

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL, RETAIL, LEISURE AND BOATING PURPOSES AT LAND TO THE NORTH OF TAMFOURHILL ROAD, TAMFOURHILL ROAD, FALKIRK FOR BRITISH WATERWAYS (SCOTLAND) AND FALKIRK COUNCIL - P/10/0512/PPP

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application arises as a consequence of an initial design brief generated by Falkirk Council, seeking to secure a high quality layout and the promotion of good design techniques within a site considered suitable for redevelopment. The size of the site required the applicant to carry out Pre-Application Consultation, including public exhibitions explaining the proposals. The application is also subject to an Environmental Impact Assessment, giving additional information relating to the site, the content of which was scoped out prior to formal submission.
- 1.2 Community consultation was developed over 2 stages and promoted through leaflet drops and advertisement;
- Stage 1 - Presentation of project site and regeneration potential, taking the form of an informal drop-in exhibition to offer local residents the chance to meet members of the project team and provide feedback. This was held on 2 and 3 December 2010 at Camelon Education Centre and Tamfourhill Community Hall. Presentation of sketched ideas, responding to comments and ideas, permanently displayed at the Falkirk Wheel.

Stage 2 - Presentation of sketched ideas, responses to comments and ideas, exhibited to the community at Camelon Education Centre and Tamfourhill Community Hall on 3 and 4 February 2011. Masterplan proposal developed and final presentation on 11 March 2011 at the Falkirk Wheel. All finalised plans left on permanent display at the Falkirk Wheel. The formal submission of the planning application also involved advertisement in the Falkirk Herald.

1.3 The application site comprises 58 Hectares of land, lying to the east of the Falkirk Wheel, south of the Forth & Clyde Canal and north of the Antonine Wall. The site consists of a long, linear strip of former industrial land running east to west, parallel with the Forth & Clyde Canal.

1.4 Although the application seeks to establish the principle of development, the applicant envisages the site capable of supporting development in the region of 325 houses, 200 flats and an element of commercial uses.

1.5 Due to the varying topography, the site represents a mixed setting characterised by 5 principal zones:

1. The Union Inn and adjacent locks
2. The Antonine wall and Tamfourhill Road to the south.
3. The Falkirk Wheel and surrounding area.
4. The industrial park in the centre.
5. The Forth & Clyde Canal along the north edge.

1.6 The applicant has presented a masterplan for the site, showing the area of development extending eastwards from the industrial park towards the Union Inn. According to the applicant, the potential development strategy would see the proposed development area split up into zones that would have three distinctive urban 'personalities' in response to the characteristics of their immediate context and intended relationship to the overall masterplan.

- The first zone, adjacent to Union Inn, is potentially the most dense and would create a mix of facilities acting as a community focus. It is envisaged that the development of new waterspace, in addition to the conservation of existing heritage in the form of the Union Inn and original canal basin, would help to form a vibrant, interesting zone, attracting new businesses, residents and visitors.
- The intermediate development zone, zone 2, is proposed to be lower in density, with the introduction of more family housing and open space. An important aspect of the development, is a design that reflects modern lifestyles and aspirations; one which balances private space with usable communal areas, using courtyards over private gardens and using landscaped areas between streets, a design that acknowledges the use of the car, but gives preference to the pedestrian and the cyclist through shared surfaces, landscaped pedestrian streets and discrete parking.
- The third zone is proposed to be low density with housing nestled in the landscape. This area would be more traditional in character, with private houses and private gardens. In this way it is hoped to cater for a variety of tenures across the site. Finishing the development with a low density zone would produce a soft edge to the site as the development area stretches toward the wheel and associated woodland areas.

- A fourth zone, comprising a recreational zone, would be created as a result of the creation of open space and augmentation of existing woodland facilities.

- 1.7 Within zone 1 would be 'the hub', which is a dynamic zone, centred around a marina which would provide a focus for the new development. It would consist of a mix of uses, both commercial and residential. The hub is situated adjacent to the existing transport route between the suburbs of Camelon and Tamfourhill, therefore having an immediate connection to the surrounding context. It is proposed that the hub would be a mixed use area. Commercial units would be situated on the ground floor and would comprise cafes and offices, retail opportunities and a new hotel. Commercial units will be focused onto the new marina and spill out into the sheltered public realm, becoming a place of activity and social interaction. The area in which this zone is proposed is historically significant. It was here that the Union Canal and the Forth & Clyde Canal were connected for the first time in 1822. The walls of the original basin remain in place today, and would continue to be protected through the masterplan. Following the union of the canals, the site, in particular this area, began to develop as a hub for industry. The Portdownie Ironworks were based here until the 1950's. The other historical feature in this zone is the Union Inn, a place of refreshment for past industrial workers and the Victorian travellers who passed by. The landmark would remain in place and form one of the key focal points of the development. Through the masterplan and proposed hub zone it is intended to restore the historical density of this area and to revive the vitality of the waterway through the creation of a new marina.
- 1.8 A vital part of the masterplan is the inclusion of open space and planned landscaped areas to enhance the existing landscape and acknowledges the need to create a high quality environment which is safe, welcoming and sustainable. The site is naturally divided into two halves by the burn which separates the wilder, steeper, western half from the gentler terrain of the east. The site topography has dictated the extent of the proposed development which covers the eastern half, allowing the west to become a dedicated recreation zone and managed woodland; improving the environment surrounding The Falkirk Wheel, enhancing the presence of the Antonine Wall and linking with established routes. An approach such as this prevents the west from becoming merely an access route to The Falkirk Wheel but allows it to become a recreational destination in its own right. With careful woodland management and appropriate long term planning it would be possible to exploit structured walks between The Falkirk Wheel, Antonine Wall and commercial hub, along with opportunities for sculptures and local events. At the heart of the proposal is the ambition to regenerate the existing waterspace in order to transform Portdownie into a destination and stimulate a renewed sense of place. The role played by open space and landscape is vital in the creation of character. Through the creation of open vistas and connections through the site, individual developments become part of a greater mass with the single purpose of emphasizing location, views and setting. This would be aided by the use of indigenous plants and materials, including, the reuse of local resources, such as the cobbles and sets which currently mark the historic entrance to past industrial sites. The development area is designed as a formal sequence of spaces which can be grouped into several categories:

Secluded Public Space

- 1.9 These areas of public space are woven through each of the three development zones. They act as a focus for each neighbourhood and provide a local link to the canal. Open, landscaped spaces between developments also contribute to a sustainable design approach, as a part of a Sustainable Urban Drainage System (SUDS), enhancing biodiversity, quality of space and reducing fear of crime.

