

**FALKIRK COUNCIL**

**Subject:** RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, WHITECROSS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS/MWL MAXINE DURY - P/10/0188/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 15 September 2015

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

<b>Local Members:</b>	<b>Ward - Lower Braes</b>	<b>Ward - Upper Braes</b>
	<b>Councillor Steven Jackson</b>	<b>Councillor Malcolm Nicol</b>
	<b>Councillor Gordon Hughes</b>	<b>Councillor Rosie Murray</b>
	<b>Councillor Alan Nimmo</b>	<b>Councillor John McLuckie</b>

**Community Council:** No Active Community Council

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

**UPDATE REPORT**

1. Members will recall that this application was considered at the meeting of the Planning Committee on 25 February 2015, when a number of undetermined 'Legacy' cases were considered (copy of previous report appended).
2. The application was originally considered by the Planning Committee at its meeting on 18 May 2011. This followed a Planning Committee hearing held at Whitecross Primary School on 26 April 2011 (copy of previous reports appended).
3. The Committee indicated at its 18 May 2011 meeting that it was Minded to Grant planning permission in principle. One of the terms of the Minded to Grant decision was the satisfactory conclusion of a Section 75 Planning Obligation. The report to Committee on 25 February 2015 advised that not all relevant parties had yet signed the Section 75 Planning Obligation.
4. The Council agreed at the 25 February 2015 meeting:-
  - (1) to continue consideration of the application to allow officers to provide further information for Members by way of a briefing session for all Members to the current issues pertaining to this matter; and

- (2) that thereafter the Director of Development Services would submit a report to a future meeting of Committee for further consideration.
5. Members were provided with a briefing session on 29 April 2015.
6. At the time of writing this report, the situation remained that not all relevant parties had signed the Section 75 Planning Obligation. The parties yet to sign the Obligation are Callendar Estates and the Council. In line with usual practice the Council would be the last to sign the Obligation to ensure that it retained control over the registration.
7. As detailed in the report dated 25 February 2015, one of the applicants (Morston Assets) was placed in administration in December 2014. The administrator subsequently appointed VALAD to prepare a business plan for taking forward Morston's assets. VALAD are a major property consultant company, providing management and consulting services. It is understood that their remit for the Whitecross site was to assess the work done to date and to engage with the other landowning parties with a view to continuing with the previous proposals.
8. VALAD are actively working to conclude the Section 75 Planning Obligation and progress planning application P/14/0360/FUL which seeks full planning permission to erect 200 dwellinghouses within the Whitecross regeneration area. Their work on the PPP application will no doubt involve negotiation with the other landowners and signatories to the Section 75 to ensure that the terms previously negotiated remain appropriate and capable of implementation.
9. The latest update from VALAD is that Callendar Estates will sign the Section 75 Planning Obligation. Any update in relation to this matter will be provided to Committee on the day of the meeting. In summary, the current situation would appear to be positive. It is important to note that Morston Assets, albeit in administration, is lead developer and applicant and as such would be expected to ensure that all the parties to the Obligation continued to be comfortable with its terms.
10. Since the application was last considered by the Committee, the Falkirk Local Development Plan (FLDP) was adopted by the Council on 16 July 2015. The FLDP carries over the opportunity identified in the Falkirk Council Local Plan for a strategic regeneration scheme at Whitecross, based on the former Steins Brickworks site. Under the FLDP, the location is identified as Existing Supply Site M14, with a housing capacity of 1,500 units.
11. It would appear that progress continues to be made towards concluding the Section 75 Planning Obligation but that further time is still required to conclude matters and to confirm that the application can proceed.
12. The previous report to Committee dated 25 February 2015 detailed changes to the Masterplan drawings and the planning conditions since the Committee's Mind to Grant decision on 18 May 2011. The report recommended that the Committee approve the updated planning conditions and informatives to attach any grant of planning permission in principle. This recommendation is carried over in this report.
13. On the basis of the above comments, the following recommendation is made.

## **RECOMMENDATION**

14. It is recommended that the Planning Committee:

- (a) note the contents of this report;
- (b) approve the updated planning conditions and informatives to attach to any grant of planning permission in principle, as contained in Appendix 3 of the attached report dated 25 February 2015; and
- (c) agree to continue the application and that if the Section 75 Planning Obligation is not concluded and planning permission in principle granted by 30 October 2015, the application be referred back to a future meeting of the Planning Committee for further consideration.

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**Director of Development Services**

**Date: 2 September 2015**

## **LIST OF BACKGROUND PAPERS**

1. Reports by Director of Development Services to Planning Committee, dated 25 February 2015, 18 May 2011 and 26 April 2011.
2. Falkirk Local Development Plan

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:** RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS/MWL MAXINE DURY - P/10/0188/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 25 February 2015

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:**

Ward - Lower Braes	Ward - Upper Braes
Councillor Steven Jackson	Councillor Malcolm Nicol
Councillor Gordon Hughes	Councillor Rosie Murray
Councillor Alan Nimmo	Councillor John McLuckie

**Community Council:** No Active Community Council

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

### **1. BACKGROUND**

- 1.1 Members may recall that this application for planning permission in principle was originally considered by the Planning Committee at their meeting on 18 May 2011. The Committee considered the application at this meeting following a Planning Committee hearing which was held at Whitecross Primary School on 26 April 2011 (the previous reports are attached as Appendix 1).
- 1.2 At the meeting on 18 May 2011, the Planning Committee indicated that it was Minded to Grant planning permission in principle subject to (a) referral to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal and (b) the satisfactory conclusion of a Section 75 Planning Agreement or Agreements (now Planning Obligation). Significant time and effort has gone into negotiating the Planning Obligation and the document has been agreed with the lead applicant, Morston Assets. However not all relevant parties have yet signed the Obligation.

### **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The purpose of this report is to:-
  - Update the Committee in respect of the circumstances of one of the applicants (Morston Assets) and progress in concluding the Section 75 Planning Obligation;

- Advise the Committee on changes to the Masterplan drawings and the planning conditions of the Minded to Grant decision; and
- Advise the Committee of further representations to the application.

### **3. CIRCUMSTANCES OF MORSTON ASSETS AND PROGRESS IN CONCLUDING THE SECTION 75 PLANNING OBLIGATION**

- 3.1 Morston Assets were placed in administration in December 2014. The implications of this for the Whitecross development are not yet clear. At the time of writing this report, the administrator was in the process of appointing a specialist asset management company to prepare a business plan for managing the assets of Morston Assets. Any update in respect of this matter will be provided to the Committee at the meeting.
- 3.2 Committee Members may be aware that Morston Assets lodged an application in June 2014 for the erection of 200 residential units and associated roads, parking, open space, footpaths and SUDs (reference number P/14/0360/FUL). This application was promoted by the applicant as the first phase of the overall Whitecross regeneration project. This application is under consideration by officers and an extension of time for determination has been agreed with the administrator until 31 March 2015.
- 3.3 It would be open for the administrator to try to progress both of the planning applications to a conclusion with the prospect of offering the site for sale with the benefit of planning permission. However, if the administrator did not wish to take this on, a purchaser could take forward the applications from where Morston Assets left off. Grant of planning permission would attach to the land, not to Morston Assets.
- 3.4 The parties to the Section 75 Planning Obligation are Morston Assets (which will now be the administrator), Malcolm Whitecross Limited, Callendar Estate and Falkirk Council. Whilst Morston Assets were the lead developer, Malcolm Whitecross Limited and Callendar Estate also have a significant stake in the proposed development.
- 3.5 It is our understanding that Callendar Estate is the only party, other than the Council, still to sign the Section 75 Planning Obligation. We understand that Callendar Estate remain committed to the site, predominantly as a catalyst to regenerate the old brickworks site, and that they do not have any fundamental issues with the Section 75 terms and the outstanding matters are resolvable.

### **4. CHANGES TO THE MASTERPLAN AND PLANNING CONDITIONS**

- 4.1 Since the Minded to Grant decision in May 2011, the Masterplan drawings and the planning conditions of the Minded to Grant decision have been subject to further discussions and refinement.
- 4.2 The changes to the Masterplan drawings have been driven by a number of factors, including roads and drainage considerations and the recommendations of the Badger Protection Plan. The main changes to the Masterplan drawings can be summarised as follows:-

- Realignment of primary streets and Steins Park to remove "straightness" from the alignment;
- Addition of road basins to accommodate carriageway drainage;
- Movement, resizing and reshaping of SUDs ponds, and consequential removal/reconfiguration of housing land;
- Removal of a proposed street due to badger constraints;
- Relocation of allotments due to badger sett location;
- Extension of Primary School site to 2 hectares and changes in shape, and consequential removal of residential land;
- Change in location of cemetery extension, to avoid a woodland area situated on a ridge;
- Residential and employment land reductions to accommodate a buffer zone required for a badger sett; and
- Some changes to phasing.

4.3 The updated version of the Masterplan Indicative Land Use drawing is attached to this report as Appendix 2. The changes to the Masterplan drawings were considered to be relatively minor in the context of the overall scheme and all matters raised in the further consultations that were undertaken were satisfactorily addressed.

4.4 Since the Mindful to Grant decision, some changes have been made to the planning conditions of the Mindful to Grant decision, mainly for the purposes of refinement and clarification, but also to move certain matters from the Section 75 Planning Obligation to planning conditions. The Mindful to Grant decision afforded discretion to the Director of Development Services in respect of whether certain matters should be dealt with by planning condition or as part of the Section 75 Planning Obligation.

4.5 The latest version of the planning conditions is attached to this report as Appendix 3. Condition 25 (relating to the new sports pitch) and conditions 43 to 46 (relating to off-site roadworks) are new and were previously indicated as Section 75 matters. Conditions 39 to 42 are also new and reflect the advice of Transport Scotland following receipt of their final response in November 2012 confirming no objection subject to conditions. That advice was that the conditions they specified should be attached to any permission the Council may give. In addition, informatives 1 to 15 have been added.

## **5. FURTHER REPRESENTATION**

5.1 A further representation to planning application P/10/0188/PPP was received on 8 January 2015. This representation was an objection to the application on the following grounds:-

- The combination of the delay in signing the Section 75 Planning Obligation, the absence of any advice from Morston Assets regarding the reason why the Section 75 has still to be signed off and the occurrence of the insolvency event raise serious questions of whether or not the 2010 application will be granted;
- There are considered to be significant errors in the approach which Morston's consultants took to the arrangement of the development across the site in order to comply with the PADHI+ (Health and Safety) guidance;
- The masterplanning exercise is based on a drawing which fails to show all of the appropriate pipeline consultation distances; and
- The above matters raise fundamental issues concerning the viability of the Whitecross SIRR. If it is correct that the masterplanning exercise does not comply with PADHI+, it follows that, even if the uncertainties associated with the insolvency are set aside, there would be no prospect of the site delivering any houses for at least 5 years whilst a fresh application for planning permission in principle was prepared and taken through the process.

5.2 Further representations (objections) were received from the same party on 30 January 2015 and 6 February 2015 which reiterated and expanded on their concerns with the approach taken in respect of PADHI+ (Health and Safety).

5.3 The following comments are in response to the concerns raised in these objections:-

- The matter of the insolvency has been commented on in Section 3 of this report. In itself, it does not appear to be a reason for refusal;
- The Council is satisfied that the PADHI+ methodology was applied appropriately to the 2010 application, and that all issues in what was a complex case were resolved to the satisfaction of the Health and Safety Executive (HSE). Initial consultation with the HSE resulted in an “advise against” recommendation in August 2010. Further discussion and exchanges of correspondence between the HSE, the applicant and the Council took place over the succeeding months, culminating in a letter from the HSE in January 2011, confirming that they would not advise against the granting of planning permission in principle subject to specified conditions being imposed. These discussions included consideration of the detailed elements of the Masterplan as extracted and presented by the applicant in the PADHI+ & Utilities Appraisal Report, with particular attention being paid to the “workplace”, “indoor use by the public” and “outdoor use by the public” elements of the proposal. The detailed wording of the draft conditions has also been subject to discussion and agreement with the HSE to ensure compliance with PADHI+;
- The comments about the applicant's representation of the pipelines and their associated consultation zones are noted. However, the constraints associated with all the pipelines were considered in the PADHI+ assessment; and
- It is therefore not considered that there are any implications for deliverability of the site with respect to HSE requirements.

- 5.4 It is not considered that the objections raise any issues that would alter the previous Minded to Grant decision.

## **6. CONCLUSION**

- 6.1 This report provides an update in respect of planning application P/10/0188/PPP for the Whitecross SIRR. The report advises of the current circumstances in respect of one of the applicants (Morston Assets), changes to the Masterplan drawings and the planning conditions of the Minded to Grant decision, and further representations received.
- 6.2 In light of the comments in this report, the recommendation set out in Section 7 of this report is made. The recommendation recognises the current circumstances of Morston Assets, but also that the current Minded to Grant decision should be reviewed by Committee if the Section 75 is not concluded within what is considered to be a reasonable timescale.

## **7. RECOMMENDATION**

### **7.1 It is recommended that the Committee:-**

- (a) note the contents of this report;**
- (b) approve the updated planning conditions and informatives to attach to any grant of planning permission in principle, as contained in Appendix 3 of this report; and**
- (c) resolve to consider the application further with a view to possible refusal of the application if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted by 28 July 2015.**

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**Director of Development Services**

**Date: 16 February 2015**



### **LIST OF BACKGROUND PAPERS**

1. Reports by Director of Development Services to Planning Committee, dated 18 May 2011 and 26 April 2011.
2. Indicative Land Use Masterplan Whitecross SIRR PPP/03 Revision J.
3. Letter of Objection received from Hansteen Land Limited, c/o DLA Piper Scotland LLP, Collins House, Rutland Square, Edinburgh EH1 2AA on 8 January 2015.
4. Letter of Objection received from Hansteen Land Limited, c/o DLA Piper Scotland LLP, Collins House, Rutland Square, Edinburgh EH1 2AA on 30 January 2015.
5. Letter of Objection received from Hansteen Land Limited, c/o DLA Piper Scotland LLP, Collins House, Rutland Square, Edinburgh EH1 2AA on 6 February 2015.

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

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**Meeting:** PLANNING COMMITTEE

**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:** Whitecross

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

**UPDATE REPORT FOLLOWING COMMITTEE HEARING**

1. Members will recall that a hearing was held for this application at Whitecross Primary School on 26 April 2011. The hearing ran from 7pm until approximately 9.30pm and was attended by up to 100 people. Prior to the hearing the Committee toured the application site by bus, accompanied by Council officers.
2. The officer's report prepared for the hearing is appended. It records that 20 representations, including 18 objections, were received to the application. Prior to the hearing, the applicant distributed leaflets to local residents advertising the hearing. There was an indication given at the hearing that this contributed to the high attendance. Over the years, the applicant has undertaken extensive publicity/consultation and the applicant has advised that they have endeavoured to contact all parties within the outlying areas.
3. At the hearing, the Development Manager summarised the officer's report and the applicant presented the proposals. Committee Members, formal objectors and local residents then made comments, which were responded to by the applicant and Council officers.
4. To a large extent, the comments reiterated and elaborated the concerns raised in the objections to the application, which are summarised in the officer's report. These concerns are broad and detailed and are responded to in the report.

5. Members queried the phasing, the safeguards to ensure the delivery of key infrastructure, the location of affordable housing, the introduction of gas to the village, impacts on existing infrastructure, including the road network, and the size of the development. There were comments on drainage issues at Muiravonside Cemetery and a suggestion made that the developer could put resources into Muiravonside Country Park.
6. The concerns raised at the hearing by the local community included the need for a developer bond to safeguard the deliverability of key infrastructure, the provision of gas, the development of Greenfield land (including around Crownerland Burn and the Priory Road area), impacts on wildlife (notably badgers), increase in traffic on local roads (e.g. the B825 and Station Road), the need to improve the Myrehead Road rail bridge and land instability from former mining. In general, the need to redevelop the former brickworks site was recognised.
7. Local Member Councillor Hughes indicated that the local community was heartened by the commitment of the developer and that the main concerns of residents were about managing change and deliverability. He appealed to the developer to take on board the concerns of, and act as an advocate for, the local community.
8. Following the hearing, five further representations, including two objections, were received. These representations essentially reiterate concerns raised at the hearing.
9. The application provides for up to 1500 dwellinghouses, which reflects the capacity indicated in the adopted Falkirk Council Local Plan. The precise housing numbers would be determined through future detailed planning applications and would be informed by a range of planning matters including site specific considerations.
10. In response to concerns raised by Council officers, the applicant had amended the masterplan layout to improve the connectivity of the proposed green network. Whilst officers initially suggested that the land between Crownerland Burn and the B825 could be wholly included in the green network, the applicant advised that the habitat mapping had not indicated any habitats or wetlands of significant value and the provision of a green corridor along Crownerland Burn would create habitat/biodiversity and recreational opportunities. The improvements to the green network included a continuous landscape buffer along the B825 and Almond Road, west of Manuel Gate. The applicant's responses had been accepted at officer level.
11. Concerns were raised at the hearing regarding the impact of the development proposal on particular properties or locations. This is understandable but the application seeks planning permission in principle and the masterplan process provides an over-arching framework for development whilst recognising the need for flexibility to take account of changing circumstances and conditions. The detailed design and layout and details of the green network would be considered as part of the assessment of future detailed planning applications. Such applications would be accompanied by detailed Area Based Frameworks / Masterplans and Design Codes. The local community would have the opportunity to make comments at the detailed planning stage as part of pre-application consultation and neighbour notification procedures.

12. A development of this scale requires the provision of substantial new and upgraded infrastructure. The delivery of the necessary infrastructure is tied to house completions according to phasing and when the need arises. The thresholds for delivery are subject to proposed conditions and the terms of a legal agreement. The conditions of any grant of permission and the terms of the legal agreement are tied to the land and are therefore incumbent on the applicants and any successors in title. The proposed approach is a suitable means to safeguard deliverability. The current size of the SIRR area reflects a scale of development to provide a critical mass to achieve the desired level of community facilities and fund the necessary infrastructure.
13. The applicant advised at the hearing that gas infrastructure would be laid early in the process and through the existing village to serve the new development. It would therefore be available to existing residents at an early stage should they wish to connect.
14. The masterplan process has been subject to comprehensive environmental impact assessment and consideration of protected species and national/local priority habitats and species. The proposed green network provides substantial opportunities for biodiversity creation and enhancement. A condition of any planning permission would require the submission of a Badger Protection and Mitigation Plan and update surveys for protected species would be required as the development progresses. In addition, any disturbance to badger habitats would be subject to national licensing procedures administered by Scottish Natural Heritage.
15. The access strategy focuses on early delivery of the new principal access road off the A801, the provision of Myrehead Road as a secondary access and retention of other access roads as minor rural roads. Whilst traffic on the minor road network is projected to increase over time, the traffic distribution agreed between the Council and the applicant has not identified any capacity issues on local minor road junctions. The community would be consulted regarding traffic management and calming measures on Station Road. At a later stage, Myrehead Road would be upgraded in the form of localised widening, improvements to alignment and provision of a footway.
16. In addition, the applicant would be required to submit a Construction Environmental Management Plan which would cover measures to mitigate construction traffic impacts. This would include routeing controls and signage. Early provision of the new A801 link is integral to the construction traffic strategy. The Travel Plan Framework would consider appropriate routeing for delivery vehicles associated with the proposed employment areas.
17. Discussions are ongoing with Network Rail and the applicant regarding the Myrehead Road rail bridge. Network Rail propose to replace the existing bridge and re-profile the road as necessary as part of overhead electrification clearance works for the Edinburgh to Glasgow line. Following concerns by Council officers at the initial design proposals regarding deck width, gradients, visibility and pedestrian provision, Network Rail are considering an alternative design based on retaining the existing carriageway width and possibly incorporating a 1 to 1.2 metre wide footway. The design would provide for one way traffic (as existing) and any visibility constraints would introduce the need for traffic management measures such as signalisation. Based on the Transport Assessment submitted as part of the Whitecross SIRR, Council officers have previously accepted that signalisation of the rail bridge could operate without causing congestion from increased traffic from the Whitecross SIRR. Any further update regarding this matter will be provided at the Committee meeting.

