

REPORT TO: Planning Committee

MEETING DATE: Tuesday 5 February 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/01151/PM**

Proposal Variation of condition 1(e) of planning permission in principle 09/00574/OUT - To change the A1087 public road visibility splays at the new access junction

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

Applicant Dunbar Golf Club

Per Apt Planning & Development Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the number of dwellings proposed is greater than 50, the development in principle 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 thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

The application site is immediately to the east of Dunbar. It has an area of some 55.3 hectares and mainly consists of the golf course land and buildings of Dunbar Golf Club. It also includes an area of land to the south of the golf course that is known as Deer Park, and an area of land to the south of the eastern end of the golf course.

At the meeting of East Lothian Council on 27th March 2012 the application for planning permission in principle 09/00574/OUT was approved against officer recommendation for 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 at Dunbar Golf Club.

Planning permission in principle 09/00574/OUT was approved subject to 12 conditions and subject to the conclusion of a legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997. That legal agreement secures a financial contribution of £149,480.00 towards the expansion of Dunbar Grammar School and £193,115.00 towards the provision of additional accommodation at Dunbar Primary School. Condition 1 of planning permission in principle 09/00574/OUT states:

“The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include: details of the siting, design and external appearance of the golf clubhouse, golf academy, greenkeepers shed, 67 residential units and hotel; the means of access to them; the means of any enclosure of the boundaries of the site and any subdivision of it; and the landscaping of the site including the 9 hole golf course, driving range and short game practice facilities. Those details shall generally accord with the drawings docketed to this planning permission in principle, with the principles of the Council's Urban Design Standards for New Housing Areas and the Scottish Government Policy Designing Streets, and otherwise those details shall accord with the following principles of development for the site:

- a) a play area shall be provided within the main housing area. Details of the play area, including the equipment to be provided within it, shall be submitted to and approved in advance and the play area shall be installed in accordance with the details so approved;
- b) Houses shall be no higher than two storeys in height and may include accommodation in the roof space; any flatted building(s) shall be no higher than three storeys in height and may include accommodation in the roofspace;
- c) The golf academy/clubhouse building(s) shall be no more than two storeys in height and may include accommodation in the roof space;
- d) existing trees and hedgerows on the site and its boundaries shall be retained and enhanced unless otherwise agreed in writing with the Planning Authority;
- e) for any new access to the A1087 public road visibility splays of 4.5 metres by 120 metres shall be provided and maintained at the new access junction
- f) parking shall be to the required standards of East Lothian Council's Parking Standards;
- g) shared cycle/ footway provision shall be made along the A1087 road from the site access northwards to the layby on the east side of Queens Road;
- h) Bus stops shall be provided in close proximity to the new access junction onto the A1087 road.

Reason:

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

This application seeks to vary condition 1(e) of planning permission in principle 09/000547/OUT to amend the required visibility splay at the junction of the new access with the A1087 public road from 4.5 metres by 215 metres at the new access junction to 4.5m by 120m.

In a statement submitted in support of this application the applicant's agent states that under planning permission 15/00630/PM the development of 240 homes (and associated works) at Bowmont Terrace has been permitted and is well underway. Condition 11 of that consent sought the implementation of a new 30 mph speed limit to the southern edge of the site along Bowmont Terrace. This speed limit has been reduced to 20 mph with a 40 mph limit extending further south to beyond Broxburn. The reduction in the speed limit has changed the characteristics of the road and therefore requires less onerous visibility splay lines to be implemented as part of any development proposals on the applicant's (Dunbar Golf Club) land as permitted by planning permission in principle 09/00574/OUT. The proposed new junction for the golf club would be located just outwith the 20mph limit and within the 40 mph limit. This would indicate that sight lines of 4.5m by 120m would be sufficient and accordingly Dunbar Golf Club request this change be made to Part e of Condition 1.

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. Proposal ED6 (Dunbar Cluster Education Proposals) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

No public representations to the application have been received.

