

LOCAL REVIEW BODY

25 April 2024

Application No: 21/01599/P

**Land adjacent to Castlepark Golf Club, Yester,
Gifford**

Appointed Officer's Submission

21/01599/P– REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning application review against decision (refusal): Erection of 1 house and associated works at Land Adjacent To Castlepark Golf Club, Gifford.

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OFFICER REPORT

18th October 2023

App No. **21/01599/P**

Application registered on **31st January 2022**

Target Date **30th March 2022**

Proposal	Erection of 1 house and associated works	SDELL	Y
		CDEL	N
Location	Land Adjacent To Castlepark Golf Club Yester Gifford East Lothian EH41 4PL	Bad Neighbour Development	N

APPLICANT: **Castle Park Golf & Leisure LLP**

Is this application to be approved as a departure from structure/local plan? N

**c/o LBA
Per Elliot Reilly
18 Walker Street
Edinburgh
EH3 7LP**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

The application site relates to an area of land at Castle Park Golf Club, which occupies a countryside location to the southeast of Gifford. The Golf Club consists of an 18 hole golf course, driving range, a clubhouse, ancillary buildings and a car park. It is located within the Yester House Designed Landscape.

The application site currently has on it a storage shed for the golf course and an existing sun room which forms part of the existing golf clubhouse.

In August 2019 planning permission (ref: 19/00632/P) was sought for 2 caravans that have been sited to the north of the existing golf clubhouse building and which are in residential use. It was stated in that application that the two static caravans are used as the permanent residence of the Golf Club owner and his family and that they have been on site since 2017 when they were originally sited on a temporary basis while repairs were being undertaken to the applicant's house. The applicant was seeking to justify the requirement for the two static caravans as a permanent residence within the Castle Park Golf Club site on the grounds that it had become apparent that being on site has bolstered security whilst the course and club

house were being developed and submitted information from Police Scotland relating to security at golf clubs.

In determining application 19/00632/P, the Planning Assessment found that the applicant had presented no evidence to demonstrate why other security measures could not be used to deter and seek to prevent crime at the golf club, and on that matter, there are many other golf clubs operating in the countryside without the requirement for someone to live on site. Consequently it was found there was no justification of need for a residential unit to be located on site to bolster security and therefore there was no operational requirement for the 2 caravans to be sited at the Golf Club as a permanent residential dwelling.

Therefore, in October 2019 planning permission was refused for the siting of the 2 caravans, as a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use had not been demonstrated, contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and that approving the proposal would set an undesirable precedent for the siting of caravans within the countryside as residential dwellings, the cumulative effect of which would result in a detrimental impact on the rural character of the countryside in East Lothian.

Through this current application planning permission is sought for the erection of a new house and associated works on the application site. The proposed house is sought as living accommodation in association with the operation of the existing leisure and tourism business of Castle Park Golf Club.

The proposed house would be two-storeys in height with pitched and gabled roof, would have six bedrooms and would include a study/office space and a store. It would be finished externally with a white render and vertical larch cladding. Its windows and doors would have anthracite metal frames. The pitched roofs of the house would be clad with red corrugated metal cladding.

The proposed house would attach at its east side to the existing golf clubhouse and would have direct access to the clubhouse from the office to be formed within it. It would partly abut an existing golf club building on its south side. There would be garden ground to 3 sides of the proposed house.

Vehicular access to the proposed house would be taken from the existing golf club access road to the south of the site. Parking for 2 vehicles would be provided on the south side of the proposed house.

A Design and Access Statement has been submitted in support of the application.

In the supporting Design and Access Statement it is explained that the application seeks to create a new family home as a direct operational requirement of the existing leisure and tourism business of Castle Park Golf Club in order to support the daily needs of the golf club and that there is currently no house available and no available vacant building on the site suitable for conversion to a house. It is further explained that the applicant is responsible for the management and running of the golf club business, and that suitable accommodation is required in order that the day-to-day operation of the business can continue, all to ensure the long-term success of it.

Further to this there has been submitted a confidential Supporting Statement, five year forecast report, four years of accounts information and a business structure report provided to support the applicants case of the need for a new house on the site to serve the golf club.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application for planning permission 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.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic assets and places), 14 (Design, quality and place), 16 (Quality homes) and 17 (Rural homes), 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application.

Also relevant to the determination of the application are Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), CH6 (Gardens and Designed Landscapes), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

RPRESENTATIONS

Two written objections to the application have been received. The main grounds of objection can be summarised as follows:

- (i) the 2 caravans the subject of application 19/00632/P are still on the site and are unauthorised;
- (ii) there were recently houses in the vicinity up for sale which the applicant could have bought;
- (iii) the proposed development would be harmful to the Yester House Designed Landscape;
- (iv) it is questioned whether there is a direct operational requirement for the manager of the golf club to be on site 24/7 as the previous owner of the golf club lived off site and was able to run the business; and
- (v) the development may not achieve harmony with the local vernacular.

COMMUNITY COUNCIL

None

PLANNING ASSESSMENT

Scottish Water has been consulted on the application and raise no objection.

The application site is set back some distance from the public road to the south, and would be positioned within the complex of buildings of the golf club. Thus, in views from the public road from the south, the site is not readily visible and the proposed house would be seen in relation to the existing golf club buildings. In this context the proposed house would not

appear overly dominant alongside the existing buildings and by virtue of its height, scale and massing, the proposed house would not be out of keeping with the height, scale and massing of the adjacent buildings and would not appear harmfully dominant or intrusive alongside those existing buildings and would be well integrated into the landscape in a manner compatible with its surroundings. The palette of external finishes of the proposed house would complement the palette of materials and colours of the existing buildings in the locality and would not cause the proposed house to appear harmfully dominant within its landscape setting.

