

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT OF CANAL HUB FACILITY
COMPRISING MARINA, PONTOON MOORINGS, VISITOR
FACILITY, HOTEL/TOURISM ACCOMMODATION, CANAL
FOOTBRIDGE, BOAT SERVICE BUILDINGS, CAR PARKING,
LAY-BY, NATURAL LANDSCAPING WORKS AND ANCILLARY
DEVELOPMENT AT LAND TO THE NORTH WEST OF
ALMONDHALL FARM, FALKIRK, FOR MORSTON ASSETS/
LAND OPTIONS WEST - P/10/0761/PPP

Meeting: PLANNING COMMITTEE - SITE VISIT

Date: 18 May 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members:	Ward - Lower Braes	Ward - Upper Braes
	Councillor Steven Jackson	Councillor Stephen Fry
	Councillor Malcolm Nicol	Councillor Gordon Hughes
	Councillor Alan Nimmo	Councillor John McLuckie

Community Council: Maddiston

Case Officer: Brent Vivian (Senior Planning Officer), ext. 4935

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that a visit to the above site took place on 9 May 2011 and that an officer's report and recommendation (appended) were prepared for the site visit.
2. At the site visit, the case officer summarised the Committee report and the applicant presented the proposal and highlighted the potential benefits and the desirability of the site location. The Committee viewed the site from several locations and the masterplan proposals relative to the site features and topography were discussed.
3. Members raised queries regarding the proposed access, parking provision, estimated timescales to proposed development and employment projections, which were responded to by the applicant. The support by British Waterways and the inclusion of a swing bridge across the new marina opening, to retain the line of the towpath and address Historic Scotland's concerns, were highlighted.
4. No matters were raised at the site visit that would amend the original recommendation.

RECOMMENDATION

5.1 It is recommended that Committee grant planning permission in principle subject to the following conditions:-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Unless otherwise agreed in writing by this Planning Authority, the first application for the Approval of Matters Specified in Conditions shall be accompanied by the following details for consideration for approval in writing by this Planning Authority:-
 - (a) A detailed Site Layout Plan, which accords with the layout and land uses as set out on Masterplan PPP/D2 submitted with the PPP application, unless otherwise agreed in writing by this Planning Authority or a variation is required by a condition of this permission;

- (b) A detailed Phasing Plan showing the exact sequence of development for each proposed land use, the provision of infrastructure, landscaping and open space;
 - (c) A Construction Environmental Management Plan;
 - (d) An Ecological Impact Assessment in respect of the Union Canal Site of Importance for Nature Conservation (SINC);
 - (e) A Site Biodiversity Action Plan;
 - (f) A detailed scheme for proposed soft landscaping works, which includes: an indication of existing trees and hedges proposed to be retained or removed; the location of all proposed new and retained trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
 - (g) A detailed scheme of proposed hard landscaping works, which includes: the specification and colour of all proposed surface materials; the location and design of all other proposed artifacts and structures e.g. street furniture, lighting, fences, walls, gates and public artwork;
 - (h) A Cultural Heritage Mitigation Strategy;
 - (i) Updated surveys for great crested newts, otters and badgers, and species protection plans (where necessary);
 - (j) A Flood Risk Assessment/Statement;
 - (k) A scheme to connect the proposed development to the public waste network;
 - (l) A full site-specific surface water drainage scheme, which accords with SUDs principles;
 - (m) A Contaminated Land Assessment;
 - (n) The exact location and specification of all proposed foot/cycle paths and woodland tracks, including connections to the wider path network;
 - (o) The details of proposed vehicle and cycle parking provision;
 - (p) The exact details of the proposed play area;
 - (q) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant);
- (5) Before the development commences, a fence shall be erected in a position to be approved in writing by this Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
- (6) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by this Planning Authority.
- (7) Where the proposed development has not commenced within 12 months of the last survey of the site for great crested newts, otters and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted for the written approval of this Planning Authority;

- (8) Prior to the opening of the Marina Basin, or any other timescale that may be agreed in writing by this Planning Authority, a swing bridge shall be erected across the basin opening in accordance with details approved in writing by this Planning Authority, in consultation with Historic Scotland and British Waterways. In the interim, a suitable path diversion shall be put in place, in accordance with details approved in writing by this Planning Authority.
- (9) Prior to opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by this Planning Authority, the proposed path through the site linking to Nicolton Road and the wider path network shall be provided in accordance with details approved in writing by this Planning Authority.
- (10) Prior to the end of the first planting and seeding season following the opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by this Planning Authority, the approved landscape scheme, biodiversity enhancement measures and woodland tracks shall be fully implemented.
- (11) The proposed roundabouts on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.
- (12) The site access road, if a single track carriageway, shall have a minimum width of 3.7 metres, with passing spaces, and shall be designed and constructed in accordance with details approved in writing by this Planning Authority;
- (13) There shall be no vehicular access to the site via Nicolton Road.
- (14) All surface or foul water arising from the proposed development shall be collected and diverted away from Network Rail property and any Sustainable Urban Drainage Scheme (SUDS) shall not be sited within 10 metres of railway infrastructure.
- (15) Where trees/shrubs are to be planted adjacent to the railway boundary, these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
- (16) The proposed development shall be implemented in full accordance with the details approved within the terms of the conditions of this permission unless a non-material change has been approved in writing by this Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.

