

## **Agenda Item 6**

**ERECTION OF CHURCH WITH  
ASSOCIATED COMMUNITY FACILITIES  
(CLASS 10 - NON RESIDENTIAL  
INSTITUTION), AT LAND TO THE  
NORTH EAST OF UNIT 1 KINNAIRD  
VILLAGE CENTRE, MCINTYRE  
AVENUE, LARBERT FOR GRACE  
CHURCH LARBERT - P/19/0407/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF CHURCH WITH ASSOCIATED COMMUNITY FACILITIES (CLASS 10 - NON RESIDENTIAL INSTITUTION), AT LAND TO THE NORTH EAST OF UNIT 1 KINNAIRD VILLAGE CENTRE, MCINTYRE AVENUE, LARBERT FOR GRACE CHURCH LARBERT - P/19/0407/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 August 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** No Community Council

**Case Officer:** Katherine Chorley (Planning Officer), Ext. 4704

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**1. UPDATE REPORT**

- 1.1 Members will recall that the Planning Committee considered this application on the 17 June 2020 (copy of report appended), when it was agreed to continue the application. The Committee agreed, subject to a decision of Council allowing for it to take place, to continue the matter to the August Committee to allow the parties who submitted the deputation requests to be heard in a remote video conference meeting. If further deputation requests were made then the Committee would decide whether to hear them. If Council does not agree that to be possible then the matter would be brought back to the August Committee to decide how to take matters forward.

- 1.2 Since then, however, the application has become the subject of an appeal to the Scottish Government Planning and Environmental Appeals Division (DPEA) on the grounds that the application was not determined within statutory timescales and is therefore considered to be a deemed refusal of planning permission. The initial response by the Council to the DPEA explained that the application requires to be considered by the Planning Committee, seeking an indication of the decision the Committee would have been minded to make, if it was in a position to do so.
- 1.3 The purpose of this report to the Planning Committee is to seek agreement on the planning authority's response to the DPEA in respect of the appeal in accordance with the requirements of Regulation 4 of The Town and Country Planning (Appeals) (Scotland) Regulation 2013. Once agreed this will be submitted to the DPEA. The deadline for submission was the 23rd July 2020, however, this meeting is the first one available for Members to consider matters. As the response will be outside the statutory period, the Reporter is not obliged to take such matters into account. In practice, late responses by the planning authority are generally taken into account.
- 1.4 The list of representations, and site plan are available at the end of the original committee report. Since drafting the report, one further representation has been received, an objection from Mr H McGinlay of 36 St Giles Square, Camelon, FK1 4JH. No further issues were raised in the representation that have not already been dealt with in the report to committee.

## **2. Recommendation**

- 2.1 **It is recommended that the Planning Committee agree the following:-**
  - a. **Instruct the Director of Development Services to advise DPEA that the appended report constitutes the Council's note of matters which should be taken into account in determining the planning application.**
  - b. **Indicate to DPEA that it would have been minded to grant planning permission if it had been in a position to determine this application, subject to;**
  - c. **The completion within 6 months, of a planning obligation within the terms of Section 75 of the Town and Country Planning Act 1997, as amended, in terms satisfactory to the Director of Development Services in respect of the provision of 30 parking spaces located adjacent to the application site and incorporated in to the parking provision allocated to the development;**

**And subject to the following condition(s):-**

- 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. i. Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
  
- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.**
  
- iii. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.**
  
- iv. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

- 3. Prior to the commencement of development on the site, temporary tree protection fencing shall be erected in a position to first be agreed with the Planning Authority around the tree crown spread of the tree to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off area. The fencing shall not be removed until all construction work associated with the development on site is completed.**
- 4. Prior to the commencement of development on the site, a notice stating "PRESERVED" shall be placed on the trunk of the tree to be retained and this notice shall not be removed until all construction work associated with the development on site is completed.**
- 5. Prior to the commencement of development on site details and specifications, to include a sample panel or samples, of the materials to be used in the external surfaces of the building shall be submitted to the Local Planning Authority for written approval. The sample panel/samples should show the proposed materials, including roofing, cladding and render to be used in the development. The development shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.**
- 6. Prior to the use of the building commencing, the vehicle, motorcycle and bicycle parking areas shown on drawing 04A (your ref. A-P-00-G2-001 Rev. S) shall be provided on site and retained thereafter. Each vehicle parking space shall be designed in accordance with the standards set out in the National Roads Development Guidance, unless otherwise agreed in writing by the Local Planning Authority.**
- 7. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby noise sensitive premises. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.**
- 8. Prior to the commencement of development on site, the surface water and foul drainage arrangements shall be agreed in writing by the Planning Authority. Thereafter development shall commence in accordance with the approved scheme.**
- 9. The development hereby approved shall not be brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**

- i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
  - ii) a Statement of Conformity which confirms that 10%, of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.**
  - ii) Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**
- 10. Prior to the commencement of development on site, a specification for one electrical vehicle charging point shall be submitted to and agreed in writing by the Local Planning Authority, and the details shall be implemented prior to the use commencing. Unless otherwise agreed in writing.**
- 11. Prior to the commencement of development on site, details of the scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented, unless otherwise agreed in writing. Details of the scheme shall include:**
  - i. location of new trees, shrubs, hedges and grassed areas.**
  - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density.**
  - iii. a scheme to re-use the stone saved from the original building, which was retained following its demolition.**
  - iv. programme for completion and subsequent maintenance of the landscaping.**

**Reason(s) for the conditions above:-**

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure the ground is suitable for the proposed development, in accordance with policy RW10 of the Falkirk Local Development Plan.**
- 3. To safeguard the existing tree from damage during construction work in accordance with policy GN04 of the Falkirk Local Development Plan.**

4. To safeguard the existing tree from damage during construction work in accordance with policy GN04 of the Falkirk Local Development Plan.
5. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policies D01, D02 and D03 of the Falkirk Local Development Plan.
6. To ensure that adequate parking facilities are provided for the level of development proposed in accordance with policy INF11 of the Falkirk Local Development Plan.
7. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
8. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policy INF12 of the Falkirk Local Development Plan.
9. To ensure the development incorporates sustainable energy solutions and achieves the required CO<sub>2</sub> emission reduction as a result of development in accordance with policy D04 of the Falkirk Local Development Plan.
10. To encourage the use of sustainable travel options.
11. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policy D02 of the Falkirk Local Development Plan.

**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, 02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A, 14A, 15A, 16, 17A, 18, 19, 20 and 21.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. If development involves any alterations or excavation in the public road or footway, a Minor Roadworks Consent will be required. Falkirk Council, Roads Services, Roads Depot, Earls Road, Grangemouth (01324 504600) will provide the relevant application form for a Minor Roadworks Consent and advise of conditions relevant to works in a public road.
5. Care should be taken to minimise any air emissions / suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance (<http://iaqm.co.uk/guidance/>) during the construction phase.
6. Please note that if a solid fuel stove / open fire (with flue) is to be installed within the development, it is recommended that the flue terminates at 1m above the eaves of the property to minimise smoke / odour nuisance to neighbouring properties (if applicable). If the development is within a smoke control area (<http://www.falkirk.gov.uk/services/environment/environmental-policy/air-quality/smoke-control-areas.aspx>) (as designated in terms of the Clean Air Act 1993) - for compliance with this legislation the stove installed can only burn authorised fuel or be on the list of exempt appliances. It is also an offence to allow smoke to be emitted from such an appliance within a smoke control area. Further information on exempt appliances or authorised fuels can be found at: <https://smokecontrol.defra.gov.uk/fuels.php>
7. In relation to condition 5, the sample panel should be at least 1 metre x 1 metre.

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pp Director of Development Services

Date: 17 August 2020

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (LDP2) – Proposed Plan.
3. Supplementary Guidance SG06 Trees and Development.
4. Supplementary Guidance SG15 Low and Zero Carbon Development.
5. Supplementary Guidance SG05 Biodiversity and Development.
6. Bellsdyke Village Centre Design Statement.
7. National Roads Development Guide.
8. Designing Streets.
9. PAN 75, 78 and 81.
10. National Planning Framework 3.
11. Scottish Planning Policy.
12. Equality Act 2010.
13. Human Rights Act 2008.
14. Community Charter.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF CHURCH WITH ASSOCIATED COMMUNITY FACILITIES (CLASS 10 - NON RESIDENTIAL INSTITUTION), AT LAND TO THE NORTH EAST OF UNIT 1 KINNAIRD VILLAGE CENTRE, MCINTYRE AVENUE, LARBERT FOR GRACE CHURCH LARBERT - P/19/0407/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 17 June 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Katherine Chorley (Planning Officer), Ext. 4704

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**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site involves an area of brownfield land which was previously occupied by the Administration Building associated with the former Bellsdyke Hospital. The building had deteriorated over the years, and up until relatively recently was held in place by a metal supporting structure. The remains (front and rear elevations) of the building were eventually removed and the site cleared in 2018. The site is partially enclosed by high level hoardings, while the remainder is freely accessible. The site includes existing parking spaces along the southern and eastern boundaries.
- 1.2 The site forms part of a larger development of some 1500 homes, a school, commercial centre and areas of open space. Much of the wider residential development has been completed, as has Kinnaird Primary school, located to the west of the application site. Some housing remains to be constructed and some areas of open space are yet to be completed. A number of commercial opportunities also remain.

- 1.3 The surrounding area is characterised by a mix of uses including 3 and 4 storey flats, 2 storey houses and commercial uses. There is a large tree in the north west corner of the site and a small change in level between the pavement and the site, which sits slightly lower.
- 1.4 The applicant seeks planning permission for a church with associated community facilities. These facilities include multi-purposes rooms, a multi-purpose hall, a café, crèche and auditorium. This would constitute a Class 10 Non-residential Institution in terms of the Town and Country Planning (Use Classes)(Scotland) Order 1997.
- 1.5 The application is for full planning permission. The time limit for submission of further applications in terms of the outline planning permission for the wider Bellsdyke site has expired.
- 1.6 The proposed building would include a mix of roof heights, with flat roofed sections above the entrance and multi-use spaces, and a pitched roof above the sanctuary. The finishing materials would include white render with a dark grey roofing material. Detail would be added with the use of grey cedar panels and sharp grey/black lines add interest to the walls.
- 1.7 Amended plans were received in respect of levels information and amending the proposed layout to provide 50 parking spaces within the site boundary and incorporating a further existing 30 spaces which are located adjacent to the site. Additional motorcycle and bicycle parking areas are also shown. Following receipt of these amended proposals re-notification of neighbours and other contributors was undertaken. The representations received are summarised later in this report.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Flynn for the following reasons: -
  - To allow the Planning Committee to consider the potential impact of the proposed development in relation to land use, traffic generation and parking.

## **3. KEY PRINCIPLES**

- 3.1 In law, representations which do not relate to relevant planning matters cannot be taken into account in deciding this planning application. This is discussed later in this report. As a general principle, the identity of the applicant is not a relevant planning matter, as a grant of planning permission runs with the land and can therefore be implemented by any person or organisation (subject to the necessary legal arrangements with the landowner).

- 3.2 The overall issue is whether the proposed development is acceptable, not whether other developments might be preferable.

