

**REPORT TO:** Planning Committee  
**MEETING DATE:** 16 August 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **22/00622/PM**

Proposal Section 42 application for the deletion of condition 10 of planning permission in principle 10/00341/PPM to remove the requirement for a binding contract to be put in place to complete the stadium (separately approved by planning permission 01/00892/FUL) in advance of work commencing on the houses approved by that planning permission in principle.

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

Applicant AR (Wallyford) Ltd

Per Ryden LLP

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

As the area of the application site is greater than 2 hectares, what is 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 type proposal 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.

## **APPLICATION SITE**

This application relates to some 6 hectares of land, which was formerly farmland, located at Barbachlaw, to the southwest of Wallyford and which forms part of a larger area of land defined by Proposal PROP MH12: Barbachlaw, Wallyford of the adopted East Lothian Local Development Plan 2018 as being for mixed uses. 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 MH9 of the adopted East Lothian Local Development Plan 2018 on which land development has commenced on a mixed use development including circa 1,450 homes, a new local centre, a new primary school as well as other community uses, infrastructure and associated works. It is bounded to the southwest by agricultural land which forms part of the Edinburgh Green Belt. To the northwest of the site is a strip of land being developed with a landscaped bund and beyond that a site which until very recently contained a partially completed greyhound stadium. Beyond that is a scaffolding depot, and a waste water pumping station serving Wallyford and beyond these installations is a public path linking Pinkie, Musselburgh to Wallyford train station and also 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 land of the formerly partially completed greyhound stadium, the scaffolding depot 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, Musselburgh.

The site is within the wider designated area of Pinkie Battlefield and within a Coal Authority Low Risk Area. The land of the application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land.

## **RELEVANT PLANNING HISTORY**

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 a 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 this current 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 was 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 then applicants appealed to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) against the refusal of East Lothian Council to grant planning permission in principle for the proposed development. The appeal (DPEA reference PPA-210-2018) was allowed and 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, planning permission in principle (ref: 10/00341/PPM) was granted subject to 10 conditions.

In March 2017, approval of matters specified in conditions of planning permission in principle 10/00341/PPM was consented (reference 16/00751/AMM) 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 site of planning permission in principle 10/00341/PPM. Approval of matters consent 16/00751/PPM has been implemented to the extent that preliminary site works have been carried out on site.

In 2018, permission was granted (reference 18/00081/OBL) for modifications to clauses 1, 5, 6, 7, 8, 9, 10 and 12 of the S75 Agreement on planning permission in principle ref: 10/00341/PPM relating to affordable housing and the heritage contribution. The effect of these modifications was to permit the possible use of mid-market rent as a possible form of affordable housing as part of the housing development and to remove the requirement for a financial contribution towards a Heritage Implementation Plan for the Battle of Pinkie site. Funding for such work had been secured post grant of planning permission and information boards have been erected and therefore the contribution was no longer required.

Following further discussions between the Council and the owner of the greyhound stadium site the Council accepted in 2021 that despite concerted efforts over a 20 year

period to try to deliver the stadium, the developer would not be able to deliver it. Discussions were entered into between the owner of the greyhound stadium site and Council officers to explore the possibility of modifications taking place to the Section 75 Agreement which would still guarantee the delivery of an economic development use for the stadium site prior to housing commencement. In August 2021 permission was granted (reference 21/00001/OBL) to further modify the S75 Agreement associated with planning permission in principle 10/00341/PPM and also a new 'Class 4/5' S75 Agreement was entered into by all parties and submitted for registration, the effect of all of which is to ensure that the stadium site will be used for economic development use and therefore the provision of jobs offsetting the original loss of the business park land for housing under planning permission 10/00341/PPM and instead of the economic benefit of the stadium. On this basis the development of the housing units could commence. This is in line with the Reporter's decision regarding the need for clause 11 of the S75 agreement associated with 10/00341/PPM.