- (5) To ensure that the existing trees are retained and protected during construction work.
- (6-7) To mitigate the potential impacts on protected species and other species of conservation interest.
- (8) To compensate for the direct impact of the proposed development in the Union Canal Scheduled Ancient Monument.
- (9-10) To secure the timely implementation of the infrastructure works and mitigation/enhancement measures.
- (11-12) To secure a satisfactory design and construction, in the interests of road safety.
- (13) Nicolson Road is not suitable to provide vehicular access to the site.
- (14-15) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (16) To ensure the development is carried out in accordance with the approved details unless otherwise agreed.

Informative(s):-

- (1) For the avoidance of doubt the plan(s) to which this permission refer(s) bear our on-line reference number(s) 01.

SEPA

- (2) SEPA notes that the proposed sewer connection route is adjacent to a closed landfill, which is still subject to a SEPA Waste Management Licence. The applicant should contact the local SEPA office (tel. 01786 452575) to confirm that there would be no impact to the landfill by the proposed sewer route.
- (3) Waste should be minimised at the construction stage and waste material generated by the proposal should be reduced, reused and recycled where appropriate (i.e. in landscaping). There may be opportunities to utilise surplus soils for sustainable purposes elsewhere. Advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme. Further guidance can be found on SEPA's website.

Historic Scotland

- (4) Historic Scotland advises that the prior written consent of Scottish Ministers under the Ancient Monuments and Archaeological Areas Act 1979 (Scheduled Monument Consent) would be required.

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Network Rail

- (5) Suitable barriers would be needed to prevent undue interaction between site occupiers and the railway. Network Rail's existing boundary measures must not be removed without prior permission.
- (6) Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail land.
- (7) The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- (8) Any lighting associated with the proposed development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The colour and location of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicant should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a train operating company has identified that lighting from the development is interfering with drivers' vision and/or signal sighting, alteration/mitigation would be required to remove the conflict, at the applicant's expense.
- (9) The applicant should assess the title deeds to establish whether Development Consent for the works is required from Network Rail.
- (10) Construction works must be undertaken in a safe manner to ensure the operation of the neighbouring railway is not disturbed. The applicant must be aware of any embankments and supporting structures which are in close proximity to the development. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity of the railway line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site.

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Director of Development Services

Date: 11 May 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. Scottish Planning Policy
4. National Planning Policy and Guidance.
5. Falkirk Council Canal Corridor Framework Assessment (June 2000)
6. Falkirk Council Supplementary Planning Guidance
7. Letter of support from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk FK2 0EF.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

FALKIRK COUNCIL

Subject: MIXED USE DEVELOPMENT OF CANAL HUB FACILITY COMPRISING MARINA, PONTOON MOORINGS, VISITOR FACILITY, HOTEL/TOURISM ACCOMMODATION, CANAL FOOTBRIDGE, BOAT SERVICE BUILDINGS, CAR PARKING, LAY-BY, NATURAL LANDSCAPING WORKS AND ANCILLARY DEVELOPMENT AT LAND TO THE NORTH WEST OF ALMONDHALL FARM, FALKIRK, FOR MORSTON ASSETS/ LAND OPTIONS WEST - P/10/0761/PPP

Meeting: PLANNING COMMITTEE - SITE VISIT

Date: 9 May 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members:	Ward - Lower Braes	Ward - Upper Braes
	Councillor Steven Jackson	Councillor Stephen Fry
	Councillor Malcolm Nicol	Councillor Gordon Hughes
	Councillor Alan Nimmo	Councillor John McLuckie

Community Council: Maddiston

Case Officer: Brent Vivian (Senior Planning Officer), ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is a major development and seeks planning permission in principle for a mixed use development to create a canal hub facility to the south of Gilston, near the junction of the A801 and Junction 4 of the M9.
- 1.2 The application site is approximately 13 hectares in size and is predominately farmland. It is bounded to the north by a right of way and the main Glasgow-Edinburgh railway line, to the south by the curtilage of Haining House and associated land, and to the west by Nicolson Road and field boundaries. The eastern portion of the site includes the A801. The Union Canal and its towpath run through the site.
- 1.3 The application comprises the following elements:
- Two new roundabouts – the northern roundabout would serve the proposed Whitecross development to the east and the southern roundabout would serve the proposed canal hub facility;
 - An access road off the proposed southern roundabout and a car park adjacent to the canal;
 - A new marina basin and pontoon moorings;

- Enhanced woodland, wetland habitat and landscaping;
- Improvements to existing path networks and additional woodland paths;
- A visitor centre, hotel/tourist accommodation, a public house/restaurant, a craft outlet/canal shop and a boat servicing/hire premises; and
- A pedestrian and service bridge over the canal.

1.4 The following information has been submitted in support of the application:

- A Masterplan Drawing;
- A Planning Report;
- A Pre-application Consultation Report;
- A Geotechnical Report;
- A Transport Assessment;
- A Flood and Drainage Statement; and
- An Environmental Scoping Report.

