

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 7 November 2017

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

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

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Application No. **17/00020/PPM**

Proposal Planning permission in principle for residential development and cemetery, with associated access, infrastructure, landscaping and open space

Location **Land At Newtonlees Farm  
Dunbar  
East Lothian**

Applicant Gladman Developments Ltd

RECOMMENDATION Application Refused

#### PLANNING ASSESSMENT

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

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 16/00015/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that some 22 people attended the pre-application public exhibition, which was held on the 6 September 2016 at the Dunmuir Hotel, Queens Road, Dunbar, and that 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 of the proposal.

The application site is an area of agricultural land in the East Lothian countryside, located to the southeast of Dunbar and on the northwest side of Broxburn. It is some 8.3 hectares in area. The site is within the battlefield site of the Battle of Dunbar II that is included in Historic Environment Scotland's Inventory of Historic Battlefields.

The site is bounded to the east by the A1087 Bowmont Terrace public road and at its southeast corner by some of the residential properties of Broxburn, to the south by a road, to the west by a road leading to the residential properties of Newtonlees Cottages and by the residential properties of Cair Deil, Endrigg, The Bungalow and Newtonlees Farmhouse and to the north by the access road to Newtonlees Farm. The East Coast Main Line is to the west of the site.

The land on the north side of the access road to Newtonlees Farm was granted planning permission (ref: 15/00630/PM) in October 2016 for the erection on it of 240 houses and associated works. The development the subject of that planning permission is well underway.

Planning permission in principle is sought through this application for a residential development of the application site along with a cemetery together with associated access, infrastructure, landscaping and open space.

An indicative illustrative masterplan has been submitted with the application indicating how some 115 residential units could be accommodated on the application site. It is also indicated that a new cemetery could be formed on the eastern part of the site at its southern end. The indicative illustrative masterplan also indicates how a large area of open space could be formed on the eastern part of the site at its northern end and how landscape planting could be formed in and around the site.

The indicative illustrative masterplan shows an access to the site could be taken from a new vehicular access junction with the A1087 Bowmont Terrace public road.

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 13 October 2016 the Council issued a formal screening opinion to the applicant. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission in principle. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

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 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and

Streetscape Character), DP14 (Trees on or Adjacent to Development Sites), DP17 (Art Works-Percent for Art), DP20 (Pedestrians and Cyclists), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), H4 (Affordable Housing), 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.

Also material to the determination of the application is Scottish Planning Policy: June 2014.

Also material to the determination of the application are the written representations to the proposals. A total of 12 written objections have been received. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

- \* the land of the application site is not identified for development in the Proposed East Lothian Local Development Plan;
- \* the proposed development would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and would be overdevelopment of the countryside;
- \* the proposed development would lead to a loss of amenity to neighbouring residential properties through overlooking and loss of sunlight;
- \* the proposed development would result in a large growth of development within a short space of time;
- \* the proposed access arrangements and the proposed development would lead to additional traffic generation that would be too much for the local road network to cope with resulting in a road and pedestrian safety hazard;
- \* the proposed development would harmfully impact on local infrastructure in terms of school and healthcare capacity and local services;
- \* there is a lack of pedestrian and cycle routes to and from the site and no recommendations of sustainable travel;
- \* the design of the development is contrary to government and local planning policy;
- \* the submitted Transport Assessment is not adequate;
- \* the submitted Landscape and Visual Impact Assessment is incompetent; and
- \* the proposed cemetery should be located at Deerpark.

If planning permission in principle were to be granted, the details of the siting, design and external appearance of the proposed houses, the landscaping of the site, the cemetery 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 in relation to Scottish Government Policy of Designing Streets and the Council's Urban Design Standards for New Housing Areas, planning control would be

exercised to ensure that the built form of the development could be carried out in an acceptable way, with due regard to the need to safeguard the character and appearance of this site.

