



NOTICE OF THE MEETING OF THE PLANNING COMMITTEE

**TUESDAY 22 AUGUST 2023, 10.00am
VIA A DIGITAL MEETING FACILITY**

Agenda of Business

Apologies

Declarations of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

1. Minutes for Approval: Planning Committee, 6 June 2023 (**pages 1-26**)
2. 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, Dunbar – Report by the Service Manager – Planning (**pages 27-90**)
3. Planning application no. 22/01416/AMM – Approval of matters specified in condition 1 of planning consent 21/00290/PPM - relating to the substation development zone and the temporary construction compound development zone, Land at Edinburgh Road, Cockenzie (**pages 91-100**)
4. Planning application no. 22/01333/PM – Erection of 49 houses, 4 flats and associated works – Land to the south of Davids Way, Letham, Haddington (**pages 101-114**)

**Monica Patterson
Chief Executive
John Muir House
Haddington**

15 August 2023

Planning applications can be viewed on the Council's website within Planning Online at:

<http://www.eastlothian.gov.uk/site/scripts/documents.php?categoryID=200192>

Planning Committee reports can be viewed on the Council's website within the Committee Pages at:

https://www.eastlothian.gov.uk/meetings/committee/7/planning_committee

Planning Committee meetings can be viewed on the Council's website within the Committee Pages at:

<https://eastlothian.public-i.tv/core/portal/webcasts>

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

**TUESDAY 6 JUNE 2023
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 J Findlay
Councillor A Forrest
Councillor N Gilbert
Councillor C McGinn
Councillor S McIntosh
Councillor K McLeod
Councillor J McMillan
Councillor C Yorkston

Other Councillors Present:

Councillor C McFarlane

Council Officials Present:

Mr K Dingwall, Service Manager – Planning
Ms E Taylor, Team Manager – Planning Delivery
Mr C Grilli, Service Manager – Governance
Mr D Irving, Senior Planner
Ms S McQueen, Planner
Mr B Stark, Planner
Ms P Gray, Communications Adviser
Mr J Canty, Transport Planner
Mr G McLeod, Transportation Planning Officer
Ms L Hunter, Senior Roads Officer
Mr A Hussain, Transportation Planning Officer

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr T Thomas and Mr P Brown
Item 3: Mr K Macdonald and Mr B Dickson
Item 4: Ms A Townsend and Mr S Hindson

Apologies:

Councillor C McGinn

Declarations of Interest:

Item 2: Councillor Gilbert, due to renting a property from the Wemyss and March Estate.

1. MINUTES OF PLANNING COMMITTEE MEETING, 2 MAY 2023

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

Sederunt: Councillor Gilbert left the meeting.

2. PLANNING APPLICATION NO. 22/00734/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM – ERECTION OF 124 HOUSES, 6 FLATS AND ASSOCIATED WORKS, LONGNIDDY FARM, LONGNIDDY

A report was submitted in relation to Planning Application No. 22/00734/AMM. Stephanie McQueen, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Sederunt: Councillor McMillan joined the meeting.

Officers responded to questions from Members. Councillor Findlay asked how close Coal Road was to reaching capacity. Graeme McLeod, Transportation Planning Officer, advised that a capacity assessment had not been undertaken out for this application, but an assessment had been carried out for the whole site as part of a previous application and no issues had been raised in terms of the capacity of access junctions. Officers were unaware of particular issues with Coal Road, but speeding into and out of the village caused concern; this would be addressed by a scheme of works including a buffer speed limit. Officers could look into the capacity of Coal Road if there were particular concerns, but he noted that junction capacity was usually of greater concern than lane capacity. Traffic signals had recently been installed at the A198 and Coal Road junction.

Tony Thomas, applicant's agent, spoke to the application. He reported that Longniddry South had recently won the award for the best large development in Scotland, and the same design code would be applied across the development. He advised that Phase 2 would see the completion of Longniddry South, including the footpaths to Longniddry Station, the playing field on the eastern edge, open spaces, and play areas. It was expected that the development of Phase 2 would be completed by early 2028. He addressed Councillor Findlay's question about Coal Road, and advised that there had never been a capacity issue with the road itself, and junction upgrades had already increased capacity.

Councillor McIntosh asked what consideration had been given to decarbonised heating and/or to hot water heating directly from the solar panels. She felt that heating of the homes should be more futureproofed when a gas supply may not be guaranteed for the life of the boilers. Mr Thomas referred to continuity between Phase 1 and Phase 2. He said that if the opportunity for the developments to be gas free arose, this would be considered by developers, but the application was in its current state when the gas supply did exist for the current homes. He agreed that this technology would be expected in the future and would add value to homes. The Convener felt that central government needed to come out in support of a particular technology, and noted that developers had seemed unwilling to get behind specific technologies while there was disagreement as to efficiency.

Councillor Cassini asked about the access for the cottages at 3-6 Longniddry Farm. Mr Thomas responded that residents currently accessed under Argyle Bridge and took a hard left

up the hill to the cottages. As Phase 2 developed, the cottages would be provided with new access from the south, which would enable the path under Argyle Bridge to be used as a footpath only.

Paul Brown spoke to his submitted representation. He was resident at one of the two middle cottages at Longniddry Farm Cottages. He described summertime traffic as diabolical. He highlighted that changes to access under the Argyle Bridge would leave cottage residents without vehicular access to their very large front gardens. The two middle cottages parked in this area, so pressure would be put on the rear of the cottages. The change would affect garden storage and mean that large garden items would have to be carried through houses. The main entrance to the cottages was at the rear and the oil tanks, log stores, bins, etc. were stored there. The road to the rear of the cottages was semi-private but had become accessible to anyone since the development began. Residents were concerned over a lack of space, as drawings showed only eight metres for both a carriageway and for parallel parking. Mr Brown said he had tried to raise the issue of lost space with the community council but it had not been addressed. When the new houses were occupied, unless the cottages were fenced off, then people would walk past the cottages' kitchen and bedroom windows through their current gardens and private spaces. He advised that residents had offered an alternative plan involving alterations to the SuDS ponds, and noted that oil tanks and sheds and outbuildings belonging to residents were missing from the drawings. He summarised that residents felt ignored, and were concerned about access, privacy, security, and loss of space.

Responding to questions from the Convener, Mr Brown added that there was an assumption that people would not walk past the rear of the cottages, but he reported that people were already doing so and would continue to take the quickest route. He reported that the estate had intimated there would be a path through the steading, but this would not be the easiest route. Mr Brown confirmed that the land on which residents parked was rented from the estate, and the Convener pointed out that this would be a legal issue between the residents and the estate that could not be dealt with through the planning process.

Ms McQueen referred to the footpath to the south of the railway line and under Argyle Bridge along the existing driveway to the north of the four cottages, and said there was a requirement for a footpath to be provided as part of a shared use path to link along the north edge of the development. Within that condition, privacy was to be retained for the cottages. Other footpaths would go between the housing development and the steading. She suggested Mr Thomas could ask the developer to ask workmen to refrain from taking this route. She said a fence would demarcate the residents' land from public open space. Mr Thomas echoed that the footpath would be demarcated and it would not be possible to cut across to the rear of the cottages. He reported there had also been discussion about using glass which could not be seen into. He said that discussion on this matter could continue after the grant of planning permission. Mr Brown responded that fences would result in a dead end and would not leave enough space for parking, and the issue of oil tank placement still had to be addressed. The Convener said that a condition would have to be raised to avoid major disruption to residents.

Councillor McMillan hoped the Road Safety Audit and Quality Audit referred to in Condition 22 would involve the residents of the cottages. He commented on the Gosford Estate being strong partners and thought there would be a solution to be found. He had a longstanding community association since living in Longniddry previously. He welcomed the award for the estate and said people admired the development. He felt the new traffic signals addressed issues of road safety through the village and access onto the Coal Road. He thought the matter of access to the cottages was serious and had to be addressed. He welcomed the gala day being extended to include the new communities, and said the church always welcomed new members and sought to link with multi-faith organisations. He was minded to grant the application, subject to the issues around access for Longniddry Cottages being addressed.

Councillor Yorkston, Local Member, offered his congratulations to the developers for the recent award, and thanked the planning department for their hard work in bringing forward a quality development. He acknowledged Mr Brown's valid concerns. He was encouraged by the work of the community council to integrate the new residents into the community, and thought Longniddry South would be a valuable asset to the village.

The Convener commented that those living in the new properties were lucky to live in such an attractive development with high quality finishes. He acknowledged that the residents of 3-6 Longniddry Farm Cottages had already seen an alteration to the way they lived, and agreed a condition must be put in place to ensure they could live comfortably. He acknowledged the willingness of the developer to discuss conditions. He congratulated all involved on the award and commented on the positives of having such a high quality development in the area.

At the request of the Convener, Keith Dingwall, Service Manager – Planning, suggested a wording for Condition 45 to ensure adequate parking would be retained for the existing cottages at 3-6 Longniddry Farm Cottages, which would read:

Prior to the commencement of the development hereby approved, details of the parking for the existing cottages at 3-6 Longniddry Farm Cottages shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for the implementation of the parking arrangements. Thereafter, those measures shall be implemented in their entirety in accordance with the details in the timetable so approved, and those measures shall thereafter be retained in place unless otherwise approved in writing by the Planning Authority.

Mr Thomas responded that the matter could be dealt with after planning permission had been granted, but was unsure whether it would be enforceable outwith the boundary of the planning application. Mr Dingwall confirmed that it was competent for the Planning Authority to impose conditions outwith the red line boundary, but this should be done only when the applicant had control over this land. As agreement had not been reached, Mr Dingwall recommended that the application be granted subject to an additional condition being imposed to cover this general matter, the details of which would be approved following discussions between the Planning Authority, applicant, and approved by the Convener and Local Members. The additional condition being agreed at a later date was proposed by the Convener and seconded by Councillor McMillan.