By virtue of its height, size, scale, architectural form, external finishes, and positioning the proposed house would not appear harmfully intrusive, incongruous or exposed in its landscape setting. In their relationship with the proposed house and the setting of the application site, neither would the proposed garden ground of the house, the driveway and parking area.

By virtue of it being a sympathetic development alongside the group of buildings at the golf club and thus its integration with that group of buildings, the proposed development would not harm the landscape character of the Yester House Designed Landscape.

Owing to its size, the area of land to be changed in use to residential garden ground for the proposed new house would be capable of accommodating a further house(s). However, the principle of such other new build housing development without an operational justification of need would be contrary to Policies DC1 and DC4 of the adopted East Lothian Local Plan 2018 and should an application for such development be forthcoming, such proposals would stand to be determined on their own merits.

Due to its position, height, orientation and distance away from the nearest neighbouring residential properties, the proposed development would not result in a harmful loss of privacy or sunlight or daylight to any neighbouring residential property.

The occupants of the proposed house would also benefit from a sufficient amount of privacy and amenity and its garden would benefit from a sufficient amount of sunlight,

On all of these forgoing considerations of design and layout the proposed house and associated development would not be harmful to the character and appearance of the area and would not be harmful to the Yester House Designed Landscape and thus would not conflict with Policies 7 and 14 of NPF4, or with Policies DP1, DP2 or CH6 of the adopted East Lothian Local Development Plan 2018.

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

The Council's Environmental Protection Officer (Contaminated Land) has advised that there is the possibility that there may be localised contamination of the soils on the site. Therefore he recommends a Geo-Environmental Assessment be undertaken prior to the commencement of development on the site. The requirement for such assessment could be controlled by a condition attached to a grant of planning permission, were that to be the decision.

The Council's Civil Engineer (Flooding) advises that the drainage proposals for the proposed house in the form of soakaways are acceptable subject to the results of tests of percolation and infiltration rates for them to be submitted for approval prior to the commencement of

development. Such a requirement could be imposed as a condition on a grant of planning permission, were that to be the decision. The proposed development would therefore not conflict with Policy 22 of NPF4.

Vehicular access to the proposed house would be taken from the existing golf club access road to the south of the site. Parking for a minimum of two cars would be provided on the driveway on the south side of the proposed house.

The Council's Road Services raise no objection to the proposed development being satisfied that the existing golf club access road, taken from the public road to the south, from which access to the proposed house would be taken is of a sufficient standard and can accommodate the vehicle movements associated with the proposed house, and that a sufficient provision of on-site parking would be provided to serve the proposed house. Accordingly, the proposed house can be safely accessed and provided with an acceptable amount of on-site parking. Consequently the proposed development does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3 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 buildings and from the completed development should be imposed on relevant applications for planning permission, which should include the provision of electric car charging points. Such a condition could be imposed on a grant of planning permission for this proposed development, in which case it would not conflict with Policies 1 or 2 of NPF4.

Notwithstanding all of the above considerations, the application site is not within an existing settlement of East Lothian or any area within an area designated as one of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Thus it is not within an existing residential area where the principle of the building of a house is acceptable. Rather the application site is in a countryside location within East Lothian and is part of a much larger area characterised by a low density dispersed built form within an agricultural landscape.

Therefore it is now necessary to consider whether the principle of the proposed building of a new house on the application site in a countryside location is consistent with national, strategic and local planning policy relating to the control of new housing development in the countryside.

Policy 17 of NPF4 in principle supports new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development is demonstrated to be necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.

Paragraph 5.8 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that "In general, East Lothian's countryside and coast is not an area that requires regeneration, renewal or action to address population decline". It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather, it is an area where "few, if any, locations are more than an hour's

drive time from Edinburgh or 30 minutes drive time from Musselburgh or Tranent, towns of over 10,000 people". On the whole it is characterised by increasing population and economic growth and a continuing pressure for housing development both within and outwith its towns and villages. Characteristic of the countryside is its wide range of types and sizes of attractive vernacular buildings that contribute greatly to its character. "As an accessible area where mobile demand for housing from Edinburgh will continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Most new housing development is therefore directed to towns and villages or planned extensions of these."

Paragraph 5.10 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business that justifies the need for permanent accommodation.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC4 of the adopted East Lothian Local Development Plan 2018 only supports new build housing development in the countryside, and outwith the constrained coast, where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and: (i) In the case of a single house, 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 (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term.

The application site is not identified in the adopted East Lothian Local Plan 2008 as being within a settlement and the Local Plan does not allocate the land of the site for housing development. The main material consideration in the determination of this application is therefore whether or not there is a direct operational requirement for the house that derives from a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use within the countryside.

In the case of this application a Design and Access Statement and supporting planning statement has been submitted on behalf of the applicant. In these documents it is explained that following its closure in 2015, the current owners bought Castle Park Golf Club and worked to reopen it and significantly upgrade the club's facilities and improve the condition of the course. They also made a significant commitment to promote junior golf and create a good value and accessible golf destination. In this near 6 year period they have spent time living elsewhere and as a result suffered from repeated instances of vandalism, trespass and theft of machinery and other assets. This situation was exacerbated during the lockdown periods as a result of COVID19 when the golf course was shut with little or no activity or obvious personnel presence. During this period, the owners started living on-site in temporary accommodation. This ensured that there is a round-the-clock presence in terms of safety and security. The applicants are both owners and operators of the golf club and therefore are the key staff members who require to be at the course and clubhouse from early

in the morning to late at night, undertaking key maintenance/greenkeeping and manning the clubhouse bar/restaurant and reception areas.

