

FALKIRK COUNCIL

Subject: ROAD INFRASTRUCTURE (ROAD 3) INCLUDING ASSOCIATED HIGHWAY DRAINAGE. AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS LTD - P/12/0708/FUL

Meeting: PLANNING COMMITTEE

Date: 25 June 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the construction of road infrastructure and associated drainage (including a SUDS attenuation basin) to serve the Whitecross Special Initiative for Residential Led Regeneration (SIRR).
- 1.2 The proposal includes upgrade of the existing road between the former railway embankment at the eastern end of the former Manuel Works site and its junction with Haining Road. An interim arrangement is proposed involving the provision of a 6.75 metre wide carriageway, a 1 metre wide verge on the north side of the carriageway and a 2 metre wide footpath on the south side of the carriageway, whilst the final arrangement would provide for a 3.5 metre wide landscape corridor and a 3 metre wide cycleway/footpath on either side of the carriageway.
- 1.3 The applicant has advised that an interim arrangement is necessary until such time as the applicant has acquired and secured vacant possession of adjoining land subject to a secure agricultural tenancy.
- 1.4 Provision of the final arrangement would involve some encroachment onto the former railway embankment and the need for re-profiling of the embankment and some loss of trees.
- 1.5 The following information has been submitted in support of the application:-
 - Surface Water Drainage Details; and
 - A Stage 2 Road Safety Audit.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as the application site includes land within the ownership of Falkirk Council.

3. SITE HISTORY

- 3.1 Planning application ref: P/10/0188/PPP for a residential and mixed use phased development for the Whitecross SIRR, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure (including two roundabouts on the A801) and employment space, was received in March 2010. The Planning Committee decided in May 2011 that it is minded to grant planning permission in principle subject to the satisfactory completion of a Section 75 Planning Obligation. The conclusion of the Obligation and subsequent grant of planning permission in principle is imminent.
- 3.2 Prior notification ref: P/10/0562/DMO was received in July 2010 for the demolition of buildings at Manuel Works (phase 1). Prior notification ref: P/10/0801/DMO was received in November 2010 for the demolition of buildings at Manuel Works (phase 2). In both cases the Planning Authority advised that prior approval was not required.
- 3.3 Planning application ref: P/11/0308/FUL for the construction of a new western access to the existing brickworks site, including a new roundabout on the A801, associated drainage infrastructure and requisite earthworks was granted in December 2012.
- 3.4 Planning application refs: P/12/0709/FUL and P/12/0740/FUL for road infrastructure, including associated highway drainage, are pending consideration.
- 3.5 Planning application ref: P/13/0222/FUL for earthworks to facilitate the redevelopment of the former Manuel Brickworks/Whitecross SIRR was granted in May 2013.

4. CONSULTATIONS

- 4.1 The Roads Development Unit are satisfied with the proposed development and advise that a Road Construction Consent could be required for the proposed final arrangement. They anticipate that the existing priority at the Haining Road junction would remain in place until such time as the new access from the A801 to Haining Road is completely open for use. They are generally satisfied with the surface water drainage proposals, and request that the detailed design of the proposed outfall culvert and the proposed maintenance arrangements be subject to a planning condition.
- 4.2 The Environmental Protection Unit have advised that a Contaminated Land Assessment will be required if unexpected contamination is encountered following the commencement of the development.
- 4.3 The Transport Planning Unit are satisfied with the proposed development and accept that an interim arrangement will be necessary due to the temporary land constraints. They recommend that the completion of the final arrangement should be linked to development of the proposed Enterprise Park adjoining the application site.

- 4.4 Scottish Natural Heritage have advised that the road infrastructure works must be carried out in accordance with the agreed Badger Protection Plan for the overall development site.
- 4.5 Historic Scotland have advised that this element of the Whitecross development is unlikely to have any significant impact on the setting of the nearby Scheduled Monuments (Almond Castle and the Union Canal).
- 4.6 Falkirk Community Trust (Museum Services) have advised that the proposed works of this phase of the development are well away from Almond Castle or any known archaeological sites, and occur in an area where there has already been a great deal of disturbance due to the activity associated with the brickworks. They therefore have no objection to the application.
- 4.7 Scottish Water have no objection to the application and advise that a totally separate drainage system will be required with the surface water discharging to a suitable outlet. They require a Sustainable Urban Drainage System (SUDS) if the system is to be considered for adoption.
- 4.8 SEPA have no objection to the application and advise that the proposed drainage is acceptable in principle but they would prefer to see a system of swales or enhanced swales. They advise that the proposal may require registration or a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).
- 4.9 The Health and Safety Executive have advised that application of the PADHI+ system is not relevant as the proposed road infrastructure is classified as Sensitivity Level 1 which generates a “Do Not Advise Against” result in all three pipeline zones in proximity to the site.
- 4.10 Essar Oil have advised that they have no comment to make on the application.
- 4.11 The Coal Authority have no objection to the application as the specific part of the site where the new development is proposed falls outwith the defined Coal Mining Development Referral Area. Therefore, they do not consider that a Coal Mining Risk Assessment is necessary but they recommend, in the interests of public safety, that an informative be attached to any grant of permission.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for the Whitecross area.