In respect of open space and play provision, the Council's Principal Amenity Officer advises that the area of open space indicatively shown to be provided would be set out in such a way as to provide a sufficient area of open space for informal recreation for a proposed development of 115 housing units and thereby be consistent with Policy C1 of the adopted East Lothian Local Plan 2008. He is also content with the size and location of the indicatively shown equipped children's play area, consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In respect of the land of the cemetery, the Council's Principal Amenity Officer advises that the Council, as Burial Authority, supports the provision of additional cemetery land at Dunbar as proposed in the application. It would be the intention that the cemetery land would be operated by the Council through a separate agreement between the Council's Amenity Services and the applicant, subject to a grant of planning permission in principle. This is a matter between the applicant and that separate service of the Council and is not a material planning consideration. From this arrangement, it can be considered that the Council has an interest in the land of the application site. In relation to this, if a grant of planning permission in principle is not significantly contrary to the development plan, there is not a requirement to notify Scottish Ministers.

The Council's Roads Services has considered the Transport Assessment submitted with the application and advise that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network.

Roads Services recommend that if planning permission in principle were to be granted the following should be made principles of development of any approval:

- \* the existing 30 miles per hour (mph) speed limit on the A1087 Bowmont Terrace public road be extended southwards including along the entire length of site frontage;
- \* street lighting be provided over the full extent of the proposed new 30mph speed limit on the A1087 Bowmont Terrace public road;
- \* a continuous 2 metre wide shared footway be provided on the west side of the A1087 Bowmont Terrace public road along the application site frontage to connect to the existing footway network to the north and south with dropped kerbs provided as necessary;
- \* a pedestrian link into the site be formed from the north boundary of the site to connect to the site under construction to the north;
- \* the proposed site access junction with the A1087 Bowmont Terrace public road be designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- \* a visibility splay of 4.5m by 90m in both directions be provided and maintained at the proposed site access junction with the A1087 Bowmont Terrace public road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- \* an independent road safety audit be undertaken for the proposed site access junction with the A1087 Bowmont Terrace public road which should include an implementation programme describing when measures identified in the audit will be provided in relation

to construction of the proposed development;

\* access, parking and footpath requirements be to Council standards and thereafter maintained for those purposes;

\* a Green Travel Plan (GTP) be submitted and approved in consultation with Road Services. It should have particular regard to provision for walking, cycling and public transport access to and within the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan;

\* a Construction Method Statement to minimise the impact of construction activity on the public road network be submitted to and approved by the Planning Authority prior to the commencement of development. It should recommend mitigation measures to control construction traffic and include hours of construction work; and

\* wheel washing facilities be provided and maintained in working order during the period of operation of the site.

Road Services also recommended the upgrading of the access road on the north side of the site leading to Newtonlees Farm, however, that is in private ownership and thus outwith the applicant's control and therefore such provision is not reasonable.

With the imposition of conditions to secure these recommendations of Roads Services, the proposed development does not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Transport Scotland have been consulted on the application and raise no objection to the proposed development subject to the number of residential units being limited to the indicatively shown 115.

The Council's Environmental Health Service Manager has apprised the Noise Assessment Report submitted with the application. He advises that the report confirms that mitigation measures in form of trickle ventilators and standard thermal double glazing units with an acoustic performance of RW 33dB would be required to protect the amenity of future occupiers of the proposed residential units on the site from road and rail noise. On this point he advises that the specific mitigation measures to be adopted should be finalised by the submission of a revised noise report with any future application for approval of matters specified in conditions were this planning permission in principle to be granted.

The Environmental Health Service Manager further advises that to minimise impacts of road traffic noise arising from the operational phase of the development upon existing residential properties in the night time that a 30mph speed limit restriction be imposed on the A1087 Bowmont Terrace public Road to the east of the site between Broxburn and Dunbar.

With the imposition of conditions to cover these recommendations of the Environmental Health Service Manager, the proposed development does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The application site currently comprises of undulating arable land, which rises upwards significantly from both north and south sides, creating a large rolling embankment which also rises upwards and away from the A1087 Bowmont Terrace public road. This topographic pattern creates a strongly defined broad ridgeline which crosses and divides the site.

Consequently, views northwards from within the southern section of the site are bounded by this ridgeline, such that views of Dunbar to the north are screened, with the ridgeline appearing as a locally important skyline feature when looking northwards.

Equally, the section of the site to the south of the ridge is not visible in views from within the northern part of the site, with the ridgeline also acting as a local skyline profile within these views. Such landform results in the application site being visually prominent within its wider landscape setting. It also serves as a robust natural landscape feature separating Dunbar from the hamlet of Broxburn.