It is further explained that the proposed new house would provide a permanent family home and suitable accommodation from which the day-to-day golf club operations could be managed, would enable the efficient management of the golf club and would provide security for it. It is explained that the proposed new house would be funded and owned by the business, not individuals, to ensure that the golf club has adequate provision for on-site servicing and security, due to its remote location, long into the future. The owner is required to file frequent police reports to the local authorities due to regular incidents of crime and vandalism on site. Providing a safe and secure home will allow the family to manage and monitor the site safely 24/7.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development based on an assessment of the supporting information submitted by the applicant's agent, which includes the viability of the golf club business, which should demonstrate that the business activity is successful which generally means being profitable and building equity.

The Agricultural and Rural Development Consultant advises that golf club business is not sufficiently financially robust to support the proposed development and is unlikely to viable over the longer term, and therefore it has not been demonstrated that the business is viable and requires a home for a manager or staff on site. The Consultant also advises that similar business operations operate successfully without on-site accommodation, and therefore there is no real operational requirement for the applicants to live on site.

As was the case in the determination of application 19/00632/P, the applicant had presented no evidence to demonstrate why other security measures could not be used to deter and seek to prevent crime at the golf club, and again, there are many other golf clubs operating in the countryside without the requirement for someone to live on site.

Accordingly, as it has not been demonstrated the business is viable and without the operational justification of need for it, the principle of the building of one new house in association with the existing rural business of Castle Park Golf Club is contrary to Policy 17 of NFP4 and Policy DC1 and Part (i) of Policy DC4 of the adopted East Lothian Local Development Plan 2018.

Policy 16 of NPF4 allows (16(f)) for housing development on unallocated sites where the proposal is consistent with policy on rural homes and with other relevant policies including local living and 20 minute neighbourhoods. As the proposal is not consistent with Policy 17 of NFP4 or with Policy DC1 and Part (i) of Policy DC4 of the adopted East Lothian Local Development Plan 2018, it is also contrary to Policy 16 of NPF4.

If approved the proposed development would set an undesirable precedent for the development of new houses in similar circumstances elsewhere in the East Lothian countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

In conclusion, the proposed development does not accord overall with the relevant provisions of the Development Plan and there are no material considerations which outweigh the proposals discordance with the Development Plan.

REASON FOR REFUSAL:

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which:
 - (i) it has not been demonstrated to be necessary to support the sustainable management of a viable rural business, or that there an essential need for a worker to live permanently at the site; and
 - (ii) a need to meet the requirements of the operation of a viable agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated.

The proposal is therefore contrary to Policies 16 and 17 of National Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[REDACTED]

18th October 2023

App No. 21/01599/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Castle Park Golf & Leisure LLP
c/o LBA
Per Elliot Reilly
18 Walker Street
Edinburgh
EH3 7LP**

APPLICANT: Castle Park Golf & Leisure LLP

With reference to your application registered on 31st January 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house and associated works

**at
Land Adjacent To Castlepark Golf Club
Yester
Gifford
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which:
 - (i) it has not been demonstrated to be necessary to support the sustainable management of a viable rural business, or that there an essential need for a worker to live permanently at the site; and

(ii) a need to meet the requirements of the operation of a viable agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated.

The proposal is therefore contrary to Policies 16 and 17 of National Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
21.1984-SK01	-	21.12.2021
20036-PL(31)004	-	21.12.2021
20036-PL(2-)100	-	21.12.2021
20036-PL(2-)102	-	21.12.2021
20036-PL(2-)300	-	21.12.2021
20036-PL(31)001	-	21.12.2021
20036-PL(31)002	-	21.12.2021
20036-PL(31)003	-	21.12.2021
20036-PL(2-)053	A	10.01.2022
20036-PL(2-)050	A	10.01.2022
20036-PL(2-)051	A	10.01.2022
20036-PL(2-)052	A	10.01.2022
20036-PL(2-)054	A	10.01.2022
20036-PL(2-)200	A	10.01.2022

20036-PL(2-)201	A	10.01.2022
20036-PL(2-)101	A	14.01.2022
20036-PL(2-)001	B	31.01.2022
20036-PL(2-)002	C	31.01.2022
20036-PL(2-)003	C	31.01.2022
20036-PL(2-)004	B	31.01.2022
20036-PL(2-)003	01	25.05.2022

30th October 2023



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Relevant Development Plan Policies

National Planning Framework 4:

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) 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. Applications for individual household development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 7

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;

- iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
- i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis,

archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

c) 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.

Policy 16

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will 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.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;

- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;
- ii. is designed to a high standard;
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 22

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

East Lothian Local Development Plan:

Policy DC1: Rural Diversification

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, 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. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

Policy CH6: Gardens and Designed Landscapes

Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.

Policy DP1: Landscape Character

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

CONSULTATION RESPONSES

ELC Waste Services:

Hi,

Waste Services have no objections to this.

Regards

Ross Lague
Team Manager
Waste Services
East Lothian Council

ELC Environmental Health:

I refer to your consultation request of 09 February 2022 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection
| Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |

ELC Road Services:

Proposal: Erection of 1 house and associated works at Land Adjacent To Castlepark Golf Club
Yester Gifford East Lothian
EH41 4PL

We do not have any objections to this planning application, subject to the requirement for an externally mounted electric vehicle charging point be provided for one of the two parking spaces at the front of the building - this can be secured by the applicants updating their submission drawings or via an appropriately worded planning condition.

