



## **Agenda Item 5**

**Deputation Request from Applicant's  
Agent on Redevelopment of the Former  
Manuel Brickworks Site at Land To The  
East Of Almondhall Farm, Falkirk -  
P/17/0792/PPP**

**Planning Permission in Principle for a Proposed Mixed Use Redevelopment (400 residential units and business/storage & distribution use) of Former Manuel Brickworks, Whitecross**

**Applicant: CWC Group**

**Application Reference Number: P/17/0792/PPP**

**Deputation by Graham + Sibbald (Agent) on behalf of the Applicant**

CWC Group has submitted an application for planning permission in principle for a mixed residential and commercial development at the Former Manuel Brickworks site to regenerate a long-term vacant brownfield site. This proposal represents a significant investment by the applicant in the Whitecross area. The development will create construction jobs in the short term and will bring long-term employment opportunities to the area through the development of business and storage and distribution units.

The construction industry will be key to assisting economic recovery from the current Covid-19 crisis. CWC Group is an established commercial developer and housebuilder and if consented, this site can be brought forward for development in the short-term. The applicant has a proven track record of delivering housing on brownfield sites.

The overall aim of this mixed use masterplan is to create a vibrant community, which integrates well with the existing village and the surrounding countryside, regenerates the former Manuel Works site and brings long-term employment opportunities to the local area.

This application will deliver a mix of residential, commercial and community uses. The proposal has been brought forward through a comprehensive masterplan approach. The proposal will deliver 400 residential units and provide employment land. Retailing and community facilities will be incorporated into the residential element. The proposal will incorporate a landscaping and greenspace strategy and will also protect and enhance the setting of Almond Castle Scheduled Ancient Monument.

This application was submitted in December 2017 and was originally considered at the Planning Committee at the 28<sup>th</sup> August 2019. At this meeting members agreed to continue the consideration of this application to a future meeting to allow Officers to consider whether there are means of over-coming infrastructure issues in relation to access and transportation.

This application was scheduled to be considered at the March 2020 Planning Committee Meeting. It has now taken some 10 months for this application to be referred back to Committee. Despite the engagement by the applicant and provision of all requested technical information, the Council's Roads Development and Transport Planning Units have not changed their opinion. It is disappointing that the Officers have not supported CWC Group's vision for the regeneration of this long-term vacant brownfield site.

It should be noted that there are no objections to this application from external consultees. Historic Environment Scotland, Transport Scotland, SNH, SEPA and the Health and Safety Executive have all confirmed that they have no objection to the proposal. Only one public objection was submitted to this application. The lack of opposition from external statutory consultees and the public should be a material consideration in the determination of this application.

The Committee Report identifies five reasons for refusal and we will respond to each in turn.

Reason 1 relates to Policy INF07 Walking and Cycling and states that the proposed development does not include appropriate active travel links to the school and public transport.

The Council's Roads Development and Transport Planning Unit requires a 3m wide remote footpath along Haining Road. This is not fully deliverable due to land ownership constraints. The applicant submitted a technical drawing to the Council to demonstrate that a 3m wide footpath (tapering to 2m towards the village) could be accommodated along Haining Road. This would be provided at an elevated level to provide separation from the carriageway. In addition, the applicant commissioned a speed survey of Haining Road which demonstrated that traffic travels just under 30 mph on this section of the road, well below the speed limit of 60mph. The applicant also provided a technical drawing showing an alternative footpath to the village via Vellore Road. It has been demonstrated that it is technically possible to provide a safe walking route and a footpath link to the village, in accordance with Policy INF07.

Reason 2 states that the application is contrary to Policy INF10 Transport Assessments as suitable mitigation measures to address transport network impacts have not been identified and agreed.

The requirement for improvements to the junction at Myrehead Road crossing the railway line has been discussed with the Officers at length. This junction has been fully assessed by the applicant and it has been concluded that the signals are expected to continue to operate satisfactorily after the addition of traffic estimated to be generated by this proposed development. The applicant has demonstrated that no improvement works are required at this junction to accommodate the proposed development and as such there is no basis for contributions towards the provision of an improved railway crossing.