Since then a planning application (reference 22/00033/P) has been submitted by John Gilmour Butchers for the erection of a building for (Class 4) food processing facility and (Class 1) retail unit and associated works on part of the site of planning permission 01/00892/FUL (the greyhound stadium site) and three separate planning applications (references 22/00075/P, 22/00076/P and 22/00077/P) have been submitted by Ambassador Residential Limited for a total of 97 residential units on the site of the 94 house residential development the subject of planning permission in principle 10/00341/PPM and approval of matters consent 16/00751/AMM. All of these 4 separate planning applications are pending consideration.

Planning permission (reference 22/00074/P) has also recently been granted, on the 22nd July 2022, for the formation of a landscape bund and associated works all of which occupies the long, narrow, rectangular area of ground between the site of this current application (the residential site the subject of planning permission in principle 10/00341/PPM and approval of matters consent 16/00751/AMM and the current planning applications for an alternative scheme of residential development as detailed in the paragraph above) and the remainder of the greyhound stadium site the subject of planning permission 01/00892/FUL (and the current planning application for the erection of a building for (Class 4) food processing facility and (Class 1) retail unit and associated works).

## **PROPOSAL**

Planning permission in principle 10/00341/PPM was granted on appeal following the conclusion of a Section 75 Agreement and subject to 10 conditions. Condition 10 of planning permission 10/00341/PPM states:

"No work (other than preliminary site preparation works) shall be begun on the houses approved in this permission until a binding contract has been put in place to complete the stadium for use, in accordance with the relevant terms of the section 75 agreement.

Reason: To ensure that the housing development does not proceed without reasonable assurance that the stadium will be completed, as this is the principal reason that has justified accepting a change of use of business land to housing, as a departure from the terms of the development plan."

Condition 10 was imposed by the Reporter in his decision on planning appeal PPA-210-2018 on planning permission in principle 10/00341/PPM. This condition 10 was in addition to the 9 conditions which were suggested by the Council in the event that the Reporter would take the decision to grant planning permission in principle for the housing

development. The Reporter explained in his decision notice that he had taken the decision to impose this additional condition for the avoidance of doubt, and mindful of the council's concern about the need to ensure that the housing development does not proceed until there is adequate assurance that the stadium will be completed, and about the effectiveness of the proposed section 75 agreement. He concluded that it would be appropriate to do so and that it would provide a further safeguard and assurance for the council on this point.

It is proposed through this current application that condition 10 of planning permission in principle 10/00341/PPM be deleted to remove the requirement for a binding contract to be put in place to complete the stadium (separately approved by planning permission 01/00892/FUL) in advance of work commencing on the houses approved by that planning permission in principle.

The applicant's agent has submitted a written statement with the application explaining that the reason for the application is that they consider this condition is no longer relevant to the development proposal. It is claimed in the applicant's statement that the stadium development proposal has been superseded and will not be implemented, that circumstances have changed and the Barbachlaw farm area is an established and committed location for further housing development and that the part implemented stadium will be dismantled and demolished and the site of it is subject to separate application for industrial business uses.

The applicant's written statement also makes reference to the modifications to the Section 75 Agreement approved through modification application 21/00001/OBL and points out that this refers to the changed circumstances and agreement that the stadium is effectively null and void.

The applicant's written statement points out that the effect of granting permission for this Section 42 application would be such that a new and separate permission would exist for the development with different (or no) conditions attached. The statement explains that it is the applicant's intention only to alter permission in specific regard of condition 10.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 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 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 4th July 2022 the Council issued a formal screening opinion with the conclusion 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

## **THE DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (ELLDP)

together with its adopted supplementary guidance.

The purpose of SESplan is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual planning applications.

