taken place over the phasing of the development in the event that Planning Committee resolves to grant planning permission. Recommended controls on phasing are set out in the recommendations part of this report.

The Council's Team Manager, Economic Development has been consulted on the application and advises that Dunbar Golf Club secured planning permission in principle (ref: 09/00574/OUT) for the relocation and replacement of their golf clubhouse and creation of new facilities and therefore the principle of this development, supported by the provision of enabling residential development, is already established. The Team Manager, Economic Development further advises that leisure and tourism are key areas of the economy and the golf market plays a significant part of this, and that Dunbar Golf Club is a draw for visiting golfers and the first golf club on Scotland's Golf Coast as you travel from the south. As the proposed development would provide core golf facilities around a new clubhouse the Team Manager, Economic Development supports the proposed development.

The architecture of the proposed houses would be of a pitched roof form and a relatively traditional design overall and the materials proposed, which are mainly dry dash render walls and concrete roof tiles are in sympathetic to the area. A condition can be imposed on a grant of planning permission for the proposed development to ensure that the finishing colours and mix of colours to be used respect the character and appearance of the location in which they would be sited.

The proposed development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses an appropriate level of privacy and residential amenity. The proposed new houses would be so sited, oriented and screened such as not to harm the privacy and amenity of existing or future neighbouring or nearby residential properties through overlooking or overshadowing.

The proposed houses have been carefully designed to respect their location within part of the wider golf course land. The layout proposed is generally informal and has designed into it some intrinsic interest. The proposed houses, due to their positioning on the application site and by virtue of their density and by their height, size and scale would not appear as a disjointed and inharmonious grouping of buildings.

There are a significant number of trees within and surrounding the southern area of the site. A tree survey has been submitted to support the application. The tree survey has separated the trees into 6 groups including:

- Group 1. Trees on the fringe of the practice area to the east of the wall along Queens Road;
- Group 2. A shelterbelt of mixed species trees running north-east alongside the access track from Queens Road;
- Group 3. A roughly triangular stand of Sitka spruce located to the north of group 2;

Group 4. A mature woodland mainly sycamore and ash;

Group 5. A small group of mixed Sitka spruce and sycamore located to the north west of group 4;

Group 6. The edge of a large woodland (Broxmouth Estate) located to the south and east of the cemetery including some individual trees on the cemetery boundary

The trees in Group 1, 5 and 6 with some thinning, protective fencing and construction exclusions zones are to be retained and supplemented with replacement planting. The trees in Group 4 would largely be retained although 13 trees would be removed to accommodate the proposed new vehicular access into the new club house car park and 3 trees would need to be removed to accommodate the proposed new footpath.

The proposed development of the houses on the southern part of the site together with the new access road and footpath would also result in the loss of the trees in groups 2 and 3. However, the Tree Report informs that these 2 groups of trees are in poor and declining condition and have limited future potential. Furthermore the scheme of development the subject of planning permission 09/00574/OUT included an access road into the site in a similar position as is proposed through this application and a housing layout that would have encroached into and would have resulted in the loss of trees.

Whilst there would be some replacement planting along the edges of the access road and footpath and in the area of openspace to the east side of the footpath, the majority of the replacement planting would be between the west side of the houses on "Site 1" and the short golf course where a new woodland belt would be planted. The planting of the woodland belt together with the other new and replacement planting will, once established, result in a net gain in the number and quality of trees planted on the wider site, with more than double the number of trees being planted than would be removed. It can be made a condition of any grant of planning permission that a Woodland Management Plan be submitted to and approved by the Planning Authority prior to the commencement of development to ensure that these new areas of woodland are appropriately managed once planted, to ensure their longevity and to provide an attractive landscape setting for the new houses and golf related development. It can also be made a condition of any grant of planning permission that the timing of the planting of these trees is agreed with the Planning Authority prior to development commencing to ensure that planting is carried out early in the development.

Whilst the scheme of landscaping shown is acceptable and would serve to integrate the proposed development successfully into its landscape setting, it would be prudent for the applicant to submit a revised scheme of landscaping to address some inaccuracies in the submitted drawings. The requirement for the submission of a revised scheme of landscaping can be imposed as a condition on a grant of planning permission.

With the retention of most of the trees and with the proposed landscaping and in their relationship with the various golf club facilities at the site, the proposed houses would successfully integrate into their landscape setting. Consequently they would not appear harmfully prominent, incongruous or intrusive in this countryside and coastal location.