Please advise the applicant that all works within or affecting the public road including works on the footway or verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of IAN LENNOCK
ROAD SERVICES, ASSET & REGULATORY MANAGER

ELC Environmental Health (Contaminated Land):

I have reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development and would comment as follows:

- The site is adjacent to the Castle Park Golf Course Clubhouse and doesn't seem to have had any historic, potentially contaminative land-use associated with it (had been agricultural/open field prior to becoming a golf course);
- There is, however, the possibility that areas of made ground may exist on the site that may have contributed to localised areas of contamination.

Given the above and due to the nature of the proposed development (new residential accommodation), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). In light of this I would recommend that the following conditions be attached to any grant of consent:

Condition - Land Contamination Site Investigation, Risk Assessment and Remediation

Part 1

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

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);*
- *A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:*
 - *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;*
 - *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.

Part 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 as well as details of the procedures to be followed for the verification of the remedial works. 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.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. 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 the occupation of the new dwelling.

Part 4

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.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new dwelling.

Regards,

Scott

Scott Callow | Environment Protection Officer (Con Land) | East Lothian Council | John Muir House | Haddington | EH41 3HA |

ELC Flooding & Structures:

Daryth

The proposed condition is acceptable.

Regards

Alex Coull
Civil Engineer Technician – Flooding
Tel. 01620 827275
Work Mob. 0783 439 4805

[REDACTED]
For and on behalf of Dave Northcott
Manager - Structures, Flooding and Street Lighting

[REDACTED] Irving, Daryth <[REDACTED]>
Sent: 16 February 2022 16:53
To: Coull, Alex <[REDACTED]>
[REDACTED]
Subject: RE: 21/01599/P - Daryth Irving - Planning Consultation

Alex

Thanks for your response.

I assume I will have to condition this requirement as the information won't be available until a later date. I would suggest:

Prior to the commencement of development, the results of tests of percolation and infiltration rates for the soakaways to serve the development shall be submitted to the Planning Authority. On receipt on those test results and also prior to the commencement of development the precise detail of the soakaways including their size shall be submitted to and approved by the Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

In order to prevent flooding from insufficient drainage.

Would such a condition be acceptable to you?

Regards

Daryth

Daryth Irving | Senior Planner | Planning Delivery | East Lothian Council | John Muir House,
Haddington EH41 3HA

-----Original Message-----

From: Coull, Alex <[REDACTED]>
Sent: 16 February 2022 15:16
To: Irving, Daryth <[REDACTED]> Northcott, Dave <[REDACTED]>
[REDACTED]
Cc: Environment Reception <<environment@eastlothian.gov.uk >>
Subject: RE: 21/01599/P - Daryth Irving - Planning Consultation

Daryth

21/01599/P - Erection of 1 house and associated works at Land Adjacent To Castlepark Golf Club Yester Gifford East Lothian EH41 4PL

I have reviewed the drawings etc submitted as part of the above application and note that both Foul and Surface Water will be directed to newly constructed Soakaways. The size of each Soakaway is to be confirmed after the results of soil porosity/infiltration tests are known.

In principle the proposed drainage design is acceptable but the Applicant should provide the results of these tests and subsequently confirm the finalised sizes of the Soakaways.

Regards

Alex Coull

Civil Engineer Technician – Flooding

East Lothian Council | Road Services | Infrastructure | Partnerships & Community Services
John Muir House | Haddington | East Lothian | EH41 3HA

11 September 2023

Daryth Irving

Planning Officer

East Lothian Council

By Email: Irving, Daryth <dirving1@eastlothian.gov.uk>

Dear Daryth

Applications for New Dwellings – Land Adjacent to Castle Park Golf Club, Gifford Lothian

Application 21/01599/FUL

Review of Additional Information Supplied

I have reviewed the additional information on this case detailed being accounts for 2018, 2021 and the information on business structure.

It is not easy from the accounts to get a clear understanding of how the business operates from a financial performance point of view and make an assessment on viability of the business as a whole. The issue of viability is key as to meet the tests set out in policy DC4 there must be both an operational need and a viable business.

In assessing whether the business is viable, I have the following issues:-

- 1) The business has sustained heavy losses over the period 2018 to 2020 before returning a profit in 2021. Over this period, turnover has been as follows:-

2018 £122,263

2019 £102,057

2020 £82,442

2021 £118,648

Turnover has therefore been on a declining trend until the 2021 year. As the year end is January, it initially appeared that covid reversed the decreasing trend in turnover rather than impacted the business in a negative way.

- 2) Total Costs in each year were:-

LAURENCE GOULD PARTNERSHIP LIMITED

Buchan House, Carnegie Campus, Enterprise Way, Dunfermline, Fife KY11 8PL

Telephone. 01383 730538 Email. dunfermline@laurencegould.com Web. www.laurencegould.com

2018	£233,580
2019	£191,190
2020	£198,596
2021	£143,196

- 3) On closer inspection, the improvement in trading performance has therefore been due to effective cost control and a government grant of £42,645, received in 2021.
- 4) As at 31 January 2021 debtors falling due within one year were £444,100 down from £471,236 in 2020. I do not understand how when in excess of £470k was due in as debtors over the 12 months to 31 January 2021 but, turnover was just £118k some 25% of the amounts scheduled to be received.
- 5) Creditors of more than £1.3M existed at 31 January, up some £150k since 31/1/2018.
- 6) Over the period 2018 to 2021 the balance sheet position has improved by some £292k. This appears to flow from an increase in debtors of £160k, cash £90k and loans from members being paid of £282k, effectively capital introduced.

The golf club therefore appears to be well financed and the capital has been available has absorbed the losses to date, but this position is not due to trading successes.

