

**REPORT TO:** Planning Committee

**MEETING DATE:** 3 June 2014

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **13/01020/PPM**

Proposal Planning permission in principle for erection of 52 residential units and associated works

Location **Land At Old Craighall Road  
Old Craighall  
East Lothian**

Applicant W.A Traquair and Son

Per Clarendon Planning and Development Limited

**RECOMMENDATION** Application Refused

#### **PLANNING ASSESSMENT**

As the principle of development proposed in this application is for more than 50 houses, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 it is defined as a major development and cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

In accordance with statutory requirements for major developments this proposal was the subject of a Proposal of Application Notice (Ref: 13/00004/PAN) and of community consultation prior to this application for planning permission in principle being made to the Council.

As a further statutory requirement for major development applications, a pre-application consultation report is submitted. The report informs that some 16 people attended the pre-application public exhibition, held at Danderhall Community Centre on 24 October 2013. Those attendees made a number of queries and suggestions regarding the proposals. The development for which planning permission in principle is now sought is

of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation on the proposal.

This application relates to an L shaped area of some 1.63 hectares of agricultural land which lies on the east side of the B6415 Old Craighall Road, just outwith the small settlement of Old Craighall. As such it is within the Edinburgh Green Belt and the East Lothian countryside.

The site is bounded to the northwest by the B6415 Old Craighall Road with residential, four in a block flatted properties beyond, to the northeast by an elevated minor road which leads to the residential property of Monkton Lodge, to the southeast by further agricultural land and to the southwest partly by the relatively modern 11 house residential development of Queen Margaret University Way and partly by agricultural land beyond which are the listed buildings and walls of Monkton Gardens and Monkton House.

The application site is enclosed by natural stone walls and post and wire fences.

Planning permission in principle is sought for a residential development consisting of 52 residential units on the application site. The application as first registered sought planning permission in principle for a residential development of 54 residential units, however, the proposal has since been amended to 52 residential units.

An indicative site layout plan has been submitted with the application indicating how some 52 residential units could be accommodated on the application site. It also indicates that SUDS ponds would be accommodated on the northeast part of the site, informal open space would be provided in the northeast corner of the site and that landscape buffers would be planted along the north-eastern and south-eastern boundaries of the site. It is also indicated that a vehicular and pedestrian access to the site would be taken from a new access from the B6415 Old Craighall Road which would lead through the development and then link into the existing cul-de-sac road of the adjacent Queen Margaret University Way to create a through road back onto the B6415 Old Craighall Road.

The application is also supported by a planning supporting statement, a housing land supply overview, a transport statement, a landscape and visual impact assessment, a stage 1 ground/services desktop study, a phase 1 habitat survey and a design statement.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 19 February 2014 the Council issued a formal screening opinion to the applicants. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed residential development to be the subject of an EIA.

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 Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land), 7 (Maintaining a Five Year Housing Land Supply) and 12 (Green Belts) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (parts 4 and 5) (Development in the Countryside and Undeveloped Coast), DC2 (Development in the Edinburgh Green Belt), DP1 (Landscape and Streetscape Character), DP12 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP 18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP21 (Public Transport), DP22 (Private Parking), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: February 2010 on development affecting a listed building or its setting. Scottish Planning Policy: February 2010 echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Scottish Planning Policy: February 2010.

Paragraph 75 of Scottish Planning Policy states that a supply of effective land for at least 5 years should be maintained at all times to ensure a continuing generous supply of land for house building.

On the subject of green belts Scottish Planning Policy: February 2010 states that the purpose of their designation in the development plan as part of the settlement strategy for an area is to:

- (i) direct planned growth to the most appropriate locations and support regeneration;
- (ii) protect and enhance the quality, character, landscape setting and identity of towns and cities; and
- (iii) protect and give access to open space within and around towns and cities.

