



Agenda Item 7

**DEVELOPMENT OF LAND FOR
RESIDENTIAL USE WITH ASSOCIATED
INFRASTRUCTURE AT LAND TO THE
NORTH OF CROWNERLAND FARM,
LINLITHGOW FOR MALCOLM
WHITECROSS LTD - P/17/0797/PPP**

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF CROWNERLAND FARM, LINLITHGOW FOR MALCOLM WHITECROSS LTD - P/17/0797/PPP

Meeting: PLANNING COMMITTEE

Date: 22 May 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: No Community Council

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

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UPDATE REPORT

1. Members will recall that the Planning Committee approved this application on 21 November 2018 as a minded to grant decision subject to the satisfactory conclusion of a Section 75 Planning Obligation within 6 months i.e. (by 21 May 2019).
2. The terms of the planning obligation were to cover: -
 - The payment of a proportionate financial contribution towards improvements to the M9 Junction 4 (Lathallan Roundabout);
 - The payment of a proportionate contribution towards improvements to Myrehead Road and its junction with the A803;
 - The payment of a financial contribution to fund improvements to the existing bus service;
 - The payment of a proportionate financial contribution at the overall rate of £6900 per dwellinghouse and £2900 per flat towards improving capacity at Whitecross Primary School (£4800 per dwellinghouses and £1850 per flat) and Graeme High School (£2100 per dwellinghouse and £1050 per flat);
 - The provision of 25% of the total site units as affordable housing units;
 - The payment of a financial contribution towards the improvement and maintenance of existing open space in the local area, if this is agreed as an alternative to full on-site open space provision;

- Addressing any shortfall identified by NHS Forth Valley in the capacity of the local health services to accommodate the proposed development; and
 - The payment of a financial contribution to fund the provision of a cycle / footpath crossing of the Manuel Burn to connect the development site to the recreational ground on Vellore Road.
3. At the time of writing this report, the prospect of completing the planning obligation by the deadline of 21 May was considered to be unrealistic. While good progress has been made on some of the matters subject to the obligation, other matters are taking longer to resolve due to their complexities, notably those in relation to the off-site road improvement works.
4. In view of the circumstances, it is therefore considered reasonable and appropriate to extend the timescale to allow for further consideration and discussions towards concluding the terms of the planning obligation. Taking into account the forthcoming summer holiday period, it is considered that a realistic time period within which to conclude the obligation is a further 4 months i.e. by 22 September 2019.
5. Accordingly it is recommended that the Committee's decision on 21 November 2018 be amended to read as detailed below.

6. RECOMMENDATION

6.1 It is recommended that the Committee indicate that it is minded to Grant Planning Permission in Principle subject to: -

- (a) The completion by 22 September 2019 of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services in respect of:-**
- (i) The payment of a proportionate financial contribution towards improvements to the M9 Junction 4 (Lathallan Roundabout);**
 - (ii) The payment of a proportionate financial contribution towards improvements to Myrehead Road and its junction with the A803;**
 - (iii) The payment of a financial contribution to fund improvements to the existing bus service;**
 - (iv) The payment of a proportionate financial contribution at the overall rate of £6,900 per dwellinghouse and £2,900 per flat towards improving capacity at Whitecross Primary School (£4,800 per dwellinghouse and £1,850 per flat) and Graeme High School (£2,100 per dwellinghouse and £1,050 per flat);**
 - (v) The provision of 25% of the total site units as affordable housing units;**

- (vi) **The payment of a financial contribution towards the improvement and maintenance of existing open space in the local area, if this is agreed as an alternative to full on-site open space provision;**
 - (vii) **Addressing any shortfall identified by NHS Forth Valley in the capacity of the local health services to accommodate the proposed development; and**
 - (viii) **The payment of a financial contribution to fund the provision of a cycle/footpath crossing of the Manuel Burn to connect the development site to the recreation ground on Vellore Road.**
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following condition(s):-**
- 1. Plans and particulars of the matters specified below 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 development shall begin within each respective development area until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The specified matters are:-**
 - (a) Existing and proposed site levels;**
 - (b) Proposed finished floor levels;**
 - (c) The siting of the buildings;**
 - (d) The design of the buildings;**
 - (e) The external appearance of the buildings;**
 - (f) Details of the access arrangements;**
 - (g) Details of landscaping and open space provision;**
 - (h) Details of proposed boundary treatments;**
 - (i) A tree protection plan, including the precise location and details of the protective fencing;**
 - (j) A construction environmental management plan;**
 - (k) An updated protection species survey, including a badger protection plan;**
 - (l) An invasive species survey;**
 - (m) The provision of biodiversity enhancement measures;**
 - (n) A detailed surface water drainage strategy, including design and calculations;**

- (o) A contaminated land assessment;
- (p) The provision of pedestrian and cycle facilities, including suitable linkages to the wider network;
- (q) The provision of new bus related infrastructure;
- (r) Detailed proposals for the realignment of the carriageways of Manuel Terrace and the B825 adjoining the application site;
- (s) Detailed proposals for the re-design of the 5-arm junction within the existing Whitecross Village;
- (t) Detailed proposals for traffic management measures to create a 'quiet lane' on Station Road;
- (u) The precise details of the provision of on-site low and zero carbon generating technologies;
- (v) A travel pack;
- (w) The phasing / timing of the development, including the timing of provision of green infrastructure, open space facilities and new cycle / footpath linkages, including new crossings of the burns;
- (x) Details of watercourse crossings demonstrating that they are designed to convey the 1 in 200 year flow. Assessment of blockage conditions should also be provided to demonstrate that any overtopping will not result in any flooding of properties;
- (y) The provision of public art / a village gateway feature; and
- (z) The carrying out of pre and post construction electrofishing studies.

2. That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-

- (a) The expiration of 3 years from the date of the grant of planning permission in principle; or
- (b) The expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

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

- 3. That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-**
 - (a) The expiration of 5 years from the date of grant of this planning permission in principle; or**
 - (b) The expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**
- 4. The development shall be carried out in general accordance with the land uses, layout, landscape framework, street hierarchy, design principles and phasing shown on the submitted masterplan (Revision C) and phasing plan (Revision A) (unless otherwise agreed).**
- 5. The number of residential units shall not exceed 225 (unless otherwise agreed).**
- 6. Further to condition 1(g), the scheme of landscaping shall include the following details (as appropriate):-**
 - (a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
 - (b) The location of all proposed new trees, shrubs, hedges and grassed areas;**
 - (c) A schedule of plants to comprise species, plant sizes and proposed numbers, densities and nursery stock sizes;**
 - (d) Methods of protection (tree shelters / guards / staking / fencing) and including initial maintenance to aid rapid establishment; and**
 - (e) A programme for completion and subsequent maintenance.**
- 7. No trees shall be removed until such time as (a) the tree protection fencing is in place in accordance with the details approved under condition 1(i) above and (b) the fencing as erected has been inspected by the Planning Authority and is to its satisfaction.**
- 8. The temporary protective fencing shall remain in place until all works within the respective development area have been completed. No further tree removal, excavation, level changes, trenching, material storage or machinery access shall take place within the fenced off areas.**
- 9. There shall be no tree, scrub or grassland clearance within the bird nesting season (March to August inclusive) unless a nesting bird check is carried out by a suitably qualified ecologist prior to commencement of the clearance works. The findings of any nesting bird check shall be submitted to and approved in writing by this Planning Authority prior to the works commencing.**

10. Further to condition 1(k), an updated protected species survey will be required if it has been more than 12 months since the last protected species survey.
11. The roads layout shall be designed and constructed in accordance with the National Roads Development Guide (NRDG) and Falkirk Council Addendum.
12. The parking provision on the site shall accord with the National Roads Development Guide (NRDG) and Falkirk Council Addendum.
13. Further to condition 1(r), no residential unit within Phase 1 of the development as shown on Phasing Plan Revision A shall be occupied until the approved realignment of Manuel Terrace has been fully completed.
14. Further to condition 1(r), no residential unit within Phase 2 of the development as shown on Phasing Plan Revision A shall be occupied until the approved realignment of the B825 has been fully completed.
15. Further to conditions 1(s) and 1(t), no residential unit shall be occupied until the approved re-design of the 5-arm junction within the existing Whitecross Village and the approved measures to create a 'quiet lane' on Station Road have been fully completed (unless otherwise agreed).
16. The development shall not commence until appropriate mitigation measures have been agreed to address the impact of the development on M9 Junction 4 (Lathallan Interchange). The nature of the mitigation shall either by physical improvements to these junctions in the form of traffic signals, generally as illustrated on Dougall Baillie Associates' Drawing No. 17424-SK-20, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of the financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
17. Further to conditions 1(a) and 1(b), the existing and proposed site levels along with proposed finished floor levels shall demonstrate that the site layout accords with the recommendations within the Flood Risk Assessment provided in ensuring development is outwith the floodplain and floor levels are raised an appropriate level above the design flood level. There should be not landraising within the functional floodplain.

