

REPORT TO: Planning Committee

MEETING DATE: Tuesday 7 March 2017

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Application No. **16/00751/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 10/00341/PPM - Erection of 94 houses with construction of relocated parking for Victoria Lane Stadium and associated engineering and landscape works

Location **Barbachlaw Farm
Wallyford
Musselburgh
East Lothian
EH21 8QH**

Applicant Mr Howard Wallace and Sirius Sport & Leisure Limited

Per Geddes Consulting

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 10/00341/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 6.45 hectares of land, which mainly consists of farmland, located at Barbachlaw, to the southwest of Wallyford. It is bounded to the northeast by residential properties and the former agricultural buildings of Barbachlaw Steading, to the southeast by a length of Salters Road and beyond by the southern part of the strategic housing and mixed use development site of Proposal H7 of the adopted East Lothian Local Plan 2008 on which land planning permission in principle has been

granted for a mixed use development (to include residential development, community buildings including a new school and community facilities, office units, a restaurant, business units, general industrial units, storage and distribution units, trade counter units, a residential institution, a non-residential institution, hot food takeaways, playing fields, open space, allotments, landscaping and associated infrastructure provision) and to the southwest by farmland. To the northwest of the site is farmland and a partially completed greyhound stadium. Beyond the partially completed greyhound stadium is a disused waste transfer station and a waste water pumping station serving Wallyford and beyond these installations is a public path to Pinkie Mains, Musselburgh and the east coast main rail line. A single track road (known as Victory Lane), which runs on a northwest to southeast axis and which provides access from Salters Road to the partially completed greyhound stadium, the disused waste transfer station and the pumping station, bisects the site into two parts, a northeast part and a southwest part. Victory Lane forms part of a right of way between Salters Road and Pinkie Mains, Musselburgh. The southwest part of the application site is within the Edinburgh Green Belt. All of the site is within the wider designated area of Pinkie Battlefield.

The application site and the land around it have a complex planning history. The Council granted planning permission (ref: 01/00892/FUL) for the erection of the greyhound stadium as part of a new development area also intended to provide land for business and industry (which is the land the subject of the residential development detailed in this application), and new housing (the now developed land to the northeast of the site of this application), with a landscaped strip along the interface with the green belt. That permission was subject to a Section 75 Agreement, concluded in November 2004, which required the steel structure for the stadium to be erected and the business land serviced before any housing could be constructed. The steel structure was erected, but house construction commenced without the required servicing of the business land. During discussion between the Council and the developer on this matter, it emerged that the developer had encountered difficulties in financing the completion of the stadium. The Council agreed in late 2005 to amend the Section 75 Agreement to allow house construction to continue without the prior servicing of the business land, which was deferred until April 2006, in order to achieve the completion of the stadium. Notwithstanding this concession by the Council, there has been no further progress on the construction of the stadium, nor servicing of the business land.

In April 2010 planning permission in principle 10/00341/PPM was sought for the residential development of the land which was intended to provide land for business and industry and for the formation of a car park, to serve the greyhound stadium, on land to the southwest of that land (which was land outwith the site of the previous application). The principle of the housing was promoted by the applicant as a necessary provision of enabling development to secure the balance of funding necessary to complete the greyhound stadium. The car park was proposed as a relocation of the stadium car parking which had been intended to be located on the northeast part of the business land but which land was, through planning permission in principle application 10/00341/PPM, now being promoted for residential development instead. In February 2011 the Council refused planning permission in principle for the following reasons:

- 1 The proposed housing development would result in the loss of business land that is part of the business land supply of Wallyford to the detriment of East Lothian's economy and the greater Lothian economy, contrary to Policy ECON1 of the approved Edinburgh and the Lothians Structure Plan 2015, Policy BUS2 of the adopted East Lothian Local Plan 2008, and Government policy guidance given in Scottish Planning Policy: February 2010.

2 If approved the proposed housing development would set an undesirable precedent for the development of new housing and other uses not within Class 4 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 on land elsewhere in East Lothian that is allocated for such business and industrial uses, the cumulative effect of which would be the depletion of Council's supply of allocated land for business and industrial use to the detriment of the economy of East Lothian and the greater Lothian economy.

3 The proposed car park would result in a harmful encroachment of development into the Edinburgh Green Belt, and is therefore contrary to Policy ENV2 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC2 of the adopted East Lothian Local Plan 2008.