Proposal MH12: Barbachlaw, Wallyford of the ELLDP states "Land at Barbachlaw, Wallyford is allocated for circa 94 homes and a stadium to reflect a planning appeal decision. No work (other than preliminary site preparation works) shall be begun on the houses until a binding contract has been put in place to complete the adjacent stadium for use." Other than PROP MH12 there are no policies or proposals of ELLDP of particular relevance to the proposal to delete condition 10 of planning permission in principle 10/00341/PPM however, as well as PROP MH12, relevant to the overall residential and stadium car park development proposal are PROP ED1 (Musselburgh Cluster Education Proposals), Policy CH4 (Scheduled Monuments and Archaeological sites), Policy CH5 (Battlefields), Policy DP1 (Landscape Character), Policy DP2 (Design), Policy DP3 (Housing Density), Policy DP4 (Major Development Sites), Policy DP8 (Design Standards for New Housing Areas), Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development), Policy OS4 (Play Space Provision in new General Needs Housing Development), Policy HOU3 (Affordable Housing Quota), Policy HOU4 (Affordable Housing Tenure Mix), Policy DEL1 (Infrastructure and Facilities Provision), Policies T1 (Development Location and Accessibility), Policy T2 (General Transport Impact), Policy W3 (Waste Separation and Collection), Policy NH7 (Protecting Soils), Policy NH10 (Sustainable Urban Drainage Systems), Policy NH11 (Flood Risk), Policy NH12 (Air Quality) and Policy NH13 (Noise).

A material consideration in the determination of this 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.

Scottish Planning Policy highlights that new housing developments should be integrated with public and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. There should be connectivity between new and existing streets with walking and cycling networks, and allow for links into future areas of development.

Further material considerations to the residential development of the site are Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design,

including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material is East Lothian Council Supplementary Planning Guidance 'Design Standards for New Housing Areas' approved by the Council in May 2020. This guidance states that new developments vary significantly in scale and location, and the key aims for the built environment will therefore change depending on these. Development at the upper end of the scale including the creation of new urban centres, require careful balancing of environmental and physical change to support the long-term success of places. Design at this scale is often highly complex and requires solutions that will sustain the vitality and vibrancy whilst managing regular change. Below this, there may be a mixed-use development created that includes a new local centre or community facility such as a school with housing around it. Design must focus on how new residents living on the site will access any local facilities, and services in the wider area.

## **REPRESENTATIONS**

There have been no written representation received to this application.

## **COMMUNITY COUNCIL COMMENTS**

Wallyford Community Council have been consulted on the application however no response has been received from them.

## **PLANNING ASSESSMENT**

The principle of the erection of a residential development of 94 houses and relocated parking for the stadium has been established by the grant of planning permission in principle 10/00341/PPM. Since then approval of matters consent 16/00751/AMM for the detail of the erection of 94 houses and the construction of the relocated parking and associated engineering and landscape works on the site of planning permission in principle 10/00341/PPM has been granted and the approval of matters consent 16/00751/PPM has been implemented but only to the extent that preliminary site works have been carried out on site.

The determination of this application therefore rests only on the planning consideration of the consequences of deleting the planning condition which prevents the housing development proceeding without reasonable assurance that the stadium will be completed.

Through the determination of application 21/00001/OBL to modify the Section 75 Agreement associated with planning permission in principle 10/00341/PPM and the conclusion of a new 'Class 4/5' Section 75 Agreement, controls have been put in place to guarantee that the stadium land would be developed for an economic development use in return for allowing the housing development to commence. That is what the original S75 agreement clause 11 did by requiring a binding contract for the construction of the stadium to be entered into prior to the commencement of the housing units. The modifications set out in the revised clause 11 restrict the completion of housing units until the new Class 4/5 Land S75 Agreement has been entered on the application record at the Land Register of Scotland. That Registration of the new Class 4/5 Land S75 Agreement at the Land Register of Scotland has since taken place (on 27th August 2021).

In summary, Clause 4 of the Class 4/5 S75 agreement requires the removal of the steel structure from the stadium land (Planning Agreement Subjects) by September 2022 and prior to 1st August 2026, the construction and commenced commercial operation of 3,500 square metres gross floor area of class 4 (business) or class 5 (general industrial) use. This replaces the binding construction contract for the stadium with a guarantee of the removal of the stadium structure and the completion and operation of an economic use class facility on the stadium site.