1.5 The applicant has advised that the option of a fourth leg off the proposed Whitecross roundabout to access the proposal canal facility was considered and discounted as a double roundabout arrangement best addresses the issues raised in pre-application consultations and design and site requirements. According to the applicant, a fourth leg is unviable due to the scale of land loss associated with the road and necessary earthworks and embankments; the consequential restricting of the development; the visual and landscape impacts of earthworks and car parking on the ridge; impacts on woodland and ecology; proximity to Network Rail infrastructure; and lack of a drainage outlet to the north.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application requires consideration by the Planning Committee as the application site includes land within the ownership of Falkirk Council.

3. SITE HISTORY

3.1 Much of the application site formed part of the wider site at Gilston which was granted outline planning permission for a mixed use development in 2001 (ref: F/99/0356). This permission was not implemented and has now expired. The current application site was excluded from a further outline application for a mixed-use development at Gilston (P/07/0803/OUT), which was allowed on appeal in December 2010.

- 3.2 An application by Morston Whitecross Limited seeking planning permission in principle for a double roundabout (ref: P/09/0456/PPP) to serve the proposed Whitecross development and land at Parkhall was submitted in 2009 and was subsequently withdrawn.
- 3.3 An application by Land Options West seeking planning permission in principle (ref: P/09/0532/OUT) for the development of land for leisure and tourism uses including mooring facilities was submitted in 2009 and was subsequently withdrawn. This application encompassed a smaller area than the current application site, excluding the land south of the canal and to the east beyond the A801.
- 3.4 Application refs: P/09/0456/PPP and P/09/0532/OUT were both withdrawn following Morston Whitecross Limited and Land Options West forming a partnership to prepare a new application to support strategic access to the Whitecross SIRR and canal related tourism development. This is the application under consideration in this report.
- 3.5 Pre-application notice P/10/0415/PAN for canal related leisure and recreation was submitted in June 2010. This notice set out the proposals to advertise and hold a community consultation event. A public exhibition was held on 16 September 2010 at Whitecross Primary School, which was attended by 16 people, including members of the Maddiston and Polmont Community Councils.
- 3.6 An application seeking planning permission in principle (ref: P/10/0188/PPP) for a mixed-use development at Whitecross was submitted in March 2010. This application also includes the proposed northern roundabout, which would provide the main access to the enlarged Whitecross settlement.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the design and construction of the proposed roundabouts and access road would need to satisfy the Council's relevant design guidelines and construction standards, and that parking provision would need to satisfy the Council's parking standards. They advise that a Flood Risk Assessment/Statement and detailed proposals for surface water drainage, which accord with SUDS principles, would be required at detailed planning stage.
- 4.2 Scottish Water have no objection to the application.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the application subject to conditions requiring the approval by the planning authority of a full site-specific surface water drainage scheme and a scheme to connect the proposed development to the public waste water network.
- 4.4 The Environmental Protection Unit supports the findings of the Geotechnical Report that appropriate phase 2 intrusive works would be required. They advise that there is a former quarry, made ground, a railway and other potential sources of contaminated land within 250 metres of the site. They note that air quality impacts on potentially affected properties and users of the canal will be considered as part of a detailed assessment. They advise that if the assessment indicates the potential for a breach of an Air Quality Objective, then a screening exercise and modelling, if necessary, should be considered.

- 4.5 The Transport Planning Unit have reviewed the Transport Assessment and are satisfied with the trip generation rates, trip distribution and assignment, and capacity assessment. They are satisfied that the proposed double roundabout arrangement would operate within capacity in the design year (2016) and that the impact of the proposed development on Junction 4 of the M9 would be minimal. They emphasise the need for the proposed development to be accessible to pedestrians and cyclists and served by public transport. They recognise that its accessibility is linked to the future development of the Whitecross and Gilston sites. They advise that Nicolton Road is not suitable to provide vehicular access to the proposed development and is proposed in the Gilston planning permission (ref: P/07/0803/OUT) to be closed as a through route. They accept that pedestrians and cyclists could access the site from Whitecross via a short section of the canal footpath.
- 4.6 Scottish Natural Heritage (SNH) support the aims of the proposed development and accept the species surveys undertaken to date, which conclude that adverse impacts on protected species are unlikely. They request that pre-construction surveys be undertaken for great crested newts, otters, badgers and breeding birds. They accept that the trees potentially affected by the proposed development are unsuitable for supporting bat roosts. They note the intention to minimise habitat loss and disturbance during construction by using best practice, good site management and complying with SEPA requirements. They welcome the proposed woodland and wetland areas and suggest that the development should contribute to the Central Scotland Green Network and create a green link between wildlife sites to the east and west. They welcome the intention to produce a Biodiversity Action Plan and create a new path network. They recommend careful design of the new road linkage to the A801, to ensure a sympathetic new roundabout is created. They caution design and construction of the new access road to ensure the existing avenue of mature lime trees is not affected.
- 4.7 Historic Scotland have advised that the proposed development affects an archaeological site of national importance termed 'Union Canal, River Avon to Greenbank', which is a Scheduled Ancient Monument. They advise that they have no objection to the application but are concerned at the loss of a section of towpath as a result of construction of the new marina basin. As compensation for this loss, they recommend the applicant to consider the installation of a swing bridge to retain the line of the towpath. They note that an archaeologist would be employed to formulate a mitigation strategy.
- 4.8 British Waterways are generally supportive of the proposal and accept that due consideration has been given to the sensitive heritage and setting of the canal. They understand that the proposal is an alternative to provision of canal facilities at the Whitecross SIRR site. Whilst they do not object to this, they query how delivery of the new Canal Hub Facility could now be secured as part of the development of Whitecross.
- 4.9 Network Rail do not object to the application subject to conditions or advisory notes in respect of drainage, boundary treatment, buildings in close proximity to the boundary, landscaping, amenity and lighting.
- 4.10 Museum Services support the proposal for an off-line marina in order to minimise alterations to the canal bank and moderate the visual impact. They support the location of the proposed access road as it shadows the North Avenue of the listed building at Parkhall/Haining House and consequently follows the original contours and blends in well with the landscape.