4 If approved the proposed car park would set an undesirable precedent for development to further encroach beyond the western settlement boundary of Wallyford, the cumulative effect of which would further undermine the objectives of the Edinburgh Green Belt.

In May 2011 the applicants appealed to the Scottish Government's Directorate for Planning and Environmental Appeals against the refusal of East Lothian Council to grant planning permission in principle for the proposed development. On 30th September 2013 following the conclusion of a Section 75 Agreement to secure financial contributions towards additional accommodation at Wallyford Primary School and Musselburgh Grammar School; towards a Heritage Implementation Plan for the Battle of Pinkie site; to secure the provision of 24 affordable houses within the application site and to secure the provisions to put in place a binding contract to complete the stadium prior to the start of house building, the appeal was allowed and planning permission in principle was granted.

Approval of matters specified in conditions of planning permission in principle 10/00341/PPM is now sought for the erection of 94 houses and the construction of the relocated parking for Victoria Lane Stadium and associated engineering and landscape works on the application site.

Of the 94 houses, 64 would be detached and 30 would be semi-detached. In terms of size, 43 of the proposed houses would contain 3 bedrooms, 19 would contain 4 bedrooms and 32 would contain 5 bedrooms. All of the houses would be two storey in height. The submitted details also include for the internal access roads, garages, visitors parking, boundary treatments, landscaped open space, play areas and associated works.

The proposed relocated car park for Victoria Lane Stadium would be located on the southern side of Victory Lane. It would have 2 principle vehicular access and exit openings onto Victory Lane and would contain 293 un-demarcated car parking spaces (of which 15 would be disabled spaces) as well as Coach Bays. The parking and circulation space within it would be surfaced in type 1 consolidated well compacted hardcore with the exception of the 2 principle vehicular entrance and exit points which would be hard surfaced 15 metres back into the car park site using bitmac or similar hard surface to prevent the spread of loose material onto Victory Lane. The northeast, southeast and southwest sides of the proposed car park would be enclosed by a landscaped edge extending up to 10 metres in width which would be planted as a wildflower meadow with a 1 metre wide mown verge along its edges with the car parking spaces and beyond that all of the site of the car park would be enclosed by simple post and wire fencing with utilitarian, agricultural style metal gates installed at the entrances and exits to the car park. A recycling point would be located in the

northwest corner of the car park.

Vehicular, pedestrian and cycle access to the 94 houses and to the stadium car park would be taken from Victory Lane, which is accessed from Salters Road. A separate pedestrian access into the residential development from Salters Road would also be formed midway along the northeastern side of the site.

The northeast boundary of the site of the proposed residential development would be landscaped with a new 17 metre wide tree belt which would be enclosed by hedging. A linear area of open space would run through the centre of the site from east to west and further areas of open space, including two areas designed to accommodate ball games, an equipped play area and a grassed and tree planted strip of ground running along the full northwest side of the site would be provided. The proposals include for the erection of a 140 metres long acoustic wall (clad in fencing panels) along the northwest side of the site, i.e. along its boundary with the site of the stadium which, due to the change in ground levels between these two sites, would be some 3 metres high on the residential development side and a minimum of 5 metres high on the stadium side. It would include a retaining wall structure and, on the side facing the residential development, would be clad with an acoustic, solid timber fence.

The application is supported by a report on noise predictions associated with the future use of the greyhound stadium, a statement on drainage details for the proposed development, a statement on suggested equipment for the equipped play area and a schedule of the planning conditions imposed on the planning permission in principle which also details how each one is responded to by the applicant in this approval of matters application.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised driveway lengths and widths to accord with the requirements of the planning permission in principle; (ii) an increase in the length of parallel parking bays from 5 metres to 6 metres in length; (iii) confirmation of the location and mix of the affordable housing units; iv) revisions to a turning head within the site to better accommodate bin lorries; v) revised open space and landscaping details, and vi) revisions to the design details of the northeast facing gable elevations of the houses to be erected on plots 1 and 62 of the development. Additionally further drainage information has been submitted.

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.

Relevant to the determination of the application are Policies 1B (The Spatial Strategy: Development Principles) and Policy 12 (Green Belts) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC2 (Development in the Edinburgh Green Belt), ENV7 (Scheduled Monuments and Archaeological Sites), H1 (Housing Quality and Design), C1 (Minimum Open Space Standards for new General Needs Housing Development), C2 (Play Space Provision in New General Needs Housing Development), C6 (Rights of Way), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP17 (Art Works – Percent for Art), DP15 (Sustainable Urban Drainage Systems), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Six written representations have been received in respect of this application, all of which raise objection to the proposed development.