18. The applicant responded at the hearing to the concerns regarding drainage of the cemetery and the suggestion to contribute to Muiravonside Country Park. The applicant has subsequently confirmed that the package of benefits is substantial and has been carefully negotiated with officers and stakeholders and, as much as they would like to, they do not have the ability to contribute further without impacting on the cashflow model and developer funding.
19. Taking into account the above comments, the previous recommendation is reiterated. In light of the updated comments in paragraph 17, the recommendation includes an amendment to item (b)(x) of the terms of the Section 75 legal agreement to clarify the likelihood that the applicant will need to contribute towards upgrading the Myrehead Road rail bridge, pending further discussions. The recommendation also provides for this matter to be dealt with by condition if it is determined that this is more appropriate.

## **20. RECOMMENDATION**

### **20.1 It is recommended that the Committee indicate that it is minded to grant planning permission in principle subject to:-**

- (a) Referral of the application to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal;**
- (b) The satisfactory completion of an Agreement, or Agreements, within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-**
  - (i) The provision of a new primary school;**
  - (ii) The provision, initially, of temporary accommodation at the existing Whitecross Primary School;**
  - (iii) The payment of a financial contribution towards increasing the future capacity of St Mungo's RC High School, at a rate of £650 per dwellinghouse and £450 per flat;**
  - (iv) The upgrading of Junction 4 of the M9;**
  - (v) The payment of a financial contribution to fund enhancements to existing bus services and possible new services for a specified time period;**
  - (vi) The preparation of a Travel Plan Framework;**
  - (vii) The provision of affordable and special needs housing;**
  - (viii) The payment of a financial contribution towards the upgrade of, and provision of new recreational facilities at, the existing sports ground;**
  - (ix) The provision of a new sports pitch;**
  - (x) The upgrading of Myrehead Road and the Myrehead Road rail bridge (if relevant);**
  - (xi) The provision of traffic management and calming measures on Station Road;**
  - (xii) The undertaking of street enhancement measures at the existing Whitecross village junction; and**

- (xiii) The details, as appropriate, of the exact location, specification, timing/ phasing of provision and means of delivery in respect of the above matters or the details, as appropriate, of the means by which to determine the exact location, specification, timing/phasing and means of delivery in respect of the above matters;
- (c) And thereafter, on the conclusion of the foregoing matters, which shall include a delegation to the Director of Development Services to exercise a judgement in respect of whether the obligations to be placed on the application are more appropriately dealt with by planning conditions or Section 75 obligation, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-

*Standard 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 and external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of the landscaping of the site.
- (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 10 years from the date of the grant of the permission; or
  - (b) The expiration of 6 months from the date on which an earlier application for the requisite 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 by virtue of sub-paragraphs (b) and (c) after the expiration of the 10 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.

*Approval of Further Details*

- (4) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase B that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (5) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase C that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) A Final Construction Environmental Management Plan (CEMP);
  - (b) A Badger Protection and Mitigation Plan;
  - (c) A Street Hierarchy and Street Design Guide; and
  - (d) Stage 2 Road Safety Audits for the proposed roundabout access on the A801 and the proposed improvements to the Myrehead Road/A803 junction.
- (7) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use), the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) A Landscape and Greenspace Strategy, incorporating an Environmental Management Plan, a Biodiversity Action Plan and an Accessibility and Path Network Management Strategy;
  - (b) A Public Art Strategy; and
  - (c) A Management Plan for Haining Wood.
- (8) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use) within Phase A1 of the proposed development, a Conservation Plan, to consolidate and safeguard Almond Castle, shall be submitted to and approved in writing by this Planning Authority, in consultation with Historic Scotland;

- (9) Within one month of opening of the new roundabout access on the A801, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
- (10) Within one month of opening of the upgraded Myrehead Road/A803 junction, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
- (11) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority, in consultation with the relevant consultees:-
- (a) The details required to be produced prior to construction as set out in the approved CEMP;
  - (b) An Area Based Framework/Masterplan and Design Codes, which accord with the Masterplan 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;
  - (c) The proposed streets standards and construction details, which accord with the approved Street Hierarchy and Street Design Guide;
  - (d) Detailed proposals for embedding sustainable energy use into the new development through, for example, site and building design and the utilisation of renewable energy sources;
  - (e) A Contaminated Land Assessment;
  - (f) A Noise/Vibration Assessment;
  - (g) A proposed scheme to connect to the public wastewater network;
  - (g) Detailed proposals for surface water drainage, including calculations, which accord with the SUDS Strategy and Drainage Assessment, dated March 2010;
  - (i) A Flood Risk Statement/Assessment;
  - (j) Updated otter, great crested newt, bat and badger surveys and protection plans;
  - (k) A proposed scheme of archaeological investigation (including a timetable), where the application site is partly or wholly outwith the footprint of the former Manuel Works;
  - (l) The location of all proposed play spaces, public parks, sports areas and natural/semi-natural greenspaces having regard to the Council's Open Space Strategy, which recommends the following maximum distance thresholds: 400 metres to a play space or public park, 800 metres to a sports area and 1200 metres to a natural/semi-natural greenspace;
  - (m) The exact details of all proposed play facilities, including the type of play equipment, seating, fences, walls, litter bins and surface finishes;
  - (n) A detailed specification, including drainage, for the proposed new and upgraded sports pitches;



- (o) A detailed scheme of proposed soft landscaping works, which accords with the approved Landscape and Greenspace Strategy. The scheme shall include: an indication of existing trees and hedges to be retained and those proposed to be removed (accompanied by a tree survey); 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;
- (p) A detailed scheme of proposed works to promote, enhance and add to biodiversity, which accords with the approved Landscape and Greenspace Strategy;
- (q) A Japanese Knotweed Management Plan;
- (r) A detailed scheme of proposed hard landscaping works. The scheme shall include: the specification and colour of all proposed surface materials; the location and design of all other proposed artefacts and structures e.g. street furniture, street lighting, sub-stations and fences, walls and gates; and proposals for public artwork, which accord with the approved Public Art Strategy;
- (s) The proposed specification for all new foot/cycleways and upgrades to existing foot/cycleways within the application site, including connections at the site boundaries to the wider path network;
- (t) The exact details of the location and design of all proposed waste management facilities, having regard to the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (u) The details of the proposed location and specification of bus related infrastructure e.g. bus stops and shelters;
- (v) The details of proposed vehicle and cycle parking provision; and
- (w) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).

*Compliance with Approved Details*

- (12) The Management Plan for Haining Wood shall be implemented in accordance with the details approved under Condition 7 prior to the occupation of the first residential unit or 18 months of the commencement of the proposed development, whichever is the earliest.
- (13) The consolidation works to Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 100<sup>th</sup> residential unit.
- (14) The landscape works around Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 250<sup>th</sup> residential unit.
- (15) The proposed development shall be carried out in accordance with the details approved under Condition 11 and in accordance with timescales (where relevant) approved in writing by this Planning Authority.
- (16) The proposed development shall be carried out in accordance with the approved CEMP.

*Delivery of Infrastructure (Phase A)*

- (17) Prior to either occupation of the first residential unit or within 18 months of commencement of the proposed development, whichever is the earliest:
- (a) the new A801 access shall be opened for use and, at the same time, signage shall be erected in accordance with details approved in writing by this Planning Authority, to discourage the use of other local roads by construction traffic; and
  - (b) the public car-park and new foot/cycleway connection to the Union Canal at the western end of the site, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (18) Prior to completion of the 250<sup>th</sup> residential unit:
- (a) A serviced site for an anchor store at the Local Centre shall be provided;
  - (b) Phase A1 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (c) The Haining Wood path network, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (19) Prior to completion of the 350<sup>th</sup> residential unit:
- (a) Phase A2 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (b) The Steins Park Neighbourhood and Equipped Area for Play (NEAP), as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority.
- (20) Prior to completion of the 500<sup>th</sup> residential unit:
- (a) At least 2 of the proposed smaller retail units within the Local Centre shall be fully completed;
  - (b) Phase 1 of the Institute of Enterprise, consisting of at least 20,000 sq ft, and including a community hall, community meeting space, space for a health clinic and multi-functional space for community activities, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (c) Phase A3 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (d) The public realm works to the new High Street and Local Centre shall be fully completed in accordance with details approved in writing by this Planning Authority; and

- (e) Vellore Road shall be upgraded in accordance with details approved in writing by this Planning Authority;
- (21) Prior to either completion of the 50<sup>th</sup> residential unit within phase A4 (Haining Valley), as indicated on Masterplan PPP/D5, or completion of this phase if it has less than 50 units, the path network and new woodland planting/habitat creation within this phase shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (22) Prior to completion of the last residential unit within phase A1 (Canal Place), as indicated on Masterplan PPP/D5, the public realm works within this phase shall be fully completed in accordance with details approved in writing by this Planning Authority;

*Delivery of Infrastructure (Phase B)*

- (23) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority;

*Delivery of Infrastructure (Phase C)*

- (24) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority;

*Flooding/Surface Water*

- (25) Unless otherwise agreed in writing by this Planning Authority, in consultation with SEPA, the finished floor levels of all new buildings shall accord with the levels specified in Figure 7 of the Flood Risk Assessment, dated March 2010, and compensatory storage shall be provided in accordance with that set out in this assessment;
- (26) Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectares unless otherwise agreed in writing by the Planning Authority.

*Network Rail*

- (27) 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 be sited at least 10 metres from railway infrastructure;

- (28) Where trees/shrubs are to be planted adjacent to the railway boundary, they shall be positioned a minimum distance from the boundary which is greater than their predicted mature height.

#### *Natural Heritage*

- (29) Where the proposed development has not commenced within 12 months of the last survey of the site for otter, great crested newt, bat or badger survey, a further walk-over survey(s) shall be undertaken and the results of the survey(s) and any necessary species protection plan shall be submitted for the written approval of this Planning Authority.
- (30) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds.

#### *Cultural Heritage*

- (31) During the undertaking of any scheme of archaeological investigation approved under Condition 12(k), access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the date of commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to development commencing.

#### *Recreational Facilities*

- (32) The existing sports pitch shall not, at any time, be used for the storage of construction related materials and equipment, unless the material and equipment are directly related to the proposed upgrade of this pitch.

#### *Health and Safety*

- (33) No more than 10% of each application site area associated with residential development shall fall within the PADHI middle consultation zone.
- (34) The proposed new primary school shall be located entirely outwith the PADHI consultation zones.
- (35) Those parts of the proposed development involving 'indoor use by the public' shall have a total floor space of less than 5000m<sup>2</sup>.
- (36) The exact design details for all proposed 'work place' type developments shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons within each building and for each building to comprise less than three occupied storeys.

- (37) The arrangements for the management and operation of the proposed football pitch on Priory Road shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons in association with 'outdoor uses by the public'.

#### *Roads*

- (38) The proposed roundabout on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.

#### **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.
- (4-11) To enable the respective matters to be considered in detail at the appropriate time following grant of Planning Permission in Principle.
- (12-16) To ensure that the development is carried out in accordance with the approved details and appropriate timescales.
- (17-24) To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- (25-26) To mitigate the potential for flood risk to an acceptable level.
- (27-28) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (29-30) To mitigate the potential impacts on protected species and other species of conservation interest.
- (31) To ensure that any archaeological remains are safeguarded.
- (32) To safeguard the availability of the use of the existing sports pitch.
- (33-37) To ensure that risks to health and safety arising from the proximity of major hazard pipelines are mitigated to an acceptable level.
- (38) To safeguard the interests of the users of the highway.

#### **Informative(s):-**

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

### *SEPA*

- (2) SEPA has a presumption against culverting as set out in their Position Statement on the Culverting of Watercourses.
- (3) SEPA note the proposal to treat surface water from highways and industrial areas by filter drains prior to connection to the regional treatment features. Their preference would be for swales to be utilised in place of the filter drains due to their more robust nature. Where possible, the use of swales to convey water around the site in place of pipes should be considered.
- (4) SEPA would encourage the use of green roofs to manage surface water, especially in industrial areas.
- (5) SEPA advise that CIRIA C648 should be referred to in relation to tendering. Contracts should specify exact requirements for water pollution prevention in order to encourage high standards and to allow for like for like tender evaluation.
- (6) SEPA provides a series of Pollution Prevention Guidelines (PPG's). The principles of any relevant PPG's should be incorporated into any method statement requested. Particular attention should be given to the Construction PPG's.
- (7) SEPA advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme.

### *Sportscotland*

- (8) Sportscotland recommend that the new primary school playing field be designed in accordance with their guidance 'School Playfields, Planning and Design Guidance' and 'Design Guidance for Secondary School Sports facilities'.

### *The Scottish Rights of Way and Access Society (Scotways)*

- (9) Scotways note that the northern half of CF25 appears to follow a new primary route and that a proposed foot/cycle path runs parallel and to the east of the primary route. They suggest that the applicant apply for a formal diversion of the right of way onto the proposed path.
- (10) Scotways request that they be informed of any right of way closures or diversions, including the dates they will be in place.
- (11) Scotways request the applicant to either retain the right of way signs within the development site so they can be reinstated or return them to Scotways for reuse.

### *Network Rail*

- (12) Network Rail has advised that its existing boundary measures must not be removed without prior permission.

- (13) Network Rail has advised that buildings should be situated at least 2 metres from the Network Rail boundary.
- (14) Network Rail has advised that any proposal for noise or vibration sensation uses adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant to adequately protect the proposed end uses.
- (15) Network Rail has advised that any lighting associated with the proposed development (including vehicle lights) must not interfere with the lighting of signalling apparatus and/or train drivers' vision of approaching trains.

*The Coal Authority*

- (16) The Coal Authority has advised that existing remnant coal should be removed wherever possible. This would enable the land to be stabilised and treated rather than the less sustainable option of grout filling any voids.

*Central Scotland Fire*

- (17) Central Scotland Fire has requested that they be notified immediately upon the discovery/identification of any contaminant such as asbestos and that contact details with an on or off-site responsible person be put in place should out of hours access or advice be necessary to allow the Fire Service to carry out its duties safely. The Fire Service point of contact is Tom Penman, Station Manager at Bo'ness Fire Station (tel. 01506 822872) or Service Headquarters out of hours (tel. 01324 716996).

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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 National Policy Statement : Designing Places (2001).
4. Scottish National Planning Statement : Designing Streets (2010).
5. Scottish Planning Policy (2010).
6. Falkirk Council Supplementary Planning Guidance.
7. Letter of Representation received from Dave Du Feu, Spokes, c/o Greenpark Cottages, Edinburgh Road, Linlithgow on 4 May 2010.
8. Letter of Objection received from Mr Jim Bailey, 4 Haining Valley Steading, Linlithgow, EH49 6LN on 22 April 2010.
9. Letter of Objection received from Archial Architects, FAO Cameron Walker, 18 Rothesay Place, Edinburgh, EH3 7SQ on 18 May 2010.
10. Letter of Objection received from Mr Andrew Turner, Crownerland Farm, Linlithgow, EH49 6LN on 21 April 2010.
11. Letter of Objection received from Mr Alastair Morrison, Linlithgow Cycling Action Group, 123 Preston Road, Linlithgow, EH49 6HZ on 1 May 2010.
12. Letter of Objection received from Mr Ian Evan Cook, 10 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 24 April 2010.
13. Letter of Representation received from Victoria Crowe, 2 Fairview Cottages, Linlithgow, EH49 6LN on 30 April 2010.
14. Letter of Objection received from I & E Evan Cook, 10 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR.
15. Letter of Objection received from Mrs Adeline Kay, 1 Priory Place, Priory Road, Whitecross, Linlithgow on 27 April 2010.
16. Letter of Objection received from Graham and Sandra McGregor, Stanehadden, Linlithgow, EH49 6LQ on 27 April 2010.
17. Letter of Objection received from James and Margaret Henderson, 7 Priory Road, Whitecross, Linlithgow, EH49 6LD on 28 April 2010.
18. Letter of Objection received from Hendersons, Chartered Surveyors, East Netherton, Milnathort, Kinross on 12 April 2010.
19. Letter of Objection received from Finance Manager, David Wren, CBP, Whitecross Industry Park, Whitecross, Nr Linlithgow, EH49 6HL on 6 May 2010.
20. Letter of Objection received from Brian and Mandy Lang, 17 Priory Road, Whitecross, Linlithgow, EH49 6LD on 28 April 2010.
21. Letter of Objection received from Valerie Donaldson, 4 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 20 April 2010.
22. Letter of Objection received from Valerie Donaldson, 8 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 21 April 2010.
23. Letter of Objection received from Val Donaldson on 21 April 2010.
24. Letter of Objection received from Ms Lara Bayley, 5 Preston Road, Linlithgow, EH49 7AX on 19 May 2010.
25. Letter of Objection received from Mr Brian Kerr, Crownerland Farm, by Whitecross, Linlithgow, EH47 6LN on 17 August 2010.
26. Letter of Objection received from Ms Lara Bayley, Crownerland, Muiravonside, Linlithgow, EH49 6LN on 17 August 2010.

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:** RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW, EH49 6LH, FOR MORSTON ASSETS/MWL MAXINE DURY - P/10/0188/PPP

**Meeting:** PLANNING COMMITTEE HEARING

**Date:** 26 April 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Whitecross

**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 residential and mixed use phased development, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space.
- 1.2 The proposed development centres on regeneration of the former Manuel brickworks site, which closed in 2001, and development of the land between this site and the existing Whitecross Village. Expansion to the north and south of the existing village also forms part of the application site.
- 1.3 The application site extends to 130 hectares and is bounded by the Glasgow-Edinburgh railway line to the north, the existing village to the east, the B825, the Manuel Burn and the Union Canal to the south, and the A801 to the west. Myrehead Road, extending north from the railway line to the A803, is also included within the application site.
- 1.4 The applicant intends Whitecross to be a leading example of sustainable development in Scotland. The vision is to create a sustainable, vibrant, socially integrated mixed-use community, which is attractive as a place to live and work in. The vision embraces community stewardship ('Yours Whitecross'), where the community is responsible for running its own affairs. The applicant has previously been involved in the exemplar Millennium community at Kings Lynn in Norfolk.

1.5 At the heart of 'Yours Whitecross' is the creation of civic and enterprise opportunities through the provision of an Institute of Enterprise, an Enterprise Park and home working units. The Institute of Enterprise represents an innovative approach to promote Whitecross as a new location for business and enterprise. A key element is flexibility of use of space for employment, business start-ups, education and training, community facilities and civic activity. The range of uses would co-exist and share modern facilities and high speed broadband accessibility.

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

- A Masterplan Document.
- A Planning Report.
- An Environmental Statement.
- A Transport Assessment.
- A SUDS Strategy and Drainage Assessment.
- A Flood Risk Assessment.
- A PADHI and Utilities Report.
- A Geo-Environmental Report.
- A Waste Water Treatment Works Options Study.
- A Pre-application Community Consultation Report.
- An Institute of Enterprise Report.
- A Survey for Bats and Bat Roosts (Update 2010).