- 4.11 Visit Scotland have advised that they are working with the tourism industry towards the national ambition to grow tourism revenue by 50% by 2015, as outlined in the Scottish Government's Tourism Framework for change, which highlights the need for capital investment to develop the tourism product and growth in the supply of quality visitor accommodation. They welcome the addition of any quality, sustainable development that meet the needs of visitors.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 One letter of support has been received in respect of this application. It supports the proposed canal hub facility on the grounds that it would act as a catalyst for further use of the Union Canal.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

- 7a.1 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 The application site lies on the Millennium Canal Link which is identified in the Structure Plan as a key location for development. In addition, the site lies in the countryside, close to the Gilston and Whitecross Strategic Development Opportunities. The essential need for this countryside location for the proposed canal facility is linked to these strategic development sites. The sustainability of the proposed development in terms of pedestrian, cyclist and public transport accessibility would be enhanced by development of these strategic sites. The uses comprising the proposed development would enhance the range and quality of attractions and supporting infrastructure in the Falkirk area and support and enhance the main target markets. The detailed design would be considered at detailed planning stage. In principle, the proposed development accords with this policy.

7a.3 Policy ENV.1 'Countryside and Protected Areas' states:

“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”

7a.4 The application site lies within the countryside where there is a general presumption against new development. The essential need for this countryside location is linked to its proximity to the Gilston and Whitecross Strategic Development Opportunities and the character and setting sought for the proposed development. The proposed canal hub facilities would complement the strategic aim for leisure and tourism uses at the gateway Gilston site and is proposed as an alternative to canal facilities at the Whitecross SIRR. The applicant considers this alternative location to be sustainable and viable, with strategic road connection to the A801 and the M9. The proposed development is therefore considered to accord with this policy.

Adopted Falkirk Council Local Plan

7a.5 Opportunity ED.POL6 (Gilston/Nicolton) provides for canal related leisure/tourism on the Union Canal within the vicinity of Nicolton Road. The accompanying text indicates the potential for canal related development given the proximity of the site to Junction 4 of the M9 and the Gilston site. It states that canalside development would include new mooring facilities and other canal related leisure and tourism uses appropriate to the rural location, together with linkages through to Gilston where opportunities for more major commercial development exist e.g. restaurant, hotel and retail.

7a.6 The proposed development centres on a new off-line marina basin and moorings and a number of tourism and leisure facilities linked to the canal. The scale of the proposed development is appropriate to the rural location and would not prejudice the provision of commercial development at Gilston. Pedestrian access to the Gilston site would be via a new path network and the Nicolton Road rail bridge. Vehicular access to the proposed development would be via a new roundabout on the A801. Overall, the proposed development reflects the proposals for Opportunity ED.POL 6.

7a.7 Policy EQ4 Landscape Design' states:

"Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7a.8 The landscape strategy for the proposed development retains the existing trees where practicable and creates a new landscape form which integrates with the current setting and comprises a series of elements (e.g grassland, woodland and wetland) and opportunities for biodiversity. The new planting would be established downslope of the proposed canal facilities, to help mitigate potential visual impacts and ensure a comfortable fit in the surroundings. The proposed green space would incorporate pedestrian facilities to link to the wider network. The details regarding soft and hard landscaping and maintenance arrangements would be considered at detailed planning stage. In principle, the proposed development accords with this policy.

7a.9 Policy EQ16 'Sites of Archaeological Interest' states:

- "(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development."*

7a.10 The application site straddles the Union Canal, which is a Scheduled Ancient Monument. Potential impacts on the monument include direct impacts associated with removal of a section of the canal structure, to create an off-line mooring basin, and impacts on the setting of the canal. These matters would be considered in detail in a Cultural Heritage Mitigation Strategy. The strategy would be required to include a watching brief during ground breaking works and an appropriate level of recording. Work to the canal structure and to the wider site area, where there is the potential for unknown buried archaeological remains, would be subject to the watching brief. Whilst the proposed removal of a section of the canal structure would not preserve the monument in situ, the provision of a swingbridge across the basin opening, to retain the line of the towpath, would provide adequate compensation. In principle, the proposed development accords with this policy.

7a.11 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.12 The application site lies outwith the urban and village limits, within the countryside. In this circumstance, the relevant detailed policy is EP16 (Leisure and Tourism), which the proposed development is considered to comply with. The precise scale, siting and design of the proposed development would be considered at detailed planning stage. The masterplan indicates a simple off-line basin of traditional form, framed by 2 to 2½ storey buildings fronted by a public realm and activity spaces, and the use of traditional materials. In principle, the proposed development accords with this policy.