A copy of the written representations is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * The stadium car park should be considered in conjunction with the detailed plans for the stadium rather than the housing. If it is inadequate in size parking restrictions will need to be controlled/managed on the surrounding residential areas and there is no mention of who will bear these costs or what this will look like;
- * The inclusion of the car park in this application would seem to be linked to the developer's wish to commence development of this car park in order to undermine the value of this area of greenbelt as un-developed land in order to support the release of the wider area of land at Howe Mire for housing through the proposed LDP;
- * Lack of detail on the proposed access into the site and the junction onto Salters Road particularly considering the changes taking place on the other side of Salters Road;
- * Wallyford doesn't need or want another 94 houses, a greyhound stadium and a car park for 293 cars in addition to other house building taking place in Wallyford. Yet more housing on a greenfield site is not necessary;
- * This proposed development will finance the dog track which the vast majority of Wallyford residents do not want and which will lead to traffic congestion and dog fouling in the area and will have a harmful impact on local houses;
- * This and other residential developments in and around Wallyford and the traffic from the greyhound stadium will make Wallyford grind to a halt with traffic congestion and will cause further tension on rail and local buses;
- * The proposed acoustic barrier will only protect the proposed new houses and not the existing neighbouring properties from noise from the greyhound stadium;
- * The proposed acoustic barrier and proposed landscaping will have a harmful impact on natural light received by a neighbouring residential property;

* Noise from use of open space/play areas will have a harmful impact on the residents of a neighbouring residential property;

A concern is also raised that a red arrow drawn on the proposed site plan seems to suggest that there would be pedestrian access from the site through to Wallace Crescent to the north. The applicant's agent has since confirmed that this is not the case and the red arrow has since been removed from the site plan.

Wallyford Community Council has been consulted on this application but has not provided a response.

Notwithstanding the concerns raised in representations relating to the provision of the greyhound stadium, the relocation of the stadium car park to the south side of Victory Lane and the provision of residential development on the land allocated for business and industry and other matters relating to decisions previously taken by the Council or by the Scottish Government's Reporter, by the grants of planning permission 01/00892/FUL and planning permission in principle 10/00341/PPM, approval has been given for the erection of the greyhound stadium and for the principle of the residential development of the northeast part of the site and the principle of the construction of relocated parking for Victoria Lane Stadium on the southwest part of the site and for associated engineering and landscape works. There can therefore be no objection to the principle of the development now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the indicative masterplan and conditions attached to planning permission in principle 10/00341/PPM.

The proposed car park to serve the greyhound stadium would be located and laid out as indicated in the Indicative Masterplan submitted with planning permission in principle application 10/00341/PPM.

The Council's Landscape Project Officer in his consultation response to this approval of matters application raises a concern that the low level landscaping proposed around the car park would be insufficient to give any visual containment to the car park. His view is that the perimeter of the car park should be hedge planted and punctuated along the hedgerows with individual trees as well as incorporating individual trees within the car park areas.

The landscaping around the car park was a matter that was considered by the Reporter in his decision on the planning permission in principle application. In particular the Reporter considered whether it would be preferable to provide a landscaped buffer around the car park in order to screen the views of the car park from the southwestern approach to Wallyford on Salters Road and as such to lessen its impact on the green belt or to omit this in favour of a simple open fence boundary, as was recommended by the Council's Heritage Officer, in order to obtain a more comprehensive impression of the battlefield area and thus preserve the integrity of the battlefield site. Having assessed the different merits of these two different approaches to enclosing the car park the Reporter took the view that the boundaries of the car park should be enclosed by a simple post and wire fence and secured this requirement by way of Condition 2(e) of the planning permission in principle. It would therefore not be appropriate, nor would it accord with the planning permission in principle, to require a different type of landscaped boundary in the consideration of this approval of matters application.

The proposed car park as detailed in this approval of matters application with its simple finishing of compacted hardcore surfacing and un-demarcated spaces, post and wire fenced boundaries and low level, wildflower meadow planting would be in accordance with the requirements imposed on the grant of planning permission in principle 10/00341/PPM and as such would not have a detrimental impact on the visual perception of the battlefield area.

Historic Environment Scotland have been consulted on this application and they have raised no objection to the details of the proposed car park nor do they have any comments to make in terms of impact of the proposals on the Battle of Pinkie Battlefield Site.