It is also stated in Scottish Planning Policy that certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include:

- development associated with agriculture, including the re-use of historic agricultural buildings,
- woodland and forestry, including community woodlands,
- horticulture, including market gardening and directly connected retailing,
- recreational uses that are compatible with an agricultural or natural setting, and
- essential infrastructure such as electronic communications infrastructure and electricity

grid connections.

Where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Green belt boundaries should be clearly identifiable on the ground, using strong visual or physical landscape features such as rivers, tree belts, railways or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

At its Cabinet meeting of 10 December 2013, the Council agreed that East Lothian has a shortfall in its effective housing land supply. At that meeting the Council also approved Interim Planning Guidance against which planning applications for housing on land not allocated for housing development will be assessed. The application site is not allocated for residential development. Therefore the approved Interim Planning Guidance is a material consideration in the determination of this planning application.

A total of 32 written representations have been received in respect of this application, all of which make objection to the proposed development. The majority of the objections submitted are from residents of Old Craighall, including an objection submitted by Old Craighall Residents and Tenants Association.

The main grounds of objection are:

- there is no validation for eroding the Green Belt and there are no defensible boundaries to prevent future development within the surrounding Green Belt towards the City Bypass;
- the proposal does not fulfil SESplan criteria as there is inadequate access to public transport. There is currently no bus service serving Old Craighall and no prospect of getting any given current financial constraints;
- an increase in traffic as a result of the proposed development would be a road safety hazard;
- there are insufficient school places in the area to support the influx of school age children that the development would bring;
- there is lack of provision in the proposal for cycle paths and ways to connect the village to existing cycle paths and ways at Monktonhall;
- the applicant is giving more consideration to views of the development from the A1 than to views of the development from the existing residencies of Old Craighall;
- the criteria cited in SESplan Policy 7 are not met by this proposal;
- Old Craighall is not in the Edinburgh City Region, it is in East Lothian;
- the land at Old Craighall is neither an appropriate or an effective site and land is available at other sites closer to already built up areas;
- it is not acceptable to approve Planning Applications before a suitable Local Development Plan is in place;
- there are no community amenities at Old Craighall to sustain and as such there would be no regeneration benefits to be gained from an expansion of the hamlet;

- there would be no village focus;
- the land is agricultural land; this has been its use for many years despite the applicants' statement to the contrary;
- when considered alongside the development at Shawfair and the proposed development by Persimmon to build from Old Craighall to Newcraighall, Old Craighall would become a suburb of Edinburgh rather than the rural community that it is and is at risk of settlement coalescence;
- the open views for Old Craighall residents are the main amenity and should not be marred by housing that is unnecessary;
- the development is not sensitive in design or scale to the local area;
- the proposed number of houses is approximately a 200% increase in the size of Old Craighall. This is unacceptable to residents;
- this development is not necessary to address a shortfall of housing in East Lothian where there are plans already underway to build a new settlement at Blindwells;
- the infrastructure necessary for the build is not available and requires considerable upgrade;
- the site is on ground that has been mined for at least a hundred years;
- the proposed development would be of no benefit to existing residents of Old Craighall and the building work alone will cause a disruption to the residents and tenants for 2 years;
- the proposed development will result in a loss of privacy and amenity to existing residents;
- the proposal to convert Queen Margaret University Way from a cul-de-sac to a through road to the proposed development would have a harmful impact on residents of Queen Margaret University Way and would lead to considerable extra traffic;
- the pre-application consultation report submitted with the application does not accurately reflect the views of residents of Queen Margaret University Way who attended the public consultation and expressed concerns about the development linking into Queen Margaret University Way;
- the application site lies within an area dense with known prehistoric archaeological remains and also within the confines of an historic feature.

Musselburgh and Inveresk Community Council have been consulted on the application but have not provided a consultation response.

Due to the location of the application site within the Edinburgh Green Belt, Midlothian Council and the City of Edinburgh Council have been consulted. Neither has provided any comments on the proposal.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the

means of access to the proposed development would require the subsequent approval of the Planning Authority. Through the subsequent determination of such details, planning control would be exercised to ensure that the built form of the development would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site on the outskirts of Old Craighall.