Reason(s):-

1. To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
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4. To ensure compliance with the general principles of the masterplan, in the interests of good place-making.
5. The submitted masterplan is predicated on 200 to 225 residential units.
6. To safeguard the visual amenity of the area.
7. To safeguard the visual amenity of the area.
8. To safeguard the visual amenity of the area.
9. To safeguard the interests of bird species.
10. To safeguard the interests of protected species.
11. To safeguard the interests of the users of the public highway.
12. To ensure that adequate parking is provided.
13. To ensure the timely and orderly completion of the off-site roadworks, in the interests of the users of the public highway.
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15. To ensure the timely and orderly completion of the off-site roadworks, in the interests of the users of the public highway.
16. To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.
17. To ensure that the development is acceptable in terms of flood risk.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04, 05A, 06, 07, 08, 09, 10, 11 and 12.
2. 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.
3. SEPA have advised that authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

4. **SEPA have advised that the applicant may need to apply for a construction site licence under CAR for water management across the whole construction site. This will apply to sites of 4 hectares or more, sites 5km or more in length which contain more than one hectares of ground on a slope of 25 degrees or more or which cross over 500 metres of ground on a slope of 25 degrees or more. The applicant is recommended to contact their local SEPA office for pre-application discussions.**
5. **Police Scotland has advised that appropriate security measures should be considered during the construction phase. These measures could / should include the installation of CCTV or 24 hour security operation and a fence at least 2.5 metres high, of weld-mesh, expanded metal or welded palisade design.**
6. **Shell UK have requested the developer to contact Penspen, Unit 2, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Cumbria, prior to any excavations in order to preserve the integrity of the Shell North Western Ethylene Pipeline (NWeP).**
7. **Scottish Water have advised that the Balmore Water Treatment Works and the Whitecross Waste Water Treatment Works currently have sufficient capacity to serve the proposed development, but further investigations may be required to be carried out once a formal connection application has been submitted.**

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pp Director of Development Services

Date: 10 May 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan (including relevant supplementary guidance).
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).
4. Falkirk Council Housing Land Audit 2017/18.
5. Representation received from Mr Lindsay McFadzean, 72 Birkdale Park, Armadale, EH48 2NE on 2 February 2018.
6. Two Objections received from Mrs Victoria Crowe, 2 Fairview Cottages, Linlithgow, EH49 6LN on 8 February 2018.
7. Two Objections received from Mrs Lara Bayley, Crownland Farm, Linlithgow, EH49 6LN on 7 February 2018 and 14 March 2018.

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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Councillor John McLuckie

Community Council: No Community Council

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 the development of land for residential use, with associated infrastructure. The indicative number of dwellings is 200 to 225.
- 1.2 The application site extends to 13.3 hectares and lies to the east of Manuel Terrace, Whitecross, and to the north of the B825. Manuel Terrace defines the present settlement edge of Whitecross village.
- 1.3 The site can be described as rolling pastoral farmland which generally falls from a high point at its north-west corner towards the south-east corner. The site is split by the Crownerland Burn which crosses the site from its south-west corner to Manuel Terrace. The Manuel Burn forms part of the northern site boundary.
- 1.4 The following information has been submitted in support of the application:-
 - Design, Access and Planning Statement;
 - Pre-Application Consultation Report;
 - Preliminary Ecological Appraisal;
 - Engineering and Drainage Report;
 - Flood Risk Assessment;
 - Coal Mining Risk Assessment;
 - Transport Assessment;
 - Landscape and Visual Appraisal;
 - Energy Statement;
 - Marketing Report;
 - Indicative Masterplan;

- Phasing Plan;
- Constraints Plan;
- Site Sections;
- Whitecross Junction Improvements Plan; and
- Manuel Terrace Realignment Plan.

1.5 The masterplan indicates:-

- Four development areas;
- A primary access route, accessed from Manuel Terrace;
- A series of streets, including shared spaces;
- An extensive green corridor along Crounerland Burn;
- A cul-de-sac, south of Crounerland Burn, accessed from the B825;
- SUDs ponds in the south-east corner;
- Potential footpath links across the Crounerland and Manuel Burns, along the Crounerland Burn green corridor, and to Almond Road; and
- The provision of informal activity areas and local equipped play areas.

1.6 The Pre-Application Consultation Report records the following:-

- The public event took the form of a public exhibition which was held between 3 pm and 8 pm on Thursday 28 September 2017;
- The event was attended by 31 residents and interested parties;
- Five comment sheets were filled out by residents;
- Those viewing the proposals were generally supportive of the development, expressing the view that Whitecross needed further housing, particularly affordable housing; and
- Almost all those who commented saw the need for new housing to be accompanied by improve infrastructure, services and facilities in the village.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is assessed in this report as contrary to the Falkirk Local Development Plan (LDP). An application which could potentially be granted contrary to the LDP requires determination by the Planning Committee.
- 2.2 The Planning Committee previously determined the original application for the wider Whitecross masterplan area (reference P/10/0188/PPP).

3. SITE HISTORY

- 3.1 Planning application P/10/0188/PPP for residential and mixed use phased development for the Whitecross SIRR, including up to 1,500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space was approved as a minded to grant decision on 26 April 2011, subject to the satisfactory conclusion of a Section 75 Planning Obligation. The application was refused on 2 November 2015 owing to the Section 75 Planning Obligation not having been satisfactorily concluded within a reasonable timescale.

- 3.2 Planning application P/14/0360/FUL for erection of 200 residential units and associated roads, parking, open spaces, footpaths and SUDS was withdrawn on 13 July 2016.
- 3.3 Proposal of Application Notice PRE/2017/0001/PAN was received on 14 March 2017 for residential development in principle and associated infrastructure. The notice set out the proposals for community consultation and a Pre-Application Consultation Report accompanies the application (see paragraph 1.6 above).
- 3.4 Environmental Impact Assessment (EIA) Screening Request PRE/2017/0002/SCREEN was received on 22 March 2017. The screening opinion was that an environmental impact assessment is not required and the potential impacts of the proposed development could be the subject of targeted assessments as required.
- 3.5 Planning application P/17/0792/PPP for redevelopment of the former Manuel Brickworks site for a mixed use development comprising approximately 400 residential dwellings and approximately 29,000m² total gross area of commercial units (10% Class 4 Business and 90% Class 6 Storage and Distribution) is also currently under consideration.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection in principle to the proposed development. The detailed roads layout would be expected to comply with the National Roads Development Guide (NRDG). This would include detailed consideration of the design of the internal junctions. The site access proposals on both the B825 and Manuel Terrace are considered to be acceptable in concept. They include realignment of the carriageways and new footway provision. The section of the B825 along the site frontage could be reduced to a 30mph speed limit with a grass verge and cycle / footpath. Redesign of the 5-arm junction within the existing village would be required which takes into account the priority route, the bus route and traffic management measures on Station Road to create a 'quiet lane'. A contribution towards upgrade of Myrehead Road would be required. A full surface water drainage strategy would be required at detailed planning stage, which complies with the principles of Sustainable Urban Drainage systems (SUDs). This would include detailed consideration of the discharge rate to the local burns, accommodation of flood events within the site and finished floor levels. The recommendations of SEPA in relation to flood risk are concurred with.
- 4.2 The Council's Environmental Protection Unit have advised that there are no obvious existing external noise sources that would be affected by the proposed development. A contaminated land assessment would be required due to the presence of a railway, electricity sub-station, tip, industrial estate and other potential sources of contaminated land within 250 metres of the site. The proposed development is not located within an Air Quality Management Area (AQMA). If the development were to proceed, it is expected that increased residential traffic would impact on local air quality at the nearest sensitive receptors.

- 4.3 The Council's Transport Planning Unit have reviewed the submitted Transport Assessment. They advise that the vehicle trip rates and distribution of the trips from the site were previously agreed with the applicant. They are satisfied that the local road junctions would operate within capacity, taking into account the traffic generated by the proposed development. A proportionate contribution towards improvement works to Myrehead Road would be required, owing to the sub-standard nature of this road. The works would include localised widening, improvements to its vertical alignment, new signage and high friction surfacing. A proportionate contribution towards improvement works to Junction 4 of the M9 (Lathallan Road) would also be required, owing to capacity issues arising from the cumulative impact of new development in the local area. The improvement works would be based on a previously approved scheme. The existing bus services do not adequately operate at times which would allow the residents to use them to work either locally or further afield. A financial contribution would therefore be required to fund improvements to the times/frequency of the local service. The western half of the site is beyond 400 metres of the existing bus stops on Manuel Terrace, which is the maximum walking distance stated in Scottish Planning Policy (SPP). The provision of closer bus stop facilities, on Manuel Terrace, would therefore be required. Improvements to the bus service in order to improve access to Polmont and Linlithgow railway stations is also a consideration, given that there is severe pressure on car parking at both these stations. New cycle/footway infrastructure, both within the site and to link to existing facilities, would also be required.
- 4.4 Scottish Water have no objection to the application, but highlight that capacity at their water and wastewater treatment works is unable to be reserved and the availability of capacity would be renewed once a formal connection application is submitted. There is currently sufficient capacity at the Balmore Water Treatment Works to serve the proposed development. However, further investigations would be required to determine if the existing water network could adequately serve the demands of the development, or if any mitigation/enhancement work is necessary. A flow and pressure test would be required. There is currently sufficient capacity at the Whitecross Waste Water Treatment Works to serve the proposed development. However, further investigations may be required once a formal connection application has been submitted.
- 4.5 The Scottish Environment Protection Agency (SEPA) have no objection to the application provided the following conditions are attached to any grant of planning permission in principle:-
- Details of watercourse crossings to be provided at detailed planning stage, demonstrating that they are designed to convey the 1 in 200 year flow. Assessment of blockage conditions should also be provided, to demonstrate that any overtopping will not result in any flooding of properties; and
 - Existing and proposed site levels to be provided along with proposed finished floor levels to demonstrate that the site layout accords with the recommendations within the Flood Risk Assessment (i.e. to ensure the development is outwith the flood plain and floor levels are raised to an appropriate level above the design flood level). There should be no landraising within the functional floodplain.