Landscaped Access Road

- 1.10 The proposed access road is the main route into the site, used by both residents and those commuting to the hub zone. It is important that this major route does not form a barrier, but be a high quality area which maintains links across the site whilst allowing access through it.

Green Public Space

- 1.11 Green public space separates the three development zones and forms the major access routes across the site to the canal, linking the existing suburb of Tamfourhill back to its historic roots. Connectivity is important in achieving a sustainable site strategy, encouraging pedestrian movement and fostering social interaction. The spaces also form large recreational areas and enhance the quality of the built environment.

Tow Path

- 1.12 The tow path is essential in the masterplan proposal and would be key in regenerating the canal. It is vital the tow path is a safe and accessible area, linking development zones and forming a vibrant recreational area.

Basins

- 1.13 The proposed basins form part of the core waterspace strategy and are the focus of the commercial hub. A high quality public area would enhance commercial viability and attract business from outwith the development site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 By virtue of the site area, the application represents a major application as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and Falkirk Council is part applicant and part owner of the land subject of the application. The application is not considered to be contrary to the Development Plan and it is therefore not considered that the application requires to be referred to Scottish Ministers.

3. SITE HISTORY

- 3.1 No site history relevant to the application.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit advise that, in terms of Noise Assessment, full details on protecting residential properties from traffic noise are required. In terms of air quality, further details need to be submitted and, while the conclusions are subject to the projected opening date of 2019, any earlier date of opening would require a re-run of the modeling methodology. Regarding contaminated land, a planning condition is requested to be imposed.

- 4.2 Historic Scotland are content with the principle of the proposed development and are content that there are unlikely to be any significant adverse impacts on the historic environment. However, Scheduled Monument consent would be required for the works affecting the scheduled area of the Forth and Clyde Canal.
- 4.3 The Scottish Environment Protection Agency have no objection to the application but request that planning conditions be imposed regarding flood risks, including modifications to the layout of houses nearest the canal and an unnamed watercourse, consideration of finished ground floor levels, the use of water resistant materials and maintenance of the unnamed watercourse.
- 4.4 Falkirk Council's Education Services consider that the application falls within the catchments for Bantaskin Primary School, St Francis Xavier's Roman Catholic Primary School, Falkirk High School and St. Mungo's Roman Catholic Secondary School. The proposed development would also increase the demand for nursery places. Education Services request that if this application is approved, then it is on the basis that the applicant agrees to fund necessary extension works at Bantaskin Primary School and provide a pro-rata contribution to address anticipated capacity pressures at St. Mungo's RC High School. The contribution requested is as follows:-

| | |
|-----------------------------|------------------|
| Bantaskin Primary School - | £2,150 per house |
| | £1,250 per flat |
| St Mungo's RC High School - | £650 per house |
| | £450 per flat |

The extension at Bantaskin Primary School should be operational no later than after 35% of the residential development is completed and the phasing of payments should reflect this. The Pro-rata contribution towards long-term capacity risk at St Mungo's would not be required until the latter stages of development (75% of completion would be acceptable). It should be noted that, while there is an assumption of 325 houses and 200 flats and a total contribution of £1,250,000 expected, the final number of houses and flats may be subject to variation as this application only seeks to establish the principle of development.

- 4.5 Scottish Natural Heritage welcome the redevelopment of the Tamfourhill site, with the creation of green spaces, new woodland and new pathway to link the site into the surrounding areas. However, Scottish Natural Heritage would like to offer advice on good practice for the development site and this would be reflected in planning conditions and informatives attached to any permission.
- 4.6 Scottish Water has no objection to the application but advise that services for the site should be secured by the applicant in agreement with Scottish Water.
- 4.7 Falkirk Council's Keeper of Archaeology/Local History requests that a suspensive planning condition be imposed on the planning permissions, should it be issued, asking for a written scheme of investigation to be centered on the remains for the Union Canal.
- 4.8 Transport Scotland advise that there would be a minimal increase in traffic on the trunk road during the development of the site although authorisation for any abnormal loads should be sought from Transport Scotlands Management Organisation (BEAR).

- 4.9 Falkirk Council's Roads Development Unit requests that suspensive planning conditions be imposed on any issued planning permission relating to flood risk management. In addition, all junctions, access roads and street layouts should be formed in accordance with Falkirk Council guidelines. A full Drainage Assessment will also be required.
- 4.10 Architecture and Design Scotland support the principle objectives for the development and consider that the proposal has huge potential. However, there are some aspects of the masterplan that Architecture and Design Scotland consider would benefit from further investigation and development;-
- Historical Analysis - this should be more specific about how this drives the proposals, particularly in relation to the potential contribution of the Antonine Wall.
 - Landscape - a landscape architect should be appointed to develop a landscape framework
 - Proposed Layout - there is potential for the development to respond more closely to the landscape and a more integrated solution that makes use of the site topography, microclimate/building orientation.
 - Design Guidance/Delivery - sufficient coding be developed in tandem with a robust masterplan to help deliver the aspirations and vision for the project. Not least, a maximum and minimum housing density should be developed.
- 4.11 Falkirk Council's Transport Planning Unit advises that the submitted Transport Impact Assessment is, on the whole, acceptable. However, the submission has highlighted potential queuing issues on the A9 between Rosebank and Merchiston Roundabouts, which would require additional mitigation works. The precise nature of these works, and hence costs, has not been identified at this stage. The A803 Corridor Study highlighted costs for works, and the applicant is expected to address a proportion of these costs, based on trip rate generation. In this instance, a developer contribution of £1,200,000 will be requested.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council currently operating in this area.

6. PUBLIC REPRESENTATION

- 6.1 One comment received neither supporting nor objecting to the application, where the commentator would like to review the Environmental Impact Assessment screening and scoping opinion.
- 6.2 One letter of objection, where the commentator is concerned regarding the 21 day period for response, the sparsity of information and that the peaceful and green location of her house will be destroyed.