The forecast shows increased turnover flowing from the new lodge development alongside increasing membership numbers of between 50% and 100% and increasing membership fees by 30% to 50%. Given historic static levels of turnover this appears ambitious.

Whilst being well financed in terms of current operations, the business plan makes no mention as to how the lodges or new house will be financed.

Even if the submitted forecasts are accurate, (notwithstanding my concerns set out above) then the £70,000 profit would have to cover salary / drawings to the partners who appear to have significant levels of input as to greenkeeping, running the bar etc alongside financing the lodges and house. This does not appear possible to me, especially given as it appears that little or no drawings are currently taken.

Given that the team completing the groundkeeping and bar work is small and hours will be long, I can see an argument for operational need regards accommodation on site. At the same time, I know of other similar operations which operate successfully without on-site accommodation.

Regarding viability, I have copied policy DC1 below for reference.

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, 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. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

The case for supporting this application therefore rests on the phrase “viable agricultural, horticultural, forestry, countryside recreation or other business.”

Viable means to exist, perform as expected or succeed. I therefore interpret the policy to mean that the business activity is successful which generally means being profitable and building equity. From this perspective I would argue that the business is unlikely to be viable over the long term as to date the club has been unable to repay significant amounts of its debt and pay a reasonable level of drawings to the partners. Even if profits were to increase in line with the projections, I would have difficulty describing the club as viable given the current level of loan commitments whilst increasing the debt burden only makes it harder for any form of viability test to be met.

That said there are many other positives flowing from a venture of this nature and I accept that the normal business measures of success may not cover all aspects of the debate here.

On balance, I fear that the financial forecasts are too ambitious as is the scale of development and therefore capital expenditure is likely to be too high.

I therefore cannot support the application in its current form, but accept (and hope) that the business may be in a stronger place to demonstrate its viability in years to come.

Yours sincerely



Ian Thompson

Associate Director



By email to:
environment@eastlothian.gov.uk

East Lothian Council
Planning Delivery
John Muir House
Haddington
EH41 3HA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300056565
Your ref: 21/01599/P
21 February 2022

Dear East Lothian Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land Adjacent To Castlepark Golf Club Yester Gifford East Lothian EH41 4PL -
Erection of 1 house and associated works

Thank you for your consultation which we received on 09 February 2022. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
GDL00388	YESTER HOUSE	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



HISTORIC
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SCOTLAND

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ALBA

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Thursday, 10 February 2022



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Adjacent To Castlepark Golf Club, Yester Gifford, EH41 4PL
Planning Ref: 21/01599/P
Our Ref: DSCAS-0058074-XKK
Proposal: Erection of 1 house and associated works

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in HOPES Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which

prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Services Analyst

████████████████████

planningconsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

[REDACTED]

Keith Dingwall Esq
Service Manager Planning
John Muir House
Brewery Park
Haddington EH41 3HA

8th March 2022

Dear Sir

Castle Park Golf Club
Application 21/01599/P – One House

I wish to object to the above planning application: Firstly, and perhaps most importantly, in relation to **'Housing in the Countryside Policy DC4: New Build Housing in the Countryside'**:

"New build housing development will only be supported in the countryside outwith the constrained coast where there is 'no existing house', or 'no appropriate existing building suitable for conversion to a house' is available in the locality".

Before pursuing the question of *whether or not* "the proposed new-build single house **might** be a *direct operational requirement* of a '*viable*' rural business (which *might* be supported in principle by Policy DC1)" members of the Planning Committee need to be aware of events surrounding the use of the two single caravans on the proposed site.

It is understood that amongst the many planning applications relating to this golf club over recent years, application **17/00091/P** was submitted in **2017** for the siting of two caravans for a temporary period, this being in direct response to Complaint **17/00012/COM**. At that time the applicant was advised that the siting and residential use of caravans at Castle Park Golf Club was "**unauthorised development in breach of planning control**". However, in **2019** when application **19/00632/P** was submitted (again re the two caravans) the inference was that those same temporary caravans were likely to have been in occupation since at least 2017 and indeed the current application (*Design and Access Statement*) shows the caravans (*p.10*) and acknowledges their present occupation (*p.11*) now into their sixth year on site!

The unauthorised use of the caravans and the availability of alternative accommodation are both directly related to Policy DC4 above. Up until around **2017** the applicants are believed to have owned and occupied property 'A' shown on the attached map - the closest domestic dwelling to the Golf Club - *in rural terms 'virtually next door'*. Moving from a house (so close to the Golf Course) into two caravans for an uncertain extended period inevitably raises questions. And, again re Policy DC4, in December 2021 (**less than 3 months ago**) another nearby dwelling came on the market at No. 2 Castle Mains Cottages – shown as 'B' on the attached map. Situated so close to the golf course, it surely would have been at least nearly ideal, especially if planning consent for the proposed new build might possibly be refused?

