



MINUTES OF THE MEETING OF THE PLANNING COMMITTEE

TUESDAY 4 OCTOBER 2022
VIA A DIGITAL MEETING FACILITY

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Allan
Councillor C Cassini
Councillor D Collins
Councillor A Forrest
Councillor N Gilbert
Councillor C McGinn
Councillor S McIntosh
Councillor K McLeod
Councillor J McMillan (Depute Convener)
Councillor C Yorkston

Other Councillors Present:

None

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr D Irving, Senior Planner
Mr C Grilli, Service Manager – Governance
Mr A Coull, Civil Engineer Technician
Ms M Haddow, Transportation Planning Officer
Mr G McLeod, Transportation Planning Officer
Ms S Cheyne, Projects Officer - Landscape
Ms P Gray, Communications Adviser

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr T Thomas, Mr J Mont, Mr A Hughes, Mr R Carruthers, Mr I Thomson, Mr A Davison, Ms M Page, Mr R Campbell, and Ms J Bell

Apologies:

Councillor J Findlay

Declarations of Interest:

Item 2: Councillor Hampshire, due to being on the Board at Hallhill Sports Centre.

1. MINUTES OF PLANNING COMMITTEE MEETING, 6 SEPTEMBER 2022

The minutes were agreed as an accurate record of the meeting.

Sederunt: Councillor Hampshire left the meeting and Councillor McMillan would chair the following item.

2. PLANNING APPLICATION NO. 21/00997/PM: ERECTION OF 78 HOUSES, GOLF CLUBHOUSE, GOLF RELATED FACILITIES INCLUDING DRIVING RANGE, SHORT COURSE, PRACTICE AREA AND ASSOCIATED WORKS AT DUNBAR GOLF CLUB

A report was submitted in relation to Planning Application No. 21/00997/PM. Daryth Irving, Senior Planner, recommended an additional condition requiring the development to be started within three years from the grant of planning permission, which was required by a change in legislation. He confirmed that the Section 75 legal agreement for application 18/01151/PM had now been fully entered into and was therefore a fully concluded contract with only technical and practical matters to follow. Following these, a decision notice to approve 18/01151/PM would be issued. Mr Irving also advised that plans from the applicant's agent had been received the previous day showing additional tree planting to be undertaken at site 1 on the southeast side of the site. Mr Irving then presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Irving advised that it was usual practice to independently assess whether there was an ability to cross-fund a build. While much of the financial information provided to the District Valuer (DV) was confidential, the planning authority had sight of the DV's full response. He advised that affordable housing would not be expected as part of a development with an enabling component; in such a location, only the minimum amount of housing would be desired to cross-fund the primary use (in this case the golf club facilities) in accordance with Policy DC5. However, Members could ask the applicant whether they would be willing to contribute a commuted sum in this case. Keith Dingwall, Service Manager – Planning, highlighted that the decision made in 2018 was essentially a fall-back position; therefore, planning permission in principle would be in place for a housing development to cross-fund enabling facilities. Carlo Grilli, Service Manager – Governance, reiterated that every application must be decided on its own merits but with an awareness of the planning history of the site.

Responding to further questions, Alex Coull, Civil Engineer Technician, advised that the SEPA maps showed the clubhouse area not to be at risk of flooding, but small areas to the north of the current access road and the fairways were at risk of surface water flooding. The boundary wall, esplanade, and sea wall would act as a barrier to coastal flooding. Mr Irving advised that future repairs to the boundary wall would be the responsibility of the golf club, and Mr Coull highlighted that he had recommended a repair plan be put in place. He advised that the golf club had agreed to take on repairs of the esplanade and sea wall.

Responding to further questions, Mr Irving advised that 'undocumented areas' meant that it was not clear whether these areas had any kind of contamination, and therefore a recommended condition required submission of an environmental assessment. The biodiversity officer had also recommended that the applicant consider mitigation measures to benefit breeding birds through the site's clearance and development. Mr Irving described the new path connections to be provided, including from Site 2 to the coast and to the A107 public road, and from Site 1 to the A107 public road and to lead through the new housing development and to the golf course.

Tony Thomas, agent, spoke to the application. He shared feedback from East Lothian Active Schools, who added their support to the proposals; the club had involved over 350 primary 1-3 pupils in an introduction to golfing. The Dunbar Traders' Association also supported the proposals and felt that the development would attract high-spending tourists and provide a significant economic boost. He highlighted support from Scottish Golf and Sport Scotland to the original proposals, which remained a live permission. He described the new clubhouse as a standout building of high quality which would enhance the experience of members, many of whom were East Lothian residents. He said the proposed plans with its tree and hedgerow planting would create enhanced and new habitats. The club was accredited with the Golf Environment Organisation; it actively encouraged wildlife with a habitat management plan, and insect and bug hotels and bat boxes would be introduced in the new 9-hole course. He said the tree survey found trees with limited lifespan, but proposals made a commitment to planting 400 new trees and 1.7km of new hedgerows. Mr Thomas also advised that a noise survey had shown potential noise to be within acceptable levels. He highlighted that each home would include electric vehicle charging capacity, and also highlighted the contributions made to the upgrade of schools.