The proposed site layout of the housing development includes areas of open space to be formed within both housing areas of the site. It is the intention to form a play area on land within 'Site 1' to serve the housing development.

The Council's Amenity Services is satisfied that the size and locations of the areas of open space proposed will provide for adequate informal recreation for the proposed housing development, and is satisfied with the size and location for the play area.

Path connections from the proposed housing development at 'Site 2' would be provided to the coast and to the A1087 public road, and path connections from the proposed housing development at 'Site 1' would be provided to the A1087 public road and to the new golf club facilities. **The Council's Access Officer** is satisfied with the path connections from the housing development to the wider area.

The site is capable of accommodating all of the proposed housing development including vehicular and pedestrian access and amenity space without being an overdevelopment of it.

On all of these foregoing findings on matters of density, design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed housing development is not inconsistent with Policies DC9, DP1, DP2, DP3, DP4, DP8, DP9, OS3 and OS4 of the adopted East Lothian Local Development Plan 2018, the Council's Design Standards for New Housing Areas Supplementary Planning Guidance or with Scottish Government Policy Statement entitled "Designing Streets".

The Council's Road Services have considered the details of the application and raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard.

Road Services do raise the matter of the operational capacity of the Queens Road/ Spott Road junction to accommodate the additional traffic that could be generated by the proposed development and by other developments proposed within the Dunbar area and advises that the Council proposes to signalise the junction. Road Services advise there is a requirement for a developer contribution of £25,714 towards these road improvement works.

The financial contribution of £25,714 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 tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicant has confirmed in writing that they are willing to enter into such an agreement

The Council's Road Services further recommend a number of transportation requirements which can be met through the imposition of conditions on a grant of planning permission for the proposed development. These include the submission of a Construction Method Statement and road safety audits.

With the imposition of conditions to cover these recommendations of Roads Services, the proposed development does not conflict with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 states that new development will only be permitted where the developer makes provision for infrastructure required as a consequence of their development. Policy T32 of the ELLDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in the Developer Contributions Framework Supplementary Guidance.

The Council's Road Services advises that the total contribution required for transportation improvements resulting from cumulative impacts of the development is

£2,658.

The total developer contributions towards the transportation interventions of £2,658 (indexed linked) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicant has confirmed in writing that they are willing to enter into such an agreement.

Transport Scotland raise no objection to the application.

The Council's Waste Services advise that they are satisfied that the proposed development could be serviced by waste collection vehicles and is consistent with Policy W3 of the adopted East Lothian Local Development Plan 2018.

The Council's Senior Environmental Health Officer has appraised the noise assessment submitted with the application and is satisfied that the proposed development would not harm the amenity of any nearby residential property or land use. He advises specifically that he is satisfied that the use of the proposed new maintenance shed would not have any harmful impact on the amenity of any nearby residential properties. He is also satisfied that the proposed new housing would benefit from sufficient residential amenity.

The Council's Environmental Protection Officer (Contaminated Land) has advised that there is the possibility that undocumented areas of made ground may exist on the site that could potentially have contributed to localised contamination. Therefore he recommends a Geo-Environmental Assessment be undertaken prior to the commencement of development on the site. The requirement for such assessment can be controlled by a condition attached to a grant of planning permission.

Subject to the above recommended controls, which can reasonably be imposed as conditions on a grant of planning permission, the proposed development does not conflict Policies DP2, NH12 or NH13 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity Officer advises that given the nature of the current land use, much of the existing habitat is amenity grassland which is of low biodiversity value, but there are however small areas of other habitats including woodland and grassland across the wider golf course, which may provide valuable nesting and foraging habitat for a range of breeding birds. The Biodiversity Officer further advises that habitats may also provide roosting, foraging and commuting opportunities for bats.

The applicant has submitted an Ecology Report and a Bat Survey Report with the application. The Biodiversity Officer has appraised the submitted reports and advises that it finds evidence of nesting swallows, house sparrows, house martins and sand martins. The Bat Survey Report has identified bats commuting and foraging in the area, but no evidence of bats roosting in buildings on the site.

The Biodiversity Officer accepts the above findings of the reports and recommends that a Species Protection Plan for birds during site clearance and demolition should be submitted. Subject to such recommended control, which can be imposed as a condition on a grant of planning permission, the Biodiversity Officer is satisfied there would no harm to any local biodiversity interests.

To the north of application site, some 250m off the coast of Dunbar, is the Outer Firth of

Forth and St Andrews Bay Complex Special Protection Area (SPA). Outwith, but in close proximity to, the application site is the Barns Nest Coast Site of Special Scientific Interest (SSSI).