The Convener then moved to a roll call on the officer recommendation to grant consent, subject to an additional condition being agreed regarding parking for the existing cottages at 3-6 Longniddry Farm Cottages. Members unanimously indicated their support for the application.

Decision

Planning consent was granted, subject to the undernoted 44 conditions, and subject to an additional condition to cover the matter of parking for the existing cottages at 3-6 Longniddry Farm Cottages. The detailed wording of the additional condition to be agreed between the Planning Authority and the applicant and with the prior approval of the Convener and Local Members:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:
Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 3 Prior to commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin or shall cease to continue until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Thereafter any mitigation measures required shall be implemented as so approved. Thereafter a Verification Report shall be submitted confirming the satisfactory completion of the remedial works.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority, and a Verification Report shall be submitted for approval of the Planning Authority confirming the satisfactory completion of the remedial works.

If no unsuspected or unforeseen ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new dwellings.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 5 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'village green' and braid burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 6 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 in advance by the Planning Authority. This report shall include, but not exclusively, the provision of renewable technology for all new buildings, 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.

- 7 Notwithstanding that shown on drawing no. SP-306 rev 1 (Site layout - Parking strategy), prior to the commencement of development, a scheme for the provision of electric vehicle car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

- 8 No part of the SuDS for the proposed development shall be sited within 10 metres of the railway boundary.

Reason:

To ensure that all surface and foul water arising from the development is collected and diverted away from Network Rail property.

- 9 Notwithstanding that which is shown on drawing nos. SC1003-LE-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, a detailed scheme of landscaping, including planting plan and schedule, based on drawing nos. SC1003-LE-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, shall be submitted to and approved in advance in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species shall be located adjacent to pedestrian areas. New trees shall be relocated to be adjacent to rather than within hedges. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

The landscaping shall be implemented to accord with the 'Phasing Plan' numbered 1629(PL)002 rev A with landscaping within each phase carried out in the first planting and seeding season following the occupation or completion of each phase, whichever is the sooner. The landscaping within the 'joint public realm' and 'connection corridor' sections to the south PFP phase 6 shall be implemented within 1 year of commencement of Phase 6 and the landscaping with the 'connection corridor' section to the southeast of PFP phase 4 shall be

implemented within 1 year of commencement of PFP phase 4 of drawing no. 1629(PL)002 Rev A.

All planting, seeding or turfing comprised in the approved details of landscaping shall be implemented in accordance with the details so approved, including the timetable for implementation.

Any trees or plants which die, are removed or become seriously damaged or diseased 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. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 10 The landscaping scheme pursuant to condition 9 shall be implemented, maintained and managed in accordance with the "Planting notes and landscape maintenance and management proposals" report docketed to this grant of matters specified in conditions.

The management of communal areas and hedges to front gardens as detailed in "Planting notes and landscape maintenance and management proposals report shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved in advance by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 11 Prior to the commencement of development a detailed statement on the measures to be implemented to enhance biodiversity on the site, including appropriate measures to conserve, restore or enhance biodiversity on the site and a timescale for their implementation shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the measures to conserve, restore or enhance biodiversity on the site shall be implemented in accordance with the details and timescale so approved.

Reason:

In the interests of enhancing the biodiversity on the site.

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

If no substations and/or gas governors are required for the development hereby approved, then this should be confirmed to the Planning Authority prior to the commencement of development.

Reason:

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

- 13 The play equipment for this development is not hereby approved. Prior to the commencement of the development hereby approved, details of how all the areas of open space and the

equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for their implementation and delivery shall be submitted to and approved in advance in writing by the Planning Authority. Play equipment shall be suitable for ages 0 - 15 years.

The details shall include additional play equipment such as 'trim trail' equipped play on the green landscaped area of the southeast part of the application site and of the masterplan of planning permission in principle 16/00485/PPM and shall include for mown paths in the wildflower grassed area of open space on the northern part of the site.

The details shall also include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play areas shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

- 14 Prior to the commencement of development hereby approved, details of the footpath connection from the street south of the existing cottages of Nos. 3 - 6 Longniddry Farm Cottages to the north side of Longniddry Farm Steadings to connect to the shared use path leading to the Argyle Bridge shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include a timescale for the provision of the footpath. The footpath shall be formed and made available for use in accordance with the details and timescale so approved and thereafter retained in use.

Reason:

To provide good pedestrian footpath network connections within the Longniddry South development.

- 15 Prior to the occupation of any one of the houses or flats hereby approved, an adoptable continuous footpath route between each phase of the development hereby approved and the controlled crossing of the A198 Main Street via the Argyle Bridge shall be provided in accordance with the details of such a footpath route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each phase of the site prior to the occupation of the houses/flats on that phase of the site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 16 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 17 Prior to the commencement of development hereby approved, Swept Path Assessments (SPA) shall be submitted to and approved in advance in writing by the Planning Authority. The information for the Swept Path Assessments (SPA) shall demonstrate that the wheeltrack of an FTA 10 metre (Large Rigid) Design Vehicle and a refuse vehicle will be 0.3 metres clear of any proposed kerblines and the body of the vehicle 0.5 metres clear of any vertical obstruction (wall

etc.), shall assess all vehicle movements (i.e. in and out) at all junctions, and shall identify any locations within the site layout where this cannot be achieved.

Thereafter, the layout of the development shall accord with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, details for the modification of the junction of the B6363 classified public road and Queens Road to enable concurrent 2-way use by entering and exiting vehicles shall be submitted to and approved in advance in writing by the Planning Authority. The details shall provide a minimum road width of 5.5 metres and shall include swept path assessments and road safety audit.

Thereafter, and prior to the occupation of the 300th residential unit of matters specified in conditions approvals of planning permission in principle 16/00485/PPM, the modifications to the junction of the B6363 classified public road and Queens Road shall be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 19 Prior to the commencement of development, details of speed reduction measures shall be submitted to and approved in advance in writing by the Planning Authority. The speed reduction measures shall include horizontal and vertical deflection (i.e. raised table junctions, road humps, etc) and shall be positioned at intervals of 40-80 metres on main access roads within the development.

Thereafter, the speed reduction measures shall be implemented, retained and maintained in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 20 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) Any vehicle access to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and shall have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

(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) within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(v) a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved in advance in writing by the Planning Authority prior to the housing being occupied.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

- 21 Prior to the commencement of development hereby approved, a programme for monitoring the condition of the construction access route from the A1 trunk road to the construction access to the application site from the B6363 classified public road shall be submitted and approved in writing in advance by the Planning Authority. The programme of monitoring shall include the condition of the route:
- i) prior to the commencement of the development hereby approved;
 - ii) during the period of construction on each anniversary of the commencement of the development; and
 - iii) immediately following the completion of the development hereby approved.

Unless an alternative means of securing the any remedial works is approved in writing by the Planning Authority, any remedial works identified by the monitoring as arising from the construction of the development hereby approved, shall be undertaken by the applicant/developer within 3 months of the completion of the final monitoring undertaken and shall be approved in advance in writing by the Planning Authority.

Thereafter the approved programme of monitoring shall be implemented in accordance with the details so approved.

Reason:

To ensure that damage to the adjoining road network resulting from the construction of the development is rectified, in the interests of road and pedestrian safety.

- 22 The proposed access roads, cycleways and external roadworks shall be subject to Road Safety Audit and Quality Audit that shall be approved in advance in writing by the Planning Authority and thereafter the development hereby approved shall accord with the Road Safety Audit and Quality Audit so approved..

The Road Safety Audit shall be completed through Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months). The audit process shall be undertaken in accordance with GG119 Road Safety Audits, or as amended by latest version.

A Stage 2 (Detailed) Quality Audit shall be submitted to and approved in advance in writing by the Planning Authority. The Stage 2 Quality Audit shall include a detailed development phasing plan demonstrating that a Safe Route to School/pedestrian route to the village centre will be available to each phase of the development hereby approved as it is occupied.

Prior to the undertaking of the Road Safety and Quality Audits, the scope of matters to be considered within the Road Safety Audits and Quality Audits shall be agreed in advance in writing by the Planning Authority and thereafter the Road Safety and Quality Audits shall be undertaken in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 23 Other than to comply with the requirements of conditions 15 to 22, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and 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 flats 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 safety.

- 24 The first floor accommodation over the garage of each of plots 191, 243, 255 and 258 of the development hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the respective dwellinghouse the garage building and so too the first floor accommodation over the garage, is to serve and at no time shall the first floor accommodation over the garage be used to 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 respective garages and their first floor accommodation in the interests of safeguarding the character and residential amenity of the area.

- 25 Prior to the occupation of the houses and flats hereby approved all garden boundary enclosures shall be in accordance with docketed drawing nos. SP-307 rev H and SP-327 Rev B unless otherwise approved by the Planning Authority.

Prior to the commencement of development, the timescales for their provision, shall be submitted to and approved in advance in writing by the Planning Authority.

All 1.8 metre high rendered walls shall be erected, formed and maintained at 1.8 metres in height unless otherwise approved by the Planning Authority.

Notwithstanding the annotation on drawing nos. SP-307 rev H and SP-327 rev B, all rear garden boundaries shall be enclosed by 1.8 metre high enclosures unless otherwise approved in advance in writing by the Planning Authority.

Development shall thereafter be carried out in full accordance with the details 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 visual amenity of the area, to safeguard the privacy and amenity of the residential properties, and in the interests of protecting the amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 26 Prior to their occupation the houses and flats hereby approved with glazing units on facades with a line of sight to the rail line will be provided with acoustic vents providing a reduction of 28 dB Dn,eW, enabling appropriate ventilation of habitable rooms with closed windows in accordance with Drawing 4 of ITP Energised Noise Report ref 5071 V2 of 24th April 2023 entitled Longniddry Phase Two Residential Development.