1.7 The Masterplan indicates the following land uses:

- New housing at a range of densities and with a mix of house types. Higher densities would be around the new Village Centre and at key gateways. Affordable housing would comprise 15% of the overall number of units.
- Community facilities including a new Village Centre, an Institute of Enterprise, a new primary school (adjoining the new Village Centre), new and upgraded recreational facilities and an extension to Muiravonside Cemetery. The new Village Centre would include a small/medium sized anchor store and potentially 4 to 6 small retail units. The Institute of Enterprise would include a community hall, community meeting space, space for a health clinic and multi-functional space for community activities.

- The provision of business, industrial and commercial space between the new Village Centre and the existing village. The overall provision would be market led and potentially comprise some 36,000sqm for a Business Park/Institute of Enterprise, some 4800sqm for an Industrial Estate and some 3200sqm for Distribution/Logistics/Warehousing.
- A greenspace network that builds on the existing landscape and environmental assets (e.g. Haining Wood, Manuel Burn, Crownerland Burn and Almond Castle). The network would include amenity greenspace, natural and semi-natural greenspace, public parks, green corridors and links to the Union Canal.

## **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 Pre-application notice ref: P/09/0858/PAN was received in November 2009 for the redevelopment of the Manuel Works site and the erection of 1500 dwellinghouses, a primary school and other associated community facilities. This notice fulfilled the statutory requirements for pre-application consultation for major developments. The community consultation included public exhibitions held at the Whitecross Primary School on 3 and 4 February 2010, which were attended by approximately 150 people.
- 3.2 Prior notification ref: P/10/0562/DMO was received in July 2010 for the demolition of buildings at Manuel Works (phase 1). It was advised that prior approval is not required.
- 3.3 Planning application ref: P/10/0761/PPP seeking planning permission in principle for a mixed use development to form a canal hub facility on land to the north west of Almondhall Farm was received in November 2010. This application is also to be considered by the Planning Committee.
- 3.4 Planning application ref: P/10/0763/FUL for the widening of an existing access road at Manuel Works was received in October 2010 and is currently under consideration.
- 3.5 Prior notification ref: P/10/0801/DMO was received in November 2010 for the demolition of buildings at Manuel Works (phase 2). It was advised that prior approval is not required.

## 4. CONSULTATIONS

- 4.1 The Roads Development Unit have noted that the masterplan process has been informed by the Scottish Government's Policy Statement: Designing Streets (March 2010). They note that there are conflicts between Designing Streets and the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (DGCS). They are generally content that the information submitted regarding flood risk and surface water drainage is satisfactory for the purposes of planning in principle and advise that detailed considerations can be deferred until the design stages. However, they have concerns at the proposed discharge rate of 8 litres/second/hectare from brownfield land to flood sensitive watercourses.
- 4.2 Scottish Water have no objection to the application. Due to the size of the proposed development, they advise that a Development Impact Assessment form will need to be submitted, to enable assessment of the impact of the proposed development on their existing infrastructure. They note that in some circumstances it may be necessary for the developer to fund works to existing infrastructure to enable the new development to connect.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the application. They recommend the imposition of conditions on any grant of permission in relation to finished floor levels, the provision of compensatory flood water storage, the provision of a scheme to connect the proposed development to the public waste water network, and the submission of a site-specific Construction Environmental Management Plan (CEMP). They advise that the CEMP should incorporate the principles of all proposed pollution prevention and mitigation measures in relation to air, land and water.
- 4.4 The Environmental Protection Unit have reviewed the contaminated land, noise/vibration and air quality information submitted with the application. They agree that further intrusive site works and risk assessments are required to clarify any potential risks associated with former and current uses at the site. They seek confirmation that all potential sources of contaminated land have been appropriately targeted and tested. They accept the recommendations for the undertaking of detailed assessments in respect of construction noise, industrial noise, traffic noise, and rail noise/vibration. They accept that there is unlikely to be any significant air quality impacts due to the distance of the site to Falkirk Council's Air Quality Management Areas (AQMA's) and the site being outwith the Grangemouth AQMA.
- 4.5 The Transport Planning Unit have reviewed the Transport Assessment submitted with the application. They are satisfied with the traffic generation rates and the trip distribution and advise that a junction analysis of local roads has not identified any capacity issues. They have advised that agreement in principle has been reached with the applicant regarding the upgrading of the Myrehead Road carriageway, the provision of a new roundabout on the A801 (to provide the main access road to the new development), the provision of traffic management/traffic calming measures on Station Road (to discourage through traffic) and the enhancement of existing bus services. They advise that a footpath would be required on Myrehead Road to provide pedestrian access to the express bus service on the A803. They advise that the thresholds for delivery of the necessary transport infrastructures have been agreed or would be subject to further consideration as part of a Section 75 Legal Agreement. They advise that the Travel Plan Framework is generally satisfactory and would need to be developed further at detailed planning stage. They advise that community consultation would be required to establish the exact traffic management and traffic calming measures for Station Road. They advise that Stage 2 and 3 Road Safety Audits would be required for the new A801 access and the junction improvements at Myrehead Road/A803.

- 4.6 Scottish Natural Heritage (SNH) accept the findings of the species survey which indicate that the proposed development is unlikely to impact on otters, great crested newts, bats, red squirrel and water vole. They advise that, provided pre-construction checks for otters, bats and great crested newts are carried out, the proposed development is unlikely to result in an offence under the Regulation 39/43 of the Habitats Regulations 1994 (as amended). They note that badgers are present on the site and understand that a Badger Protection and Mitigation Plan will be prepared prior to work commencing on the site. They understand that the Environmental Statement concludes that there is likely to be a small decrease in populations of some bird species. However, they recognise that the landscape elements of the masterplan indicate sufficient retention and creation of woodland and meadow habitat which should benefit local bird populations over the longer term. They advise that vegetation removal should be carried out during winter months to avoid disturbance to wild nesting birds. They note that due care and procedures will need to be followed in dealing with Japanese Knotweed, which is an invasive alien plant. They understand that the Landscape and Visual Impact Assessment concluded that the proposed development will have a mix of positive and negative impacts on landscape character and visual amenity. However, they accept that the aim of the Landscape Strategy is to create a high quality setting for the proposed development and generally improve the conditions for the existing settlement.
- 4.7 Historic Scotland have no objection to the principle of the application and welcome the positive approach taken in the masterplan process to create a sense of place through the use of historic environment assets. They welcome the proposals to improve the setting of Almond Castle Scheduled Monument but consider that housing indicated to the west of the monument, between it and Haining Wood, breaks and isolates to a degree the longstanding relationship between the two. They suggest further consideration of this matter in the final design. They do not consider that the proposed development would have any adverse impacts on the setting of the Union Canal Scheduled Monument. However, they note the references to plans for a mooring basin and possible upgrade of Kirk Bridge, which would require scheduled monument consent.
- 4.8 The Health and Safety Executive have assessed the application against its '3 zone' land-use planning methodology (PADHI) due to the presence of three major hazard pipelines within the application site boundaries. They do not advise against the granting of planning permission subject to conditions being imposed on any approval of the application. These conditions relate to limiting the amount of residential development within the PADHI outer zone, locating the proposed primary school outwith the PADHI outer zone, limiting the total floor-space associated with 'indoor uses by the public', limiting the number of people at 'workplace type' developments and limiting the number of people associated with 'outdoor uses by the public' (e.g. football pitches).
- 4.9 Transport Scotland have advised that Junction 4 of the M9 would need to be upgraded to mitigate the combined impact of proposed new development in the area. They advise that the upgrade works would involve signalisation to address capacity and safety issues (high circulatory speeds). They have submitted a draft response which sets out thresholds for the level of development that could proceed prior to certain phases of the junction upgrade works being completed. These thresholds are subject to further discussion in preparation of the Section 75 agreement. They request submission of a Travel Plan and proposals for new or extended bus services for their consideration.

- 4.10 Architecture and Design Scotland issued a report following consideration of the proposed development at their Design Review meeting in February 2010. In this report, they welcome in broad terms this ambitious and well considered regeneration proposal. They consider that the proposal presents a strong vision for the creation of a sustainable mixed use community and an attractive environment for both existing and new residents. They emphasise that it will be crucial to set out the process to achieve the intended high quality over the long timescale for the development, and to resolve crucial strategic issues such as the strategy for sustainable energy supply and the possibility of a local train station. They acknowledge the site restrictions which mean that the existing and new housing will be separated by an area of community facilities and employment uses. They suggest that measures within this area such as smaller units or tighter-knit spaces could be considered to avoid a standard 'Business Park' model and better create a sense of community. They support a continuous frontage along the employment part of the proposed High Street, to achieve a sense of continuum between east and west.
- 4.11 Central Scotland Police have advised that the proposed development should be constructed to 'Secured by Design' standard in the interests of safety and security. They advise that the proposed development should take into account the opportunities for buildings to provide natural surveillance. They make recommendations in relation to boundary treatments, car-parking layout and landscaping.
- 4.12 Sportscotland have advised that the proposed upgrade of the existing sports pitch and the two proposed new sports pitches should provide a suitable level of playing fields for the increasing population. They recommend that the proposed school playing field be designed in accordance with relevant Sportscotland guidance. They note that the pavilion at the existing sports pitch is currently not in use and lies within an area indicated for housing. They suggest the imposition of a condition on any grant of permission which ensures that disruption to the existing sports pitch is minimised during construction.
- 4.13 British Waterways has not provided a consultation response to this application but has responded to the application for the proposed canal hub facility at land to the north-west of Almondhall Farm (ref: P/10/0761/PPP). They understand that this proposal is an alternative to the provision of canal facilities as part of the Whitecross SIRR development and have no objection to the proposed alternative location. They have some concern that delivery of the proposed canal facilities will not be as easy to control now that they are outwith the Whitecross SIRR.
- 4.14 Education Services have no objection to the application. They advise that they are in consultation with the applicant regarding the provision of a new Whitecross Primary School at a new location and the associated design, procurement and delivery arrangements. They assume that the proximity of the new primary school site to gas pipelines would not present any significant risk to pupils. They advise that temporary additional capacity at the existing primary school would be required initially. They advise that Whitecross has been rezoned from the Braes High School catchment to the Graeme High School catchment and, as a consequence, the proposed development no longer presents a risk to non-denominational high school capacity. They have requested a pro-rata contribution at the rate of £650 per dwellinghouse and £450 per flat towards the provision of future capacity at St Mungo's RC High School.

- 4.15 Community Services (Parks and Recreation) are satisfied with the overall proposals for parks and open space provision, and note that the proposed extension to Muiravonside Cemetery reflects previous discussions. They recommend that the playing areas for the new primary school have artificial surfaces, as close to full size as possible, that the proposed new and upgraded sports pitches should include drainage, and that the new housing areas should all have suitable play facilities.
- 4.16 Corporate and Neighbourhood Services advises that they have been in discussion with the applicant regarding the provision of affordable housing as part of the development and have been liaising with Registered Social Landlords to discuss the appropriate delivery mechanisms over the duration of the proposed development.
- 4.17 Museum Services have advised that most of their previous comments are incorporated into the scheme and a number of points will require detailed consideration. These relate to the timing of the works to consolidate Almond Castle ruins, the need for archaeological supervision in creating a parkland setting for the ruins, the provision of links to Muiravonside Church, the need for a representative archaeological survey of the area between the former brickworks and the existing village, and the form of the proposed basin on the Union Canal.
- 4.18 The Emergency Planning Unit have no comments.
- 4.19 West Lothian Council are generally content that the proposed redevelopment of this largely brownfield site accords with the approved Falkirk Council Structure Plan. They support the reduction in the size of the Whitecross SIRR as a consequence of a Modification to the now adopted Falkirk Council Local Plan. However, they raise concerns that the proposed development would give rise to placing requests at Linlithgow schools, which may place a strain on education provision in Linlithgow. In addition, they highlight the need to secure an appropriate level of infrastructure to facilitate bus travel to Linlithgow station, as there is little parking opportunity close to this station.
- 4.20 Network Rail have no objection to the application. They advise that there may be an opportunity for any widening of the Myrehead Road over-bridge, required as a consequence of the proposed development, to be undertaken at the same time as provision of a new raised bridge deck as part of the overhead electrification clearance works for the Edinburgh to Glasgow line. They indicate that the Transport Assessment should consider the potential for an increase in patronage at Linlithgow and Polmont stations and physical and environmental improvements to mitigate this impact. They make comments in relation to drainage, boundary treatment, building, landscaping, amenity and lighting, arising from the proximity of the development site to the railway line.
- 4.21 NHS Forth Valley have advised that an improvement to primary care infrastructure would be required to support a development of this scale. Sufficient space should therefore be provided within the development adjacent to other community facilities, which would typically be developed when there is a sufficient critical mass of people.
- 4.22 The Scottish Government have reviewed the application in relation to the responsibilities of the Scottish Ministers for air quality, noise and nuisance. They have advised that BS 5228 referred to in the Environmental Statement was revised in 2009 and is now British Standard BS 5228-1:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites.'

- 4.23 The Scottish Civic Trust have no objection to the principle of a mixed use development at this site and considers most elements of the proposal, including the layout, uses and densities, to be acceptable. They would encourage the use of public art to reflect the past industrial use of the site and for the industrial character of the site to be reflected in the detailing or materials of the new buildings. They note the sensitive approach to the many historic features in and around the site and the opportunities to significantly improve the setting of several listed/historic buildings. They welcome the retention of existing landscape features such as woodland, which would help the development sit comfortably in the rural surroundings. They would encourage the applicant to assess the impact of the development in views from historic buildings and other significant viewpoints. They query the extent of consolidation works and public access to Almond Castle and consider that use of the space around the castle should be carefully considered.
- 4.24 The Scottish Rights of Way and Access Society (Scotways) have advised that four asserted rights of ways are affected by the proposed development. They note that these rights of way are proposed to remain a footpath, be improved as a foot/cycle path or follow a new road. They have no objection provided there is provision for pedestrians and cyclists along the new roads. They suggest that the applicant apply for formal diversion of one of the rights of way onto a proposed path. They request that the rights of way remain open and free of obstruction during the construction period, and that suitable alternative routes be provided and signposted where this is not possible.
- 4.25 The Royal Society for the Protection of Birds (RSPB) do not object to the proposed development but are concerned that it would result in loss and disturbance to Haining Wood Wildlife Site and valuable areas of neutral grassland and hedgerows. To mitigate these impacts, they recommend the submission of a Habitat Management Plan for approval by the Planning Authority in consultation with SNH, RSPB and other appropriate organisations such as Scottish Wildlife Trust. They note that there is an area of land to the north of the railway line which is within the application site and not earmarked for development. They suggest it could be a suitable site for habitat creation. In addition, they suggest that funds could be set aside to contribute to the improved management of Haining Wood.
- 4.26 Central Scotland Fire and Rescue Services have advised that provision of suitable access for Fire Service vehicles along all access routes should be seen as a priority in the new development. They advise that contact arrangements should be put in place with the Fire Service whilst the development is ongoing and that they be notified of any discovery of contaminants such as asbestos.
- 4.27 The Coal Authority have advised that, according to their records, the application site has been subject to past coal mining activity. They concur with the recommendations of the Environment Statement that intrusive site investigations should be undertaken to confirm the need for remedial works to treat mine entries or shallow mine workings. They request the applicant to consider possible removal of remnant shallow coal and stabilisation and treatment of the land, rather than the less sustainable option of grout filling any voids.
- 4.28 Shell U.K. Limited have advised that it owns and operates a Major Hazard Accident Pipeline (North Western Ethylene Pipeline) that passes through the proposed development area. They request the developer to contact them, in order to safeguard the integrity of the pipeline.



- 4.29 Ineos Pipelines have noted that the proposed development would appear to be located within the middle and outer consultations zones of a Major Accident Hazard Pipeline. They advise that the works associated with the proposed development would be on land adjoining the pipeline. In terms of the safety and engineering integrity of the pipeline, they have no objection to the proposed development.

## **5. COMMUNITY COUNCIL**

- 5.1 There is no Community Council for Whitecross at present.

## **6. PUBLIC REPRESENTATION**

- 6.1 A total of 20 representations have been received to the application. All except two of these representations are objections. The matters raised in the representations can be summarised as follows:

### **Planning**

- Original vision was for smaller scale development;
- Overall support for improving the area through the positive redevelopment of the derelict industrial works however the proposal must be sensitive to existing stakeholders including the small community at Manuel Station;
- The redevelopment of the brickworks and the joining area is quite logical and sits within a natural boundary however the plan encroaches unnecessarily on Muiravonside;
- Setting of precedent for development of adjoining fields;
- The rules about building on green field sites don't seem to have been applied;
- The proposed development fails to comply with the Development Plan (Falkirk Rural Plan and Polmont and District local Plan)
- The new local plan has not yet been adopted therefore the proposed development should be considered against the current, in force, local plan;

### **Masterplan Layout**

- The central part of the site is not an effective location for business space;
- Business development is identified for land that was originally excluded due to the pipeline safety zone and no explanation of this change has been given;

- Unsatisfactory solution to draw most of the business traffic through the residential area, to and from the A801 junction, however transposing the business and residential area, to satisfy good planning practise, would not achieve the density of housing sought due to the safety zone question;
- Land on the north side of the B825 but within the SIRR boundaries has not been identified on the plan for any use, which should be amended to identify residential use to allow for the building of a single house;
- The proposal for a landscape safeguard along the frontage of the B825 is unacceptable and has not been agreed with an affected landowner;
- A portion of a landowner's property at Manuel Station has been included in the development area without contact or discussion;
- The existing buffer between the railway line and Priory Road should be retained in the interests of health and safety due to proximity to this line and the petro-chemical site at Grangemouth.

### **Employment Land Provision**

- The extent of the employment land available, taking into account safety zone considerations, car-parking requirements and appropriate landscaping, is not sufficient to facilitate the scale of the proposed development.

### **Visual Impact/Rural Character/Landscape**

- Loss of green field land along the Crownerland Burn;
- Destruction of rural vistas that are not adjacent to the old brickworks site;
- Field to the north of Priory Road contributes immensely to the natural beauty of the village area;
- Less disruptive impact if an open landscape buffer was maintained between Whitecross and Manuel Station, with the area developed for housing rather than employment;
- The landscape setting of Manuel Station should be retained rather than subsumed by the proposed development as it has always been a separate village and is linked to increasing prospects for tourism development in the area (the Bo'ness-Manuel Station steam railway).

### **Residential Amenity/Nuisance**

- No baseline noise levels have been collected over the entire area of the proposed development against which its impact can be evaluated;
- The privacy of existing properties and gardens will be impacted in a number of areas due to the location of SUDS ponds, recreational areas, footpaths and cycle ways;

- The proposed cycle path to the rear of the houses at Burnside Gardens will result in noise disturbance and loss of privacy, serenity and rural setting;
- The proposed housing to the rear of Priory Road will have a huge impact on privacy, cause overshadowing and increase traffic noise (currently a quiet cul-de-sac);
- The proposal for a substantial building fronting the roundabout in the Employment Area will result in a loss of amenity to an existing house i.e. from noise nuisance and overshadowing;
- The green space adjoining the Haining Valley Steading will likely be used by more residents therefore consideration should be given to how privacy and overlooking impacts can be resolved through adequate screening;
- Planting of the green space adjoining the Haining Valley Steading should be prioritised to minimise the impact of the proposed development on the Steading;
- It is unclear what provisions have been made to reduce noise and light pollution associated with the new development that will clearly arise;
- The significant increase in traffic movements will have a detrimental impact on existing residents by increasing noxious fumes and odour levels and causing disturbance from vehicle headlights;
- Construction related disturbance could last for at least 15 years;
- Loss of views from existing houses on Almond Road;
- The location of SUDS ponds near existing housing generate odours and potentially become a wasteland/dumping ground.