If the class 4/5 use is not completed and operational prior to 1 August 2026 (or a later date agreed between parties), the then landowner is required to transfer the stadium land to the Council for zero consideration. The Council will then use the site for economic development purposes - creation of a class 4 or class 5 business use that will be subject to a separate planning process. As the Council cannot enforce a S75 agreement against itself, then clause 4.4.6 gives the option to the then landowner of the stadium site when disposing to the Council to restrict the use of the land for class 4 or 5 use. Therefore if 3,500 square meters has not been developed in 5 years' time, and there has been no agreement to extend that date, then the Council will own the land and will ensure its use for economic development and the requirement imposed by the reporter in the original S75 agreement that housing can only commence if the stadium land is guaranteed to be developed.

These requirements had to be included in a new S75 agreement over the stadium land and not introduced as a modification to the existing S75 agreement because the planning agreement subjects of the existing S75 agreement do not cover the stadium site. Therefore to register obligations against the stadium land subjects required a new S75 agreement registered against the stadium land title. An application to modify the existing S75 by extending the subjects which it covered to incorporate the stadium site may not have been accepted by Registers of Scotland.

The remaining modification to the existing S75 agreement related to removing commitments to develop the stadium and car parking land.

With these modifications and new 'Class 4/5' Section 75 Agreement now in place and accepted by Registers of Scotland, the planning control imposed through condition 10 of planning permission in principle 10/00341/PPM is no longer in accordance with the modified controls in place through the modified Agreement and the new Agreement and nor is the condition now necessary as the required controls are in place through that modified Agreement and new Agreement to guarantee the economic development of the former stadium site.

The modified Section 75 Agreement which applies in respect of planning permission in principle 10/00341/PPM does not refer to this current planning application. The **Council's Planning Obligation Officer** has been consulted on this application for the deletion of condition 10 of planning permission in principle 10/00341/PPM. The Planning Obligations Officer raises no objections to it and confirms that there is no requirement to further modify the S75 in relation to the removal of the Stadium, however there is a need to conclude a 'S75A' application to further modify the S75 associated with planning permission in principle 10/00341/PPM to tie this new application to it. If the Council are minded to grant planning permission for this current application, that Agreement needs to be modified so that the definition of "planning permission" in the Agreement is also inclusive of the new planning permission in principle that would be created through the granting of this application. Doing so would ensure that the S75 obligations, including those for financial contributions towards education provision and the provision of affordable housing on the site, applies to this and any other new permissions which may be minded to be granted. The Council's Planning Obligations Officer has been consulted



on the application and is satisfied that the legal agreement associated with planning permission in principle 10/00341/PPM can be modified to ensure that it will cover the new planning permission which would be created if the Council are minded to grant planning permission for this current application. On 27th July 2022 an application (reference: 22/00007/OBL) was validated to modify the planning obligations on planning permission in principle 10/00341/PPM to incorporate this current application and the three other current planning applications (22/00075/P, 22/00076/P and 22/00077/P) for an alternative 97 house development of the site into the Section 75A Legal Agreement. The Planning Obligations Officer advises that planning permission should be granted for this application subject to the prior conclusion of the required Section 75A Legal Agreement.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75A Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that it would not be regulated by the terms and obligations set out in the S75A agreement.

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, it is recommended that planning permission should be granted for the applied for deletion of condition 10 of planning permission in principle 10/00341/PPM subject to the necessary modifications being made to the S75 Agreement associated with planning permission in principle 10/00341/PPM to encompass this application and any further planning applications associated with the subjects prior to their determination and the submission and receipt for registration of such modifications being made to the Land Registry of Scotland against the land title and subject to all of the remaining conditions from planning permission in principle 10/00341/PPM where it is intended these should apply. In this case, all the other conditions should continue to apply with the exception of condition 7 as the requirements of this condition have been complied with. The wording of some of the other conditions require to be altered to accurately reflect the planning permission in principle to which they relate. It is also recommended that an additional condition be added requiring the developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development. This is in accordance with the motion approved by the Council at its meeting on Tuesday 27th August 2019 declaring a Climate Emergency and thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee deciding that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Therefore such a condition should be imposed on a grant of planning permission in principle for this proposed development.

