

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 19 May 2020  
**BY:** Head of Development  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **19/00620/AMM**

Proposal Approval of matters specified in conditions 1d, 1h, 1l and 1n (details of road, drainage and landscape infrastructure for Phase 1) of planning permission in principle 14/00768/PPM - For remediation of site and creation of new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works

Location **Blindwells  
Tranent  
East Lothian**

Applicant Hargreaves Services (Blindwells) Limited

Per Turley

**RECOMMENDATION Consent Granted**

## **REPORT OF HANDLING**

### **PROPOSAL**

Although this application is for the approval of matters specified in conditions of planning permission in principle 14/00768/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

The application site is bound to the north by the main east coast railway line, to the west by the A198 public road, to the south by the A1 Trunk Road and to the east by agricultural land.

Planning permission in principle 14/00768/PPM was granted in May 2018 for the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells, which is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton.

Planning permission 18/00420/P was granted in December 2018 for the formation of a site

access for a temporary period of five years. The purpose of the temporary construction access was to enable construction vehicles to safely access the development site the subject of planning permission in principle 14/00768/PPM. Planning permission 18/00420/P has been implemented and the temporary construction access has been formed on site.

Planning application 18/00724/AMC seeking planning permission for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 1) of planning permission in principle 14/00768/PPM for the formation of a road off the A198 road to the west of the application site to serve the northern part of the wider Blindwells site was withdrawn in April 2019 prior to determination.

Planning permission 19/00242/AMC was granted in October 2019 for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM for the formation of a road to serve the northern part of the wider site being largely the same site as that which was the subject of previous application 18/00724/AMC. The scheme of development approved through the grant of planning permission 19/00242/AMC also included the formation of a Sustainable Drainage System (SuDS) basin on the north-eastern boundary of the application site.

Planning permission 18/00725/AMC was granted in December 2019 for the approval of matters specified in Conditions 1d and 1h (details of road infrastructure for Phase 1 Plot 2) of planning permission in principle 14/00768/PPM for the formation of a road off the A198 road to the west of the application site to access the central part of the wider Blindwells site.

Planning permission is now sought through this current planning application for the approval of matters specified in Conditions 1d, 1h, 1l and 1n comprising of the details of the road, drainage and landscape infrastructure for Phase 1 of planning permission in principle 14/00768/PPM.

The proposed scheme of development proposes the road infrastructure to serve the Phase 1 Blindwells site and consists of (i) the construction of two access junctions and distributor roads off the eastern side of the A198 public road which lies to the west of the application site; (ii) the formation of a new junction and distributor road off the eastern side of the Bankton roundabout; (iii) the formation of footpaths; (iv) the formation of three SuDS detention basins and; (v) the landscaping of parts of the site. The application site has an area of some 28.29 hectares.

The drawings submitted in support of the application show how access to the site would be taken from two new junctions and roads off the eastern side of the A198 public road with a third junction and road proposed off the eastern side of the Bankton roundabout. Internal access roads within the site are proposed to connect these three main distributor roads and provide wider access and connectivity within the Phase 1 Blindwells site. Three proposed detention ponds would be formed to the immediate north of the middle distributor road. The submitted drawings show the layout of the roads and footpaths that would be formed within the application site together with proposed landscaping which includes individual tree planting, avenue tree planting, grassed areas, meadow areas, woodland belts and aquatic planting within permanent water bodies.

## **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.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SEsplan). Relevant to the determination of the application are Proposal BW1 (Blindwells New Settlement) and Policies DP2 (Design), CH5 (Battlefields), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH10 (Sustainable Drainage Systems) and NH11 (Flood Risk) of the adopted East Lothian Local Development Plan 2018.

## **REPRESENTATIONS**

No letters of written representation have been received to the application.

## **PLANNING ASSESSMENT**

The principles of the means of accessing of the proposed Blindwells site are already decided by the grant of planning permission in principle 14/00768/PPM. These include that vehicular and pedestrian access to the site shall be taken from the A198 public road to the west of the site as detailed in the indicative masterplan approved through the granting of planning permission 14/00768/PPM. This masterplan also provided details of the alignment of the proposed roads to serve the Blindwells site along with areas of housing, a school campus including sports pitches, a local centre, landscaped areas and parks and areas for SuDS. Conditions imposed on the grant of planning permission in principle 14/00768/PPM require details of off site improvement works including details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station and a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the eastern edge of the wider Blindwells site prior to the commencement of development of the site. Additionally details and timetables for the implementation of the safer route to school to Preston Lodge High School including pedestrian/cycle crossings of the A198 and B1361 public roads, phasing plans for the development of the site and a construction method statement, require to be submitted and approved. These off site details have not been submitted with this application and are the subject of ongoing discussion with the Council's Road Service therefore these are matters which still need to be addressed by the applicant prior to the commencement of any development of the site. A number of additional pre-commencement conditions imposed on the grant of planning permission in principle 14/00768/PPM have been dealt with through the approval of details submitted in relation to these conditions. However there remain a small number of additional pre-commencement conditions imposed on the grant of planning permission in principle 14/00768/PPM which remain outstanding and which also require to be addressed by the applicant prior to the commencement of any development of the site.