## **Design**

- Some of the proposed buildings will be out of character with the existing village, in particular the proposed gateway housing in terms of height and massing;
- The proposed terraced housing will be out of character as there is no housing of this style in the existing village;
- The density and scale of the proposed housing is excessive for a rural location;
- The proposed building finishes (including lapped woods facing and bright, bold colours) will be out of character with the prevailing brick/stone face/harling of the existing village;
- Clarity required regarding adoption of Government recommendations on usage of environmentally sympathetic materials.

## **Natural Environment/Biodiversity**

- The site biodiversity study is incomplete and needs to be updated with current information e.g. a breeding population of Tree Sparrows has not been identified;
- Destruction of natural habitats that are not adjacent to the old brickworks site;
- The proposed dog leg into Muiravonside infringes on the abundant wildlife in the area and shuts down a wildlife corridor;
- The marsh areas and wetlands beside the Crounerland Burn will be totally eradicated;
- Destruction of a pond supporting flora and fauna and the natural water table on the east side of the field north of Priory Road;
- The fields north of Priory Road are occupied by numerous species of wildlife, as are the adjacent woods;
- Increase in vehicle movements will increase airborne pollutants considerably and diminish air quality;
- Light pollution will increase significantly.

## **Traffic Impact/Road Safety**

- The traffic accident reports used to compile the traffic plan are at least 14 months out of date leading to a false impression of the traffic accident risk currently;
- The traffic surveys do not include weekend use, when a large number of visitors travel to Muiravonside Country Park;
- The proposal, which includes up to 1500 houses and facilities and business that will attract visitors, will significantly increase traffic which will lead to problems and conflicts, including traffic congestion and parking problems;
- The B825 will not be able to sustain an increase in traffic volume as it is a minor road in poor condition with blind corners and different types of traffic e.g. horses, cyclists, cars and buses, thereby presenting a major risk to safety;
- The details of access and its inter-relationship with the wider road network must be established at the outset;
- No certainty that the proposed road connection to the A801 can be delivered or there is an alternative means of access that can work;
- Capacity issues along Myrehead Road and over the railway bridge and Canal bridge which will require agreement (which may be difficult and time consuming) between Network Rail, Historic Scotland and British Waterways regarding any necessary bridge upgrades or replacements;

- The expected traffic flows may be exceeded, especially if a new train station at Whitecross or increased bus services don't materialise;
- The increase in traffic associated with extending Priory Road (which is currently a cul-de-sac) will damage the road, cause access difficulties, limit parking and create a danger to families and children;
- Traffic levels will increase dramatically along Vellore Road therefore consideration should be given to extending the 30mph limit from the village centre to the Canal;
- Traffic will inevitably exit the M9 at the Linlithgow junction and pass through Linlithgow on the way to Whitecross and new residents will wish to shop at Linlithgow, however Linlithgow High Street is a notoriously busy area and will not cope with the additional traffic;
- What routing controls will be put in place for the transport of heavy plant and machinery?

### **Sustainable Transport**

- There are inaccuracies in the drawings showing the proposed cycle paths therefore a coherent path infrastructure requires to be drawn up;
- Support for the proposed measures within the new built up area to encourage sustainable transport;
- The vehicle traffic generated by the proposed development will consume the excess capacity in the existing road network to the detriment of cyclists;
- The new link to the A801 must be completed at the start of the project to ensure cyclists are not pushed off local roads by new traffic and construction traffic;
- No assessment has been undertaken to determine those roads that will still be useable to cyclists post development (using a classification system for perceived cyclists' safety);
- The provision of measures on Station Road to reduce traffic speed and improve pedestrian and cyclists' safety are supported;
- The detailed design of the Station Road measures should be developed in consultation with local cycling organisations;
- The Canal towpath will require upgrading and enhancement e.g. tarmacing, widening where practicable and signposting;
- With increased traffic, there may be no useable cycle routes to the southwest or northwards of Whitecross such that substantial investment in cycle/footways will be required;

- The proposed paths do not provide a safe link for people to access Polmont, Falkirk, Linlithgow without using narrow, badly maintained roads with poor sightlines and no footpaths;
- Traffic levels will dramatically increase on Vellore Road therefore it would seem necessary to provide footpaths linking the village centre and Canal;
- All proposals for alteration, diversion and restriction to roads and paths during the construction stage should be considered in respect of their safety and appropriateness to all types of traffic i.e. pedestrians, cyclists, motor vehicles and construction traffic;
- Prohibit the planting of thorny shrubs adjacent to cycle ways due to the problem of tyre punctures from thorns;

### **Surface Water Drainage/Flooding**

- The volume of water that will need to be managed will mean that land and buildings not previously at risk of flooding or pollution will be at risk;
- Concerns at the possibility of additional water flowing into Crownerland Burn running through or partially through adjoining property;
- The increased water flow through the Manuel Burn will potentially cause bank erosion and put at risk the supports for the sewerage and waste water pipe for the village;
- The proposed SUDS pond will increase humidity, result in water stagnation/build up of detritus and create health and safety issues.

### **Infrastructure**

- There is no current waste water treatment plant capable of handling the increase in waste water requiring treatment;
- The current infrastructure is most likely at capacity and unlikely to be sufficient for the proposed development;
- The upgrading of drainage, water supply and telecommunications will disrupt road and footpath access and current services.

### **Impact on Existing Uses**

- An existing business with 50 employees will require relocation, with the implications being loss of earnings and jobs, and no alternative or economic option has been offered;
- A proposed cycle path will affect stables and a paddock.

## **Rural Land**

- Loss of prime agricultural land which is not necessary to redevelop and regenerate the old brickworks.

## **Land Contamination**

- The field to the north of Priory Road has a history of clay mining and could be liable to subsidence.

## **Viability/Need**

- The proposal is not economically viable nor does it represent an effective housing supply as it fails to meet tests of national planning policy in relation to public transport, access and the availability and affordability of the required infrastructure, therefore the application should be withdrawn to reconsider the extent and location of floor space and the ability to achieve satisfactory vehicular access.

## **Consultation**

- The public meeting in Whitecross was poorly advertised and the residents of Muiravonside were unaware of it;
- Further discuss with an affected landowner any issues affecting their land or home;
- The agricultural tenant of a substantial part of the land covered by the application has not been approached regarding the proposed development therefore bringing into question the deliverability of the scheme.

## **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.1 'Strategic Development Opportunities' states:

*"The Council will promote the following as strategic locations for major economic development:*

- |          |                            |
|----------|----------------------------|
|          | <i>Town Centres</i>        |
| <i>1</i> | <i>Falkirk Town Centre</i> |
| <i>2</i> | <i>Grangemouth Docks</i>   |
|          | <i>Gateways</i>            |

- 3 Middlefield/Westfield, Falkirk
- 4 Falkirk Canal Interchange
- 5 North Larbert / Glenbervie
- 6 Gilston, Polmont
- Urban/rural Regeneration Areas
- 7 Langlees/Bainsford, Falkirk
- 7a Former Manuel Works, Whitecross
- Specialist Sites
- 8 Grangemouth/Kinneil Kerse

*Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1."*

7a.2 This policy indicates that Falkirk Council will promote the former Manuel Works site at Whitecross as a strategic location for major economic development. The acceptable uses, as detailed in Schedule ECON.1, are offices, industry, distribution, residential, community facilities, leisure and tourism. The current application reflects the Council's aspiration to promote this site for strategic development and broadly provides for the acceptable uses indicated in the schedule. Overall, the proposed development accords with this policy.

7a.3 Policy ECON.2 'Strategic Development Opportunities - Development Criteria' states:

*"Development of the strategic development opportunities identified in Policy ECON.1 will be subject to the following conditions:*

- (1) *high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*
- (2) *provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by transport modes other than the private car;*
- (3) *the scale of any residential use must comply with the general housing allocations set out in Chapter 4 and adequate social and physical infrastructure must be in place to serve them;*
- (4) *the scale and nature of out-of-centre retailing and leisure provision must be complementary to provision in Falkirk Town Centre and the District Centres. Accordingly, a Retail/Leisure Impact Assessment will be required to demonstrate this for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances; and*
- (5) *development at Grangemouth Docks must not prejudice the operation of the port. and should be compatible with the continuing activities of the petrochemical and chemical industries."*



7a.4 This policy sets out the criteria that will apply to development of the strategic locations identified in Policy ECON.1. With regard to these criteria, the strategic development at Whitecross has been subject to extensive stakeholder involvement since 2003 which has informed the masterplan. The high quality of the masterplanning work is evident and a suite of design tools such as area based frameworks/masterplans, design briefs and design codes would provide the means to deliver a high quality and sustainable development. The provision of walking, cycling and public transport is integral to the masterplan process and would be subject to detailed consideration. The application is for up to 1500 units, which accords with the indicative housing allocation for this SIRR. Delivery of the necessary infrastructure to support this scale of new housing would be subject to conditions of any approval of the application and a Section 75 Legal Agreement. The indicative scale of retail provision is considered to be commensurate to the local catchment and includes a 1500m<sup>2</sup> small/medium anchor store. Criterion 5 is not relevant to this application. The proposed development is considered to accord with this policy.

7a.5 Policy COM.1 'Housing Land Allocations' states:

*"The Council will:*

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate."*

7a.6 This policy indicates that the Council will, in delivering the housing land requirement, support special initiatives for residential led regeneration (SIRR) at the locations listed in Schedule COM.1b. Manuel Works, Whitecross, is indicated in this schedule as a SIRR, with a maximum requirement within the range of 1000 to 1500 units. The proposed development complies with this requirement. The policy indicates that support for SIRR development will be contingent on a number of factors. With regard to these factors, the masterplan accords, overall, with the local plan, as assessed in this report. Phasing and infrastructure provision would be subject to conditions and a Section 75 Legal Agreement. The proposed development does not impact on any European protected site. With regard to land acquisition, the applicant has advised that they have secured agreement with the key landowners and are working to secure the advancement of the entire SIRR and are seeking to ensure a transparent sharing of infrastructure costs between the main landowners. The proposed development is considered to accord with this policy.

### ***Adopted Falkirk Council Local Plan***

7a.7 The Village Statement for Whitecross sets out the key local issues and a wide range of objectives and requirements. It notes that the Structure Plan endorses the principle of significant development to regenerate the area following the closure of the large Manuel Works site.

7a.8 The key issues for Whitecross village are stated as being:

- The need to encourage new housing, as stimulus for regeneration;
- The need to find alternative uses for the Manuel Works site, which will create new jobs;
- The need to ensure that physical and social infrastructure is proposed to serve the new development;
- The need to ensure that new development integrates successfully with the existing village; and
- The need to protect and enhance the natural environment around the village.

7a.9 The boundaries of the Whitecross SIRR are identified on the Local Plan Proposals Map. The current application reflects the boundaries shown on this Proposal Map.

7a.10 The Local Plan requires the preparation of a Masterplan and indicates the need to provide for the following wide range of objectives and requirements:

#### **Land Use**

- A new mixed use settlement based around the existing village, the Manuel Works and the land in between, being an exemplar of sustainable development and comprising housing, business, leisure and community uses;
- 1000 to 1500 houses, incorporating a full range of housing types and tenures, including affordable housing;
- At least 12 hectares of land and buildings for employment uses, with the type of provision being informed by a full market assessment;
- A new, accessible, local centre;
- A new two stream primary school (minimum size 2.4 hectares), together with community facilities, a health clinic and community education provision;
- Possible contributions towards the upgrade of denominational and high schools;
- Open space provision at the rate of 2.8 hectares per 1000 population, which should include formal civic spaces, a new public park, other greenspace for passive recreation and playing fields/play areas;
- Canal related facilities on the Union Canal, including a mooring basin, slipway and an amenity block;
- The safeguarding of land adjacent to the existing cemetery for a cemetery extension;

- A land use pattern that satisfies the Health and Safety Executive requirements imposed by pipelines crossing the site;
- The potential for extension to the Bo'ness and Kinneil Railway to be investigated.

### **Design/Environment**

- A clear urban design strategy, to provide a legible and well structured urban form, with a coherent and attractive hierarchy of streets and public spaces;
- Retention and management of existing woodland and hedgerows, especially the ancient woodland of Haining Wood;
- Extensive new planting to provide structure and integrate the new development areas into the countryside;
- Safeguarding of the setting and amenity of the Union Canal;
- Protection and enhancement of Almond Castle and its setting;
- Maximising of opportunities to promote biodiversity as part of the new development;
- An assessment of the potential for renewable energy and energy conservation measures;

### **Transport/Infrastructure**

- A new access via a roundabout from the A801;
- Improvement of Myrehead Road, including upgrade of the railway bridge, the road itself and the junction with the A803;
- Possible works to Junction 4 of the M9, with signalisation of certain arms being the most likely solution;
- Other road improvements and traffic management measures;
- A comprehensive network of pedestrian and cycle routes that link the housing areas, the school, community facilities, public transport nodes and the Union Canal, and connect to existing routes in the wider countryside network;
- Safeguarding of land for a potential future railway station;
- Improvement of bus services through the provision of quality bus infrastructure and financial support to services;
- Upgrading of sewerage and water supply infrastructure where necessary;
- Sustainable Urban Drainage Systems (SUDS);

- Remediation to address ground condition and land contamination issues; and
- Cognisance to be taken of transport impacts of development on the West Lothian Council area.

### Phasing

- Careful phasing to ensure that all the required infrastructure is in place and a suitable mix of land uses are delivered at every stage of the development.

7a.11 The proposed development is generally considered to satisfy these requirements. The masterplan provides for the key land uses and reflects design quality. Delivery of the necessary infrastructure and the undertaking/preparation of the necessary further surveys, assessments and detailed plans and strategies would be subject to conditions of any approval of the application and a Section 75 Legal Agreement.

7a.12 The masterplan does not include a mooring basin and associated amenities, as a new canal facility is proposed at an alternative location to the west of the A801. This proposal is subject to planning application ref: P/10/0761/PPP. Whilst this application has still to be considered by Committee, the alternative location is considered by the applicant to be a viable and sustainable location, with strategic road connection to the A801 via a proposed new roundabout.

7a.13 The development is proposed to be phased over a period extending to 2030. The delivery of key infrastructure would be linked to house completions. Construction of the new access onto the A801 and safeguarding and consolidation of Almond Castle are proposed as part of the initial phase. The delivery of infrastructure would be subject to conditions and the Section 75 Legal Agreement.

7a.14 Policy EQ3 'Townscape Design' states:

*New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) *The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site's environs and creates a sense of identity within the development;*
- (2) *Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) *The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) *Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected.*

7a.15 The masterplan process has produced a well structured and coherent urban design framework which is based on street blocks and frontages to streets and other public spaces. The key land uses, distributor roads, key public realm spaces, gateways, key frontages and preferred locations for community wide play facilities are indicated on the masterplan drawings and a green network, incorporating well connected foot and cycleways, is integral to the masterplan. The detailed design and layout would be informed by area based masterplans and design guidance to achieve design quality. A mix of densities and house types are proposed, ranging from higher density mixed use at the new Village Centre to lower density housing on the periphery of the site. The proposed densities promote a sustainable urban form and respond to the site environs. In particular, low densities adjacent to Manuel and Crounerland Burn respond to the landform. The masterplan promotes core urban design principles which would be applied at the area based masterplan stage and in design codes. They include the design of residential streets as 20mph 'home zones'/shared spaces', well integrated parking and active street frontages. Building design and finishes would be considered in detail at the detailed planning stage and as part of design codes. Almond Castle is a local landmark but in disrepair. The proposal to stabilise and enhance it would ensure that it contributes significantly to the new townscape. Views to and from the castle and its setting would be considered at detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.16 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.17 A landscape framework is integral to the masterplan and has been informed by the surrounding landscape. Critical to the framework is retention and effective management of existing woodland, which would structure and screen the new settlement and integrate it into the landform. The proposed landscape structure includes woodland/structure planting, woodland meadow and grassland, wetland and watercourses, open space and amenity space, which together form a connected green network, integrated with the proposed path and cycle network. New woodland, woodland meadow and grassland habitat are proposed to compensate for the loss of existing features. The overall green network provides significant opportunities to enhance local biodiversity. The specific details of soft and hard landscaping and management arrangements would be considered at the detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.18 Policy EQ5 ‘Design and Community Safety’ states:

*Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) Boundaries between public and private space should be clearly defined;*
- (3) Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) Contributions to the provision of CCTV may be sought, where appropriate*

7a.19 The core urban design principles for the proposed development include frontages to public spaces and application of ‘Secured by Design’ principles to the detailed layouts. The principles detailed in this policy would be applied at detailed planning stage. In principle, the proposed development accords with this policy.

7a.20 Policy EQ6 ‘Design and Energy Use’ states:

*Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:*

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged.*

7a.21 The masterplan indicates that the development would promote and support a wide range of sustainability measures by embedding best practice into detailed site and housing design and providing new energy sources. Sustainable energy use would be considered in detail in an Energy Strategy. In principle, the proposed development accords with this policy.

7a.22 Policy EQ7 ‘Area Enhancement Priorities’ states:

*The Council will give priority to improving the following through environmental improvements and securing high quality development:*

- (1) Principal Transport Corridors*
- (2) Town and Local Centres*
- (3) Main Town Gateways and Approaches*
- (4) The Canal Corridor*
- (5) Falkirk Greenspace (see Policy EQ 21)*
- (6) Urban Regeneration Areas*
- (7) Conservation Areas and Areas of Townscape Value*

7a.23 The former Manuel Works at Whitecross is identified in the approved Structure Plan as a regeneration area and strategic development opportunity. The proposed development would lead to environmental improvements and design quality as is evident in the masterplanning process. The proposed development therefore reflects the Council's area enhancement priorities and accords with this policy.

7a.24 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

*The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged.*

7a.25 The redevelopment of the former Manuel Works site, which is a priority area for enhancement, would reduce the incidence of vacant, derelict and contaminated land. The proposed development therefore accords with this policy.

7a.26 Policy EQ9 - 'Public Art' states:

*The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt Percent for Art<sup>2</sup> schemes in respect of major development schemes.*

7a.27 The masterplan recognises the important contribution that public art can make to the character of a place and supports the provision of public artworks, including sculptures, statues and murals, at public spaces within the proposed development. The relevance of the cultural heritage of the former brickworks is particularly recognised. Public art provision would be considered in more detail in a Public Art Strategy. In principle, the proposed development accords with this policy.

7a.28 Policy EQ14 'Listed Buildings' states:

*The Council will seek to preserve the character and appearance of listed buildings. Accordingly:*

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:  
has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and  
is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

- 7a.29 The application site contains one Category B listed building (Almond Castle). As part of initial phases of the proposed development, the castle would be stabilised and enhanced and would represent a prominent landmark at the western gateway to the new settlement. The proposed enhancement works and setting issues would be considered in detail in a Conservation Strategy, in consultation with Historic Scotland.
- 7a.30 There is a Category B listed building (Muiravonside Parish Church) immediately outwith the application site and a number of listed buildings within the wider area. The Environmental Statement has concluded that the proposed development would not have any significant impacts on these buildings and this is accepted.
- 7a.31 In principle, the proposed development is considered to accord with this policy.
- 7a.32 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.33 The application site contains one Scheduled Ancient Monument (Almond Castle). As indicated above, this monument would be preserved in situ and stabilised and enhanced. The proposed works and setting issues would be considered in a Conservation Strategy.
- 7a.34 The site adjoins a Scheduled Ancient Monument (Union Canal). The main impacts of the proposed development on this canal would be indirect, being construction of the new access road from the A801 and the proposed canal-side development. The Environmental Statement considers that these proposals would not be significant to the canal’s nature or original purpose and this is accepted. The indicative proposals for canal-side development are linked to enhanced leisure use of the canal, which could be seen, subject to sympathetic design, as beneficial to the canal setting.