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

Falkirk Council Structure Plan

7a.1 Policy ECON.1 'Strategic Development Opportunities' states:

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

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

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

7a.2 The Tamfourhill site is one of a series of connected opportunities (including the Falkirk Wheel, Rosebank and Merchiston/Grahamston) which collectively comprise the Falkirk Canal Interchange. The Falkirk Canal Interchange is one of the Structure Plan's nine Strategic Development Opportunities (SDOs) as identified under Policy ECON.1 and Schedule ECON.1, with the proposed uses including leisure/tourism, specialist retail, office and park & ride. The submitted masterplan includes the elements considered essential to the envisaged development.

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

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

- (1) high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*
- (2) provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by transport modes other than the private car;*

- (3) *the scale of any residential use must comply with the general housing allocations set out in Chapter 4 and adequate social and physical infrastructure must be in place to serve them;*
- (4) *the scale and nature of out-of-centre retailing and leisure provision must be complementary to provision in Falkirk Town Centre and the District Centres. Accordingly, a Retail/Leisure Impact Assessment will be required to demonstrate this for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances; and*
- (5) *development at Grangemouth Docks must not prejudice the operation of the port. and should be compatible with the continuing activities of the petrochemical and chemical industries.”*

7a.4 Policy ECON.2 sets a number of criteria that proposals relating to SDOs must be assessed against. In particular, proposals must demonstrate a high standard of design through a brief or masterplan, which should be approved by the Council to ensure a comprehensive and sensitive approach to site planning. Provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by modes of transport other than the car. It is intended that planning conditions and terms within a S75 agreement ensure these elements are developed.

7a.5 Policy ECON. 5 ‘Location of New Retail and Commercial Leisure Development’ states:

“The scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres shown in Schedule ECON 5 and enhancing them. Proposals for significant new retail and commercial leisure development should accord with the following principles:

1. *non food retailing will be directed to Falkirk Town Centre and the District Centres. In addition, provision will be made for bulky household goods retailing at Middlefield/Westfield Strategic Development Opportunity (up to 25,000 sq m gross), and for limited specialist retailing at the Falkirk Canal Interchange Strategic Development Opportunity, as set out in Schedule ECON.1 and subject to the criteria in Policy ECON.2;*
2. *priority will be given to the provision of new food retail floorspace in Grangemouth, Larbert/Stenhousemuir, the Polmont area, Denny and Bonnybridge/Banknock, of a scale commensurate with the local catchment. New food retail floorspace will be directed to the District Centres and other established local centres, and only to new local centres where they meet the criteria set out in Policy ECON.6;*
3. *new food retail floorspace in Falkirk will be restricted to existing commitments, neighbourhood stores of less than 1,000 sq. m. gross floorspace, and limited extensions to existing stores; and*
4. *commercial leisure developments will be directed to Falkirk Town Centre, the District Centres and those other Strategic Development Opportunities for which such uses are specified in Schedule ECON.1.”*

7a.6 Policy ECON.5 mentions the potential for limited specialist retailing as part of the Falkirk Canal Interchange SDO. While the details of specialist retailing would become apparent through the submission of further planning application, the broad principle of such matters has been established through the current proposals.

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

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

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

7a.8 Policy ECON.7 identifies the canal as one of the key locations for the development of tourism infrastructure in the Council area. It is intended that this opportunity is fully exploited, and such provision is envisaged through the submitted masterplan.

7a.9 Policy COM.1 'Housing Land Allocations' states:

"The Council will:

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

7a.10 Policy COM.2 'Implementation of Housing Land Requirement' states:

"In implementing the housing land requirement set out in Schedule COM.1a, Local Plans will:

- 1 take into account completions since 30th June 2001 and the current effective and established housing land supply;*
- 2 make an assessment of the likely output from windfall and small sites in arriving at the amount of land to be allocated and add to that amount a 10% flexibility allowance;*
- 3 adopt an approach to site selection whereby priority is given to brownfield sites and to sites which enjoy a high level of accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4 ensure the housing land allocation is based on the phasing guidelines set out in Schedule COM.1a;*
- 5 ensure that there are adequate community facilities and physical infrastructure to accommodate the allocation;*

- 6 *ensure that the location, scale, and design of allocated sites is sympathetic to the character of settlements and that significant land releases are accompanied by the preparation of masterplans; and*
- 7 *take into account the location and firm development proposals of business and industrial premises including chemical and petrochemical facilities.*
- 8 *Local Plans will also identify the site or area of search of the general locations listed in Schedule Com.1b taking into account the avoidance of adverse impact on European sites and specific requirements for new social and physical infrastructure.”*

7a.11 Policy COM.1 and Schedule COM.1a set out strategic housing land requirements for the various settlements throughout the Council area. The site has the potential to contribute significantly to meeting the requirement of 2,100 houses for Falkirk to 2020. The site generally accords with the criteria set out in Policy COM.2 since it is primarily brownfield, and offers good accessibility by public transport, cycling and walking.

7a.12 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”

7a.13 Policy COM.3 states that the provision of affordable and special needs housing will be supported, based on housing needs assessments for each community. Local Plans are to stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs. The element of affordable and special needs housing would be secured through a S75 legal agreement.

7a.14 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) *environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) *physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) *community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.15 Policy COM.5 sets out the requirement for the Council to seek reasonable developer contributions of an appropriate scale and type in respect of environmental enhancement, physical infrastructure and community and recreational facilities. Schedule COM.5 sets out further examples of contributions and circumstances where provision may be required. In this instance, expected commuted payments will be secured through terms included in a S75 legal agreement to include provision for Education, Transport infrastructure and public art.

7a.16 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

7a.17 Policy COM.6 seeks to ensure that a satisfactory distribution of open space and recreational facilities exists across the Council area and sets out requirements in terms of new open space and the loss of existing open space. The levels of open and active space provision would be dependent on the final capacity/density of development of the site. It is envisaged that such matters will be controlled through planning conditions/S75 agreement.

7a.18 Policy COM.7 ‘School Provision’ states:

“New housing development will not be permitted unless adequate school capacity is available or will be made available.”

7a.19 Policy COM.7 states that new residential development will not be permitted unless adequate school capacity is available or can be made available. Education Services have been consulted, and a commuted payment relating to phasing of development requested.

