

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE HEARING held in WHITECROSS PRIMARY SCHOOL, AVONBRIDGE CRESCENT, WHITECROSS on TUESDAY 26 APRIL 2011 commencing at 7.00 P.M.

PRESENT: Councillors Buchanan, Lemetti, A MacDonald, McLuckie, McNeill, Mahoney and Nicol.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Thomson.

ATTENDING: Director of Development Services; Development Manager, Senior Planning Officer (B Vivian); Roads Development Co-ordinator; Transport Planning Co-ordinator; Development Plan Co-ordinator; Environmental Health Officer (S Henderson); Senior Forward Planning Officer; Legal Services Manager (I Henderson); Committee Officer (A Sobieraj), Committee Assistant (S McGhee) and Modern Apprentice (E White).

ALSO

ATTENDING: David Dodge, Chief Executive, Morston Assets; David Morris, Head of Town Planning and Julian Farrar, Director, Ironside Farrar, the applicant's agent.

DECLARATIONS

OF INTEREST: None.

P20. RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT CROWNERLAND, MUIRAVONSIDE, LINLITHGOW FOR MORSTON ASSETS / MWL MAXINE DURY - P/10/0188/PPP

There was submitted Report (circulated) dated 13 April 2011 by the Director of Development Services on an application for planning permission in principle for residential and mixed use phased development for the Whitecross SIRR, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space at Crownerland, Muiravonside, Linlithgow.

1. The Convener formally welcomed those present and outlined the procedures relating to the meeting.
2. The Development Manager outlined the nature of the application.

3. The applicant's representative was heard in relation to the application.
4. Questions were then asked by Members of the Committee as follows:-

Q(a) Information was sought on the details of phasing of the project and what work would be undertaken under each development phase.

Response by the applicant's representative:-

The proposed development centred on the regeneration of the former Manuel brickworks site and the development of land between the site and the existing village. Expansion to the north and south of the village also formed part of the application site. Phase 1 would commence the development of the former brickworks site. The applicant's objective was to sell 100 houses per year over a 15 year period. As the community expanded the associated infrastructure would follow thus all being linked to house completions. The phasing and delivery of the infrastructure would be subject to conditions and the completion of a Section 75 Legal Agreement.

Q(b) Clarification was sought on the enforcement arrangements for the Phasing stages.

Response by the Legal Services Manager, Law and Administration Services:-

Should the Planning Committee be minded to grant planning permission in principle, the Council and the applicant would enter into a Section 75 Legal Agreement through the Town and Country Planning (Scotland) Act 1997, the purpose of which would be to impose planning obligations for the purpose of restricting or regulating the development or use of the land and particularly to deal with infrastructure requirements resultant from development. The Agreement would run against the title and with the land. It would bind the signatories to it and their successors in relation to fulfilling a range of planning obligations. Breach of its terms and provisions would enable the Council to pursue contractual remedies and seek to enforce the agreement against parties with an interest in the land.

Q(c) Information was sought on the location of the affordable housing on the site.

Response by the applicant's representative:-

The development proposed that 15% of the total number of new residential units would be affordable or special needs housing and totalling 225 units. This included a phased approach to delivery. The detail of the overall provision, including the precise locations, would be included in the Section 75 Legal Agreement.

Q(c) Information was sought on the land use details of the Planning Advice for Developments near Hazardous Installations (PADHI) developed and used by the Health and Safety Executive (HSE) and the matter of three pipelines within the application site boundaries.

Response by the applicant's representative:-

The Health and Safety Executive (HSE) had assessed the application against its '3 zone' land-use planning methodology (PADHI) due to the presence of three major hazard pipelines within the application site boundaries. The HSE did not advise against the granting of planning permission but suggested that any approval be subject to specific conditions as detailed in the Report by the Director of Development Services. The development's Masterplan had to meet a number of requirements and these included a limit on where the applicant could build. Again the detailed provisions would be assured within the Section 75 Agreement and any later application for full planning permission. The driving force was to bring local employment opportunities into the heart of the village.