7a.13 Policy EQ24 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.14 Parts 1 and 2 of this policy are not relevant to the proposed development.

7a.15 The Union Canal passes through the application site and is designated as a Site of Importance for Nature Conservation (SINC). Part 3 of this policy is therefore relevant. The proposed development has the potential to impact on this SINC, both at the construction and operational stages. However, it is not anticipated that the overall integrity of this SINC would be compromised. An Ecological Impact Assessment would need to accompany a detailed application to assess the impact, identify mitigation measures and inform the detailed layout and design.

7a.16 With regard to Part 4 of the policy, the species surveys undertaken to date have concluded that adverse effects on protected species are unlikely. This is accepted. Pre-construction surveys would be required for great crested newts, otters and badgers.

7a.17 In principle, the proposed development is considered to accord with this policy.

7a.18 Policy EQ25 'Biodiversity' states:

"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design. The Council will prepare Supplementary Planning Guidance on the incorporation of Biodiversity into Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7a.19 An extended phase 1 habitat survey has identified the presence of farmland, grassland, canal and boundary feature habitats within the development site. It is anticipated that the survey would inform the detailed layout and that every effort would be made to retain and enhance areas of habitat of ecological value, having regard to national and local priority habitats and species. A Biodiversity Action Plan is proposed. Overall, the proposed development provides an opportunity to promote the biodiversity of the area and therefore, in principle, accords with this policy.

7a.20 Policy EQ29 'Outdoor Access' states:

- (1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) In promoting new routes particular emphasis will be placed on opportunities specified on the Proposals Map other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements; other areas of proven demand as identified through community consultation; and the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25; the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above. Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.*

7a.21 The proposed development would affect two rights of way and directly affects the canal towpath. The existing rights of way would need to be safeguarded in accordance with the relevant legislation. The provision of a swingbridge across the new basin opening would safeguard the line of the existing towpath. A network of new paths is proposed to the north of the canal facility and careful consideration would be given to integration of the new path infrastructure with the existing network. This would include connection to the Gilston site via the Nicolton Road rail bridge. In principle, the proposed development accords with this policy.

7a.22 Policy EP15 'Tourism Development' states:

Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies.*

7a.23 Policy ECON 7 of the Structure Plan identifies the Millennium Canals as a key location for tourism development. The proposed development therefore supports the strategic tourism priorities. It is considered that the proposed development would complement the existing pattern of provision and potentially enhance the image and tourism profile of the area. The masterplan is of high quality and has been informed by key design principles. In principle, the proposed development is considered to accord with this policy.

7a.24 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs/restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in the SPP.*

7a.25 The need for this countryside location has been considered in relation to Policy ENV.1 of the Structure Plan. The nature and theme of the proposed facility, which includes new visitor and interpretative facilities, is clearly linked to the Union Canal and the opportunities the canal affords for outdoor recreation. In addition, the rationale for this particular countryside location is linked to its proximity to two strategic development sites and strategic road connections. As further justification for the proposed range of facilities, this particular location is identified in the Local Plan as Opportunity ED.POL 6 for canal related leisure and tourism. The impact of the proposed development would be mitigated to an acceptable level and the proposed access and parking arrangements are considered to be satisfactory. The proposed development therefore accords with this policy.

7a.26 Policy EP17 - 'Canals' states:

The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

- (1) The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of infrastructure and amenities for a wide range of canal users; for freight use, including the development of any necessary freight transfer facilities;*
- (3) The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) Appropriate canal-side development which is compatible with the broad objectives, policies and key development opportunities set out in the Council's 'Canal Corridor Development Framework' is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance; achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping; incorporates measures to ensure that there is no detriment to the canal water environment; ensures there is no detriment to the structural stability of the canal; and accords with other Local Plan policies, including Policy ST12.*

7a.27 This particular canal location is identified in the Council's Canal Corridor Development Framework (June 2000) as an opportunity for canal related development with high economic potential. The potential land uses are identified as moorings, tourist accommodation, a pub/restaurant and business. The significant constraints are identified, which include access due to the suitability of Nicolton Road for pedestrians/cyclists and limited vehicle access only. The proposed development is considered to accord with the broad objectives and key development opportunities set out within the Canal framework document. The detailed design would be considered at detailed planning stage. Subject to compliance with the other Local Plan policies, the proposed development accords with this policy.

7a.28 Policy ST2 - 'Pedestrian Travel And Cycling' states:

"New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or less than 1 mile for pedestrian journeys to primary school.*
- (8) Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7a.29 The proposed development lies close to the strategic development sites of Gilston and Whitecross. New and upgraded connections to the Union Canal towpath are proposed as part of the Whitecross development, which would enhance access to the proposed canal facility via a short section of the towpath. Access to the Gilston site would be via a new path network and the Nicolton Road rail bridge. The details regarding design and construction of and connection to, the existing path network would be considered at detailed planning stage. The links to the Union Canal towpath and Nicolton Road would provide access to buses serving the new Gilston and Whitecross developments. Cycle parking would be required at the proposed canal facility. In principle, the proposed development is considered to accord with this policy.