- 4.6 SEPA have also advised that sufficient space should be provided within the site layout to allow for the separation and collection of waste, consistent with the type of development proposed. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters or wetlands. A CAR construction site licence may be required for water management across the whole construction site.
- 4.7 The Council's Children's Services have advised that a development at a scale of 200 to 250 dwellinghouses would contribute to capacity issues at Whitecross Primary School and Graeme High School, and in respect of nursery provision. The proposed development would result in the need to extend Whitecross Primary School from the current 100 pupil capacity to a single stream school, and the need to significantly increase nursery provision. The pro-rata contribution rates set out in Supplementary Guidance SG10 'Education and New Development' would not be sufficient to meet the estimated costs of the required extension. A bespoke contribution is therefore required, which has been calculated at a rate of £4,800 per dwellinghouse and £1850 per flat. The contribution for Graeme High School would be £2,100 per dwellinghouse and £1050 per flat, in accordance with SG10. The total contribution required is therefore £6,900 per dwellinghouse and £2900 per flat. The bespoke contribution for Whitecross Primary School would be acceptable under the scenario of one or both of the Whitecross applications being approved (references P/17/0792/PPP and P1/17/0797/PPP). St Mary's RC Primary School and St Mungo's RC High School have sufficient capacity to serve the proposed development.
- 4.8 Falkirk Community Trust, Museum Services, have no objection to the application. There are no known archaeological sites within the area of the proposed development. The designated area of the battlefield for the Battle of Linlithgow Bridge lies just to the east of the application site and the scheduled monument of the Union Canal to the west. The proposed development is unlikely to have a significant visual impact on these sites. The Slamannan/Bo'ness Railway cuts across the south-east corner of the site, crossing the valley on a viaduct which was demolished in the 1960's. This is not considered to be an important monument, particularly in its current state.
- 4.9 Historic Environment Scotland consider that the proposed development has the potential to affect the Union Canal (River Avon to Greenbank) scheduled monument and the battlefield for the Battle of Linlithgow Bridge. These are matters for the planning authority to consider. As such, they do not have any comments to make on the proposals.
- 4.10 Scottish Natural Heritage consider that the most effective approach to good placemaking is to produce an overarching development framework for an area, based on consultation with all relevant stakeholders. The current proposal does not fully accord with this approach, or with the landscape strategy of the earlier masterplan. The proposal is effectively a piecemeal rather than joined-up approach to development. Any proposal for the Whitecross Strategic Growth Area should be part of a wider development framework. The submitted ecological appraisal has not identified any known issues in respect of European protected species. However, pre-construction surveys are advised, as recommended in the ecological reports. In addition, a revised Badger Protection Plan would be required to avoid any potential offence under the Protection of Badgers Act 1992.
- 4.11 The Scottish Rights of Way and Access Society (Scotsway) have no comment to make on the application.

- 4.12 The Health and Safety Executive do not advise, on safety grounds, against the granting of planning permission.
- 4.13 Shell UK have no comment to make on the application. The developer should contact them prior to any excavations in order to preserve the integrity of the Shell North Western Ethylene Pipeline (NWeP).
- 4.14 Transport Scotland have advised of conditions to attach to any grant of planning permission. This includes the carrying out of improvement works to M9 Junction 4 (Lathallan Roundabout) in accordance with agreed details, or the payment of a financial contribution in lieu of physical works.
- 4.15 West Lothian Council note that the village of Whitecross is within easy reach of Linlithgow via the local road network. They consider that this raises legitimate concerns about the potential impacts of the proposed development for the town of Linlithgow, despite it being located within the administrative area of Falkirk Council. It is not unreasonable to assume that there will be additional pressure on leisure and retail facilities in Linlithgow Bridge and Linlithgow town centre, which will have the potential to exacerbate the volume of local traffic and pressure for parking. In addition, potential impacts on educational infrastructure in Linlithgow continue to be a concern, and it is therefore important that sufficient educational infrastructure provision has been identified by Falkirk Council to accommodate the proposal. Transportation and education concerns were raised by West Lothian Council in connection with the previous planning applications for the larger Manuel Brickworks site and in response to the consultative development plan of Falkirk Council. West Lothian Council is satisfied that it has been afforded an opportunity to comment on the proposals and is content for due process to take its course.
- 4.16 Edinburgh Airport have examined the proposed development from an aerodrome safeguarding perspective and advised that it does not conflict with safeguarding criteria. They have no objection to the application.
- 4.17 Police Scotland have advised that appropriate security measures must be considered during the construction phase. There continues to be a high risk of metal thefts throughout Scotland. It is recommended that consideration be given at the earliest possible stage to the principles of Crime Prevention Through Environmental Design (DPTED).
- 4.18 Scottish Canals have not responded.
- 4.19 NHS Forth Valley have advised that the Council's Supplementary Guidance for healthcare and new housing development (SG11), dated 2 November 2015, is outdated and cannot be relied upon. The SG indicates that there is a surplus capacity of 1,032 spaces at the local health centre (Polmont Park), whereas NHS Forth Valley have advised that the latest information from the Practices concerned shows that there are capacity issues at this location. The Health Centre at Meadowbank also brings its own challenges, in that expansion of the site would not be possible given tight site constraints. The additional space required to facilitate a greater number of patients would therefore potentially require a new site.

5. COMMUNITY COUNCIL

- 5.1 There is no community council for the Whitecross area.

6. PUBLIC REPRESENTATION

- 6.1 Five representations in relation to the application have been received. Four of these are objections and the other is a neutral representation. The matters raised in the representations can be summarised as follows:-

Public Notification/Consultation

- Near neighbours disappointed they were not notified directly of the application or the consultation meeting;

Density

- The proposal is high density development which will have a harmful impact on the open, rural character of the location;
- The development should blend into its environment rather than building to maximum capacity;
- Reduce the overall number of units, e.g. space the houses more widely or remove the 'Canal View' and 'Gateway' elements from the plan;
- Homebuyers drawn to this area will be seeking more space for their families in a peaceful, rural environment;
- The original development had 3 houses in the 'Canal View' area, now it is 30;

Rural Character/Landscape

- Serious impact on natural beauty of the area;
- The lovely hill in the field is to be removed to flatten the site;
- No effort has been made to blend in green space at the gateway entrance to the village;
- Loss of valuable green space;
- The development should be surrounded by a double hedge of trees and shrubbery to soften its look and help it to sit into the natural environment;
- Fail to see the benefits of 'urbanising' the stretch of road at the southern boundary of the site, even for the new residents, when the most logical foot route lies within the development;
- Urbanising this stretch of road would have a needlessly negative impact on neighbouring properties and wildlife;

Ecology

- The Linlithgow Angling Club have leases on Migratory Rights to the Manuel and Crownerland Burns;
- They hold information on the presence of otters on the River Avon which can be made available to the applicant;
- There is no mention of fish in the ecology report. The Manuel Burn is one of the principal spawning areas on the River Avon for salmon;
- The Angling Club would like any approval conditioned to require electrofishing to be carried out on a couple of sites in both affected burns;

- Himalayan Balsam is significantly more extensive on the site than indicated in the ecology report;
- Japanese Knotweed is present behind Burnside Gardens;
- Serious impact on the wildlife in the area;
- There are badger setts in the area;

Market Demand

- There is a mismatch between the market demand in this area and the level of new housing proposed in Whitecross;
- It makes more sense to assess the market response by developing the brownfield Manual Brickworks site first, before sacrificing a greenfield site;

Traffic/Road Safety

- The B825 is not suited to the large volumes of additional traffic that this development would create. There are numerous blind bends and narrow stretches where it is difficult for vehicles to pass;
- There are constraints which will not allow the B825 to be widened;
- The two proposed access points on the B825 are both at dangerous locations;
- The proposal creates an access point opposite Crounerland Farm and 10 metres from Almond Road. A three way exit at this location would be dangerous;
- There are many horses and cyclists around this site;
- Surely a safer option would be to exit the development onto Manuel Terrace?;
- Further assessment is required of the capacity of the B825, including the junctions at the Bowhouse roundabout and the A803 at the Linlithgow end;
- The B825 is the naturally preferred route for traffic to and from the M8 and Linlithgow, not the A803/Haining Road;
- The accident data in the transport assessment is inaccurate and should be reviewed;

Flooding/Drainage

- The Crounerland Burn is prone to flooding;
- The area next to Almond Road and Crounerland Farm is a wet area;
- The entire area at Crounerland Burn is marshland for a reason;
- Tarmac roads and drives uphill from the burn will inevitably lead to flooding of the B825;
- Building houses on a flood plain cannot be recommended; and

Other

- Is the applicant fit to undertake such a large project when no information can be garnered regarding his experience and track record.

