

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 December 2014

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00732/PPM**

Proposal Planning permission in principle for residential development and associated works

Location **Land At Lempockwells Road
Pencaitland
East Lothian**

Applicant Gladman Developments Limited

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 50 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: 14/00001/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 92 people attended the pre-application public exhibition, which was held at Carriage House, Pencaitland on 13 March 2014, 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.

This application relates to some 6.7 hectares of agricultural land on the west side of Lempockwells Road, on the southern edge of Wester Pencaitland.

The site is bounded to the north by the residential properties of Bruce Grove and Lamberton Court and by two areas of recreational amenity open space, to the east by a line of trees with Lempockwells Road beyond, to the south by more agricultural land and to the west by the Pencaitland Railway Walk public footpath with agricultural land beyond. It is currently open agricultural land and is situated on the southern edge of Wester Pencaitland. The site is somewhat elevated relative to the surrounding area and offers open views across the site. The northern edge is at a higher level than Bruce Grove. The site is screened to some degree from the east by tree cover and vegetation on the west side of Lempockwells Road.

Planning permission in principle is sought for a residential development of the application site.

An indicative masterplan has been submitted with the application indicating how some 120 residential units could be accommodated on the application site. It is also indicated that a SUDS pond be accommodated on the northeastern part of the site, an area of recreational open space and play facilities could be accommodated on the southern part of the site and areas of parkland could be accommodated on the southern and eastern parts of the site. It is also indicated how footpath linkages from the site into the Pencaitland Railway Walk could be formed, how a landscaped buffer could be planted along the whole length of the southern boundary of the site and how landscape planting on the east boundary of the site with the Pencaitland Railway Walk would be maintained and enhanced.

The indicative masterplan indicates that access to the site could be taken from Lempockwells Road.

The application is also supported by an Archaeology Assessment, Landscape and Visual Impact Assessment, Planning Supporting Statement, Design Statement, Bat Survey, Transport Assessment, Road Safety Audit, Flood Risk Assessment and Drainage Strategy, Tree Survey, Engineering Report, Economic Impact Assessment, Sustainability Assessment, Noise Assessment, Habitat Survey, Soil and Agricultural Assessment and Utility Report.

The application site has also been submitted as part of the local development plan process following a call for sites by the Council as part of the research towards the new Local Development Plan. The Council's Main Issues Report (MIR) is a consultation document which considers such submissions and other sites. The MIR proposes the application site as a preferred site for housing in relation to the proposed preferred development strategy. The MIR is a material consideration, however, as a consultation document it can be accorded only limited weight at this stage.

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 27 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 mixed use 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), 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.

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.

Paragraph 110 of Scottish Planning Policy states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

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 63 written objections have been received in respect of this application. One of the written objections is a petition, with a total of 17 signatories to it. A copy of each written representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are;

- * the proposed development would spoil the character of Pencaitland, is out of proportion with the village and would harm the quality of the environment;
- * the proposed development would have a harmful visual impact and would be detrimental to Pencaitland;
- * the site is countryside land covered by Policy DC1 of the adopted east Lothian Local Plan 2008 and thus is not zoned for housing;
- * there would be a loss of prime agricultural land;
- * local infrastructure would be adversely affected and could not cope;
- * the existing school cannot accommodate the development;
- * impacts on sewerage and drainage and issues of flooding;
- * an increase in traffic as a result of the proposed development would be a road and pedestrian safety hazard and would also lead to increased noise, disturbance and pollution;
- * the public transport is poor;
- * there is little in the way of local amenities and the existing ones are under pressure and cannot accommodate the development;
- * the proposed development would lead to a loss of amenity through overlooking and loss of light to neighbouring properties;
- * the planning application is premature and should await the production of a future Local Development Plan; and
- * the proposed development would lead to a decrease in neighbouring property values.

The effect of a proposed development on property values is not a material consideration in the determination of a planning application.