#### **4. SITE HISTORY**

- 4.1 The wider housing site was the subject of a Masterplan which was associated with application F/2002/0611, submitted in 2002. The application was for the development of land to provide a mix of uses including, 1700 residential units, business/employment uses, local services, community primary school, public park, off-road/footpaths, landscaping and open space, sustainable urban drainage systems, a distributor road and two roundabouts. This application granted outline planning permission in 2006 for the wider Bellsdyke site. Condition 4 required that the submission of further applications should generally comply with the requirements of the outline masterplan and Bellsdyke Village Centre Design Statement.
- 4.2 The Design Statement makes reference to the original Administration building being retained for residential and commercial uses. It also proposed the possible construction of a further commercial/retail building which would be attached to the rear and facing on to the flatted blocks, 1 and 3 Crown Crescent. There is no reference in this document to a pub/restaurant. The proposed high street did however extend along McIntyre Avenue, beyond what has now been constructed and would not now be feasibly possible.
- 4.3 The Masterplan drawing indicates the area is to be used for a business employment use.
- 4.4 Associated documents within the application file make reference to a pub/restaurant, beer garden, community spaces and landlord accommodation being possible options for the Administration building. These are not however referred to on the decision notice.
- 4.5 Condition 7 of the original permission required the submission of a scheme for the protection of 2 retained buildings or a scheme for their refurbishment and reuse including a timescale for completion. Both of these buildings, one of which was the Administration building, have since been demolished.
- 4.6 Other relevant applications are included below.

P/16/0065/FUL - Application Withdrawn 28.07.2016 - Alterations and Extension to Former Administration Building to Form 8 Flatted Dwellings, Erection of 6 Dwellinghouses and Associated Hard and Soft Landscaping

P/19/0150/ADV - Advertisement Consent Granted 10.05.2019 - Display of Non-Illuminated Advertisement

## **5. CONSULTATIONS**

### **The Coal Authority**

- 5.1 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment (dated July 2019) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Mason Evans Partnership Limited) that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

### **Scottish Water**

- 5.2 There is currently sufficient capacity in the Turret Water Treatment Works and Dalderse Waste Water Treatment Works.

There is existing infrastructure within the boundary of the development site.

Scottish Water would not normally accept surface water connections in to the combined sewer system.

### **Environmental Protection Unit**

- 5.3 Recommend an informative on noise during construction and a condition on contaminated land. No significant air quality concerns are anticipated. Recommendations provided regarding dust management and solid fuel stoves.

### **Roads Development Unit**

- 5.4 The Council's Roads Development Unit advise that there are uncertainties surrounding the potential parking demand created by the ground floor multi purpose space. Based on information submitted, this space most closely resembles a community centre and so the rate of 5-20 parking spaces per 100m<sup>2</sup> of floor area has been applied giving a total requirement of between 64 and 101 spaces in accordance with the National Roads Development Guide.

It's possible that users of the building could hire the space and host an event which attracts a larger number of vehicles than can be accommodated in the proposed parking areas. Should this occur while the church is in session and the café trading, the impact on the surrounding road network would be more severe. The applicants have advised that the church would use the building exclusively on a Sunday and no other use would be permitted to operate. The Roads Development Unit have expressed concerns that this could not be controlled and could be subject to changes.

The site is located in a predominantly residential area with access to its parking areas via an established residential road. The Roads Development Unit express concerns that any overspill parking from the development would have a more acute impact on the surrounding road network at this location, than might be the case at a location which is less residential in nature.

The amended plans and a parking survey have been reviewed by the Roads Development Unit. The survey undertaken by the applicant relates to existing parking facilities close to the application site. Whilst noting that the survey is not considered to be independent, its findings are consistent with the Roads Development Unit's observations that existing parking demand can be accommodated in the existing public parking areas.

However, the survey does not consider the effect the proposal may have on established parking habits. It is the Roads Development Unit's view that the effect of the proposal on existing parking habits cannot accurately be predicted.

The amended plans increase the proposed number of parking spaces giving a total of 80 spaces. Despite the increase, the Roads Development Unit express concern that if the use of the building cannot be controlled, the proposal may be unable to accommodate demand for parking within the site, leading to indiscriminate parking on the surrounding road network to the potential detriment of road safety.

If planning permission were to be granted, the Roads Development Unit have advised that no roads related conditions would be required.

## **6. COMMUNITY COUNCIL**

- 6.1 Larbert, Stenhousemuir and Torwood Community Council is not active at this time.

## **7. PUBLIC REPRESENTATION**

- 7.1 A total of 2,055 public representations have been received in response to the application. They consist of 1088 objections, 958 in support and 9 are neutral. Some individuals have submitted more than one representation, each representation has been recorded individually, even if they have made multiple submissions. Comments considered offensive, inflammatory or defamatory have been removed for the purposes of this report.
- 7.2 The matters raised in the representations can be summarised as follows: -

### Design/Appearance (Objections)

- Building is too large.
- Design is confused.

- Building is not in keeping with surroundings
- High roofline is unpleasant/unnecessary/visually dominant.
- Will damage views of existing buildings.
- Materials are not in-keeping with the area.
- Building would be out of scale with existing 2 storey terraced houses.
- Plans do not clearly show full height of the apex.
- Size and appearance is out of character with residential area.
- The design does not suit
- Building sticks out
- Roof is far too high.
- Overdevelopment of the plot
- Building would over power the school.

#### Design/Appearance (Supporters)

- Good design
- Design is practical
- The architecture is welcoming
- Modern
- Proportionate
- Modern design would be in-keeping with age of surrounding buildings
- Large windows and light airy spaces
- Will blend with the area
- Existing land is an eyesore, proposed development will improve appearance.
- Old building no longer fitted in with the surroundings.
- Well thought through
- Wasteland would be put to good use.
- Building design has a large degree of flexibility
- Additional green space and trees would be positive
- Glass walls on to café help the design
- Driving along Muir Drive would lead to a spectacular frontage
- Proposed development will use waste land which has failed to attract interest from commercial developers

#### Parking/Roads (Objections)

- Lack of parking for existing residents.
- Future protests outside the building may make the place less safe for pedestrians.
- Do not want people parking in spaces outside flats.
- Development will attract traffic throughout the day.
- Reduced visibility.
- If cars park on the street, roads will become single lane and more dangerous.
- No Transport Assessment has been submitted.
- No evidence that surrounding streets could accommodate the development.

- Will create frost pockets/preventable risk of slip hazards.
- Lack of parking will increase loneliness as I may not go out if I am unable to get a parking space on my return.
- Design is car orientated but lacks additional parking.
- Parking associated with the application is already used by local residents.
- Parking is insufficient.
- Road Safety issues.
- Lack of parking would make it unsafe for children.
- Residents were advised by Cala that parking spaces were for the residents.
- Proposal would result in traffic management issues and congestion.
- Existing delivery vehicles cause congestion and safety issues.
- Suggest the church provides additional on site parking.
- Two entrances will cause additional traffic management issues.
- Roads in this area are used by many children.
- New nursery provision will substantially increase traffic in addition to this proposal.
- The police have been involved in parking issues already.
- Irresponsible to consider a building that would increase traffic volume.
- Crossings, traffic lights and other precautionary measures should be added.
- There have been many near misses.
- Limit of 30 parking spaces in design rules is unrealistic.
- Flats in Crown Crescent do not have adequate parking.
- Should create a one way system.
- Main road is used as a rat run.
- Potential for up to 188 cars to enter the area.
- Development would discourage movement by cycling and walking.
- Competition for parking spaces would increase in the area making it more dangerous.
- Construction traffic will force the safe route to school to be displaced during building work/Cause road safety issues for children.
- There is already a parking issue, the church would compound this, to a dangerous level.
- If people park in the car park at the shops, these businesses will lose out on customers.
- Retail car park is already close to maximum capacity.
- Road design is not sufficient for on street parking
- It is not clear if the church proposes to use the parking to the rear of the commercial units?
- Public transport is insufficient
- Will deter children from playing
- Will create issues for people running and cycling at the weekend
- Irresponsible to consider a building that would increase traffic volumes further.
- Traffic emissions
- The roads may become too dangerous to take children out.

- If others were to use the parking spaces for residents this would disadvantage residents, especially those with healthcare needs.
- The junction at Crown Crescent and McIntyre Avenue, which will serve as the main vehicle access to the site, already suffers from poor visibility
- Would be irresponsible to increase traffic volume further.
- Area has not been designed to take influx of 300 people.
- No traffic calming measures in Crown Crescent, it is a narrow street.
- It is not clear how pedestrians could safely use the area at busy times.
- Increase in on-street parking would result in non-compliance with Designing Streets.

#### Parking/Roads (Supporters)

- Users will be able to walk to the facilities.
- People currently have to drive to access similar facilities.
- Parking would appear adequate given it is within walking distance of the whole community.
- Would reduce the need for car travel to places of worship which are further away
- Better use of the landscaped area could alleviate parking concerns.
- I would look to park somewhere which would not cause bother.
- Will be able to cycle to the church.
- Putting the building in the centre of the community will minimise traffic flow.
- Request that cycle parking facilities be provided so that people can cycle to the building.
- Church users have a higher rate of car sharing than say an office.

#### Impact on Residents

- Building could be redesigned/relocated to reduce impact.
- Concern that precedence has been given to the proposed building rather than existing buildings.
- The site is on a quiet residential street which would be subjected to 200 members visiting the site every week. Creating noise and increased vehicular movements.
- Potential light pollution from proposed spotlights.
- It would not benefit the residents.
- Don't want church bells on a Sunday morning.
- It would block sunlight to Paton Drive.
- Concerns over noise and opening hours
- Drawings showing daylight calculations appears to be inaccurate.

## Site History

- The original plans should not be ignored (reference to Masterplan).
- A pub/restaurant is needed in the area and was promised to residents.
- The only reason the pub/restaurant has not been built is because the shell of the building had to be retained.
- The uses set out as examples in the original plan should be prioritised.
- The original expectations were that the site would be used for a village centre.

## Policy Considerations

- The application is contrary to the LDP (3.13, 3.31, 3.35, 3.36.4, 4.47, 5.11, 5.49, 5.52, 5.54.3, 5.76, 5.79, 5.80.1, 5.92.3, 5.92.5, 5.95.1, 5.95.6) and the masterplan.
- Contrary to Designing Street and National Roads Development Guide and idea of placemaking
- Contrary to SG02.
- Contrary to Planning Advice Notes 75 and 78.
- Scottish Government Policy on reserved matters is a material consideration.
- Land is defined as a Local Centre.
- Contrary to policy HSG06 – Non-Residential Uses in Residential Areas, TC02 – Development and Changes of Use in Centres.
- Reference to NPF3 and Scottish Planning Policy
- The LDP targets addressing existing parking and traffic issues in Larbert, not adding to them.
- Reference to settlement statement for the Larbert area.
- Proposal would undermine the role and quality of the development.
- Policy TC02 makes no reference to promoting non-residential institutions. No reference anywhere in the LDP to a need for churches/places of worship, which makes it contrary to the LDP.
- A high street has not been created.
- Development does not deliver public access or community use provision.
- Explanation of what is a material consideration

## Community Impacts (Objections)

- The community does not want or support this building and will not use it.
- Residents would be happier with green space or development that would bring them together.
- The use of the land would not be inclusive to all. Use should be inclusive.
- Consideration should be given to how this land could be used to provide inclusive facilities.
- The community is open, accepting, inclusive and has a community spirit.

- People may become angry at the lack of inclusion.
- The area needs a community facility, using the land for a completely different purpose would be throwing away that opportunity.
- The use of the land is first and foremost for the benefit of the church and not the community.
- Little community space is available in the area, some people may feel excluded or unable to access it.
- This church is the opposite of community.
- Do not wish to contribute to such a group when organising a community event.
- The church have been very uninvolved with the community.
- The church doesn't support the beliefs of the community and won't have their needs in mind.
- Application would drive the community apart and for that reason would not be an appropriate development.
- Residents of Kinnaird have to deal with abuse and intimidation from parents of children who attend Kinnaird Primary School in relation to use of parking spaces.