Contour and site section drawings as well as site levels drawings have been submitted with the application to inform a landscape appraisal of how the site would change as a result of the proposed development. A landscape appraisal of a site should demonstrate that the proposed development responds in a sympathetic way to the undulations of the site.

The submitted information shows that the houses and access road that could be built on the western part of the site, closest to the neighbouring residential properties of Cair Deil, Endrigg, The Bungalow and Newtonlees Farmhouse, would result in cutting through the ridgeline which crosses and divides the site, creating steep embankments by the formation of level building platforms and formation of the road through the site.

The housing layout design should be curvilinear, respectful of the undulating character of the site and respecting the landform of the ridgeline. Instead, the applicant's submission demonstrates that houses would be built at a far higher level than the adjacent residential properties, causing a dominant overbearing effect.

The engineering solution for the residential development of the site fails to come up with a design solution that respects the undulating landforms of the site and the distinctive broad ridgeline which bisects it. Rather, the design of the indicative layout demonstrates that a development of the site would cut into slopes, creating hard lines, steep angles and level platforms which would result in steep inaccessible gardens and open space and steep embankments adjacent to roads and the edges of the site.

Thus the proposed development would be significantly harmful to the very distinctive landscape and visual character and appearance of the site in this sensitive location in the countryside. It would sever the natural landscape feature of the strongly defined broad ridgeline which crosses and divides the site opening up views northwards and southwards to and from Dunbar, such that the separation of Dunbar and the hamlet of Broxburn would be lost.

The proposed housing development would therefore, in principle, not be integrated into its landscape setting nor reflect the character and quality of its place. It would result in unacceptable harm to the landscape character and appearance of the area, contrary to Part 5 of Policy DC1 of the adopted east Lothian Local Plan 2008. In respect of these landscape matters the Council's Landscape Projects Officer recommends the application be refused.

The Scottish Environment Protection Agency (SEPA) raises no objection to the principle of the proposed development in respect of potential flood risk. It does advise that further information would be required to be submitted with any future application for approval of matters specified in conditions were this planning permission in principle to be granted, with regards to groundwater flooding and surface water drainage.

SEPA however objects to the principle of the proposed cemetery development on the grounds that it is not possible to assess the risks to groundwater, as further information requires to be submitted to assess the risks to the water environment from the proposed cemetery. SEPA requires further information on the cemetery design and ground conditions (including the cemetery area, layout, burial type, rates and density, depth of lairs, depth to bedrock, depth to groundwater and soil permeability).

The applicant has submitted a Site Investigation Report with groundwater monitoring in response to SEPA's initial concerns.

SEPA has appraised the Site Investigation Report and maintains its objection to the application, advising that further information is required to confirm the conclusion of a 'low risk' in chapter 13 of the submitted Site Investigation Report. SEPA requires data from the ongoing groundwater level monitoring data to be provided, a comparison between the depths of the base of the lairs (from proposed ground levels) to the reported groundwater levels across the proposed burial area, further quantitative risk assessment of potential contaminants at the proposed cemetery to be undertaken to demonstrate that the development poses no unacceptable risk to the water environment and a review of the private water abstractions.

In response to SEPA's comments the applicant's consultants have submitted further information on groundwater monitoring and conditions.

SEPA has appraised this further information and maintains its objection, advising that the further ground water monitoring information lacks sufficient information to demonstrate the proposed cemetery would not have a harmful impact on groundwater.

Scottish Water has made no comment on the application.

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 Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar School.

He advises that Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar School do not have sufficient capacity to accommodate children that could arise from the proposed development. 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 £292,330 towards the provision of additional school accommodation at Dunbar Primary Lower School and Nursery, a contribution of £571,895 towards the provision of additional school accommodation at Dunbar Primary Upper School and a contribution of £492,430 towards the provision of additional school accommodation at Dunbar Grammar School.

The required payment of a financial contribution of a total of £1,356,655 towards the provision of additional accommodation at Dunbar Primary Lower School and Nursery, Dunbar Primary Upper School and Dunbar Grammar School 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 applicant confirms in writing that they are willing to enter into such an agreement.