7a.20 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
 - (a) it will not adversely affect the integrity of the site, or;*
 - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.**
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.21 Policy ENV.3 sets out the criteria relating to the protection and promotion of nature conservation interests, including identifying opportunities for enhancement of natural heritage, wildlife corridors and habitat creation. While the current application merely seeks the principle of development, nature conservation would be ensured by means of planning conditions, and would be assessed in the determination of any subsequent planning applications on the site.

7a.22 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*

- (3) *Promoting sensitive interpretation of heritage assets.*
- (4) *Protection of the assets and their setting from inappropriate development.*
- (5) *Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) *Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.23 Policy ENV.5 states that important archaeological sites, including Scheduled Ancient Monuments, be protected and enhanced. This would be reflected through planning condition.

7a.24 Policy ENV.6 'Enhancement Action' states:

"Priority will be attached to the programme of enhancement measures (including wildlife habitat enhancement) identified in Schedule ENV.6 below. Local Plans and other programmes will include detailed proposals for the enhancement of such areas or features, including mechanisms for implementation."

7a.25 Policy ENV.6 gives priority to enhancement measures in certain key locations, which are set out in Schedule ENV.6. The canal corridor is identified as one of these locations. The proposals are considered to achieve these aspirations, although the finite detail of enhancement measures would be subject to further review on any subsequent planning applications.

7a.26 Policy ENV.7 'Quality of Development' states:

"(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.

(2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements."

7a.27 Policy ENV.7 states that priority is attached to the achievement of high standards of design in all new development, and that where proposals would have a significant visual and physical impact they must be accompanied by a design concept statement. While statements accompany the application promoting good design, such matters would be subject to closer scrutiny on any further planning applications and controlled through planning condition.

7a.28 Policy ENV.16 'Contaminated Land' states:

"The Council will support the rehabilitation of vacant, derelict and contaminated land through the promotion of redevelopment on specific sites and investment, in partnerships with other agencies, in a prioritised programme of site investigation and remediation measures. Detailed proposals will be incorporated in Local Plans."

7a.29 Policy ENV.16 states that the Council will support the rehabilitation of vacant, derelict and contaminated land through the promotion of redevelopment on specific sites. The application site falls within this criteria and would benefit as a result of rehabilitation in terms of land remediation.

7a.30 Policy TRANS.1 'Core Path Networks' states:

"The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network."

7a.31 Policy TRANS.1 outlines the Council's commitment to Core Path Networks. This has been carried forward through the Core Paths Plan and policies in the FCLP provide further guidance. The current application promotes the benefits of core path Networks, and planning condition should ensure such matters are considered further on any subsequent applications on the site.

7a.32 Policy TRANS.3 'Transport Assessment' states:

"Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged."

7a.33 Policy TRANS.3 states that proposals resulting in a significant increase in travel demand will require a Transport Assessment and, where appropriate, Green Travel Plan. A submitted Transport Assessment has been received, and appropriate planning conditions/S75 agreement would ensure compliance.

Falkirk Council Local Plan

7a.34 Economic Development - Proposals and Opportunities

ED.FAL14 Tamfourhill
Opportunity: Marina/Leisure Development
Site Area: Unknown
Agency: Falkirk Council/British Waterways/Private

Comments: Opportunity for development of new waterspace, in conjunction with residential development. Masterplan required, which includes Wheel site and adjacent industrial properties at Portdownie.

7a.35 Economic Development - Proposals and Opportunities

ED.FAL13 Falkirk Wheel
Opportunity: Leisure/Tourism/Business Development
Site Area: 18.0 hectares
Agency: British Waterways/Private
Comments: Opportunity for appropriate leisure, tourism and business development ancillary to the Falkirk Wheel. Small scale specialist retailing may also be permitted. Overall design objectives include protecting the setting of the Wheel, safeguarding canal-side locations for key uses that require access to water, and capitalizing on the wooded background of the site as a location for ancillary development.

7a.36 Housing - Proposals and Opportunities

H.FAL13 Tamfourhill Road
Site Area: 11.7 hectares
Capacity: Unknown
Status: Opportunity
Comments: Opportunity for major housing development in conjunction with canal-related commercial development and mooring basin (see ED.FAL14). Feasibility study undertaken looking at constraints and layout options. Masterplan required covering this site and adjacent Portdownie industrial area. PPP application submitted in 2010.

7a.37 Environmental Enhancement - Proposals and Opportunities

EN.FAL03 Lock 16/Union Inn
Opportunity: Environmental Improvements
Agency: Private/BW
Comments: Opportunity to improve the amenity of this existing activity node, including car park enhancement, permanent moorings, landscaping and public art. Tamfourhill regeneration project offers means of achieving these improvements.

7a.38 The proposal, albeit in principle, seeks to conform to the allocated designations in providing major residential and commercial facilities, while promoting pedestrian, vehicular and landscape linkage between the site and the surrounding land. The application recognises the aspirations for environmental improvement and promotes the extensive regeneration of the area, while retaining key landmark structures and features.

7a.39 In addition, the following policies within the Local Plan may be of particular relevance in the assessment of any further applications within the site:-

Policy EQ1 - 'Sustainable Design Principles'
Policy EQ2 - 'Implementation of Sustainable Design Principles'
Policy EQ3 - 'Townscape Design'

Policy EQ4 - 'Landscape Design'
Policy EQ5 - 'Design and Community Safety'
Policy EQ6 - 'Design and Energy Use'
Policy EQ7 - 'Area Enhancement Priorities'
Policy EQ8 - 'Vacant, Derelict And Contaminated Land'
Policy EQ9 - 'Public Art'
Policy EQ10 - 'Advertisements'
Policy EQ11 - 'Shopfronts'
Policy EQ14 - 'Listed Buildings'
Policy EQ16 - 'Sites of Archaeological Interest'
Policy EQ17 - 'Antonine Wall'
Policy EQ21 - 'Falkirk Greenspace '
Policy EQ22 - 'Landscape and Visual Assessment'
Policy EQ25 - 'Biodiversity'
Policy EQ26 - 'Trees, Woodland And Hedgerows'
Policy EQ27 - 'Watercourses'
Policy EQ29 - 'Outdoor Access'
Policy EQ30A - 'Air Quality'
Policy SC4 - 'Special Needs and Affordable Housing'
Policy SC6 - 'Housing Density And Amenity'”
Policy SC12 - 'Urban Open Space'
Policy SC13 - 'Open Space And Play Provision In New Development'
Policy SC14 - 'Education And New Housing Development'
Policy SC15 - 'Nursery And Child Care Facilities'
Policy EP7 - 'New Retail Development'
Policy EP8 - 'Neighbourhood And Rural Shops And Services'
Policy EP14 - 'Commercial Leisure Development'
Policy EP15 - 'Tourism Development'
Policy EP16 - 'Leisure And Tourism Development In The Countryside'
Policy EP17 - 'Canals'
Policy EP18 - 'Major Hazards'
Policy ST1 - 'Core Path Network'
Policy ST2 - 'Pedestrian Travel And Cycling'
Policy ST3 - 'Bus Travel And New Development'
Policy ST5 - 'Managing Travel To School'
Policy ST6 - 'Improving The Road Network'
Policy ST7 - 'Transport Assessments'
Policy ST10 - 'Parking'
Policy ST11 - 'Sustainable Urban Drainage'
Policy ST12 - 'Flooding'
Policy ST12A - 'Sewerage Infrastructure'
Policy ST16A 'Light Pollution'
Policy ST19 - 'Waste Reduction In New Development'
Policy ST20 - 'Renewable Energy Development'
Policy ST21 - 'Wind Energy'