- Q(d) Clarification was sought on the arrangements for the installation of a gas supply to the village of Whitecross and how this would be phased as part of the development.

Response by the applicant's representative:-

The applicant recognised the importance of the installation of gas to Whitecross, and confirmed that because the new proposals included new housing adjacent to the village, a gas supply would be brought into the village as part of the project.

- Q(f) Clarification was sought on the progressing of the roads infrastructure as part of the development.

Response by the Transport Planning Co-ordinator:-

The Transport Planning Unit had reviewed the Transport Assessment submitted with the application. Following consideration of prospective traffic generation rates and trip distribution, no capacity issues on local roads were identified. An agreement had been reached in principle with the applicant regarding the upgrading of the Myrehead Road carriageway, the provision of a new roundabout on the A801, traffic management/traffic calming measures on Station Road and the enhancement of existing bus services. A footpath would be required on Myrehead Road to provide pedestrian access to the express bus service on the A803. Further detail, including the phasing arrangements for work, would be included in the Section 75 Legal Agreement.

- Q(g) Clarification was sought on whether there were proposals to improve Muiravonside Park.

Response by the applicant's representative:-

There is nothing presently in the proposals regarding Muiravonside Park. In the current economic climate, they have sought to stick with the key commitments.

Q(h) Clarification was sought on whether the extension of Muiravonside Cemetery included proposals to address the problem of inadequate drainage at this location.

Councillor A MacDonald entered the meeting during this stage of discussions.

Response by the applicant's representative:-

Detailed proposals for the drainage of Muiravonside Cemetery had not taken place to date. Prior to any progress on drainage related issues, the applicant would require to assess the planning gain against other priorities, including the first phase of housing and gas installation. If the development makes drainage worse, this would be looked at but it would not be required to make it better.

Q(i) Clarification was sought in how to get across the dip where the roundabout would be.

Response by the applicant's representative:-

In relation to the dip to the roundabout there would need to be infill given the topography involved.

5. Those persons who have submitted representations on the planning application were heard at the Hearing. On this occasion, in addition to those persons who had submitted representations, other members of the public in attendance at the meeting were permitted to address the Hearing.
 - (a) Mr C Walker, an objector to the development, not having previously submitted representation, raised concern at the ability of the applicant to make improvements to Junction 4 of the M9 and the importance of the Council gaining full assurance that the work would be carried out. In addition, concern was expressed that the application (P/10/0761/PPP) - mixed use development of Canal Hub Facility on land to the north west of Almondhall Farm, Falkirk had not been presented to the Hearing together with the current application as there was connectivity between the two applications.
 - (b) Mr B Kerr, an objector to the development, sought clarification on the reason why the greenfield site was now included in the development. It was indicated that this site had not been included during the initial public consultations. In addition, it was highlighted that it was unlikely that jobs would be created as a result of the proposals for the provision of business, industrial and commercial space between the existing village and the new village centre. The development of building units, it was argued, would not in itself create jobs and that retail units were in fact the displacement of existing retail jobs from elsewhere. There was also concern that should displacement take place, local employment opportunities would not be created. As regards the phased nature of development, assurance was sought that the applicant would 'stay the course' of the development and clarification was requested on the options for the Council to request a substantial bond to safeguard the community's future.

