

**P55. Erection of Residential Care Home (Class 8 - Residential Institution) at Falkirk Ambulance Station, Windsor Road, Falkirk FK1 5EW for Mealmore Ltd - P/18/0100/FUL (Continuation)**

With reference to Minute of Meetings of the Planning Committee held on 19 June 2018 (Paragraph P43 refers), committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the erection of residential care home (class 8 – residential institution) at Falkirk Ambulance Station, Windsor Road, Falkirk.

With reference to Standing Order 33, the convener referred to a deputation request received from an objector to be heard in relation to this item.

Councillor Bouse, seconded by Councillor Blackwood, moved that the deputation request be refused.

As an amendment, Councillor Murtagh, seconded by Councillor Kerr, moved that the deputation request be granted.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the Motion (6) – Provost Buchanan, Councillors Blackwood, Bouse, Coombes, McLuckie and Munro.

For the Amendment (4) – Councillors Hughes, Kerr, McCue and Murtagh.

The committee accordingly refused the deputation request.

In accordance with Standing Order 38.1 (x) the deputy convener gave consent to Councillor Reid to speak in relation to the item of business, the said Member having duly given at least 24 hours notice.

Councillor Reid then addressed the committee.

Councillor McLuckie, seconded by Councillor Munro, moved that committee grant planning permission in accordance with the recommendations in the officer report.

As an amendment, Councillor Bouse, seconded by Councillor Hughes, moved that committee refuse planning permission on the grounds that the proposal constitutes overdevelopment of the site, the scale, mass and design of the proposed building would not be appropriate for the site and its setting and would have a detrimental impact on the amenity of the surrounding area.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the Motion (6) – Provost Buchanan, Councillors Blackwood, Coombes, Kerr, McLuckie and Munro.

For the Amendment (4) – Councillors Bouse, Hughes, McCue and Murtagh.

## **Decision**

**The committee granted planning permission subject to the following conditions:-**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority;**
- (2)**
  - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
  - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- (3) For the avoidance of doubt, prior to the occupation of the nursing home, the existing bell-mouth entrance off Greenhorns Well**

**Crescent shall be removed and a standard dropped kerb footway crossing installed, all to the satisfaction of Falkirk Council.**

- (4) Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.**
- (5) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.**
- (6) Samples of external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure the ground is suitable for the proposed development.**
- 3. To safeguard the interests of the users of the highway.**
- 4-5. To ensure that the existing trees are retained and protected during**
- 6. To safeguard the residential amenity of the area.**

**Informative(s):-**

- 1. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.**
- 2. 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.**
- 3. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.**
- 4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.**

**e-mail - [envhealth@falkirk.gov.uk](mailto:envhealth@falkirk.gov.uk)**

- 5. 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.**

- 6. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02C, 03, 04C, 05C, 06C, 07C, 08, 09A, 10B, 11, 12, 13, 14 and 15.**
- 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 dwellings. 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. If complaints are received about noise from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.**