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. They should be provided on site or if it can be demonstrated to the Council that this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision. 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, which the applicant confirms they are willing to do, the proposal would be consistent with Policy H4 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, 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 in principle, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

Notwithstanding these technical considerations, a significant 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 that outweigh any conflict with the development plan and other supplementary planning guidance.

One of the main Outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of Scottish Planning Policy in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would



significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy.

The same principle should be applied where a development plan is more than five years old.

The adopted East Lothian Local Plan is more than five years old.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian.

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. It presumes against new housing in the countryside other than where it has an operational requirement relating to an appropriate countryside business. It requires loss of prime agricultural land be minimised.

However, the countryside designation of the land of the site must be weighed against the requirement of SESplan Policy 7 that Policy DC1 be considered in the context of the housing land supply.

SESplan Policy 7 states that planning authorities may allocate or grant planning permission for housing development on greenfield sites within or outwith the strategic development areas in order to maintain a five years supply of effective housing land, subject to the ability of a proposal to satisfy the relevant criteria of the policy.

Importantly, however, the application of Policy 7 is not mandatory, it is discretionary, as indicated by the use of the word 'may' within the opening paragraph of the policy. Policy 7 should only be applied when and where the application of it is needed in order to maintain an adequate five years supply of effective housing land.

In response to a shortfall of effective housing land the Council has been operating its Interim Planning Guidance: Housing Land Supply. Its purpose is to set out material considerations that the Council should take into account when determining applications for planning permission for housing development on land not identified as suitable in principle for this purpose by the adopted East Lothian Local Plan 2008. The intention is that the guidance be used by the Council alongside SESplan Policy 7 to create a context for the Council to approve planning permission for appropriate housing development proposals on appropriate sites that comply with the Interim Planning Guidance. This is to help maintain a five years' supply of effective housing land.

The Interim Planning Guidance has been in place since 10 December 2013, when the Council agreed that at that time East Lothian had a shortfall in its effective housing land supply. This position, and the associated guidance, was updated in December 2014 and again in February 2016. When approving the latest version of the Interim Planning Guidance the Council accepted a series of recommendations on how it should be applied in decision making with other relevant material considerations as the Proposed Local Development Plan is developed further. Importantly, the Council agreed to place increasing weight on the Proposed Local Development Plan as it progresses through its stages towards adoption. However the Plan should be taken into account on a case-by-case basis with other material considerations as appropriate, including representations to it as well as prematurity and prejudice considerations.

On 6 September 2016 the Council approved its Proposed Local Development Plan. It sets out a development strategy for the future of East Lothian to 2024 and beyond, as

well as a detailed policy framework for guiding development. The Proposed Local Development Plan sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. It sets out a generous housing land supply to meet the requirements of Scottish Planning Policy and SESplan. The Schedule 4 responses to comments on the plan during its period of representation were approved by Council at its meeting of 28 March 2017 and have been submitted, together with the plan, for Examination. The examination is ongoing and the examination report is anticipated in February 2018.

For the avoidance of doubt the site the subject of this application is not a proposed housing allocation of the Proposed Local Development Plan and thus the Council does not recognise its potential for residential development. In not being a site of the Proposed Local Development Plan the application site is not an integral part of the group of sites which the Council's settled view recognises as having the potential to meet, cumulatively, the SPP and SESplan requirements of an effective five year housing land supply.

Following the submission of the Proposed Local Development Plan for Examination, the 2017 Housing Land Audit has now been agreed with Homes for Scotland. The up to date 2017 Housing Land Audit (HLA) includes the sites that the Proposed Local Development Plan seeks to allocate for housing development. This is on the basis that these sites have 'agreed residential development potential', as defined in PAN 2/2010, paragraph 60. The 2017 Housing Land Audit is the first audit that finalised proposed Local Development Plans new housing land allocation sites can be included within, and thus contribute to the effective housing land supply calculations.

Based on the up to date 2017 Housing Land Audit, the Council is able to demonstrate a 6.17 years supply of effective housing land.

