

**REPORT TO:** Planning Committee

**MEETING DATE:** 22 August 2023

**BY:** Planning Service Manager

**SUBJECT:** Further Report of Handling of 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 - Dunbar Golf Club East Links Road

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## **1 PURPOSE**

- 1.1 This application was reported to the Planning Committee on 4<sup>th</sup> October 2022, and it was decided by the Committee that planning permission be granted for the development proposed subject to conditions and the satisfactory conclusion of a Section 75 Agreement designed to secure developer contributions towards education, transport improvements, a sports pitch and changing facilities and a control on the phasing of the development.
- 1.2 The Section 75 Agreement is being drafted and is close to being concluded.
- 1.3 This further Planning Assessment Report is due to the adoption, by Scottish Ministers, on the 13th February 2023, of National Planning Framework 4 (NPF4). NPF4 supersedes National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). Together with the adopted East Lothian Local Development Plan 2018 and its supplementary guidance, it has now become the statutory development plan for East Lothian. The purpose of this report is to provide a further planning assessment of the application against the relevant policies of NPF4 and to make a recommendation to the Planning Committee based on that further assessment.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that planning permission be granted subject to:
  1. the 31 conditions listed in the original Planning Assessment Report of 4 October 2022, as well as 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 agreed by Planning Committee at the meeting of 4 October 2022;
  2. an additional condition (condition 33) requiring the submission and approval of the detail of the provision of artwork; and

3. 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, Policy 18 of NPF4, Proposals CF1 and ED6 and Policies DEL1, T32 and DC5 of the adopted East Lothian Local Development Plan 2018.

### **ADDITIONAL CONDITION**

Unless otherwise agreed in writing by the Planning Authority, no residential unit shall be occupied and no use shall be made of the new golf clubhouse or any of the new golf related facilities unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provided in accordance with the details and timetable so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

## **3 BACKGROUND**

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that a planning application be determined in accordance with the development plan, unless material considerations indicate otherwise. The Planning Assessment Report of the 4 October 2022 concludes that 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.
- 3.2 The development plan in place at the time of writing of the Planning Assessment Report of 4 October 2022 was the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 together with its adopted supplementary guidance.
- 3.3 Since the adoption, by Scottish Ministers, on the 13th February 2023, of National Planning Framework 4 (NPF4), the development plan is now the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 together with its supplementary guidance.
- 3.4 SESplan ceases to have effect and as such is no longer part of the development plan. All references to the South East Scotland Strategic Development Plan (SESplan) in the original Planning Assessment Report of 4 October 2022 are therefore no longer relevant in the consideration of this application.
- 3.5 The assessment of the proposals against the relevant policies and proposals of the adopted East Lothian Local Development Plan 2018, and the conclusions of that assessment, remains the same.
- 3.6 This further Planning Assessment assesses the proposals against the policies of NPF4 which are now relevant to the determination of this application. The 33 policies of NPF4 are divided into the three overarching themes of Sustainable Places (Policies 1-13), Liveable Places (Policies 14-24) and Productive Places (Policies 25-33). NPF4 is designed to be read and applied as a whole, but in the

case of this application Policies 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 29, 30 and 31 are all of some relevance to its determination.

- 3.7 In the original Planning Assessment Report of 4 October 2022, it sets out the relevant planning history for the site, and states that:
- 3.8 '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.'
- 3.9 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.'
- 3.10 Since then the legal agreement for application 18/01151/PM has been concluded, and planning permission 18/01151/PM was granted on 22 May 2023.
- 3.11 The effect of this has resulted in a new separate planning permission in principle for the development originally approved by outline planning permission 09/00574/OUT, and therefore there is now a live and extant planning permission in principle for the development of a golf clubhouse, 9 hole golf course, golf academy and driving range, short practice facilities, greenkeepers shed, housing and hotel on the application site.

#### **PLANNING ASSESSMENT IN RESPECT OF NPF4**

- 3.12 Policy 1 of NPF4 states "when considering all development proposals significant weight will be given to the global climate and nature crises". Policy 2 seeks to ensure that new development minimises emissions and adapts to the current and future impacts of climate change. Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks and Policy 4 aims to protect the natural environment and protected species.
- 3.13 The application is supported by a Planning Statement on NPF4, which sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by the East Lothian Local Development Plan 2018. The 18 new houses on 'Site 2' will be gas free and will use air source heat pumps for their heating systems, and consideration is being given to extend this to all the new homes. All properties will be provided with a 7kW Type 2 socketed or tethered outlet electric vehicle charger. The new clubhouse will incorporate solar panels and either air or ground source heat pumps.

