

Perth and Kinross Council
Development Management Committee – 15 October 2014
Report of Handling by Development Quality Manager

Erection of community hall on land SE of Ivy Cottage, Kettins

Ref: No: 14/00767/FLL
Ward No: 2 – Strathmore

Summary

This report recommends approval of the application for the erection of a community hall contrary to the relevant provisions of the Development Plan as it is considered that there are material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application relates to the existing playing field and associated changing rooms at Lindsay Park, located on the south eastern edge of the small rural village of Kettins. At present the football pitch and changing facilities are used by the local amateur football team, Kettins AFC, for both training and home league fixtures. Access to the pitch is taken through a small open area of hard standing which is used by both local residents and people attending matches as a car park. This area contains several lock-ups. Due to the position of the existing playing fields on the edge of the village, there are a number of private residential dwellings located in close proximity.
- 2 The existing changing facilities were erected in 1976 and are now visibly in need of replacement. In 2013 the applicant approached the Planning Service to discuss the possibility of erecting a new multi-purpose parish hall on the land adjacent to the existing playing field. At this time the exact position of the hall and detailed design was not agreed but the principle of the development was considered to be acceptable given the benefit of the new facilities for the local community.
- 3 Full planning permission is now being sought for the erection of a new multi-purpose village hall with associated parking for 23 cars, including 3 disabled bays. In addition to the proposed hall, the plans also include the planting of a community orchard on the site of the existing changing rooms and the repositioning and slight enlargement of the playing field. The proposed hall will be quite a large single storey building with a wide roof span, split into three ridgelines. The finishing materials are detailed on the plans as wet dash render to the exterior walls, grey concrete interlocking roof tiles and white Upvc double glazed windows and doors. The plans also detail elements of timber cladding and natural stone on the exterior of the building. Internally the building will provide new changing facilities, toilets, a large kitchen area, a meeting room and a large multi-purpose hall.

- 4 As well as providing improved facilities for the local community, the hall is to be used by the nearby primary school for PE and other activities. The hall will also be generally available for public hire 7 days a week from 8am to 10pm, but on certain occasions the hall may be let outwith these hours subject to the approval of the Village Hall Committee. However the supporting statement states that the Hall Committee will retain the right to refuse any request to hire the hall.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (June 2014)

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management and,
 - the Scottish Government's expectations of the intended outcomes of the planning system.
- 6 Due to the nature of the proposals there are no sections of particular relevance to this application.

PAN 56 – Planning and Noise

- 7 This document provides guidance on matters relating to noise issues and sets out the range of noise issues that planning authorities need to be aware of in formulating development plans, making decisions on planning applications and in taking enforcement action.

DEVELOPMENT PLAN

- 8 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 9 There are no policies of strategic importance of relevance to this application in TAYplan.

Perth and Kinross Local Development Plan 2014

- 10 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 Under the LDP the site lies immediately outwith the defined settlement boundaries of Kettins and within an area where the principal relevant policies are, in summary:

Policy PM1A: Placemaking

- 12 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM4: Settlement Boundaries

- 13 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy EP5: Nuisance from Artificial Light and Light

- 14 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8: Noise Pollution

- 15 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

SITE HISTORY

- 16 None

CONSULTATIONS

- 17 **Kettins Parish Community Council**
No comments received
- 18 **Environmental Health**
The Environmental Health Officer (EHO) does not consider that residential amenity will be adversely affected by the proposed development, however to prevent loss of amenity and/or the creation of nuisance conditions a number of conditions are recommended to be included in any given consent to ensure

that adequate measures are implemented to deal with possible light, odour and/or noise nuisance.

- 19 **Scottish Water**
No objection

REPRESENTATIONS

- 20 A total of 19 letters of objection have been received from 7 households. The grounds of objection can be summarised as follows:

- Contrary to LDP
- Visual Impact
- Unacceptable design
- Impact on neighbouring residential amenity
- Noise pollution
- Increase in traffic
- Unsafe access
- Insufficient parking
- Lack of public transport
- Loss of trees
- Anti-social behaviour
- Other more suitable sites
- Light pollution
- Inadequate public consultation
- Impact on property value

- 21 These issues are all addressed in the Appraisal section of this report. The above objections also included reference to the impact on property prices and noise from anti-social behaviour but these matters are not considered to be material planning considerations.

- 22 3 letters of support, including a petition with 121 signatures, have also been received which are in support of the proposed development.