7a.30 Policy ST7 - 'Transport Assessments' states:

- (1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation.*
- (2) Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*

- (3) *Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) *The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

7a.31 A Transport Assessment has been submitted with the application. The Transport Planning Unit is satisfied with the scoping, trip generation rates, trip distribution and capacity assessment. They accept that the proposed double roundabout would operate within capacity in the design year (2016). Accordingly, it is considered that there would be no net detriment to the capacity of the network and that the proposed development accords with this policy.

7a.32 Policy ST11 - 'Sustainable Urban Drainage' states:

Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.

7a.33 A Drainage Statement has been submitted, which indicates a sustainable drainage (SUDs) approach based on two stages of surface water treatment, additional treatment in the form of porous surfaces and interceptors, and run-off attenuation at a rate which maintains the pre-development Greenfield rate. Design details and maintenance arrangements would be required at the detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.34 Policy ST12 - 'Flooding' states:

In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site.

7a.35 A Flood Statement has been submitted with the application. It indicates that the development site is at little or no risk of flooding from rivers, local watercourses and the Union Canal. It states that the canal level is actively controlled and maintained by British Waterways and that the existing site contour and topography minimise the risk. As a matter of principle, it is accepted that there are no significant flood risk issues. A Flood Risk Assessment/Statement would be required at detailed planning stage to inform the detailed design. The proposed development therefore accords with this policy.

7a.36 In principle, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations in respect of this application are National Planning Policy and Guidance, Falkirk Council's Supplementary Planning Guidance Notes, the consultation responses and the public representation in support of the application.

National Planning Policy and Guidance

- 7b.2 Designing Places (2001) is a national policy statement to promote design quality. It identifies six key qualities of successful places: identity; safe and pleasant spaces; ease of movement; a sense of welcome; adaptability; and good use of resources.
- 7b.3 Scottish Planning Policy (2010) is a statement of Scottish Government policy on land use planning and indicates the following:

Economic Development

- The planning system should support economic development by promoting development in sustainable locations. The tourism industry is one of Scotland's largest business sectors and planning authorities should support high quality tourism related development, including the provision of appropriate facilities in key locations.

Historic Environment

- Development that would have an adverse effect on a Scheduled Ancient Monument or the integrity of its setting should not be permitted, unless there are exceptional circumstances. Archaeological sites are an important, finite resource. Where preservation in situ is not possible, appropriate excavation and recording should be undertaken.

Landscape and Natural Heritage

- Landscape and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects are considered when deciding planning applications. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity.

Transport

- The planning system should support a pattern of development that reduces the need to travel, facilitates travel by public transport and provides safe and convenient opportunities for cycling and walking.

Flooding and Drainage

- Planning authorities must take the probability of flooding from all sources and the risk involved into account in deciding planning applications. Development which would have a significant probability of flooding or would increase the probability of flooding elsewhere should not be permitted. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water for new development to be treated by SUDS before it is discharged into the water environment.

7b.4 The proposed development is considered to be supported by national planning policy and guidance. The aims of this guidance has informed the masterplan process and are reflected in the policies of the Development Plan, which the proposed development is considered, in principle, to comply with.

Falkirk Council Supplementary Planning Guidance

7b.5 The following Falkirk Council supplementary guidance is relevant to the proposed development.

- Design Statements;
- Flooding and Sustainable Urban Drainage Systems;
- Biodiversity and Development;
- Trees and Development; and
- Sustainable Design and Construction.

7b.6 The proposed development is considered to be supported by this guidance. The considerations under the guidance would be reflected in conditions of any approval of the application, as appropriate, and would be applied at detailed planning stage.

Consultation Responses

7b.7 The consultation responses are summarised in section 4 of this report.

7b.8 The matters raised by the Roads Development Unit, SEPA, the Environmental Protection Unit, Scottish Natural Heritage and Historic Scotland would be the subject of conditions of any approval of the application. These matters include compliance with the Council's Design Guidelines and Construction Standards for Roads, compliance with the Council's Parking Standards, the submission of a Flood Risk Assessment/Statement, the submission of detailed proposals for surface water drainage, provision of a scheme to connect the proposed development to the public waste water network, submission of a Contaminated Land Assessment, the undertaking of pre-construction species surveys, and the installation of a swing bridge across the opening of the new Marina basin, to retain the line of the existing canal towpath.

7b.9 The Transport Planning Unit is satisfied with the Transport Assessment and recognises that access to the site by sustainable transport modes is linked to development of the strategic development opportunities at Whitecross and Gilston.

7b.10 British Waterways are generally supportive of the proposed development. Their concern that delivery of the proposed canal facility would not be as easy to control now that it is outwith the Whitecross SIRR is noted. This is balanced against the applicant's view that the location of the facility on the A801 is more likely to be viable and attract commercial interest.

7b.11 The matters raised by Network Rail would be the subject of conditions or advisory notes.

7b.12 The comments by Museum Services and Visit Scotland are noted.

Representations Received

- 7b.13 The one letter of support received is summarised in section 6 of this report. The comments are noted and have been addressed within the assessment of the planning application.