- 3.14 In respect of biodiversity considerations, the original application was supported by an Ecology Report and Bat Survey Report. No bats were found to be roosting in buildings on the site and it is recommended that a Species Protection Plan for birds be submitted to secure measures for their protection during site clearance. The proposals include measures for habitat creation to benefit and enhance biodiversity including undertaking a significant amount of hedgerow and tree planting, with more than double the number of trees being planted than would be removed, and it is recommended that a woodland management plan be submitted to set out management measures to enhance the biodiversity of the site.
- 3.15 In respect of Policy 4, 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.
- 3.16 On these climate change, nature, biodiversity and natural assets considerations, the proposals comply with Policies 1, 2, 3 and 4 of NPF4.
- 3.17 Policy 5 provides significant protection for valued soils including prime agricultural land. Part of the application site at its southeast side is within an area defined as being prime agricultural land capable of producing a moderate range of crops (Class 3:1). Policy NH7 of the adopted East Lothian Local Development Plan 2018 states that development on prime agricultural land will not be permitted unless in the particular circumstances listed in the Policy. One of those circumstances is if it is appropriate development in the countryside, which this proposal is. Policy 5 of NPF4 also sets out circumstances where development proposals on prime agricultural land will be supported and although a mixed use development is not listed as one of those circumstances, Policy 17 of NPF4 supports development proposals that are suitably scaled, sited and designed to be in keeping with the character of the area and reuses brownfield land (which part of the application is).
- 3.18 The Scottish Government's Transitional Arrangements for NPF4 states that "It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement". In the circumstances of this application where the proposal complies with Policy NH7 of the adopted East Lothian Local Development Plan 2018 and, although not falling within the types of acceptable development listed in Policy 5, it does not conflict with NPF4 when read as a whole. Also as planning permission 18/01151/PM was granted on 22 May 2023, there is now a live and extant planning permission in principle for the development of a golf clubhouse, 9 hole golf course, golf academy and driving range, short practice facilities, greenkeepers shed, housing and hotel on the application site, which is a fall-back position for development on the site.
- 3.19 The proposals include the planting of large amounts of trees and hedgerows within the site. As such they comply with Policy 6, which aims to protect and expand forests, woodland and trees.

- 3.20 Policy 7 seeks to protect and enhance historic environment assets. As set out in the original Planning Assessment Report on this application, Historic Environment Scotland (HES) advises that the proposals would not have a harmful impact on the Broxmouth Park Designed Landscape, would not result any significant change to the special qualities of the Battle of Dunbar II Battlefield Site nor would lead to any direct impacts on the scheduled monument known as 'Samoya, 100m NNE of'.
- 3.21 Also as set out in the original Planning Assessment Report on this application, the **Council's Archeology/Heritage Officer** advises that it is essential that a Programme of Archaeological Works (10% Archaeological Excavation by trial trench) should be carried out at the site by a professional archaeologist. It has already been decided through the assessment carried out that this requirement be secured through a condition attached to a grant of planning permission for the proposed development.
- 3.22 On these considerations, the proposals comply with Policy 7 of NPF4.
- 3.23 Policy 9 promotes the use of brownfield, vacant and derelict land and empty buildings and states "proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP". This proposals uses brownfield land and is also supported by the policies of the adopted East Lothian Local Development Plan 2018 as set out in the original Planning Assessment Report on this application. Therefore the proposal does not conflict with Policy 9 of NPF4.
- 3.24 Policy 10 sets out criteria for coastal development. The proposed development would not result in the need for further coastal protection measures, and as the proposals are to enhance the facilities of Dunbar Golf Club they can, by such association, be considered to have an operational requirement for their coastal location. They are therefore consistent with Policy 10 of NPF4.
- 3.25 Policy 12 encourages sustainable waste management. The **Council's Waste Services** have raised no objections to the proposals and have advised that the proposed development can be adequately serviced by waste collection vehicles for the general collection and management of waste and recycling. In all of this, the proposal complies with Policy 12 of NPF4.
- 3.26 Policy 13 seeks to facilitate a transition towards more sustainable, lower emissions travel including active travel and public transport. The proposals will include provision for electric vehicle charging infrastructure for all residential properties and the new clubhouse. They also include for cycle storage facilities, path provision throughout the site and connections to off site paths. Parking provision is considered by the **Council's Road Services** to be acceptable in this location. The site is located within easy reach of Dunbar Town Centre and bus stops and the train station. In all of this the proposals do not conflict with Policy 13 of NPF4.
- 3.27 Policy 14 supports development proposals that are well designed and consistent with 'the six qualities of successful places' listed in the policy, which are healthy, pleasant, connected, distinctive, sustainable and adaptable. It states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. The proposed development has already been assessed to be an appropriate residential and commercial development of the site which,

although bringing change to the southeastern side of Dunbar, would be well designed and integrated into its countryside setting. The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. In all of this, the proposals are not inconsistent with the six qualities of successful places and as such comply with Policy 14 of NPF4.