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives.

NatureScot advise that they are satisfied the proposed development would not adversely affect the Barns Nest Coast SSSI.

NatureScot advise that the proposal could affect the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area.

NatureScot advises that the status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, the competent authority is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

Under the Habitats Regulations, decision makers (known as competent authorities in the legislation) can only agree to development proposals which are unconnected with the nature conservation management of the site after having confirmed that they will not affect the integrity of the Natura site. The process of coming to this judgement is commonly referred to as Habitats Regulations Appraisal (HRA).

With regard to HRA, NatureScot states that the proposal is not connected to conservation management of any European site.

With regard to HRA Stage 2 (is the proposal ‘likely to have significant effects’ upon the European sites), NatureScot advise that:

- (i) There is unlikely to be disturbance to birds using the offshore marine environment and conclude no Likely Significant Effect (LSE) in relation to this. Low numbers of birds from the SPA are likely to be using this part of the coast, and there is existing settlement noise, light & movement. Construction of some housing here will not be significant in terms of new disturbance.
- (ii) There is potential for pollution/dust/sedimentation to the sea from construction activities, including a potential surface water outfall. LSE is concluded on this basis and should be taken forward into a simple appropriate assessment looking at this one risk.

NatureScot therefore advise that as the proposed development is likely to have a significant effect on the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area, East Lothian Council, as competent authority, is required to carry out an appropriate assessment.

East Lothian Council, as the competent authority, has carried out an appropriate assessment. It concludes that subject to mitigation in the form of the submission of a method statement to protect waterbodies, which can be secured through the imposition of conditions on a grant of planning permission, that the proposed development would have no adverse effects on the integrity of the Outer Firth of Forth and St Andrews Bay

Complex SPA.

Accordingly, subject to mitigation the proposals do not conflict with Policies DC6, NH1, NH2 or NH5 of the adopted East Lothian Local Development Plan 2018.

The application site is within the Broxmouth Park Designed Landscape. A scheduled monument, known as 'Samoya, 100m NNE of' is located within the western part of the application site. The site also lies within the Battle of Dunbar II Battlefield Site.

Given these heritage assets Historic Environment Scotland (HES) has been consulted on the application.

With regard to the Broxmouth Park Designed Landscape, HES advise that the proposed development would not be visible in key views of the Designed Landscape nor would it damage the understanding of the key features, which include the elements of the earlier Baroque formal landscape. HES advise that it would still be possible to understand, experience and appreciate the Broxmouth Park Designed Landscape. HES are therefore of the view that while the proposed development would have some impact, it would not have a harmful significant impact on the Designed Landscape.

With regard to the Battle of Dunbar II Battlefield Site, HES advise that they do not consider the proposed development would result in any significant change to the key landscape characteristics and special qualities of the battlefield.

With regard to the scheduled monument, known as 'Samoya, 100m NNE of', HES are satisfied that it would not be directly impacted on by the proposed development and would not have its setting adversely affected. However, HES recommend that the scheduled monument is protected during construction works and that there should be no large tree species planted immediately to the northeast of it.

In conclusion HES do not object to the application subject to the above recommended control.

In terms of direct impacts, **the Council's Archaeology/Heritage Officer** advises that the application site may contain significant buried archaeological remains. He therefore advises that if planning permission is to be granted for this proposal, it is essential that a Programme of Archaeological Works (10% Archaeological Excavation by trial trench) be carried out at the site by professional archaeologists prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission.

Subject to the above recommendations, which could be secured by condition, the proposed development is consistent with Policies CH4, CH5 and CH6 of the adopted East Lothian Local Development Plan 2018, the Council's approved Cultural Heritage and the Built Environment Supplementary Planning Guidance, Planning Advice Note 2/2011: Planning and Archaeology and Scottish Planning Policy: June 2014.

The Scottish Environment Protection Agency (SEPA) raise no objection to the application on the grounds of flooding or drainage.

The Council's Civil Engineer Technician – Flooding has appraised the applicant's submitted Flood Risk Assessment and drainage proposals and raises no objection to the proposed development. He recommends that conditions be imposed on a grant of planning permission requiring the submission of a detailed Risk Assessment and Method Statement for the diversion of the culverts on the site, and the submission of full details

of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site.

At the request of the Planning Service, the applicant has submitted a Structural Condition Survey Report which has surveyed the condition of the boundary seawall adjacent to the golf club access road and the esplanade, the footpath and seawall that run parallel to the access road and the northern boundary wall of the golf club.