7a.35 The Environmental Statement indicates that the application site contains, or may contain, a number of other archaeological resources. Of these, the Environmental Statement has assessed substantial direct impacts on two cropmarks of possible pre-historic settlements and the former Almond-Myrehead Railway Line. It is advised in the Environmental Statement that the cropmarks potentially survive as sub-surface remains and that the former railway features have been dismantled and survive only as thickly wooded embankments. In terms of the proposed masterplan, it is not feasible to preserve these features in situ. The merits of the proposed development, to regenerate a site identified by the Council as a strategic development opportunity and an enhancement priority, are considered to outweigh preserving these features. In addition, the Environmental Statement recognises that there may be undiscovered archaeological remains within the application site. Accordingly, the planning authority would need to be notified of proposed ground breaking works to allow the opportunity for a Council nominated archaeologist to observe work in progress and record items of interest.

7a.36 In principle, the proposed development is considered to accord with this policy.

7a.37 Policy EQ22 'Landscape and Visual Assessment' states:

*Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.*

7a.38 The Environmental Statement contains a landscape and visual impact assessment in recognition of the potential for significant landscape and visual impacts associated with the proposed development. The assessment concludes that the development would bring some significant changes to the landscape character and that impacts would be a mix of adverse and beneficial. It concludes that impacts on views within the existing village would be moderate to substantial adverse where farmland changes to built development. Balanced against this, impacts on receptors with views of the brickworks site would be beneficial. Landscape and visual impacts associated with construction are assessed as variable and relatively short-lived. The conclusions of the landscape and visual assessment are broadly accepted and demonstrate, overall, that the setting is capable of absorbing the proposed development, in conjunction with the proposed green network, which includes retention and management of existing woodland and new structure planting. The proposed development therefore accords with this policy.

7a.39 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.40 The application site includes Haining Wood, which is a designated Wildlife Site. The proposed new access road to the A801 impacts on the fringes of this site but its overall integrity would not be compromised due to the proposals to effectively manage the woodland, augment it with additional planting where necessary, upgrade existing woodland tracks, provide new footpaths and reinforce the historic link between the wood and Almond Castle. A Management Plan for Haining Wood is proposed.

7a.41 The application site adjoins a small section of the Union Canal, which is designated as a Site of Importance for Nature Conservation (SINC). The Environmental Statement indicates the potential for minor construction related impacts and a loss of habitat which is assessed as negligible/slight. Given the minor nature and scale of the likely impact, the overall impact on this SINC would not be compromised. Construction related impacts would be subject to a Construction Environmental Management Plan.

7a.42 The Environmental Statement indicates that badgers are present in the locality and are likely to be affected by the proposed development. The preparation of a Badger Protection Plan is required. The Environmental Statement also indicates that there is no evidence of roosting bats within the existing industrial buildings, bats use the wider area for foraging, there is a pond within Haining Wood which could potentially be used by great crested newts and otter present on the Union Canal could potentially be affected by construction works if an otter holt or rest area is found. Further species surveys, and species protection plans where necessary, would be required prior to construction.

7a.43 In principle, the proposed development is considered to accord with this policy.

7a.44 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.45 The masterplan process has been informed by comprehensive surveys over the period 2004 to 2010 covering habitat and species. A total of 24 habitat types were recorded, including seven habitat priorities identified in national and local Biodiversity Action Plans. The safeguarding and enhancement of key habitats within the site are integral to the proposed development and include Haining Wood and Manual and Crounerland Burns. The loss of priority habitat is centred on hedgerows and neutral grassland, which would be compensated for by new grasslands within proposed woodland areas and new hedgerows, for example, within the proposed Enterprise Park. A breeding bird survey recorded ten species of conservation interest, some of which are priority local species. The Environmental Statement assesses there would be no significant adverse impacts on these bird species and that the proposed new woodlands would enhance existing green corridors and afford positive benefits to bird species. This is accepted. Three local priority plant species were identified, with a decrease in the population of one of these species anticipated. A site-wide Biodiversity Action Plan would be required to ensure that measures are put in place to promote and enhance biodiversity and to compensate for the loss of habitat and species as a consequence of the proposed development.

7a.46 In light of these comments, no long term adverse effects on priority habitats and species are anticipated. In principle, the proposed development therefore accords with this policy.

7a.47 Policy EQ27 - 'Watercourses' states:

*"The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:*

- (1) *There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) *Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) *There will be a general presumption against the culverting of watercourses.*

7a.48 The application site includes sections of the Crownerland and Manuel Burns. The proposed masterplan indicates a substantial undeveloped riparian corridor along these burns, which would integrate with the wider green and path networks. These corridors would be subject to suitable landscaping as part of detailed consideration. Two new road crossings of the Crownerland Burn are proposed, which would be subject to detailed design consideration. The proposed SUDS strategy indicates a series of on-site treatment facilities discharging to Manuel and Crownerland Burns. Strict controls regarding discharge rates would apply. In principle, the proposed development is considered to accord with this policy.

7a.49 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.50 The proposed development would enhance outdoor access provision by safeguarding and upgrading existing access routes and providing new access facilities. In some cases, this would involve incorporating existing routes into the new road network as foot and cycleways. New and enhanced connections are proposed, including to the Union Canal towpath, which would allow the opportunity to access the wider countryside. The existing Core Path Network would be safeguarded. Any need to temporarily disrupt an existing route during construction phases would require an appropriate diversion to be put in place. In principle, the proposed development is considered to accord with this policy.

7a.51 Policy EQ30 - 'Agricultural Land' states:

*"Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless the site is allocated for development in the Local Plan or there are overriding local or national circumstances".*

7a.52 Part of the application site consists of Class 3.1 agricultural land. However, this site is allocated for development in the Local Plan. The proposed development therefore accords with this policy.

7a.53 Policy SC1 - 'Housing Land Provision' states:

- (1) *The Local Plan aims to meet the base housing land requirement of the Falkirk Council Structure Plan in each settlement area at least until 2015, and to ensure that there is sufficient additional land to allow continuity to supply in the overall housing market area in the period beyond 2015 up to 2020. Sites contributing towards the requirement are detailed under the relevant Settlement Statements*
- (2) *Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to the preparation of a satisfactory masterplan or development framework for the area; and demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions.*

7a.54 This policy supports housing development within areas identified as Special Initiatives for Residential-Led Regeneration (SIRR's), subject to the preparation of a satisfactory masterplan and demonstration that the necessary social and physical infrastructure requirements will be met. The proposed development is a SIRR development and has been the subject of a comprehensive and high quality masterplanning process. This process has identified a wide range of infrastructure requirements to support a new settlement of the scale proposed and their delivery would be subject to conditions and a Section 75 Legal Agreement. Subject to the satisfactory completion of the Section 75 Legal Agreement, the proposed development accords with this policy.

7a.55 Policy SC4 'Special Needs and Affordable Housing' states:

*For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:*

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

*Developers will be expected to work in partnership with the Council, the Scottish Government Housing and Regeneration Directorate and Register Social Landlords to comply with this policy. The Council will apply a sequential approach to the delivery of affordable housing:*

- *On site provision;*
- *Off site provision;*
- *Commuted sum payment.*

7a.56 The proposed development provides 15% of the total number of new residential units as affordable or special needs housing, which amounts to 225 units. A phased approach to delivery is proposed, with affordable housing comprising 10% of the first 500 units and 17.5% of the further 1000 units. It is anticipated that the overall provision would include social rented, shared ownership, shared equity, discounted low cost sale and housing without subsidy. The detail of the overall provision is under consideration in preparation of the Section 75 Legal Agreement. This includes the opportunity to secure an element of social rented housing early in the initial phases. Subject to the satisfactory completion of the Section 75 Legal Agreement, the proposed development accords with this policy.

7a.57 Policy SC6 - 'Housing Density And Amenity' states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7a.58 The capacity for the Whitecross SIRR (Opportunity H.WHT1) is indicated as being 1000 to 1500 units. The application proposes up to 1500 residential units and therefore complies with the indicative capacity. The masterplan provides for mixed uses in the new Local Centre and low, medium and high density areas, which would contribute to defining local character and the structure of streets and spaces. The intention is for a mix of house types, including apartments over small retail/office units, home working units and affordable housing. Amenity considerations in respect of the provision of garden ground, ensuring adequate privacy and avoiding excessive overshadowing would be considered at the detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.59 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

*“Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 1/2010.”*

7a.60 The scale and nature of the proposed development dictates the need for a range of developer contributions towards the provision, upgrade and maintenance of infrastructure. The necessary contributions would be subject to a Section 75 Legal Agreement. They relate to increasing capacity at St Mungo's RC High School, upgrade and provision of new recreational facilities at the existing sports ground, enhancing existing bus services, and potentially to provision of the new primary school and the upgrading of Junction 4 of the M9. The required contributions are necessary to mitigate the impacts of the proposed development and are considered to satisfy the principles set out in Circular 1/2010. In addition, key infrastructure would be delivered by the applicant rather than via developer contributions, which may include provision of the new primary school and the upgrading of Junction 4 of the M8. Subject to satisfactory completion of the Section 75 Legal Agreement, the proposed development accords with this policy.

7a.61 Policy SC13 - 'Open Space And Play Provision In New Development' states:

*New development will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the SPG Note on Open Space and New Development, based on the following principles:*

- (1) Open space and facilities for play and outdoor sport should be provided based upon the quantitative, qualitative and accessibility standards, and the priorities for improvement, set out in the Open Space Strategy.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area; or*
  - the Open Space Strategy indicates that there is a sufficient amount of open space in the area and that priority should be given to qualitative improvements to existing open space.*
  - The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*
  - is accessible and otherwise fit for its designated purpose;*
  - links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - sensitively incorporates existing biodiversity and natural features within the site;*
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - enjoys good natural surveillance.*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.*

7a.62 The masterplan indicates a strategic greenspace network which includes and integrates existing woodland, new woodland and woodland meadows, public parks, green spaces and an allotment site. The size of this strategic network exceeds the baseline standard of 60 m2 per residential unit, based on a development of 1500 units, and further opportunities for open space would be considered at detailed design stage. The masterplan indicates preferred locations for neighbourhood play facilities and multi-use games areas (MUGA's) and the exact location, design and maintenance of all types of recreational facilities would be considered at the detailed planning stage. Upgrade and provision of new facilities at the existing sports ground would be subject to a financial contribution. In principle, the proposed development accords with this policy.

7a.63 Policy SC14 - 'Education And New Housing Development' states:

*'Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in the SPG Note 'Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted'.*

7a.64 Education Services has advised that the proposed development would generate a need to increase local primary school capacity and future capacity at St Mungo's RC High School. A financial contribution would be required from the applicant in respect of the latter, in accordance with the Council's Supplementary Planning Guidance for Education and New Housing Development. The masterplan proposes the construction of a new, phased, primary school and an increase in capacity at the existing primary school for an initial period. The means of delivery of a new primary school is subject to consideration in preparation of the Section 75 Legal Agreement. Subject to the satisfactory completion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.65 Policy EP1 - 'Strategic Development Opportunities' states:

*"The Council will give priority to the sites detailed in Table 5.1 as the site-specific parts of the Strategic Development Opportunities identified within Policy ECON.1 and Schedule ECON.1 of the Structure Plan. These should be developed in accordance with the principles set out in Structure Plan Policy ECON.2".*

7a.66 The former Manuel Works at Whitecross is identified under Policy ECON.1 of the approved Structure Plan as a Strategic Development Opportunity site. The proposed development therefore responds to the priority afforded to this site by Falkirk Council to drive economic regeneration in the area. In addition, the proposed development is considered to accord with the principles detailed in Policy ECON.2 of the approved Structure Plan, for the reasons detailed in paragraph 7a.4 of this report. The proposed development therefore accords with this policy.

7a.67 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.68 The application site adjoins the Union Canal for a short section. The masterplan identifies the frontage to the canal as a key public realm space where there is an opportunity for appropriate canal-side development such as a restaurant/public bar, subject to detailed site considerations. In addition, new and upgraded links to the canal path from the development site are proposed, which would provide ease of access to the proposed canal hub facility on the west side of the A801, which is subject to planning application ref: P/10/0761/PPP. The section of the canal adjoining the application site is not identified in the Council's Canal Corridor Development Framework (June 2000) as an opportunity for major canal-related development, therefore development of the type proposed accords with this framework and would not raise any canal related operational issues. The proposed development therefore accords with this policy.

7a.69 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) *The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) *The potential impact that the proposals may have upon chemical and petrochemical establishments."*

7a.70 A significant portion of the application site lies within Pipeline Consultation Zones due to the presence of three major hazard pipelines which cross the site in a north-south direction. Two of these pipelines lie on land between the existing village and the former Manuel Works site. The other pipeline lies to the east of the existing village. The proposed development would increase the number of people in the area, however the masterplan has been developed to satisfy the requirements of the Health and Safety Executive's "3 zone" land use planning methodology (PADHI). The Health and Safety Executive does not advise against granting planning permission subject to the imposition of conditions. Two of these conditions relate to imposing a 100 person limit on the number of people in "work place" type developments and in association with "outdoor uses by the public" (i.e. the proposed football pitch at Priory Road). However, imposing conditions limiting the number of people would not be enforceable. As an alternative, conditions could be imposed to ensure that 'work place' type buildings are designed to accommodate no more than the 100 person limit and to ensure that the new football pitch is managed and operated in a manner to satisfy the 100 person limit. This could include measures to restrict the use of the pitch and a booking/payment procedure to gain access to the goal posts and equipment. A lack of spectator facilities would also have a bearing on overall numbers. The proposed development therefore accords with this policy.

7a.71 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 where appropriate 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 less than 2 miles wherever practical, or not more 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.72 The masterplan includes a proposed path network plan which indicates a comprehensive and integrated framework for the provision of pedestrian and cycle infrastructure. The integration of the future housing developments with this framework would be considered at detailed planning stage. The specification of the proposed new and upgraded foot/cycleways, provision of cycle parking and walking distances to bus facilities would also be considered at the detailed planning stage. Within the wider area, pedestrian facilities would be needed on Myrehead Road to link to bus services on the A803. In principle, the proposed development is considered to accord with this policy.

7a.73 Policy ST3 - 'Bus Travel And New Development' states:

*"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.*

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) New developments may require bus links to rail stations or other public transport infrastructure."*

7a.74 The existing Whitecross village is currently served by a bus service which links to Linlithgow and Polmont railway stations via the B825. A financial contribution would be required towards enhancing this existing bus service. This would be subject to the Section 75 Legal Agreement. It is intended that the enhanced service would be routed through the new village centre. In addition, there may, in the longer term, be an opportunity to route existing A803 bus services through the new settlement, via the A801 and new access road. The provision of bus infrastructure, at appropriate locations and with appropriate links to the pedestrian and cycle network, would be considered at detailed planning stage. Subject to the satisfactory completion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.75 Policy ST4 - 'Rail Travel' states:

*New and improved rail infrastructure will be delivered where this supports the use of rail for mid to long distance commuter journeys and meets the cost/ benefit criteria for such investments. Falkirk Council will work where appropriate with other local authorities, rail companies, developers, and Transport Scotland in delivering rail projects.*

- (1) Sites for possible new stations will be safeguarded at Bonnybridge, Grangemouth and Laurieston.*
- (2) Pedestrian, cycle and bus links will be provided to existing and new stations where appropriate. Bus stops, cycle parking and disabled access at stations will be provided as required.*

- (3) *New parking will be provided to support the strategic role of existing and new stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*

7a.76 A requirement of the Local Plan for the Whitecross SIRR is the safeguarding of land for a potential future railway station. A possible site is identified in the masterplan. Actual provision would be subject to feasibility studies and integration with pedestrian, cycle and bus facilities. Within the context of Whitecross, the proposed safeguarding is considered to accord with this policy.

7a.77 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.78 The Transport Planning Unit is satisfied with the scoping of the Transport Assessment and has agreed the traffic generation rates and trip distribution. The proposed access strategy is supported, which proposes a new main access on the A801, with Myrehead Road being upgraded as a secondary access and traffic calming measures to Station Road to promote a 'Quiet Route'. In addition, the need for future upgrade works at Junction 4 of the M9 has been identified. The assessment gives appropriate consideration to walking, cycling and public transport. Upgrade of Junction 4 of the M9 and preparation of a Travel Plan Framework would be subject to the Section 75 Legal Agreement. The preparation of Safety Audits in respect of the new roundabout access on the A801 and the upgrade works to Myrehead Road would be subject to conditions of any grant of the application. Subject to the satisfactory completion of a Section 75 Legal Agreement, the proposed development accords with this policy.

7a.79 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.80 The masterplan indicates the location of eight regional treatment facilities incorporating detention ponds and basins. In line with current best practice, this is a SUDS based approach to controlling surface water run-off and has been informed by a SUDS Strategy and Drainage Assessment prepared for the application. The proposed SUDS facilities form part of the greenspace network and provide the opportunity for habitat creation and biodiversity enhancement. The detailed design of the SUDs provision, including the provision of flood attenuation measures and satisfactory maintenance arrangements, would be subject to conditions of any grant of planning permission. In principle, the proposed development is considered to accord with this policy.

7a.81 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.82 The Flood Risk Assessment Report concludes that areas along the Crownerland and Manuel Burns are predicted to flood during a 1 in 200 year event and that these areas are regarded as functional floodplain and are small in comparison to the overall site area. The report recommends that development be limited to areas outwith the functional floodplains or that compensation measures apply. Recommendations are made in relation to finished floor levels, compensatory storage, development setbacks from watercourses and the provision of overland flow paths in the case of blockages of watercourse crossings. The conclusions and recommendations of the report are accepted and would be applied and augmented by further flood related information, as appropriate, at the detailed planning stage. In principle, the proposed development is considered to accord with this policy.

7a.83 In principle, subject to the satisfactory completion of a Section 75 Legal Agreement, 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 Policies and Guidance, Falkirk Council's Supplementary Planning Guidance, the consultation responses and the representations received.

### ***National Planning Policies and Guidance***

7b.2 Designing Places (2001) is a national policy statement to promote design quality. It identifies six key qualities of successful places, being: identity; safe and pleasant spaces; ease of movement; a sense of welcome; adaptability; and good use of resources.

7b.3 Designing Streets (2010) is a national policy statement to promote quality in street design. It is based on the premise that good street design derives from creating successful places, rather than from the application of rigid standards with no appreciation of context.

7b.4 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, regeneration and the integration of employment generating opportunities with supporting infrastructure and housing development.

## **Town Centres**

- Town centres should be the focus for a mix of uses including retail and community facilities. They should have a high level of accessibility by walking, cycling and public transport and provide a high quality, inclusive and safe environment.

## **Housing**

- The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

## **Rural Development**

- Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need.

## **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.

## **Open Space and Physical Activity**

- Access to good quality open space and opportunities for sport and recreation make important contributions to a healthier Scotland. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation. New development should incorporate new and enhanced access opportunities, linked to wider access networks.

## **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.5 The proposed development is considered to be supported by national planning policy and guidance. Its aims, as detailed above, have informed the masterplanning process and are reflected in the policies of the Development Plan, which the proposed development is considered, overall, to comply with.