- 3.28 Policy 15 seeks to encourage, promote and facilitate the creation of connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Dunbar has a wide range of employment, shopping, health and social care, education and other community facilities which are accessible from the proposed development via walking, cycling and by public transport, consistent with Policy 15 of NPF4.
- 3.29 Policy 16 encourages, promotes and facilitates the delivery of homes in the right locations. It requires development proposals that include 50 or more homes to be accompanied by a Statement of Community Benefit, which should explain the contribution of the proposed development to meeting local housing requirements, including affordable homes, providing or enhancing local infrastructure, facilities and services; and improving the residential amenity of the surrounding area. It also states development proposals should make provision for affordable homes of at least 25% of the total number of homes, however it goes on to state that the affordable housing contribution is to be provided in accordance with local policy or guidance. Policy 17 sets out criteria for new homes in rural areas, stating these should be suitably scaled, sited and designed to be in keeping with the character of the area.
- 3.30 The applicant has provided a Statement of Community Benefit, where it is explained that a range and mix of house types are proposed, including sustainable homes, improved areas of public open space and equipped play areas will be provided to benefit both the development proposed and the existing community and improved connectivity and linkages will be established. As set out in the original Planning Assessment Report on this application, 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.
- 3.31 Policy 16 also sets out the limited circumstances of where the development of new homes on land not allocated for housing in the adopted East Lothian Local Development Plan 2018 will be supported, and Policy 17 sets out the limited circumstances of where the development of new homes in rural areas will be acceptable. The housing development proposed in this application does not meet any of the criteria. However the housing development proposed here is being promoted as enabling development to cross subsidise the proposed new clubhouse and other golf related facilities on the application site, which is accepted as explained in the original Planning Assessment Report on this application. Therefore the proposed development has an operational requirement to be in its location. Given the particular circumstances of the housing development being promoted as enabling development, it is not one that would form a residential allocation in the adopted East Lothian Local Development Plan 2018, as it has to form an integral part of the wider proposals for the new clubhouse and golf related facilities to which it is intrinsically linked. It therefore can be taken to be an exception to the criteria for new homes on land not

allocated for housing in Policy 16 and the circumstances of where the development of new homes in rural areas can be as stated in Policy 17.

- 3.32 As stated above, the Scottish Government's Transitional Arrangements for NPF4 states that "It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement". In the circumstances of this application where the proposal complies with Policy DC5 of the adopted East Lothian Local Development Plan 2018 and, although not falling within the types of acceptable development listed in part f) of Policy 6 or part a) of Policy 17, it does not conflict with NPF4 when read as a whole. Also as planning permission 18/01151/PM was granted on 22 May 2023, there is now a live and extant planning permission in principle for the development of a golf clubhouse, 9 hole golf course, golf academy and driving range, short practice facilities, greenkeepers shed, housing and hotel on the application site, which is a fall-back position for development on the site.
- 3.33 Policy 18 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. This reflects Policy DEL1 of the adopted East Lothian Local Development Plan 2018 which stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. These infrastructure considerations have therefore already been assessed and the Planning Committee, at their meeting of 4 October 2022, have agreed that where applicable conditions will be imposed and also that a Section 75 Agreement designed to secure developer contributions towards education, transport improvements, a sports pitch and changing facilities requires to be concluded prior to any grant of planning permission. The proposals therefore comply with Policy 18 of NPF4.
- 3.34 Policy 20 seeks to protect and enhance blue and green infrastructure and their networks. The proposed development would not result in fragmentation or net loss of any existing blue and green infrastructure and the overall integrity of the network will be maintained. The proposed development will incorporate new open space and landscaped areas which will respond to local circumstances and will include new and enhanced opportunities for access linked to wider networks. In all of this the proposal complies with Policy 20 of NPF4.
- 3.35 Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport. The proposals include provision for inclusive formal and informal play within the site. The proposals comply with Policy 21 of NPF4.
- 3.36 Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The proposed drainage and flood prevention measures, including proposed sustainable drainage systems (SuDS), have already been assessed by the **Council's Civil Engineer - Flooding** who has raised no objections on flood risk grounds. A condition requiring the submission of full details of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site, as well as a condition for the submission of a repair plan for the seawall/esplanade walkway and walls to ensure their structural integrity has already been agreed by the Council's Planning Committee and subject to these



conditions being imposed on a grant of planning permission, the proposals are consistent with Policy 22 of NPF4.

- 3.37 Policy 24 supports the delivery of digital infrastructure. Policy DCN2 of the ELLDP also supports the delivery of digital infrastructure. The applicant has confirmed that fibre broadband provision will be provided to the development. The proposals therefore comply with the policy intent of Policy 24.
- 3.38 Policy 29 encourages rural economic activity and diversification whilst ensuring that the distinctive character of the rural area are safeguarded and enhanced. The proposed development would encourage economic activity by the enhancement of the golf facilities at the golf club. As concluded in the original Planning Assessment Report on this application, the proposed development is suitably scaled, sited and designed to be in keeping with the character of the area. The proposals therefore comply with the policy intent of Policy 29.
- 3.39 Policy 30 intends to encourage, promote and facilitate sustainable tourism development. The proposed development, by enhancing the facilities offered by the golf club, would result in an improved visitor experience and promote tourism to the area, consistent with Policy 30.
- 3.40 Policy 31 states that "development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported". The proposals the subject of this application include for the creation of new, public open spaces and it would therefore be appropriate for artwork to be incorporated either as an integral part of the overall design or as a related commission. Were planning permission to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. The applicant agrees that if considered necessary and or/appropriate in this particular location, such provision could be secured through the imposition of a condition. Subject to this planning control being imposed the proposed development is consistent with Policy 31 of NPF4.

## **CONCLUSION**

- 3.41 Assessment of the application against the relevant policies of NPF4 has required the addition of a condition requiring the provision of public art. All of the other conditions that were agreed by the Planning Committee on the 4 October 2022 have been reviewed and no further amendments are required as a result of the assessment of the proposals against NPF4.
- 3.42 In conclusion, and subject to the prior conclusion of a legal agreement and the imposition of the recommended conditions, the proposed development accords with the provisions of NPF4, as well as with the provisions of the adopted East Lothian Local Development Plan 2018 and its supplementary guidance, and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

## **4 POLICY IMPLICATIONS**

- 4.1 None.