Policy Summary

- 7a.40 The Structure Plan is supportive of the application in so far as it would contribute to the implementation of the Falkirk Canal Interchange which is a Strategic Development Opportunity under Policy ECON.1/Schedule ECON.1; the development of tourist infrastructure along the canal corridor, which is a tourism priority under Policy ECON.7 and the enhancement of the canal corridor, which is a priority under Policy ECON.6. It would also contribute to meeting the substantial housing land requirement for Falkirk in the period up to 2020. Structure Plan policy requirements with regard to developer contributions, affordable housing and natural/built heritage will need to be addressed through changes to the masterplan, or appropriate conditions/Section 75 Agreement.
- 7a.41 The Local Plan supports the principle of a mixed use regeneration of the Portdownie/Tamfourhill area, subject to a confirmed masterplan. Again, there are a number of detailed requirements in various generic policies which will have to be addressed through changes to the masterplan, or appropriate conditions/Section 75 Agreement.
- 7a.42 Accordingly, the proposals accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to the application are the appropriateness of the masterplan, points raised through representation, consultation responses and supplementary planning guidance.

Masterplan

- 7b.2 A Masterplan/design statement has been submitted which provides a summary of the overall design concept. A fair amount of detail has been provided, but in some instances not enough to show how some of the innovative layouts would actually work. In particular, some commentary on the handling of access, parking, amenity space within the street blocks requires clarification.

7b.3 Land Use

The land use mix proposed is considered acceptable, with commercial uses focused around the new waterspace and the Union Inn, and a good mix of housing types within the residential zones. However, there is no mention of affordable/special needs housing. Under Policy SC4 there is a requirement to provide 15% of units for affordable/special needs. There is also no mention of any provision for community space within the development, although it may be that this can be addressed by the upgrading of existing community facilities within the wider Tamfourhill area. These matters will be appropriately addressed through conditions/Section 75 Agreement.

7b.4 **Design and Layout**

The overall design concept is considered acceptable as an attempt to create a lively, varied canalside quarter. The layout accords generally with the principles set out in the informal planning brief, in terms of orientating development towards the canal; creating activity and vibrancy on the waterfront; use of permeable layouts facilitating east-west movement along the canal corridor, connecting Lock 16 to the Wheel, and north-south movement from Tamfourhill to the canal; and the creation of attractive new civic spaces at the Union Inn, the new mooring basin and along the south bank of the canal.

7b.5 **Zone 1 Urban Hub**

- Sensitivity is required with regard to the various heritage features of the site. The height and design of buildings next to the Union Inn will need to be very carefully considered to ensure that the building's landmark status and presence is not diminished. Although the intention to integrate the rear of this listed building into the marina frontage is acknowledged, an alternative approach might be to move the marina to allow an enclosing frontage which conceals the rear of the building and encloses the private rear space presently existing. Recognition should, if possible, be given to the historic footprint of the old Portdownie basin in the layout of buildings and the design of the open space. The Antonine Wall buffer zone should be kept clear of development and the layout of buildings and design of the open space should be adjusted to emphasise the line of the Wall.
- It is unclear how parking is to be handled in parts of Zone 1, where there are likely to be substantial parking requirements arising from commercial uses. The concern being that public spaces would end up accommodating parking, undermining their civic and aesthetic value. It would be anticipated that the marina, hotel, café and offices would require more parking provision than shown for service vehicles, staff and visitors/shoppers. The rear parking court to the triangulated building (retail/residential above) would need to differentiate resident and other parking and does not appear adequate for both. Whereas the plans for shared rear parking areas for the canalside townhouse/terrace blocks are reasonably self explanatory, provision for the apartment blocks and terraces to the south is more ambiguous with some rear and some street frontage parking and uncertainty about rear servicing areas for Care Home/Nursery and the 4 storey apartment block.
- The massing diagram shows the townhouses and terraces having the same 3 storey height. The adjacent Zone 2 the terraces are 2 storey. The live/work units are also shown at 3 storeys and have rear gardens.

7b.6 **Zone 2/Medium Density Housing**

- Whilst the informal "home zone" approach to the layout is welcomed, greater clarity on access and parking conventions is needed. For the canalside housing, it is assumed that this has a frontage on to the canal, with rear vehicular access. Direct pedestrian access on to the canal towpath should be provided. Vehicular access to apartments on the eastern edge of the zone is unclear.
- The tree avenue and broad landscaped verge along the north side of the spine road would appear to conflict with vehicle access to/from the adjacent housing frontage. This would require a number of crossings of the verge.

- The interface between Zone 2 and Tamfourhill Road is unclear. The preference would be to maintain woodland planting along the boundary.