- (c) Ms L Reid, a local resident, not having previously submitted representation, requested clarification on the timescale for the installation of the gas supply to the village.
- (d) Mr J Bailey, a local resident, indicated both support and reservations in relation to different aspects of the development, and sought clarification on the reasoning for the development of the greenfield site. Concern was also expressed in relation to the estimated 15 years of disruption to the local residents from construction work and the measures available to the community to influence the implementation of the proposals over this period.
- (e) Ms V Crowe, an objector to the development, raised further concern at the development of the greenfield site and indicated that no information relating to the application as a whole had been publicised in the outlying areas. In addition, reference was made to current heavy traffic on the B825, the southern route to Linlithgow as well as other associated roads. The problem would greatly increase should the development receive planning consent. The importance of the protection of the rich wildlife in the area was highlighted, as was the lack of house building south of the burn and the need for clarification on the rationale for the increase in the number of houses for the development.
- (f) Mr G McGregor, an objector to the development, requested clarification on the reason for building on greenfield land, between Myrehead Road and Whitecross, and the likelihood of raising Myrehead Road. In addition, a badger report was requested.
- (g) Mr R Toleman, on behalf of the Linlithgow Cycling Action Group and the local group Spokes, objectors to the development, indicated that it was critical for a link road to the A801 to be safe for cyclists. Other assurances were sought including that Station Road at Polmont be realigned and upgraded, that improvements be made for cyclists at Myrehead Road for joint use by cyclists and pedestrians and for appropriate connections to the A803. It was also necessary for the nearby roundabout to be cycle friendly. The upgrading of paths and footpaths for cycling and pedestrian use throughout the countryside was also requested.
- (h) Mr J Henderson, an objector to the development, raised concerns on the negative effect on (i) the value of current village residents' properties; and (ii) on local wildlife. In addition, concern was expressed in relation to the building of housing to the rear of the former Manuel brickworks site.
- (i) Mr I Evan Cook, an objector to the development, raised concern that the Council had redrawn the boundaries of the village and questioned the motives of the applicant's building of houses as primarily for profit.
- (j) Mr M Cross, an objector to the development, not having previously submitted representation, requested clarification on where the sewerage site would be located.

- (k) Ms A Brodie, an objector to the development, not having previously submitted representation, raised concern in relation to the access and road traffic at High Street.
 - (l) Mr M Leichner, an objector to the development, not having previously submitted representation, raised concerns in relation to the use of the road used at a route to Linlithgow and the likely escalation should the development receive planning consent. Concern was also expressed in relation to the change in the proposals in relation to the greenfield site, following the applicant's public consultation meetings.
 - (m) Mr D Cochrane, an objector to the development, not having previously submitted representation, highlighted the importance of improving the drainage system in Whitecross.
 - (n) Ms M Harrison, an objector to the development, not having previously submitted representation, raised concern in relation to the rat run by motorists and the importance of ensuring that this did not occur from the industrial units through Myrehead Road.
 - (o) Mr N Wakeham, an objector to the development, not having previously submitted representation, raised concern in relation to the safety of young children from increased traffic and requested details of the timescale for implementation of the proposals should planning consent be awarded.
 - (p) Mr W Roberston, an objector to the development, not having previously submitted representation, raised concern that should Network Rail take the decision to raise the railway bridge, that there may be problems in traffic and pedestrians wishing to egress the village.
 - (q) Mr W Stewart, an objector to the development, not having previously submitted representation, raised concern that the location of the Business Park close to the residential area would result in road safety issues affecting young children.
 - (r) A local resident, unnamed and an objector to the development, highlighted the importance of developing Myrehead Road for traffic in order to alleviate pressure of the local road network and to provide a direct route to other locations from Whitecross. There was also a value in maintaining dialogue with Network Rail.
6. Responses were given by the Convener, the applicant's representatives and Officers as appropriate, in relation to the issues raised by Members and contributors as follows:-

- (a) Response by the Convener of the Planning Committee:-

In relation to the Council's consideration of the application (P/10/0761/PPP), the Council was considering and consulting on each application for planning permission on a separate basis in accordance with normal procedures.

(b) Response by the applicant's representative:-

Scottish Water will expand the existing sewerage works. This work would be funded by the applicants. The applicants had agreed to be included in discussions with the Council in relation to flow rates and Sustainable Urban Drainage (SUDS) ponds. All work required to be approved by the Council and Scottish Water. The installation of the gas supply would commence should planning consent be approved and there would be a requirement for gas supply for the first houses built. The current estimated timescale for work to commence was March/April 2012 with anticipated completion around December 2012/February 2013.