ADDITIONAL STATEMENTS

- 23

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None submitted
Report on Impact or Potential Impact	Tree Survey submitted

APPRAISAL

Policy

- 24 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 25 The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.
- 26 In this instance the main relevant policy contained within the recently adopted LDP is Policy PM4: Settlement Boundaries. This policy outlines that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 27 The proposed new village hall is located on an area of open farm land immediately adjacent to the existing football pitch at Lindsay Park which is outwith the settlement boundaries of Kettins, as identified in the recently adopted LDP. As such the location of the proposed village hall is technically contrary to Policy PM4 as it represents built development immediately adjacent but outwith the defined settlement boundaries of the village. However, as outlined above, development can be approved contrary to the LDP provided that there are sufficient material considerations which justify a departure from policy.
- 28 I note that a number of local residents have highlighted that the proposals are contrary to Policy PM4 but having assessed the proposals and visited the site it is considered that in this instance the proposed site provides the most logical position for the new hall. The village itself is very small and compact which makes finding a suitable location within the boundaries of the village difficult. The applicant has submitted a supporting statement that outlines the various other sites that were investigated, one of which was within the village, but discounted due to physical constraints. This is investigated in more detail in following sections of this report.
- 29 It is therefore considered, having assessed the proposals and reviewed all the supporting information, that there is sufficient justification in this instance to approve the proposed development contrary to the LDP on the basis that the proposed site provides the most logical position for the proposed new village hall. Given the nature and specific circumstances of the proposals it is also considered that the approval of this development will not establish a precedent for further development outwith the settlement boundaries.

Site Selection

- 30 The supporting statement that was submitted by the applicant outlines that following a general review of the land within and surrounding the village three potentially suitable sites were initially identified, including the site that is the subject of this application.
- 31 The first site identified is located to the north of the village within an open field adjacent to Newtyle Road, opposite the main drive to Hallyburton. This site was discounted as it is not large enough to accommodate a full sized pitch and the proposed new village hall. It was considered that access from the primary school was not acceptable due to the lack of a complete footpath for safe pedestrian access to the site. Furthermore, issues were identified in relation to the ground levels and susceptibility to flooding.
- 32 The second site is located in the field to the south of the village, opposite Church Cottage. This site was discounted due to the significant amount of earth works that would be required to establish a new football pitch and issues in relation to the existing system of land drains relating to the agricultural land to the south. It was also considered that access from the primary school was unsuitable due to the lack of a footpath.
- 33 The third site relates to the site of the existing playing fields at Lindsay Park. It was proposed that a new football pitch would be formed on the field to the west of the existing pitch and a new village hall with parking developed on the site of the existing football pitch. This site was considered the most feasible option but concerns were raised by neighbouring residents regarding the location of the new pitch.
- 34 Following the initial site investigations a public meeting was held in March 2013 where a number of alternative sites outwith the village were also suggested. These sites were discounted as it was considered that positioning the hall and pitch outwith the village would make access to the facilities difficult for the local community. I note that an objection letter submitted on the behalf of a number of local residents specifically identifies these alternative 'out of village' sites but having assessed and visited these alternative sites, I also consider that these sites are not immediately preferable from a logistical point of view given that they will be remote from the village and will require the construction of an entirely new pitch. I would also argue that a number of the alternative sites suggested would have a far greater visual impact than the current proposed site.
- 35 At this meeting it was also agreed and decided that developing the site of the existing football pitch was the preferred option and that a Committee comprising of representatives of Kettins AFC, Kettins Indoor Bowling Club, Kettins School Parents Council, Ardler Kettins & Meigle Parish Church, Kettins Parish Community Council and interested individuals would be formed to take the proposals forward.

- 36 Since March 2013 a number of various alternative proposals were produced and discussed during pre-application consultations with the Planning Service, culminating in the current proposals that are the subject of this planning application.
- 37 In light of the above, it is considered that the applicant has demonstrated that all other potential sites have been identified and discounted for legitimate reasons. I acknowledge that a number of nearby residents have expressed concerns regarding the chosen location of the site but having reviewed the alternative sites, I consider that the site that has been chosen to develop the new village hall represents the most logical option.

Public Consultation

- 38 Whilst there is no specific requirement for the applicant to undertake public consultation, public involvement is quite common for development proposals such as this. In this instance a Committee has been formed that is made up of various community groups and interested parties tasked with developing the proposals. The supporting documents also demonstrate that extensive consultations have taken place with the local community which have been advertised in the local press.
- 39 It is therefore considered that extensive public consultation has taken place in both the conception and resultant detailed proposals for the erection of the new community hall. Whilst I note that a number of objections have been received, I am satisfied that the proposals as submitted are generally supported by the local community.