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

- 7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the policies set out in paragraphs 7a.5 onwards.
- 7a.2 The application site lies within the village limits for Whitecross as defined in the LDP. It forms part of a site allocated for mixed use (M14). M14 is one of the Council's strategic growth areas. The western portion of the site lies within a pipeline consultation zone. Part of the site lies within the functional floodplain.
- 7a.3 Whitecross village lies within the Rural South area of the Falkirk district. This area comprises the countryside and 12 villages to the south of the Forth and Clyde Canal. The settlement statement for Rural South indicates:-

'A new settlement at Whitecross (M14), based on the former Manual Works, will continue to be promoted. This will comprise 1500 house, a new access off the A801 and upgrade of Myrehead Road, new employment land and community facilities, including a new school.'

- 7a.4 The LDP sets out strategic growth area guidance for M14. This guidance includes the following:-
- Overall aim is to create a vibrant, mixed use new community, which integrates well with the existing village and surrounding countryside and regenerates the former Manual Works site;
 - Overall scale of 1500 houses, including a full range of housing types and tenures;
 - At least 12 hectares of employment land, phased appropriately in conjunction with residential development;
 - New primary access required via a roundabout on the A801. Upgraded Myrehead Road to provide secondary access, with various other improvements and traffic management measures as required;
 - Sustainable transport measures, including a comprehensive network of pedestrian and cycle routes and enhancement of bus services;
 - Consideration to be given to transport impacts within West Lothian Council area and appropriate mitigation, in consultation with West Lothian Council;
 - Appropriate range of community facilities, including a new two stream primary school and new local centre;
 - Clear urban design strategy required;
 - Sustainable energy use to be embedded in the development;
 - Full landscape and greenspace strategy required encompassing the provision/upgrading of open space, a comprehensive landscape framework to integrate the new development into its surroundings and exploitation of green network opportunities in and adjacent to the site;
 - Existing woodland, hedgerows and other locally important habitats to be retained where possible, especially Haining Wood, which requires a Management Plan;
 - Protection and enhancement of Almond Castle and its setting required;
 - The setting and amenity of the Union Canal to be safeguarded;

- Land to be safeguarded for an extension to Muiravonside cemetery;
- Whitecross Waste Water Treatment Works will require upgrading;
- Provision of two stream Primary School, phased appropriately, together with contributions to denominational high school provision;
- Transport contributions, including a contribution for the upgrading of Junction 4 of the M9 and public transport contributions;
- Contributions to village enhancements, notably upgrading of the main central road junction and the existing recreational ground; and
- 15% affordable housing requirement, including an appropriate range of affordable housing types/mechanisms.

7a.5 Policy HSG01 - Housing Growth states:-

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
 - *Urban Capacity sites*
 - *Additional brownfield sites*
 - *Sustainable greenfield sites**In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*
3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

7a.6 Mixed use site M14 (Whitecross) is specifically promoted in the LDP as a site to contribute towards the target level of growth over the Plan period (2014 to 2024). The target level of growth across the Council area over the Plan period is 675 dwellings per year.

- 7a.7 The Council does not currently have a 5 year effective housing land supply to meet the target level of growth for the next 5 years. The Council's Housing Land Audit, dated June 2018, advises that there is a 4.3 year supply, which equates to a shortfall of 482 units. The contribution that Whitecross makes to the 4.3 year supply is estimated in the Housing Land Audit as being 60 units (30 units in 2020/21 and 30 units in 2021/22). The contribution to the housing land supply beyond 2022 is estimated at 30 units per year, up until 2026/27. Granting the application would make it more likely that there is no further slippage in the delivery of housing at Whitecross, and so avoiding the consequences that further slippages could have on the housing land shortfall.
- 7a.8 Part 2 of the policy is not considered to be relevant to this application, as the application site forms part of an allocated site (M14). Part 2 of the policy provides a mechanism to bring forward unallocated sites where the allocated sites (and other windfall sites) are not delivering the required land supply.
- 7a.9 The application site forms part of M14 which is identified as a strategic growth area in the LDP. Under part 5 of the policy an overall masterplan is required for M14, as well as a co-ordinated approach to social and physical infrastructure provision. The application is not supported by an overall masterplan for M14, and there is no information on the total content and layout of M14, the infrastructure required to support the overall scale of development, and how this would be delivered. As detailed in paragraph 7a.4, the vision under the LDP is to create a vibrant new mixed use community, including up to 1500 houses. The application cannot achieve this vision or deliver many of the key requirements set out in the LDP, such as the scale of new residential development, a new access to the A801, a new primary school, new community and recreational facilities, and a new local centre. Within this context, the application represents piecemeal and unco-ordinated development and is not a sustainable approach to achieving the M14 vision. The application is therefore considered to be contrary to Part 5 of the policy.

7a.10 Policy HSG02 - Affordable Housing states:-

New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".

Figure 5.1 Affordable Housing Requirements in Settlement Areas

Proportion of total site units required to be affordable

Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%

Bo'ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%

- 7a.11 The affordable housing requirement for the site is 25%. This equates to 50 units based on an indicative number of 200 units. The details of the affordable housing provision would be secured in a Section 75 Planning Obligation attached to any grant of planning permission, having regard to the Council's Supplementary Guidance SG12 'Affordable Housing'.

7a.12 Policy HSG04 - Housing Design states: -

The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.

7a.13 The submitted Masterplan provides a broad picture of the layout, principal streets, green network and footpath linkages. The masterplan is indicative at this stage but the more detailed proposals would be expected to comply with the broad principles of the masterplan. The detailed, layout, design and density would be considered at detailed planning stage, having regard to the Council's Supplementary Guidance SG2 'Neighbourhood Design' and Scottish Governments' policy on 'Designing Streets'.

7a.14 Policy INF01 - Strategic Infrastructure states: -

The Council will promote or support the provision of strategic infrastructure as identified on Map 3.2, listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1. The delivery of these projects will be through a range of agencies, in partnership with Falkirk Council. The Council and other partner organisations will explore traditional and innovative funding mechanisms to deliver infrastructure improvements, notwithstanding the continuing role of developer contributions as set out in supporting policies and supplementary guidance.

7a.15 The vision for a new large-scale mixed use community at Whitecross requires the provision of new or upgraded strategic infrastructure in the Whitecross area. This relates to upgrade of the M9 Junction 4 Lathallan Interchange, a new primary school and upgrade of the Waste Water Treatment Works.

7a.16 Policy INF02 - Developer Contributions to Community Infrastructure states: -

Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure 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 LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*

5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.

7a.17 The specific infrastructure requirements for M14 are detailed in the LDP. They include provision of a new primary access to the A801, upgrade of Myrehead Road (to provide a secondary access), sustainable transport measures, a new two stream primary school, a new local centre, protection and enhancement of Almond Castle, an extension of Muiravonside Cemetery, upgrade of the waste water treatment works, upgrade of Junction 4 of the M9, and enhancement works to the existing village. As explained in paragraph 7a.9, the current approach is unable to deliver many of the key requirements set out in the LDP.

7a.18 Policy INF04 - Open Space and New Residential Development states:-

Proposals for residential development of greater than 3 units 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 Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 3. Arrangements must be made for the appropriate management and maintenance of new open space.*

7a.19 The submitted masterplan includes a green network which could potentially contribute towards the active and passive open space requirements for the proposed development. The 'green' areas include informal activity areas, the creation of two local equipped play areas and a potential landscaped focal point at the north east corner. The requirements for open space are set out in the Council's Supplementary Guidance SG13 'Open Space and New Development'. Open space provision would be considered further at detailed planning stage. It is anticipated that a proportion of the overall requirement could be met by the payment of a financial contribution towards improving local open space facilities. The existing recreational ground on Vellore Road lies to the north of the site, on the other side of Manuel Burn, and the masterplan indicates a potential footpath link, to provide direct access to this recreational area.

7a.20 Policy INF05 - Education and New Housing Development states: -

Where there is insufficient capacity within the catchment school(s) 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 Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.

In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted.

7a.21 A financial contribution of £6,900 per dwellinghouse and £2900 per flat would be required towards improving capacity at Whitecross Primary School and Graeme High School and also in respect of nursery provision. The contribution for the primary school reflects a bespoke approach, as the contribution rates set out set out in the Council's Supplementary Guidance SG10 'Education and New Development' would not be sufficient to meet the estimated cost of the new extension (see paragraph 4.7). The contribution would be secured in a section 75 Planning Obligation attached to any grant of planning permission.