## 5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.  
6.2 Personnel – none.  
6.3 Other – none.

## 7 BACKGROUND PAPERS

- 7.1 None.

Appendix A: Report of Handling for application 21/00997/PM considered by the Planning Committee on 4<sup>th</sup> October 2023

Appendix B: Extract from the Minutes of the Planning Committee meeting of 4<sup>th</sup> October 2022

Appendix C: The applicant's Planning Statement on NPF4

Appendix D: Copies of the written representations and community council comments received (*n.b. these are available only to Councillors and can be found on the Councillors' shared area*)

<b>AUTHOR'S NAME</b>	Keith Dingwall/Daryth Irving
<b>DESIGNATION</b>	Planning Service Manager/Senior Planner
<b>CONTACT INFO</b>	<a href="mailto:kdingwall@eastlothian.gov.uk">kdingwall@eastlothian.gov.uk</a> <a href="mailto:diring@eastlothian.gov.uk">diring@eastlothian.gov.uk</a>
<b>DATE</b>	2 August 2023

## Appendix A

**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 Nest 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 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.



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 4 OCTOBER 2022  
VIA A DIGITAL MEETING FACILITY**

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**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 trail 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 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.

- 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

Applications 21/00997/PM

Dunbar Golf Club & CALA Homes (East) - NPF4 Implications – May 2023

### INTRODUCTION

- The site at Dunbar Golf Club has long been identified for development. East Lothian Planning Committee was minded to grant Planning Application 09/00574/OUT in March 2012 subject to the satisfactory conclusion of the relevant legal agreement. This legal agreement was concluded in October 2015.
- Furthermore East Lothian Council was minded to grant planning application 18/00151/PM in February 2019 which ensured the original planning permission in principle remained relevant. Under the provisions of 18/00151/PM, planning permission remains in place for development on the application site.
- Given the range of wider community benefits alongside the much-needed and significant improvement to the facilities of this world renowned club the permission will see the ongoing development of an important existing Dunbar destination.
- In reaching a minded to grant decision, the Council has considered the implications of the LDP policies in detail. NPF4 policies are to be considered where there is a conflict between the implementation of the two sets of policies and importantly must be considered as a whole suite of documents and not individual policies assessed in isolation.
- In assessing the proposals of planning application 21/00997/P in the context of the LDP and NPF4, we are of the opinion that the balance of that assessment clearly supports the proposed development at Dunbar Golf Club.

NPF4 Policy Number	Relevant Text	Comment
<p><b>1 – Tackling the Climate &amp; Nature Crises</b></p>	<ul style="list-style-type: none"> <li>• In using the existing clubhouse site to deliver 18 new homes, this element of the project involves brownfield development and the creation of new homes built to modern standards of energy efficiency (AECB Sliver standard in terms of improved insulation and lowering energy use and CO2 emissions) and sustainable means of construction and use of LZCGT;</li> <li>• All new homes on the former clubhouse site will be gas free with provision made for electric vehicle charging infrastructure. Modern construction methods will be employed to further reduce the carbon footprint of the house build during the build period as well occupation (see Policy 2). CALA is investigating the opportunity to ensure the whole development is gas free;</li> <li>• The new clubhouse will be a more efficient and sustainable building than the existing and outdated clubhouse – retrofitting the existing building would be a significantly compromised option. The development will incorporate solar and either air or ground source energy meaning it will be free of gas-powered heating and water installations;</li> <li>• Dunbar Golf Club is committed to a wide ranging series of initiatives to minimise their carbon footprint whether through the new clubhouse development or the day-to-day electrification of the green-keeping machinery. This has been consistently recognised through their GEO Certification.</li> </ul>	

<p><b>2 - Climate Mitigation &amp; Adaptation</b></p>	<ul style="list-style-type: none"> <li>• CALA Homes’ Light &amp; Space product range has been designed under the Scottish Building Regulations 2020</li> <li>• As part of this these house types have been designed to Bronze Active standard where the dwelling meets the functional standards set out in Sections 1-6 of the Technical Handbook.</li> <li>• Silver standard is achieved for CO2 emissions. In addition, the dwellings include the use of low/zero carbon generation technology in respect of meeting Standard 6.1 with Section 6, Energy.</li> <li>• This level is primarily to assist local authorities to meet their obligations under Section 72 of the Climate Change (Scotland) Act 2009;</li> <li>• At the Dunbar development CALA has specified a gas free heating system based on Air Source Heat pumps which are recognised as a low/zero carbon generation technology and work in conjunction with larger radiators that utilise lower temperature hot water. The clubhouse site (18 units) will be entirely gas free and CALA is looking at gas free options for the whole of the Deer park site also;</li> <li>• CALA Homes’ are committed to Recycling, and through partners such as NWH we aim to recycle 100% of the waste generated on site;</li> <li>• On site machinery (forklifts etc.) now run on Hydrotreated vegetable oil (HVO fuel) which helps to reduce CO2 emissions compared to an equivalent diesel powered forklift truck by up to 90%;</li> <li>• All houses are pre-wired for the future provision of an EV charging point to the houses at 7kw, we also have optional packages which can be added to the house types to include the installation of a charger where requested;</li> <li>• The proximity to the rail station (and bus routes) also ensures that convenient options are available to residents and visitors that do not require private car travel;</li> <li>• The site is not at risk from climate change related impacts (flooding from increased rainfall/water levels);</li> <li>• A planning condition will be imposed requiring a report to be submitted outlining the measures to be taken to reduce the carbon emissions from the build and from the completed development;</li> </ul>
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### 3 – Biodiversity