7c Conclusion

- 7c.1 This application is linked to the Whitecross SIRR application (ref: P/10/0188/PPP), which is also subject to consideration by the Planning Committee. The proposed development provides an opportunity to enhance canal-related tourism and leisure facilities and has the potential to enhance the tourism profile of the Falkirk Council Area. The specific countryside location has the benefit of proximity to two strategic development opportunities identified by the Council in the Development Plan (Whitecross and Gilston) and the strategic road network. The application has been assessed in this report as complying with the Development Plan and is therefore recommended for approval subject to the imposition of appropriate conditions. There are no material considerations to justify a contrary recommendation.

8. RECOMMENDATION

- 8.1 It is recommended that Committee grant planning permission in principle subject to the following conditions.

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Unless otherwise agreed in writing by this Planning Authority, the first application for the Approval of Matters Specified in Conditions shall be accompanied by the following details for consideration for approval in writing by this Planning Authority:-
- (a) A detailed Site Layout Plan, which accords with the layout and land uses as set out on Masterplan PPP/D2 submitted with the PPP application, unless otherwise agreed in writing by this Planning Authority or a variation is required by a condition of this permission;
 - (b) A detailed Phasing Plan showing the exact sequence of development for each proposed land use, the provision of infrastructure, landscaping and open space;
 - (c) A Construction Environmental Management Plan;
 - (d) An Ecological Impact Assessment in respect of the Union Canal Site of Importance for Nature Conservation (SINC);
 - (e) A Site Biodiversity Action Plan;
 - (f) A detailed scheme for proposed soft landscaping works, which includes: an indication of existing trees and hedges proposed to be retained or removed; the location of all proposed new and retained trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
 - (g) A detailed scheme of proposed hard landscaping works, which includes: the specification and colour of all proposed surface materials; the location and design of all other proposed artifacts and structures e.g. street furniture, lighting, fences, walls, gates and public artwork;
 - (h) A Cultural Heritage Mitigation Strategy;
 - (i) Updated surveys for great crested newts, otters and badgers, and species protection plans (where necessary);
 - (j) A Flood Risk Assessment/Statement;
 - (k) A scheme to connect the proposed development to the public waste network;
 - (l) A full site-specific surface water drainage scheme, which accords with SUDs principles;
 - (m) A Contaminated Land Assessment;
 - (n) The exact location and specification of all proposed foot/cycle paths and woodland tracks, including connections to the wider path network;
 - (o) The details of proposed vehicle and cycle parking provision;
 - (p) The exact details of the proposed play area;
 - (q) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant);

- (5) Before the development commences, a fence shall be erected in a position to be approved in writing by this Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
- (6) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by this Planning Authority.
- (7) Where the proposed development has not commenced within 12 months of the last survey of the site for great crested newts, otters and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted for the written approval of this Planning Authority;
- (8) Prior to the opening of the Marina Basin, or any other timescale that may be agreed in writing by this Planning Authority, a swing bridge shall be erected across the basin opening in accordance with details approved in writing by this Planning Authority, in consultation with Historic Scotland and British Waterways. In the interim, a suitable path diversion shall be put in place, in accordance with details approved in writing by this Planning Authority.
- (9) Prior to opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by this Planning Authority, the proposed path through the site linking to Nicolton Road and the wider path network shall be provided in accordance with details approved in writing by this Planning Authority.
- (10) Prior to the end of the first planting and seeding season following the opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by this Planning Authority, the approved landscape scheme, biodiversity enhancement measures and woodland tracks shall be fully implemented.
- (11) The proposed roundabouts on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.
- (12) The site access road, if a single track carriageway, shall have a minimum width of 3.7 metres, with passing spaces, and shall be designed and constructed in accordance with details approved in writing by this Planning Authority;
- (13) There shall be no vehicular access to the site via Nicolton Road.
- (14) All surface or foul water arising from the proposed development shall be collected and diverted away from Network Rail property and any Sustainable Urban Drainage Scheme (SUDS) shall not be sited within 10 metres of railway infrastructure.
- (15) Where trees/shrubs are to be planted adjacent to the railway boundary, these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.

- (16) The proposed development shall be implemented in full accordance with the details approved within the terms of the conditions of this permission unless a non-material change has been approved in writing by this Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (5) To ensure that the existing trees are retained and protected during construction work.
- (6-7) To mitigate the potential impacts on protected species and other species of conservation interest.
- (8) To compensate for the direct impact of the proposed development in the Union Canal Scheduled Ancient Monument.
- (9-10) To secure the timely implementation of the infrastructure works and mitigation/enhancement measures.
- (11-12) To secure a satisfactory design and construction, in the interests of road safety.
- (13) Nicolson Road is not suitable to provide vehicular access to the site.
- (14-15) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (16) To ensure the development is carried out in accordance with the approved details unless otherwise agreed.

Informative(s):-

- (1) For the avoidance of doubt the plan(s) to which this permission refers bear our on-line reference number(s) 01.

SEPA

- (2) SEPA notes that the proposed sewer connection route is adjacent to a closed landfill, which is still subject to a SEPA Waste Management Licence. The applicant should contact the local SEPA office (tel. 01786 452575) to confirm that there would be no impact to the landfill by the proposed sewer route.

- (3) Waste should be minimised at the construction stage and waste material generated by the proposal should be reduced, reused and recycled where appropriate (i.e. in landscaping). There may be opportunities to utilise surplus soils for sustainable purposes elsewhere. Advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme. Further guidance can be found on SEPA's website.