#### Community Impacts (Supporters)

- Will bring benefits to the community
- Will foster feeling of community in the area.
- Will promote a healthy lifestyle
- Building will be available to young people, giving them somewhere to meet.
- May reduce instances of anti-social behaviour.
- Will enable good badminton tournaments to be set up.
- Would create a brilliant space for the community.
- Opportunity for music events and rehearsals.
- Church will support community
- A place of worship is missing in this area.
- They will serve the community and are not there for financial profit
- Churches provide social cohesion
- Would help create an active community
- None of the facilities proposed currently exist in the community
- It would be a positive addition to the fabric and richness of community life.
- Community infrastructure has not kept pace with house development.
- Kinnaird is quite isolated from the rest of Larbert. This would improve the community.
- It would add to the value of the community
- Building would boost the surrounding area helping to fill existing shop units.
- Would provide a needed service
- Many new build housing developments in Falkirk lack community space and facilities.

- With Stenhousemuir Sports Hall no longer available the facilities available here would be brilliant.
- Proposal would bring benefit to all, regardless of faith or ideology
- A Boys Brigade group has already intimated that they would like to operate in the building
- Church would bring amenity to the area
- Building would be available for various community groups
- Enhance the social cohesion of the new housing estate
- Experience has shown that new church buildings bring a huge variety of improvements to an area.
- Desire to create more than a place of worship, look to offer services to the community.
- This area has been asking for a meeting point, café
- Provision of toddler groups would be welcome
- Every society needs a strong spiritual leader like this
- Take pressure off Local Councils who are struggling
- Churches are used for many helpful social projects
- Visitors and tourists would benefit the community
- The church would promote good behaviour in the community.
- Having support groups in the community can help and support the groups involved.
- Churches bring people together, caring for them in need and providing a meeting place for those suffering isolation and loneliness.
- Central and Local Government recognise the huge value added to society by the church going volunteers around the UK.

#### Impact on Kinnaird Primary School (Objections)

- Concerned that the church consider the location next to the school as ideal.
- A primary school is not an appropriate audience for the unique views of the church
- Allege that they contradict the Council's own equality policies on people with protected characteristics.
- Should be put further away from the school
- Reference to anti-LGBT protests in Birmingham, this is a potential confrontation waiting to happen.
- It is obvious that some view the church building as a solution to the over-crowding problem at the school.
- Do not want sons and daughters being told certain beliefs.
- Facilities are already available after hours in the school.
- Would remove child from the school if the building is built and has dealings with the school.
- The church is not one of the recognised religious organisations in law that schools must typically observe.
- Will not have the church preaching at the primary school.
- Influence from the schools headteacher is not acceptable.

### Impact on Kinnaird Primary School (Supporters)

- Proximity to School means the School will also be able to use the building.
- School is under pressure for space.
- I'm not religious but would prefer a church to a pub across from my children's school.

### Views in relation to Grace Church (Objections)

- The views of the church are not inclusive.
- Grace Church have not engaged with the local community
- The church are taking advantage of the community
- If residents are not part of the 'church family' how will the proposals benefit the community at large?
- Will need to decide whether this is the right community for our children.
- Group lacks tolerance.
- None of the Church's Directors are resident in the community, nor is the majority of the congregation.
- Allege that the church is not inclusive, they have homophobic views, are anti LGBT+ and do not believe in gender equality.
- Does not reflect views of the community.
- Would breed trouble and hatred.
- Views of the Church contravene Falkirk Council's equality and diversity policy.
- There are already many other churches in the area, these are unlikely to be in full occupancy, some are closing.
- Another church is not needed in the area.
- This Church had to separate from Church of Scotland as it was becoming too liberal.
- The church has refused to address the community directly.
- Object to the beliefs of the organisation.
- Would like for daughter to grow up in an area that is not sexist.
- Do not wish to see this church in the community.
- Will not visit the church
- The area needs more local amenities and a church of any kind should be at the bottom of the pecking order.
- Don't want such an organisation on their doorstep.
- By allowing such a group to build their so called church within Falkirk would be Falkirk Council condoning these views.
- They misrepresent the teachings of Christianity.
- Anti gender equality
- Falkirk Council should not be promoting the values of this church
- Presence near school would be demeaning to all LGBTQ pupils
- Approval would be an outrage to those spending money in the local community
- A church should be accessible to all.
- We should be teaching children to accept people as they are.

- Will create animosity, divide and hatred.
- How would the church be [financially] supported long term
- Congregation levels are low and it is not anticipated that building a new church would change this
- Behaviours and attitudes of the church are not lawful
- There are already many churches in the area this would not add to the diversity.
- Shame on Falkirk Council if the building is allowed to be used by the school
- It doesn't fit in, doesn't have a place in modern society.
- Do not wish for this community to be connected to the group
- Evidence has indicated that people do not need or want a church in this area.
- If people want a church in their area, they would move to area with a church parish.
- Church is divisive
- Church is racist
- Church is against divorcees
- Do not want community space to be taken over by outsiders
- It is not a church by Christian standards.
- Not clear why another church is needed in this area.
- Will be divisive and confrontational.
- How many people from this church actually live in this area.
- The church preaches that homosexuality is wrong.
- They won't allow gay people to take up any position of importance.
- Referring to the sin not the sinner.
- There are already many other churches which support residents.
- Church has referred to residents as being sin-sick
- Could impact on gay families from peers.
- No guarantee that church would be accessible to all.
- People should be able to live without fear of abuse.
- Disgusting Idea.
- Gay people have no say in their sexuality

#### Views in relation to Grace Church (Supporters)

- The attendees of the church are nice people
- Essential to have a Christian Witness in the community
- They have helped people through difficult times
- The money raised to build the church has come from local people and not outside influences.
- The building is being built for the needs of local people and the aim is to share it with other local people and visitors.
- The church is presently attended by visitors to the area who attend while working or holidaying in the area.
- Meeting in a school is not ideal
- I would visit this area largely on the basis of the church being here.
- The church does excellent work to accommodate all kinds of people.

- The Pastor and Elders are men of integrity with a genuine concern for the welfare of their community.
- The church is thriving and they need their own home.
- Committed to serving the community
- Peace-seeking
- Do not impose views on others
- People have appreciated a warm welcome from the church
- Church goes spread messages of love and unity
- Church welcomes everyone
- Churches are great at bringing people together
- It is a safe and welcoming place to worship
- The church will be a real asset/blessing.
- The presence of the church is vital for giving support to new young professionals in the area.
- Their views are not radical
- Churches and faith groups are a key right of human liberty
- I note the church's adherence to the historical Christian faith that has been around for 2000+ years, and their clear policy respecting others with different views.
- I can vouch for the moral integrity of those who I know personally
- An open policy toward all people. They do not discriminate. They do hold strictly to their sincerely held religious beliefs which is every person's right. Those sincerely held beliefs include a broad array of what historic Christianity considers sins.
- All my friends could attend the church too.
- The work of Andrew Randall could only be for the benefit of the people in the community.
- Those who do not agree with what is said within the church do not have to attend.
- Andrew and the congregation he leads would be a constructive presence in any community.
- Churches serve as a crucial hub for all people to be welcomed. They often open their doors to provide much needed services.
- A permanent base will enable Grace Church Larbert to continue the excellent work they are already doing within the area.
- Have heard many great things about the church.
- Church is friendly and welcoming
- The majority of the church users have stayed in the Larbert area for longer than this housing area has existed.
- People are falsely accusing the church of things.
- Church growth should be welcomed for the community investment and cohesion it creates.
- Would like to see more of these churches around the country.
- Consider role of church in community and impact of loss of church.
- sad that a Christian Church is having to fight to build a place of worship
- Refusal would mean the bible will be rapidly moving towards being banned.

- Mr Randall and his congregation have been helpful to strangers in the past.
- We are all sinners.
- Consider the positive effect of having a place people can go to receive emotional and spiritual comfort.
- The church is strongly against promoting an agenda of hatred targeted towards particular societal groups of people
- Approval would strike a blow against religious bigotry.
- The reference to 'sin-sick' was not intended to cause offence, we are all sinners, nobody is perfect.

### Sale of the Land

- Led to believe that all other alternatives have been exhausted in the sale of the land.
- No indication that land has been advertised for sale following the removal of the façade. Removal of façade makes site more marketable.
- Neighbouring commercial units have lain vacant for years.
- House purchasers were led to believe that there would be a pub/restaurant
- This is not the reason I purchased a property in this area.
- There are already empty units, how do they propose to fill the new ones.
- Land should be retained until an appropriate use can be found. It is the only piece of land available.
- Evidence of extensive marketing has not been provided. No evidence of marketing after removal of façade which would have decreased tax implications for construction.
- Existing units are not being properly marketed.

### Alternative Uses of the Site

- Land could be used for other purposes, e.g. green space.
- Need a community space run by the community
- Could build something for children instead.
- The site should be a pub
- There is no need for this building
- Majority of residents do not want the church
- Doctors surgery is needed.
- Greenspace is needed.
- A community/recreation centre would be better
- It would be a waste of a very suitable community space
- Church not required
- Pointless to build more retail/commercial space when empty units exist nearby.
- Feel they are proposing a 'multiuse space' to tick a box and have no intention of trying to be part of an existing community.
- We need a GP surgery or something of benefit.

- Need a dentist surgery
- Ask Wetherspoons or a local developer
- A restaurant would bring jobs to the area
- Proposal is not a compatible use in the area
- Land should be used for the common good and needs of the majority
- A play park/park for older kids.
- A café
- A beauticians
- Committee rejected a Pharmacy in the area as others were nearby, this should apply to the Church.
- Need a Pharmacy, youth centre, community centre and health centre.
- Reducing rents in the adjacent shops would bring money in.
- Others may have been interested in the site if the façade hadn't been part of the regulations.
- Uses in the church building could occupy existing retail units which are unoccupied.
- There has been no opportunity for an alternative buyer to put forward a proposal.
- Not appropriate in a wholly residential area
- Previous potential purchaser was put off due to lack of information available.
- Do not want a public building next to me
- The younger generation do not go to church, better use of the space should be made for the children.
- Land could be used for another school.
- A multi use building is required
- Outdoor Gym/MUGA pitch
- The last thing a housing estate needs is a church in the middle of it.
- Has a survey been carried out to establish possible attendance.
- Object to any church, chapel, mosque or place of worship in this area.
- Primary consideration should be towards those who have invested in the area.
- Would be more appropriate in a dense urban setting amongst other commercial premises and places of worship.
- Area needs an independent coffee shop/bistro not a church.
- The only green space should not be given to this church.
- The place should be connecting people and for everyone.
- It is wrong to have more churches than drinking/eating establishments in an area.
- This land is the only space available for community use.
- The Council should be encouraging a business which would pay rates to the Council.

### The Proposed Use

- Coffee shop would be very beneficial in the area/for people.
- Would offer opportunities for breakfast/after school club

- The use of facilities by the community would be welcomed and much anticipated.
- More than just the Inches will benefit from the development.
- Café would bring people together without noisy late night disruption associated with a pub.
- Would bring great social benefit
- I would attend the facilities if built
- The area lacks a community space. Many historically problematic areas across Scotland began as utopias but had no community spaces.
- A church for worship is needed in addition to a school, library and doctors.
- It would provide exciting opportunities for all ages.
- It would provide a central location to meet.
- It would be in-keeping with concept of village community
- It would create jobs
- The church would be able to do huge things from a new building.
- The churches views are not imposed on anyone.
- It is nice to see something that has the potential to be so positive in the community.
- Churches offer support and guidance to many.
- Many existing churches are constrained by their architectural design
- I don't attend the church but may do so in the future.
- The Church provides free food and snacks at holiday clubs.
- All communities benefit from such not for profit facilities.
- Unnecessary overspending in this area by the Council would be foolish when not required. The plans could support the overcrowding at Kinnaird Primary School.
- Space inside appears very versatile to suit the communities needs.
- Religious and non-religious people could mix at the church.
- It would save the Council money.