7b.7 **Zone 3/Low Density Housing**

- The pre-application 3-D image confirms that a walled and garaged frontage is proposed around the site. Whilst from the outside an innovative designer might achieve a picturesque appearance the concern is that it would be blank and forbidding, restricting natural surveillance of the street/vehicle area - an important aspiration of the Housing Layout Supplementary Planning Guidance. Such a layout may struggle to attract the standard volume builder. More clarity is also needed on the intended treatment to the canal frontage. This will be requested through the expected design brief submission.
- Rear gardens behind the main road frontage seem very shallow, even when compared with the Zone 2.
- The development layout shows a service road turning parallel to the spine road, allowing access to properties along the southern edge of the zone. This is not shown on the use/massing/access plans, implying individual properties taking access directly off the spine road. Clarification of this is needed. This will be requested through the expected design brief submission

7b.8 **Landscape and Open Space**

The Landscape/Townscape Visual Impact Statement is thorough and detailed, and its conclusions are accurate. The Masterplan makes provision for a framework of open space and landscaping which is generally well located and integrated into the development. However, in determining the open space and play needs of the development, reference needs to be made to the Open Space Strategy and the full range of open space types that are covered by the Strategy. Issues which require attention are as follows:

- In terms of the Open Space Strategy and the different types of open space provision, civic space, waterspace, amenity, parkland and semi-natural open space are well provided for. However, active open space is not well covered, and the provision of sports pitches, kick-about areas and play facilities should be considered. There may be different options for these types of provision. The provision of a well-equipped play area should be possible within some of the on-site open space, or indeed within, or on the edge of, the woodland. Some of the on-site spaces may also be able to accommodate some limited kick-about. However, the on-site provision of a sports pitch, which appears to be a deficiency in the area, may be more problematic. It may be possible that contributions could be made to off-site upgrading. This will be subject to clarification through the expected S75 legal agreement.
- The use and management of the woodland at the western end of the development is critical. A plan showing how the woodland is to be developed to meet recreational, biodiversity and landscape needs should be developed, along with an indication of how the woodland is to be managed in the long-term. Such a plan should consider access routes and linkages with the Antonine Wall, the Falkirk Wheel, the canal and the development itself.

- The landscape treatment of the new access road to the Wheel should be carefully considered. Within the woodland, the preference would be for broad verges with new native planting, to avoid a narrow cut woodland corridor without visual diversity.
- The retention of a woodland frontage to Tamfourhill Road is important to retain the character of this road, and to provide a functional and robust wildlife corridor running east-west through the site.
- The assumption is made in the submission that SUDs provision will be through underground tanks, rather than surface features. Until this is confirmed, however, a contingency for surface features may have to be retained, and it would be useful to see how these could be integrated into the landscape design.
- The development provides extensive opportunities for public art, which could link into British Waterways' wider strategy for public art along the lowland canals and should be captured in a public art strategy for the site. Apart from on-site potential, the possibility of a floodlighting scheme for the lock flight adjacent to the east of Lock 16 could be reconsidered.

7b.9 **Ecology**

There is some concern at the lack of consideration given to the connectivity of habitats within the site and connecting into the wider environment, particularly bearing in mind that this issue and the Falkirk Integrated Habitat Network/Central Scotland Green Network were highlighted in the EIA scoping opinion. In this regard, the inclusion of an east-west woodlands/grassland corridor along Tamfourhill Road is recommended.

- 7b.10 The impact assessment has not adequately considered the impact of loss of areas of semi-natural broadleaved woodland and semi-improved neutral grassland, or possible mitigation of such impacts. This is expected to be addressed through further submission.
- 7b.11 The proposal to produce a habitat management plan for the site is supported. This should be produced at an early stage and identify the habitat to be retained and protected, enhanced and created, and the ongoing management of these areas. It is suggested that this should be broadened out slightly to be a Biodiversity Management Plan which can also include any one off or ongoing management measures that may be required for species (e.g. bats or barn owls).
- 7b.12 There is a great crested newt breeding pond within 900 metres of the site, to the south.

7b.13 **Outdoor Access**

Legislation/procedures relating to Land Reform (Scotland) Act 2003 must be adhered to. At detailed design stage, it would be useful to see a detailed plan of public access across the site (existing, during construction and upon completion) for the approval of the Council as planning Authority showing:

- Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;

- All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc (including proposed specifications for these); and
- Any diversions of paths - temporary or permanent - proposed for the purposes of the development.

7b.14 There appear to be good connections within the proposed development. These should all be safe and overlooked, with direct path links suitable for cycle and pedestrian use between housing, community and leisure facilities, particularly linking with the canal and the marina/basin area.

7b.15 Improved off-site pedestrian linkages from Tamfourhill through the development to the canal should be considered. This may require new upgraded footpaths and crossing points to mitigate the severance caused by Tamfourhill Road. Key connecting routes linking the site with wider countryside should be suitable for cycle, pedestrian and horse use.

7b.16 All core paths within the site should be protected and enhanced.

7b.17 **Sustainable Design**

There is a lack of coverage of sustainable design issues in the submission. This is mentioned only very briefly in the Masterplan document. There is no consideration, for example, of the potential for on-site renewables. The EIA scoping opinion specifically highlighted energy use and waste management as omissions from the scoping report. A condition should be imposed requiring suitable documentation (e.g. sustainability framework or similar) to be prepared in early course.

7b.18 **Delivery**

As noted previously, the Masterplan lacks information on phasing and delivery. In particular, information is needed on how, when and by whom the various key elements of physical and social infrastructure (e.g. Wheel access, off-site road improvements, landscaping/open space, affordable housing, waterspace, woodland management, public art) and any developer contributions (e.g. education, community facilities, off-site open space upgrading) will be delivered, either linked with the development of particular phases and with thresholds of numbers of residential units. This will be built into the Section 75 Agreement/conditions.

7b.19 In terms of securing design quality and sustainability this generally needs to be taken forward through more detailed documentation, the content and timing of which needs to be specified appropriately. An inventory of such documentation needs to be prepared, but it is likely to include the design documents previously referred to, the sustainability framework, and biodiversity documents such as the Site Biodiversity Management Plan.

Response to Representations

7b.20 With regard to the availability of information, the applicant has carried out numerous public exhibitions relating to the proposals, as required through the Pre-Application Consultation process, accompanying the submission of a Proposal of Application Notice some 12 weeks prior to the formal submission of application. In addition, the information in support of the application has been available through the Falkirk Council website.

7b.21 While the application seeks the principle of development, it is unclear as to what perceived injury to amenity may occur to individual households adjoining the site. However, more detailed planning applications may, in the future, allow further consideration of these matters.

Response to Consultations

7b.22 The points raised by consultees have been noted and reflected in the proposed planning conditions and/or terms of the proposed Section 75 Agreement. However, many of the points raised may be evaluated on receipt of further planning applications relating to the detailed aspects of the development or matters subject to conditions.