Mr Thomas responded to questions from Members. He advised that it would be part of the legal agreement that facilities would have to be provided in a phased manner with completion of housing, and provided reassurance that it would not be in anyone's interest to cram the site with further housing. He noted that Condition 24 required a species protection plan, and disturbance would be kept to a minimum. He advised that the access point had to be situated at the site of one of the tree groupings, but highlighted the tree survey's findings that some of the trees had a poor lifespan; proposals would double the number of trees on the site, and trees would be up to 3 metres at the time of planting. He said that green travel plans were not a common requirement of golf clubs; this may be considered by the club, but he noted that golfers often shared transport.

Responding to further questions, Mr Thomas said there was no intention to delay commencing work should planning permission be granted, and the technical work required had been undertaken. No concern had been raised regarding the quality of the sea wall. He thought that a breakwater would be expensive, but noted that the golf club had an obligation to maintain its grounds and facilities, and as guardians of the site would do what was necessary to protect the asset. Jacky Montgomery, representing Dunbar Golf Club, added that the club would look after its land and golf course. The current intention was to maintain the sea wall, which the club had done for many years.

Alistair Davison spoke against the application. He felt the development was in clear contravention to the 2018 Local Development Plan (LDP). He described the planning history of the site as confused and weak. He highlighted significant community feeling against the proposals, including that of community councils. He also noted that the original planning permission in principle from 2009 had carried an officer recommendation for refusal, which had been overturned by the Planning Committee. He felt that the current proposals removed much of the benefit to the community contained within previous proposals. He noted that there was no independent advice available to suggest that 76 houses would be the minimum necessary to achieve the primary purpose of funding development of facilities, and felt that the report ought to have been released to the public. As a commercial operation, the golf club should be able to access funds including borrowing, and he felt the funding test had been failed. He implored Members to refuse the application and stand up for the democratic will of constituents.

Molly Page spoke against the application. She painted a picture of the wildlife in the area of calm coastal space. She did not object to the proposals in principle, but did object to the removal of another green space. She noted that the proposals did not provide affordable housing, and described the private development as being designed to increase profits for the golf club and the developer. She felt that granting the application would make the LDP a

meaningless document. She highlighted that green space further afield was not very accessible for those who do not drive, and knew many people who felt the loss of green space to housing. She argued that Dunbar was already well provisioned for golf courses. She felt that green spaces had an intrinsic value to the people and wildlife who used them that could not be measured financially, and was concerned about the loss of biodiversity. She also suggested that the development would set a precedent for other such land to be developed for housing.

Rob Campbell spoke against the application. He objected to the damage to the coast from overshadowing houses, the intrinsic inequality of the proposals, and the loss of green space. As a GP, he noted the importance of exercise and green space for mental wellbeing. He also highlighted the '20-minute neighbourhood' concept, whereby green space and amenities should be within walking distance. However, the removal of the green space would present a barrier to exercise for those who did not drive. He felt that the enabling development was being used as a loophole. He said the development benefitted a minority of the community who could afford to purchase the houses and/or use the golf club, and questioned why a golf academy or bursary system had not already been set up. He felt that the proposals would be unlikely to increase visitors to the town and instead represented a vanity project for the golf club.

Jacquie Bell spoke against the application on behalf of Dunbar Community Council. She said that environmental groups were watching to see whether Members would listen to the community or to golfing money. She highlighted that there had been more than 50 objections, and noted that the housing did not appear in the LDP. She said that an enabling development must enable the preservation of a listed or historic building, and therefore the requirement for affordable housing should still apply in this case. She noted major issues with the loss of green space and amenity for the community. She noted that planning consent would involve a payment to Hallhill Sports Centre. She also highlighted issues relating to wildlife conservation, and flooding and drainage in an area prone to landslides. She said that large chunks of the area would be under water in 30 years. The community council felt that the application should be refused.

Jacquie Bell spoke against the application on behalf of West Barns Community Council. She noted that similar developments had used agricultural land, meaning less habitat was available for wildlife, fewer places for people to walk without access to a car, and bringing problems in heavy rainfall. The community council was concerned that the biodiversity part of the report dismissed the species living in the area, and felt that the plan to replace with some trees was not sufficient when trees did not grow well in coastal habitat. It was felt that the 78 large houses would have a detrimental impact on the John Muir way, and she also highlighted the lack of affordable housing in the area. She listed additional infrastructure issues, including already busy roads and schools. The community council asked Members to consider the proposal's benefits to the club against the detrimental effect on the community and environment.