### Churches Elsewhere

- Many options enabling people to do more in the community are not available in a rented building.
- Several other churches in other locations have proved valuable to the community
- The majority of the community have been supportive of the new church in our area. There was some opposition to these plans in the beginning.
- Facilities at other similar new churches elsewhere have been well used.
- Similar churches at Stenhousemuir, Livingston, Banchory, Richmond, Letham St Annes, Inshes, London, Edinburgh, Leamington Spa, Manchester, Cirencester, Inverness and Madoch Centre are all successful examples.
- Crime has reduced following church programme in Tillydrone.

## Amenity Impact

- Concern about height of building and impact on neighbouring properties.
- It would block daylight and sunlight reaching properties.
- Require explanation of BRE document/light calcs.
- Plans do not accurately reflect height above ground floor level. This has implications for assessment of loss of light.
- Object to height and lack of solid evidence that the development would not impact on light reaching property.
- Suggest development is moved west to reduce impact on daylight and sunlight for residents.
- Overshadowing.
- Loss of light would impact on mental health.
- Result in complete loss of sunlight.
- Lack of natural light can be linked to depression.
- Loss of privacy.

## Procedural Comments

- There has been no opportunity for the proposal to be discussed at a public forum.
- A Change.org petition was submitted with the representations.
- Consider underhand tactics are being used, e.g. application submitted at time of summer holidays.
- Falkirk Council Planning at its best
- Concern that efforts have not been made to get the views of rented properties. Permission would be a breach of trust of the planning process
- Should not be simply a financial transaction
- We have been let down by Falkirk Council
- Abhorrent that permission has reached this stage without being questioned by the Council.
- Comments spiked in a suspicious way
- Local community group should not be swept aside
- Grace Church should answer the communities questions
- Church and Falkirk Council have not consulted the community enough.
- Applicants are using underhand tactics and assisted by corrupt officials or cheerleaders.
- Local Views and Opinions should be paramount
- Concern that majority of support comes from those not from within Kinnaird.
- Comments from people who didn't buy a house in the area should not be considered.
- Significant increase in online comments have been received from supporters
- Question whether online comments are from the local area.

- People in Kinnaird should be listened too as they are the people most affected.
- Views from residents should be taken in to account more than others from elsewhere.
- Comments supporting the application spiked over a 4 day period. These people may be motivated by their religious beliefs and not a desire to see the community thrive. Graphs have been provided.
- The church may have attempted to hijack the process through affiliation to the IPC and other churches.
- People who do not live in the area should not have a right to vote.
- People in the community should be properly balloted.
- Statistics on support/object should be published.

#### Equality Duty (Objectors)

- Reference to s.149 of the Equality Act 2010.
- The applicant holds prejudicial and discriminatory views against persons with protected characteristics – sexual orientation, gender reassignment and sex.
- Evidence regarding this has been provided using sermons and website information.
- It is not correct that the applicants have referred to their rights in relation to protected characteristics of religion and belief would be breached, their religion and beliefs are irrelevant.
- Equality Impact Assessment should be carried out.
- This is the only area of land available for a community use.
- Reference to literature from the church.
- Reference to Falkirk Council Corporate Plan and Equalities Outcome and Mainstreaming Report.
- Glasgow Council have refused permission for an American Pastor to speak at an arena. The refusal is on the grounds of the pastor allegedly holding homophobic views

#### Equality Duty (Supporters)

- It is important that the Council is cognisant of equalities legislation- including importantly freedom of religious belief.
- The government should and must always be objective and fair in allowing the erection of a Christian church.
- Would be disappointed to see Scottish people discriminating against religious group.
- Support the right of Christian churches, and indeed any law-abiding religious group, to purchase land for the purpose of constructing a suitable building for that group to use for worship and other related activities
- Censorship comes at great expense to all

- Objection to such organisations is often on a basis of disagreement with a groups belief system, but government and council provision should support diversity of thought and inclusion for all belief systems in our society
- Freedom of expression must be upheld.
- The Council cannot discriminate against the church because of its religion
- This church should be allowed to build on their own land without the pressures from groups who disagree with their beliefs interfering with this process.
- Objections on grounds that they do not approve of evangelical approach on various topics are an attempt to undermine godly values
- If Scotland is to be a fully inclusive and tolerant society, then the building of this church fits well into this category.
- Important to permit places of worship in a free country.
- It would create a worrying precedent if the application is refused on religious grounds.
- The Council would be open to legal recourse if permission were refused on certain grounds.
- Not allowing permission based on someone's beliefs is a violation of one's rights.
- Such teachings were the norm in Scotland and the UK in the past few centuries.
- Objections based on faith or religion should not play a part in the decision, if they do then this would potentially breach Article 9 of the European Convention on Human Rights.
- Objections against freedom of speech and religious belief cannot be upheld.
- Complaints against preaching of a valid religious belief is irrelevant to this planning application.
- Roles and equality are not opposite. Different roles can and are equally useful/valued.

#### Other Comments (Objections)

- Loss of value to property
- Development will cause trouble.
- Larbert needs facilities, local enterprise and public services.
- Proposal is outrageous
- Land in Kinnaird should be kept for the people of Kinnaird.
- I question their ability to build the development and their funding. Larger danger that there will be no funds and will be a blot in the centre of Kinnaird.
- Concerns regarding air quality
- Concerns regarding noise
- Concerns over operational hours
- Detrimental impact on quality of life if 300 people are coming and going
- The lack of green space is poor environmentally

- Proposal is morally abject
- Façade has mysteriously been demolished
- Life and wellbeing would be destroyed by the development
- Polarisation is rife and approval would divide the community
- Approval would set a dangerous precedence no approval of non-residential institutions in residential areas.
- The building is not appropriate for a village setting.
- Presence of church would facilitate Falkirk's problems.
- Business looking to invest elsewhere. Do not wish to locate business in a bible belt.
- Councillors should remember there is an election in a few years time.
- Many properties in Crown Crescent have gone up for sale since discussions began.
- Reference to a Facebook page.
- The application will only benefit the 0.1% of those who are supporters of it. It will not benefit the whole community.
- To allow this would be to revert LGBT rights back to the 1800's
- I would not have purchased my house if I knew such a building was to be built.
- Increased pollution.
- The proposal does not meet building regulations.
- I will sell my house and advise others to think twice about living in the community if this goes ahead.
- Building of church would reduce my enjoyment of the area
- Would negatively impact on house prices.
- Will fight the application with every breath/all the way to Westminster.
- Ashamed to live in this area.
- Applicants have provided no clear business plan or specific information about what it to be offered.
- Applicants have not responded to questions.
- Would be closed on Sundays and at other times for church related activities.
- The number of houses being built is alarming given the services available.
- Falkirk Council have already made other mistakes in the area.
- Falkirk Council should be offering currently empty buildings to the church.
- Shame that local history has been lost.
- Letting the application proceed would be dangerous, may encourage unrest/violence.
- There will be issues with young people hanging around the building
- It could prevent the creation of jobs.
- Would not wish to contribute to when organising an event.
- As a member of the LGBT community I would not feel safe in the area if the development went ahead.
- Marketing information is out of date some information appears to be 9 years old.
- Construction period would be inconvenient to residents.

- Reference to community charter.
- Rost Coffee Co will be coming to the area in the coming months. The bolt on café associated with the current application is unlikely to be used.

#### Other Comments (Supporters)

- Support the application
- It will be a positive improvement to the town
- Like the idea of a café
- Would not expect any issues with noise.
- It will be an asset to the area.
- Looking forward to attending the church in the new building
- Will attend the church when in the area
- Kinnaird Area does not have a place of worship
- It's a misuse of the planning process to try to prevent those from entering the community
- Support the proposal provided it does not remove the overspill parking for Crown Crescent or exceed two storeys high to ensure it does not block light and sun and create overshadowing issue.
- Intend to use the building
- Proposals would attract people to the area
- They are able to fill the hall they currently meet in.
- Ability to build a ground floor access church
- As owners of the land, the building party have a right to determine what is built on it.
- No way of calculating the massive financial contribution this facility would make to the reduction of hidden costs to the Council and health service.
- Do we not have freedom of worship anymore?
- Facilities contribute and further the long Christian heritage
- Failure to permit the church would be a huge loss for the community and Scotland
- If the church is not built it would affect my decision and the decision of most of my US friends to visit the area, thus spending tourist dollars elsewhere.
- If the church is not there, I and many others would visit elsewhere and see the negative decision as a good reason to avoid Scotland.
- Charitable organisations serving in the developing world benefit from churches like this.
- It would be unhelpful to prohibit this application as the church is just what Larbert needs.
- The IPC is a wonderful Christian denomination that does great work
- True Biblical churches should be encouraged and not discouraged
- A church can spread spiritual health, something which is too often overlooked.
- Glad the NHS sold them the land.

- It would be a shocking violation of liberties in this country if they were not lawfully permitted to proceed.
- The church family is investing significantly in the town.
- It makes a real difference in peoples lives if God has a part.
- There should be no discrimination in the outcome.
- Religious freedom is really important and something to be proud of.
- Hopefully the community can be tolerant and respectful even if views are different.
- Churches often provide the kind of social services that Councils can no longer do.
- Granting permission would make Falkirk an attractive place to work.
- The group are not dangerous.
- There is good evidence that being involved in clubs, churches and other social activities has a positive effect on physical and mental health.
- True professors of the faith have made our country great
- Life in Christ is the only thing which makes sense of life, under the sun - everything else is meaningless.
- The congregation who are attempting to build here have an excellent reputation in supporting a number of charitable causes
- Minister is a man with a heart for the community in which he lives.
- Frequently shown that a solid bible based outlook helps a community to gain stability, to tackle violence and extremism, and to offer support for those in need.
- Faith communities contribute tremendously to society through various projects.
- Would continue to uphold conservative values in our nation.
- This campaign against the church misrepresents the church
- The efforts in raising funds are to be commended.
- They play an active role in the community.
- Central location
- If I visited Scotland I would visit the church.
- Would visit the church if in the area and encourage others to do the same.
- Larbert has historical importance in form of Scottish evangelist Robert Murray McCheyne who trained in Larbert back in 1835.
- People all over the world would visit as McCheyne is a daily part of millions of people's lives.
- New projects tend to help improve the area, encouraging further development.
- Information on the Facebook page misrepresents the people.
- A much needed facility in a beautiful country who's people are being ravaged by drugs.
- Approval would show that Falkirk Council tolerates the beliefs of others.
- The use of the land should be up to the individuals who have purchased it providing they stay within the confines of the law.
- The Council has thus far processed the application in a professional manner.

- Falkirk Council should acknowledge hope for race, ethnicity and religion.
- A leaflet has been posted through doors in the area and it aggressively attacks Grace church.
- Local business will benefit from extra passing trade.
- To refuse on no planning basis leaves the Council open to challenge.
- A responsible community and Council should welcome such a development.
- We are all sinners, the reference to sin-sick was not intended to cause offence.
- Reference to location next to school being ideal relates to the church being a centre for many families to benefit from.
- The closest church is 25 mins walk away which may be significant for the elderly who don't drive.
- Christ will forgive all sinners if you come to him and repent.
- A brief history of Christianity in Scotland and the Church of Scotland and its relationship with the Queen.
- Falkirk is big enough to accommodate diverse beliefs.