- The site has limited ecological and biodiversity value. The site accommodated a small number of species none of which are endangered;
- No nature conservation designation overlaps with the site although ancient woodland abuts the site to the east. Statutory designations are present near the site, notably within the Firth of Forth;
- The site is dominated by intensely managed habitats, mainly grassland areas. With the exception of the ancient woodland, these habitats do not align with current nature conservation priorities;
- A high number of trees and several structures were found to have bat roost potential. However, no evidence of bats was recorded in any of the surveys - no evidence was recorded of badger within the site;
- Breeding birds are likely to be present within the site boundary, and mitigation is therefore proposed to avoid impacts on breeding birds;
- The proposed plans with open space, tree, hedgerow and other planting will look to create enhanced and new habitats;
- **The development will see the planting of over 400 new trees, 1.7km of new hedgerow and over 5,000 plants and shrubs;**
- The creation of public open space and new garden and amenity ground will all have significant biodiversity benefits;
- From the outset and in line with the golf club’s ongoing commitments, biodiversity enhancements have been central to the creation of a sustainable and attractive development;
- In line with the proposed planning conditions, ITP Energised is preparing a Species Protection Plan - any works to trees shall be carried out by an RSPB approved contractor;
- CALA’s Community Pledge shall seek to provide further enhancement where applicable such as bat box and hedgehog highways;
- The 9-hole golf course will mirror the high standards of ecology and biodiversity that Dunbar Golf Club & Golf Course currently deliver via their green credentials accreditation with GEO (Golf Environment Organisation).
- The land for the 9-hole course will be nurtured and maintained through sustainable golf operations. Essentially by fostering and protecting nature, conserving resources and supporting the local community. The Club’s goal to move all maintenance machinery to electric within 5 years is work which is well underway.
- A native species plant schedule will be developed as part of the proposed development. Native planting will encourage many nectivorous invertebrates (e.g. butterflies, moths and bumblebees) and provide shelter and food for larvae, adult insects and flying insects, which in turn encourage small mammals, bats and birds;
- The planting of trees and hedges (as mentioned above) provide further foraging opportunities as well as a buffer from artificial light whilst also providing connectivity between features and habitats.

<p><b>4 - Natural Places</b></p>	<ul style="list-style-type: none"> <li>• A thorough assessment of the likely impacts of the proposed development was undertaken during the determination process and is reflected in the officers recommendation (and report), the character of the development and the proposed conditions;</li> <li>• The proposals at Dunbar Golf Club will not have any unacceptable impacts on the natural environment – the site is characterised by a highly managed environment (golf course and associated facilities etc);</li> <li>• No nature conservation designations overlap the application site and the application was supported by an ecological assessment and no protected species (bats, badgers, protected bird species) have been identified on site (essentially previously ploughed fields);</li> <li>• NatureScot advise that they are satisfied the proposed development would not adversely affect the Barns Nest Coast SSSI;</li> <li>• 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, the proposed development would have no adverse effects on the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA.</li> </ul>
<p><b>5 – Soils</b></p>	<ul style="list-style-type: none"> <li>• The site does not form part of the adopted East Lothian Local Development Plan and the Deer Park element constitutes prime agricultural land (Class 3.1).</li> <li>• The existing clubhouse site is disturbed, previously developed land with a small area of managed lawn/grassed area. The remainder is the clubhouse, car parking and some associated building;</li> <li>• The Deer Park site has not been used for agricultural purposes for a number of years and is essentially vacant land. It is isolated from any other agricultural operations and is privately owned by the golf club.</li> <li>• The site is neither culturally or locally important (as opposed to the golf club that has significant local and cultural importance);</li> <li>• There is a direct locational requirement given the works to the golf related facilities are sited alongside the golf course and on land in the clubs ownership. There are no suitable alternative sites that would deliver these improvements;</li> <li>• The planning history illustrates the long held support for the enhancement of the golf club facilities (and related community and economic development benefits) with enabling residential development. Planning Permission 18/00151/PM also ensures that there is an extant planning permission that would see a similar scheme of development delivered;</li> <li>• The new clubhouse and associated golf related facilities are essential to the long term future success of Dunbar Golf Club which has been an important reference point for the town of Dunbar since 1856;</li> <li>• These proposals represent the ambitious next stage of the clubs history and as the supporting information and planning history reflects, the residential development is an integral and critical enabling element of the development;</li> </ul>