For the avoidance of doubt, the application of SESplan Policy 7 is not mandatory, it is discretionary. Policy 7 should only be applied when and where it is needed in order to maintain an adequate five years supply of effective housing land. In this context, demonstrating a 6.17 years supply of effective housing land, and because the application site does not feature in the Proposed Local Development Plan or the agreed 2017 Housing Land Audit, Policy 7 should not be applied to support the principle of residential development on this site. Neither should the Council's Interim Planning Guidance. This position is reflected in the paper titled 'To notify Council of the current five-year effective housing land supply position within East Lothian, based on the agreed 2017 Housing Land Audit' currently on the Agenda for the Council meeting of 31 October 2017, the purpose of which is to notify Council of the current five-year effective housing land supply position within East Lothian, based on the agreed 2017 Housing Land Audit.

Notwithstanding that the Council can now demonstrate an adequate supply of effective housing land, and as stated above, the adopted East Lothian Local Plan 2008 is more than five years old. In these circumstances Scottish Planning Policy is clear that a Plan's policies will not be considered up-to-date, and paragraph 33 of Scottish Planning Policy must be considered. In these circumstances, Scottish Planning Policy advises that a significant material consideration in the assessment of planning applications will be the presumption in favour of development that contributes to sustainable development. However, Scottish Planning Policy is clear that the aim of the presumption is to achieve the right development in the right place; it is not to allow development at any cost.

In considering the matter of the presumption in favour of development that contributes to sustainable development, regard is given to the principles set out in paragraph 29 of Scottish Planning Policy and, accordingly, weight can be given to factors such as the contribution which the development would make to the provision of affordable housing and the economic benefits associated with the proposed development. Other principles in paragraph 29 could be addressed at detailed design stage. However one main principle as set out in paragraph 29 is supporting good design and the six qualities of successful places. One of the six qualities of successful places is 'Distinctive'; creating a sense of identity. This quality requires places where distinctive landscapes and natural features inspire patterns of new building.

On this and given the conclusions of the landscape assessment of the proposed development given above and the resulting landscape harm arising as a consequence of it, the distinctive landscape and natural features of the application site have in no way been taken into consideration to inform the pattern of development as indicatively proposed. Therefore on this it can be concluded that the proposal cannot be taken to contribute to sustainable development.

Scottish Planning Policy also requires in respect of proposed developments that could contribute to sustainable development that decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in Scottish Planning Policy.

Paragraph 194 of Scottish Planning Policy states that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character; and paragraph 202 states that the siting and design of development should take account of local landscape character. The landscape assessment of the proposed development demonstrates neither of these principles are achieved.

In all of the above it can therefore be concluded that that the principle of the proposed development is not supported by Scottish Planning Policy.

Importantly, the Council's Proposed Local Development Plan sets out the sites that it proposes to allocate for residential development as well as those sites or locations that it does not want to be developed for housing. The Proposed Local Development Plan takes into account Scottish Planning Policy and represents a sustainable development strategy for East Lothian that will ensure the right development can occur in the right places. It sets out a development strategy for East Lothian and is the Council's settled view of where new development should and should not occur to meet the SESplan housing land requirements.

In conclusion there are no material considerations which outweigh the conclusions that the new build housing development proposed in this application is not required to contribute towards an effective five year housing land supply, is contrary to Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008 in that it would result in unacceptable harm to the landscape character and appearance of the area, and thus also contrary to Scottish Planning Policy, and that it has not been demonstrated that the proposed cemetery would have no unacceptable adverse impacts on the groundwater of the area.

## RECOMMENDATION

It is recommended that planning permission in principle be refused for the following reasons:

- 1 As the Council can demonstrate an effective five years housing land supply a housing development on the application site is not required to meet the terms of Policy 7 of the approved South East Scotland Strategic Development Plan or of Scottish Planning Policy: June 2014 in respect of maintaining a five year housing land supply.
- 2 The new build residential development proposed in principle in this application would not be integrated into its landscape setting nor reflect the character and quality of its place but would result in unacceptable harm to the landscape character and appearance of the area, contrary to Part 5 of Policy DC1 of the adopted east Lothian Local Plan 2008.
- 3 It has not been demonstrated that the cemetery proposed in principle in this application would have no unacceptable adverse impacts on the groundwater of the area.