7a.22 Policy INF06 - Healthcare and New Housing Development states: -

In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'.

7a.23 The catchment health centre (Polmont Park) is identified in SG11 'Healthcare and New Housing Development' as having a surplus capacity of 1,032 spaces, after factoring in the estimated 661 patients generated by the additional housing allocations in the area. However, Whitecross was not factored into these figures. This may have been because of an assumption that the original Whitecross Masterplan would include its own health clinic to meet the needs of the new settlement. The latest advice from NHS Forth Valley is that SG11 is out of date (see paragraph 4.19).

7a.24 Policy INF07 - Walking and Cycling states:-

- 1. The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
- 2. New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*

- *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
- *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
- *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;*
- *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

7a.25 The development would be required to provide an appropriate standard of pedestrian and cycle facilities within the site. Appropriate links to existing networks in the surrounding area would also be required, including a suitable crossing of Manuel Terrace to facilitate school journeys, and a footpath crossing of the Manuel Burn to link the development to Core Path 021/863 (Manuel Terrace to Manuel Burn) and the recreational ground.

7a.26 Policy INF08 - Bus Travel and New Development states:-

1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. 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.*
2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*
3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.27 The current level of bus service, which is routed along the B825, Manuel Terrace and Vellore Road, is not considered to be suitable to serve the proposed development (see paragraph 4.3). A financial contribution to fund improvements to the times/frequency of the service would therefore be required. The nearest bus stops on Manuel Terrace are beyond 400 metres of the western half of the site. New bus stop facilities, at a closer location on Manuel Terrace, would therefore also be required.

7a.28 Policy INF10 - Transport Assessments states:-

- 1. The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
- 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. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
- 3. The Council will only support development proposals 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.29 The Council's Transport Planning Unit have reviewed the submitted transport assessment. The assessment has been appropriately scoped in terms of such matters as the vehicle trip rates, the distribution of the trips from the site and the junctions requiring modelling. The network impacts have been properly defined and suitable mitigation identified. The assessment has also considered sustainable transport modes. Further detail in relation to those matters is provided in paragraphs 4.3, 7a.27 and 7a.29.

7a.30 Policy INF12 - Water and Drainage Infrastructure states:-

- 1. New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
- 2. 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.*
- 3. A drainage strategy, as set out in PAN61, 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.31 The foulwater from the development is proposed to connect to the existing public drainage system. There is an existing foul sewer located to the north-east of the site within Manuel Terrace, which discharges to the local Waste Water Treatment Works (WWTW). Scottish Water have advised that the WWTW currently has sufficient capacity to serve the proposed development (see paragraph 4.4). The surface water drainage strategy includes draining the runoff from the adoptable roadways to either filter drains, swales, porous paving or bio-retention, then conveyance to basins prior to discharge to the Manuel Burn. The detailed strategy and design for the surface water drainage, to ensure full compliance with Sustainable Urban Drainage Systems (SUDS) principles, would be required at detailed design stage. This would include consideration of the discharge rates from the SUDS basins to the Manuel Burn.

7a.32 Policy BUS05 - Major Hazards and Pipelines states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
 - *The increase in the number of people exposed to risk in the area;*
 - *The existing permitted use of the site or buildings;*
 - *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
 - *The potential impact on existing chemical and petrochemical sites and pipelines.*
2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.33 The western half of the site lies within a consultation zone for an ethylene pipeline. The affected part of the site is mainly within the outer zone of the consultation distance, while a small area is within the middle zone. The Health and Safety Executive (HSE) do not advise against the grant of planning permission on safety grounds, based on the indicative masterplan. The masterplan has been designed to ensure that the level of risk is acceptable with respect to the methodology applied by the HSE. Any subsequent detailed applications would also be subject to consultation with HSE.

7a.34 Policy GN01 - Falkirk Green Network states:-

1. *The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
2. *Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*

3. *New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land.*

7a.35 The site lies within a strategic growth area. New development within strategic growth areas is expected to contribute to the green network. The submitted masterplan includes extensive 'green' areas focussed on the Crownerland and Manuel Burn corridors. These areas would contribute to the green network by providing extensive opportunities for biodiversity, habitat connectivity, recreation and placemaking.

7a.36 Policy GN02 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.37 The site is located within the Avon Valley Local Landscape Character Area as defined in the Council's Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'. This landscape type is sensitive to development on the edges of settlements due to the potential for impacts on the prevailing rural and intimate wooded valley character of the area.

7a.38 The submitted landscape and visual appraisal concludes that the site has the capacity to absorb medium to low density development. The appraisal considers that the site has strong visual containment and the impacts can be appropriately addressed through mitigation. The proposed mitigation measures include retention and enhancement of existing riparian and hedgerow vegetation, the undertaking of a comprehensive site-wide planting strategy, the creation of extensive open space areas, and the stepping back of built form from the south-western part of the site and away from elevated areas of the western fringes. With the introduction of site-wide planting, the impact on the Slamannan Plateau/Avon Valley Special Landscape Area, which lies to the south of the site, is assessed as moderate/minor in the short term and beneficial in the longer terms as the new planting matures. The content and conclusions of the landscape and visual appraisal are considered to be reasonable.

7a.39 Policy GN03 - Biodiversity and Geodiversity states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

- 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. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. 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. 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 likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant 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. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.40 A preliminary ecological appraisal was carried out in October 2017. The survey included a 50 metre buffer beyond the site boundaries. The main habitat of the site was identified as improved grassland which is grazed by sheep. The site also includes riparian habitat of the Crounerland Burn. The main ecological value of the site was identified as the presence of breeding bird habitat, trees that have the potential to support roosting bats, and evidence of badger. A nesting bird check would be required in the event of any vegetation clearance during the nesting bird season (March to September). In addition, updated protected species surveys, including a badger protection plan, would be required prior to construction. Recommended enhancements include the provision of bat boxes and the use of locally appropriate species in the landscape design. The preliminary appraisal did not identify any potential impacts on any designated ecological sites.

7a.41 Policy GN04 - Trees, Woodland and Hedgerows states:-

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.42 The preliminary ecological appraisal identified the presence of trees within the site, including ash and hawthorn along the banks of the Crounerland Burn. A Tree Protection Plan, informed by a Tree Survey, would be required for the retained trees, prepared in accordance with the Council's Supplementary Guidance SG06 'Trees and Development'. The landscape mitigation strategy includes new planting, which it is anticipated would more than compensate for the loss of any existing trees or hedgerows.

7a.43 Policy GN05 - Outdoor Access states:-

The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:

- 1. 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;*
- 2. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
- 3. 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.44 The proposed development does not directly affect any existing outdoor access routes. However, it does provide an opportunity to secure additional outdoor access facilities and extend the network of existing outdoor access routes. This includes the provision of a new footpath crossing of the Manuel Burn, to link the development to Core Path 021/863 (Manuel Terrace to Manuel Burn) and the recreation ground on Vellore Road. It also includes the provision of new footpaths to improve existing access and connect the development to Almond Road and the Union Canal.

7a.45 Policy D01 - Placemaking states:-

The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

- 1. Strategic Housing Growth Areas & Business Locations*
- 2. Town and Village Centres*
- 3. Town Gateways and Major Urban Road Corridors*
- 4. Canal Corridor*
- 5. Central Scotland Green Network*

7a.46 The proposed development lies within a strategic growth area and at the southern gateway to Whitecross Village. As such, the proposal provides a key opportunity for placemaking within the local area. The submitted masterplan is informed by the landscape mitigation strategy and reflects a landscape led approach to placemaking. The masterplan principles would be expected to inform the detailed design proposals in order to achieve design quality and successfully integrate the development into its surroundings.

7a.47 Policy D04 - Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO₂ emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.48 The submitted energy statement indicates that a number of low and zero carbon technologies would be considered at the site. These include solar photovoltaics, solar thermal, micro-wind turbines, ground source heat pumps, hydro-electricity (utilising the burns) and a biomass plant. The precise details of the provision would be considered at detailed planning stage, having regard to the Council's Supplementary Guidance SG15 'Low and Zero Carbon Development'.

7a.49 Policy D08 - Sites of Archaeological Interest states:-

1. *Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*
2. *All other archaeological resources will 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.50 The Union Canal (River Avon to Greenbank) scheduled monument lies to the west of the application site. Within the more sensitive western and north western fringes of the site, the masterplan indicates a substantial green buffer, with the built edge pulled back into the site. This would serve to protect the integrity of the setting of the canal. Falkirk Community Trust, Museum Services are satisfied that the proposed development is unlikely to have a significant adverse impact on this scheduled monument. In addition, they have advised that there are no known archaeological sites within the area of the proposed development.

7a.51 Policy D13 - Battlefield Sites states:-

There will be a presumption against development outwith the Urban or Village Limits which would destroy, erode, or adversely affect battlefield sites listed in the Inventory of Historic Battlefields, as identified on the Proposals Map. In assessing impacts, guidance provided in the relevant Historic Scotland guidance note will be followed. Proposals for the sensitive management and interpretation of battlefield sites will be supported.