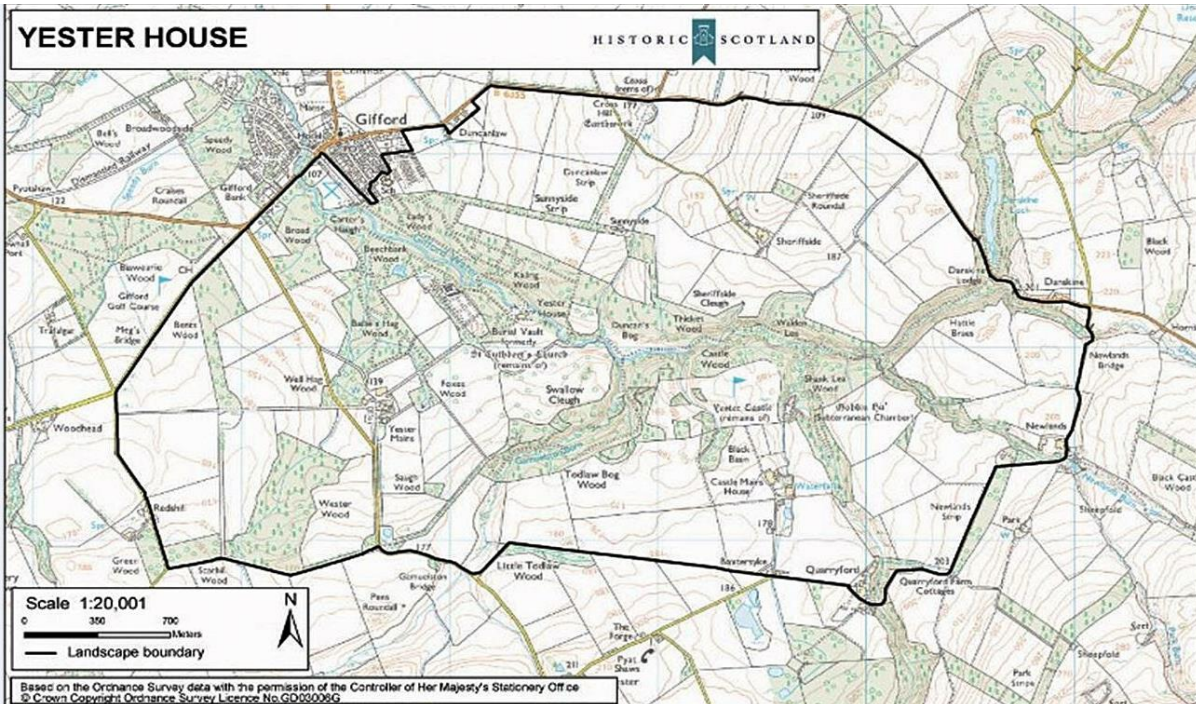
A copy of your Officers Report re **19/00632/P** is also attached for information. It briefly mentions the 'significant' *Yester House Designed Landscape* within which the golf club is located but gives no detail of the extent of this special area or the impact of development within it or around it. An image of the extent of that Designed Landscape is attached. It is clear, that the proposed inappropriate new-build, a very spacious 11-roomed, 5 bathrooms house, with an estimated value very probably in the region of around £1m, will most certainly not fit into the special landscape that is part of the cultural heritage of East Lothian. Yester Estate traces its history back to the mid-12th century. The protection of its extended designed landscape lies in the hands of the local planning authority and ultimately the Planning Committee. It is hoped therefore that planning consent will be refused.

Yours faithfully

[REDACTED]

Attached:

1. Officer Report No. 19/00632/P - Siting of two caravans (Retrospective) 6 August 2019
2. Yester House Designed Landscape – Historic Scotland
3. Google Earth map showing the two nearby properties available between 2017 and Dec 2021



OFFICER REPORT

26th September 2019

App No. 19/00632/P

Application registered on **6th August 2019**
Target Date **5th October 2019**

Proposal	Siting of 2 caravans (Retrospective)	SDELL	Y/N
		CDEL	Y/N
Location	Castlepark Golf Club		

**Yester
Gifford
Haddington
East Lothian
EH41 4PL**

Bad Neighbour
Development Y/N

APPLICANT: Castlepark Golf And Leisure LLP

Is this application to be approved as a
departure from structure/local plan? Y/N

**c/o MILL Design LLP
Per Chris Duncan
2 Bankhead Steadings
Dalmeny
EDINBURGH
EH30 9TF**

DECISION TYPE: **Application Refused**

PLANNING ASSESSMENT

This planning application relates to Castle Park Golf Club, which occupies a countryside location to the southeast of Gifford. The Golf Club consists of an 18 hole golf course, driving range, a clubhouse and a car park. It is located within the Yester House Designed Landscape.

In July 2011 planning permission 11/00458/P was granted for the alteration and extension of the existing clubhouse building. Planning permission 11/00458/P was not implemented.

In December 2015, planning permission 15/00761/P was granted for alterations and extensions to the clubhouse building and for associated works comprising the formation of areas of hardstanding. Planning permission 15/00761/P has been implemented and the extensions now form part of the built form of the clubhouse building.

Planning permission 16/01011/P was granted in May 2017, part retrospectively, for a number of alterations to the scheme of development approved by the grant of planning permission 15/00761/P and also for the erection of a machine shed and a driving range building to the southwest of the clubhouse building.

Planning application 17/00091/P for the siting of 2 caravans for a temporary period on the current application site was withdrawn in June 2019 prior to the application being validated.

Planning permission is now sought retrospectively for 2 caravans that have been sited to the north of the existing golf clubhouse building and which are in residential use. The planning application has been submitted following the opening of a planning enforcement complaint (17/00012/COM) with the applicant being advised that the siting and residential use of the caravans at Castle Park Golf Club was unauthorised development in breach of planning control.

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 the application.

Policies DC1 (Rural Diversification), DC4 (New build housing in the countryside), DP1 (Landscape Character), DP2 (Design), CH6 (Gardens and Designed Landscapes), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Scottish Planning Policy: June 2014 where it states that planning authorities should protect, and where appropriate, seek to enhance gardens and designed landscapes including the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

One letter of written representation has been received objecting to the application. The main grounds of objection are:

- i) The caravans are on site and in residential use;
- ii) The golf course has been under the present ownership for over 4 years and the previous owner who operated the course for many years did not live on site;
- iii) There is no suggestion that permission is being sought for anything other than a permanent standalone development;
- iv) The designed landscape will be compromised by static caravans of this nature.