Pencaitland Community Council, as a consultee on the application, state that they note that the application site is outside the existing settlement boundary of the village of Ormiston, and thus the proposed development is contrary to the current Local Plan and the existing planning policies of the Council. They further note that the Council is under pressure to provide space for additional housing within the county. They state that having looked in detail at the planning application they are keen to avoid a scenario in

which, should the developer ultimately receive permission for the plan, no wider consideration is given to the provision of amenities for both the existing village population and those that would become part of an expanded community. They advise that historically, recent housing developments around Pencaitland have relied entirely on existing village amenities, with little apparent consideration given to the increase in population and the knock-on effects this would have on the need for the provision of appropriate additional recreational facilities. In practice this meant that developers built houses with no additional amenities forming part of any planning consent. Should another development ultimately receive consent, Pencaitland Community Council wishes to ensure this aspect is not, once again, overlooked. They propose that a requirement be included in a Section 75 Agreement that the developer/landowner provides a commitment to deliver improved play and recreation facilities to include from toddlers and teenagers, up to adults within the area of the development itself and/or elsewhere within the village.

The Community Council further advise it has taken no position on the merits or otherwise of the planning application per se but are keen to ensure that in the event that planning consent is granted, there is a strong and binding commitment from the developer, or subsequent interested parties, to provide much needed recreational amenity as a condition of any such consent.

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 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 would be fully acceptable, with due regard to the need to safeguard the character and appearance of this site outwith the southern edge of Wester Pencaitland.

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 120 housing units, consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

Regarding formal play provision, the Principal Amenity Officer advises that it would be more beneficial to enhance the existing play area at Lamberton Court, adjacent to the north boundary of the site, with additional facilities rather than provide a new facility within the application site. The applicants have confirmed in writing that they are willing to contribute a sum of £100,000 as the amount agreed with the Council's Principal Amenity Officer for enhancement of the existing play area at Lamberton Court. 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 tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the proposal is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In that a Transport Assessment has been submitted, in this respect the application accords with Policy DP18 of the adopted East Lothian Local Plan 2008.

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. However, Roads Services do raise concern that traffic likely to be generated by the proposed development could lead to extra pressure on traffic flows at Tranent High Street and the Dolphingstone Interchange. However at this time Roads Services analysis and modelling of traffic impacts in the wider area awaits completion and no further information is available at this time to inform an assessment of such impacts.

Roads Services recommend that:

- * the existing 30 miles per hour (mph) speed limit be extended southwards on Lempockwells Road to the site access junction and include village entry treatments;
- * an independent road safety audit shall be undertaken for the proposed access junction onto Lempockwells Road;
- * a visibility splay of 4m by 120m in both directions be provided and maintained at the proposed site access junction with Lempockwells Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;
- * street lighting be extended to the new 30mph extents;
- * a continuous 2 metre wide footway be provided on the west side of Lempockwells Road to link into the existing footway network, with dropped kerbs provided as necessary;
- * the proposed site access junction onto Lempockwells Road be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6;
- * dropped kerb crossings be provided at each of the junctions of Lamberton Court and Huntlaw Road with Lempockwells Road;
- * parking for the proposed residential elements of the development be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards;
- * all access roads conform to East Lothian Council Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures;
- * vehicle accesses to private parking areas (i.e. other than driveways) be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;
- * driveways having minimum dimensions of 6 metres by 3 metres and double driveways having minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
- * within residential private parking areas the minimum dimensions of a single parking space being 2.5 metres by 5 metres and all visitor parking spaces within these areas being clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
- * a swept path analysis be undertaken to ensure that both refuse and delivery vehicles can access and egress the site;

* a Green Travel Plan (GTP) be submitted and approved in consultation with Roads 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.