6. PUBLIC REPRESENTATION

- 6.1 One objection to the application has been received. The concerns raised in the objection can be summarised as follows:
- There is no agreement or basis enabling the applicant to take possession or occupation of land held under a secure agricultural tenancy which is included within the application site; and
 - This brings into fundamental question the delivery of the project if an access road cannot be delivered.

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:

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

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

7a.2 This policy indicates that Falkirk Council will promote the former Manuel Works site at Whitecross as a strategic location for economic development. Planning application ref: P/10/0188/PP (see paragraph 3.1 of this report) reflected this aspiration by providing for a major residential and mixed use development. The current application facilitates this strategic regeneration scheme by upgrading existing road infrastructure to form part of the new primary street network. The application therefore accords with this policy.

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

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

- (1) *high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*

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

7a.4 This policy sets out the criteria that will apply to development of the strategic locations identified in Policy ECON1. The development proposed in P/10/0188/PPP has been subject to a comprehensive masterplanning process which is being further developed through a suite of site-wide documents including a Streetscape Hierarchy and Design Guide. The current application satisfies the masterplan requirements and provides for new infrastructure in accordance with the overall strategies for access, landscape and the provision of sustainable transport modes. The application is therefore considered to accord with this policy.

Falkirk Council Local Plan

7a.5 The application site lies within the boundaries of the Whitcross SIRR as defined in the Falkirk Council Local Plan. The strategic importance of the Whitecross SIRR, as identified in the Falkirk Council Structure Plan, has been detailed above.

7a.6 Policy EQ24 - ‘Ecological Sites and Features’ states:

- (1) *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) *Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*

- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.*

7a.7 This policy presumes against development likely to have an adverse effect on protected species. The proposed development includes upgrade of the existing road where it cuts through a former railway embankment at the eastern end of the former Manuel Works. This embankment provides a movement corridor between different badger social groups and is to be retained in its current form as part of the overall masterplan. The Badger Protection Plan prepared for P/10/0188/PPP included a recommendation for the provision of traffic calming measures at the badger crossing of the road, to reduce the potential for badger mortality and injury, and the current application includes visual narrowing of the road channel (but retention of an over-run margin) to satisfy this requirement. Compliance with the Badger Protection Plan would be a condition of any approval of the current application. The preparation of a Construction Environmental Management Plan (CEMP) would consider potential construction related impacts on protected species as a whole. The application is therefore considered to accord with this policy.

7a.8 Policy EQ29 - 'Outdoor Access' states:

- “(1) *The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) *In promoting new routes particular emphasis will be placed on*
 - *opportunities specified on the Proposals Map*
 - *other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - *other areas of proven demand as identified through community consultation; and*
 - *the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - *the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) *When considering planning applications, the Council will*
 - *Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*

- *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
- *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development."*

7a.9 This policy seeks to safeguard, improve and extend the network of outdoor access routes. The application site includes Core Paths extending along the existing roads and the former railway embankment to the south. Suitable arrangements would need to be put in place during the construction and operational phases to safeguard these routes. This matter would be subject to a planning condition. The application therefore accords with this policy.

7a.10 Policy ST11 - 'Sustainable Urban Drainage' states:

Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.

7a.11 This policy requires surface water management for new development to comply with current best practice on sustainable urban drainage systems (SUDS). The drainage strategy for the Whitecross SIRR development involves provision of a series of sustainable drainage features and controlled outfall to watercourses. The current application reflects the access strategy as surface water from the new road infrastructure would discharge to a new attenuation basin connecting to an outfall pipe and then to Manuel Burn, whilst detailed design and maintenance aspects would be subject to a planning condition. In addition, the new attenuation basin would form part of the green network for the Whitecross SIRR and provide an opportunity to contribute to biodiversity. The application is therefore considered to accord with this policy.

7a.12 Accordingly, the application is considered to comply with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Local Development Plan, the consultation responses and the representation received.

Falkirk Local Development Plan (FLDP)

7b.2 The FLDP was approved by Falkirk Council for consultation in March 2013, with the period for representation running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy.