The primary material consideration in the determination of this application is whether or not the principle of the proposed housing development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations of significant weight in considering the housing development of the application site.

The land of the application site is defined by Policy DC2 of the adopted East Lothian Local Plan 2008 as being part of the Edinburgh Green Belt. Within East Lothian, the Green Belt surrounds Musselburgh and Wallyford and extends towards Prestonpans and Tranent. The adopted Local Plan states it plays an important role in protecting the landscape setting of Musselburgh and the western edges of Prestonpans and Tranent as well as the landscape setting of the eastern edge of Edinburgh.

The adopted Local Plan does not allocate the land of the application site for residential development.

The principle of new build housing development on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the green belt and in the countryside.

Local Plan Policy DC1 (Development in the Countryside and Undeveloped Coast) provides the detailed context for the consideration of development proposals in East Lothian's countryside and coast. The Edinburgh Green Belt also includes countryside and coast, its specific purpose being to maintain the identity and landscape setting of the city and neighbouring towns and to prevent their coalescence. Thus, the Local Plan's Green Belt policy, Policy DC2, must take these additional considerations into account. It is explained in the Local Plan that most parts of Policy DC1 remain relevant to a consideration of development with the Edinburgh Green Belt, but new build development must be restricted further than in the wider East Lothian countryside. The local plan's Green Belt policy therefore excludes Parts 1 and 3 of Policy DC1.

In accordance with paragraph 84 of Scottish Planning Policy: February 2010, Policy DC2 of the adopted East Lothian Local Plan 2008 sets out the circumstances in which new housing within the Green Belt may be appropriate. Policy DC2 only allows for new build housing development in the Green Belt where it is necessary for agricultural, horticultural or forestry operations, for countryside recreation, or where by its scale and nature it will not harm the rural character of the area; and where it meets the requirements of Local Plan Policy DC1 Part 5; and in all cases, where it does not detract from the landscape setting of Edinburgh and its neighbouring towns, or lead to their coalescence.

The new build housing development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation. The proposed 52 houses with their associated development would be of a scale which would be a major extension to the existing small settlement of Old Craighall. This significant extension of that small settlement of less than 50 residential properties would more than double the size of it.

That extension of Old Craighall would be highly visible from views outwith the site, particularly in views from parts of the A720 City Bypass to the south of the site, in views

from parts of the A1 to the north and east of the site and from the settlement of Old Craighall and its immediate surroundings.

Such proposed development within the green belt would be at odds with and harmful to the rural character of the area, affecting and detracting from the landscape setting of Edinburgh and its neighbouring towns. The release of green belt land for such use is properly considered through the development plan process and should not be dealt with through the application process.

On these considerations it is contrary to Policy DC2 of the adopted East Lothian Local Plan 2008. By virtue of being of an inappropriate nature and scale of development for the Green Belt and by virtue of the harmful visual impact it would have on the Green Belt, the proposed development is also contrary to Policy DC1, part 5 of the adopted East Lothian Local Plan 2008.

Notwithstanding that the proposal is contrary to Policies DC1 and DC2 for the reasons given above, the South East Scotland Strategic Development Plan (SESplan) requires that Policies DC1 and DC2 be considered in the context of the current housing land supply.

Policy 5 of SESplan identifies the housing requirement across the SESplan area but not by each Council area. Instead it requires the production of Supplementary Planning Guidance to set out how much of that overall requirement will be met in each Council area through the relevant Local Development Plan. Ministers have indicated that this Supplementary Planning Guidance must be prepared within a year of approval of SESplan (i.e. by June 2014).