The Council's Transport Planning Unit raised concerns over the gradient of the railway crossing and that this is considered to be unsuitable for commercial vehicles. Improvement works to the railway crossing were undertaken in 2015. It is assumed that the improvement works undertaken and the gradient of the crossing met with road standard requirements and is therefore not a matter for the determination of this proposal.

Reason 3 states that the application is contrary to Policy D01 Placemaking as there is a prospect of housing which is physically isolated, poorly connected and exposed to dis-amenity from a derelict brownfield land if housing is taken forward in advance of the business land.

As stated previously, this application was due to be considered at the March Committee but this Committee Meeting was cancelled due to the Covid-19 crisis. The Committee papers for the March Committee had removed this reason for refusal as it had been agreed with the Planning Officers that this reason was not appropriate as this application is for planning permission in principle. It is unfair that this additional reason for refusal has been added to the June Committee report when the cancellation of the March Committee was outwith the applicant's control. This additional reason for refusal unfairly prejudices the determination of this application.

The applicant would reiterate that housing is not being brought forward at this site in advance of business land. The application is for a mix of uses and includes the delivery of business land.

Reason 4 states that the application is contrary to Policy D02 Sustainable Design Principles as the proposed development is not considered to comply with the principles of sustainable development as it has not been demonstrated that the proposed development would encourage the use of sustainable modes of transport or provide safe access for all users.

We have already confirmed that a pedestrian connection can be provided to local bus services and that an active travel route can be provided along Haining Road to connect the site to the existing services in the village.

Reason 5 details that the application is significantly contrary to Proposed Falkirk Local Development Plan 2 as the application site is allocated for business/industrial use under this plan. This reason details that the Proposed plan is a significant material planning consideration in determining this application as the Examination Report into the unresolved objections has now been released and adoption is scheduled for the end of July 2020.

We reiterate that this application was on the agenda for the Planning Committee meeting scheduled for the 18<sup>th</sup> March and that this meeting was cancelled due to the Coronavirus pandemic. The Examination Report for Local Development Plan 2 (LDP2) was published on the 27<sup>th</sup> March. The Examination Report was not published at the time of the scheduled March Committee and Reason 5 was not included in the March Committee papers. It is wholly inappropriate that this has now been added as a new and additional reason for refusal given that this application is a continuation from a previous Committee decision in August 19.

At this time the adopted plan remains the Falkirk Local Development Plan 2015 which allocates the site as part of a Strategic Growth Area for mixed use.

Falkirk has an existing established shortfall in housing land supply. The latest Housing Land Audit identifies that the Council does not have a 5 year effective housing land supply and that there is a shortfall in supply. The Committee Report details that the Proposed Local Development Plan 2 allocates sites for 1550 houses. It is noted that many of the additional allocated units are for Greenfield sites. It will take a number of years for these new allocations to be brought through the planning process and for work to start on site. This application is an effective housing site that can be delivered in the short term. This is not a speculative proposal and the applicant is an established housebuilder with a proven track record of delivering brownfield sites.

This application is for mixed use development which includes the provision of business and industrial land and it is therefore considered that the proposal is not 'significantly' contrary to the Proposed Local Development Plan 2.

To conclude, the proposal will regenerate a long-term vacant brownfield site and represents a significant investment by the applicant in the Whitecross area. The proposed development will assist Falkirk Council in meeting a current identified housing shortfall and will generate significant economic benefits for the area during the construction phase and create longer-term employment opportunities through the delivery of commercial uses.

The applicant wishes to state that they have requested the opportunity to discuss Section 75 contributions with Officers, should planning permission be granted at Committee. To date, Falkirk Council has not entered into any discussions in relation to developer contribution requirements. At the August 2019 Committee Meeting, the Legal Services Manager read of a list of developer contribution requirements and this was included in the Committee Minutes. This list of contributions requirements has not been discussed or agreed with the applicant.

CWC Group requests that Members support the regeneration of this long-term vacant brownfield site and investment in the Whitecross area and grant planning permission in principle.