7a.52 The battlefield site for the Battle of Linlithgow Bridge lies to the east of the site. Manuel Terrace and the former Manuel House estate demarcate the western extremities of the battlefield site. Falkirk Community Trust, Museum Services, are satisfied that the proposed development is unlikely to have a significant visual impact on the battlefield site.

7a.53 Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils states:-

1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
 - *The site is specifically allocated for development in the LDP; or*
 - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*
2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
 - *the areas of highest quality soil or deepest peat have been avoided;*
 - *any disturbance, degradation or erosion has been minimised through mitigation; and*
 - *any likely release of greenhouse gas emissions caused by disturbance is offset.*

7a.54 The application site comprises Class 3/1 prime quality agricultural land. The presumption against the significant permanent loss of prime quality agricultural land does not need to be considered in this instance as the site is specifically allocated for development in the LDP. In addition, the site is not known to contain carbon rich soils or rare soils.

7a.55 Policy RW05 - The Water Environment states:-

The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

- 1. The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
- 2. Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
- 3. There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- 4. There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*
- 5. The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.*

7a.56 The Crounerland Burn crosses the site in an east-west direction and the Manuel Burn adjoins the site to the north. The submitted masterplan indicates new footpath crossings of the Crounerland Burn and Manuel Burn to link the development both within the site and to the external path network. A substantial underdeveloped and landscaped corridor is shown along both of the burns. Potential construction related impacts on the water environment would be considered as part of a Construction Environmental Management Plan (CEMP). There may be a requirement for a construction site licence from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

7a.57 Policy RW06 - Flooding states:-

- 1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*

- *be likely to be at risk of flooding;*
 - *increase the level of risk of flooding for existing development; or*
 - *result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
2. *Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
- *any flood risks can be adequately managed both within and outwith the site;*
 - *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - *access and egress can be provided to the site which is free of flood risk; and*
 - *water resistant materials and forms of construction will be utilised where appropriate.*
3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

7a.58 A flood risk assessment accompanies the application and assesses the potential for fluvial, surface and groundwater flooding. The SEPA flood maps indicate that part of the site lies within the 1 in 200 year flood extent and may therefore be at medium to high risk of flooding from the Manuel Burn which lies along the northern site boundary. The Crownerland Burn runs through the southern part of the site but has not been included within the SEPA flood maps due to it having a small catchment. The SEPA flood maps do not show any significant risk in relation to surface water or groundwater flooding.

7a.59 SEPA are satisfied with the flood risk assessment in determining the predicted flood extent, and they support the recommendations to keep development outwith the 1 in 200 year flood extents and raise finished floor levels to a minimum of 600mm above the predicted 1 in 200 year, including climate change, flood level. They consider that the site is largely developable and request that further information be provided with a detailed planning application, which could be secured by means of planning conditions (see paragraph 4.5). The Council's flood consultants concur with the planning conditions requested by SEPA.

Falkirk Council Supplementary Guidance Forming Part of the LDP

7a.60 The following Falkirk Council Supplementary Guidance is relevant to the application:-

- SG02 'Neighbourhood Designs';
- SG05 'Biodiversity and Development';
- SG06 'Trees and Development';

- SG09 'Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG11 'Healthcare and New Housing Development';
- SG12 'Affordable Housing';
- SG13 'Open Space and New Development'; and
- SG15 'Low and Zero Carbon Development'.

7a.61 This guidance is referred to in the policy assessment above (paragraphs 7a.5 to 7a.59) as appropriate.

7b Material Considerations

7b.1 The material planning considerations of relevance to determining this application are Scottish Planning Policy, the Proposed Falkirk Local Development Plan 2 (LDP2), the consultation responses and the representations received.

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contributing towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development; and
- Planning should take every opportunity to create high quality places by taking a design-led approach.

7b.3 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;

- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Reducing waste, facilitating its management and promoting resource recovery; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Development Management

- 7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date Development Plans, the primacy of this plan is maintained, and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.
- 7b.5 Where relevant policies in a Development Plan are out-of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles should be applied where a development plan is more than 5 years old.
- 7b.6 Where a plan is under review, SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Enabling Delivery of New Homes

7b.7 SPP advises that the planning system should:-

- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times;
- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders.

Sustainable Transport

7b.8 Paragraph 287 of SPP indicates that planning permission should not be granted for significant travel generating uses at locations which could increase reliance on the car and where:-

- Direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- Access to local facilities via public transport would involve walking more than 400 metres; or
- The transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

7b.9 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making.

Proposed Local Development Plan (LDP2)

7b.10 The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period runs from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received, it is expected that LDP2 will be adopted in 2020, at which point, it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of the Council's views in relation to Development Plan policy and constitutes a material consideration in determination of planning applications.

7b.11 The Proposed Plan sets out a housing land requirement of 5130 unit units between 2020 and 2030, as opposed to the housing land requirement of 7097 units between 2014 and 2024 in the LDP. The housing land requirement is therefore likely to reduce from 2020, and additional allocations will be added to the supply, with a consequential positive impact on any shortfall. However, the final figure will only be confirmed once the Proposed Plan has been through the Examination process and adopted. It is anticipated that LDP2 will address the current effective housing land supply issue.

7b.12 The Proposed Plan indicates that infrastructure constraints, land assembly issues and market considerations have led to a re-evaluation of the previous vision for a major new settlement at Whitecross. Essentially, the opportunity now comprises two separate sites. One of these sites (H29) is the subject of this planning application. The Proposed Plan indicates that H29 allows for a more modest scale of residential growth integrated with the existing village, but of a scale which is still substantial in the context of the village. The other site (BUS02) is the Manual Works brownfield site whose re-use remains a priority, but it is considered best suited to business and industrial development. This site is the subject of planning application P/17/0792/PPP, which is also currently under consideration (see paragraph 3.5).

7b.13 The land uses, key principles and other requirements for H29, as outlined in the Proposed Plan, include: -

- Housing (indicative capacity 200) to include 25% affordable housing;
- Greenspace;
- Study required to establish safe, sustainable and deliverable access, with options including Manuel Terrace, the B825 and a route to Vellore Road bypassing the village. Upgrading of the local road network will be required to address issues with current sub-standard routes;
- Corridors of the Manuel and Crounerland Burns to be retained as landscaped open space with housing frontages;
- New structure planting required to enclose development on the west side;
- Path connections to be made to the village via Manuel Terrace, to the recreation ground via a bridge over the Manuel Burn, and to the canal to the west. These will link in with the core path network around the village;
- Improvement rationalisation of the central 5-arm junction in Whitecross required;
- Edge of site with B825 requires high quality treatment, either high quality landscaping, or a harder urban edge if development is proposed adjacent to the road;
- Contributions to education provision. Whitecross Primary School will require to be extended to full single stream;
- Contributions required to upgrading of recreational ground;
- Upgrading of Myrehead Road and contributions to upgrading of M9 Junction 4 likely to be required depending on scale and nature of uses; and
- Scottish Water growth project required for Whitecross Waste Water Treatment Works, growth wholly funded by Scottish Water.

7b.14 The proposed development is considered to be acceptable having regard to the key principles and requirements for H29. Furthermore, compliance with the requirements could be secured as appropriate through the satisfactory conclusion of a Section 75 Planning Obligation and conditions attached to any grant of planning permission in principle.

Consultation Responses

7b.15 The consultation responses are summarised in section 4 of this report. No objections have been raised to the principle of the proposed development. A number of matters have been raised which could be the subject of conditions or a Section 75 Planning Obligation attached to any grant of planning permission.

Representations Received

7b.16 A total of five representations have been received in relation to the application. These consist of four objections and one neutral representation. The concerns raised in the representations are summarised in section 6 of this report.

7b.17 A number of the concerns raised in the representations have been considered in the consultation responses (section 4) and the assessment of the application against the relevant policies of the LDP. In addition, the following comments are considered to be relevant: -

- Neighbour notification of the application was carried out by the Council in accordance with statutory procedures;
- The principle of the loss of this rural site to new urban development is established within the LDP. Under the LDP, the site forms part of mixed use site M14;
- The overall density has been reduced from an indicative number of 250 units to 200 to 225 units. This has resulted in the built edge being stepped further back from the south-west part of the site and creation of a larger landscape buffer in this area;
- The masterplan includes substantial areas of open space which could accommodate structure planning. Over time, this would ensure that development blends into the landscape;
- The rationale for 'urbanising' a portion of the B825 is to reduce traffic speeds and make the road safer. A realignment of the B825 along the site frontage is proposed in order to sweeten a bend and improve visibility;
- The western access point, opposite Crounerland Farm, onto the B825, has been removed from the masterplan;
- The vehicle trip rates and distribution of the trips have been agreed between the applicant and the Council's Transport Planning Unit. This sees the principal route to the M9 as being via Myrehead Road rather than the B825;
- The Transport Planning Unit are satisfied that the local road junctions would operate within capacity;
- A record of otter presence within the wider area was noted in the ecology report;
- The ecology report concluded that as long as the Crounerland and Manuel Burn are protected during the construction phase, then there will be no negative effect on the River Avon. This in turn would protect the Manuel Burn's spawning areas;
- The applicant has suggested that pre and post construction electrofishing studies could be secured by planning condition, if necessary. This would allow for any construction related impacts to be determined;
- The ecology report noted the general presence of substantial areas of Himalayan Balsam. A separate site study could be completed during the optimal balsam growing season (June to September), if necessary;

- No Japanese Knotweed was observed within the study area. As noted in the report, there was limited access to some areas;
- Potential impacts on protected species were assessed in the report. A pre-construction protected species survey, including a badger protection plan, would be required;
- The applicant has advised that initial targeted approaches have identified good levels of demand from prospective housing providers. A full marketing exercise would be undertaken with a national property firm following any grant of planning permission; and
- The Council's flood consultants and SEPA are satisfied with the submitted flood risk assessment. There would be no development or landraising within the flood plain.