	<ul style="list-style-type: none"> <li>• The loss of the Deer Park has been long-established and accepted as part of the development and enabling works. Part (a) of LDP policy DC5 supports enabling residential development where it will enable the primary use of the site (in this case the golf club and associated facilities);</li> <li>• In seeking to determine the application (minded to grant), ELC has already assessed the proposals against LDP policies including NH7 (with similar implications to Policy DC5 in the support of rural businesses).</li> </ul>
<p><b>6 - Forest, Woodland &amp; Trees</b></p>	<ul style="list-style-type: none"> <li>• East Lothian Council has declared a climate emergency - the planned (and appropriate) removal, retention and planting of trees is a key part of the Council’s response;</li> <li>• The tree survey identified areas of existing woodland that are poor quality and with a limited life span. This undermines their role in terms of carbon capture and general contribution to the amenity of the area;</li> <li>• By way of mitigation and compensation, a commitment has been made to plant over 400 new trees, 1.7km of new hedgerow planting and almost 5000 shrubs to more than offset the loss of trees on site;</li> <li>• Many of the trees to be removed would also be removed as part of the proposals covered by the existing planning permission – their removal has been supported for over 10 years;</li> <li>• Many of the trees to be removed would also be removed as part of any future woodland management plan;</li> <li>• In terms of specifics, a small stand of conifer plantation is present in the south of the Site (see TN11). It is comprised of Sitka spruce in poor condition, with many trees dead or dying. There is dense ivy on the ground and on some trunks;</li> <li>• Tree Group 2 is of poor to fair quality - it exhibits low vigour and vitality and is on poor and declining condition. This group has limited future potential and should not be considered as a constraint to development, the woodland is heavily engulfed in ivy;</li> <li>• Tree Group 3 – there is evidence of wind blow and is of poor to fair quality. It exhibits low vigour and vitality and is on poor and declining condition, this group has limited future potential and should not be considered as a constraint to development.</li> </ul>
<p><b>7 – Historic Assets &amp; Places</b></p>	<ul style="list-style-type: none"> <li>• With regard to the Broxmouth Park Designed Landscape, HES advises 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. 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;</li> <li>• With regard to the Battle of Dunbar II Battlefield Site, HES advises 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;</li> <li>• 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.</li> </ul>

<p><b>9 – Brownfield, Vacant &amp; Derelict Land &amp; Empty Buildings</b></p>	<ul style="list-style-type: none"> <li>• The redevelopment of the existing clubhouse site represents the reuse of previously developed land. The clubhouse is of an age and structure that make it costly and inefficient to try and retrospectively bring it up to modern standards of accommodation and performance. There is a high likelihood that the existing structure would need to be partly or fully demolished to meet these modern standards;</li> <li>• The development of the new clubhouse and significantly enhanced golf related facilities alongside the enabling residential element of the proposals have long been supported through the planning process and though the combined golf facilities and enabling development are not explicitly identified in the Local Development Plan they do meet the aims and objectives of a number of policies including policies DC5 and NH7 which support proposals that will enhance rural businesses.</li> </ul>
<p><b>10 – Coastal Development</b></p>	<ul style="list-style-type: none"> <li>• The existing clubhouse site is positioned close to the seawall etc. This has been maintained by the club for many years and this will continue to be the case in terms of being part of an ongoing factoring agreement. A conditions survey was completed as part of the application process;</li> <li>• The proposals will not require any additional coastal defences.</li> </ul>
<p><b>12 – Zero Waste</b></p>	<ul style="list-style-type: none"> <li>• The proposals will see the reuse of the existing clubhouse site with associated existing infrastructure incorporated into the new development on this site;</li> <li>• The site is ideally located to utilise existing infrastructure associated with being part of the Dunbar settlement including local bus services and key service provision which has been introduced as part of the southern expansion of Dunbar on the west side of Bowmont Terrace;</li> <li>• Both the golf club and residential development will deliver development that will have space and measures in place to enable waste separation and ensure efficient recycling where possible. CALA Homes’ are committed to Recycling, and through partners such as NWH we aim to recycle 100% of the waste generated on site;</li> <li>• Both the new clubhouse and enabling residential development will utilise up-to-date sustainable construction methods whilst any additional materials onsite will be incorporated into the land grading associated with the golf facilities (driving range, par three course).</li> </ul>
<p><b>13 – Sustainable Transport</b></p>	<ul style="list-style-type: none"> <li>• The development at Dunbar Golf Club is ideally located to enable easy access to Dunbar Train Station enabling quick and convenient transport to Edinburgh and beyond. The site also allows quick access to the strategic road network and the rest of Dunbar including retail and other commercial/town centre uses and facilities;</li> <li>• The existing clubhouse site is within easy reach of the town centre and other key facilities (train station etc.) whilst the Deer Park site is still within a 20-25 minute walk of Dunbar High Street and benefits from bus services along Bowmont Terrace. Cycle parking facilities will be provided at the Golf Club clubhouse for both staff and visitors (non-golfing visitors or players who have been able to leave their clubs in lockers for instance);</li> <li>• The transportation implications (through the preparation of Transport Impact Assessments) have been regularly considered as part of the original planning permission in principle and subsequent permissions. This has continued with this application;</li> </ul>