The Council's Civil Engineer Technician – Flooding has appraised the Structural Condition Survey Report and is satisfied with its content. He notes that the Structural Condition Survey Report recommends that some localised repairs be undertaken. Therefore the Council's Civil Engineer Technician – Flooding recommends that a condition be imposed on a grant of planning permission requiring the submission of a repair plan for the seawall/esplanade walkway and walls to ensure their structural integrity.

Subject to the imposition of the above conditions the proposed development is not contrary to Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018 or the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)'.

Scottish Water have been consulted on the application. Scottish Water state they have advised the applicant that they require submission of a Drainage Impact Assessment to them before they can give approval for a wastewater connection. Once they have assessed the results of the Drainage Impact Assessment, Scottish Water state that they will advise the applicant of the outcome and if any mitigation is required to ensure there is no detriment to the local drainage system. Any mitigation measures necessary would be for the applicant to undertake to the satisfaction of Scottish Water.

Proposal CF1 of the adopted East Lothian Local Development Plan 2018 states that development proposals for 5 or more homes must make provision for the delivery of new sports pitches and changing accommodation as set out in the Developer Contributions Framework Supplementary Guidance.

The Council's Service Manager for Sport, Countryside & Leisure has advised that there is a requirement for the provision of a full size grass community sports pitch and changing facilities at Hallhill and the housing proposed in this application will create additional demand for its use. Therefore a financial contribution of £76,424.40 is required towards the provision of those facilities (£979.80 per residential unit).

The required payment of a financial contribution of a total of £76,424.40 towards the proposed sports pitch and changing facilities can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to this, the proposal is consistent with Proposal CF1 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Executive Director – Education and Children's Services informs that the application site is located within the school catchment areas of Dunbar Primary – John Muir Campus, Dunbar Primary – Lochend Campus and Dunbar Grammar School. Proposal ED6 (Dunbar Cluster Education Proposals) of the adopted East Lothian Local Development Plan 2018 stipulates that the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need

arising as a direct result of new housing development in their catchment areas and will provide additional phased permanent extension to Dunbar Grammar to meet the need arising from proposed new housing development in the Dunbar cluster.

The Executive Director – Education and Children’s Services advises that Dunbar Primary – John Muir Campus, Dunbar Primary – Lochend Campus and Dunbar Grammar School will not have sufficient capacity to accommodate children that could arise from the proposed development the subject of this application. Therefore she objects to the application on the grounds of lack of permanent capacity at those schools. However, she would withdraw that objection provided the applicant makes a financial contribution to the Council of £643,890 towards the provision of additional school accommodation at Dunbar Primary – John Muir Campus, Dunbar Primary – Lochend Campus and Dunbar Grammar School.

The required payment of a financial contribution of a total of £643,890 towards the provision of additional school accommodation can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards additional school accommodation the proposal is consistent with Proposal ED6 and Policy DEL1 of the adopted East Lothian Local Development Plan 2018. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Executive Director – Education and Children’s Services additionally requires that the residential development of the site be phased over a period of 5 years from 2024 onwards with any slippage in any single year being required to revert to year 2028/29, or beyond, and not added to the subsequent year unless agreed in advance in writing with the Planning Authority. This is to ensure sufficient education capacity can be provided for the pupil product of the development. This is a matter which can be controlled by way of a condition on a grant of planning permission.

As the proposed housing is accepted to be a justified form of enabling development it has to be regarded as being a stated exception of the Council's Affordable Housing Policy and therefore it need not be subject to a required provision of affordable housing.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council’s Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant all applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

RECOMMENDATION:

It is recommended that planning permission 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, or some other legal agreement designed to secure from the applicant:

(i) a financial contribution of a total of £643,890 towards the provision of additional accommodation at Dunbar Primary Lower School (John Muir Campus), Dunbar Primary Upper School (Lochend Campus) and Dunbar Grammar School;

(ii) a financial contribution to the Council of £2,658 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements and Tranent town centre improvements;

(iii) a financial contribution to the Council of £25,714 towards the provision of signalling the junction of Queens Road and Spott Road, Dunbar;

(iv) a financial contribution to the Council of £76,424.40 towards the provision of a full size grass community sports pitch and changing facilities; and

(v) a control on the phasing of the proposed development on the following terms:

(1) No work shall commence on any of the houses approved in this planning permission unless and until development of the Clubhouse and the Clubhouse Car Park has commenced to the satisfaction of the Council.