7c Conclusion

- 7c.1 The application is a major development and seeks planning permission in principle for residential development within mixed used opportunity site M14. The indicative housing capacity is 200 to 225 units. The application is assessed as contrary to the LDP as it represents a piecemeal and unco-ordinated approach to development within M14. There is no overall masterplan and the application cannot deliver many of the key requirements to achieve the vision for Whitecross under the LDP.
- 7c.2 A planning application is to be determined in accordance with the LDP unless material planning considerations indicate otherwise. The material considerations in this instance include Scottish Planning Policy (SPP), the Proposed Falkirk Local Development Plan 2 (LDP2), the effective housing land supply, the consultation responses and the representations received.
- 7c.3 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the Development Plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. The Council has a 4.3 year effective housing land supply, as detailed in the Council's latest Housing Land Audit (June 2018). This equates to a shortfall of 482 units. The Council therefore has an effective housing land shortfall. The contribution that Whitecross makes to the 4.3 year supply is estimated at 60 units in the Housing Land Audit (30 units in 2020/21 and 30 units in 2021/22). Granting the application would make it more likely that there is no further slippage in the delivery of housing at Whitecross, and so avoiding the consequences that further slippages could have on the housing land supply.
- 7c.4 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. This means that policies and decisions should be guided by the principles set out in paragraph 7b.3 of this report. SPP also indicates that decision making should take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of SPP.

7c.5 In this case, the proposed development has both benefits and costs, having regard to the principles set out in SPP. The potential benefits include: -

- The economic benefits of the proposals, for example, at the construction phase and in terms of inward investment at a village which has seen little development in recent times;
- The efficient use of existing capacities of land, i.e. the use of land which lies within the urban limits as defined in the LDP and which adjoins the existing village boundary;
- The accessibility of the site to urban areas and strategic transport links such as the M9 and the A801;
- Improvements to the local road infrastructure, including Myrehead Road and the 5-arm junction within the existing village;
- Improvements to the amenity of the existing villages through enhancement works at the 5-arm junction and traffic calming works to make Station Road a 'quite lane';
- The capacity of the site to absorb development into the setting, following a landscape-led approach;
- The provision of new greenspace, particularly along the burn corridors, to which residents in the village would have easy access; and
- Improved pedestrian linkages to the Union Canal and the wider core path network from the village.

7c.6 Balanced against this:-

- The site is greenfield and prime agricultural land, notwithstanding that the principle of development has previously been established;
- Developing the site would not assist in regenerating the Manuel Works brownfield site. Redevelopment of this site was the key driver for the vision to establish a new settlement at Whitecross;
- The proposal represents piecemeal and unco-ordinated development within the context of the vision for Mixed Use site M14 under the LDP. There is no overall masterplan accompanying the application and the application cannot achieve the LDP vision or deliver many of the key requirements set out in the LDP, including a new access to the A801 and a new primary school; and
- The proposed development has the potential for cross boundary effects. West Lothian Council have raised concerns about potential impacts on Linlithgow, including additional pressures on local facilities, pressure on parking, an increase in the volume of local traffic and impacts on educational infrastructure.

- 7c.7 The Proposed LDP2 is a material planning consideration in determining the application. The Proposed Plan re-evaluates the previous vision for a major new settlement at Whitecross and identifies the opportunity as now consisting of a more modest scale of growth comprising two separate sites. The application site is identified as housing site H29 in the Proposed Plan. The Proposed Plan is currently at consultation stage, however, it is considered that weight can be given to the re-evaluation in the Proposed Plan of the previous vision for the village. The 'direction of travel' is clear, in that the development opportunities are far more modest, and centred on two separate sites, rather than a cohesive masterplan area and the concept of a new settlement. This is due to infrastructure constraints and land assembly issues, and the lack of any indication that these factors can be overcome in the foreseeable future.
- 7c.8 The overall conclusion is that the proposed development can be supported. While the application is contrary to the Development Plan, there are material considerations which justify granting planning permission. These considerations include: the potential benefits of the proposed development, which are considered to outweigh the costs, having regard to the sustainability principles of SPP; that granting the application would make it more likely that there is no further slippage in the delivery of housing at Whitecross, and so avoiding the consequences that further slippages could have on the housing land shortfall; and the 'direction of travel' of the Proposed Plan, which recognises that the development opportunities at Whitecross are now far more modest, and centred on two separate sites rather than a major new settlement.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that Committee indicate that it is minded to Grant Planning Permission in Principle subject to:-**
- (a) The completion within 6 months of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services in respect of:-**
 - (i) The payment of a proportionate financial contribution towards improvements to the M9 Junction 4 (Lathallan Roundabout);**
 - (ii) The payment of a proportionate financial contribution towards improvements to Myrehead Road and its junction with the A803;**
 - (iii) The payment of a financial contribution to fund improvements to the existing bus service;**
 - (iv) The payment of a proportionate financial contribution at the overall rate of £6,900 per dwellinghouse and £2,900 per flat towards improving capacity at Whitecross Primary School (£4,800 per dwellinghouse and £1,850 per flat) and Graeme High School (£2,100 per dwellinghouse and £1,050 per flat);**
 - (v) The provision of 25% of the total site units as affordable housing units;**

- (vi) **The payment of a financial contribution towards the improvement and maintenance of existing open space in the local area, if this is agreed as an alternative to full on-site open space provision;**
 - (vii) **Addressing any shortfall identified by NHS Forth Valley in the capacity of the local health services to accommodate the proposed development; and**
 - (viii) **The payment of a financial contribution to fund the provision of a cycle/footpath crossing of the Manuel Burn to connect the development site to the recreation ground on Vellore Road.**
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following condition(s):-**
- 1. Plans and particulars of the matters specified below 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 development shall begin within each respective development area until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The specified matters are:-**
 - (a) Existing and proposed site levels;**
 - (b) Proposed finished floor levels;**
 - (c) The siting of the buildings;**
 - (d) The design of the buildings;**
 - (e) The external appearance of the buildings;**
 - (f) Details of the access arrangements;**
 - (g) Details of landscaping and open space provision;**
 - (h) Details of proposed boundary treatments;**
 - (i) A tree protection plan, including the precise location and details of the protective fencing;**
 - (j) A construction environmental management plan;**
 - (k) An updated protection species survey, including a badger protection plan;**
 - (l) An invasive species survey;**
 - (m) The provision of biodiversity enhancement measures;**
 - (n) A detailed surface water drainage strategy, including design and calculations;**

- (o) A contaminated land assessment;
- (p) The provision of pedestrian and cycle facilities, including suitable linkages to the wider network;
- (q) The provision of new bus related infrastructure;
- (r) Detailed proposals for the realignment of the carriageways of Manuel Terrace and the B825 adjoining the application site;
- (s) Detailed proposals for the re-design of the 5-arm junction within the existing Whitecross Village;
- (t) Detailed proposals for traffic management measures to create a 'quiet lane' on Station Road;
- (u) The precise details of the provision of on-site low and zero carbon generating technologies;
- (v) A travel pack;
- (w) The phasing / timing of the development, including the timing of provision of green infrastructure, open space facilities and new cycle / footpath linkages, including new crossings of the burns;
- (x) Details of watercourse crossings demonstrating that they are designed to convey the 1 in 200 year flow. Assessment of blockage conditions should also be provided to demonstrate that any overtopping will not result in any flooding of properties;
- (y) The provision of public art / a village gateway feature; and
- (z) The carrying out of pre and post construction electrofishing studies.