By the grant of planning permission in principle 14/00768/PPM, approval has been given for the principle of the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells. There can therefore be no objection in principle to the proposed infrastructure associated with the new settlement on the site.

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 and the landscaping of and means of access to the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the indicative masterplan layout and conditions attached to planning permission in principle 14/00768/PPM.

The layout proposed through this approval of matters application for the roads, drainage and landscape infrastructure within the application site is broadly consistent with the indicative masterplan layout docketed to planning permission in principle 14/00768/PPM.

The northern road off the eastern side of the A198 public road which is the subject of this

planning application consists of the same section of stub section of road approved through the grant of planning permission 19/00242/AMC while the middle road off the eastern side of the A198 public road which is the subject of this planning application consists of the same section of stub section of road approved through the grant of planning permission 18/00725/AMC. Two internal roads are also to be provided along the eastern boundary of the Phase 1 site connecting the north distributor road with the middle distributor road and the middle distributor road with the south distributor road respectively. Pedestrian footpaths are proposed through the landscaped areas of the site to provide pedestrian connections throughout the Blindwells site. The three proposed distributor roads which are to provide access to the site from the eastern side of the A198 and the Bankton roundabout together with the proposed internal roads and public footpaths are appropriate for their purpose of serving the proposed new settlement of Blindwells.

The Council's Road Services **advises that numerous discussions have taken place during** the determination process of the application regarding the road infrastructure and footpaths to be provided to serve the Blindwells site. The Council's Road Services have advised that the road infrastructure and footpath drawings submitted as part of the proposed scheme of development have been amended during the determination process of the application to address the previous Road Services comments, concerns and requirements. As such being satisfied that the proposal, as amended, would not have an adverse impact on pedestrian or road safety, the Council's Road Services raise no objection to the proposal.

**Transport Scotland** as a consultee on the planning application advise that they do not propose to advise against the granting of planning permission.

The proposed details are consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The applicant's infrastructure landscape masterplan sets out the landscaping proposals for the site. It indicates that the western boundary of the application site, on the eastern side of the A198 road, would have a landscape strip measuring some 7 to 35 metres wide provided which would be landscaped with woodland planting and grassed amenity areas. The northern boundary of the site, adjacent to the east coast railway line, would be partly landscaped with woodland and partly with meadow seed mix flowers. The SuDS basin located on the northern boundary of the site, approved through the grant of planning permission 19/00242/AMC, would have its basin sides seeded with the wider area around it seeded with meadow mix planting with a grassed amenity area beyond. New trees would be planted within the grassed area around the SuDS basin. The areas of ground adjacent to the northern distributor road and the footpaths within the northern part of the site would be grassed. A rectangular landscape strip some 30 metres wide and some 155 metres long comprising of grassed areas, woodland planting and individual tree planting would be formed running north-south through the northern part of the phase 1 site between the northern and middle distributor roads. A further rectangular landscape area some 48 meters wide and some 430 metres long would run west-east through the site parallel and to the north of the middle distributor road. Three SuDS basins proposed within this landscape strip would have aquatic planting undertaken within the permanent water bodies with the sides of the SuDS basins being seeded while the areas around them would be planted with meadow mix and grass. A row of trees would be planted along both the northern and southern boundaries of the landscape strip to the north of the middle distributor road. A third rectangular landscape strip would be formed running north-south between the middle distributor road and the southern distributor road which would measure some 30 metres wide by 116 metres long comprising of grassed amenity areas and woodland planting. To the immediate east of this landscape strip a local park comprising of a rectangular area of land measuring some 25 metres by 100m would be provided to the north of the southern distributor road. A fourth rectangular landscape strip measuring some 24 metres wide by 128 metres comprising of

amenity grassland is proposed to be provided to the immediate west of the internal access road which connects the middle distributor road and the southern distributor road. A fifth rectangular landscape strip is to be provided along the south east boundary of the phase 1 site measuring some 38 metres wide by some 160 metres long and running north-south. This landscape strip would connect with a further landscape area along the southern boundary of the phase 1 site adjacent to the A1 Trunk Road. The north part of this landscape strip along the southern boundary of the site would consist of the location of a Bee Orchid reserve as well as a planted meadow mix. The transplantation of the Bee Orchids on the Blindwells site was a requirement of condition 7 of planning permission in principle 14/00768/PPM and the transplantation has already taken place on site. The southern boundary of the site adjacent to the A1 Trunk Road is to be landscaped with an embankment along its length which would be planted with woodland and grass. With the layout as indicated the nearest housing sites within the Blindwells site would be, at their closest point, some 45 metres from the southern boundary of the site with the A1 Trunk Road beyond. The landscape embankment would serve as a both a visual and noise barrier between the Blindwells new settlement and the A1 Trunk Road.

**The Council's Landscape Project Officer** advises that numerous discussions have taken place during the determination process of the application and that the proposed scheme of landscaping, planting, and the associated landscape and management plan have been amended during the determination process of the application to address previous landscape concerns. Accordingly the Council's Landscape and project officer raises no objection to the application as amended.