### ***Falkirk Council Supplementary Planning Guidance***

7b.6 The following Falkirk Council supplementary planning guidance is relevant to the proposed development:

- Housing Layout and Design;
- Design Statements;
- Education and New Housing Developments;
- Flooding and Sustainable Urban Drainage Systems;
- Biodiversity and Development;
- Trees and Development;
- Affordable Housing; and
- Sustainable Design and Construction (Draft)

7b.7 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 and the Section 75 Legal Agreement, as appropriate, and would be applied at the detailed planning stage.

### ***Consultation Responses***

7b.8 The consultation responses are summarised in Section 4 of this report.

- 7b.9 The Roads Development Unit have noted that there are conflicts between the Government's Designing Streets Policy Statement and the Council's Design Guidelines and Construction Standards for Roads. Designing Streets reflects the Government's current policy advice and has informed the masterplan process. A condition of any grant of the application would require the submission and approval of a proposed Street Hierarchy and Street Design Guide. The approved document would be applied at the detailed planning stage. The discharge rates to watercourses associated with the SUDs scheme would need to comply with the Council's guidelines unless otherwise agreed.
- 7b.10 The recommendations of SEPA in relation to flood risk, connection to the public waste water network and construction related impacts would be reflected in conditions of any grant of the application.
- 7b.11 The Environmental Protection Unit support the recommendations for further intrusive works and detailed noise and vibration assessments. The submission of further details would be secured by conditions of any grant of the application.
- 7b.12 The Transport Planning Unit have agreed a number of matters in principle, as detailed in paragraph 4.5 of this report. The detail in relation to upgrade of Junction 4 of the M9, enhancements to bus services and the Travel Plan Framework would be subject to the Section 75 Legal Agreement. A concern of the Transport Planning Unit is early delivery of the new access on the A801, as Myrehead Road in its current form is unsuitable to cope with a significant increase in traffic and construction vehicles. The timing of construction of the new access road relative to upgrading/replacement of the Myrehead Road railway bridge, as part of the overhead electrification clearance works, is also a consideration. It has been agreed with the applicant that the new access road would be completed prior to occupation of the 1<sup>st</sup> dwellinghouse.
- 7b.13 Scottish Natural Heritage have made comments in relation to species, habitat and landscape and visual impacts. In line with their recommendations, conditions of any approval of the application would require pre-construction species surveys, species protection plans where necessary, and vegetation removal outwith the breeding bird season. In addition, submission of a Japanese Knotweed Management Plan would be required.
- 7b.14 Historic Scotland have raised concerns at the proposal for housing between Almond Castle Scheduled Monument and Haining Wood. The masterplan has been amended to indicate a green link between these two important historical assets and the matter would be subject to detailed consideration. They note the reference to plans for a mooring basin on the canal. This proposal has been deleted in favour of the alternative location for a canal hub facility west of the A801, which is subject to planning application ref: P/10/0761/PPP.
- 7b.15 The Health and Safety Executive do not advise against granting the application subject to the imposition of conditions. Two of the conditions relate to limiting numbers of people which raises enforceability issues. However, alternative approaches are available, as detailed in paragraph 7a.70 of this report.
- 7b.16 Transport Scotland considers that further work is required to determine the level and nature of development at Whitecross that could proceed prior to upgrade of Junction 4 of the M9. The timing of the upgrade works would be influenced by the Gilson development. This matter is subject to the Section 75 Legal Agreement and further consultation with Transport Scotland.



- 7b.17 Architecture and Design Scotland generally support the proposed development. In response to their comments, the intended high quality of the development would be secured by the submission and approval of area based frameworks/masterplans and design codes, which would be applied at the detailed planning stage. The strategic issue of sustainable energy would be considered in an Energy Strategy. The masterplan indicates land safeguarded for a possible future railway station. The need for a continuous frontage along the employment part of the High Street is supported and would be subject to detailed consideration at area masterplan stage.
- 7b.18 Central Scotland Police have advised that the proposed development should be constructed to Secured by Design standard. The masterplan includes the application of Secured by Design principles as a core design principle.
- 7b.19 The comments of Sports Scotland are noted. Their concern to minimise disturbance to the existing sports field during construction of the development would be the subject of a condition. The proposal to develop the eastern end of the park for housing has been deleted.
- 7b.20 British Waterways have no objection to the alternative location for a canal hub facility west of the A801. Their concern that delivery of the proposed canal facilities would not be as easy to control now that they are 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.21 Education Services have advised of the need for a new primary school, a temporary increase in capacity at the existing primary school initially and a financial contribution towards increasing future capacity at St Mungo's RC High School. These matters are subject to the Section 75 Legal Agreement.
- 7b.22 West Lothian Council have raised concerns regarding the potential for pressure on Linlithgow schools and parking at the railway station. The applicant has volunteered to ensure that the sales particulars make it clear that the proposed development is served by Falkirk Council schools and sits outwith the Linlithgow Academy catchment. A financial contribution is required from the applicant to subsidise local bus services, which would potentially reduce private vehicle use and pressure on parking at and in the vicinity of Linlithgow railway station.
- 7b.23 Network Rail have advised that any requirement for widening of the Myrehead Road over-bridge could be undertaken when they construct a new raised bridge deck. At the time of writing of this report, the need for pedestrian facilities on Myrehead Road was under consideration. Network Rail recognises the potential for an increase in patronage at Linlithgow and Polmont railway stations. Proposed measures to mitigate this impact are focused on the applicant funding enhanced bus services to potentially reduce private vehicle use and pressure on station parking. The other matters raised by Network Rail would be the subject of conditions or advisory notes.
- 7b.24 NHS Forth Valley have advised that the proposed development would generate a need to improve primary care infrastructure. Space for a health clinic is proposed within the Institute of Enterprise.

- 7b.25 The Scottish Civic Trust would encourage the use of public art to reflect the past industrial use of the site and have queried the extent of consolidation works and public access to Almond Castle. The preparation of a public art strategy and a conservation strategy for Almond Castle and its setting would be the subject of conditions. The applicant has advised that provision of public access to the castle is not anticipated. The opportunity to reflect the industrial character of the site in the detailing or materials of the new buildings could be explored in the preparation of design codes.
- 7b.26 Scotways have no objection to the application. Their suggestion that the applicant apply for formal diversion of one of the existing rights of way onto a proposed path could be the subject of an advisory note.
- 7b.27 The Royal Society for the Protection of Birds have recommended the submission of a Habitat Management Plan. A Landscape and Greenspace Strategy is to be prepared which would provide a framework to consider the protection, conservation and enhancement of local habitat. The proposed greenspace network and associated strategy are considered sufficient to mitigate the impact of the proposed development and compensate for the loss of existing features.
- 7b.28 The comments in the other consultation responses as detailed in Section 4 are noted.

### ***Representations Received***

- 7b.29 The public representations are summarised in Section 6 of this report. In response to the concerns raised in these representation, the following comments are considered to be relevant.

### **Planning**

- The size of the Whitecross SIRR area was reduced as a consequence of a modification to the Finalised Draft Local Plan.
- The new Local Plan was adopted in December 2010. The Falkirk Local Plan and Polmont District Local Plan therefore no longer form part of the Development Plan.
- The application site boundaries reflect the Whitecross SIRR boundaries as defined in the adopted Local Plan.
- Scottish Planning Policy and the settlement strategy of the Falkirk Council Structure Plan do not preclude development of greenfield sites subject to consideration of a number of factors including sustainability.

### **Masterplan Layout**

- The provision of business space within the central part of the site responds to the Health and Safety constraints imposed by major hazard pipelines and promotes a sense of community by creating continuous development along the High Street between the proposed new Local Centre and the existing village.
- Architecture and Design Scotland has accepted, in broad terms, the proposed masterplan layout.

- Access by traffic to the business space would primarily be via the new access on the A801 and the new High Street. Measures would be implemented to discourage access via other roads.
- Land on the north side of the B825, within the SIRR boundaries, has subsequently been identified for housing on the masterplan.
- Any proposals for development on small land parcels not within the control of the applicant would require the agreement of the respective land owners.
- The masterplan proposals for the area between the railway line and Priory Road satisfy the Health and Safety requirements as assessed through the PADHI process.

### **Employment Land Provision**

- The scale of proposed employment land complies with the requirements of the adopted Local Plan and additional proposals are the Institute of Enterprise and home working units. The detailed layout, including site coverage and open space provision, would be considered at detailed planning stage.

### **Visual Impact/Rural Character/Landscape**

- Development to the north and south of the Crownerland Burn and to the north of Priory Road is integral to the masterplan and lies within the Whitecross SIRR boundaries.
- A substantial green corridor is proposed along the Crownerland burn, which would form part of the overall greenspace network and would be subject to landscaping and measures to provide biodiversity.
- The landscape and visual impact assessment recognises a mix of adverse and beneficial impacts as a consequence of the proposed development. The proposed green space network would help compensate for adverse impacts.
- The masterplan indicates the retention of existing woodland adjoining Manuel station and landscape safeguards. The setting of Manuel Station would be considered in detail at detailed planning stage.

### **Residential Amenity/Nuisance**

- Baseline noise level monitoring would be carried out as part of the Construction Environmental Management Plan.
- Specific privacy and amenity impacts would be assessed at detailed planning stage.
- Planting of the proposed green space adjoining Haining Valley would be required during the initial phases of the new housing area adjoining to the north.
- An increase in noise and external light is inevitable in association with a development of the size proposed. This must be balanced against the overall benefits.

- The Environmental Protection Unit has accepted that there are unlikely to be any significant air quality impacts.
- Construction would be phased over a long period of time and impacts would be subject to a Construction Environmental Management Plan and industry standards and best practice.
- Effective management and maintenance arrangements would be required for the proposed SUDS ponds.

## **Design**

- The Whitecross SIRR development involves the creation of a new settlement. In accordance with good urban design, this includes promoting sustainability through a range of densities and creating new character areas, key public realm areas and landmark features.
- The specific details regarding building design, height, massing and external finishes would be considered at detailed planning stage and in the preparation of design codes.

## **Natural Environment/Biodiversity**

- The proposed green space network would adequately mitigate and compensate for the loss of existing natural features.
- A riparian corridor would be retained along the Crownerland Burn and detailed biodiversity proposals for this area would be informed by the proposed landscape and greenspace strategy.
- Detailed assessments concluded that there is no permanent standing water on the site. The proposed SUDS ponds would provide the opportunity for biodiversity enhancement.

## **Traffic Impact/Road Safety**

- The traffic accidents reports used by the applicant represented the most recently available information at that time.
- The traffic surveys were undertaken on weekdays when peak traffic flow occurs.
- The access strategy is based on the provision of a new access road off the A801. It is anticipated that this road would accommodate significant traffic volumes, whilst Myrehead Road would become a secondary access and other roads would retain their minor status.
- The applicant is committed to delivering the new access to the A801 during the initial phase and has advised that agreement has been reached with the key landowners.
- Network Rail has a programme in place to upgrade/replace the existing railway bridge over Myrehead Road. In accordance with the agreed phasing, the new access on the A801 would be in place as part of the first housing phase and would provide the main access to the new settlement.

- Access to the area north of Priory Road could be from both the existing village road network and a new road to the west. It is anticipated that the new road connection would provide the main route to the new housing.
- An extension of the 30mph speed limit along Vellore Road could be considered at detailed planning stage.
- It is considered that the majority of traffic would exit the M9 at Junction 4 and enter the village via the new roundabout on the A801 rather than exiting at the Linlithgow junction and travelling through Linlithgow town centre.
- Routing controls in association with construction activity would be considered at detailed planning stage.

### **Sustainable Transport**

- A Proposed Path Network Plan has been submitted which addresses previous inaccuracies.
- The access strategy is based on providing a new access road on the A801 to accommodate the majority of vehicular traffic generated by the expanding settlement. This road is proposed as part of the initial development phase.
- Traffic calming of Station Road is proposed and the specific measures would be subject to community consultation. In addition, measures to promote Station Road as a shared surface for use by pedestrians, cyclists and motorists are being explored.
- The canal towpath is under the control of British Waterways and they have their own programme for upgrading and enhancement.
- The Union Canal provides an off-road link to Polmont and Linlithgow and new and upgraded connections from the new development to the canal are proposed. These routes would provide an alternative to use of Vellore Road
- All proposals for road and path closures and diversions during the construction phases would be considered at detailed planning stage, in consultation with the Council's Access Officer.

### **Surface Water Drainage/Flooding**

- The proposed surface water drainage strategy is based on the principles of Sustainable Urban Drainage Systems (SUDS) and a series of regional treatment facilities. The design would be considered at detailed planning stage which would include establishing suitable discharge rates to Manuel and Crownerland Burns.

### **Infrastructure**

- The existing waste water treatment facility would need to be upgraded as a consequence of the proposed development.

- Some disruption is inevitable as essential infrastructure is upgraded.

### **Impact on Existing Uses**

- The applicant has advised that they have been working with local business tenants and occupiers to secure continued use within the phasing and alternative site for relocation where possible.
- The exact location of cycle paths and impacts on existing uses would be considered at detailed planning stage.

### **Rural Land**

- Class 3.1 agricultural land lies within the Whitecross SIRR area. Its loss is acceptable given that the SIRR is a strategic development opportunity to regenerate the area.

### **Land Contamination**

- Intensive surveys and appropriate remediation, where necessary, would be required to address contaminated land issues, including mining.

### **Viability/Need**

- The proposed development provides an opportunity to regenerate the Whitecross area as promoted by the Whitecross SIRR. The applicant has advised that land acquisition and land agreements have been advanced and that they are seeking to ensure the sharing of the necessary infrastructure between the major land owners.

### **Consultation**

- A Pre-application Consultation Report has been submitted with the application which details the consultation process dating from 2003. It indicates that approximately 150 people attended the community events in February 2010.
- Callendar Estates is the major land owner other than the applicant and the applicant has advised that both parties have been working to ensure that existing agricultural tenant arrangements would be advanced in line with the proposed phasing to ensure delivery of the masterplan.

## **7c Conclusion**

- 7c.1 The proposed development represents a significant opportunity to regenerate an area identified in the approved Structure Plan as a strategic development site for residential led regeneration (Whitecross Special Initiative for Residential Led Regeneration (SIRR)). Overall, the proposed development is considered to accord with the Development Plan and Scottish Planning Policy and has been subject to a high quality and comprehensive masterplanning process and a suite of tools such as area based frameworks/masterplans, design codes, strategies and action and management plans are proposed to achieve design quality and mitigate and compensate for environmental impacts. The concerns raised in consultation responses have, on the whole, been satisfactorily addressed in the masterplanning process. Detailed comments have been provided in the report in response to the concerns raised in public representations.
- 7c.2 Accordingly, it is recommended that the Committee indicate that it is minded to grant the application, subject to the satisfactory completion of a Section 75 Legal Agreement in respect of the matters referred to in the detailed terms of the recommendation. It is possible that the obligations to be placed on the application may be more conveniently dealt with in terms of separate Section 75 Agreements. Additionally there are certain obligations identified within the report (either planning conditions or Section 75 obligation) which may, after detailed discussions, be more appropriately dealt with by being moved between the two. Delegation is sought for the Director of Development Services to deal with these matters.
- 7c.3 In the unlikely event that Transport Scotland recommend refusal of the application in relation to the M9 junction 4 issues not being resolved to their satisfaction, the application would need to be referred to Scottish Ministers, and only if the issue is satisfactorily resolved could the application be granted planning permission.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Committee indicate that it is minded to grant planning permission in principle subject to:-
- (a) Referral of the application to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal;
  - (b) The satisfactory completion of an Agreement, or Agreements, within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
    - (i) The provision of a new primary school;
    - (v) The provision, initially, of temporary accommodation at the existing Whitecross Primary School;
    - (vi) The payment of a financial contribution towards increasing the future capacity of St Mungo's RC High School, at a rate of £650 per dwellinghouse and £450 per flat;
    - (vii) The upgrading of Junction 4 of the M9;
    - (v) The payment of a financial contribution to fund enhancements to existing bus services and possible new services for a specified time period;
    - (vi) The preparation of a Travel Plan Framework;

- (vii) The provision of affordable and special needs housing;
  - (xiii) The payment of a financial contribution towards the upgrade of, and provision of new recreational facilities at, the existing sports ground;
  - (xiv) The provision of a new sports pitch;
  - (xv) The upgrading of Myrehead Road;
  - (xvi) The provision of traffic management and calming measures on Station Road;
  - (xvii) The undertaking of street enhancement measures at the existing Whitecross village junction; and
  - (xiii) The details, as appropriate, of the exact location, specification, timing/phasing of provision and means of delivery in respect of the above matters or the details, as appropriate, of the means by which to determine the exact location, specification, timing/phasing and means of delivery in respect of the above matters;
- (c) And thereafter, on the conclusion of the foregoing matters, which shall include a delegation to the Director of Development Services to exercise a judgement in respect of the matters referred to in section 7c.2, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-

*Standard 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 and external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of the landscaping of the site.
- (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 10 years from the date of the grant of the permission; or
  - (b) The expiration of 6 months from the date on which an earlier application for the requisite 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 by virtue of sub-paragraphs (b) and (c) after the expiration of the 10 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.

*Approval of Further Details*

- (4) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase B that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (5) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase C that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
- (a) A Final Construction Environmental Management Plan (CEMP);
  - (b) A Badger Protection and Mitigation Plan;
  - (c) A Street Hierarchy and Street Design Guide; and
  - (d) Stage 2 Road Safety Audits for the proposed roundabout access on the A801 and the proposed improvements to the Myrehead Road/A803 junction.
- (7) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use), the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
- (a) A Landscape and Greenspace Strategy, incorporating an Environmental Management Plan, a Biodiversity Action Plan and an Accessibility and Path Network Management Strategy;
  - (b) A Public Art Strategy; and
  - (c) A Management Plan for Haining Wood.

- (8) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use) within Phase A1 of the proposed development, a Conservation Plan, to consolidate and safeguard Almond Castle, shall be submitted to and approved in writing by this Planning Authority, in consultation with Historic Scotland;
- (9) Within one month of opening of the new roundabout access on the A801, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
- (10) Within one month of opening of the upgraded Myrehead Road/A803 junction, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
- (11) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) The details required to be produced prior to construction as set out in the approved CEMP;
  - (b) An Area Based Framework/Masterplan and Design Codes, which accord with the Masterplan 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;
  - (c) The proposed streets standards and construction details, which accord with the approved Street Hierarchy and Street Design Guide;
  - (d) Detailed proposals for embedding sustainable energy use into the new development through, for example, site and building design and the utilisation of renewable energy sources;
  - (e) A Contaminated Land Assessment;
  - (f) A Noise/Vibration Assessment;
  - (g) A proposed scheme to connect to the public wastewater network;
  - (h) Detailed proposals for surface water drainage, including calculations, which accord with the SUDS Strategy and Drainage Assessment, dated March 2010;
  - (i) A Flood Risk Statement/Assessment;
  - (j) Updated otter, great crested newt, bat and badger surveys and protection plans;
  - (k) A proposed scheme of archaeological investigation (including a timetable), where the application site is partly or wholly outwith the footprint of the former Manuel Works;
  - (l) The location of all proposed play spaces, public parks, sports areas and natural/semi-natural greenspaces having regard to the Council's Open Space Strategy, which recommends the following maximum distance thresholds: 400 metres to a play space or public park, 800 metres to a sports area and 1200 metres to a natural/semi-natural greenspace;
  - (m) The exact details of all proposed play facilities, including the type of play equipment, seating, fences, walls, litter bins and surface finishes;

- (n) A detailed specification, including drainage, for the proposed new and upgraded sports pitches;
- (o) A detailed scheme of proposed soft landscaping works, which accords with the approved Landscape and Greenspace Strategy. The scheme shall include: an indication of existing trees and hedges to be retained and those proposed to be removed (accompanied by a tree survey); 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;
- (p) A detailed scheme of proposed works to promote, enhance and add to biodiversity, which accords with the approved Landscape and Greenspace Strategy;
- (q) A Japanese Knotweed Management Plan;
- (r) A detailed scheme of proposed hard landscaping works. The scheme shall include: the specification and colour of all proposed surface materials; the location and design of all other proposed artefacts and structures e.g. street furniture, street lighting, sub-stations and fences, walls and gates; and proposals for public artwork, which accord with the approved Public Art Strategy;
- (s) The proposed specification for all new foot/cycleways and upgrades to existing foot/cycleways within the application site, including connections at the site boundaries to the wider path network;
- (t) The exact details of the location and design of all proposed waste management facilities, having regard to the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (u) The details of the proposed location and specification of bus related infrastructure e.g. bus stops and shelters;
- (v) The details of proposed vehicle and cycle parking provision; and
- (w) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).