(2) The occupancy of more than 22 houses is prohibited until the (1) Commencement of Development of the Golf Academy and Driving Range; and (2) the completion of the Clubhouse and car park to a building shell extent, which building shell extent includes being wind and watertight (roof, walls and windows), the extent is to be agreed with the Council.

(3) The Commencement of Development of the Green-Keepers maintenance facility building and the short hole golf course and practice area shall be no later than the Occupation of the forty fifth (45) house.

(4) The Commencement of Development of any of the houses on the Existing Clubhouse Site (shown as Site 2 on the application drawings) is prohibited until the construction of the Clubhouse and the Car Park and the Golf Academy and the Driving Range are completed all to the satisfaction of the Council.

(5) No houses shall be occupied at the Existing Clubhouse Site (shown as Site 2 on the application drawings) until after the completion of the Green-Keepers maintenance facility building to the satisfaction of the Council.

(6) No more than Nine (9) houses erected at the Existing Clubhouse Site (shown as Site 2 on the application drawings) shall be occupied until the construction of the short hole golf course and practice area have been completed to the satisfaction of the Council.

4. 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 and phasing control to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Dunbar Primary Lower School (John Muir Campus), Dunbar Primary Upper School (Lochend Campus) and Dunbar

Grammar School, a lack of roads and transport infrastructure improvements, a lack of new sports pitches and changing accommodation and a lack of control to ensure delivery of the golf club facilities the enabling housing is proposed to deliver, contrary to, as applicable, Proposals CF1 and ED6 and Policies DEL1, T32 and DC5 of the adopted East Lothian Local Development Plan 2018.

- 1 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.

- 2 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 2024/25 - 20 residential units
Year 2025/26 - 20 residential units
Year 2026/27 - 23 residential units
Year 2027/28 - 12 residential units
Year 2028/29 - 3 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2028/29 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.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour, and shall show the roofs being clad in more than one colour of roof tile. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 A detailed specification of all external finishes of the new golf clubhouse and all other golf related facilities buildings hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. All such materials used in the construction of the buildings shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 5 A timetable for the provision of all boundary treatments to enclose the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 6 The garage buildings hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwellinghouse they are to serve and shall at no time form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area.

- 7 Each open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last residential unit within the housing "Site" within which it would be located. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory and timely laying out of all areas of open space in the interest of the amenity of the future occupants of the dwellings hereby approved.

- 8 A play area with equipment suitable for children aged 0 - 8 years shall be provided on the area shown for it on docketed planning layout drawing no. 17084(PL)013. Prior to the commencement of the development of any of the houses hereby approved the details of the play equipment and surfacing materials to be installed in the play area shall be submitted to and approved in advance by the Planning Authority. The details to be submitted shall include a timetable for its installation.

The play equipment and surfacing materials shall thereafter be installed in accordance with the details so approved. The equipped play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of a play area in the interest of the amenity of the future occupants of the residential units hereby approved.

- 9 Prior to the commencement of development, the scheduled monument known as 'Samoya, 100m NNE of' will be protected by a fence, to be approved in writing by the Planning Authority, erected around the Scheduled Monument at a distance as may be

agreed in writing by the Planning Authority. Within the area so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. The fence as so approved shall remain on site and intact through to completion of the development.

Reason:

To ensure the retention and maintenance of the Scheduled Monument.

- 10 No development shall take place on the application site until the applicant has undertaken and reported upon a Programme of Archaeological Work (10% Archaeological Excavation by trial trench) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 11 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;

o An appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 12 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue

shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason:

To ensure that the site is clear of contamination.

- 13 Prior to the commencement of development a Repair Plan detailing any structural repairs required to be undertaken to make good the condition of the boundary seawall adjacent to the golf club access road and the esplanade, the footpath and seawall that run parallel to the access road and the northern boundary wall of the golf club shall be submitted to and approved by the Planning Authority. The Repair Plan shall include a timetable for implementation of any identified repairs. Any identified repairs shall thereafter be carried out in accordance with the detail and the timetable as so approved.

Reason:

To ensure the structural integrity of the boundary wall in the interests of flood management.

- 14 Prior to commencement of development full details of the proposed Sustainable Drainage System (SuDS) scheme including a Surface Water Management Plan for the site which must be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', and a detailed Risk Assessment and Method statement for any culvert diversions, shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the SuDS scheme and culvert diversion works. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

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

- 15 Prior to the occupation of the last residential unit hereby approved, the proposed access roads, parking spaces, and footpaths to serve them shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the residential use of the houses and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 16 Prior to the new golf clubhouse, golf related facilities including a new pro-shop, golf academy, driving range, short course, practice area or maintenance facilities coming into use the associated access roads, footpaths and parking areas to serve them shall have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the commercial use of the golf club and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

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

- 17 The development shall comply with the following transportation requirements:
- (i) All roads and paths shall conform to East Lothian Council Standards for Development Roads;
 - (ii) 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;
 - (iii) 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;

Reason:

In the interests of road safety.