	<ul style="list-style-type: none"> <li>• Electric vehicle charging options are being provided throughout the site for both the residential and golf club facilities and CALA prewire all houses for the future provision of an EV charging point to the houses at 7kw;</li> <li>• Travel Plans have been prepared in support of the application.</li> </ul>
<p><b>14 – Design, Quality &amp; Place</b></p>	<ul style="list-style-type: none"> <li>• The proposals (specifically the residential element) have been designed with the Six Qualities very much at the forefront and this is highlighted throughout the Design &amp; Access Statement lodged in support of the application;</li> <li>• The new clubhouse will be an attractive, accessible, adaptable and sustainable building, a significant improvement on the existing outdated building whilst also welcoming members of the public to the clubhouse and facilities;</li> <li>• The residential elements have been designed with the prevailing context in mind and as above, will adhere to the Six Qualities whilst the improvement in the golf facilities will encourage a health and wellbeing.</li> </ul>
<p><b>15 – Local Living &amp; 20 Minute Neighbourhoods</b></p>	<ul style="list-style-type: none"> <li>• The location of new development at Dunbar Golf Club, including the existing clubhouse site, the new clubhouse and the new homes at Deer Park are well located with regards to Dunbar and the local infrastructure;</li> <li>• The new clubhouse and golf related facilities will ensure the long term viability of the club whilst creating employment opportunities in the hospitality and golf related elements and will be part of the local community in terms of amenity/employment/recreation etc;</li> <li>• The clubhouse will be open to members of the public creating a new and attractive facility in the area promoting health and wellbeing in the community;</li> <li>• The new development will help the golf club expand its role in the community offering ongoing lessons and facilities to local schools and community groups (encouraging more women to take up golf also being a key strategy of the club);</li> <li>• In addition developer contributions will be paid to contribute towards enhanced sports facilities and education facilities in Dunbar/East Lothian – these have been agreed with East Lothian Council;</li> <li>• The golf club grounds form part of the John Muir Way which extends towards the town or south towards the Whitesands area enabling access and exercise to the wider general public and not just golfers;</li> <li>• Further play facilities will be provided within the residential development area.</li> </ul>

**16 – Quality Homes**

- Please see attached Community Benefit infographic;
- The development will provide a range of house types though mainly targeting family accommodation. This is complementary to other developments across the town ensuring an appropriate range and choice of house types available in Dunbar. All the homes will provide accessible and adaptable accommodation catering for people of all ages and mobility;
- As per Policy 18, financial contributions will be made towards local education provision, transport and sporting facilities improvements;
- There is an over provision of open space across the residential element of the proposals coupled with a site that is ideally located for wider access to the John Muir Way, Whitesands etc. which can be easily accessed without the need to travel by car/public transport. They are integral to the site and within easy walking distance. This is supplemented by pedestrian/cycle routes throughout and across the site that will also link well to establishes and emerging new routes into and around Dunbar (for example new routes through the new development to the West);
- As highlighted elsewhere, there is a comprehensive programme of appropriate tree removal and replacement, hedge and shrub planting helping to make the development attractive and welcoming to residents and visitors alike;
- We acknowledge that the proposals do not incorporate the provision of affordable homes. This is a function of an enabling development where permission is sought for the minimum scale of development to deliver the proposed beneficial development (new clubhouse and enhanced facilities). This has been confirmed by the district valuer. To incorporate an element of affordable homes would have required a greater number of private-sale homes which would have impacted on the design and layout to the detriment of the overall development. This has long been accepted as part of these proposals (and others across East Lothian) and does not conflict with LDP policy;
- As already outlined, we fully acknowledge that the proposals do not form part of the adopted Local Development Plan. The enabling element of the proposals are in support of the planned enhancements to the golf club. Neither CALA nor Dunbar Golf Club would be seeking planning permission if this was not part of a comprehensive and coordinated project where the new homes are being built with the explicit justification to cross-fund the works to the golf club. This is an established enabling development route and has been consistently supported by East Lothian Council in this instance.
- Furthermore, there is some debate/doubt as to the role of Policy 16 in the absence of an up-to-date, NPF4 compliant Local Development Plan. It is fair to say that this policy will be a fundamental consideration in the preparation of the next East Lothian LDP. NPF4 does not incorporate an enabling development policy whilst the proposals have consistently been shown to comply with Policy DC5 of the adopted LDP.

<p><b>17 – Rural Homes</b></p>	<ul style="list-style-type: none"> <li>• This development has been the subject of two main planning application processes. Along with input from East Lothian Council the development has evolved to ensure a state of the art clubhouse, significantly enhanced golfing facilities and a range and choice of house types across the site. It has been agreed that the proposals are suitable scaled and designed;</li> <li>• The Council has supported the development three times through planning committee the latest of which includes the detailed layout and design of the site to create a number of quality homes at the existing clubhouse site;</li> <li>• The clubhouse site uses a previously developed site (part ii) whilst the development as a whole will underpin the future viability and growth of the golf club (rural business – part (v)) which has an important role to play in the wider reputation and attractiveness of Dunbar as a destination for visitors and tourists with all the associated social and economic benefits;</li> <li>• Furthermore, DGC has an ambitious strategy for the implementation of a sustainable business model incorporating sustainable methods of maintaining the golf course (and other facilities) encouraging enhanced biodiversity and as little intervention as possible. The club is well on its way to the full electrification of its fleet of maintenance vehicles and machines;</li> <li>• In achieving and delivering these goals, it has been consistently accepted that a number of enabling residential units can be developed to cross-fund the improved facilities and the number/value of these homes has been confirmed by the district valuer as the minimum required to deliver the project;</li> <li>• Whilst the site lies outwith the southern town boundary of Dunbar it would be unreasonable to describe the site as rural. It is adjacent to the settlement boundary to the north (Golf House Road and Roxburghe Park) whilst there has been significant urban expansion parallel (and beyond in the case of Newtonlees) to the Deer Park site on the west side of Bowmont Terrace. The 40mph speed limit dropping to 20mph further identifies the site as being within or at the very least on the edge of the urban area of Dunbar.</li> </ul>
<p><b>18 – Infrastructure First</b></p>	<ul style="list-style-type: none"> <li>• The minded to grant planning permission includes the concluding of a Section 75 legal agreement that will ensure contributions are made to local education needs and other infrastructure elements (transportation).</li> </ul>
<p><b>20 – Blue &amp; Green Infrastructure</b></p>	<ul style="list-style-type: none"> <li>• Blue infrastructure – retained pond noted in the ecology report and the burn on the site which passes by holes 1, 2, 17 &amp; 18 other than which the surface water is discharged to the sea.;</li> <li>• Green infrastructure – CALA and Dunbar Golf Club are committed to a programme of appropriate tree removal (dead or dying specimens) and significant tree, shrub and hedge planting coupled with the creation of a more varied biodiversity environment.</li> </ul>