The masterplan approved with planning permission in principle 09/00547OUT indicates that vehicular access to the replacement clubhouse, golf academy and driving range, practice facilities for the short game, hotel site, 9 hole short golf course and the 26 residential units proposed for part of the land of Deer Park could be taken from the A1087 road by way of a new priority junction.

In his response to the consultation on planning permission in principle application 09/00547/OUT the Head of Transportation (now Road Services) raised no objection in principle to the proposed access arrangements for the proposed development outlined in the transportation statement submitted with the application and indicatively shown on the applicant's masterplan. In particular response to this the Head of Transportation advises that such new access would necessitate (i) the stopping up of the existing access from the Deer Park part of the site onto the A1087 and (ii) that a visibility splay of 4.5 metres by 215 metres be provided and maintained at the new access junction onto the A1087 road.

Since the decision on the application for planning permission in principle 09/00574/OUT was taken in March 2012 the East Lothian Local Development plan has been adopted which through Proposal DR5: Land at Newtonlees, Dunbar allocates the land on the opposite side of the A1087 to the application site for residential development of up to 240 residential units. Planning permission 15/00630/PM has been granted for 240 houses to be built on that land. Condition 11 of planning permission 15/00630/PM required the imposition of a 40mph speed limit on the A1087 along the frontage of the site. Planning permission 15/00630/PM has been implemented, some of the houses are occupied and the reduction in the speed limit to 40 mph has been imposed and is now in place.

The advice from Road Services is that as the speed limit on the A1087 has been reduced to 40 mph from 60 mph then the visibility splay required for the junction the subject of planning permission in principle 09/00547/OUT at Deer Park onto the A1087 has also been reduced. Therefore, he has no objection to a variation of the condition to reduce the visibility splay to 4.5m by 120m. Consequently, the proposed variation of condition 1(e) would not give rise to any issues of road safety and does not conflict with Policy T2 of the adopted East Lothian Local Development Plan 2018.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to condition 1e and subject to all of those conditions from planning permission in principle 09/00574/OUT, where it is intended these should apply. In this case the conditions that should continue to apply are conditions 1 (as amended), 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13. It is further recommended that the number of housing completions each year is controlled. This control can be secured through the imposition of an additional condition, condition 14.

When the decision on planning permission in principle 09/00547/OUT was taken in March 2012 it was subject to the developer making a financial contribution towards the expansion of the Lochend Campus of Dunbar Primary School of £149,480 and the expansion of Dunbar Grammar School of £193,115. At that time the John Muir campus of Dunbar Primary School did not require expansion and no contribution was sought for its expansion.

The Planning Obligations Officer has advised that a contribution towards the expansion of the Lochend Campus of Dunbar Primary School of £149,480 and the expansion of Dunbar Grammar School of £193,115 is again required. Moreover, given the length of time since the decision on planning permission in principle 09/00547/OUT was taken and given the amount of new development that has occurred in Dunbar since then, there is now a cumulative impact on the John Muir Primary School campus (which includes the nursery and lower primary school). As a result there is now a need to expand that campus by 2 new classrooms and 1 additional general purpose space. As set out in the Developer Contributions Framework Technical Note, of the adopted Local Development Plan 2018 the total costs of that expansion is £1,470,000. Factoring in pre-Local Development Plan committed contributions and Council funding, the sum required from new development for this expansion is £973,591. Spread over the 500 catchment dwellings (including the 67 from this proposal) this results in a per dwelling contribution of £1,947 which results in a contribution of £130,449 from this development. Therefore, the total education contributions for this development are now:

John Muir Campus Dunbar Primary School: £130,449
Lochend Campus Dunbar Primary School: £149,480
Dunbar Grammar School: £193,115

The required payment of a financial contribution of a total of £473,044 towards the provision of additional educational 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 educational accommodation the proposal is consistent with Proposal ED6 of the adopted East Lothian Local Development Plan 2018, which stipulates that developer contributions will be sought from the developers of housing land to fund the costs of extensions to schools within the Dunbar cluster.