Historic Scotland

- (4) Historic Scotland advises that the prior written consent of Scottish Ministers under the Ancient Monuments and Archaeological Areas Act 1979 (Scheduled Monument Consent) would be required.

Network Rail

- (5) Suitable barriers would be needed to prevent undue interaction between site occupiers and the railway. Network Rail's existing boundary measures must not be removed without prior permission.
- (6) Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail land.
- (7) The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- (8) Any lighting associated with the proposed development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The colour and location of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicant should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a train operating company has identified that lighting from the development is interfering with drivers' vision and/or signal sighting, alteration/mitigation would be required to remove the conflict, at the applicant's expense.
- (9) The applicant should assess the title deeds to establish whether Development Consent for the works is required from Network Rail.
- (10) Construction works must be undertaken in a safe manner to ensure the operation of the neighbouring railway is not disturbed. The applicant must be aware of any embankments and supporting structures which are in close proximity to the development. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity of the railway line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site.



Pp

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Director of Development Services

Date: 28 April 2011

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. National Planning Policy and Guidance.
4. Falkirk Council Canal Corridor Framework Assessment (June 2000)
5. Falkirk Council Supplementary Planning Guidance
6. Letter of support from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk FK2 0EF.

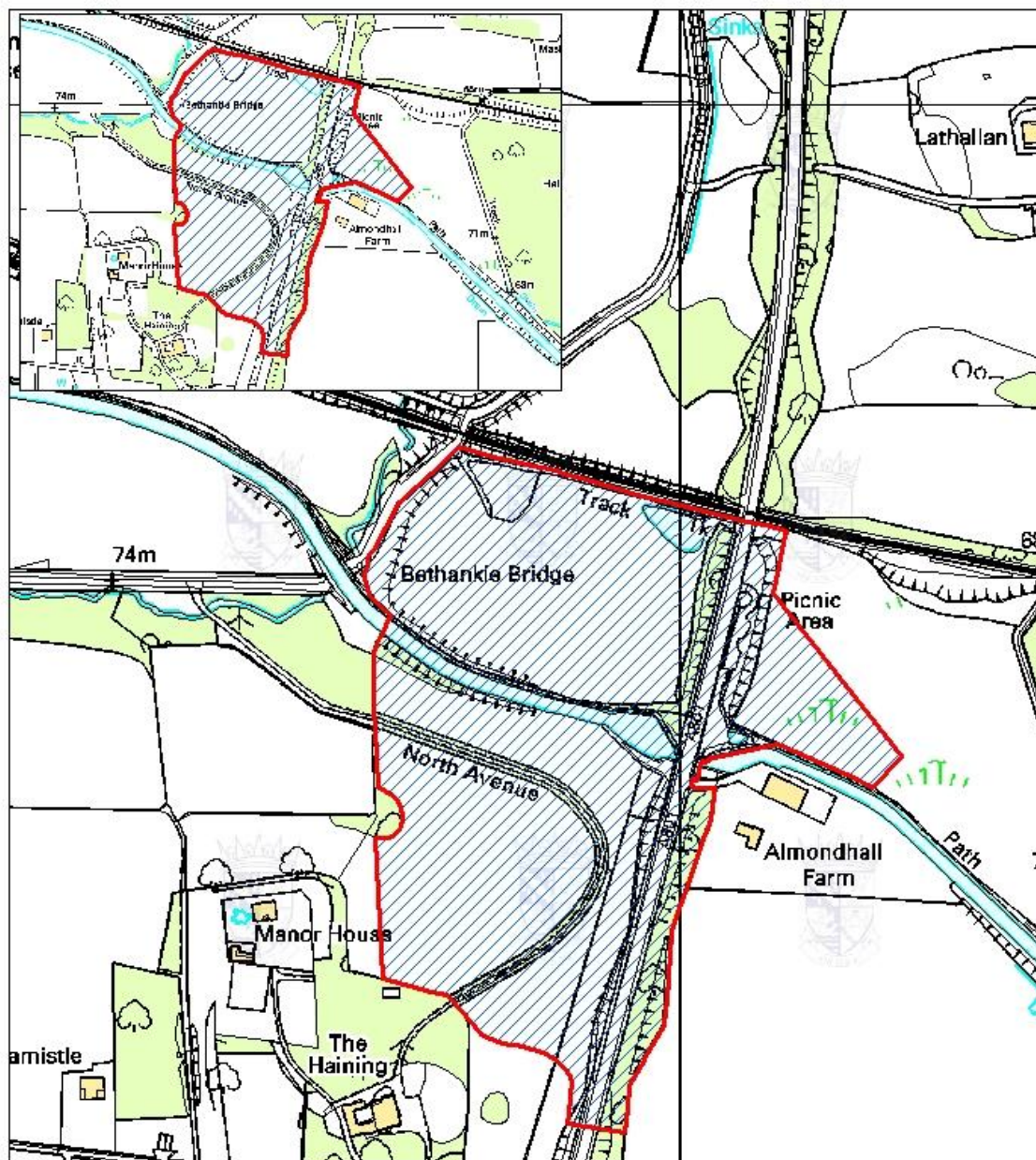
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0761/PPP

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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