The two static caravans each measure some 11.2 metres long by some 3.65 metres wide and have a shallow pitched roof with a ridge height of some 3.2 metres. The caravans are metal clad. The caravans are onsite and are located to the north of the existing Castlepark Golf Club house.

In their position adjacent to the existing clubhouse building the caravans are not readily visible from outwith the Castle Park Golf Club site and are seen in relation to the existing Golf Club buildings. As such they do have a significant detrimental impact on the landscape character of the area or that of the Yester Garden and Designed landscape.

The Council's Road Services raise no objection to the proposal being satisfied that it would not have an adverse impact on pedestrian or road safety.

The Council's Environmental Protection Manager has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

Historic Environment Scotland have been consulted on the application given the application site's location with the Yester House Designed Landscape and have stated that they do not have any comments to make on the application.

In support of the application the applicant's agent submitted a Justification Letter which states 'Our client requires to live on site for operational and security reasons associated with the golf course. There is no other accommodation on site.'

Further information was requested from the applicant's agent to justify the requirement for the caravans and a more detailed statement of justification was submitted by the applicant which states:

“The caravans have been sited at Castle Park G.C. since 2017. They are used as a single residential unit by the owners of the golf course and their three children. All relevant council taxes for such use have been fully paid.

The caravans were originally sited on a temporary basis as the course owners' house was flooded, the temporary period has lengthened as the flooded property was sold by the landlords whilst repairs were being undertaken. The course owners did try to buy the property but were not the preferred bidders - they now need to find an alternative local property.

In the meantime, it has become apparent that being on site has bolstered security whilst the course and club house are being developed:

Petty vandalism and punctures to machinery have reduced drastically.

Poaching and Hare Coursing has stopped.

Damage to bunkers and greens by visitors to Yester Castle has dropped.

The number of times that we need to call Police Scotland to attend to incidents on site has dropped. I have attached two of the emails we have received from Police Scotland with regards to Golf Course vulnerability, this is especially relevant to Castle Park as it is in such a rural location with vulnerable assets.

The caravans are also sited sympathetically in an area where they are in no one's site lines and are completely inobtrusive.

As owners we are trying to overhaul, develop and secure a business which is a resource for the county, providing jobs and opportunities in a struggling and under serviced rural area of East Lothian. We are a business with a social conscience, delivering programmes for disabled veterans, golfers with special needs and huge junior initiatives. We would like to ask that the council help support us in this by looking sympathetically on this application and allowing us to continue to focus on our goals. I state again, these caravans are having no impact on anyone else at all and I don't see where not allowing them serves the public interest at all”.

This application seeks planning permission, in retrospect, for the siting of the two static caravans on an area of land immediately adjacent to the Castle Park Golf Clubhouse within the well established Castle Park Golf Club site for permanent residential use.

It is stated by the applicant that the two static caravans are used as the permanent residence of the Golf Club owner and his family and that they have been on site since 2017 when they were originally sited on a temporary basis while repairs were being undertaken to the applicant's house. However, during the period of repairs the applicant's home was sold by the landlord and the applicant has been living on site with his family since that time. The current application is not seeking temporary permission for the siting of the static caravans on the application site and indeed the static caravans have been on site since 2017, a period of some 2 years to date. The applicant is seeking to justify the requirement for the two static caravans as a permanent residence within the Castle Park Golf Club site on the grounds that 'it has become apparent that being on site has bolstered security whilst the course and club house are being developed' and that Police Scotland issue guidance on Golf Course vulnerability.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 allows the principle of tourism and leisure development in the countryside and therefore permitted the development of the Castle Park Golf clubhouse and other associated permanent buildings at the golf course. However Policy DC4 of the adopted East Lothian Local Development Plan 2018 advises that there is a general presumption against new housing in the countryside with exceptions for a house that can be justified on the basis of an operational requirement of a rural business. In such circumstances appropriate evidence is required to clearly demonstrate the need for a new dwelling in association with the business and states that temporary accommodation may be permitted until such time as the business is established and the Council satisfied that permanent accommodation is justified.

However, the applicant is not seeking planning permission for a new build house in the countryside nor is he seeking temporary permission for temporary residential accommodation but instead he is seeking planning permission in retrospect for the siting of two static caravans on the application site as a permanent residential dwelling which to date have been in use as such for some two years.

On this matter, the applicant does not seek to justify the 2 caravans as enabling development. Policy DC5 is not relevant to the determination of this planning application.

Castlepark Golf Club is a long established leisure and tourism business within the East Lothian countryside which was founded in 1994 as a nine hole golf course and extended to an eighteen hole golf course in 2000. Castlepark Golf Club, like many other Golf Clubs within the East Lothian countryside, has been operating from the site for many years without the requirement for either a house or other form of permanent residence on the site.

The applicant has submitted a statement advising that the caravans were originally placed on site as a temporary measure however, his circumstances have changed and permission is now sought in retrospect, for the permanent siting of the caravans as a permanent residential dwelling. He has also advised that 'being on site has bolstered security whilst the course and club house are being developed' and submitted information from Police Scotland relating to security at Golf Clubs. However it is noted that the Police Scotland advice merely offers general advice on golf course security and does not contain any reference to having an on site residential caravan. Moreover, the applicant has presented no evidence to demonstrate why other security measures could not be used to deter and seek to prevent crime at the golf club. On this matter, there are many other golf clubs operating in the countryside without the requirement for someone to live on site. Consequently there is no justification of need for a residential unit to be located on site to bolster security.