Policy 7 of SESplan requires planning authorities in the SESplan area to maintain a five years effective housing land supply at all times. It also requires developments to be in keeping with the character of the settlement and local area; to not undermine green belt objectives and requires that any additional infrastructure required as a result of the development is either committed or to be funded by the developer. Given that the scale of this supply for each Council area is dependent on the housing requirements to be identified through Supplementary Planning Guidance and that the Scottish Ministers have not yet approved that Supplementary Planning Guidance, there is not as yet a definitive figure against which the Council can calculate the effective housing land supply in relation to SESplan.

The Council has agreed that East Lothian has a shortfall in its effective housing land supply. However, until such time as the SESplan Supplementary Planning Guidance is approved the Council does not have definitive housing requirement against which to measure the effectiveness of its five year housing land supply. On this basis the Council approved its Housing Land Supply: Interim Planning Guidance against which planning applications for housing on land not allocated for that purpose will be assessed.

The approved Interim Planning Guidance states that the weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

1 Effectiveness;

2 Scale;

3 Timing;

4 Development Plan Strategy; and

5 Locational Considerations.

In respect of criteria 1; effectiveness, the applicants' agent has confirmed that there are no physical constraints to the development of the site and has enclosed with the application a letter from a national house builder (Barratt Homes), confirming their wish to pursue acquisition of the site should planning permission in principle be granted. The applicant's agent advises that it would be the landowner's (the applicant) intention to retain control over the master planning stage of the proposal and thereafter the intention would be to finalise a legal agreement for the sale of the site on the basis of planning approval having been granted, leaving the house builder to address the details of the development through application for approval of matters specified in conditions. On these considerations the site can be considered to be effective.

In respect of criteria 2; scale, the guidance states that the actual number of houses permissible on any one site or within any one settlement will be assessed against the scale and character of the specific settlement. The small settlement of Old Craighall contains approximately 43 residential units, a play park and no other community facilities. The application site occupies an area approximately half the size of the defined settlement of Old Craighall and it is proposed that 52 residential units would be built on it. Given the small number of dwellings in Old Craighall and the small size of the settlement, an additional 52 residential units on a site which is approximately half the size of the existing settlement would represent a significant expansion of the settlement in a very short space of time. This is a scale of growth that would be inappropriate for such a small settlement and would not readily permit the new residents to be absorbed into the community. Thus the proposed development, by being of a scale inappropriate with the scale and character of Old Craighall fails to meet the terms of criteria 2 of the Interim Planning Guidance.

In respect of criteria 3; timing, the applicant's agent again refers to the interest in the site from a national house builder. They state that the applicant's would accept any condition that restricts the standard time period for validity of planning permissions and advise the national housebuilder who has expressed interest in the site is currently active on a range of housing sites throughout the Edinburgh and the Lothians area and is actively seeking further opportunities and would intend to develop this site at the earliest opportunity.

In respect of criteria 4; development plan strategy, it is considered that the proposed housing would not prejudice the delivery of the existing Development Plan strategy because it would not compromise the ability to provide infrastructure to existing housing land allocations that do not yet have planning permission or are committed but have not yet started, and is not dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started.

In respect of criteria 5; locational considerations, the application site adjoins the eastern edges of Old Craighall and therefore in this respect partially satisfies part of criteria 5 in that it would form an extension of an existing settlement as defined in the adopted East Lothian Local Plan 2008.

As Old Craighall lies outwith the East Lothian Strategic Development Area identified in SESplan, the proposed development has to be assessed against the provisos as set out in part (ii) of criteria 5 as well as the provisos set out in part (i) of criteria 5. In regard to



this the proposed development meets proviso 5(i) (b) in that there is no evidence to suggest that infrastructure is not available or cannot be made available within a timescale that allows for early house completions, but fails to meet proviso 5(i)(a) in that the scale of the proposed development is not in keeping with the scale and character of the existing small settlement of Old Craighall and also fails to meet proviso 5(i)(c) in that the site's development for housing is not, for the reasons set out above, consistent with all other relevant Development Plan policies.