Such glazing units and ventilators shall thereafter be retained in the windows of those houses unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 27 The external finishes of the walls and roofs and other architectural features of the houses and flatted building hereby approved shall accord with the application drawings and the External Finishes Summary (no. SC1003-DET-5001 rev D) docketed to this approval of matters specified in conditions unless otherwise approved in writing by the Planning Authority.

The slate to be used to clad the roofs of the houses and garages hereby approved shall be a natural slate, and the pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile. Samples of the natural slate and natural clay pantiles shall be submitted for the prior written approval of the Planning Authority, prior to their use in the development hereby approved. Thereafter the natural slate and natural clay pantiles used shall accord with the samples so approved.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

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

- 28 The frames of the windows of the houses and flats hereby approved shall be of timber construction and the external face of the frames and where relevant their astragals shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 29 All wall and roof mounted vents and flues to be installed on the houses, flats and garages hereby approved shall be the minimum number necessary and shall be concealed as much as possible and all visible parts of all vents and flues shall match as closely as possible the colour of the part of the roof or wall of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

- 30 The profile metal roof finish to be used on some of the garages hereby approved shall be a dark grey colour in accordance with details of such colour finish to be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the profile metal roof finish used, including its colour, shall accord with the details so approved and such profile metal roof finish including its colour shall thereafter be retained unless otherwise approved by the Planning Authority.

Reason:

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

- 31 Prior to the occupation of the flats hereby approved, the bin storage facilities for those flats shall be formed and made available for use.

Reason:

To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area.

- 32 The solar/photovoltaic panels hereby approved to be installed on the roofs of the houses and flats also hereby approved shall be installed integrally into the roof slopes so that they shall not sit proud of the upper surface of the roofing material of the roofs but rather shall be installed so that their upper surface is fitted as flush as possible with the upper surface of the roofing material of the roof and any roof flashing associated with them shall be kept to a minimum, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 33 Prior to the occupation of the houses of plots 229, 230, 238, 239, 240, 241, 242, 243, 255, 256, 257 and 258 hereby approved the following windows shall be obscurely glazed in accordance

with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house, as relevant:

- i) the first floor window of the southeast elevation of the house on Plot 229;
- ii) the first floor window of the northwest elevation of the house on Plot 230;
- iii) the first floor window of the northeast elevation of the house on Plot 238;
- iv) the first floor window of the southwest elevation of the house on Plot 239;
- v) the first floor window of the southwest elevation of the house on Plot 240;
- vi) the first floor window of the southwest elevation of the house on Plot 241;
- vii) the first floor window of the northeast elevation of the house on Plot 242;
- viii) the first floor window of the southwest elevation of the house on Plot 243;
- ix) the first floor window of the south elevation of the house on Plot 255;
- x) the first floor window of the south elevation of the house on Plot 256;
- xi) the first floor window of the northeast elevation of the house on Plot 257; and
- xii) the first floor window of the northeast elevation of the house on Plot 258.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 34 The flatted building (plots 159, 160, 161, 162, 163 and 164) hereby approved shall be provided with communal drying green space in accordance with the details shown for such space on drawing no. SP-300 rev I. The communal drying green space shall be formed and made available for use prior to the occupation of the flats on plots 159, 160, 161, 162, 163 and 164, and shall thereafter be retained and available for such use unless otherwise approved by the Planning Authority.

Reason:

In the interest of the amenity of the neighbouring residential properties and to minimise the environmental impact of the development.

- 35 Prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to / from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the details so approved and 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.

36 Prior to the commencement of the development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The wheel washing facilities shall be provided and maintained in working order during the period of construction 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 wheel washing facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

In the interests of road and pedestrian safety.

37 All externally fitted service meter boxes of the houses and flats hereby approved shall be positioned to minimise their visibility within the streetscape and shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

38 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

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

39 Notwithstanding the provisions of Article 3 and Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the development and its landscape setting and to enable the Planning Authority to exercise appropriate control on future development within the site.

40 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 15 houses and 6 flats hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter, those 15 houses and 6 flats of the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

41 If provision of the off-site path link from the northeast corner of the site to the rear of the station is possible the said footpath link shall be included in the scheme of landscaping. If such

provision s not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

Reason:

In the interests of safe access to the station.

- 42 The new vehicular access giving access to the parking areas of Nos. 3 - 6 Longniddry Farm Cottages shall be formed and available for use prior to the use of the existing vehicular access under the Argyle Bridge ceasing.

Reason:

To ensure continued access to those cottages.

- 43 Prior to the commencement of this development the measures to be taken to ensure the safety of pedestrian/cyclists on the safe route to school from motor vehicles, including vehicles accessing the properties of 14 Main Street and Nos. 3 - 6 Longniddry Farm Cottages, and including measures to be taken to prevent motor vehicle access from the A198 Main Street under the Argyle Bridge, shall be submitted to and approved by the Planning Authority and shall include a timetable for the implementation of those measures. Thereafter, those measures shall be implemented in their entirety in accordance with the timetable so approved, and those measures shall thereafter be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of safeguarding pedestrians/cyclists on the safe route to school.

- 44 Details, including a sample, of the colour of the paint finish to be applied to the external face of the vertical timber cladding of the external walls of the garages on plots 228, 229, 230, 231, 237, 238, 239, 240, 241, 242 and 243 shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the paint finish used shall accord with the details so approved and such colour finish shall thereafter be retained unless otherwise approved by the Planning Authority.

Reason:

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

Sederunt: *Councillor Gilbert re-joined the meeting.*

3. PLANNING APPLICATION NO. 23/00128/P: ALTERATIONS AND EXTENSIONS TO FLAT AND FORMATION OF SECOND FLOOR BALCONY, SEAFIELD, 10 FORTH STREET, NORTH BERWICK

A report was submitted in relation to Planning Application No. 23/00128/P. Billy Stark, Planner, presented the report, summarising the key points. The report recommendation was to refuse consent.

Officers responded to questions from Members. Responding to a question from Councillor Findlay, Mr Stark advised that the alterations did not increase the floor area of the property in a significant manner, as there were dormers already in place.

Councillor Cassini asked about which features of this design had led to a recommendation of refusal when compared to other alterations already in existence. Mr Stark referred to the different types of dormers across the town, and said that there was an in depth planning history for the properties on Lawn Lane, where some properties had box dormers dating back 20-40 years. Seafield had a very characterful gable dormer which set a good character for the

property, and much smaller subservient box dormer. It was felt that what had been proposed was drastically different to what was currently on the property.

The Convener commented on the box dormers next door, as well as box dormers over the harbour, and properties with balconies within the conservation area. He asked why this location was different to others. He also noted that the building already had a balcony on the first floor. Mr Stark said that each property contributed in its own way to the character of the area. It was not felt that precedent would play a part in this case. Mr Dingwall noted that box dormers had been allowed and also refused in the area. He reminded Members that each application was to be considered on its own merits and of the duty of the Planning Authority to preserve and enhance the character and appearance of the conservation area, which was a relatively high bar.

Keith Macdonald, agent, spoke to the application. He described the property as an unlisted first floor and attic flat, and the applicant was the owner occupier. He noted that officers had considered six of the seven proposals to be acceptable, and noted that there had been little public opposition. Although the non-resident owner of the downstairs property had submitted a letter of objection, he noted a strength of public feeling in support of the application, including the views of other neighbours. He argued that the proposals were in keeping with the principle of modern-style interventions on buildings being accepted as still retaining the character of this area. He noted other dormers of disparate styles and a skylight already on the roofline, and said the proposals sought to construct a single harmonising structure between the two dormers. He noted the choice of materials to blend in with the slate roof. He advised that proposals added seven square metres of useful headroom space. He argued that the proposed glass balustrade at attic level with the glazing of the dormer behind it, following the shape of the roof and set back from the eaves, was less dominant than the existing first floor balcony. He highlighted that the statement of reasons noted that similar developments close by had been approved, and Mr Macdonald noted that some of these developments were in very prominent parts of the conservation area. He argued that such dormers were already an established feature of properties facing West Beach, and were therefore similar and in keeping with the character. He summarised that the proposals complied with policies CH2 and DP5, and asked Members to vote in favour of the application.

Responding to questions from Councillor McLeod, Mr Macdonald advised that the slate on the stair tower had been replaced earlier in the year, and said his clients were keen to upgrade the building as their full time home.

Blair Dickson spoke against the application. He had a personal connection with the building as it had been built by his great grandparents and he owned the ground floor flat. He said the stair tower was believed to be an original feature. Although his flat currently operated as a holiday let, it was his intention to retire there. He raised significant concern with changing the external character of the building, as the aspect from the beach was a prominent feature of many drawings and paintings of North Berwick, which should be protected as part of the architectural and historic character and appearance of the conservation area. He argued that the structures added to the roofs of many Forth Street buildings did not enhance the character of the buildings and did not set a positive precedent. He highlighted that Seafield was designed to be viewed from the beach, and felt this façade should be protected. He felt the proposed changes to the first floor balcony with extensive use of glass and aluminium steel would cause the property to be viewed as different apartments and not to be read a single house. He felt the proposed dormers would be dominant and jar with the other materials and architectural style of the property. He felt the visual impact on the local environment was reason not to proceed with the proposals. He summarised that the proposals did not comply with policies in the Local Development Plan, and he agreed with the recommendation of the Planning Officers.

Councillor McFarlane, Local Member, commented that the proposals enhanced the conservation area and constituted well-designed investment in a family home in an area which

had come to be dominated by holiday homes. She felt the design of the dormer and balcony were an improvement to what currently existed and were superior to the mismatched dormer extensions on surrounding properties. Noting the absence of local objection, she felt that the application should be approved.