The Council's Heritage Officer has no comment to make on the detailed design of the proposed car park.

On these foregoing design considerations the details of the proposed car park are not inconsistent with Policies 1B (The Spatial Strategy: Development Principles) and Policy 12 (Green Belts) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC2 (Development in the Edinburgh Green Belt), ENV7 (Scheduled Monuments and Archaeological Sites) and DP2 (Design) of the adopted East Lothian Local Plan 2008.

The proposed residential development would form an extension to the southwestern edge of Wallyford and would not be out of keeping with the character of the settlement and local area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The houses and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached and semi-detached houses (7 house types) with all of the houses being two storeys in height. Notwithstanding that there is a limited mix of house types proposed, with all houses being either detached or semi-detached, the mix is generally consistent with the proposed mix of house types indicatively shown on the Indicative Masterplan docketed to planning permission in principle 10/00341/PPM. The proposed houses, due to their positioning on the site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. In this respect, the architectural detailing

of the gable elevations of the houses to be erected on plots 1 and 62 which would face towards Salters Road, have been amended in light of comments raised by planning officers, to introduce more architectural interest into these publicly visible gable elevations.

The houses would be finished predominantly with rendered walls and smaller areas of reconstituted stone and timber type cladding and their pitched roofs would be clad with plain grey or dark red tiles. A condition can be imposed to require the submission of a scheme of final finishes with a palette of colours for the houses, which has due regard to the finishes of other residential properties in the locality. Subject to the imposition of this condition, the proposed houses would not cause any incongruous change to the architectural harmony, integrity and character of this part of Wallyford.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses. The houses are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, thereby affording the future occupants of the houses as well as the occupants of existing neighbouring houses an appropriate level of privacy and residential amenity.

The application site is capable of accommodating all of the houses without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

The matter of potential noise from use of the greyhound stadium and associated road traffic affecting residents of the proposed residential development was considered in the determination of the planning permission in principle application 10/00341/PPM. Condition 4 of that planning permission in principle requires that an acoustic barrier be provided along the northwest boundary of the site, that the private garden areas should be orientated to shelter them from noise from the adjacent greyhound stadium and that windows of habitable rooms closest to and facing towards either the greyhound stadium or Victory Lane shall be fitted with acoustic glazing.

The details submitted with this approval of matters application include a proposal to erect an acoustic wall 140 metres in length along the boundary between the residential development and the stadium development which would be a minimum of 5 metres in height (when measured from the lower ground level of the stadium site) and proposals for the windows of habitable rooms closest to and facing towards either the stadium or Victory Lane to be fitted with glazing which would give a sound reduction index equivalent to 30Db Rwa. The private garden areas of the houses of the development are either orientated to shelter them from noise from the adjacent greyhound stadium or are located a sufficient distance away from the stadium to ensure these garden areas would not be harmfully affected by noise associated with use of the stadium. The Council's Environmental Health Manager having assessed the details submitted raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity.

The acoustic wall required by planning permission in principle 10/00341/PPM is required to protect the residents of the residential development the subject of that application and was not required to offer any additional protection to existing neighbouring housing developments. By virtue of its positioning perpendicular to the residential development to the northeast of it and by its overall height the proposed acoustic wall would not have a significantly harmful impact on the privacy and amenity enjoyed by the neighbouring residential properties to the north of it.

The proposed development has been amended in light of some of the comments received from the Council's Landscape Project Officer. The revised proposals have incorporated smaller trees between the large trees proposed to be planted adjacent to the acoustic wall along the northwest boundary of the site and shrub under planting with climbers along the wall to soften the visual impact of this acoustic boundary to the application site. The Council's Landscape Project Officer advises that although he would have preferred to see more landscaping around the southeastern and southwestern sides of the residential development he is nevertheless satisfied that the landscaping details for the proposed residential development as proposed in the 'Landscape General Arrangement Drawing' submitted are adequate to meet the Council's landscape requirements for this site.

The indicative details submitted with planning permission in principle application 10/00341/PPM illustrated wide strips of landscaped open space along the northwest and southeast sides of the site of the residential development and a smaller linear area of open space in the centre of the site. The landscaped open spaces and play areas detailed in this approval of matters application generally accord with the illustrative details of the planning permission although the width of the landscaped and open space belts along the northwestern and southeastern sides have been reduced and instead a larger T shaped area of open space is proposed to be provided in the centre of the site which would incorporate a landscaped pedestrian and cycle way running in an east to west axis through the site and a further linear area of open space at the western end of it (running in a north to south axis to create the T shape), which would incorporate an equipped play area as well as an informal ball games area. A further ball games area would be formed in the northernmost northeast corner of the site.