Criteria 5(ii) sets out the further provisos where development may be acceptable, specifically,

(a) where the settlement is well served by public transport,

(b) existing facilities and services are both available and accessible such that the need to travel is minimised, and

(c) the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may.

In terms of part 5(ii)(a) the site is within close proximity of the nearest bus stops, however, Old Craighall is currently not served by any public transport, with the one service which did operate through Old Craighall recently having been withdrawn. There is therefore no public transport service for any new residents to travel to employment or access local services in the wider area.

Furthermore Old Craighall, being such a small settlement, has no existing facilities or services available or accessible within the settlement, other than a play park, and therefore the need to travel would be essential and cannot be taken to be minimised. Given that there are no existing facilities or services within Old Craighall other than a play park, the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area would be negligible.

On these points the proposed development fails to meet all of the terms of part 5(ii) of the Interim Planning Guidance.

In respect of part (iii) of criteria 5 the proposed development would not be on land allocated for another specific use.

In respect of part (iv) of criteria 5 the proposed development, given it would form a residential extension of the existing settlement of Old Craighall, would be compatible with adjoining or nearby existing uses.

Part (v) of criteria 5 states that a proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a development plan review.

The application site is bounded on its northwest sides by Old Craighall Road and by the existing housing development of Queen Margaret University Way, on its northeast side by the minor road which leads to the residential property of Monkton Lodge and on its southwest side by a high stone wall and the settings of the A listed building of Monkton House and of the B listed Monkton Gardens. These are robust and defensible boundaries which would serve to contain the proposed development along these aforementioned boundaries. However to the southeast the application site is bounded

by further agricultural ground with no robust and defensible boundary in place between the application site and this further agricultural ground. Although the indicative site layout plan submitted with the application indicates how landscaping features could be planted along the majority of the southeast boundary of the site, this would take many years to establish and thus cannot be taken to provide a robust boundary enclosure in the short to medium term.

On consideration of the above, the south-eastern part of the application site is clearly not contained within a robust, defensible boundary. Accordingly, a grant of planning permission in principle would set a real precedent for subsequent future expansion to the southeast. Such scale of development, which would be development that could potentially further undermine green belt objectives, would be more appropriately considered through the local development plan process. Approval of the residential development proposed for the site could prejudice that process.

With the lack of a defensible boundary to the southeast and the setting of a precedent for future eastern expansion, the proposed housing development would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process.

Thus on these forgoing considerations the principle of a housing development of the application site is contrary to the Council's Housing Land Supply: Interim Planning Guidance.

Subject to the details of the siting, design and external appearance of the proposed residential units, the landscaping of the site and the means of access to the proposed development, the principle of residential development on the application site would not, by virtue of it being sited adjacent to other residential development, including the adjacent Queen Margaret University Way which partially separates the site from the listed buildings and walls of Monkton Gardens and Monkton House, be development which would harmfully draw attention away from those listed buildings nor would it be harmful to any significant views of those listed buildings. Rather, the listed buildings would remain the focus of their settings. On this count the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010 all as they relate to the setting of listed buildings.

Policy INF3 of the adopted East Lothian Local Plan 2008 stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Deputy Chief Executive (Resources and People Services) informs that part of the application site is located within the primary school catchment area of Campie Primary School, the other part is located within the primary school catchment area of Whitecraig Primary School and the whole of the site is located within the catchment area of Musselburgh Grammar. He confirms that Campie Primary School has capacity to accommodate pupils that might arise from occupation of 26 of the proposed 52 residential units. However, there would be insufficient capacity at Whitecraig Primary School to accommodate pupils that might arise from occupation of the other 26 of the proposed residential units and insufficient capacity at Musselburgh Grammar to accommodate pupils that might arise from occupation of the proposed 52 residential units. Thus he objects to the application on the grounds of lack of permanent capacity at those schools. However, he would withdraw that objection provided the applicant makes a financial contribution to the Council of £187,980 towards the provision of additional

school accommodation at Whitecraig Primary School and £42,068 towards the provision of additional school accommodation at Musselburgh Grammar.