- 18 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, 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 construction traffic, shall include hours of construction work and routes of construction traffic to/from the site and shall include measures to ensure that noise generating activities cease for the duration of funerals taking place on the adjacent burial ground at Deer Park Cemetery. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

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

- 19 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents. It shall also include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Pack.

Reason:

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

- 20 Prior to commencement of development, a Factoring Plan shall be submitted to and approved by the Planning Authority which shall clearly indicate the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads.

Reason:

In the interests of the amenity of the housing development.

- 21 Prior to the commencement of development a Quality Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved. The Quality Audit shall include swept path assessments for refuse collection and fire appliance access.

Reason:

In the interests of road and pedestrian safety.

- 22 Prior to the commencement of development a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all roadworks, footways and cycle paths within the development hereby approved, and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

All the Road Safety Audits shall be carried out in accordance with DMRB Volume 5, Section 2, HD 19/3 or as amended by latest version.

Reason:

In the interests of road and pedestrian safety.

- 23 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 24 No development shall take place until a Species Protection Plan for birds during site clearance and demolition, including for Sand Martins, has been submitted to and approved in writing by the Planning Authority. The Plan shall include a timetable for implementation of any mitigation measures highlighted to be required as a result of the Plan.

The development shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of birds.

- 25 Prior to the commencement of development a method statement to protect waterbodies from site development works, including appropriate measures detailed in Scottish Environment Protection Agency's Guidance for Pollution Prevention - Works and maintenance in or near water: GPP 5, shall be submitted to and approved in writing by the Planning Authority.

Any works identified to be undertaken to protect waterbodies in the approved method statement shall thereafter be carried out in accordance with a timetable to be submitted to and approved in advance by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of bird species (SPA populations) and associated habitat.

- 26 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by an arboriculturist and its installation approved in writing by the Planning Authority in accordance with Condition 27 below. The temporary protective fencing shall be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The temporary protective fencing shall be positioned as shown on docketed drawing nos. 19048_L_103 Rev E00 and 19048_L_104 Rev E00 and shall be positioned outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the temporary protective fencing with words such as "Construction exclusion zone - Keep out". Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 27 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor the site works, including the installation of the temporary protective fencing as required by Condition 26 above. The arboriculturist employed shall be required to approve the temporary protective fencing and submit written confirmation and photographic evidence that this has been installed for the prior approval of the Planning Authority prior to the commencement of development.

Reason:

To ensure the retention and protection of trees which are an important feature of the area.

- 28 All trees detailed on the docketed landscape that are to be retained on the application site shall not be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. Any tree to be retained on site which dies, is removed or becomes seriously damaged or diseased within ten years of completion of the development shall be replaced in the next planting season with another of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason

To retain the visual amenity value afforded by the trees within the site.

- 29 All tree planting comprised in the approved scheme of landscaping shall be carried out in accordance with a phasing plan for the planting to be submitted to and approved by the Planning Authority prior to development commencing and which shall include the planting of the woodland belt between the houses on site1 and the 9 hole golf course in the first phase of development. Any trees which dies, is removed or becomes seriously damaged or diseased within ten years of completion of the development shall be replaced in the next planting season with another of similar species and final size, unless the Planning Authority gives written consent to any variation.

Thereafter, all existing and proposed woodland shall be managed in accordance with a Woodland Management Plan to be submitted to and approved by the Planning Authority prior to development commencing, unless otherwise agreed by the Planning Authority.

Reason

To ensure establishment and management of a landscape scheme that retains the character of the area.

- 30 Notwithstanding that which is shown on the drawings docketed to this planning permission and prior to the commencement of development, a revised detailed scheme of landscaping and a maintenance schedule for it shall be submitted to and approved by the Planning Authority.

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 any of the buildings or the completion of the development, whichever is the sooner. All the new planting shall be maintained in accordance with the maintenance schedule as so approved.

Any trees in the approved scheme of landscaping which die, are removed or become seriously damaged or diseased within ten years of completion of the development 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.

Reason:

In the interests of achieving an appropriate landscaped setting for the development.

- 31 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new electric car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.