The Council's Principle Amenity Officer is satisfied with the layout and quantity of open space throughout the site and the locations identified for ball games. He is also satisfied with the location proposed for equipped play however he advises that the range of equipment proposed through this application and the level of challenge particularly for older children is insufficient. He therefore recommends that a condition be imposed on the approval of matters specified in conditions for the proposed housing development to ensure that revised details of the equipment to be installed in the play area are to be agreed by the planning authority in advance of any development of the site.

The layout, positioning and future use of the areas of open space within the site would be associated with the residential use of the site and such use would not have a harmful impact on the privacy and amenity of the occupants of neighbouring residential developments.

On all of these foregoing findings on matters of design, layout, open space, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, C1, C2, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

Condition 8 of planning permission in principle 10/00341/PPM requires that no residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The applicant has indicated in the submitted 'Landscape General Arrangement' plan that feature wall/fences will be erected along

the northern and southern boundaries of the linear open space running through the centre of the site and has advised in the submitted schedule of conditions document that these would constitute the proposed artwork. However no further details or elevation drawings of these boundary features have been submitted with this application for approval of matters and therefore there is insufficient detail submitted to establish whether or not these would be acceptable as artwork required by the planning permission in principle. It would therefore be prudent to impose a condition on this approval requiring further details on artwork.

The Indicative Master Plan docketed to planning permission in principle 10/00341/PPM indicates the provision of a SUDS pond in the far north corner of the site. Condition 9 of the planning permission in principle requires that the SUDS shall comply with the principles of the SUDS manual (C697), which was published by CIRIA in March 2007 to ensure that the drainage scheme complies with best SUDS practice to protect nearby watercourses and groundwater. A SUDS scheme within the site is not proposed through this approval of matters application. Instead it is proposed that foul water run-off will be taken to Scottish Water's existing sewer network to the west at the far extent of Victory Lane that ultimately connects to the existing Wallyford foul water pumping station and that surface water run-off from the development is to be taken to the existing cellular storage attenuation system facility that was constructed as part of the completed David Wilson Homes Development to the North West. The applicant's drainage consultant confirms that the existing cellular storage attenuation system has been sized to cater for direct run-off from both the 94 house development site and the adjacent Wallyford Greyhound Stadium and a legal agreement for the connection is in place. He further advises that the existing cellular storage attenuation system discharges to the existing combined overflow outfall sewer from Scottish Water's Wallyford Pumping Station that runs beneath the adjacent East Coast Main Line railway before discharging to the Firth of Forth to the East of Musselburgh. This consented outfall is in regular use and operates when the pumps serving Wallyford Pumping Station are running at full capacity.

SEPA have confirmed that they have reviewed all of the information submitted by the applicant's agent and the applicant's drainage consultant and they are satisfied that the details meet the requirements of Condition 9 of planning permission in principle application 10/00341/PPM and they are satisfied that the applicant has confirmed that they have legal Right of Servitude to connect the proposed development into the existing sewer system. SEPA therefore raise no objections to this application nor do they request any conditions be imposed on this application.

Scottish Water have been consulted on this application but have not commented on it.

On the foregoing drainage considerations the proposed details are consistent with DP15 of the adopted East Lothian Local Plan 2008.

The principles of the means of accessing of the proposed residential development and relocated stadium parking are already decided by the grant of planning permission in principle 10/00341/PPM. These include that vehicular and pedestrian access to the site should be taken from Salters Road via Victory Lane and that the existing footpath along the site frontage with Salter's Road shall be relayed and widened to 2 metres and a signalised pedestrian crossing shall be introduced at the Dould D island on Salter's Road adjacent to 12 Fa'side Buildings.

The submitted details for accessing the proposed 94 residential units and the relocated stadium parking are in accordance with the principles established by the grant of planning permission in principle 10/00341/PPM. The Council's Road Services in their

assessment of planning permission in principle application 10/00341/PPM confirmed that they were satisfied that the proposed car park together with the other car park that is already approved for the greyhound stadium would provide sufficient car parking for users of the greyhound stadium.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would not result in unacceptable traffic congestion, including on Salters Road. They advise that the proposed means of access and amount and location of parking within the site are all acceptable, both for the residential development and for the stadium parking although they do make recommendations on the standards of provision.

