

**P28. 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 – Continuation**

With reference to Minute of Meeting of the Planning Committee held on 21 November 2018 (Paragraph P88 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for planning permission for the development of land for residential use with associated infrastructure at land to the North of Crownerland Farm, Linlithgow.

**Decision**

**The committee agreed that it was 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 subparagraph (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.**