Supplementary Planning Guidelines

7b.23 Supplementary Planning Guidelines are available on a number of topics, including:-

- Housing Layout and Design
- Biodiversity and Development
- Design Statements
- Sustainable Design and Construction
- Trees and Development
- Contaminated Land
- Shopfront Design
- Flooding and Sustainable urban Drainage Systems
- Public Art Strategy and Action Plan
- Education and New Housing Development

While the application seeks to accord with the guidelines proposed, more detailed appraisal of individual topics will occur on further submitted applications.

7c Conclusion

7c.1 In terms of outlining the development strategy for the site, the current planning application sufficiently identifies the skeletal framework for development, including the identification of uses, density, access and open space provision, along with an emphasis on strong linkages throughout the site with adjoining land and established provision.

7c.2 The principle of development is strongly supported in terms of its regeneration benefits for the canal and surrounding area, as well as augmenting existing leisure/tourism attracted to the Falkirk Wheel.

- 7c.3 The proposal accords with the Structure Plan and adopted Falkirk Council Local Plan, although there are a number of aspects which need to be reviewed in detail - these matters are safeguarded through planning condition and/or S75 legal agreement.

8. RECOMMENDATION

- 8.1 It is recommended that Falkirk Council be minded to grant the application subject to planning conditions and the completion to the satisfaction of the Director of Development Services of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of those matters referred to in the report and summarised as follows:-

- (a) A financial contribution to Education Services on a pro-rata basis of:-

| | | |
|---------------------------|---|------------------|
| Bantaskin Primary School | - | £2,150 per house |
| | - | £1,250 per flat |
| St Mungo's RC High School | - | £650 per house |
| | - | £450 per flat |

A satisfactory scheme of phasing of payments shall reflect the proposed extension at Bantaskin Primary School being operational no later than after 35% of the residential development completed. The pro-rata contribution towards long term capacity risk at St Mungo's will not be required until the latter stages of development (75% of completion may be acceptable). It is envisaged that the phasing of payments be secured through a combination of units built and fixed timescales to allow a payment programme to be concluded. The financial contribution shall be index linked to the construction price indices from the date of the Planning Committee decision.

- (b) A financial contribution of £1,097,282, index linked to the construction price indices from the date of the Planning Committee decision, will be required to address a proportion of works to the A803 road corridor and other junctions in the vicinity of the site. A satisfactory scheme of phased payments will be required to be concluded. In addition, revised survey implications for the A9 roadway between Rosebank and Merchiston roundabouts requires to be submitted and evaluated, where the precise nature of any works and hence costs has not yet been identified.
- (c) A financial contribution towards public art or an alternative scheme of art installations by the applicant is required, the terms to be agreed in writing by the Planning Authority.
- (d) A satisfactory scheme to provide 15% of the residential capacity of the site for sheltered/affordable housing shall be concluded.
- (e) A satisfactory scheme in respect of measures to promote travel to the proposed development by modes of transport other than the private car, namely;

- (i) The preparation of a Travel Plan Framework to be annexed to the Section 75 Agreement; the focus being to identify the objectives, mechanisms and facilities to reduce the need for occupants to travel to/from the site by car.
- (f) A satisfactory scheme in respect of housing density, in-curtilage provision, architectural design, materials and open space/recreational space, all to be adhered to in the execution of development phasing and with due regard to Falkirk Council's Supplementary Planning Guidance.
- (g) A satisfactory habitat management plan and Biodiversity Management Plan.
- (h) A satisfactory Sustainability Framework Document.

8.2 And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 5 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 5 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or

- (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works.
 - iv. condition of the site on completion of decontamination measures.

Before any dwellinghouse/commercial unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (5) As part of any application for approval of Matters Specified by Conditions, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (7) Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.
- (8) As part of any application for approval of Matters Specified by Conditions, full details of protecting residential properties from traffic noise will be required and approved in writing by the Planning Authority.
- (9) As part of any application for approval of Matters Specified by Conditions, further details regarding air quality will be required and approved in writing by the Planning Authority. For the avoidance of doubt, an earlier development date of 2019 will require a re-run of the current modelling methodology.
- (10) As part of any application for approval of Matters Specified by Conditions, a Flood Risk Assessment will require to be submitted to and approved in writing by the Planning Authority.

- (11) As part of any application for approval of Matters Specified by Conditions, a full Drainage Assessment will require to be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, any discharges that will enter watercourses will be limited to 3.2 l/s/ha, due to the flood sensitive nature of the surrounding area.
- (12) For the avoidance of doubt, the road geometry and all visibility splays shall be in accordance with Falkirk Council guidelines, including the horizontal curves, and appropriate traffic management measures shall be installed along the access roads.
- (13) As part of any application for approval of Matters Specified by Conditions, a scheme detailing the proposals for flood management shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and all work shall be carried out in accordance with the approved scheme. The flood management shall include engineering a structure (e.g a channel) to provide a formal overland flow path from the culvert on the unnamed watercourse to the Canal. The channel shall be of an appropriate size to accept significant overland flood flow and protected and maintained for the lifetime of the development for flood risk reasons.
- (14) As part of any application for approval of Matters Specified by Conditions, further information shall be submitted to and approved, in writing, by the Planning Authority that any houses closest to the canal and unnamed watercourse (i.e. to the north east of the culvert) are protected from the residual risk of flooding from overland flow. Alternatively, a scheme for an alternative use e.g. amenity space may be considered.
- (15) For the avoidance of doubt, buildings identified at risk from flood shall have finished ground floor levels raised to an appropriate level (between 500 to 600mm) above surrounding ground levels, water resistant and resilient materials to be used within the building, with electrical wiring and sockets raised above the minimum floor level. In addition, finished ground levels should be sloping away from the houses to ensure that surface water is shed away from the outside walls of vulnerable buildings.
- (16) As part of any application for approval of Matters Specified by Conditions, a comprehensive landscape strategy (including species, mix, phasing and maintenance/management arrangements) shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the retention of existing trees shall be encouraged.
- (17) As part of any application for approval of Matters Specified by Conditions, updated ecological surveys may be required, the scope and extent to be agreed with the Planning Authority in Consultation with Scottish Natural Heritage. For the avoidance of doubt, the provision of bat roost and bird nest boxes across the site should form part of any appropriate habitat management plan.