Councillor Findlay, Local Member, understood why the recommendation for refusal had been made. However, he felt there were similarities with other buildings whose additions were less attractive than those proposed, and he would support the application. Councillor Allan agreed with the comments of Councillors Findlay and McFarlane.

Councillor Cassini agreed that the plans represented an enhancement, as found small dormer windows not to be particularly attractive. She felt the design had been well thought out and would look better from the beach than the current structure.

Councillor Forrest would support the officer recommendation to refuse consent. He felt the L-shape design would not enhance the building. He felt if proposals were agreed, it would ruin the streetscape from the beach, and said the dormer would prove to be too dominant and would sit too high. Councillor McIntosh acknowledged that whether a design was in keeping was a matter of opinion, however, she agreed with the comments of Councillor Forrest and noted that Committee Members were the custodians of the architectural heritage of the area.

Councillor McMillan had considered the different styles of balconies and dormers from Station Hill along Forth Street, and acknowledged Mr Dickson's passion for the building. He agreed that each house contributed to the character in its own way, and felt the enhancement would contribute to the long term environment from Forth Street and from the beach. He felt the history of the building had been captured in photographs and paintings and the proposals would preserve and enhance the building for the future. He would support the application.

Councillor Hampshire discussed the duty of Councillors to make sure historic buildings were looked after, which required people to want to maintain and live in them. The occupiers needed to make the property suitable for their living needs. He acknowledged the change to the look of the building, but the changes did not go above the ridgeline or take up the whole of the roof space. Although he did not like to go against a report recommendation, he felt the proposals were acceptable for the location because of other alterations already in place. He would support the application.

The Convener then moved to a roll call on the officer recommendation to refuse consent. Votes were cast as follows:

For:	2	(Councillors Forrest and McIntosh)
Against:	10	(Councillors Hampshire, Allan, Cassini, Collins, Findlay, Gilbert, McGinn, McLeod, McMillan, and Yorkston)
Abstentions:	0	

The officer recommendation to refuse consent was therefore overturned and planning consent was granted.

Mr Dingwall recommended the imposition of a standard time condition and a condition to allow officers to control the materials, finishes, and colours to be used in the interests of the character and appearance of the North Berwick conservation area. The Convener formally proposed these conditions and they were seconded by Councillor Collins. The Convener then moved to a roll call vote and Members unanimously indicated their support for the imposition of the two conditions.

Decision

Planning consent was granted subject to the following conditions:

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

Reason

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

- 2 No development shall be carried out unless and until a schedule of materials and finishes, and samples of such finishes, has been submitted to and approved by the Planning Authority for the alterations and dormers. Development shall thereafter be carried out in accordance with schedule and samples as approved.

Reason

To enable the Planning Authority to control the materials, finishes, and colour to be used in the interests of the character and appearance of the North Berwick conservation area.

4. PLANNING APPLICATION NO. 22/01364/PM: SECTION 42 APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION 22/00460/PM, EDINBURGH ROAD, FORMER COCKENZIE POWER STATION SITE

A report was submitted in relation to Planning Application No. 22/01364/PM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to a question from Councillor McIntosh, Mr Irving confirmed that the application proposed alternative techniques to the trenchless techniques covered in the previous Environmental Impact Assessment (EIA). Techniques proposed included open-cut trenching and the use of a coffer dam to provide the applicant flexibility to use a number of different techniques. He advised that the final technique would be the subject of a future application. He explained that an EIA addendum had been submitted which assessed the effects of the alternative techniques; this had gone out to consultation and it was found that environmental effects would not be significant.

Simon Hindson, Lead Onshore Consents Manager from SSE, responded to a question from Councillor Gilbert. He advised that the application had to be made due to the complex geology around the site and to give flexibility to use an alternative trenching technique if necessary, which would depend on the findings of further ground investigations. Responding to a question from Councillor McMillan about community engagement, Mr Hindson said that the EIA had indicated the proposals should not have a negative impact on the community. SSE had a community liaison officer who had regular contact with community councils, and informed them before each application was made. A website also provided information about the scheme. A Public Access Management Plan would also cover an application's impact on public access.

The Convener then moved to a roll call on the officer recommendation to grant consent. Members unanimously indicated their support for the application.

Decision

Planning consent was granted, subject to the following conditions:

1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the onshore substation station, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;

c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission;

g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and

h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

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

3 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission, or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

- 4 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018 and 10 October 2022), or successor offshore wind farms located within the site of that development.

Reason:

To enable the Planning Authority to regulate and control the use of the land in the interests of the wider land use planning of the area.

- 5 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;
(ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and
(iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure continuity of the core path network in the interests of public access.

- 6 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Environmental Management Plan (CEMP) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following details:

(i) a Construction Method Statement (CMS) which shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+a1:2014 "Code of practice for noise and vibration control on construction and sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission.

With regards to the control of dust the CMS shall include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

(ii) pollution prevention monitoring and mitigation measures for all construction activities, having regard to potential mitigation measures described within Chapter 7.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission;

(iii) a Site Waste Management Plan, setting out how resources will be managed and waste controlled for all construction activities.

The development of each of the Development Zones shall thereafter be carried out in strict accordance with the CEMP approved for it, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 7 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level of L_{Ar,Tr} of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 8 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone 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).

2. Prior to any works beginning on that Development Zone (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 on that Development Zone, 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 for that Development Zone, 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.

- 9 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.

- 10 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

- (i) details of measures to reduce the number of construction vehicles;
- (ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;
- (iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;
- (iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;
- (v) updated information on programme, construction tasks, vehicle types and trip generation;
- (vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to Blindwells;
- (vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;
- (viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;
- (ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;
- (x) details of temporary signage in the vicinity of the site warning of construction traffic;
- (xi) arrangements for road maintenance and cleaning;
- (xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and
- (xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The development shall thereafter be carried out in accordance with the approved CTMP unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety and in the interest of the promotion of sustainable modes of transportation.

- 11 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be, (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road, and (ii) the B1348 Edinburgh Road, along the full former power station site frontage and access junctions - from the junction East Lorimer Place to Appin Drive (traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 12 Prior to the commencement of development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

The drainage strategy as so approved shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

The scheme shall include a timetable for the implementation of any identified mitigation measures or provision of alternative facilities and development shall thereafter be carried out in accordance with the scheme so approved.

Reason:

To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 14 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to

be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

In accordance with the approved scheme, all planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and managed in accordance with that scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 15 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works (drilling and other construction activities within and/or adjacent to the SPA) to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period of construction within the Landfall Development Zone strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 16 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the EIA Report/Habitats Regulations Assessment docketed to this planning permission or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

Development within the Landfall Development Zone 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 internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 17 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 18 Prior to the development hereby approved coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved by the Planning Authority following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 19 Within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes. Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Where the development is required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'the Demolition and Restoration Scheme') shall be prepared and shall be submitted to and approved in writing by the Planning Authority.

The Demolition and Restoration Scheme shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

Signed

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Councillor Norman Hampshire
Convener of the Planning Committee

DRAFT

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

2

1 PURPOSE

- 1.1 This application was reported to the Planning Committee on 4th 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 4th October 2023

Appendix B: Extract from the Minutes of the Planning Committee meeting of 4th 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*)

AUTHOR'S NAME	Keith Dingwall/Daryth Irving
DESIGNATION	Planning Service Manager/Senior Planner
CONTACT INFO	kdingwall@eastlothian.gov.uk dirving@eastlothian.gov.uk
DATE	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

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

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

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

Applicant Dunbar Golf Club & Cala Management Ltd

Per Apt Planning & Development

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

As the area of the application site is greater than 2 hectares and the proposal is for more than 49 residential units, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 19/00001/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 58 people attended the pre-application community

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

APPLICATION SITE

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

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

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

The application site is within the Broxmouth Park Designed Landscape.

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

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

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

short hole golf course in completed; and

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

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

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

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

On 5 February 2019, the Council's Planning Committee agreed to grant planning permission 18/01151/PM subject to conditions and the prior conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant a financial contributions to the Council towards the provision of additional capacity at the Lochend Campus of Dunbar Primary School and the John Muir Campus of Dunbar Primary School, and additional capacity at Dunbar Grammar School and also to secure a phasing control over the development on the same terms as that secured through the grant of outline planning permission 09/00574/OUT.

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

PROPOSAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT PLAN

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

The development plan is the approved South East Scotland Strategic Development Plan

(SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

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

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

Also material to the determination of the application are:

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

REPRESENTATIONS

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

The main grounds of objection can be summarised as follows:

- * The area has already been flooded with new homes;
- * The golf club land is used for recreation purposes;
- * There would be no affordable housing provision;
- * The proposed development would be harmful to the Designed Landscape;
- * The existing 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**

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>1 – Tackling the Climate & Nature Crises</p>	<ul style="list-style-type: none"> • 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; • 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; • 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; • 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. 	

2 - Climate Mitigation & Adaptation

- CALA Homes' Light & Space product range has been designed under the Scottish Building Regulations 2020
- 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.
- 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.
- This level is primarily to assist local authorities to meet their obligations under Section 72 of the Climate Change (Scotland) Act 2009;
- 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;
- CALA Homes' are committed to Recycling, and through partners such as NWH we aim to recycle 100% of the waste generated on site;
- 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%;
- 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;
- 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;
- The site is not at risk from climate change related impacts (flooding from increased rainfall/water levels);
- 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;

<p>3 – Biodiversity</p>	<ul style="list-style-type: none"> • 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.
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<p>4 - Natural Places</p>	<ul style="list-style-type: none"> • 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; • 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); • 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); • NatureScot advise that they are satisfied the proposed development would not adversely affect the Barns Nest Coast SSSI; • 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.
<p>5 – Soils</p>	<ul style="list-style-type: none"> • 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). • 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; • 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. • The site is neither culturally or locally important (as opposed to the golf club that has significant local and cultural importance); • 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; • 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; • 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; • 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;

	<ul style="list-style-type: none"> • 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); • 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).
<p>6 - Forest, Woodland & Trees</p>	<ul style="list-style-type: none"> • 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; • 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; • 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; • 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; • Many of the trees to be removed would also be removed as part of any future woodland management plan; • 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; • 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; • 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.
<p>7 – Historic Assets & Places</p>	<ul style="list-style-type: none"> • 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; • 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; • 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.