They recommend that:

1. The proposed right turn ghost island junction at the junction between Salter's Road and Victory Lane shall be set out as agreed in RCC E/06/07. The RCC may however require to be amended if the junction into the housing area has moved. The access road should be constructed before occupation of the first dwelling;
2. Victory Lane shall be constructed with a 3m wide pedestrian / cycle track on the northern side and a 2.5m wide footpath on the southern side as detailed in RCC E/06/07.
3. The existing footpath along the site frontage on Salter's Road shall be relayed and widened to 2m. Street lighting shall also be extended along this section of road;
4. A signalised pedestrian crossing facility shall be introduced at the Double D Island on Salter's Road adjacent to 12 Fa'Side Buildings. To provide a safe pedestrian crossing point between the proposed development and the route to school and bus stop facilities shall be laid out in accordance with Drawing No: 14597-102 Rev A. Controller Specification details to be agreed at Road Permit stage;
5. The pedestrian footway linking the proposed residential development with Salter's Road shall have staggered guard rail at the junction with Salters Road. In the interests of pedestrian safety;
6. Cycle parking shall be included at a rate of 1 space per dwelling. The parking shall be in the form of 1 locker per dwelling or communal provisions in the form of a lockable room or shed;
7. The on street parallel parking spaces shall have a minimum length of 6metres per space.
8. Dropped kerb crossing points shall be provided at all junctions within the development and at the junction between Salters Rd and Victory Lane. In the interests of accessibility;
9. Driveways shall have a minimum length of 5metres.
10. Raised tables shall be constructed on the carriageway at the central footway road crossings;
11. The gates to the proposed Greyhound Stadium car park shall open inwards
12. The first 20metres of the Greyhound Stadium car park shall be hard formed to

stop loose materials entering the public road

Additionally the Council's Road Services recommend that:

1. The Greyhound Stadium shall not operate unless and until the car par hereby proposed on the southern side of Victory Lane has been constructed as illustrated in the drawings docketed to this approval of matters application;
2. No part of the development shall be occupied until a Travel Plan (TP) has been submitted and approved by the planning authority in consultation with Road Services. The TP shall 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.
3. A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.
4. Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

A Travel Plan and a Construction Method Statement for this proposed development have already been submitted to and approved by the Council in response to the same conditions which were imposed on the grant of planning permission in principle 10/00341/PPM. There is therefore no requirement to impose those same conditions again on this approval of matters application. All the other Road Services requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

The Council's Waste Services Manager raises no objection to the details of the 94 residential units now proposed, being satisfied that a revision made to the details of a turning head at the western end of the proposed residential development will allow refuse vehicles to be able to satisfactorily manoeuvre throughout the site. A copy of his consultation response has been forwarded onto the applicant's agent along with the Council's Planning Guidance on Waste.

The Council's Outdoor Access Officer welcomes the provision of a path running from Salters Road and continuing through the linear open space within the site. She suggests that the path should be continued to the western edge of the site for future connection to any potential path to the west of the site. However, as the site bounds the site of the greyhound stadium to the west this should not be supported. Instead it is proposed that the path would continue through the development and then on to Victory Lane and this is a more useable solution.

The Council's Outdoor Access Officer also recommends, as she did in her consideration of the planning permission in principle application 10/00341/PPM, that the section of the existing Salters Road to Pinkie Mains right of way between the site for the greyhound stadium and the waste transfer station should be upgraded by the applicant. This issue was considered in the assessment of the planning permission in principle application as well as through the Barbachlaw master planning process and through the determination of previous planning application 01/00892/FUL. The section

of the right of way between the site of the approved greyhound stadium and the waste transfer station falls outwith the site the subject of the planning permission in principle application. The existing right of way accords with the details of it shown on the approved masterplan for Barbachlaw. Moreover, planning permission 01/00892/FUL does not require any upgrade of the existing Salters Road to Pinkie Mains right of way. Accordingly the Report in his decision on planning permission in principle application 10/00341/PPM agreed with the planning officer's conclusion that the request to upgrade that section of the right of way is unreasonable.