Mr Dingwall responded that LDP 1 did allow enabling housing developments where the test of Policy DP5 was met.

Responding to a question from Councillor McGinn, Ms Bell said that both community councils had held meetings to establish community views, and highlighted that the number of submitted objections showed considerable strength of feeling from the community. She felt it would be better to refuse and allow Scottish Ministers to determine the application.

Responding to a question from Councillor McMillan, Mr Coull noted that marine licences may be required should a condition to build a breakwater be proposed by Members. He would not disregard the potential for revisiting the report, but noted that the current flood risk assessment and condition of the wall were acceptable.

Councillor McLeod described the current facilities as second-rate for a championship course, and looked forward to the development of the club's facilities.

Councillor Collins, Local Member, felt the development would be of tremendous benefit to Dunbar, and cited the schools project and the 9-hole course bringing young people into the sport. She felt the development would bring a boost in physical exercise for the community, a boost to local businesses, and would create new jobs and new habitats for wildlife. She noted the poor upkeep of some of the current wooded area, which would benefit from the new planting.

As Councillor Collins had connection problems earlier in the meeting, Mr Thomas and Mr Montgomery responded to her questions at this stage. Mr Thomas advised that although a commercial restaurant was not being proposed, facilities would be accessible when people brought children to lessons, etc. The club was known as a community amateur sports club (CASC), and community access came as a responsibility under this affiliation, as shown by the Active Schools initiative. Mr Montgomery said that anyone was free to visit the golf club facilities on an ad hoc visit, and also highlighted social membership opportunities.

Councillor McIntosh had reservations about building houses on land that was not specified in the LDP, and whether the enabling development argument was strong enough to override the presumption against countryside development. She had reservations about granting permission for the building of a luxury development to fund another commercial enterprise and highlighted the inequality when many constituents were struggling in a cost of living crisis. She was concerned about residents retaining car-free access to green space and felt Members should be custodians of green space. She was not satisfied that the necessity of the housing as being the only way to fund the development of the facilities had been shown, and would not support the application.

Councillor Gilbert was not satisfied that the application fully complied with the LDP, had doubts that the benefits to the area would be sufficient to permit such a level of development, and was concerned by the lack of affordable housing within the development. He would not support the officer recommendation.

Councillor Cassini echoed some of Councillor McIntosh's comments and particularly highlighted the inequality within the development, and the requirement to build luxury houses to fund a largely members-only clubhouse. She would not support the application.

Councillor Forrest acknowledged issues around inequality, but was keen for the planning authority to retain control of conditions and for the application not to be determined by Scottish Ministers. He felt development of the golf club facilities would bring significant benefits to Dunbar, and he would support the application.

Mr Dingwall reminded Members that they should consider whether the development complied with the LDP, and if not, whether there were other considerations which would justify making a decision contrary to the LDP. This would consider Policy DC5, with the key test of whether the benefits of securing the proposed primary use were sufficient to outweigh the normal policy presumption. The fall-back position of the 2018 planning permission, which would be in place should this application not be approved, should also be considered.

Councillor McGinn acknowledged the range concerns raised by colleagues and objectors, but felt it was not appropriate to let the decision be made by Scottish Ministers. He would support the application.

Councillor Allan had spent time learning about how golf courses were actively involved in promoting biodiversity. She would support the application. Councillor Yorkston echoed

Councillor Allan's comments, and also highlighted the long-term benefits of the youth engagement work undertaken by the gold club. The development would also allow the championship course to be used to its best potential, and he would support the application.

Councillor McMillan noted the planning authority's role in guarding Policies DC1 and DC5. Officers saw the proposals as the minimum enabling development to preserve an entity which contributed to the local economy, community, and added value to the coast and countryside. He thought the development would add value, sat within policies, and had been well tested, and he would support the application.

The addition of the officer-recommended condition requiring the development to begin before the expiration of three years from the date of planning permission granted was proposed by Councillor McMillan and seconded by Councillor Allan.

Councillor McMillan then moved to the vote on the report recommendation, to grant consent, taken by roll call.

For:	7	(Councillors McMillan, Allan, Collins, Forrest, McGinn, McLeod, and Yorkston)
Against:	3	(Councillors Cassini, Gilbert, and McIntosh)
Abstentions:	0	

DECISION

The Committee granted the planning application subject to the undernoted conditions.

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 Part2A 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 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 turving 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.

- 32 The development hereby approved shall begin before the expiration of three years from the date of this permission.

Reason

Pursuing to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Signed

Councillor John McMillan
Depute Convener of the Planning Committee