With the imposition of conditions to cover these recommendations of Roads Services, the principles of the proposed development of the site for residential use do not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

In respect of landscape matters the Council's Policy and Projects service advises that the landscape planting shown on the indicative masterplan would provide an acceptable landscape setting for the proposed development. The advice is that a small number of trees on the west side of Lempockwells Road would have to be removed to facilitate vehicular access into the site but Policy and Projects do not object to this, subject to future planting at the site access to mitigate for this loss. Policy and Projects do raise some concern about the prominence of the site and the consequential visual impact of a housing development on the site. However the applicant has submitted viewpoints from the surrounding area which demonstrate that the site is well contained in local views and is not readily visible. Although a proposed housing development on the site would be visible in longer views from the wider area, the landscape planting proposed would be sufficient to allow a proposed housing development to be sufficiently absorbed into its landscape setting without appearing unduly prominent. Otherwise it is recommended that a detailed landscape planting plan be submitted to and approved in advance by the Planning Authority. This recommendation could be made a condition of a grant of planning permission in principle, subject to which it complies with Policy DP14 of the adopted East Lothian Local Plan 2008.

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

The Scottish Environment Protection Agency (SEPA) on assessment of the applicant's submitted Flood Risk Assessment raise no objection to the principle of the proposed development on the grounds of potential flood risk. They do, however, advise that conditions should be attached to any grant of planning permission in principle requiring the need of the further submission of a more detailed flood risk assessment including information on the removal or modification of existing culverts.

The Council's Senior Structures Officer is also satisfied that the proposed development could be carried out without unacceptable risk of flooding. He does advise for the need for a drainage impact assessment but the matter of drainage is one for the applicant to address directly with Scottish Water and through separate Building Standards legislation.

Scottish Water have made no comment on the application.

As the application site is within a Coal Mining Development Referral Area the Coal Authority have been consulted on the application. A Coal Mining Risk Assessment

Report and Preliminary Environmental Assessment Report have been submitted with the application. The Coal Authority advise that the submitted reports correctly identify that coal mining activity is recorded to have taken place beneath the application site and therefore recommend that intrusive site investigation works be undertaken to confirm coal mining conditions 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 Preliminary Environmental Assessment Report 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.

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 Pencaitland Primary School and Ross High School.

He advises that both Pencaitland Primary School and Ross High 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 £587,154 towards the provision of additional school accommodation at Pencaitland Primary School (£4,892.95 per unit) and a contribution of £193,403 (£1,611.69 per unit) towards the provision of additional school accommodation at Ross High School

The required payment of a financial contribution of a total of £780,557 towards the provision of additional accommodation at Pencaitland Primary School and Ross High 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, 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 that outweigh any conflict with the development plan and other supplementary planning guidance.

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.

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 countryside.

Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 sets out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas. It only allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. It also requires that a proposed development must minimise the loss of prime agricultural land. The new build housing development proposed in this application is not necessary for agriculture, horticulture, forestry operations or countryside recreation and is therefore contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008.

However, the South East Scotland Strategic Development Plan (SESplan) requires that Policy DC1 be considered in the context of the current housing land supply.

Scottish Ministers have approved SESplan subject to supplementary guidance on housing targets for each member local authority. That supplementary guidance is now approved by Ministers with a modification required in terms of calculating the housing land supply

SESplan Policy 7 states that sites for greenfield housing development proposals either within or without the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain an effective five years housing land supply subject to satisfying each of the following criteria:

- (a) The development will be in keeping with the character of the settlement and the local area;
- (b) The development will not undermine green belt objectives; and

(c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

East Lothian Council has agreed that East Lothian has a shortfall in its effective housing land supply. In respect of this 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 confirms there is developer interest in the site from Miller Homes, Stewart Milne Homes and Taylor Wimpey should planning permission in principle be granted, meaning in these respects it can be considered to be physically and financially capable of achieving early delivery. On these specific considerations the site can be considered to be effective.

In respect of criteria 2; scale, the proposed housing development of 120 residential units would be below the Guidance threshold of 200 units. In respect of this 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.

Given that Pencaitland comprises some 590 residential properties the proposed 120 houses would be a relatively substantial addition to the settlement. Pencaitland has a small shop, a post office, a petrol station with shop, a church, village hall, community hall, primary school, bowling club and public house. In addition to the accessibility of these existing facilities, the site is such that it could be reasonably well integrated into its surroundings. In this it would not bring significant change to the character of Pencaitland. Given the size of the site, the proposed density of development and that it would not bring significant change to the character of Pencaitland the loss of prime agricultural land would be minimised.