(c) Response by the Development Plan Co-ordinator:-

The Local Plan identified Whitecross as a Special Initiative for Residential Regeneration (SIRR), and the Manuel brickworks site as a Strategic Development Opportunity. The objective was the creation of a critical mass for the overall development of the local community. This regeneration required a certain size of community to support this process and this was why development was located within and around the village. In addition, there required to be a balance between the use of brownfield and greenfield sites. In this instance the ratio was 50:20 hectares brownfield and greenfield respectively. The Local Plan was adopted by Falkirk Council, including proposals for Whitecross, following comprehensive public consultation.

(d) Response by the applicant's representative:-

The development of a local community should not require that retail outlets and shops be staffed by local residents. The applicant believed that local employment would however be created and that the whole local community would benefit from the development.

(e) Response by the Legal Services Manager, Law and Administration Services:-

The planning process relates to the use of the land rather than to the user. Should the Council be minded to grant planning permission in principle, the Council and the applicant would enter into a Section 75 Legal Agreement through the Town and Country Planning (Scotland) Act 1997. This would restrict or regulate the development and use of the land and particularly deal with infrastructure requirements resultant from development. The agreement would carefully consider the phasing of infrastructure works relative to the overall development. Being a contract, should there be breach of the Agreement's terms and provisions, the Council would be able to pursue contractual remedies and seek to enforce agreement against parties who have an interest in the land. The Agreement would be recorded in the property register so its provisions would bind the land affected in perpetuity, applying to all future parties who obtain an interest in the land.

(f) Response by the applicant's representative:-

Network Rail was responsible for the railway bridge. The bridge was to be replaced at a higher level as part of the electrification process. In relation to the protection of wildlife, the applicant was required to comply with environmental legislation and appropriate mitigation measures would ensure compliance with legislation. Should planning permission and the principle of development be approved, the applicant would then submit more detailed proposals through an application for full planning permission. This application would be fully assessed by the Council's Development Services and appropriate local public and statutory consultation undertaken. The development would be governed by legislation and the applicants would adhere to all legislative provisions for the protection of wildlife, habitats and other matters.

(g) Response by the Roads Development Co-ordinator:-

The Council recognised the local concerns relating to traffic and motorist rat running. Should the Council be minded to grant planning permission in principle and following detailed proposals from the applicant, the Roads Service would consider measures to discourage motorists from using these specific routes. Measures for consideration included road narrowing and the installation of speed humps. A detailed analysis of traffic movements and appropriate mitigation measures would be undertaken by the Roads Service as required.

(h) Response by the applicant's representative:-

Should planning permission be approved and prior to the building of the first property, new road links would be created and the details would be included within the Section 75 Legal Agreement.

(i) Response by the Transport Planning Co-ordinator:-

The Transport Planning Unit had raised concern with Network Rail in relation to the upgrade of the railway bridge and a response to the issues raised was currently awaited. There had been discussions with the applicant on options for a pedestrian facility on the overbridge but this was dependent on the response from Network Rail. In relation to construction work undertaken within Whitecross, the Council would widely advertise the various diversions which would then be in operation to ensure minimum disruption over this period.

(j) Response by the applicant's representative:-

In respect of traffic to and from the Business Park, it was envisaged that traffic would emanate from technology related transport and should not include a significant number of lorries.

(k) Response by the applicant's representative:-

The applicant's representatives had held a meeting with Network Rail although this had not been beneficial in the view of the applicant.

(l) Response by the applicant's representative:-

During the development of proposals, the applicant had held meetings with the local community and as well as consultations and discussions with a wide range of organisations and consultees.

(m) Response by the Development Manager:-

Clarification was provided on the processes involved following the submission of an application for planning permission in principle. An application in principle related to the 'principle' of development. Should the Planning Committee be minded to grant planning permissions in principle, the applicant would be required to submit a further application for full planning permission. This application would provide more detailed information in respect of the proposals including site building ratios, the specific phasing arrangements and issues such as the precise boundaries and design of properties. In addition, further public consultation would take place in relation to the development.

7. No further questions were thereafter asked by Members of the Committee and then Councillor Hughes, local member was heard in relation to the application.
8. Close of Meeting

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 18 May 2011.