This can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing, through mechanisms to be agreed with the developer. The terms for the provision of this affordable housing requirement could be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement the proposal is consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that open space provision within the development should be in accordance with Policy C1 of the adopted East Lothian Local Plan 2008 which requires on site provision of 60 square metres of open space per dwelling. The indicative site layout submitted indicates a provision of some 3000 square metres of open space provision which is broadly in line with the requirements of Policy C1. Provision of adequate open space within the development is a matter which could be made conditional on a grant of planning permission in principle and subject to the imposition of such a condition the proposal is consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

As no formal play provision is proposed within the site of the proposed development, the Council's Principal Amenity Officer advises he would instead accept a developer contribution of £30,000 for enhancements to the play park which is within the settlement of Old Craighall in lieu of providing a play park within the development, being content that it is within close enough proximity to the application site to provide a suitable play area for the development, and subject to pedestrian improvements being made to the public road between the site of the proposed development and the play area, a matter which he suggests should be agreed with the Council's Transportation Service. This contribution can be secured by a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal Agreement. The basis of this is consistent with the test of reasonableness of a planning agreement set in Planning Circular 3/2012. Subject to the Council securing this appropriate developer contribution the proposal is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

Transport Scotland raises no objection to the principle of the proposed development.

The Council's Transportation service has considered the revised Transport Statement submitted by the applicant and is satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network. The Transportation service advises that proposals contained in the Transport Statement for works immediately in the vicinity of the site along the existing B6415 public road, and

detailed on drawing number MTS 1013/SK01 contained within the Transport Statement (including the provision of a new pedestrian footway along the frontage of the development site to link into the existing traffic island at the eastern end of Old Craighall; improvement works to that existing traffic island; a new section of footway between the existing junction of Queen Margaret University Way, west towards the existing play area; and the narrowing of the carriageway on the approach to the village from the west and the provision of a new pedestrian crossing point at that point) are satisfactory in principle subject to the submission of detailed drawings to be submitted as part of an application for approval of reserved matters consent. This is a matter that could be dealt with by a condition on a grant of planning permission in principle for the proposed development.

The Council's Transportation service further advises that the applicant has, in principle, demonstrated that the internal access road is capable of taking service vehicles as well as a bus service which could use the site as a loop terminus. The detailed design of the internal access road is a matter of detail which would also be subject to the submission of detailed drawings to be submitted as part of an application for approval of reserved matters consent.

The Transportation service also recommend the imposition of conditions relating to the standard of access roads for new housing areas, parking ratios, driveway and parking space dimensions, cycle parking, construction activities and wheel washing. With the imposition of conditions to cover the issues raised by the Transportation service the principles of the proposed development of the site for residential use does not conflict with Policies DP20, T1 or T2 of the adopted East Lothian Local Plan 2008.

In respect of landscape matters the Council's Policy and Projects service has expressed concern regarding the impact the proposed development could have on the wider landscape including loss of greenbelt land, views of the development from the surrounding roads and from designed landscapes and the impact on the character and setting of the Old Craighall. In order to mitigate the landscape impact they have made a number of recommendations in relation to detailed landscape planting which could be made conditions of a grant of planning permission in principle. These include forming landscape buffers along the north-eastern and south-eastern boundaries of the site, repair and retention where possible of natural stone walls within or bounding the site and provision of open space. The landscape section of the Council's Policy and Projects service also express concern that it has not been demonstrated how the proposed development would tie in with existing green networks.

The Council's Environmental Protection Manager raises no objection to the principle of housing development of the application site. She does however advise that there is the possibility of contamination of the soils on the site. Consequently she recommends that prior to the commencement of development on the site a comprehensive contaminated land investigation be carried out and a report submitted to and approved in advance by the Planning Authority with a subsequent remedial strategy submitted if required. This could be made a condition of a grant of planning permission in principle.