As such the scale of the development can be reasonably absorbed by the settlement. In this respect it does not conflict with criteria 2. In this and in that the proposals would not undermine green belt objectives and that the infrastructure requirements are either committed or would be met by the developer, including for education provision, the proposals comply with Policy 7 of SESplan.

In respect of criteria 3; timing, the applicant's agent again refers to the interest in the site from 3 housing developers. It is indicated that the first housing completions could be delivered by 2016. There is no evidence to suggest that they would not be able to develop the site within this suggested timescale.

In respect of criteria 4; development plan strategy, 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 be 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 is at the southern edge of Wester Pencaitland 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 Pencaitland lies outwith the East Lothian Strategic Development Area the proposed development also has to be assessed against the tests as set out in part (ii) of criteria 5 as well as those set out in part (i) of criteria 5.

Criteria 5(i) sets out the following provisos where development may be acceptable, specifically where;

(a) the site is a consolidation of or an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and

(b) infrastructure is available or can be made available within a timescale that allows for early house completions, and

(c) the site's development for housing is consistent with all other relevant development plan policies.

In regard to this the proposed development meets proviso 5(i)(a) and (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. In respect of 5(i)(c) the proposal does not conflict with other development plan policies.

Therefore on this consideration the housing development of the application site also complies with the Council's Housing Land Supply: Interim Planning Guidance.

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

(a) 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 also be a material consideration.

In terms of part 5(ii)(a) the application site is within close proximity of the nearest bus stops with a reasonable service to Haddington, East and West Saltoun and Tranent. There are also bus services from the main road through Pencaitland to Edinburgh via Ormiston, Tranent and Musselburgh.

In terms of part 5(ii)(b) Pencaitland has relatively limited services or facilities, with only a small shop, a post office, a petrol station with shop, a church, village hall, community hall, a primary school, bowling club and public house accessible within the settlement. Accessing all other facilities such as medical and dental practices, library, secondary school, leisure facilities and a greater range of shops does involve the need to travel. In allowing for residential development outwith as well as within the Strategic Development Area for East Lothian, SESplan, including its Policy 7, gives due consideration of patterns of travel and sustainability of such developments. Therefore the proposals do not conflict with this consideration.

In terms of part 5(ii)(c) the additional housing would help make a contribution to sustaining educational, social and community facilities within the local area.

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 an extension of the existing settlement of Pencaitland, it 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 east side by Lempockwells Road, on its west side by the Pencaitland Railway Walk and on its north side by residential properties and existing areas of recreational open space. These are robust and defensible boundaries which would serve to contain the proposed development along these aforementioned boundaries.

To the south of the application site there is further agricultural land. There is a ditch and field boundary fence along this side of the site which create a small degree of boundary containment. To be considered robust, this would have to be substantially enhanced. The indicative site layout plan submitted with the application shows how structure landscaping could be planted along the length of the south boundary of the site. However, 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 southern boundary of the application site is not contained within a robust, defensible boundary as required by the Interim Planning Guidance.

The purpose of the Interim Planning Guidance is to ensure that the release of additional land to support the housing land supply is managed by providing a criteria based approach to what constitutes acceptable development. The principle of a robust, defensible boundary is to allow for relatively contained sites to be come forward for development whilst guarding against land releases which could ultimately lead to other land being brought forward under the application process where other options might have a better spatial and planning justification.

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

In conclusion there are no material considerations which outweigh the new build housing development proposed in principle in this application being contrary to the Council's Housing Land Supply: Interim Planning Guidance.

RECOMMENDATION:

That planning permission in principle be refused for the following reason:

- 1 The new build residential development proposed in principle in this application is contrary to part 5 of the Council's Housing Land Supply: Interim Planning Guidance in that the southern boundary of the application site is not contained within a robust, defensible boundary and as such the residential development of the application site would set a real precedent for subsequent future expansion to the south, the principle of which should be considered through the Local Development Plan process.