*Compliance with Approved Details*

- (12) The Management Plan for Haining Wood shall be implemented in accordance with the details approved under Condition 7 prior to the occupation of the first residential unit or 18 months of the commencement of the proposed development, whichever is the earliest.
- (13) The consolidation works to Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 100<sup>th</sup> residential unit.
- (14) The landscape works around Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 250<sup>th</sup> residential unit.
- (15) The proposed development shall be carried out in accordance with the details approved under Condition 11 and in accordance with timescales (where relevant) approved in writing by this Planning Authority.

- (16) The proposed development shall be carried out in accordance with the approved CEMP.

*Delivery of Infrastructure (Phase A)*

- (17) Prior to either occupation of the first residential unit or within 18 months of commencement of the proposed development, whichever is the earliest:
- (a) the new A801 access shall be opened for use and, at the same time, signage shall be erected in accordance with details approved in writing by this Planning Authority, to discourage the use of other local roads by construction traffic; and
  - (b) the public car-park and new foot/cycleway connection to the Union Canal at the western end of the site, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (18) Prior to completion of the 250<sup>th</sup> residential unit:
- (a) A serviced site for an anchor store at the Local Centre shall be provided;
  - (b) Phase A1 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (c) The Haining Wood path network, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (19) Prior to completion of the 350<sup>th</sup> residential unit:
- (a) Phase A2 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (b) The Steins Park Neighbourhood and Equipped Area for Play (NEAP), as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority.
- (20) Prior to completion of the 500<sup>th</sup> residential unit:
- (a) At least 2 of the proposed smaller retail units within the Local Centre shall be fully completed;
  - (b) Phase 1 of the Institute of Enterprise, consisting of at least 20,000 sq ft, and including a community hall, community meeting space, space for a health clinic and multi-functional space for community activities, shall be fully completed in accordance with details approved in writing by this Planning Authority;
  - (c) Phase A3 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;

- (d) The public realm works to the new High Street and Local Centre shall be fully completed in accordance with details approved in writing by this Planning Authority; and
  - (e) Vellore Road shall be upgraded in accordance with details approved in writing by this Planning Authority;
- (21) Prior to either completion of the 50<sup>th</sup> residential unit within phase A4 (Haining Valley), as indicated on Masterplan PPP/D5, or completion of this phase if it has less than 50 units, the path network and new woodland planting/habitat creation within this phase shall be fully completed in accordance with details approved in writing by this Planning Authority;
- (22) Prior to completion of the last residential unit within phase A1 (Canal Place), as indicated on Masterplan PPP/D5, the public realm works within this phase shall be fully completed in accordance with details approved in writing by this Planning Authority;

*Delivery of Infrastructure (Phase B)*

- (23) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority;

*Delivery of Infrastructure (Phase C)*

- (24) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority;

*Flooding/Surface Water*

- (25) Unless otherwise agreed in writing by this Planning Authority, in consultation with SEPA, the finished floor levels of all new buildings shall accord with the levels specified in Figure 7 of the Flood Risk Assessment, dated March 2010, and compensatory storage shall be provided in accordance with that set out in this assessment;
- (26) Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectares unless otherwise agreed in writing by the Planning Authority.

*Network Rail*

- (27) 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 be sited at least 10 metres from railway infrastructure;

- (28) Where trees/shrubs are to be planted adjacent to the railway boundary, they shall be positioned a minimum distance from the boundary which is greater than their predicted mature height.

#### *Natural Heritage*

- (29) Where the proposed development has not commenced within 12 months of the last survey of the site for otter, great crested newt, bat or badger survey, a further walk-over survey(s) shall be undertaken and the results of the survey(s) and any necessary species protection plan shall be submitted for the written approval of this Planning Authority.
- (30) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds.

#### *Cultural Heritage*

- (31) During the undertaking of any scheme of archaeological investigation approved under Condition 12(k), access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the date of commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to development commencing.

#### *Recreational Facilities*

- (32) The existing sports pitch shall not, at any time, be used for the storage of construction related materials and equipment, unless the material and equipment are directly related to the proposed upgrade of this pitch.

#### *Health and Safety*

- (33) No more than 10% of each application site area associated with residential development shall fall within the PADHI middle consultation zone.
- (34) The proposed new primary school shall be located entirely outwith the PADHI consultation zones.
- (35) Those parts of the proposed development involving 'indoor use by the public' shall have a total floor space of less than 5000m<sup>2</sup>.
- (36) The exact design details for all proposed 'work place' type developments shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons within each building and for each building to comprise less than three occupied storeys.

- (37) The arrangements for the management and operation of the proposed football pitch on Priory Road shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons in association with 'outdoor uses by the public'.

#### *Roads*

- (38) The proposed roundabout on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.

#### **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.
- (4-11) To enable the respective matters to be considered in detail at the appropriate time following grant of Planning Permission in Principle.
- (12-16) To ensure that the development is carried out in accordance with the approved details and appropriate timescales.
- (17-24) To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- (25-26) To mitigate the potential for flood risk to an acceptable level.
- (27-28) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (29-30) To mitigate the potential impacts on protected species and other species of conservation interest.
- (31) To ensure that any archaeological remains are safeguarded.
- (32) To safeguard the availability of the use of the existing sports pitch.
- (33-37) To ensure that risks to health and safety arising from the proximity of major hazard pipelines are mitigated to an acceptable level.
- (38) To safeguard the interests of the users of the highway.

#### **Informative(s):-**

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

### *SEPA*

- (2) SEPA has a presumption against culverting as set out in their Position Statement on the Culverting of Watercourses.
- (3) SEPA note the proposal to treat surface water from highways and industrial areas by filter drains prior to connection to the regional treatment features. Their preference would be for swales to be utilised in place of the filter drains due to their more robust nature. Where possible, the use of swales to convey water around the site in place of pipes should be considered.
- (4) SEPA would encourage the use of green roofs to manage surface water, especially in industrial areas.
- (5) SEPA advise that CIRIA C648 should be referred to in relation to tendering. Contracts should specify exact requirements for water pollution prevention in order to encourage high standards and to allow for like for like tender evaluation.
- (6) SEPA provides a series of Pollution Prevention Guidelines (PPG's). The principles of any relevant PPG's should be incorporated into any method statement requested. Particular attention should be given to the Construction PPG's.
- (7) SEPA advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme.

### *Sportscotland*

- (8) Sportscotland recommend that the new primary school playing field be designed in accordance with their guidance 'School Playfields, Planning and Design Guidance' and 'Design Guidance for Secondary School Sports facilities'.

### *The Scottish Rights of Way and Access Society (Scotways)*

- (9) Scotways note that the northern half of CF25 appears to follow a new primary route and that a proposed foot/cycle path runs parallel and to the east of the primary route. They suggest that the applicant apply for a formal diversion of the right of way onto the proposed path.
- (10) Scotways request that they be informed of any right of way closures or diversions, including the dates they will be in place.
- (11) Scotways request the applicant to either retain the right of way signs within the development site so they can be reinstated or return them to Scotways for reuse.

### *Network Rail*

- (12) Network Rail has advised that its existing boundary measures must not be removed without prior permission.



- (13) Network Rail has advised that buildings should be situated at least 2 metres from the Network Rail boundary.
- (14) Network Rail has advised that any proposal for noise or vibration sensation uses adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant to adequately protect the proposed end uses.
- (15) Network Rail has advised that any lighting associated with the proposed development (including vehicle lights) must not interfere with the lighting of signalling apparatus and/or train drivers' vision of approaching trains.

*The Coal Authority*

- (16) The Coal Authority has advised that existing remnant coal should be removed wherever possible. This would enable the land to be stabilised and treated rather than the less sustainable option of grout filling any voids.

*Central Scotland Fire*

- (17) Central Scotland Fire has requested that they be notified immediately upon the discovery/identification of any contaminant such as asbestos and that contact details with an on or off-site responsible person be put in place should out of hours access or advice be necessary to allow the Fire Service to carry out its duties safely. The Fire Service point of contact is Tom Penman, Station Manager at Bo'ness Fire Station (tel. 01506 822872) or Service Headquarters out of hours (tel. 01324 716996).

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**Director of Development Services**

**Date:** 13 April 2011

**LIST OF BACKGROUND PAPERS**

- 1. Approved Falkirk Council Structure Plan.
- 2. Adopted Falkirk Council Local Plan.
- 3. Scottish National Policy Statement : Designing Places (2001).
- 4. Scottish National Planning Statement : Designing Streets (2010).
- 5. Scottish Planning Policy (2010).
- 6. Falkirk Council Supplementary Planning Guidance.
- 7. Letter of Representation received from Dave Du Feu, Spokes, c/o Greenpark Cottages, Edinburgh Road, Linlithgow on 4 May 2010.

8. Letter of Objection received from Mr Jim Bailey, 4 Haining Valley Steading, Linlithgow, EH49 6LN on 22 April 2010.
9. Letter of Objection received from Archial Architects, FAO Cameron Walker, 18 Rothesay Place, Edinburgh, EH3 7SQ on 18 May 2010.
10. Letter of Objection received from Mr Andrew Turner, Crownerland Farm, Linlithgow, EH49 6LN on 21 April 2010.
11. Letter of Objection received from Mr Alastair Morrison, Linlithgow Cycling Action Group, 123 Preston Road, Linlithgow, EH49 6HZ on 1 May 2010.
12. Letter of Objection received from Mr Ian Evan Cook, 10 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 24 April 2010.
13. Letter of Representation received from Victoria Crowe, 2 Fairview Cottages, Linlithgow, EH49 6LN on 30 April 2010.
14. Letter of Objection received from I & E Evan Cook, 10 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR.
15. Letter of Objection received from Mrs Adeline Kay, 1 Priory Place, Priory Road, Whitecross, Linlithgow on 27 April 2010.
16. Letter of Objection received from Graham and Sandra McGregor, Stanehadden, Linlithgow, EH49 6LQ on 27 April 2010.
17. Letter of Objection received from James and Margaret Henderson, 7 Priory Road, Whitecross, Linlithgow, EH49 6LD on 28 April 2010.
18. Letter of Objection received from Hendersons, Chartered Surveyors, East Netherton, Milnathort, Kinross on 12 April 2010.
19. Letter of Objection received from Finance Manager, David Wren, CBP, Whitecross Industry Park, Whitecross, Nr Linlithgow, EH49 6HL on 6 May 2010.
20. Letter of Objection received from Brian and Mandy Lang, 17 Priory Road, Whitecross, Linlithgow, EH49 6LD on 28 April 2010.
21. Letter of Objection received from Valerie Donaldson, 4 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 20 April 2010.
22. Letter of Objection received from Valerie Donaldson, 8 Burnside Gardens, Whitecross, Linlithgow, EH49 6LR on 21 April 2010.
23. Letter of Objection received from Val Donaldson on 21 April 2010.
24. Letter of Objection received from Ms Lara Bayley, 5 Preston Road, Linlithgow, EH49 7AX on 19 May 2010.
25. Letter of Objection received from Mr Brian Kerr, Crownerland Farm, by Whitecross, Linlithgow, EH47 6LN on 17 August 2010.
26. Letter of Objection received from Ms Lara Bayley, Crownerland, Muiravonside, Linlithgow, EH49 6LN on 17 August 2010.

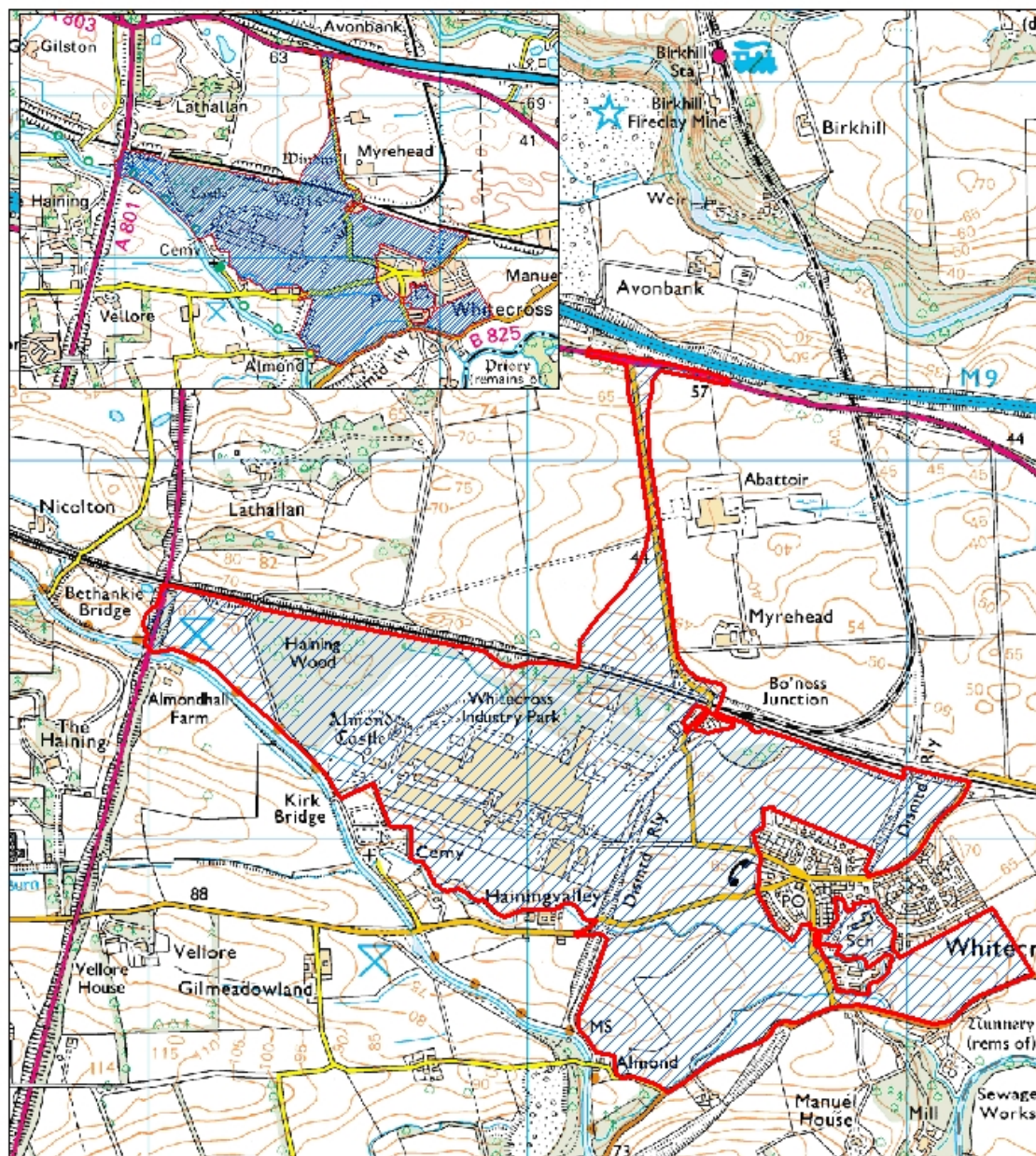
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

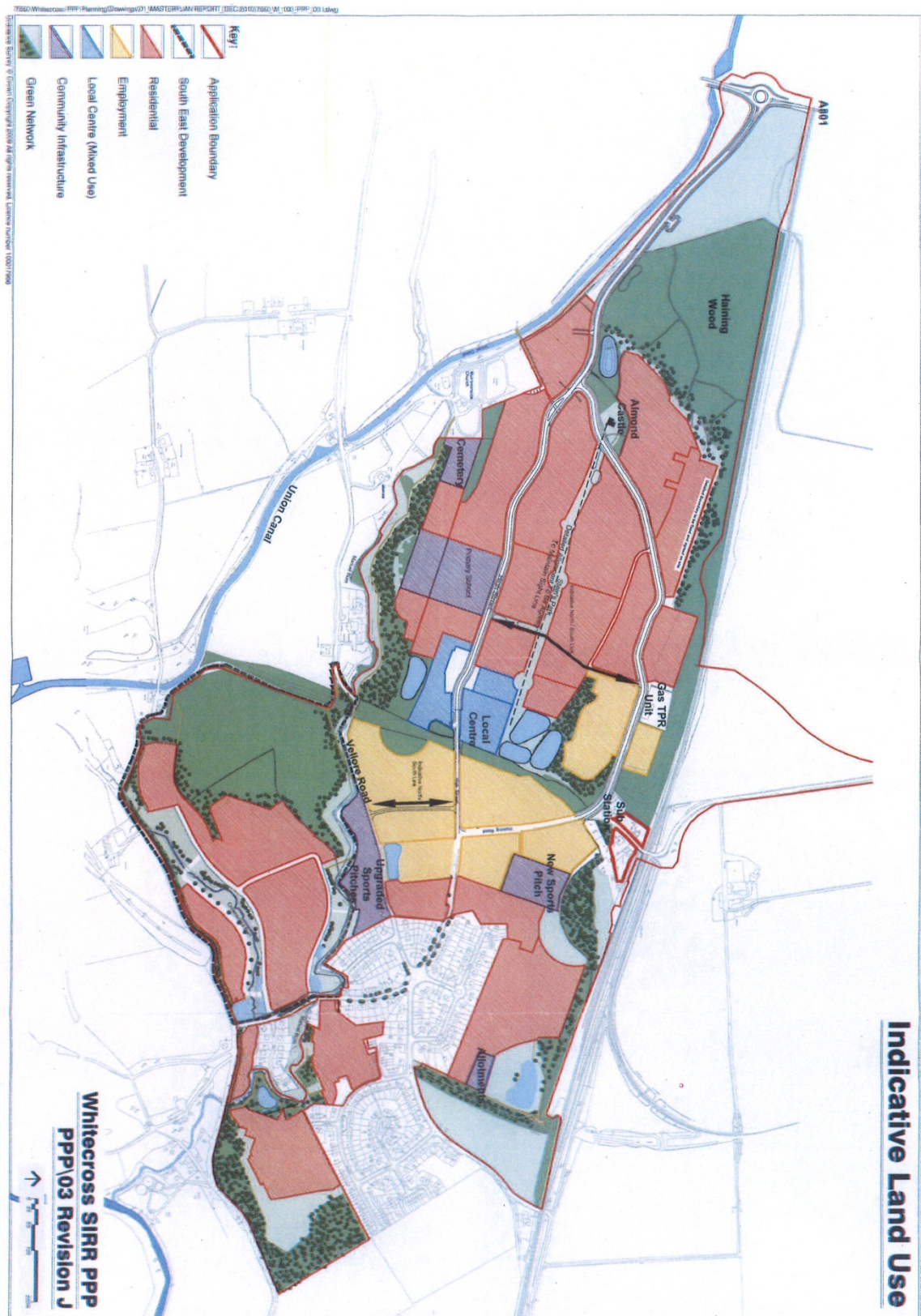
**P/10/0188/PPP**

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



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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:
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of the landscaping of the site.
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 10 years from the date of the grant of the permission; or
  - (b) the expiration of 6 months from the date on which an earlier application for the requisite 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 by virtue of sub-paragraphs (b) and (c) after the expiration of the 10 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.