The matter of site drainage was considered through the determination of previous application 14/00768/PPM. The Indicative Masterplan docketed to planning permission in principle 14/00768/PPM indicates how in principle sustainable urban drainage scheme (SUDS) detention basins could be formed within the site to attenuate the flow of surface water run-off. Conditions 22 and 23 of planning permission in principle 14/00768/PPM state that a SUDS scheme, Drainage Assessment and Surface Water and Flood Risk Report should be submitted for the written approval of the planning authority, in consultation with the Scottish Environment Protection Agency (SEPA).

A detailed Drainage Strategy covering the Phase 1 of the Blindwells site has been submitted as part of the application. This drainage strategy provides details of the surface water, flooding and ground water drainage strategy for the site which includes the provision of SuDS basins and ponds.

**The Council's Flooding and Structures Officer** advises that numerous discussions have been undertaken with the agent regarding the proposed Drainage Strategy for the site during the determination period of the application. As such a revised Blindwells Phase 1 Drainage Strategy and additional supporting information has been submitted during the determination period which has addressed the previous concerns of the Council's Flooding and Structures Officer. Accordingly the Council's Flooding and Structures Officer has advised that having reviewed the amended Blindwells Phase 1 Drainage Strategy (Waterman) June 2019, as amended on 6 February 2020, as well as the additional supporting pond volume sketches provided by the applicant's agent the Council's Flooding and Structures Officer raises no objection to the application being satisfied that the Drainage Strategy for the site is acceptable.

The Council's Flooding and Structures Officer does however recommend that all forthcoming applications for the development of Phase 1 Plots should contain, as part of their submissions, a Surface Water Management Plan which should include the construction details of all SuDS features/structures to confirm how it integrates with the afore-mentioned Phase 1 Drainage Strategy. Also these details should include confirmation of Scottish

Water's technical approval of any such SuDS proposals. This matter would require to be addressed when any future individual planning applications for development within the Phase 1 Blindwells site are submitted. Any such future planning applications for development of Phase 1 Plots would require to be determined on their own individual merits.

**SEPA** as a consultee on the application were consulted on the original Blindwells Phase 1 Drainage Strategy submitted and following the submission of the revised Blindwells Phase 1 Drainage Strategy and additional supporting information during the determination period were subsequently re-consulted on the application. SEPA advise that following clarification from the applicant's agent of some of the figures contained in the revised Blindwells Phase 1 Drainage Strategy they have no objection to the proposal.

**Scottish Water** as a consultee on the application advise that they have no objection to the proposal.

On the foregoing drainage considerations the proposed details are consistent with Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018.

**Historic Environment Scotland** were consulted on the planning application given that the application site is located within the Battle of Prestonpans battlefield site. Historic Environment Scotland advise that they have no comment to make on the proposal.

The proposed details are consistent with Policy CH5 of the adopted East Lothian Local Development Plan 2018.

**The Coal Authority** advises that it is noted that the submission is for the approval of matters specified in conditions 1d, 1h, 1l and 1n of planning permission 14/00768/PPM and that the layout relating to road, drainage and landscape infrastructure for Phase 1 is unaffected by mine entries. As such the Coal Authority advise that they have no objection to the application.

**The Council's Consultant Engineer Geologist** has been consulted on the planning application including the revised Drainage Strategy for the site and has raised no objection to the application being satisfied that with regards to the geotechnical matters of the site with regard to the opencast backfill and the remediation measures adopted to minimise risks of collapse settlement and creep the proposed scheme of development is acceptable.

**The Council's Contaminated Land Officer** has reviewed the Geo-Environmental and Gas Assessment reports prepared for the site which were submitted in relation to Condition 12 of planning permission in principle 14/00768/PPM with regards to measures required to ensure that the site is clear of contamination and has confirmed that the details submitted in relation to condition 12 of planning permission in principle 14/00768/PPM are acceptable and to his satisfaction. As such the Council's Contaminated Land Officer has raised no objection to this application.

**The Council's Environmental Protection Manager** has no comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

By virtue of their size, scale, proportions, positioning, form and materials, the access junctions and distributor roads, footpaths, SuDS detention basins and landscape works are all appropriate for their locations and are in keeping with their surroundings and acceptable to their purpose of serving the mixed use new settlement of Blindwells.

By its nature and by its positioning the proposed infrastructure would not result in any harm

to any neighbouring land use or to the privacy or amenity of any neighbouring residential property.

On all of the foregoing considerations of layout, design, amenity and landscape, the proposed infrastructure development is consistent with the Indicative Masterplan docketed to planning permission in principle 14/00768/PPM.

In conclusion, given all of the above, the proposed development is not contrary to Proposal BW1 and Policies DP2, CH5, T1, T2, NH10 and NH11 of the adopted East Lothian Local Development Plan 2018

**RECOMMENDATIONS:**

It is recommended that planning permission be granted subject to the undernoted 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 finished ground 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.

Reason:

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

- 2 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.