<p>9 – Brownfield, Vacant & Derelict Land & Empty Buildings</p>	<ul style="list-style-type: none"> • 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; • 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.
<p>10 – Coastal Development</p>	<ul style="list-style-type: none"> • 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; • The proposals will not require any additional coastal defences.
<p>12 – Zero Waste</p>	<ul style="list-style-type: none"> • The proposals will see the reuse of the existing clubhouse site with associated existing infrastructure incorporated into the new development on this site; • 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; • 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; • 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).
<p>13 – Sustainable Transport</p>	<ul style="list-style-type: none"> • 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; • 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); • 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;

	<ul style="list-style-type: none"> • 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; • Travel Plans have been prepared in support of the application.
<p>14 – Design, Quality & Place</p>	<ul style="list-style-type: none"> • 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 & Access Statement lodged in support of the application; • 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; • 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.
<p>15 – Local Living & 20 Minute Neighbourhoods</p>	<ul style="list-style-type: none"> • 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; • 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; • 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; • 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); • 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; • 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; • Further play facilities will be provided within the residential development area.

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>17 – Rural Homes</p>	<ul style="list-style-type: none"> • 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; • 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; • 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; • 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; • 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; • 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.
<p>18 – Infrastructure First</p>	<ul style="list-style-type: none"> • 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).
<p>20 – Blue & Green Infrastructure</p>	<ul style="list-style-type: none"> • Blue infrastructure – retained pond noted in the ecology report and the burn on the site which passes by holes 1, 2, 17 & 18 other than which the surface water is discharged to the sea.; • 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.

<p>21 – Play, Recreation & sport</p>	<ul style="list-style-type: none"> • 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; • 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); • The site is very well located for easy access to the beach and John Muir Way with other open space areas close by.
<p>22 – Flood Risk & Water Management</p>	<ul style="list-style-type: none"> • The planning application as supported by a Flood Risk Assessment (prepared by JBA Consultants); • None of the houses lie within the 1:200 year areas predicted to be at risk from flooding; • This is confirmed by the Council’s flooding engineer who raised no objection to the application.
<p>23 – Health & Safety</p>	<ul style="list-style-type: none"> • 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; • Existing users/gofers will benefit from better facilities encouraging them to use them more; • 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; • 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; • There are no associated health risks with the development.
<p>24 – Digital Infrastructure</p>	<ul style="list-style-type: none"> • Modern fibre broadband will be provided throughout the proposed development.
<p>25 – Community Wealth Building</p>	<ul style="list-style-type: none"> • Please see appended ICENI <i>‘Community Wealth Building’</i> Statement.

<p>29 – Rural Development</p>	<ul style="list-style-type: none"> • 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; • 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; • 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.
<p>30 - Tourism</p>	<ul style="list-style-type: none"> • 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; • 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; • 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; • This increased spend both at the club and in Dunbar (and surrounding area) will create employment and business for other local suppliers; • The club will be fully DDA compliant with disabled visitors able to access the clubhouse, shop and changing facilities; • 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; • 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.
<p>31 – Culture & Creativity</p>	<ul style="list-style-type: none"> • 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.

REPORT TO: Planning Committee
MEETING DATE: 22 August 2023
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

3

Application No. **22/01416/AMM**

Proposal Approval of matters specified in condition 1 of planning consent 21/00290/PPM - relating to the substation development zone and the temporary construction compound development zone

Location **Land at
Edinburgh Road
Cockenzie
East Lothian**

Applicant Seagreen 1A Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is 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 type proposal 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.

APPLICATION SITE

The application site lies to the west and south of the former Cockenzie Power Station site. It comprises of an area of land measuring some 22.9 hectares and extends from Prestonpans Beach, south over the B1348 Edinburgh Road which bisects the site, then eastwards to the B6371 public road. On the north side of the B1348 Edinburgh Road the current land uses within the application site include a small car park located next to Prestonpans Beach and an amenity grassland area. On the south side of the B1348 the site is comprised of a mixture of amenity grassland areas and rough grassland with small areas of trees and vegetation, the hardstanding associated with a former gasholder which is currently occupied by a car wash business, the large existing Cockenzie substation building and a private road (formerly associated with the coal store and former power station) which connects between the B1348 and the B6371. The private road is gated at each end and there is no public access.

The area of land comprising the northernmost part of the application site where it meets the coast is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest. This area of the application site is also within the Prestonpans Coast Special Landscape Area.

The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The battlefield site includes the 1722 Tranent to Cockenzie Wagonway.

The coastal path, which incorporates part of the John Muir Way, crosses the northernmost part of the application site. Also within the site is a core path which runs from Whin Park around the south side of the existing Cockenzie substation building connecting to the core path which runs along the outside of the acoustic screening bund on the southwest side to the site.

The nearest residential properties to the site are located at Whin Park to the northeast and along Atholl View to the southwest, albeit the properties on Atholl View have little interaction with the site due to the intervening bund. Also the residential properties of The Antiquaries are located to the southwest of the site. In addition to residential properties, the Whin Park industrial estate is located immediately northeast of the site.

RELEVANT PLANNING HISTORY

The Seagreen Offshore Wind Farm was consented in 2014 and is located in the outer Firth of Forth and Firth of Tay. That consent covers 150 wind turbines and the associated offshore infrastructure to export the energy generated by 114 of the turbines to landfall at Carnoustie in Angus. Separate planning permission has been secured for the onshore works to connect these 114 wind turbines to the national electricity transmission network at Tealing in Angus and construction of this onshore infrastructure is now underway.

The Seagreen 1A project sought consent for the onshore and offshore infrastructure required to connect the remaining 36 turbines to the national electricity transmission system. An application was made to the National Grid in October 2019 and the project was offered a grid connection at Cockenzie.

The offshore infrastructure will comprise one export cable, approximately 110km in length, from the Seagreen Offshore Wind Farm to the landfall at Cockenzie. The offshore export cable is the subject of a separate application for a marine licence to Scottish Ministers via the Marine Scotland Licensing and Operations Team (MS-LOT).

On 17 August 2021 planning permission in principle (ref: 21/00290/PPM) was granted for the onshore infrastructure associated with Seagreen 1A project, comprising of the construction and operation of an onshore substation, underground electricity cables and associated development. Together, the proposed offshore and onshore infrastructure will facilitate full export capacity from the Seagreen Offshore Wind Farm, thereby maximising its contribution towards renewable energy generation and reducing greenhouse gas emissions.

The application drawings for planning permission in principle 21/00290/PPM showed the application site broken up into 'Development Zones', consisting of the landfall development zone, onshore export cable development zone, substation development zone, grid connection zone, access development zone and construction compound development zone.

It was indicated in planning permission in principle 21/00290/PPM that a substation platform could have a maximum footprint of approximately 22,000 m² and would be located within the onshore substation development zone within the application site. A substation housing the electrical infrastructure would be located on the substation platform and the electrical infrastructure could have a maximum height of some 18 metres. The application submissions in planning permission 21/00290/PPM informed that the substation is likely to comprise:

- o Outdoor electrical equipment including shunt reactors and transformers;
- o A building housing dynamic reactive compensation (DRC) equipment;
- o A building housing gas insulated switchgear and a control room;
- o A building housing harmonic filter (HF) equipment;
- o Earthing equipment;
- o Operational circulation roads; and
- o Operational phase car parking for servicing vehicles.

Condition 1 of planning permission in principle 21/00290/PPM states:

The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

- a) Details of the finished ground levels and finished floor levels of the buildings;
- b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;
- c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
- d) Details of all external lighting proposed;
- e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission in principle;
- f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle;
- g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and
- h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

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

PROPOSAL

Through this application, the approval of matters specified in condition 1 of planning permission in principle 21/00290/PPM is sought for the details of development within the 'Substation Development Zone' and the 'Construction Compound Development Zone', so for the detail of the layout, siting, design and external appearance of the onshore substation and construction compound, the means of access to them, the means of any enclosure of the boundaries of the zones and landscaping (including landscape and visual mitigation) of the development zones, which comprise of a smaller part of the wider site to which planning permission in principle 21/00290/PPM relates, specifically an area of land on the south side of the B1348 Edinburgh Road.

The proposed onshore substation platform would have a footprint of some 19,030 m² and would be set back from the B1348 Edinburgh Road. The existing site is sloped and earthworks are proposed to provide an appropriate platform level for the installation, function and maintenance of the equipment and associated infrastructure.

The substation itself would consist of four buildings, a 275kV GIS building, a control building, a harmonic filter building and a STATCOM switchyard building which would be positioned on the more northern part of the site nearest the B1348 Edinburgh Road. The maximum building height would be 12.45m above the finished ground level, which would be the harmonic filter building. As a comparison, the existing Cockenzie substation to the east has a maximum building height of some 23m. The substation would also include external electrical equipment including transformers and shunt reactors, the maximum height of this plant equipment being some 8.52m which would be positioned behind the buildings.