7b.3 The application site lies within the Whitecross Strategic Growth Area under the FLDP which is identified as an Existing Supply Site for Mixed Use Development (Residential and Economic). The FLDP contains similar policies to those of the Development Plan of relevance to the current application, which the application has been assessed as complying with in this report.

Consultation Responses

- 7b.4 The consultation responses are summarised in Section 4 of this report. No objections to the application have been received in the consultation responses and the matters raised could generally be the subject of conditions or informatives of any grant of planning permission.
- 7b.5 With regard to the comments by SEPA (see paragraph 4.8 of this report), the proposed development provides two levels of treatment for surface water, in accordance with current policy and guidance. It was not considered practicable to include swales in the design as this would have compromised the provision of a landscape corridor on either side of the road. Filter trenches were therefore the preferred option.

Representation Received

- 7b.6 The concerns raised in the representation to the application are summarised in Section 6 of this report. As detailed earlier in this report, an interim arrangement is proposed because part of the necessary land for the final solution is currently subject to a secure agricultural tenancy. The applicant has advised that they have the benefit of an option to purchase the adjacent land but they will need to obtain vacant possession of the land before the option can be successfully exercised.

7c Conclusion

- 7c.1 This application, for the construction of road infrastructure to serve the Whitecross Special Initiative for Residential Led Regeneration (SIRR), is considered to accord with the Development Plan for the reasons detailed in this report. The proposal satisfies the masterplan for the overall SIRR development and the proposed works, to create part of the new primary street network, would help to realise this strategic regeneration scheme. The application is therefore recommended for approval subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:
- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
 - (2) Before the development commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (3) Before the development (as shown on approved plan 07C) commences, details of a scheme of soft and hard landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-

- (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
- (ii) The location of all proposed new trees, hedges and grassed areas;
- (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
- (iv) The location and design, including materials, of all surface finishes, walls, fences and gates; and
- (v) A programme for completion and subsequent maintenance.

Thereafter, the landscaping works shall be carried out in accordance with the approved details.

- (4) Before the development (as shown on approved plan 12B) commences, details of a scheme of soft and hard landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-

- (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
- (ii) The location of all proposed new trees, hedges and grassed areas;
- (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
- (iv) The location and design, including materials, of all surface finishes, walls, fences and gates; and
- (v) A programme for completion and subsequent maintenance.

Thereafter, the landscaping works shall be carried out in accordance with the approved details.

- (5) The Construction Environmental Management Plan (CEMP) required by Condition 2 of this permission shall include a Tree Protection Plan. The details of the Tree Protection Plan shall include the exact location, specification and timing of provision of the temporary fencing to protect the areas of retained habitat, and a Method Statement showing how the retained habitat would be protected during construction of the proposed road and associated infrastructure. The Planning Authority shall be notified within three days of the erection of the protective fencing to provide the Planning Authority with an opportunity to inspect the protective fencing once it is in place.

- (6) During construction of the development granted by this permission, no excavation, level changes, material storage or vehicle movements shall take place within the areas fenced off by the protective fencing indicated in the Tree Protection Plan.

- (7) The development granted by the permission shall be carried out in accordance with the Badger Protection Plan prepared by Mike Harris, Grampian Badger Surveys, dated June 2011, which was approved for the Whitecross SIRR development under ref: P/10/0188/PPP.
- (8) Before the development commences, the proposed arrangements for the safeguarding of the line of existing Core Paths 021/867, 021/868 and 021/871 during both the construction and operational phases of the development, or the proposed arrangements for the provision of an alternative route(s), shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (9) The final arrangement as indicated on approved plan 12B shall be fully completed prior to occupation of the first unit within the proposed Employment Park or Local Centre, or opening of the new Whitecross Primary School, whichever is the earliest, unless otherwise agreed in writing by this Planning Authority.
- (10) Notwithstanding Condition 9, the proposed works to change the priority of the Haining Road junction, as detailed on approved plan 12B, shall be implemented to coincide with the new access from the A801 through to Haining Road being completely open for use.
- (11) Before the development commences, or any alternative timescale that may be agreed in writing by this Planning Authority, the design details, including drawings and calculations, for the proposed surface water outlet culvert to the Manuel Burn and the proposed maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the construction related impacts of the proposed development are satisfactorily mitigated.
- (3-4) To safeguard the visual amenity of the area and achieve the landscape strategy for the Whitecross SIRR development.
- (5-6) To ensure that the construction related impacts of the proposed development are satisfactorily mitigated.
- (7) To safeguard the interests of a protected species (badgers).
- (8) To safeguard the existing network of outdoor access routes in the local area.
- (9) To ensure the timeous completion of the final arrangement of the approved development.