### **Additional Comments Submitted on the Revised Scheme**

#### **Parking/Road Safety**

- Revised scheme has inadequate parking.
- Majority of new spaces are existing spaces.
- Users would park elsewhere nearby.
- Traffic and noise issues have not been addressed.
- Road network is almost full.
- Would expect 188 cars to travel to the site at one time.
- Development does not meet the parking requirements in the NRDG.
- Site measurements indicate that only 65 spaces can be provided.
- 12 spaces are already in use leaving only 53.
- Traffic is already fast at 30mph.
- The parking survey was carried out by the applicants, over one week, adjacent to the school holidays. Survey doesn't include school run times.
- The parking survey is not impartial, it was carried out after 9am and finished at 9pm. It doesn't capture the use of the spaces.
- What right will people have to have their own parking spaces outside their own properties?
- Will there be double yellow lines in the local area?
- The extra parking spaces are allocated to the village, sale of the spaces would need to be agreed by all owners.
- There are existing parking and traffic concerns associated with the use of the school.
- The parking level exceeds that for residential.
- The community has been disadvantaged by being unable to view the Roads Development Comments (it has been released to the applicant).

- Additional parking would be an eyesore.
- Development should be located in a more urban setting better served by public transport and parking provision.
- The addition of a significant number of vehicles would put children and vulnerable people at risk.
- The survey shows 12 parking spaces used by residents, in reality only 53 spaces would be available.
- Providing more than 30 spaces would breach the planning policies.
- The applicants currently have 60-70 cars for their current services.
- The parking and drop off arrangements for the school buildings were not properly considered. The school does not own the current issues residents are experiencing.

### Section 75 Agreement

- A section 75 agreement is not appropriate.
- A S75 agreement gives nothing to the community.
- The tests set out in the Act, in relation to Section 75 agreements are not met.
- The S75 is an attempt to buy planning permission and flout policy and guidance.
- Applicants are attempting to buy planning permission.
- The legal agreement would make the development less acceptable by increasing the number of spaces which already exceed those required in the NRDG.

### Other Matters (Objections and Support)

- FC have a responsibility to provide a community space, the church fulfils that.
- Refreshing to have an opportunity for community space.
- Fantastic use of land.
- Those in objection seem to be more motivated by rejection of groups religious beliefs.
- If the parking spaces are made available to the public on non meet days this would benefit all.
- PAN 81 makes clear the importance of community engagement in decision making.
- 94% of respondents from the community have rejected the application.
- Acceptance of the application risks the mental health of local residents.
- Need for an art centre.
- Object on account of widespread division caused by religion.
- Don't understand why more isn't being done to stop it.
- There are other areas in Falkirk which would be more appropriate, particularly on Council land.
- A small community hall would be much more appropriate.
- The front entrance is an intrusion in to the properties on crown crescent.

- Young children play in the streets around the site.
- Go away.
- The building will lay empty within a few years.
- Could be used as a BMX track with shelter.
- Reference to clause 32 in SPP, PAN 81, policy INF11, SG02, NRDG, TCPA 1997 and 2006, Circular 3/2012
- The Council's view that all comments are of equal importance is inconsistent with the desires of the Scottish Government.
- The applicant is ignoring what they know is required of them.
- Kinnaird is entirely residential.
- The development is not for people living in the community.
- Having a funeral next to a school would not be a nice thing to see.
- Sunday bell ringing would cause a major problem in a densely populated area.

## 8. 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,

### 8a The Development Plan

8a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

8a.2 Policy D01 - 'Placemaking' states:-

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

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

8a.3 The application site fronts on to McIntyre Road and sits adjacent to the existing commercial hub in the Hill of Kinnaird area. The site is located in the area highlighted as a strategic growth area in the Local Development Plan. The full design is considered in more detail below, however generally speaking, the building fronts on to McIntyre Avenue and would be visible from Muir Drive. The design includes glazed areas which link with the proposed external seating area and would create an attractive, active frontage. The design is of high quality and would be a positive addition to the area.

8a.4 Policy HSG06 - 'Non-Residential Uses in Residential Areas' states:-

*Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. Proposals for appropriate community services (e.g. surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided.*

8a.5 The site is located adjacent to residential and commercial uses. Policy HSG06 advises that appropriate community services are supported in certain situations. The proposals include a café, crèche and hall. These along with a church use would be considered compatible uses in a residential area. These uses have historically existed side by side in many locations. The applicants have indicated that facilities within the building would be available for hire and would be accessible to the public throughout the week (excluding Sundays). The building would be located adjacent to other commercial uses within the estate and the building would include purpose built community facilities. The type and location of the facilities are considered acceptable.

8a.6 The Council's Environmental Protection Unit have not raised any concerns in relation to noise associated with the proposal. It is not considered that the residential environment would be significantly impacted by a class 10 non-residential use. The site was previously identified for a non-residential use.

8a.7 Access and parking are dealt with in more detail below. The proposal complies with policy HSG06.

8a.8 Policy INF02 - Developer Contributions to Community Infrastructure states:-

*Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

1. *Specific requirements identified against proposals in the LDP or in development briefs;*

2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

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

8a.9 It is not considered that developer contributions are necessary in this case as the site would not create or exacerbate deficiencies or significantly increase burdens on existing infrastructure. A commercial use was previously identified at this location. The proposal complies with policy INF02.

8a.10 Policy INF07 - 'Walking and Cycling' states:-

1. *The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
2. *New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*
  - *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
  - *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*

*- The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*

*- Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

8a.11 The site is within walking distance of many hundreds of residential properties and within cycling distance of many more. The applicants are proposing 18 cycle parking spaces. This is more than the 10 spaces recommended in the National Roads Development Guide (NRDG). A condition is recommended to encourage the provision of covered cycle parking facilities. The development would be located in a sustainable location which would support active travel. The cycle parking provision is acceptable and the proposal complies with policy INF07.

8a.12 Policy INF08 - 'Bus Travel and New Development' states:-

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

8a.13 The application site is located within 400m of the nearest bus stops, and a 25 minute walk to the nearest train station. The proposal is considered to be in a sustainable, urban location and appropriate in this respect.

8a.14 Policy INF10 - 'Transport Assessments' states:-

- 1. The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*

2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

8a.15 The proposal would not have significant transport implications. Places of worship and community facilities do not generally have peak time services or uses and do not generate significant vehicle movements during peak flow periods (i.e. rush hour). The location is not a congested area for traffic movements and it would not generate significant freight movements. A transport assessment is not necessary in this case. Mitigation would not be required and the proposal complies with policy INF10.

8a.16 Policy INF11 - 'Parking' states:-

*The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.*

1. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

- 8a.17 It is important to encourage sustainable methods of travel. This is intimated in the form of maximum parking standards, rather than minimum parking standards. The National Roads Development Guide (NRDG) sets out maximum vehicle parking numbers, to encourage a reduction in reliance on the car and promote the use of sustainable transport methods. There are occasions where it would be appropriate to provide parking provision which is below the maximum standards.
- 8a.18 The NRDG separates out types of development within each use class but it does not set specific parking numbers for developments which propose a mix, as is the case here. The applicants have provided an indication of how the building is likely to be used on a daily basis. In particular they have advised that the building would be used exclusively as a church on Sundays with no other uses permitted. It is considered that whilst theoretically possible to draft a condition it would be difficult for this usage arrangement to be controlled or enforced by Falkirk Council as Planning Authority. As stated at paragraph 8a.23 the off-street parking proposed is considered to be acceptable and such a condition is not considered necessary.
- 8a.19 A precautionary approach has been applied to this application with each principal proposed use shown on the floor plan being assessed against the NRDG and a number of parking spaces allocated for each use. Excluding the multipurpose hall, the uses would require a maximum of 52 parking spaces, the main sanctuary in itself requiring a maximum of 30 parking spaces. Multi-purpose halls are not defined in the NRDG but in this case it would appear to most closely resemble a community centre. In the NRDG this type of use has a range of maximum figures, 5 to 20 spaces per 100m<sup>2</sup> floor space. There is no indication in the NRDG as to how the range should be applied. In previous documents it is understood that a range could be provided based on whether the site was rural or urban in nature, with rural site requiring more parking than urban ones. For this site, the range would equate to between 12 and 49 spaces. This means the various total maximum parking provision would range from 64 up to 101 parking spaces.
- 8a.20 The applicants have indicated that 38 hard surface vehicle parking spaces are proposed within the site. A further 12 spaces are shown within the landscaped area and could be provided using grasscrete or similar. 5 of the total spaces would be larger in size for disabled users and located adjacent to the rear entrance. This gives a total of 50 spaces. Some of these spaces are already present. Various site visits to the area have indicated that some of the existing parking spaces are used from time to time. These parking spaces are not within the ownership of residents and could be closed off by the site owners at any time.

8a.21 In addition to the 50 spaces within the site, the applicants have confirmed that an area of 30 existing parking spaces located to the south west of the site could be incorporated in to the development. This parking provision would need to be secured through a Section 75 planning obligation as it is not within the red outline site plan, or currently in the ownership of the applicants. The land remains in the ownership of Scottish Ministers (NHS). Various site visits to the area have indicated that these spaces are not heavily used.

8a.22 In addition to the above parking provision, 8 parking spaces and a lay-by drop off area are located on the adopted road, along the northern boundary of the site.

8a.23 The applicants propose a total of 80 off-street parking spaces. This would be above the maximum of 64 spaces and below the maximum of 101, both numbers being indicated in the NRDG as maximums. The site is clearly in an urban location and parking levels should be towards the lower end of the range of maximums. The applicants have achieved 80 spaces, just short of half way between the two maximums. This is considered to be an acceptable level of off-street parking, in a sustainable location, through closer proximity to a bus route and Larbert railway station (see paragraph 8a.13) and within walking distance of many residential properties and other commercial uses. The further 8 spaces on the street would be available to road users. This would leave the applicants 13 short of the 101 maximum spaces required in a rural area. The car parking provision therefore being provided is considered to exceed what would normally be required for a development of this nature in an urban area.

8a.24 The NRDG indicates a preferred parking bay size of 5.5m by 2.9m and a desirable bay size of 5m by 2.5m. The drawings have been provided at a scale of 1:200, the site can accommodate the level of parking proposed at the 5m by 2.5m requirements and including the larger spaces required for disabled bays, A planning condition can be imposed to ensure that the parking is provided at the appropriate size and prior to the use commencing.

8a.25 Policy INF12 - 'Water and Drainage Infrastructure' states:-

- 1. New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
- 2. Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
- 3. A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

8a.26 The proposed drainage arrangements have been reviewed by Falkirk Council's consultants, they have advised that the drainage proposals are acceptable.

8a.27 Scottish Water have advised that there is currently sufficient capacity in the Turret Water Treatment Works and Dalderse Waste Water Treatment Works for the proposed development. This is based on a foul water only connection with regard to the waste water treatment. They have advised that all surface water should be attenuated to greenfield equivalent run-off rate and discharged to the surface water sewer via a suitable system. The proposal to use a below ground cellular storage is not suitable as it would not treat the flows. The applicants have been made aware of this position. It is understood there is a technical solution which can be covered by planning condition and would not impact on the assessment of the planning application. The proposal complies with INF11.

8a.28 Policy TC01 - 'Network of Centres' states:-

- 1. The focus for retail, leisure, cultural and major community uses in the area will be on the network of centres identified in Figure 3.3 and Map 3.3. Significant new retail and commercial leisure development will be directed to these centres. The boundaries of centres are identified on the Proposals Map. Residential and business uses will also be promoted in these centres as appropriate.*
- 2. New food shopping will be a priority in Denny, Bonnybridge and Bo'ness Town Centres, and in the new Local Centres of Banknock, Kinnaird Village and Whitecross.*
- 3. Opportunities for development, regeneration and enhancement in the centres will be promoted as listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 4. Development which would significantly undermine the role of any centre in the network, as defined in Figure 3.3, will not be permitted.*

8a.29 The boundaries of the Kinnaird Village local centre are not defined on the proposals map (other Local Centre boundaries are defined). Given the site was always intended to have some form of commercial/community use, it would be appropriate to assess the development site in the context of the policies on the network of centres. A precautionary approach would be to assume that the application site is adjacent to the local centre rather than within it. The site is not considered to constitute a major community use as the proposal would not create significant footfall in this context.