The applicants have submitted a Substation Design Concept document, which shows the 3 different designs for the external cladding of the buildings and sets out the reasoning behind the chosen colour scheme, which are:

- (i) External Design Concept 01: Uniform mid grey (RAL 180 40 05, Merlin Grey);
- (ii) External Design Concept 02: Gradation of colours from dark green to light blue; and
- (iii) External Design Concept 03: Gradation from dark grey to light grey.

The application drawings show that the external walls of the buildings and their roof cladding would be finished in vertical steel composite cladding panels coloured merlin grey (RAL 180 40 05), this being 'Design Concept 1'.

It is proposed that the substation would be contained within a security fence with access gates. The proposed perimeter security fencing would be 2.4m high palisade fencing. Two sets of metal double gates, a transformer access gate and main access gate, would facilitate access from the B1348 Edinburgh Road into the site using the existing access to the adjacent Cockenzie substation, and a vehicle parking area would also be laid out within the site.

Manual and sensor controlled external lighting would be located across the site and will be mounted on individual columns and on buildings and structures. The lighting is to be designed as such to minimise the environmental impacts of glare and light spill. The applicant has submitted an external lighting lux plan which demonstrates that lux levels would be mostly contained within the substation site, with only a low level of illuminance outwith it, which would not constitute light pollution or light trespass given the low level. All lighting would be non-glare low pollution type. Operation of the lights would be motioned activated or by Passive Infrared Sensor, and by local or remote switching and only when required for a specific need. During normal operation, lights would remain off.

The application drawings show the route of the onshore export cable within the substation 'Development Zone' with the proposed micro siting limit of 25m either side of the cable route. No underground joint bays are required for the section of cable within the substation development zone.

A Landscape Design Statement has been submitted which summarises the landscape character of the site and sets out the landscape strategy for the proposed development. It also includes a landscape and planting plan which shows how tree and shrub planting could be placed to the southeast side of the site and a planted mound to be formed on the northwest side of the substation, between it and the B1348 Edinburgh Road.

THE 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 adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

NPF4 identifies 18 national developments that are significant developments of national importance. National development 3 of NPF4 (Strategic Renewable Electricity Generation and Transmission Infrastructure) supports renewable electricity generation, repowering, and expansion of the electricity grid. National development 3 informs that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Whilst National development 3 references a Scotland wide rather than a specific location, the south of Scotland (including East Lothian) is identified for delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

The development approved by planning permission in principle 21/00290/PPM would enable the transmission of renewable electricity and would contribute to the delivery of infrastructure of national importance. The infrastructure is a key element in the provision of renewable energy and will ensure progress towards achieving net zero and a decarbonised economy. As transmission infrastructure to support renewable energy

technology, it is also part of National Development 3 and is thus supported by NPF4.

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grant of planning permission in principle 21/00290/PPM.

Therefore Policy 14 (Design, quality and place) of NPF4 is relevant to the determination of this application. Also relevant to the determination of the application are Policies DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018.

REPRESENTATIONS

None.

COMMUNITY COUNCIL COMMENTS

Cockenzie & Port Seton Community Council have been consulted on the application and no response has been received.

PLANNING ASSESSMENT

The principles of the siting of an onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) are already decided by the grant of planning permission in principle 21/00290/PPM.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the requirements of condition 1 attached to planning permission in principle 21/00290/PPM.

The layout proposed through this approval of matters application for the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping of the site is broadly consistent with the indicative layout docketed to planning permission in principle 21/00290/PPM.

The proposed onshore substation is an essential component to enable the Seagreen Offshore Windfarm to connect into the national electricity grid.

Amongst other matters policy DP1 of the East Lothian Local Development Plan 2018 requires that all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be well integrated into its surroundings by responding to and respecting landform.

Policy DP2 requires, amongst other matters, that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and ensure privacy and amenity, with particular regard to levels of sunlight, daylight

and overlooking, including for the occupants of neighbouring properties.

The proposed development would be aligned with the existing pattern of development along the B1348 public road and would occupy land within a location that is enclosed on three sides by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring visual receptors, and is within a wider area that remains characterised by energy related infrastructure. The proposed substation building and associated development would be set back from the B1348 road, in keeping with position of the neighbouring Cockenzie substation building, thereby avoiding structures projecting closer to the road.

The proposed landscape bund for the northwest of substation area would contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. The proposed substation buildings would be set back from the B1348 road thereby avoiding structures projecting closer to that road.

The alignment of the proposed substation buildings would reduce their apparent mass and volume in views experienced by road users on the B1348 public road whilst focusing the greatest extent of building facades within enclosed site areas. Also subject to control over the design of the external wall finishes of the proposed buildings, this would also help reduce the perceived mass of the buildings. In this regard, the application drawings show that the external walls of the buildings and their roof cladding would be finished in vertical steel composite cladding panels coloured merlin grey (RAL 180 40 05), this being 'Design Concept 1' in the submitted Substation Design Concept document. However it is felt that a graduation of colours from light to dark (bottom to top) would be a more appropriate finish and would help integrate the buildings better into this part of Cockenzie. This is reflected in 'Design Concept 2' in the submitted Substation Design Concept document. The requirement to submit detail of the finishes of the external cladding of the substation buildings can be imposed as a condition attached to a grant of approval of matters specified in conditions.

When seen in this context, and subject to the above control, the proposed development would successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape.

The proposed substation would be located at a considerable distance away from residential properties in the area. It would not give rise to a harmful loss of privacy or amenity to any residential property. The **Council's Senior Environmental Protection Officer** raises no objection to the proposed development.

In all of the above the proposals are consistent with Policy 14 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

The **Council's Biodiversity Officer** has made no comment on the proposed development. NatureScot have been consulted and also have no comment to make.

The **Council's Landscape Project Officer** raises no objection to the application. She does however recommend that further information is submitted concerning plant specification, species mix and long term management of any approved planting. The requirement for a detailed scheme of landscaping is embodied in Condition 13 of planning permission in principle 21/00290/PPM and therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The **Council's Senior Environmental Health Officer** raises no objection to the

application.

The **Council's Roads Services** raise no objection to the proposed development, satisfied the arrangements for access are acceptable and would result in a road or pedestrian safety hazard, consistent with Policies T1 and T2 of the East Lothian Local Development Plan 2018.

Historic Environment Scotland have been consulted on the application and make no comment on the proposals.

The **Council's Archaeology and Heritage Officer** has been consulted and offers no comments in relation to the Historic Environment.

Scottish Water raise no objection to the application.

The **Council's Senior Engineer - Flood Protection** raises no objections to the application on the grounds of flooding or drainage. The Scottish Environment Protection Agency (SEPA) also raise no objection to the application.

The Coal Authority have been consulted on the application as the site lies within the Development High Risk Area. The Coal Authority advise that that no built development would be over or within influence of any recorded mine entry and thus raise no objection to the application.

In conclusion, the proposals are 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:

That approval of matters specified in conditions be granted subject to the following conditions:

- 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 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 substation buildings shown in relation to the finished ground 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 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions permission, a detailed specification of the external finishes (including the colours) of the exterior cladding, doors, rainwater goods, external staircases and external building services of all the substation buildings hereby approved (the GIS building, control building, harmonic filter building and STATCOM building) shall be submitted to and

approved by the Planning Authority prior to the use of the finishes in the development.

Thereafter the external finishes (including the colours) used in the construction of all the substation 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.

REPORT TO: Planning Committee
MEETING DATE: 22 August 2023
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **22/01333/PM**
Proposal Erection of 49 houses, 4 flats and associated works
Location **Land to the south of Davids Way
Letham
Haddington
East Lothian**

Applicant Mactaggart & Mickel Homes Ltd
Per Fouin+Bell Architects

RECOMMENDATION Consent Granted

REPORT OF HANDLING

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.

This planning application relates to some 2.1 hectares of former agricultural land at Letham Mains, on the western side of Haddington. The application site forms part of a larger area of land allocated by Proposal HN1 (Letham Mains) of the adopted East Lothian Local Development Plan 2018 for a mixed use development of circa 800 houses, education and community facilities, a local centre, infrastructure and associated works.

PLANNING HISTORY

In May 2017, planning permission (Ref: 13/00519/PM) was granted for the erection of 385 houses and 48 flats on the western part of that allocated housing site. That land includes part of the site that is the subject of this current planning application.

Also in May 2017, planning permission (Ref: 14/00089/PM) was granted for the erection

of 257 houses, 119 flats and associated works, including a sports pitch and two changing room facility on the eastern part of that allocated housing site.

In June 2015, planning permission (Ref: 14/00534/PCL) was granted for the erection of a primary school on the central part of that allocated housing site. Planning permission 14/00534/PCL has been implemented.

In December 2017, planning permission (Ref: 17/00105/P) was granted for the erection of 33 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. This reduced the number of houses on this part of the larger site from 45 to 33 units.

In March 2018, planning permission (Ref: 17/00900/P) was granted for the erection of 34 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. Planning permission 17/00900/P has been implemented.

In August 2018, planning permission (Ref: 18/00218/PM) was granted for the erection of 82 residential units with associated roads, infrastructure and open space as changes to the scheme of development approved by the grant of planning permission 13/00519/PM.

In June 2019, planning permission (Ref: 19/00147/PM) was granted for the erection of 43 houses and associated works on part of the site granted planning permission 13/00519/PM, previously, as changes to that scheme of development. This increased the number of houses on this part of the larger site by 3 units.

In October 2019, planning permission (Ref: 19/00702/P) was granted for the erection of 41 houses, re-positioning of plots and associated works as changes to the scheme of development approved by the grant of planning permission 13/00519/PPM.

In July 2020, planning permission (Ref: 19/00995/PM) was granted for changes to plot numbers, house types, ground levels, repositioning of houses, erection of an additional 4 houses and associated works as changes to the scheme of development the subject of planning permission (Ref: 13/00519/PM). These changes are to the same area, and as an alternative to some of what was approved by the grant of planning permission 18/00218/PM.