- (10) To ensure completion of the Haining Road junction works at an appropriate time.
- (11) To ensure the suitable provision of surface water drainage.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 03A, 04B, 06C, 07C, 08A, 09, 10, 11, 12B, 13A, 14, 15 and 16.
- (3) The Roads Development Unit have advised that a Road Construction Consent would be required for the proposed final arrangement (Road Construction Consent would not be issued for the proposed interim arrangements).
- (4) SEPA have advised that the proposal may require registration or a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2001 (CAR).
- (5) The Coal Authority have advised that the proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive works which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Property Search Service on 0845 7626848 or at www.groundstability.com.

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Director of Development Services

Date: 17 June 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan, Proposed Plan (April 2013).
4. Letter of Objection received from Mr Edward Henderson, Henderson Chartered Surveyors, East Netherton, Milnathort, KY13, OSB on 21 December 2012.

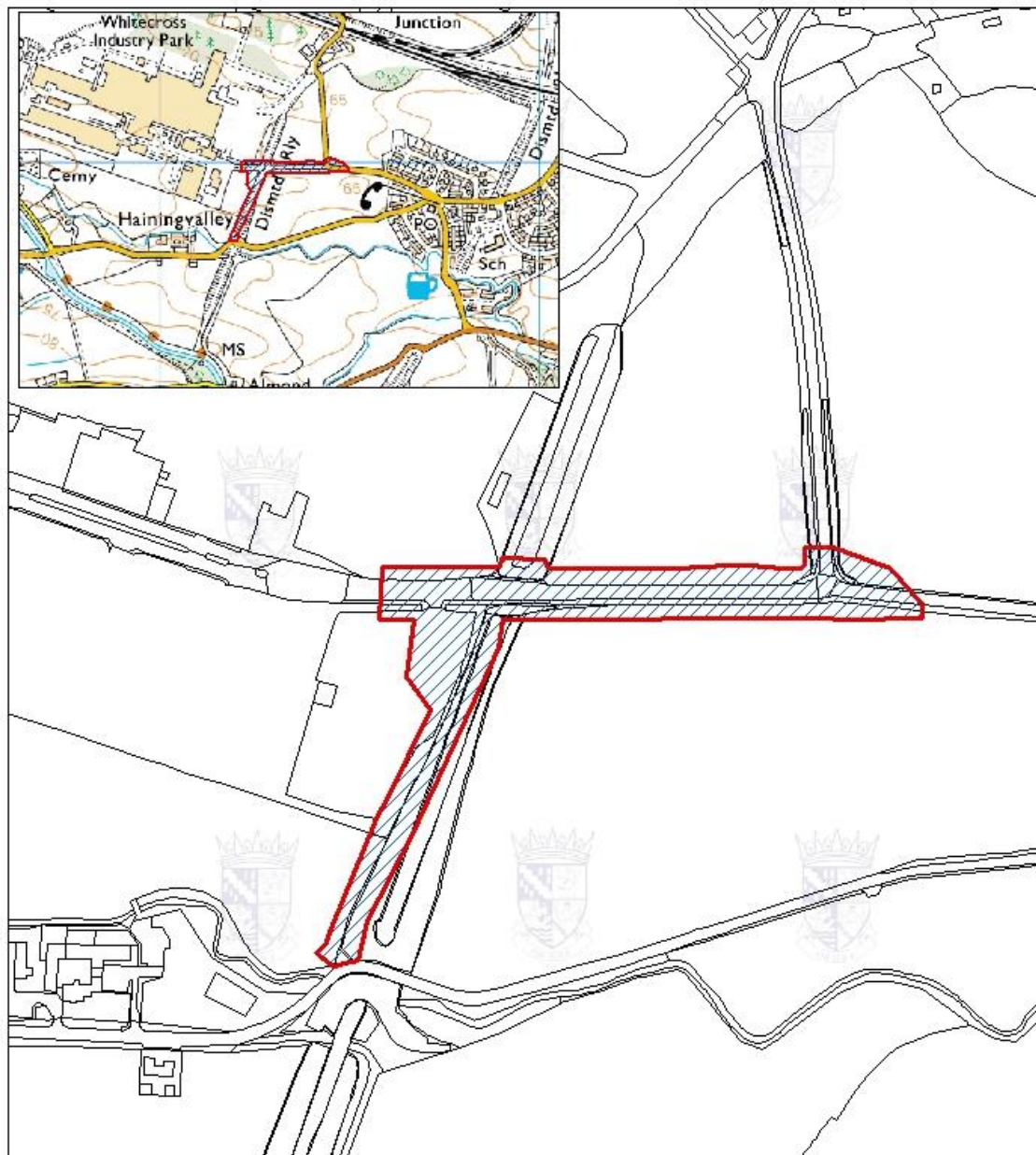
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0708/FUL

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



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