#### Approval of Further Details

4. Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, as indicated on Masterplan drawing PPP/08, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase B that will be subject to Area Based Frameworks/Masterplans and Design Codes.
5. Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, as indicated on Masterplan drawing PPP/09, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase C that will be subject to Area Based Frameworks/Masterplans and Design Codes.
6. Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) A Final Construction Environmental Management Plan (CEMP);
  - (b) A Badger Protection and Mitigation Plan;
  - (c) A Street Hierarchy and Street Design Guide; and
  - (d) A Stage 2 Road Safety Audit for the proposed roundabout access on the A801.

7. Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use), the following site-wide details shall be submitted to and approved in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) A Landscape and Greenspace Strategy;
  - (b) A Public Art Strategy; and
  - (c) A Management Plan for Haining Wood.
8. Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use) within Phase A1 of the proposed development, as indicated on Masterplan drawing PPP/D5, a Conservation Plan, to consolidate and safeguard Almond Castle, shall be submitted to and approved in writing by this Planning Authority, in consultation with Historic Scotland.
9. Within one month of opening of the new roundabout access on the A801, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
10. Within one month of opening of the upgraded Myrehead Road/A803 junction, a Stage 3 Road Safety Audit shall be submitted to this Planning Authority for written approval.
11. Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority, in consultation with the relevant consultees:-
  - (a) The details required to be produced prior to construction as set out in the approved CEMP;
  - (b) An Area Based Framework/Masterplan and Design Code(s), which have been prepared having regard to: Whitecross Masterplan Report PPP/13, dated May 2013 and incorporating Masterplan drawings PPP/01 to 10 and PPP/D1 to D5; any subsequent updated version of Whitecross Masterplan Report PPP/13; and the site-wide details approved under Conditions 6 and 7 of this permission;
  - (c) The proposed streets standards and construction details, which accord with the approved Street Hierarchy and Street Design Guide;
  - (d) Detailed proposals for embedding sustainable energy use into the new development through, for example, site and building design and the utilisation of renewable energy sources;
  - (e) A Contaminated Land Assessment;
  - (f) A Noise/Vibration Assessment;
  - (g) A proposed scheme to connect to the public wastewater network;
  - (h) Detailed proposals for surface water drainage, including calculations, which accord with the SUDS Strategy and Drainage Assessment, dated March 2010;
  - (i) A Flood Risk Statement/Assessment;
  - (j) Updated otter, great crested newt, bat and badger surveys and protection plans;
  - (k) A proposed scheme of archaeological investigation (including a timetable), where the application site is partly or wholly outwith the footprint of the former Manuel Works;
  - (l) The location of all proposed play spaces, public parks, sports areas and natural/semi-natural greenspaces;
  - (m) The exact details of all proposed play facilities, including the type of play equipment, seating, fences, walls, litter bins and surface finishes;
  - (n) A detailed specification, including drainage, for the proposed new and upgraded sports pitches;
  - (o) A detailed scheme of proposed soft landscaping works, which accords with the approved Landscape and Greenspace Strategy. The scheme shall include: an indication of existing trees and hedges to be retained and those proposed to be removed (accompanied by a tree survey); 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;
  - (p) A detailed scheme of proposed works to promote, enhance and add to biodiversity, which accords with the approved Landscape and Greenspace Strategy;
  - (q) A Japanese Knotweed Management Plan;

- (r) A detailed scheme of proposed hard landscaping works. The scheme shall include: the specification and colour of all proposed surface materials; the location and design of all other proposed artefacts and structures e.g. street furniture, street lighting, sub-stations and fences, walls and gates; and proposals for public artwork, which accord with the approved Public Art Strategy;
- (s) The proposed specification for all new foot/cycleways and upgrades to existing foot/cycleways within the application site, including connections at the site boundaries to the wider path network;
- (t) The exact details of the location and design of all proposed waste management facilities, having regard to the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (u) The details of the proposed location and specification of bus related infrastructure e.g. bus stops and shelters;
- (v) The details of proposed vehicle and cycle parking provision;
- (w) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant); and
- (x) A detailed scheme for the provision of affordable housing and special needs housing which complies with Falkirk Council's Supplementary Planning Guidance Note for Affordable Housing, unless otherwise agreed in writing by this Planning Authority.

#### Compliance with Approved Details

- 12. The Management Plan for Haining Wood shall be implemented in accordance with the details approved under Condition 7 prior to the occupation of the first residential unit or 18 months of the commencement of the proposed development, whichever is the earliest.
- 13. The consolidation works to Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 100th residential unit.
- 14. The landscape works around Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 250th residential unit.
- 15. The proposed development shall be carried out in accordance with the details approved under Condition 11 and in accordance with timescales (where relevant) approved in writing by this Planning Authority.
- 16. The proposed development shall be carried out in accordance with the approved CEMP.

#### Delivery of Infrastructure

- 17. Prior to either occupation of the first residential unit or within 18 months of commencement of the proposed development, whichever is the earliest:
  - (a) The new A801 access shall be opened for use and, at the same time, signage shall be erected in accordance with details approved in writing by this Planning Authority, to discourage the use of other local roads by construction traffic; and
  - (b) The public car-park and new foot/cycleway connection to the Union Canal at the western end of the site, as indicated on Masterplan drawing PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority.
- 18. Prior to completion of the 250th residential unit:
  - (a) A serviced site for an anchor store at the Local Centre shall be provided;
  - (b) Phase A1 of Steins Park, as indicated on Masterplan drawing PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority; and
  - (c) The Haining Wood Path Network, as indicated on Masterplan drawing PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority.

19. Prior to completion of the 350th residential unit:
    - (a) Phase A2 of Steins Park, as indicated on Masterplan drawing PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority; and
    - (b) The Steins Park Neighbourhood and Equipped Area for Play (NEAP), as indicated on Masterplan drawing PPP/10, shall be fully completed in accordance with details approved in writing by this Planning Authority.
  20. Prior to completion of the 500th residential unit:
    - (a) At least 2 of the proposed smaller retail units within the Local Centre shall be fully completed;
    - (b) Phase 1 of the Institute of Enterprise, consisting of at least 20,000 sq ft, and including a community hall, community meeting space, space for a health clinic and multi-functional space for community activities, shall be fully completed in accordance with details approved in writing by this Planning Authority;
    - (c) Phase VI of Steins Park, as indicated on Masterplan drawing PPP/D5, shall be fully completed in accordance with details approved in writing by this Planning Authority;
    - (d) The public realm works to the new High Street and Local Centre shall be fully completed in accordance with details approved in writing by this Planning Authority; and
    - (e) Vellore Road shall be upgraded in general accordance with Ironsides Farrar drawing 7559-552 Revision B and in accordance with exact details to be submitted to and approved in writing by this Planning Authority.
  21. Prior to either completion of the 50th residential unit within Phase A5 (Haining Valley), as indicated on Masterplan drawing PPP/D5, or completion of this phase if it has less than 50 units, the path network and new woodland planting/habitat creation within this phase shall be fully completed in accordance with details approved in writing by this Planning Authority.
  22. Prior to completion of the last residential unit within Phase A1 (Canal Place), as indicated on Masterplan drawing PPP/D5, the public realm works within this phase shall be fully completed in accordance with details to be approved in writing by this Planning Authority as part of the Area Based Framework/ Masterplan and Design Code for Phase A1 (Canal Place).
  23. Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, as indicated on Masterplan drawing PPP/08, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority.
  24. Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, as indicated on Masterplan drawing PPP/09, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by this Planning Authority.
  25. Prior to occupation of the 1200th residential unit, the proposed new sports pitch, as indicated on Masterplan drawing PPP/10, shall be fully completed in accordance with details submitted to and approved in writing by the Planning Authority.
- Flooding/Surface Water
26. Unless otherwise agreed in writing by this Planning Authority, in consultation with SEPA, the finished floor levels of all new buildings shall accord with the levels specified in Figure 7 of the Flood Risk Assessment, dated March 2010, and compensatory storage shall be provided in accordance with that set out in this assessment;
  27. Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectares unless otherwise agreed in writing by this Planning Authority.



#### Network Rail

28. 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 be sited at least 10 metres from railway infrastructure.
29. Where trees/shrubs are to be planted adjacent to the railway boundary, they shall be positioned a minimum distance from the boundary which is greater than their predicted mature height.

#### Natural Heritage

30. Where the proposed development has not commenced within 12 months of the last survey of the site for otter, great crested newt, bat or badger survey, a further walk-over survey(s) shall be undertaken and the results of the survey(s) and any necessary species protection plan shall be submitted for the written approval of this Planning Authority.
31. Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds.

#### Cultural Heritage

32. During the undertaking of any scheme of archaeological investigation approved under Condition 11(k), access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the date of commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to development commencing.

#### Recreational Facilities

33. The existing sports pitch shall not, at any time, be used for the storage of construction related materials and equipment, unless the material and equipment are directly related to the proposed upgrade of this pitch.

#### Health and Safety

34. Less than 10% of the total residential development site area, as identified in this application in principle for the proposed Whitecross SIRR Masterplan, shall fall within the PADHI middle consultation zone boundary. If the proportion of the total residential development site area within the middle zone boundary associated with any subsequent application for approval of Matters Specified in Conditions exceeds 10%, the residential development layout proposed in those applications must not exceed 150 dwellings, and the proportion of the total residential development site area within the middle zone boundary, when aggregated from all associated applications, must be less than 10%.
35. The proposed new primary school shall be located entirely outwith the PADHI consultation zones.
36. Those parts of the proposed development involving 'indoor use by the public', within the PADHI consultation distance boundary, shall have a total floor space of less than 5000m<sup>2</sup>.
37. The exact design details for all proposed 'work place' type developments shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons within each building and for each building to comprise less than three occupied storeys.
38. The arrangements for the management and operation of the proposed sports pitch on Priors Road shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons in association with 'outdoor uses by the public'.

Roads / Transport Scotland

39. The proposed roundabout on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.
40. Unless otherwise agreed in writing by this Planning Authority, in consultation with Transport Scotland TRBO, the permitted land uses classes shall not exceed the following limits:
- |                                |                          |
|--------------------------------|--------------------------|
| Class 4 Business Park          | 36,280 square metres GFA |
| Class 5 Industrial             | 4,800 square metres GFA  |
| Class 6 Storage & distribution | 3,270 square metres GFA  |
| Class 9 Residential            | 1,500 Units              |
41. Until such time as modifications to M9 Junction 4, generally as illustrated on DBA drawing 04087(SK)23 as contained in Appendix F of the Phil Jones Associates Transport Assessment dated March 2010 and incorporating all works identified as Phase 1, 2, 3 and 4 have been completed to the satisfaction of the Planning Authority, in consultation with Transport Scotland TRBO, the development hereby permitted shall not exceed either:
- (i) 525 Residential Units (Class 9); or
  - (ii) Any combination of Residential (Class 9) and Class 4, 5, and 6 land uses, that would generate an equivalent level of peak hour traffic as (i).
42. In the event that development permitted under the terms of Planning Permission P/07/0803/OUT (Gilston) has not progressed sufficiently to have triggered the requirements for implementing the Phase 1 Works at M9 Junction 4, then the threshold identified in 42(i) above may be increased to a maximum of 900 Residential Units. Any such increase shall require to be agreed in writing by the Planning Authority, in consultation with Transport Scotland.
43. Prior to occupation of the 1200th residential unit, or any combination of residential and Class 4, 5 and 6 land uses that would generate an equivalent level of peak hour traffic, Myrehead Road shall be upgraded in general accordance with Ironside Farrar drawing 7552-101 Revision A and in accordance with exact detail submitted to and approved in writing by this Planning Authority.
44. Prior to occupation of the 100th residential unit, or any combination of residential and Class 4, 5 and 6 land use that would generate an equivalent level of peak hour traffic, the proposed signage measures to discourage vehicle use of Station Road shall be implemented in accordance with details submitted to and approved in writing by this Planning Authority.
45. Prior to occupation of the 1200th residential unit, or any combination of residential and Class 4, 5 and 6 land uses that would generate an equivalent level of peak hour traffic, the proposed traffic management and calming measures to promote Station Road as a 'Quiet Road' shall be implemented in accordance with details submitted to and approved in writing by this Planning Authority.
46. Prior to occupation of the 1200th residential unit, the proposed street enhancement measures at the existing junction of Almond Terrace, Manuel Terrace, Station Road, Avon Road and Haining Road shall be implemented in accordance with details submitted to and 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.
- 2-33. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 4-11. To enable the respective matters to be considered in detail at the appropriate time following grant of Planning Permission in Principle.

- 12-16. To ensure that the development is carried out in accordance with the approved details and appropriate timescales.
- 17-25. To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- 26-27. To mitigate the potential for flood risk to an acceptable level.
- 28-29. To mitigate the potential for adverse impacts on railway infrastructure and safety.
- 30-31. To mitigate the potential impacts on protected species and other species of conservation interest.
- 32. To ensure that any archaeological remains are safeguarded.
- 33. To safeguard the availability of the use of the existing sports pitch.
- 34-38. To ensure that risks to health and safety arising from the proximity of major hazard pipelines are mitigated to an acceptable level.
- 39-43. To safeguard the interests of the users of the highway/trunk road.
- 44-45. To promote the use of Station Road as a 'Quiet Road' as part of the access strategy for the new Whitecross settlement.
- 46. To enhance the amenity of the existing Whitecross village.

The Council's decision is based on the following reason(s):-

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

An obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act has been entered into in connection with this application. A summary of the terms of the obligation can be inspected at Development Services, Abbotsford House, Davids Loan, Falkirk FK2 7YZ during normal office hours.

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03C, 04, 05C, 06C, 07C, 08D, 09C, 10D, 12A, 14, 15B, 17B, 18B, 19B, 20A and 21A.
- 2. The Environmental Protection Unit have advised that the applicant should contact SEPA prior to any import of material or any remedial/excavation works commencing on site, as any importation, disposal or re-use of waste material would be subject to Waste Management Regulations and the appropriate approvals under licensing and exemptions.
- 3. Central Scotland Fire and Rescue Service have advised that provision of suitable access for Fire Service vehicles along all access routes should be seen as a priority in the new development. They advise that contact arrangements should be put in place with the Fire Service whilst the development is ongoing, and that they be notified of the discovery of any contaminants such as asbestos. The first point of contact should be Station Manager, Bo'ness Fire Station, tel 01506 822872 or Service Headquarters for out of hours contact, tel 01324 716996.
- 4. The Coal Authority have advised that, according to their records, the application site has been subject to past coal mining activity. They concur with the recommendations of the Environment Statement that intrusive investigation should be undertaken to confirm the need for remedial works to treat mine entries or shallow mine workings. They request the applicant to consider possible removal of shallow coal and stabilisation and treatment of the land, rather than the less sustainable option of grout filling of voids.

5. The Scottish Rights of Way and Access Society (Scotway) have advised that asserted rights of way CF23, CF24, CF184 and CF25 are affected by the proposed development, and that CF118 runs just outside the development boundary. They are pleased to note that the asserted rights of way within the Whitecross development are to be retained, enhanced and maintained, and they remind the applicant that they will remain as rights of way both during and after construction of the proposed development, including those subsumed into the street network. They request that the rights of way remain open and free of obstruction where possible, and where this is not feasible, that clearly signposted alternative routes are provided. They further request that they be informed of any closures or diversions, including the dates they will be in place.
6. The Scottish Civic Trust have advised that they would encourage the use of public art to reflect the past industrial use of the site and its role as the impetus for development of Whitecross. They suggest that the applicant may wish to consider reflecting the industrial character of the site in the architectural detailing or materials of the proposed new buildings.
7. Network Rail have advised that:
  - Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land;
  - Issues often arise where sensitive development types are sited in close proximity to a railway line. The applicant should be aware that any proposal for a 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;
  - The location and colour of lighting must not give rise to the potential for confusion with the signalling arrangements for the railway. The applicant must obtain Network Rail's approval of their detailed lighting proposals and, if within 3 months of occupation of the development, Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision and/or signal sighting, alteration/mitigation will be required, at the applicant's expense, to remove the conflict; and
  - Construction work must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site.
8. Central Scotland Police have advised that the entire development should be built to 'Secured by Design' award standard, which is an award scheme for new built developments which can be used to promote the security of the development, making it more attractive to potential customers. Further details can be obtained via the Secured by Design website: [www.securedbydesign.com](http://www.securedbydesign.com)
9. Shell U.K. Limited have advised that they own and operate a Major Hazard Accident Pipeline (North Western Ethylene Pipeline) that passes through the proposed development area. They request that the applicant contact them, in order to safeguard the integrity of the pipeline, at The Lands Office, The Sidings, Tebay, Penrith, Cumbria CA10 3XR, tel 015396 24845.
10. SEPA understand that there are network and capacity issues associated with the Whitecross Sewerage Treatment Works and that a substantial upgrade will be required in order to service this development. As each phase of development comes forward, they will require assurance that Scottish Water is committed to the necessary upgrades to the waste water infrastructure. In accordance with their Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements, they require all developments within a sewered area to connect to the public sewer. They advise that they have a presumption against culverting as set out in their Position Statement on the Culverting of Watercourses, they produce a series of Pollution Prevention Guidelines (PPG's), and advice on the reuse of demolition and excavation material is available from their Waste and Resources Action Programme. Details of regulatory requirements and good practice advice can be found on their website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).

11. Scottish Water have advised that:
  - Due to the size of this proposed development, it is necessary for them to assess the impact this new demand will have on their existing infrastructure. With any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).
  - In some circumstances it may be necessary for the developer to fund works on existing infrastructure to enable their development to connect or to mitigate the effect of the development on existing customers.
  - Their current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with the current water byelaws.
  - If the connection to public sewer and/or water main requires to be laid through land outwith public ownership, the developer will be required to provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.
  - It is possible this proposed development may involve building over or obstructing access to their existing infrastructure. On receipt of an application, they will provide advice that will require to be implemented by the developer to protect their existing apparatus.
12. Ineos Pipelines have advised that the proposed development would appear to be located within the middle and outer consultation zones of a Major Accident Hazard Pipeline as defined by the Health and Safety Executive development control guidelines. They note, however, that the work associated with the development would be in adjacent land to the pipeline, and therefore that the pipeline would be unaffected by the proposed work.
13. West Lothian Council have advised that development of the site may place a strain on education provision in Linlithgow and it is likely placing requests could be significant in number. They note that the applicants for the site have previously stated they would be happy to discuss ways in which the education concerns could be appropriately mitigated, and would, for example, be prepared to make an undertaking to include information on school catchments in marketing material for prospective house buyers.
14. Architecture and Design Scotland request that they see the project again at subsequent design stages, as part of their support for the Scottish Government's Scottish Sustainable Community Initiative (SSCI), and they hope to see the continued development of this proposal to standards that could set an exemplar for similar schemes elsewhere. They acknowledge the site restrictions which mean that the existing and new housing will be separated by an area of community facilities and employment uses, and suggest that measures within this area such as smaller units or tighter-knot spaces could be considered to avoid a standard 'Business Park' model and better create a sense of community. They support a continuous frontage along the employment part of the new High Street, to achieve a sense of continuum between east and west.
15. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.