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 a financial contribution to the Council of £473044 for education contributions - £149,480 towards the provision of additional capacity at the Lochend Campus of Dunbar Primary School, £130,449 towards John Muir Campus of Dunbar Primary School; and £193,115 towards additional capacity at Dunbar Grammar School;

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient school capacity at Dunbar Primary School and Dunbar Grammar School, contrary to Proposal ED6 of the adopted East Lothian Local Development Plan 2018.

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include: details of the siting, design and external appearance of the golf clubhouse, golf academy, greenkeepers shed, 67 residential units and hotel; the means of access to them; the means of any enclosure of the boundaries of the site and any subdivision of it; and the landscaping of the site including the 9 hole golf course, driving range and short game practice facilities. Those details shall generally accord with the drawings docketed to this planning permission in principle, with the principles of the Council's Urban Design Standards for New Housing Areas and the Scottish Government Policy Designing Streets, and otherwise those details shall accord with the following principles of development for the site:
 - a) a play area shall be provided within the main housing area. Details of the play area, including the equipment to be provided within it, shall be submitted to and approved in advance and the play area shall be installed in accordance with the details so approved;
 - b) Houses shall be no higher than two storeys in height and may include accommodation in the roof space; any flatted building(s) shall be no higher than three storeys in height and may include accommodation in the roofspace;
 - c) The golf academy/clubhouse building(s) shall be no more than two storeys in height and may include accommodation in the roof space;
 - d) existing trees and hedgerows on the site and its boundaries shall be retained and enhanced unless otherwise agreed in writing with the Planning Authority;
 - e) for any new access to the A1087 public road visibility splays of 4.5 metres by 120 metres shall be provided and maintained at the new access junction
 - f) parking shall be to the required standards of East Lothian Council's Parking Standards;

g) shared cycle/ footway provision shall be made along the A1087 road from the site access northwards to the layby on the east side of Queens Road;

h) Bus stops shall be provided in close proximity to the new access junction onto the A1087 road.

Reason:

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

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

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

b. The position within the application site of all elements of the proposed development and position of adjoining land and buildings;

c. 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

d. The ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

3 No work shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

4 No work shall take place on site until the scheduled ancient monument 'Samoya, 100m NNE of' has been protected by a fence, to be approved in writing by the Planning Authority, erected around the scheduled ancient 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 nor 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.

Reason:

To ensure the retention and maintenance of the scheduled ancient monument.

5 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.

6 A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport shall be submitted to and approved by the Planning Authority prior to the commencement of use of any component part of the scheme of development hereby approved. The Green Travel Plan shall include an assessment of whether or not new bus stops should be provided. Additionally the Green Travel Plan shall include details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The approved Green Travel Plan shall be implemented prior to any component part of the scheme of development hereby approved being brought into use.

Reason:

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

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

Reason:

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

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

Reason:

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

- 9 Prior to the commencement of development full details of the finalised sustainable urban drainage scheme (SUDS) for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Water. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 10 Development shall not commence on site until full details of the foul drainage system have been submitted to and approved in advance by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Water.

Reason:

To ensure that the site is adequately serviced and to protect the quality of the local watercourse.

- 11 No use shall be made of the 9 hole golf course hereby approved unless and until any mitigation measures in respect of the A1087 public road, as required of a risk assessment to be submitted to and approved in advance by the Planning Authority, have been implemented.

Reason:

In the interests of road safety.

- 12 Where access is to be taken from the A1087 road by way of a new priority junction this will be subject to the stopping up of the existing access from the Deer Park part of the site onto the A1087 and no part of the development to be accessed from such new junction shall be occupied or brought into use until such time as that existing access is stopped up.

Reason:

In the interests of road safety.

- 13 Housing completions on the application site and otherwise on the 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:

2020/21 - 10 units

2021/22 - 22 units

2022/23 - 35 units

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 3 (2022/23) 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.