In October 2020, planning permission (Ref: 20/00677/P) was granted for the substitution of 37 houses, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

In March 2021, planning permission (Ref: 20/00678/P) was granted for the substitution of 13 houses, 24 flats, re-positioning of plots and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM.

In March 2022, planning permission (Ref: 21/01322/PM) was granted for the erection of 43 houses and associated works as changes to the scheme of development the subject of planning permission 13/00519/PM. These changes are to the same area, and as an alternative to the houses approved by the grant of planning permission 19/00147/PM.

Planning permissions 13/00519/PM and 14/00089/PM were granted following the conclusion of a Section 75 Legal Agreement to secure (i) affordable housing; (ii) a financial contribution towards (a) upgrading the local path network, (b) primary and secondary education provision, and (c) sports provision in Haddington; (iii) transfer to the Council, at no cost, of ownership of the site for the school that is approved by planning permission

14/00534/PCL; and (iv) the provision of the sports pitch and the two changing room facility.

Development of the two housing sites has commenced and most of the houses within the site are now built and occupied.

PROPOSAL

This application relates to the southern most part of the site the subject of planning permission 13/00519/PM.

Planning permission is sought for the erection of 49 houses, 4 flats and associated works on the site, as a change to the approved scheme of development the subject of planning permission 13/00519/PM. The changes to the approved layout would affect 46 of the house plots within the Phase 3 Mactaggart and Mickel Homes Ltd component of the site defined as plots 170 to 215 and to the layout of some of the driveway layouts, boundary treatments and landscaping approved by that grant of planning permission. The proposed development would increase the number of houses to be built on this part of the site by 7 and it also proposes changes to the positioning of those houses within the site.

The proposed development would comprise of a mix of 2, 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping. Of the 49 houses, 20 would be detached, 10 would be semi-detached and there would be three rows of 3 terrace houses and two rows of 5 terrace houses. The proposed houses would all be two storey in height and there would be 7 different house types in total. The proposed flatted building also would be two storeys high and would contain a total of 4, 1 bedroomed, flats. The proposed flatted building would benefit from a private communal rear garden area, which includes provision for drying green space, and an external bin storage area.

The application site would be accessed via the main spine road of Davids Way, approved by planning permission 13/00519/PM, positioned to the north of the application site.

Subsequent to the registration of this application the applicant's agent has provided revised drawings to address a number of points raised by the Council's Road Services department. The applicant's agent has also provided a statement on the relevant policies of National Planning Framework 4 (NPF4) and a Surface Water Management Plan.

ENVIRONMENTAL IMPACT ASSESSMENT

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 the 15th February 2023, the Council issued a formal screening opinion on planning application 22/01333/PM concluding 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.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application. Proposal HN1 and Policies DP2 (Design), DP4 (Major Development Sites), RCA1 (Residential Character and Amenity), HOU4 (Affordable Housing Tenure Mix), NH11 (Flood Risk), T1 (Development Location and Accessibility), T2 (General Transport Impact) and W3 (Waste Separation and Collection) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Design Standards for New Housing Areas' adopted by the Council in May 2020.

A further material consideration to the determination of the application is the approved development framework for Letham Mains. The framework sets out the land uses expected for the allocated site and how the Council requires the site to be developed.

REPRESENTATIONS

There is no public objection to this planning application. However, one letter of representation has been received. The main concerns raised by the representors are made on the grounds that:

- (i) the position and proximity of a two storey house which appears to be sited approximately 2 metres away from the boundary fence enclosing the rear garden of a neighbouring house;
- (ii) during the purchase process the representor claims that they were advised that there would be a lane between the rear garden of their house and the proposed new residential development to the west of them. Accordingly, the representors seek clarification if the house, which would occupy plot 183 within the application site, could be re-positioned further away in the absence of any lane; and
- (iii) the land to which this application relates is currently being used as a holding site for a large quantity of soil, presumably from ongoing works relating to an adjacent site, resulting in the level of the ground being raised and issues arising with water logging. The representors state that they have been advised by workmen that the application site will be excavated and levelled to the same height of the gardens of the houses to the east and otherwise the roadway to the north and thus they seek assurance of this.

In response to the points raised by the representor above:

Measuring from the application drawings, the two storey 'MacKenzie' house type (which would occupy plot 183) is shown to be located some 3 metres away from the boundary fence enclosing the rear garden of a neighbouring house. However, that proposed house would be re-positioned some 1 metre further away from the east boundary of the site (and

thus from the boundary fence enclosing the rear garden of the neighbouring house to the east) than that of the two storey 'Staffa' house type which was approved on that plot through the grant of planning permission 13/00519/PM. Moreover, the finished floor level of the two storey 'MacKenzie' house type that would occupy plot 183 would be some 650mm lower than the finished floor level of the two storey 'Staffa' house type which was approved for that plot.

The docketed drawings relating to planning permission 13/00519/PM do not show the intention to form a lane or path to the east of the approved houses within this part of the M&M phase 3 component of the site. The docketed drawings show that a pair of two storey semi-detached houses and 4 two storey detached houses were to occupy the most eastern part of the site. What is now proposed through this current application shows a reduction in the number of houses from 6 to 4 within the most eastern part of the site. Moreover, each of those proposed 4 houses would be located further away from the east boundary of the site compared to the 6 houses approved within that part of the site which were located closer to the east boundary of the site.

At the time of the case officers visit to the application site there was no soil, or any other materials, being stored on the application site. Moreover, and notwithstanding that excavation works are yet to take place within this part of the site, the site levels would not be significantly different from the site levels approved through the grant of planning permission 13/00519/P.

COMMUNITY COUNCIL COMMENTS

Haddington Area Community Council have been consulted on this application but have not responded with any comments.

PLANNING ASSESSMENT

By the grant of planning permission 13/00519/PM, approval has been given for the erection of 433 residential units on the western part of the land of Letham Mains. Of those 433 residential units the applicant, Macktaggart and Mickel (M&M), are to deliver 215 units (including 37 affordable units). However, as a change to the scheme of development approved by the grant of planning permission 13/00519/PM, the number of houses M&M built on the northern part of the site was reduced from 45 units to 33 through the grant of planning permission 17/00105/P. Therefore there has been a reduction in the number of residential units to be built on the larger site by 12. In addition to those 33 houses approved through the grant of planning permission 17/00105/P, M&M were also granted planning permission for the erection of 86 houses (through the combination of planning permissions 18/00218/PM and 19/00995/PM) on the eastern part of the site and 43 houses (through the grant of planning permission 21/01322/PM) on the western part of the site. Of the 215 units, M&M have delivered 162 units (22 of which are affordable) within the Letham Mains site. As is proposed through this current application, the 53 residential units (15 of which are affordable) tallies with, and thus does not exceed, M&M's cap of providing 215 units (including 37 affordable units) within the Letham Mains site. Consequently, and as there would be no net increase to the 215 units to be delivered by M&M, or to the overall 433 residential units approved as part of the overall Letham Mains site, there can be no objection in principle to the erection of 49 houses and 4 flats on this part of the application site, as is proposed.

Accordingly, the primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy, other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other

supplementary planning guidance.

The details now submitted for approval show a layout of development that is somewhat different to the layout of development already approved for this part of the Letham Mains site but not significantly so. The main difference is that 7 additional houses are proposed within the site and that the proposed houses and flats are slightly re-positioned. Otherwise the layout of the site generally reflects that which was approved through planning permission 13/00519/PM. Full regard has been had to the terms of the approved Master Plan that relates to the wider site and therefore the layout now proposed conforms with and generally accords with the overall provisions of the Master Plan.

Policies 14, 15 and 16 of NPF4 are relevant to this development proposal but are largely pre-determined by the grant of planning permission 13/00519/PM. Those policies seek to ensure that development proposals are designed to improve the quality of the area in which it is located, contribute to local living and improve the affordability and choice of housing in an area.

In particular, part b) of Policy 16 states that development proposals that include 50 or more homes should be accompanied by a Statement of Community Benefit to explain the contribution of the proposed development to:

- (i) meeting local housing requirements, including affordable homes; (ii) providing or enhancing local infrastructure, facilities and services; and
- (iii) improving the residential amenity of the surrounding area.

In this regard, the applicant's agent has submitted a statement to outline the Community Benefits associated with the proposed development. It states that the application site is part of the Letham Mains site, allocated in the ELLDP 2018 for the development of circa 800 homes plus education and community facilities by Proposal HN1, and which is the subject of planning permission 13/00159/PM. It states that this allocated site has been identified through the LDP as being suitable for residential development to meet housing needs. It therefore states that the proposed development on the application site will therefore contribute to meeting local housing requirements, including affordable, which complies with point (i) of Policy 16. With regards to point (ii) of Policy 16 it is stated that the wider Letham Mains site has secured provision for a new primary school, which opened in 2021, as well as a sport pitch, changing facilities and significant areas of open space and footpath links. It states that these elements contribute to local infrastructure being enhanced and that increasing the local resident population helps to support local facilities and services. It also states that, taking into all of the above considerations as a whole, this results in the overall amenity of the area being protected and enhanced which complies with point (iii) of Policy 16.

Policy DP2 of the adopted East Lothian Local Development Plan 2018, amongst other things, requires that all new development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale, be well designed and integrated into its surroundings, provide a well connected network of paths and roads within the site and ensure privacy and amenity - with particular regard to levels of sunlight, daylight and overlooking, for existing and future occupants of neighbouring properties.