8a.30 The development would offer a café and multi-purpose spaces in addition to the auditorium. The ability to use these facilities in an easily accessible location would benefit the growing community. The proposal complies with policy TC01.

8a.31 Policy TC02 - 'Development and Changes of Use in Centres' states:-

*Within the defined boundaries of centres, a mix of retail, business, leisure, community and residential uses will be promoted consistent with maintaining the vitality and viability of these centres and their role in the network of centres. Proposals for development or changes of use for these uses will be supported subject to the following:*

- 1. Within the core area of Falkirk Town Centre, ground floor premises should be retained in retail use, or non-retail use which actively supports the shopping or tourism function of the Town Centre;*
- 2. Within established shopping streets elsewhere in Falkirk Town Centre and in the District and Local Centres, ground floor premises should, where possible, retain an active frontage;*
- 3. The re-use of upper storeys in shopping streets for residential use will be supported; and*
- 4. Within Central Retail Park and the retail element of the Falkirk Gateway, development proposals and changes of use should comply with any relevant Section 75 Obligations covering these shopping areas.*

*Outwith centres, proposals involving the loss of neighbourhood and rural shops (Class 1) and services (Class 2) which serve an important community function will only be permitted where the Council is satisfied the premises are no longer viable for such uses.*

8a.32 The proposal would not involve the loss of neighbourhood and rural shops or services. The application complies with policy TC02. The proposal would be appropriate in this location, adjacent to existing complementary commercial uses and within easy walking distance of many residential properties.

8a.33 Policy 'TC04 - Food and Drink' states:-

- 1. Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
- 2. Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirements are satisfied.*
- 3. Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality.*

8a.34 The application includes a café facility and although this would form an ancillary use to the use of the building as a whole, it is appropriate to consider it against policy TC04. The development would be located adjacent to other neighbourhood shops. It would be located a sufficient distance from neighbouring properties and would not significantly impact on the amenity of local residents. The proposal, in this regard is not considerably different from a commercial use which has previously been intimated on the site. Parking and access are dealt with elsewhere in this report. A condition recommending that any ventilation/extraction equipment required as part of the development be submitted to the Council for consideration would be appropriate. The proposal complies with policy TC04.

8a.35 Policy 'GN03 - Biodiversity and Geodiversity' states:-

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

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*

4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
  
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
  
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

8a.36 The site is not located in a protected area and does not have significant wildlife value. There is one large tree which may have wildlife value but this tree is proposed to be retained. The proposal accords with policy GN03 and the associated supplementary guidance SG05 - 'Biodiversity and Development'.

8a.37 Policy GN04 - 'Trees, Woodland and Hedgerows' states:-

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

1. *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
2. *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
3. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*

4. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
5. *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

8a.38 There is a large, mature tree located in the north-west corner of the site. This tree is to be retained and the building has been designed to sit an appropriate distance from the tree. A condition would be appropriate to ensure that the tree is appropriately protected during construction work. The supplementary guidance SG06 'Trees and Development' provides detailed information on trees and development. The proposal complies with the policy and associated guidance.

8a.39 Policy D02 - 'Sustainable Design Principles' states:-

*New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

*Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.*

- 8a.40 The site has no remaining features of built or cultural heritage. The original building has been removed. At the request of the Local Planning Authority material from the demolition has been retained and could be re-used on site as a reminder of the local history associated with the area. This could be secured by way of a condition.
- 8a.41 The retention of the large mature tree is dealt with elsewhere in the report (see paragraph 8a.38).
- 8a.42 The site is in a highly sustainable urban location, within easy walking distance of many residential properties and a number of commercial facilities. There is access to both bus and rail links within walking distance. The proposal conforms generally with requirements for ease of movement and navigation. There is easy access for pedestrians and vehicles to and from local facilities and the site is well connected.
- 8a.43 Energy usage is dealt with in more detail under policy D04 'Low and Zero Carbon Developments'. While infrastructure needs are considered under the more detailed infrastructure policies in this report.
- 8a.44 No publicly owned areas would be created as a result of the development.
- 8a.45 The proposal complies with the principles of sustainable design set out in policy D02.
- 8a.46 Policy D03 - 'Urban Design' states:-

*New development should create attractive and safe places for people to live, work and visit. Accordingly:*

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*

3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

8a.47 The finishes on the surrounding residential properties include a mix of white render, buff stone, grey brick and grey roofing tiles. The commercial units and the school, use a similar materials palette with the addition of coloured render, timber cladding and aluminium window frames. The new building would pick elements from this palette including large areas of white render, broken up with black detailing and a dark grey roof, aluminium frame and laminate cladding.

8a.48 The site is highly visible from two main roads, McIntyre Avenue and Muir Drive. Muir Drive runs at a 90-degree angle to the site and forms an important vista. The original hospital building lined up with this street, with its main façade also facing Muir Drive.

8a.49 The historical development of this site as a hospital sets a precedent for large scale buildings. The varying height of surrounding buildings complements the proposed heights of the various parts of the proposal. The new building would follow a similar positioning with the main entrance and auditorium visible from Muir Drive. The side and rear elevation have been designed to include active frontages, which would be visible from Crown Crescent. The McIntyre Road elevation would be the most significant with large areas of glazing and shared spaces for social interaction and safe activity.

8a.50 The area has a mix of building heights, ranging from 2 to 4 storeys. The proposed auditorium would form the highest part of the development with a ridge height similar to the four storey flats to the north and east of the development. The entrance area would be single storey while the multipurpose areas, café and crèche would be within the two storey element. The flat roof design restricts the height of this section to below the ridge height of the two storey dwelling houses located behind on Crown Crescent.

8a.51 The development would create two areas of open space, one incorporating the existing tree and extending along the full length of the western boundary. This area would be partially opened up to create additional parking facilities if required. The second area would be along the eastern boundary and would be planted with small trees. A more detailed landscaping plan could be requested by condition.

8a.52 The design of the building reflects the colours and materials used by those residential and commercial developments in the wider area. It links with the surrounding area while maintaining the appearance of a community/mixed use building.

8a.53 The building is proportionate to the size of the plot. The design incorporates areas of hard and soft landscaping and would not result in an overdevelopment of the site. The proposals comply with policy D02.

8a.54 Policy D04 - 'Low and Zero Carbon Development' states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO<sub>2</sub> emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

8a.55 The applicant has submitted an Energy Statement in accordance with policy D04 and the associated supplementary guidance SG15 'Low and Zero Carbon Development'. The statement sets out how the development could exceed the requirements of this policy by including air source heat pumps in the design. The statement is a preliminary assessment and a condition is recommended on any permission requiring the submission of a full statement including details of the location, design and noise rating of the pumps.

8a.56 The applicant has also indicated that connection to a district heating system is not currently possible, however provision could be made within the design to ensure that the building could be connected in the future. The proposal complies with policy D04 and the associated guidance.

8a.57 Policy RW10 - 'Vacant, Derelict Unstable and Contaminated Land' states:-

*Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.*

8a.58 The site is currently vacant and the Council's Environmental Protection Unit have recommended that a contaminated land assessment be carried out if permission were to be granted. Development of the site would reduce the incidences of vacant land within the Falkirk Council area. The proposal complies with policy RW10.

8a.59 Policy RW09 - 'Waste Reduction in New Development' states:-

*All new development (including residential, commercial, business and industrial uses) should seek to minimise the production of construction waste and seek to recycle as much waste as possible, in accordance with the Zero Waste Plan. Proposals should:*

1. *Identify the amount of construction waste to be produced and recycled;*
2. *Identify what measures are proposed to reduce the production of construction waste and to maximise the use of recycled materials on site;*
3. *Include appropriate provision for the collection and storage of waste and recyclable materials, including composting facilities.*

*4. Locate communal recycling facilities in an accessible and convenient location.*

8a.60 The applicant has indicated that they are committed to minimising the production of waste and recycling waste materials on-site where possible. They have indicated that the appointed contractor will be required to develop a waste management plan and strategy which accords with the requirements of this policy. Adequate waste storage and recycling facilities are noted on the drawings. The proposals comply with policy RW09.

8a.61 Accordingly, the application is assessed as being in accordance with the Development Plan.

**9b Material Considerations**

9b.1 Material considerations must be genuine planning considerations. What is and isn't a material consideration has been well tested at appeal. They must be related to the purpose of planning legislation, which is to regulate the development and use of land, not the user. They must also relate to the development under consideration.

9b.2 The potential material considerations to be assessed are set out below:-

- Falkirk Local Development Plan 2 (LDP2)
- Approved Masterplan
- Commercial Land Viability
- Parking Survey
- Representations Received
- Equality Act 2010
- Human Rights Act
- Community Charter
- Change.org Petition

**Falkirk Local Development Plan 2 (LDP2)**

9b.3 The Proposed Falkirk Local Development Plan 2 (LDP2) was submitted to Scottish Ministers in July 2019. Unresolved representations to the Proposed LDP2 were considered through the LDP Examination which took place between October 2019 and March 2020. The Examination Report, containing the reporters' recommendations in relation to each of the representations, was published on 31 March 2020. The next step is for the Council to make the requisite modifications to the Proposed LDP2, to publish notification of its intention to adopt the plan as modified, and to submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for the end of July 2020. It is a material consideration in the assessment of this application.

9b.4 A summary of the policy changes are included below:-

HSG06, TC04, GN03 and RW10 - There are no significant changes to these policies in LDP2. The proposal complies with these policies.

INF02, INF08, INF10, INF12, RW09 and GN04 - The wording has been amended slightly in LDP2 but the purpose and intent remains the same. The proposal complies with these policies.

INF07, TC01, TC02, D02 and D03 are deleted.

D04 - 'Low and Zero Carbon Development' splits in to two and becomes policy IR13 and IR14 in LDP2. The applicants would need to demonstrate a 12% overall reduction in CO2 emissions achieved via on site low and zero carbon generating technologies. This is an increase from the 10% in The Falkirk Local Development Plan (FLDP). IR14 specifically deals with heat networks. Heat networks are covered under the policy assessment for D04. The application would comply with these policies and the 12% reduction could be secured by condition.

INF11 - 'Parking' becomes IR09 in LDP2. The new policy specifically references the NRDG and in addition to this, requires that significant new commercial or community proposals should incorporate electric vehicle charging points. This is addressed by a planning condition.

D01 - Placemaking changes to PE01 in LDP2. Although the policy is considerably longer the sentiments generally remain the same. The development complies with this updated policy.

JE07 - 'Town and Local Centres' replaces FLDP policies TC01 and TC02. Kinnaird Village is taken out of the list of Local Centres in LDP2. Policy JE07 applies the 'town centre first principle' to significant developments outwith town and local centres. The development would not be considered significant enough to warrant the application of the town centre first principle. In addition to this, it is not considered that there are any other viable sites within Stenhousemuir town centre. The proposal would comply with this policy.

IR04 - 'Community Facilities' is a new policy. It states that new community facilities will be supported in certain circumstances. These include the application of the town centre first approach in the case of proposal generating significant footfall. In other cases there is good access by public transport, walking, and cycling, the proposal is compatible with the surrounding area (in terms of scale, character and design) and the proposal complies with other FLDP policies. The development would not generate significant footfall and as such the sequential town centre first approach does not apply. The proposal would be easily accessible by walking and cycling and public transport. The main body of the report goes in to detail about the design and surrounding area. The proposal complies with this policy.