On these foregoing transportation and other access considerations the proposed residential development and relocated stadium parking are consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Condition 7 of planning permission in principle 10/00341/PPM requires that no development shall take place on the site until a scheme of archaeological evaluation has been submitted to and approved in writing by the planning authority and that the approved scheme shall be implemented unless otherwise agreed in writing by the planning authority. The applicant has since had approved by the Council a written scheme of archaeological investigation for the site and therefore this detail has now been dealt with. The Council's Heritage Officer has made no further comment in consultation on this application.

The Council's Biodiversity Officer has made no comments on this application for the approval of matters specified in the conditions of planning permission in principle 10/00341/PPM.

The mechanism of a financial contribution towards additional educational provision at Wallyford Primary School and Musselburgh Grammar School for a housing development of 94 residential units has already been secured through the grant of planning permission in principle 10/00341/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 24 units of the proposed 94 units) is already secured through the grant of planning permission in principle 10/00341/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 24 affordable housing units now proposed.

The mechanism to have in place a binding contract to complete the stadium prior to the start of house building is already secured through the grant of planning permission in principle 10/00341/PPM.

RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development and the construction of relocated parking for Victoria Lane Stadium and associated engineering and landscape works be granted subject to the following conditions:

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

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

- 2 Notwithstanding the play equipment details provided, no development shall take place on the site unless and until further details of the play equipment, the surfacing and the enclosures of the equipped play area to be provided on the site and the enclosures of the ball games areas and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area and ball games areas shall be installed and enclosed in accordance with the details so approved

Reason:

To ensure the provision of adequate play provision within the development.

- 3 The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Notwithstanding the details provided with this application, the details of artwork to be provided are not hereby approved.

No residential unit shall be occupied unless and until further details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area, as the details submitted with this application are not sufficient to enable the discharge of this condition.

- 5 Prior to the commencement of development, details of all boundary enclosures to be erected on the site of the residential development, and the timescales for their provision, shall be submitted to and approved in advance by the Planning Authority. Those details shall show 1.8 metre high enclosures around rear gardens of the houses hereby approved.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 6 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 7 The greyhound stadium approved by the grant of planning permission 01/00892/FUL shall not operate unless and until the car park hereby approved has been formed and made available for use. The car park shall thereafter be kept available for parking use in association with the

operation of the greyhound stadium, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 8 Prior to the occupation of any of the residential units hereby approved the acoustic barrier hereby approved shall be erected in its entirety along the northwest boundary of the site and in accordance with the details docketed to this approval. The acoustic barrier shall thereafter remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses hereby approved from noise from the greyhound stadium.

- 9 Prior to their occupation, the windows and other glazed openings of noise sensitive rooms (bedrooms and living rooms) of the houses to be erected on plots 1-30, plots 35-38 and plots 39 and 40 which face towards Victory Lane or towards the site of the greyhound stadium, (which elevations are highlighted by way of a green line on the 'Masterplan As Proposed' docketed to this approval) shall be fitted with glazing designed to have a glazing specification such as to provide a Sound Reduction Index equivalent to 30Db Rwa. Such glazing shall thereafter be retained or replaced to an equivalent standard unless otherwise approved by the Planning Authority.

Reason:

In the interests of protecting the residential amenity of the occupiers of the houses from noise from Victory Lane and the greyhound stadium.

- 10 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A right turn ghost island junction shall be formed at the junction between Salter's Road and Victory Lane;

(ii) Victory Lane shall be constructed with a 3m wide pedestrian / cycle track on the northern side and a 2.5m wide footpath on the southern side;

(iii) The existing footpath along the site frontage on Salter's Road shall be relayed and widened to 2m. Street lighting shall also be extended along this section of road;

(iv) A signalised pedestrian crossing facility shall be introduced at the Double D Island on Salter's Road adjacent to 12 Fa'Side Buildings;

(v) The pedestrian footway linking the proposed residential development with Salter's Road shall have staggered guard rail at the junction with Salters Road.;

(vi) The on street parallel parking spaces shall have a minimum length of 6 metres per space.

(vii) Dropped kerb crossing points shall be provided at all junctions within the development and at the junction between Salters Rd and Victory Lane;

(viii) Driveways shall have a minimum length of 5 metres and a minimum width of 2.5 metres;

(ix) Raised tables shall be constructed on the carriageway at the central footway road crossings;

(x) The gates to the proposed Greyhound Stadium car park shall open inwards

(xi) The first 20metres of the Greyhound Stadium car park shall be hard formed to stop loose materials entering the public road

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority

Reason:

In the interests of road and pedestrian safety.