The proposed development would comprise of a mix of 2, 3, 4 and 5 bedroomed houses together with internal access roads, parking and landscaping. Of the 49 houses, 20 would be detached, 10 would be semi-detached and there would be three rows of 3 terrace houses and two rows of 5 terrace houses. The proposed houses would all be two storey in height and there would be 7 different house types in total. The proposed flatted building would be two storeys high and would have a pitched roofed form. It would contain a total

of 4, 1 bedroomed, flats. Of the 53 proposed units, 38 would be marketed for private sale and 15 would be affordable homes. This mix of detached, semi-detached and terraced houses together with the 4 flats would be very similar to the mix of house types already approved for the site.

The proposed houses and flats types in their proposed groupings, orientations and layout, would generally be consistent with the site layout as previously approved by planning permission 13/00519/PM. The houses now proposed would not cause any incongruous change to the architectural harmony, integrity and character of the scheme of housing development approved for the Letham Mains housing site, provided there is compliance with the scheme of external finishes approved for the development as a whole by the grant of planning permission 13/00519/PM. In this regard, the predominant external wall finish should be render. However, to ensure consistency with the housing development to the north, a limited number of units should be finished in reconstituted stone. This matter can be controlled by a condition imposed on a grant of planning permission for the proposed houses. Subject to the control over their finishes the proposed substitute houses would, by virtue of their size, scale, height, design, finishes and layout, integrate and sit comfortably with the built architectural form and layout of the existing housing of the area and with the scheme of housing development already approved for this part of the Letham Mains housing site.

The application site is capable of accommodating all of the proposed houses and flats, including the additional 7 units, without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area. Moreover, the proposed development would be set within a sustainable and well connected location and thus it would contribute to local living in the Haddington area.

The proposed development would also provide an attractive residential environment for future residents of the proposed houses and flats. The houses and flats 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 and flats an appropriate level of privacy and residential amenity. Moreover, the houses and flats would be laid out in such a way to ensure that there would be no loss of amenity through overlooking, overshadowing or loss of daylight to the existing occupants of neighbouring residential properties.

On the considerations of design, layout and amenity, the proposals are consistent with Policies 14, 15 and 16 of NPF4 and with Proposal HN1 and Policies DP2, DP4 and RCA1 of the adopted East Lothian Local Development Plan 2018, the Scottish Government Policy Statement entitled "Designing Streets" and the approved development framework for Letham Mains.

Scottish Water raise no objection to this application and advise that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and that the proposed development would be serviced by Haddington Waste Water Treatment Works.

The **Council's Waste Services** raise no objection to this application but advise that residents would be required to present containers for collection at the front of their property. Accordingly, the proposals are consistent with Policy 12 of NPF4 and Policy W3 of the adopted East Lothian Local Development Plan 2018.

The **Council's Senior Environmental Health Officer** raises no objection to this application.

The **Council's Environmental Protection Officer (Contaminated Land)** has advised that, whilst the site has been agricultural ground for a substantial period of time and doesn't appear to have had any historic potentially contaminative land use associated with it, there is a possibility that undocumented areas of made ground may exist on the site. Accordingly, he recommends that in order to determine the ground conditions and potential contamination issues impacting on the site, a Phase I Geo-Environmental Assessment (Desk Study) be carried out. This matter can be controlled by condition on a grant of planning permission.

The **Council's Affordable Housing Officer** advises that, in the case of this application, there is a requirement to deliver 17% of the total number of housing units for affordable housing and that the proposed mix within this application is based on providing 15 affordable units which has been agreed with the Council. The Council's Affordable Housing Officer therefore raises no objection to this planning application but recommends that discussions continue with Places for People regarding the internal layouts of the house types to ensure that the criteria for grant funding is established. Accordingly, the proposals do not conflict with Policy HOU4 of the adopted East Lothian Local Development Plan 2018.

The **Council's Planning Obligation Officer** confirms that, under the Section 75 Legal Agreement relating to applications 13/00519/PM and 14/00089/PM, there are no additional developer contributions required as the proposals do not exceed more than 215 M&M units (including 37 affordable units) being delivered on Letham Mains housing site.

The **Council's Biodiversity Officer** has been consulted on this application but has not responded with any comments.

The **Council's landscape department** have been consulted on this application but have not responded with any comments.

The **Council's Flood Prevention Officer** raises no objection this planning application but recommends that the submitted Surface Water Management Plan be updated to (i) include details on how surface water and attenuation water on site will be managed; and (ii) demonstrate that the level of protection to be attenuated will ensure that there will be no flooding at a 1 in 200 year plus climate change flood event. Therefore, subject to an appropriately worded condition, the proposals do not conflict with Policy 22 of NPF4 or with Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** raise no objection to this planning application but recommend that the following requirements are made a condition on a grant of planning permission:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;

(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) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual

dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) 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 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;

(viii) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will 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;

(ix) a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. Construction access to the site will not be permitted via the Knox Place junction onto West Road or via Clerkington Road/Park Lane'. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work;

(x) a Wheel washing facility be provided and maintained in working order during the period of operation of the site; and

(xi) prior to the commencement of development, details of the provision of new electric vehicle charging points, including any infrastructure that may be required for them, shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Subject to appropriately worded conditions, the proposals do not conflict with Policy 13 of NPF4 or with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

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 applications for planning permission. The effective measures required to reduce carbon emissions will be secured through the subsequent building warrant

process. Such a condition should be imposed on a grant of planning permission for this proposed development.

Policies 1 and 2 of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change. The applicant's agent has submitted a statement on the relevant policies of National Planning Framework 4 (NPF4) and, with regards to Policies 1 and 2, it states that:

- o The development will benefit from Air Source Heat Pumps (ASHP) for space and water heating within all homes. These technologies emit very low to zero levels of CO2 emissions and provide onsite energy generation to reduce / remove the reliance of fossil fuels;
- o All houses will be include highly insulated timber kit and window / door openings as standard;
- o All houses will benefit from 100% low energy light fittings which will reduce energy demand for lighting;
- o All houses will benefit from electric car charging infrastructure, thereby making it practical and straightforward for residents to convert from petrol or diesel to electric vehicles; and
- o To support home working all houses Fibre to the Premise (FTTP) will be provided in all new homes, providing residents with the opportunity to connect to Ultrafast Fibre from day 1 (enabling speeds up to 1GB).

In conclusion, it states that all of the above measures will help to minimise lifecycle greenhouse gas emissions and reduce climate change impacts whether by being eco-friendly technology that, in itself, supports these aims, or by helping to facilitate home working that, by association, can help reduce the need to travel by car and thus reduce emissions.

Although this statement provides some of the required information, further details on the actions to be taken to reduce the carbon emissions from the build and from the completed development are required and the requirement for this information can be secured through by a condition imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposed development does not conflict with Policies 1 or 2 of NPF4.

Policy 3 of NPF4 states, among other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. In this regard, drawing numbers MMLM2 104.22 SL-01 Revision C, MMLM2 104.22 SL-02 Revision A and MMLM2 104.22 SL-03 Revision A show that new trees, shrubs and hedging are to be planted within the application site. The planting of the trees, shrubs and hedging are considered to be appropriate measures to enhance biodiversity within the site. The new tree, shrub and hedge planting can be made a condition on a grant of planning permission. Subject to such control, the proposals do not conflict with Policy 3 of NPF4.

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

RECOMMEDATION

It is recommended that planning permission be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

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

- 2 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 3 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses of the proposed development 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 be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme 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. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, some use of reconstituted stone would be acceptable providing it is limited to a distinctively complete feature of the houses, respectful of their design integrity. All such materials used in the construction of the houses and flats 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 timetable for the provision of the erection of the boundary enclosures for 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 and residential properties nearby.

- 5 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) 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. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

- 6 To ensure that the site is clear of contamination and that remediation works are acceptable. The flatted building hereby approved shall be provided with communal drying green space in accordance with the details shown for such space on drawing number PL(01) Revision E titled 'Site Plan Phase 2A'. The communal drying green space shall be formed and made available for use prior to the occupation of the flats on plots 210, 211, 212 and 213, and shall thereafter be retained and available for such use unless otherwise approved in writing by the Planning Authority.

Reason:

- 7 In the interest of the amenity of the neighbouring residential properties and to minimise the environmental impact of the development. Prior to the occupation of the flats hereby approved, the bin storage facilities for those flats as shown on docketed drawing number PL(01) Revision E titled 'Site Plan Phase 2A' shall be formed and made available for use.

Reason:

- 8 To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area. All new planting, seeding and turfing as detailed on drawing numbers MMLM2 104.22 SL-01 Revision C, MMLM2 104.22 SL-02 Revision A and MMLM2 104.22 SL-03 Revision A docketed to this planning permission shall be carried out in the first planting season (between November and February) following the completion of the development hereby

approved. Any new trees, shrubs, plants or hedging which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to enhance the biodiversity of the site.

- 9 Prior to commencement of development hereby approved a Surface Water Management Plan (SWMP) for the site shall be submitted to and approved by the Planning Authority. The SWMP shall include details on how surface water and attenuation water on site will be managed and shall demonstrate that the level of protection to be attenuated will ensure that there will be no flooding at a 1 in 200 year plus climate change flood event.

The development shall thereafter be carried out in strict accordance with the Surface Water Management Plan and details 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.

- 10 The residential scheme of development shall comply with the following transportation requirements:

(i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;

(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) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) 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 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;

(vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;

(vii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads; and

(viii) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be

submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will 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.

Reason:

In the interests of pedestrian and road safety.

- 11 Prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. Construction access to the site will not be permitted via the Knox Place junction onto West Road or via Clerkington Road/Park Lane'. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

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

Reason

In the interests of road safety.

- 13 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling, unless otherwise agreed in writing by the Planning Authority.

The details shall include a timetable for implementation and confirmation of applicant engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all charge points to operate simultaneously at maximum rated power or via a load management system.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development.

- 14 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. 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.