

P29. 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 – Continuation

With reference to Minute of Meeting of the Planning Committee held on 17 June 2020 (Paragraph P23 refers), the 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.

This application was originally considered by the Planning Committee on 17 June 2020 when it was agreed to continue the application to allow deputation requests to be heard virtually.

With reference to Standing Order 33.5 the convener referred to previous deputation requests received from:

Gary Wilson, an objector;
Kirsteen Glen, an objector;
Iain Henderson, an objector;
James Alexander, an objector;
Rob Christie, an objector;
Elaine Kidd, an objector and
David Jennings, the agent for Grace Church;

to be heard in relation to this item. The convener confirmed that at the meeting on 17 June 2020 it was agreed the deputations would be heard by the committee by video link.

The committee proceeded to hear deputations from:

Gary Wilson,
Kirsteen Glen,
Iain Henderson and
James Alexander.

The meeting was paused at 10.25 am due to a technical issue with the video link and reconvened at 10.36 am, with all members present as per the sederunt.

The committee then heard deputations from:

Rob Christie;
Elaine Kidd and
David Jennings.

The committee adjourned at 10.32 am and reconvened at 10.42 am with all members present as per the sederunt.

Decision

The committee agreed: -

- 1. To instruct the Director of Development Services to advise the DPEA that the report presented to the Planning Committee of 17 June 2020 and the report to this committee set out the information before the planning authority noting, however, that the committee does not agree with the officer recommendation in the reports and would not have been minded to grant planning permission if it had been in a position to determine this application for the following reasons:-**
 - a. The proposed development, by reason of its significant height, massing and location close to residential properties, would result in a loss of light, loss of outlook and be unacceptably overbearing on the ground floor flats at 1 and 3 Crown Crescent and 20 to 34 Crown Crescent. This would be to the detriment of the living environment for these occupants. The proposal is therefore considered contrary to policies HC07 – Established Residential Areas and IR04 – Community Facilities, of the Adopted Falkirk Local Development Plan 2.**
 - b. The proposed development would have an unacceptably adverse impact on the amenity and safety of the surrounding area, by reason of increased traffic volumes and potential indiscriminate on-street parking close to and within an existing residential area, due to insufficient off-street parking provision within the site. The proposal would be considered contrary to policies PE01 – Placemaking, IR04, Community Facilities, HC07 – Established Residential Areas and IR09 – Parking, of the Adopted Falkirk Local Development Plan 2.**
 - c. Acknowledging the age of the masterplan and that the planning authority is obliged to consider the application before it, there is conflict with the original masterplan for the wider Kinnaird/Bellsdyke development in terms of the size of the facility and the uses that were proposed to occupy the site (business and commercial). The proposal is therefore considered contrary to the aims and aspirations of the wider Kinnaird/Bellsdyke site.**
- 2. To instruct the Director of Development Services to indicate to the DPEA that the planning authority would not have been minded to grant planning permission if it had been in a position to determinate the application.**
- 3. That, in the event that the Reporter, contrary to the view of the committee, decides that she is minded to grant permission, the following are the Section 75 planning obligation and, thereafter, the conditions that the committee considers should be imposed:**

The completion of a planning obligation within the terms of Section 75 of the Town and Country Planning Act 1997, as amended, in respect of the provision of 30 parking spaces located adjacent to the application site and incorporated into the parking provision allocated to the development;

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.**
- 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 CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.
 - iii) 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. Development shall not begin until details of the scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented. 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: -

- 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 CO₂ 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:

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

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.**