The Council's Waste Services Manager raises no objection to the principle of housing development of the application site.

It is stated in Scottish Planning Policy that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake

appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology similarly advises. As stipulated in Policy ENV7 of the adopted East Lothian Local Plan 2008, new development that would harm a site of archaeological interest or its setting will not be permitted.

The Council's Archaeology Officer advises that the application site would be situated in an area of known archaeological remains. Because of this the Archaeology Officer recommends that a programme of archaeological works be carried out prior to the commencement of development. This could be secured through a condition attached to a grant of planning permission in principle. This approach is consistent with Scottish Planning Policy: February 2010 and Planning Advice Note 2/2011: Planning and Archaeology.

The Council's Biodiversity Officer was consulted on the planning application but did not comment on it.

The Scottish Environment Protection Agency initially objected to the proposals on the basis of a lack of information on Sustainable Urban Drainage Systems, however, following subsequent submissions by the applicant they have withdrawn that objection and now raise no objection to the principle of the proposed development subject to the provisions of the applicants submissions being developed and agreed at the stage of approval of matters specified in conditions, should planning permission in principle be granted.

Given the scale of the proposed development and its prominent public location, if planning permission in principle were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission, subject to which the proposal would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

Scottish Water raise no objection to the principle of the proposed development.

As parts of the application site are within a Coal Mining Development Referral Area the Coal Authority has been consulted on the application. The applicant's agent has submitted a Coal Mining Risk Assessment Report which is contained within the Stage 1 Desk Study (Job no. 11/083, 24 January 2012) which has been submitted as part of this planning application. The Coal Authority advise that the submitted report correctly identifies an on-site mine entry and other coal mining activity, recorded to have taken place beneath the application site and thus the report recommends intrusive site investigation works be undertaken to confirm coal mining conditions and to enable the implementation of any necessary mitigation measures prior to commencement of the development.

The Coal Authority recommends that should planning permission in principle be granted that the intrusive investigation works recommended within the Stage 1 Desk Study (Job no. 11/083, 24 January 2012) be undertaken prior to the commencement of development and that in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority. This can be required by a condition of a grant of planning permission in principle.

Notwithstanding the above matters which can be controlled by conditions, there are no material considerations that outweigh the primary material consideration that the new build housing development proposed in principle in this application is contrary to the Council's Housing Land Supply: Interim Planning Guidance on five counts. Furthermore there are no material considerations which outweigh the consideration that the type and scale of the proposed development would be inappropriate, highly visible development within the green belt which would undermine green belt objectives and as such is contrary to Scottish Planning Policy: February 2010, Policy 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Part 5) and DC2 of the adopted East Lothian Local Plan 2008.

#### RECOMMENDATION:

That the application be refused for the following reasons:

- 1 On the following considerations the new build residential development proposed in principle in this application is contrary to the Council's Housing Land Supply: Interim Planning Guidance:
  - (i) The proposed development is of a scale inappropriate to this small settlement;
  - (ii) By virtue of its nature and scale is inappropriate development in the Green Belt and conflicts with Development Plan policies relating to development within the Green Belt;
  - (iii) It would not be served by public transport or any other facilities and services, therefore the need to travel would not be minimised;
  - (iv) Given the lack of existing facilities or services within Old Craighall the proposed housing would not make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area;
  - (v) The south-eastern boundary of the application site is not contained within a robust, defensible boundary and the residential development of the application site would set a real precedent for subsequent future expansion to the southeast, the principle of which should be considered through the Local Development Plan process.
- 2 The type and scale of the proposed development would be inappropriate, highly visible development within the green belt which would undermine green belt objectives and as such is contrary to Scottish Planning Policy: February 2010, Policy 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (parts 5) (Development in the Countryside and Undeveloped Coast), and DC2 (Development in the Edinburgh Green Belt).

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*