<p><b>21 – Play, Recreation &amp; sport</b></p>	<ul style="list-style-type: none"> <li>• Formal and informal play areas form part of the proposals. The Council’s amenity officer has confirmed that these meet the requirements of the development;</li> <li>• Moreover the development will increase opportunities for children (everyone) to become involved in golf through the driving range, short course and main golf course and the various initiatives (many of which are ongoing but will benefit hugely from the much improved facilities);</li> <li>• The site is very well located for easy access to the beach and John Muir Way with other open space areas close by.</li> </ul>
<p><b>22 – Flood Risk &amp; Water Management</b></p>	<ul style="list-style-type: none"> <li>• The planning application as supported by a Flood Risk Assessment (prepared by JBA Consultants);</li> <li>• None of the houses lie within the 1:200 year areas predicted to be at risk from flooding;</li> <li>• This is confirmed by the Council’s flooding engineer who raised no objection to the application.</li> </ul>
<p><b>23 – Health &amp; Safety</b></p>	<ul style="list-style-type: none"> <li>• The development of a new clubhouse (enabling greater public access) and the significantly improved range of golf facilities will specifically support and encourage health and wellbeing;</li> <li>• Existing users/gofers will benefit from better facilities encouraging them to use them more;</li> <li>• New users will be offered a range of options to take up golf from access to the driving range and other practice areas, more formalised group or private lessons as well as the various outreach initiatives b the club to ensure as many people as possible benefit from access to golf;</li> <li>• In addition the residential development has an over provision of available open space and play facilities whilst benefitting from a location affording very easy access to the John Muir Way, beaches and countryside nearby;</li> <li>• There are no associated health risks with the development.</li> </ul>
<p><b>24 – Digital Infrastructure</b></p>	<ul style="list-style-type: none"> <li>• Modern fibre broadband will be provided throughout the proposed development.</li> </ul>
<p><b>25 – Community Wealth Building</b></p>	<ul style="list-style-type: none"> <li>• Please see appended ICENI <i>‘Community Wealth Building’</i> Statement.</li> </ul>

<p><b>29 – Rural Development</b></p>	<ul style="list-style-type: none"> <li>• The application site lies adjacent to the edge of Dunbar’s settlement boundary. Land to the west has recently seen the development of a substantial number of new homes the impact of which is that the two development sites that form this application are more in keeping with the ongoing southern expansion of Dunbar. It would be unreasonable to describe them as rural in character;</li> <li>• In addition, the fundamental reason underpinning the proposals is the protection and growth of the golf club, an existing and important ‘rural’ business – the proposals accord with Policy DC5 of the LDP;</li> <li>• The golf club makes a significant economic contribution to the Dunbar (and East Lothian) economy bringing visitors (and their spending) from around the world. Whilst the focus may be the golf club, they will spend money across the area in accommodation, eating and other entertainment expenses, using local services (taxi etc.) buying gifts and so on.</li> </ul>
<p><b>30 - Tourism</b></p>	<ul style="list-style-type: none"> <li>• Dunbar Golf Club continues to be a significant contributor as a major tourist attraction in the area. The combination of its history, quality as a golf course and stunning setting attracts golfing visitors from all around the world;</li> <li>• Enhanced facilities will enable the club to improve the visitor experience, enhance the existing reputation as a golfing destination whilst providing opportunities (dining, practice, club shop) for the visitors to stay longer and spend more money and finally to improve its ability to deliver national level tournaments;</li> <li>• Needless to say, the greater the number of visitors, the more likely it will be that they will stay and spend locally whether for accommodation, taxi services, restaurants and general retail and other attractions;</li> <li>• This increased spend both at the club and in Dunbar (and surrounding area) will create employment and business for other local suppliers;</li> <li>• The club will be fully DDA compliant with disabled visitors able to access the clubhouse, shop and changing facilities;</li> <li>• The proximity of the beaches incorporating the John Muir Way will also enable access to the natural environment for those wishing to experience non-golf attractions;</li> <li>• The club is an integral part of the Scotland’s Golf Coast initiative encouraging longer stays and linked trips to other East Lothian golf courses and attractions.</li> </ul>
<p><b>31 – Culture &amp; Creativity</b></p>	<ul style="list-style-type: none"> <li>• The provision of elements of public art will be a condition of any planning permission and both CALA and the golf club will seek to involve local artists etc. in providing appropriate aspects of public art to the site.</li> </ul>