As such there is no operational requirement for the 2 caravans to be sited at the Golf Club as a permanent residential dwelling and given that, to date, the caravans have been on site and in use as the applicant's permanent residence for a period of some two years there is no justification that would allow for the caravans to be allowed either for a temporary time period or on a permanent basis. The applicant has been living permanently in the unauthorised caravans for some two years which would have given him ample time to find a new residential property to reside in following the sale of his previous house.

The principle of the siting of these 2 caravans within the East Lothian countryside for use at the golf club either as temporary or permanent residential use is not supported by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Furthermore, if approved the proposal would set an undesirable precedent for the siting of caravans within the countryside as residential dwellings, the cumulative effect of which

would result in a detrimental impact on the rural character of the open countryside in East Lothian.

The Council's Policy and Strategy Manager states that there is no Local Development Plan policy that supports the permanent siting of caravans for permanent occupation in a rural location such as this and on that basis this application should be refused.

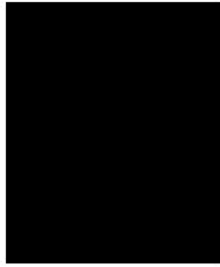
In conclusion there are no material planning considerations that outweigh the fact that the proposed development is contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The two caravans are unauthorised and a breach of planning control. Enforcement action will be taken to secure the removal of them, with the period for compliance with the enforcement notice being six months.

REASONS FOR REFUSAL:

- 1 The siting of 2 caravans on the application site for residential use in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The siting of the caravans for use as a permanent residential dwelling would set an undesirable precedent for the siting of caravans within the countryside as residential dwellings, the cumulative effect of which would result in a detrimental impact on the rural character of the countryside in East Lothian.



Keith Dingwall, esq.,
Service Manager Planning,
John Muir House,
Brewery Park,
Haddington,
EH41 3HA

8 March 2022

Dear Sir,

Castle Park Golf course
Application 21/ 01599 P, One House

We have lived at [REDACTED] for 29 years and would object to this application.

The DAS contains no analysis as to policy DC4, i.e. whether there is a direct operational requirement of a viable relevant business for this large house. The DAS says the house will be "affiliated" to the club, with "direct connections" with the clubhouse and "funded and owned by the business." However, we can find no indication in the documents of acceptance of a legal requirement for occupation to be restricted to persons working in the context of a direct operational requirement for a viable countryside business etc. In other words, if intentions were to change from what is said in the DAS, or if the golf course is not viable and were to close, the house could be freely sold for any purpose, if it has not been tied to the presumption against housing in the countryside.

We question whether there is a direct operational requirement for the manager of the golf course to be on site 24/7. The previous owner [REDACTED] ran the business for about 10 years up to 2014 and lived off site. The present owners have been living on site in caravans at least since 2017 so we do not see how the alleged "regular crime and vandalism" would have been prevented by the presence of a house instead. Other golf courses such as Gifford Golf Course do not have a greenkeeper's house on site, for example. The planning officer was not satisfied on such matters when refusing application 19/00632/P (Retrospective) for two residential caravans at Castle Park.

It is also the case that two cottages at nearby Castlemains have recently been sold off.

The DAS does not expressly examine the proposal against the Yester Designed Landscape policy. Para K of the SLA policy refers to support for traditional style buildings, so we are not sure if it is enough for a modern design to use "sympathetic" materials to achieve harmony with local vernacular.

We note the project involves demolitions. When the current operators demolished the old clubhouse a pile of debris and rubbish etc. was left in a corner of the golf course land near to Yester Woods (photographs). We reported this to SEPA in 2017, and again recently in December 2021, as well as to the council at this time, but it is still there. We face the depressing prospect of a similar thing happening again.

Yours truly,

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering a line of text.

Castle Park rubbish tip Dec 2021











**SUGGESTED SCHEDULE OF CONDITIONS – REVIEW AGAINST REFUSAL OF PLANNING APPLICATION
BY THE LOCAL REVIEW BODY – 21/01599/P**

Should the Local Review Body be minded to uphold the review it is respectfully requested 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 Benchmark or Temporary Benchmark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed house 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. The occupation of the house hereby approved shall be restricted to a person(s) solely or mainly employed in the leisure and tourism business of Castle Park Golf Club, Gifford, or the dependant of such a person.

Reason:

To comply with the Council's Policy for the erection of new houses in the countryside.

4. Prior to the commencement of development a detailed specification and, if requested, samples, of all external finishes to be used in the proposed development, including the materials to be used to surface the hardstanding areas, shall be submitted to and approved by the Planning Authority. The external finishes used in the development shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the landscape character of the area.

5. Prior to the occupation of the house hereby approved, the access and the parking area shown on docketed drawing no. 20036-PL(2-)004 Revision B shall have been formed and made available for use, and thereafter the access and parking area shall be retained for such uses unless otherwise approved in advance in writing by the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access, parking and turning in the interests of road safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no development of the types specified in Part 1 of Schedule 1 of the Order or in any statutory instrument revoking and/or re-enacting that Part of the Order shall be undertaken on the new house hereby approved, or on any part of the application site, other than the development shown on the drawings docketed to this planning permission, unless with the prior approval of the Planning Authority.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development and the visual amenity of the landscape of the area.

7. 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.

8. 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.

9. Prior to the commencement of development, the results of tests of percolation and infiltration rates for the soakaways to serve the development shall be submitted to the Planning Authority. On receipt on those test results and also prior to the commencement of development the precise detail of the soakaways including their size shall be submitted to and approved by the Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

In order to prevent flooding from insufficient drainage.

10. 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 the new building, where feasible and appropriate in design terms, and the provision of one electric car charging point and infrastructure for it, 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.