IR06 - 'Active Travel' incorporates elements of FLDP policy INF07. The development would include cycle parking provision in excess of the Council requirements. It is unlikely that special routes would be impacted by the development as works would be contained within the existing site. The proposal would comply with the policy.

9b.5 Accordingly the application is assessed as being in accordance with the emerging LDP2.

### **The Approved Masterplan for Hill of Kinnaird**

9b.6 As the application is for detailed planning permission, there is no requirement to comply with the conditions attached to the outline planning permission, including the requirement for reserved matters applications to generally comply with the masterplan. The outline application was approved in 2006, which is more than 13 years ago. The opportunity to submit reserved matters applications is now time barred. Given the significant time lapse it is inevitable that there will be changes with large development sites like this due to changing circumstances such as economic factors.

9b.7 The proposed building would provide a variety of community facilities and these would assist in achieving the aspirations of a village centre/high street as envisaged in the Masterplan.

### **Commercial Land Viability**

9b.8 If the proposed use is acceptable, the potential for other uses is not a relevant material consideration.

9b.9 The response of the market is a critical factor in determining the viability of commercial land uses. The applicant's consultants have indicated that this proposal is the first serious offer received by the sellers. Information on the marketing of the site has been provided.

- 9b.10 The land has been marketed since at least 2010 with Ryden acting on behalf of NHS Forth Valley producing a marketing brochure for all of the sites within the wider Kinnaird development. This information remains available on their website. Ryden indicated that the retention of the façade was a desire by the Planning Authority, rather than a requirement and any expressions of interest in purchasing the site (including those involving demolition or a different site area) would have been given full consideration.
- 9b.11 Ryden have confirmed that extensive marketing was carried out for a variety of leisure uses and licensed trade uses but it failed to identify a buyer. National pub/restaurant chains considered and rejected the opportunity. A targeted campaign focused on local operators also failed to secure meaningful interest. Parties who had expressed some interest did not progress to an advanced stage or to detailed discussions on terms. Ryden have indicated that no new approaches have been made to them since the demolition works were undertaken in 2018.
- 9b.12 The consultants have advised that 4 of the 7 retail units in the adjacent GSD Investment Ltd owned site have remained vacant continuously for a considerable period of time.
- 9b.13 The consultants have referred to a number of reasons as to why the application site has not been taken up previously. The site lacks visibility, while it is at the centre of the larger development it is away from a major traffic route and would not receive passing trade. This is a particular issue for a pub/restaurant. The site lacks a commercial focus with the existing units turning their back on the site. There is significant competition in the form of The Outside Inn/The Bruce located a short drive from the site which recently underwent significant investment. The site is also small and family pub chains tend to look for larger sites, to allow for the provision of budget hotel accommodation in addition to the pub facilities. Finally, Larbert is not a priority catchment for national chains given the proximity to Falkirk and Stirling.
- 9b.14 Evidence provided by the applicant demonstrates that the site has been appropriately marketed and there is no market interest in developing the site for the commercial uses outlined in the Masterplan. It is therefore appropriate to look at alternative uses for the site.

### **Parking Survey**

- 9b.15 The applicants have submitted a parking survey carried out by members of the church. It was undertaken over a 7 day period in October 2019, at the hours of 9am, 12noon, 6pm and 9pm. The survey examined the existing areas which are proposed to be incorporated in to the development (56 spaces in total) as well as 4 other surrounding parking areas, including the public parking bays and lay-by on McIntyre Avenue and two parking areas at the gable end of properties on Crown Crescent (22 spaces in total).

9b.16 The survey indicated that the block of 30 spaces proposed to be incorporated into the development (by way of a legal agreement) were very infrequently in use. The remaining spaces to be incorporated were in use more frequently, however at no point did the usage of all of these areas combined, exceed 50% of the total available. In relation to the 22 spaces referred to above, the layby parking in front of the site was the most heavily used, although the total did not exceed 50% usage over the entire period.

9b.17 The survey noted that the maximum number of vehicles parked in the entire survey area (at any one time) was 19 vehicles. This is below the 22 parking spaces that would remain available to residents and other users if the development went ahead and removed the 56 spaces referred to above.

9b.18 The survey was carried out by the applicant and therefore is not considered to be independent. However, its findings are consistent with the observations of the Roads Development Unit.

### **Representations Received**

9b.19 The majority of matters raised are dealt with in the main body of the report.

9b.20 The following comments are not material considerations in the determination of the application.

- Identity of the applicant
- Impact on views e.g. loss of a private view.
- Personal decisions about whether a community is right for someone.
- Personal decisions about whether to use a building or not.
- Peoples potential behaviour.
- Whether a church is considered to be in opposition to the idea of community.
- The current involvement of the applicant in the local area.
- Concerns regarding the relationship with the school.
- Residential location of the directors of Grace Church Larbert.
- The financial stability of an applicant.
- Occupancy rates of other churches in the area.
- Value of property.
- The ability of a developer to find a project and continue to fund it.
- Proximity of a funeral to a school

9b.21 The assessment of the planning application on planning grounds does not mean the Council is condoning or not condoning the moral beliefs of supporters or objectors of the proposal.

9b.22 The alleged beliefs of 'Grace Church Larbert' (both positive and negative) are not a factor in the assessment of the planning merits of the application.

9b.23 There is no obligation in planning legislation for an applicant to discuss proposals with anyone prior to submission of an application of this scale.

- 9b.24 The Council are obliged to assess the application before them. This application is not for a pub/restaurant or alternative use or indeed alternative site. If such an application were to be submitted it would be assessed against the relevant policies in the Development Plan and any material planning considerations.
- 9b.25 Paragraph 3.13 in FLDP on strategic infrastructure is not relevant as this is not a large scale infrastructure related project.
- 9b.26 Paragraph 3.35 in FLDP refers to decentralised food shopping and is not relevant.
- 9b.27 Paragraph 4.47 in FLDP refers to the successful delivery of quality places within Larbert and Stenhousemuir. The proposal is considered to comply with the settlement statement for Larbert and Stenhousemuir.
- 9b.28 Paragraph 5.52 in FLDP refers to localised parking issues at some district and local centres. It does not refer specifically to Kinnaird.
- 9b.29 Policy TC03 in FLDP is not relevant as it relates to retail and commercial leisure developments.
- 9b.30 Supplementary Guidance 02 'Neighbourhood Design', sets out aspirations for the design of new residential neighbourhoods within the Falkirk Council area. It is primarily intended for residential proposals. The proposals are not changing the existing street layout and so SG02 is not relevant. It relates more closely to sites which require to be masterplanned.
- 9b.31 Scottish Government Planning advice notes like PAN 75, PAN 78 and PAN 81 provide advice and information. PAN 75 relates to planning for transport and how linkages between planning and transport can be managed. Transport issues are dealt with in detail in the report. PAN 78 relates to inclusive design and also covers building standards requirements. Two entrances are proposed on the building. This creates easily accessible spaces for all users. The rear access would be located directly in front of the rear parking area with the disabled parking spaces closest to the building. The internal layout shows a baby change, accessible toilet and lift access which would aid accessibility to the building. PAN 81 covers community engagement. The assessment has been made in the context of appropriate neighbour consultation and involvement, in accordance with paragraph 34 onwards. PAN 81 makes clear that engagement does not guarantee that everyone gets the decision or outcome they desire. The proposals comply with the relevant PANs.
- 9b.32 National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) set out overarching policy requirements for Scotland. The FLDP policies reflect the Government's aims. Set out in NPF3 and SPP.

- 9b.33 There is no specific reference to churches/places of worship in the FLDP. This does not make a proposal for such a use automatically contrary to the FLDP.
- 9b.34 All vehicle users have a responsibility to park safely and without causing an obstruction. Any inappropriate parking would be a matter for Police Scotland.
- 9b.35 The development would be located adjacent to existing commercial uses and a school. The application site was always intended to form part of the Bellsdyke Village centre. The site fronts on to the main thoroughfare and traffic throughout the day would not be unexpected.
- 9b.36 The wider development has been designed to accommodate the level of development proposed in terms of access for deliveries. Further traffic management changes are not necessary to accommodate the development.
- 9b.37 It is not reasonable to expect that 188 cars would access the building at one time. The maximum parking requirements set out in the NRDG for a 300 congregation church is 30 parking spaces. The maximum parking provision set out in the NRDG is less than 188 cars.
- 9b.38 It is not considered that the development would discourage the use of bikes, or runners/pedestrians using the area.
- 9b.39 If alternative routes to school were required during construction, this would be a temporary measure and it would not be appropriate to refuse planning permission for this reason.
- 9b.40 Scottish Government Designing Streets Policy does not discourage on-street parking. This particular kind of parking can help reduce traffic speeds. The proposal complies with the principles set out in Designing Streets.
- 9b.41 The application is for a Class 10 non-residential institution use. Class 10 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 includes community facilities. It remains for the owner of any building to determine how it is used within the terms of any planning permission which is granted, and the limits of the Use Class and other relevant legislation. It is not reasonable to use planning controls to guarantee that any facility would be retained as accessible to all. As with all land ownership, it would be at the discretion of the owner who would be required to follow the relevant laws and legislation.
- 9b.42 It is not for the Planning Authority to establish market demand or carry out attendance surveys.
- 9b.43 The visibility splays would not be impacted by the development.
- 9b.44 If issues arose related to light or noise pollution these could be controlled through Environmental Protection Legislation.

- 9b.45 There is no precedence in the planning process as such, each case is assessed on its own merits.
- 9b.46 Building Regulations requirements would be dealt with at the building warrant stage if planning permission was granted and a warrant submitted.
- 9b.47 There is no evidence to suggest that an application for a Class 10 use would have a significantly detrimental impact on job creation in the area.
- 9b.48 The appropriate neighbour notification procedures have been followed. Neighbour notification letters were sent addressed to the owner, occupier, lessee and this covers rented properties. An advert was also placed in the Falkirk Herald. In addition the application details are published and available to view on the Falkirk Council website and Council offices.
- 9b.49 The references to additional community benefits here and elsewhere, that the users of the building could provide e.g. foodbanks etc. are noted.
- 9b.50 The facilities proposed as part of this application do not currently exist in the wider Kinnaird or Inches area.
- 9b.51 The points raised in relation to community impacts are noted.
- 9b.52 The reference to improving tourist numbers/visitors from abroad is noted. There is no evidence that the development would considerably alter tourist numbers and as such this element does not carry significant weight.
- 9b.53 The application is assessed against Development Plan policy and other material planning considerations. Refusal of planning permission would not mean the bible was being banned.
- 9b.54 The reference to other successful new church buildings are noted but each case is considered on its own merits in the context of the relevant FLDP policies and material considerations.
- 9b.55 The use of a Section 75 planning obligation to secure the provision and retention of parking facilities on land not currently owned by the applicant is an appropriate use of a legal agreement and meets the relevant tests set out in the Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.
- 9b.56 It is not considered that any one has been disadvantaged by not being able to see internal comments provided by the Council's Roads Development Unit. It is not standard practice for the Council to release such information during consideration of the application.

- 9b.57 Due to the orientation of the buildings, it would not have a significant impact on light reaching residents on Paton Drive, Crown Crescent or McIntyre Avenue. Overshadowing calculations have been provided by the applicant and the Council have carried out their own assessment. These show that the proposals would be acceptable.
- 9b.58 The development would be located 26m away from the flats at 1 and 3 Crown Crescent, 22m from the houses behind on Crown Crescent and more than 20m from the flats facing on to McIntyre Avenue. As such there would not be a significant increase in overlooking/loss or privacy.
- 9b.59 Falkirk Council is required by legislation to take reasonable steps to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads. Falkirk Council's Winter Service Plan details how the requirements of the legislation are met.
- 9b.60 The proximity of the development to a school is not a determining factor in the assessment. It would be for Children's Services to determine whether a building is used in relation to school matters.
- 9b.61 The planning process is open to everyone and receipt of comments is not restricted to a particular area. It is the content of the comments which is significant and whether they are material planning considerations.