## RECOMMENDATION:

It is recommended that planning permission be granted subject to:

1. The following conditions;
2. The prior conclusion of a satisfactory modification, under Section 75A of the Town and Country Planning (Scotland) Act 1997, of the existing Section 75 Agreement associated with planning permission 10/00341/PPM, as previously modified through applications references 18/00081/OBL and 21/00001/OBL, to encompass this and any further planning applications associated with the subjects to ensure the Section 75 obligations continue to apply; and
3. That in accordance with the Council's policy on time limits for completion of planning agreements the decision also is that in the event of the Section 75A Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that it would not be regulated by the terms and obligations set out in the S75A agreement.

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the residential units, the means of access to them, the means of any enclosure of the boundaries of the site and the landscaping of the site. Those details shall generally comply with the Indicative Masterplan docketed to planning permission in principle 10/00341/PPM, but additionally shall comply with the following requirements:

a. The houses shall be predominantly two storeys in height, and shall in no case be higher than three storeys in height.

b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses should be orientated to face the street.

c. Notwithstanding that shown in the Masterplan Document docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage.

d. The external finishes of the residential units shall be in accordance with a co-ordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

e. The car park hereby approved shall be enclosed by only simple wire fencing, details of which shall be submitted to and approved by the Planning Authority in advance of its erection on site.

f. Details of the play area, including the equipment to be provided within it and a timetable for installation, shall be submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved.

g. The open space adjacent to the site for the greyhound stadium shall be designed to accommodate ball games.

h. Parking for the housing development hereby approved shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads- Part 5 Parking Standards.

i. The existing footpath along the site frontage with Salter's Road shall be relayed and widened to 2 metres. Street lighting shall also be extended along this section of road.

j. A signalised pedestrian crossing shall be introduced at the Double D island on Salter's Road adjacent to 12 Fa'side Buildings.

k. Driveways shall have minimum dimensions of 6 metres by 2.5 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres wide by 11 metres length.

l. 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.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site including SUDS basin/pond details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. Non-thorn species should be located adjacent to pedestrian areas. Specific planting details shall include hedges to front gardens.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 The details submitted pursuant to Condition 1 shall address the following requirements:
- a. An acoustic barrier comprising a boundary wall 140 metres long and 4 metres high shall be provided along the northwest boundary of the site.
  - b. The orientation of any house along the northwest boundary of the site shall be such that private garden areas should be southeast facing and sheltered from noise from the adjacent greyhound stadium;
  - c. Any windows of habitable rooms of any house along the northwest boundary of the site facing the greyhound stadium shall be provided with suitable acoustic insulation with a sound reduction index equivalent to 30dB Rwa;
  - d. The orientation of any house along the southwest boundary of the site shall be such that private garden areas should be northeast facing and sheltered from traffic noise from Victory Lane;
  - e. Any windows of habitable rooms of any house along the southwest boundary of the site facing Victory Lane shall be provided with suitable acoustic insulation with a sound reduction index equivalent to 30dB Rwa.

Reason:

To ensure an appropriate level of acoustic screening and insulation in the interests of the amenity of the future occupants of the site.

- 4 A Travel Plan shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Plan shall have particular

regard to provision for walking, cycling and public transport access to and within the site, and will include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan.

The Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 5 A Construction Method Statement to minimise the impact of construction activity on the safety and 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 (including routes to/from site) and shall include hours of construction work and routing of traffic.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 6 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 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.

- 7 Prior to the commencement of development details of the proposed integrated sustainable urban drainage scheme (SUDS) for the application site shall be submitted in writing for approval by the planning authority. The integrated sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details as approved by the planning authority.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.

- 8 Prior to the commencement of housing development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.