2. That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-

- (a) The expiration of 3 years from the date of the grant of planning permission in principle; or
- (b) The expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) The expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

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

- 3. That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-**
 - (a) The expiration of 5 years from the date of grant of this planning permission in principle; or**
 - (b) The expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**
- 4. The development shall be carried out in general accordance with the land uses, layout, landscape framework, street hierarchy, design principles and phasing shown on the submitted masterplan (Revision C) and phasing plan (Revision A) (unless otherwise agreed).**
- 5. The number of residential units shall not exceed 225 (unless otherwise agreed).**
- 6. Further to condition 1(g), the scheme of landscaping shall include the following details (as appropriate):-**
 - (a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
 - (b) The location of all proposed new trees, shrubs, hedges and grassed areas;**
 - (c) A schedule of plants to comprise species, plant sizes and proposed numbers, densities and nursery stock sizes;**
 - (d) Methods of protection (tree shelters / guards / staking / fencing) and including initial maintenance to aid rapid establishment; and**
 - (e) A programme for completion and subsequent maintenance.**
- 7. No trees shall be removed until such time as (a) the tree protection fencing is in place in accordance with the details approved under condition 1(i) above and (b) the fencing as erected has been inspected by the Planning Authority and is to its satisfaction.**
- 8. The temporary protective fencing shall remain in place until all works within the respective development area have been completed. No further tree removal, excavation, level changes, trenching, material storage or machinery access shall take place within the fenced off areas.**
- 9. There shall be no tree, scrub or grassland clearance within the bird nesting season (March to August inclusive) unless a nesting bird check is carried out by a suitably qualified ecologist prior to commencement of the clearance works. The findings of any nesting bird check shall be submitted to and approved in writing by this Planning Authority prior to the works commencing.**

10. Further to condition 1(k), an updated protected species survey will be required if it has been more than 12 months since the last protected species survey.
11. The roads layout shall be designed and constructed in accordance with the National Roads Development Guide (NRDG) and Falkirk Council Addendum.
12. The parking provision on the site shall accord with the National Roads Development Guide (NRDG) and Falkirk Council Addendum.
13. Further to condition 1(r), no residential unit within Phase 1 of the development as shown on Phasing Plan Revision A shall be occupied until the approved realignment of Manuel Terrace has been fully completed.
14. Further to condition 1(r), no residential unit within Phase 2 of the development as shown on Phasing Plan Revision A shall be occupied until the approved realignment of the B825 has been fully completed.
15. Further to conditions 1(s) and 1(t), no residential unit shall be occupied until the approved re-design of the 5-arm junction within the existing Whitecross Village and the approved measures to create a 'quiet lane' on Station Road have been fully completed (unless otherwise agreed).
16. The development shall not commence until appropriate mitigation measures have been agreed to address the impact of the development on M9 Junction 4 (Lathallan Interchange). The nature of the mitigation shall either by physical improvements to these junctions in the form of traffic signals, generally as illustrated on Dougall Baillie Associates' Drawing No. 17424-SK-20, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of the financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.
17. Further to conditions 1(a) and 1(b), the existing and proposed site levels along with proposed finished floor levels shall demonstrate that the site layout accords with the recommendations within the Flood Risk Assessment provided in ensuring development is outwith the floodplain and floor levels are raised an appropriate level above the design flood level. There should be not landraising within the functional floodplain.

Reason(s):-

1. To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
2. To accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
3. To accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

4. To ensure compliance with the general principles of the masterplan, in the interests of good place-making.
5. The submitted masterplan is predicated on 200 to 225 residential units.
6. To safeguard the visual amenity of the area.
7. To safeguard the visual amenity of the area.
8. To safeguard the visual amenity of the area.
9. To safeguard the interests of bird species.
10. To safeguard the interests of protected species.
11. To safeguard the interests of the users of the public highway.
12. To ensure that adequate parking is provided.
13. To ensure the timely and orderly completion of the off-site roadworks, in the interests of the users of the public highway.
14. To ensure the timely and orderly completion of the off-site roadworks, in the interests of the users of the public highway.
15. To ensure the timely and orderly completion of the off-site roadworks, in the interests of the users of the public highway.
16. To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.
17. To ensure that the development is acceptable in terms of flood risk.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04, 05A, 06, 07, 08, 09, 10, 11 and 12.
2. 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.
3. SEPA have advised that authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

4. **SEPA have advised that the applicant may need to apply for a construction site licence under CAR for water management across the whole construction site. This will apply to sites of 4 hectares or more, sites 5km or more in length which contain more than one hectares of ground on a slope of 25 degrees or more or which cross over 500 metres of ground on a slope of 25 degrees or more. The applicant is recommended to contact their local SEPA office for pre-application discussions.**
5. **Police Scotland has advised that appropriate security measures should be considered during the construction phase. These measures could / should include the installation of CCTV or 24 hour security operation and a fence at least 2.5 metres high, of weld-mesh, expanded metal or welded palisade design.**
6. **Shell UK have requested the developer to contact Penspen, Unit 2, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Cumbria, prior to any excavations in order to preserve the integrity of the Shell North Western Ethylene Pipeline (NWeP).**
7. **Scottish Water have advised that the Balmore Water Treatment Works and the Whitecross Waste Water Treatment Works currently have sufficient capacity to serve the proposed development, but further investigations may be required to be carried out once a formal connection application has been submitted.**

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pp Director of Development Services

Date: 12 November 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan (including relevant supplementary guidance).
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).
4. Falkirk Council Housing Land Audit 2017/18.
5. Representation received from Mr Lindsay McFadzean, 72 Birkdale Park, Armadale, EH48 2NE on 2 February 2018.
6. Two Objections received from Mrs Victoria Crowe, 2 Fairview Cottages, Linlithgow, EH49 6LN on 8 February 2018.
7. Two Objections received from Mrs Lara Bayley, Crownerland Farm, Linlithgow, EH49 6LN on 7 February 2018 and 14 March 2018.

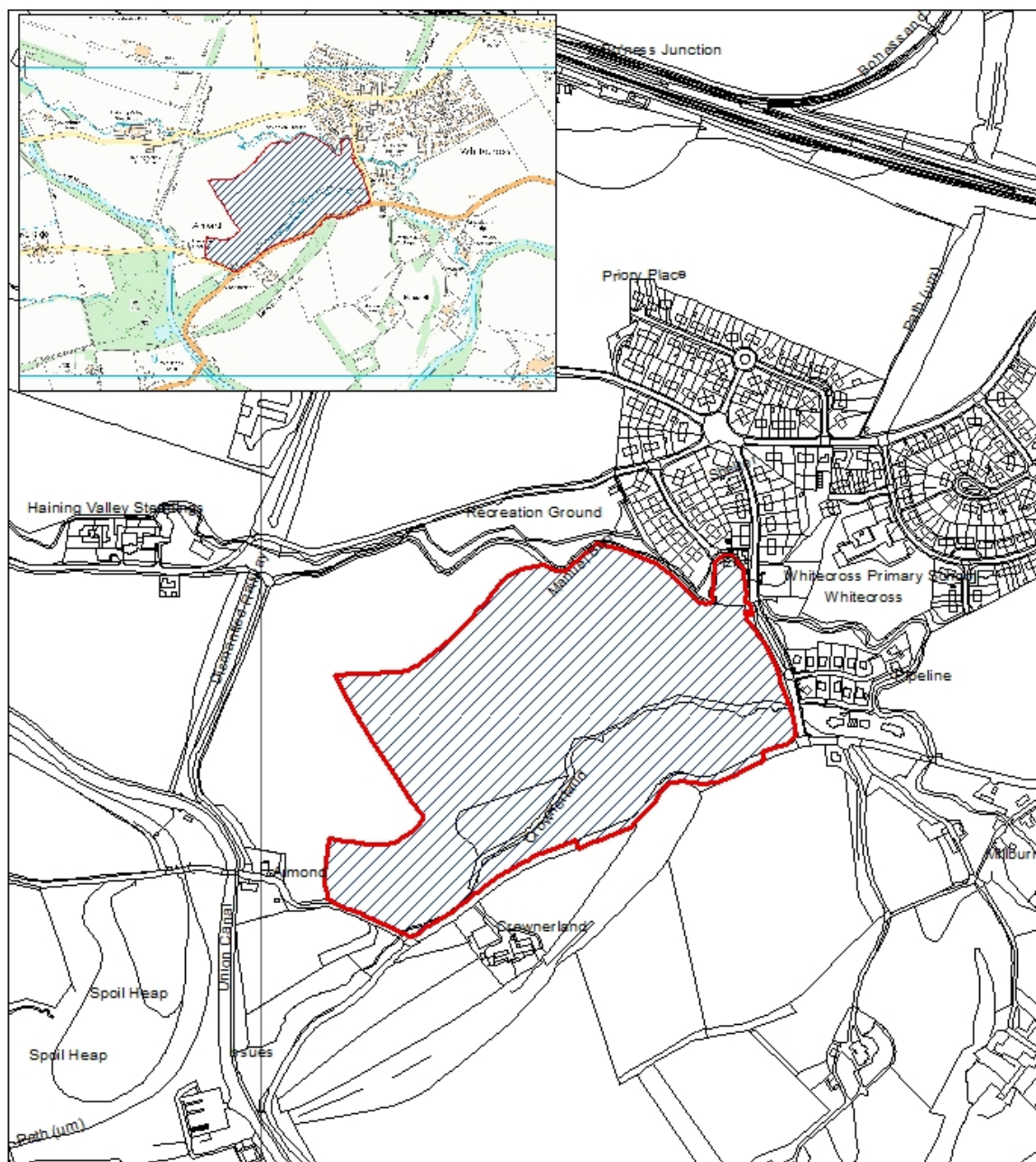
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0797/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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