- (18) As part of any application for approval of Matters Specified by Conditions, an archaeological scheme of investigation shall be submitted to and approved in writing by the Planning Authority examining the area centred on the remains of the Union Canal, with emphasis on the location of service pipes.
- (19) As part of any application for approval of Matters Specified by Conditions, further information shall be submitted to and approved in writing by the Planning Authority as to the use of sustainable construction and inclusion of micro-renewable energy provision within the development.
- (20) As part of any application for approval of Matters Specified by Conditions, a detailed plan of public access to the site (existing, during construction and upon completion) shall be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To ensure the ground is suitable for the proposed development.
- (5,7,19,20) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (6,12) To safeguard the interests of the users of the highway.
- (8) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (9,17) To safeguard the environmental amenity of the area.
- (10) To understand the flood risk to the site up to a 1 in 200 year event, with an allowance for climate change.
- (11) To ensure that adequate drainage is provided.
- (13) To provide the development with flood risk mitigation.
- (14,15) To ensure flood risk mitigation.
- (16) To ensure an integrated habitat network, green space and recreational framework.
- (18) To ensure that any archaeological remains are safeguarded.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-07.
- (2) Listed Building Consent may be required for works.
- (3) Scheduled Ancient Monument Consent may be required for works.
- (4) Confirmation is requested as to who is responsible for the maintenance of the unnamed watercourse, culvert and overland flow channel during the lifetime of the proposed development. In particular, if the proposed development is flooded as a consequence of any blockage or failure of any structure.
- (5) The applicant should follow good practice in respect of the ecology present on site, with the adoption of appropriate mitigation measures for the site from pre-construction through to completion. This should include measures such as escape routes from trenches, capping pipes over-night and so on. Scottish Natural Heritage should be contacted for further advice.
- (6) Separate consent may be required from Scottish Water for certain aspects of this development.
- (7) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (8) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (9) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (10) The applicant is advised to liaise with the Planning Authority during the preparation of the submission for approval of reserved matters.
- (11) The applicant is advised that the proposals must comply with legislation/procedures relating to Land Reform (Scotland) Act 2003.

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Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Avril Clarke, Avrilclarke@blueyonder.co. on 5 August 2011.
4. Letter of Representation from Mrs Christine Oakley, The Lime Road Residents Association Lime Road Falkirk on 28 February 2011.

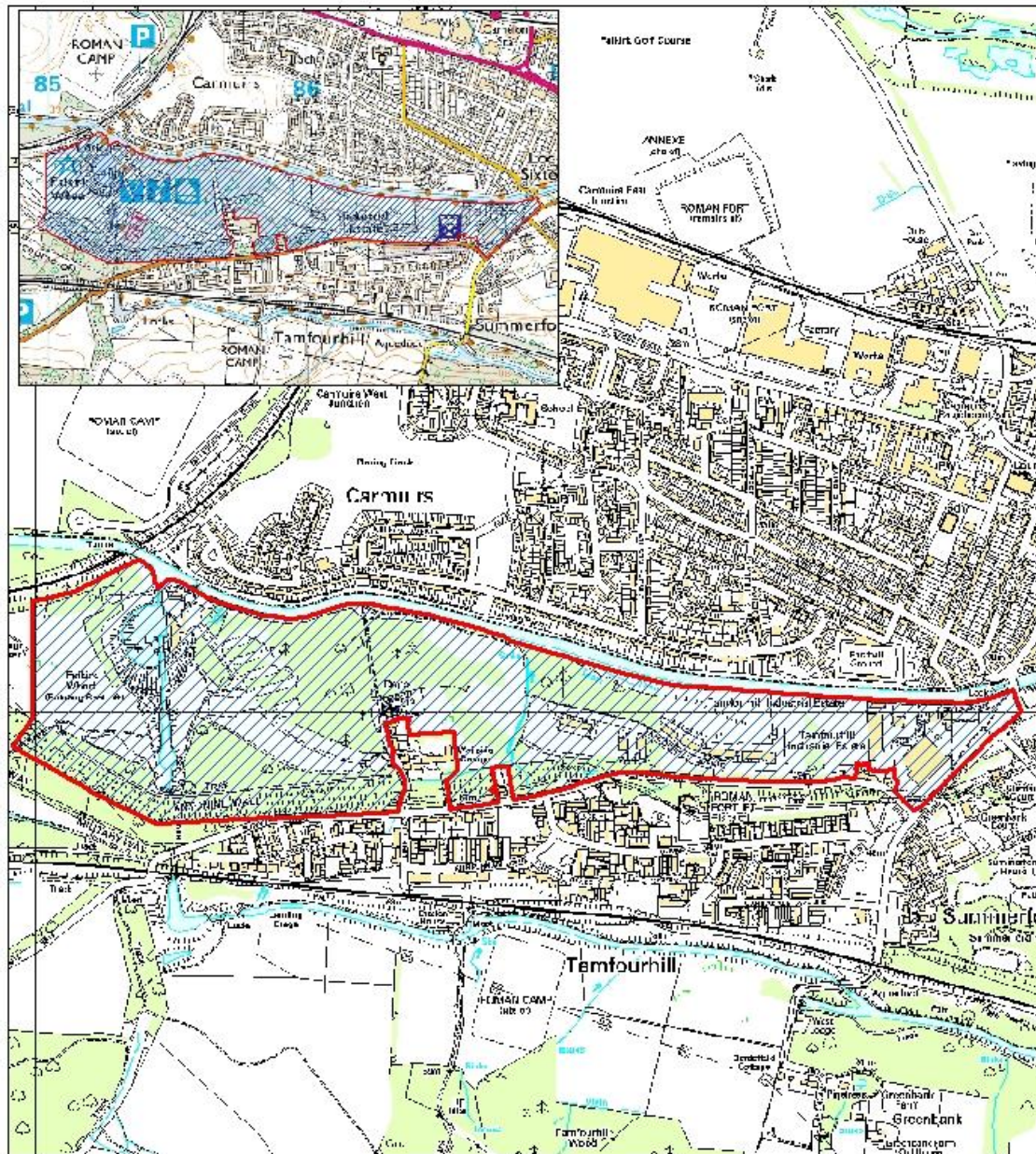
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0512/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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