## **10c Equality Implications**

- 10c.1 The Council is required to have regard to the Equality Act 2010 and the public sector equality duty (PSED). The PSED places a statutory duty on the Council in the exercise of its functions to have due regard to the need to (1) eliminate discrimination (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Council must have regard to the PSED in the discharge of its planning functions including where it is determining planning applications. Protected characteristics include:
- age
  - disability
  - gender reassignment.
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex and sexual orientation
- 10c.2 These matters have been carefully considered and regard had to an Equality Statement submitted by the applicant and representations made by interested parties. Specialist legal advice has been sought. Having taken account of that advice, the conclusions reached are that:-

- if the matters referred to by objectors are aligned with the religious or philosophical beliefs of the applicant, the activities of the applicant are not unlawful and do not amount to discrimination where they are included within the list of activities provided for in paragraph 2 of Schedule 23 of the Equality Act 2010 (the religion or belief exemption). The matters that are referred to in the representations relating to sex and sexual orientation appear to be included within the list of exempted activities.
- there is no reasonable basis identified for believing that a grant of planning permission in this case is likely to have a detrimental impact on persons who share the protected characteristic of a particular race or ethnicity, or that it is likely to have any detrimental impact on persons of a certain age or who are disabled.
- neither the refusal nor the grant of the application on the basis of planning judgement precludes the Council from advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and / or fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.
- it would be unlawful for the Council to refuse planning permission on the basis that an applicant holds certain beliefs if the beliefs are intrinsic to the practice of their religion or genuinely held as a philosophical belief. To do so would amount to direct discrimination on the grounds of religion and belief. There are exceptions to this general rule but it is concluded that they do not apply in this case.

## **10d Human Rights Implications**

10d.1 The planning application engages certain human rights under the Human Rights Act 2008. It prohibits unlawful interference by public bodies with convention rights.

10d.2 This application has the legitimate aim of providing a Class 10 development on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **Community Charter**

10d.3 Where it raises material planning considerations these have been assessed in this report.

## **Petition**

10d.4 Some representations were received which referred to a Change.org petition. The petition commenced prior to the submission of the application. It cannot be given weight in the determination of the application as comments need to be related to the specifics of the application being considered. Those signing the petition would not have been aware of these at the time they signed it.

## **10e Conclusion**

10e.1 The proposed development complies and therefore accords with the relevant Local Development Plan policies. The material considerations raised during the assessment of the application are noted but do not outweigh compliance with the Local Development Plan. The application is therefore recommended for approval subject to the completion of a legal agreement/planning obligation to secure the retention of the parking area adjacent to the site. Appropriate conditions are set out below.

## **11. RECOMMENDATION**

**11.1 It is recommended that Committee indicate that this is Minded to Grant Planning Permission subject to:-**

- a. The completion within 6 months of a planning obligation within the terms of Section 75 of the Town and Country Planning Act 1997, as amended, in terms satisfactory to the Director of Development Services in respect of the provision of 30 parking spaces located adjacent to the application site and incorporated in to the parking provision allocated to the development;**
- b. And thereafter on conclusion of the forgoing matters grant planning permission.**

**Subject to the following condition(s):-**

- 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.**



- 5. Prior to the commencement of development on site details and specifications, to include a sample panel or samples, of the materials to be used in the external surfaces of the building shall be submitted to the Local Planning Authority for written approval. The sample panel/samples should show the proposed materials, including roofing, cladding and render to be used in the development. The development shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.**
- 6. Prior to the use of the building commencing, the vehicle, motorcycle and bicycle parking areas shown on drawing 04A (your ref. A-P-00-G2-001 Rev. S) shall be provided on site and retained thereafter. Each vehicle parking space shall be designed in accordance with the standards set out in the National Roads Development Guidance, unless otherwise agreed in writing by the Local Planning Authority.**
- 7. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby noise sensitive premises. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.**
- 8. Prior to the commencement of development on site, the surface water and foul drainage arrangements shall be agreed in writing by the Planning Authority. Thereafter development shall commence in accordance with the approved scheme.**
- 9. The development hereby approved shall not be brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**

  - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
  - ii) a Statement of Conformity which confirms that 10%, of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.**
  - ii) Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

10. Prior to the commencement of development on site, a specification for one electrical vehicle charging point shall be submitted to and agreed in writing by the Local Planning Authority, and the details shall be implemented prior to the use commencing. Unless otherwise agreed in writing.
11. Prior to the commencement of development on site, details of the scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented, unless otherwise agreed in writing. Details of the scheme shall include:
  - i. location of new trees, shrubs, hedges and grassed areas.
  - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density.
  - iii. a scheme to re-use the stone saved from the original building, which was retained following its demolition.
  - iv. programme for completion and subsequent maintenance of the landscaping.

**Reasons for the conditions above:-**

2. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development, in accordance with policy RW10 of the Falkirk Local Development Plan.
3. To safeguard the existing tree from damage during construction work in accordance with policy GN04 of the Falkirk Local Development Plan.
4. To safeguard the existing tree from damage during construction work in accordance with policy GN04 of the Falkirk Local Development Plan.
5. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policies D01, D02 and D03 of the Falkirk Local Development Plan.
6. To ensure that adequate parking facilities are provided for the level of development proposed in accordance with policy INF11 of the Falkirk Local Development Plan.
7. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

8. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policy INF12 of the Falkirk Local Development Plan.
9. To ensure the development incorporates sustainable energy solutions and achieves the required CO<sub>2</sub> emission reduction as a result of development in accordance with policy D04 of the Falkirk Local Development Plan.
10. To encourage the use of sustainable travel options.
11. To enable the Planning Authority to consider this/these aspect(s) in detail in accordance with policy D02 of the Falkirk Local Development Plan.

**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, 02B, 03B, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A, 14A, 15A, 16, 17A, 18, 19, 20 and 21.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

**Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.**

4. If development involves any alterations or excavation in the public road or footway, a Minor Roadworks Consent will be required. Falkirk Council, Roads Services, Roads Depot, Earls Road, Grangemouth (01324 504600) will provide the relevant application form for a Minor Roadworks Consent and advise of conditions relevant to works in a public road.

5. Care should be taken to minimise any air emissions / suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance (<http://iaqm.co.uk/guidance/>) during the construction phase.
6. Please note that if a solid fuel stove / open fire (with flue) is to be installed within the development, it is recommended that the flue terminates at 1m above the eaves of the property to minimise smoke / odour nuisance to neighbouring properties (if applicable). If the development is within a smoke control area (<http://www.falkirk.gov.uk/services/environment/environmental-policy/air-quality/smoke-control-areas.aspx>) (as designated in terms of the Clean Air Act 1993) - for compliance with this legislation the stove installed can only burn authorised fuel or be on the list of exempt appliances. It is also an offence to allow smoke to be emitted from such an appliance within a smoke control area. Further information on exempt appliances or authorised fuels can be found at: <https://smokecontrol.defra.gov.uk/fuels.php>
7. In relation to condition 5, the sample panel should be at least 1 metre x 1 metre.

.....  
pp Director of Development Services

Date: 9 June 2020

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (LDP2) – Proposed Plan.
3. Supplementary Guidance SG06 Trees and Development.
4. Supplementary Guidance SG15 Low and Zero Carbon Development.
5. Supplementary Guidance SG05 Biodiversity and Development.
6. Bellsdyke Village Centre Design Statement.
7. National Roads Development Guide.
8. Designing Streets.
9. PAN 75, 78 and 81.
10. National Planning Framework 3.
11. Scottish Planning Policy.
12. Equality Act 2010.
13. Human Rights Act 2008.
14. Community Charter.

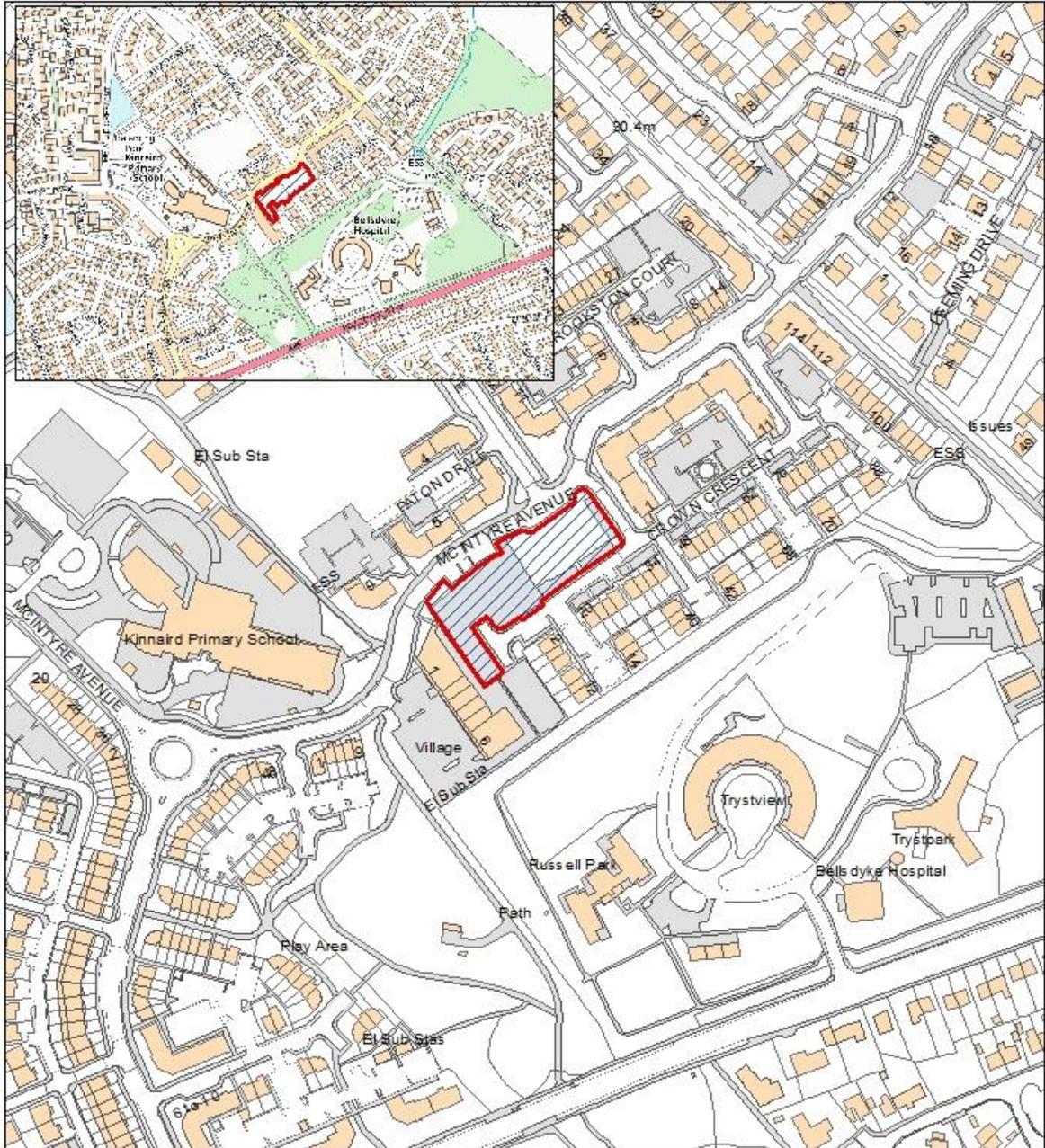
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Planning Officer.

# Planning Committee

## Planning Application Location Plan

# P/19/0407/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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