Visual Impact/Design

- 40 A number of concerns have been expressed by local residents regarding the visual impact of the proposals in relation to both location and design. The repositioning of the pitch has not drawn any significant concerns as this element of the proposals, once completed and reinstated with grass, will not appear drastically different from the current playing field. However the proposed new hall has attracted a number of objections, particularly from the neighbouring residents closest to the site.
- 41 Having visited the site and viewed it from various viewpoints within and around the village, I am content the proposed site will not result in a significant visual impact on the character of the village or that of the surrounding landscape. Whilst the hall will be located on what is presently an open field, it will not actually be visible from views within the village itself or on either of approaches from School Road or School Park. The row of trees immediately to the north of the site will also effectively screen much of the hall from view. It is acknowledged that it will still be visible to some extent from the neighbouring houses to the west but it will not be directly adjacent to these properties and as such will not have any significant impact on their outlook.

- 42 In regards to views from outwith the site, the position of the proposed site to the south east of the village means that the hall will actually not be visible from any of the main approach roads to the village. It will be visible from School Park to the north east and the main A923, but the building will be viewed against a backdrop of the mature trees and in time any visual impact will diminish once the landscaping has established.
- 43 In terms of design, the scale and footprint of the building will be relatively large but the staggered roof profile and the use of large window openings, particularly on the south and west elevations of the multi-purpose hall will help break up the overall mass of the building. It is also considered that the proposed mixed palette of finishing materials in relation to the external walls is acceptable and will further assist in breaking up the scale of the building. The introduction of random rubble stonework on the west elevation will also add interest to the main entrance to the hall. However I am not entirely convinced that the use of concrete interlocking roof tiles would be the most appropriate finish for such a large roof and in my view a dark grey profiled sheet or standing seam roof may be a more aesthetically pleasing alternative which would give the building a more contemporary appearance. The use of profiled sheet or standing seam roof cladding systems has been used on many buildings of similar design in rural areas across Perth and Kinross and has been found to be generally successful. A condition has therefore been applied that requires further agreement regarding the detailed finish of the roof.

Neighbouring Amenity/Noise

- 44 Many of the objections received have raised concerns regarding the potential impact on residential amenity, particularly in relation to the potential for noise and anti-social behaviour associated with the events that may be held within the proposed hall.
- 45 This is a matter that has been taken into consideration in the design of the proposed hall, with the main hall where functions would take place being position furthest from the village so that any noise would project outwards into the open fields rather than towards the village. The supporting statement also states that the Village Hall Committee will retain the right to refuse any request to hire the hall and specifically will not hire out the Hall for 18th Birthday parties. I am therefore satisfied that the proposed hall should not result in any impact on neighbouring amenity and any potential future concerns regarding the operation of the venue could be adequately controlled by the Village Hall Committee.
- 46 Environmental Health has also been consulted in this regard and the EHO has advised that they do not believe that residential amenity will be adversely affected by the proposed development, however to prevent loss of amenity and/or the creation of nuisance conditions, a number of conditions have been recommended to control noise, light and odour. However, following further discussions regarding the suitability of these recommended conditions the EHO has recommended a revised and updated response with amended

conditions which will provide more control in relation to potential noise nuisance.

Road Safety and Parking

- 47 A number of local residents have raised concerns that the existing access into the site and the surrounding road network is not suitable for the level of traffic that will be generated by the proposed development. Concerns have also been expressed regarding the lack of adequate parking.
- 48 In this regard the Transport Planner has advised that the proposals are unlikely to generate a significant amount of traffic and any that is generated will be off peak and would not exacerbate any current issues experienced around school start and end times. He also acknowledged that the road network in Kettins is of limited width and tight geometry; however it is considered that this acts as effective traffic calming with typical speeds low and it was highlighted that no safety issues have been highlighted by the Council's Road Safety & Design Team. Following further correspondence it has been confirmed that the proposed provision of 23 parking bays will be sufficient for a development of this nature and agreed that a condition should be applied requiring the provision of 10 cycle bays.

Impact on Trees

- 49 There are a number of mature trees within and adjacent to the proposed development site. The applicant has submitted a tree survey which identifies that three existing trees will need to be removed to facilitate the development of the proposed hall. The condition of the trees to be felled are not particularly good, with the most notable of the trees (sycamore) having a poorly formed canopy due to previous storm damage. That said the loss of this tree is a pity as it has a relatively substantial presence when viewed from its immediate surroundings.
- 50 Nevertheless, the proposed development will still retain the remaining row of mature trees along the northern boundary which will help screen the hall from School Park. It is noted that the proposed new access to the hall and a number of parking spaces will be located within the root protection areas (RPA) of the retained trees. This matter has been discussed with the Council's Green Space Policy Officer (Tree and Woodland) and he is content that the proposals are acceptable subject to conditions requiring further clarification regarding the detailed construction of the row of parking spaces that are positioned within the identified RPA.

Economic Development

- 51 Whilst the proposed community hall will be of significant benefit to the local community, the economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS REQUIRED

52 No legal agreement is required.

DIRECTION BY SCOTTISH MINISTERS

53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

54 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is contrary to Policy PM4 of the adopted Local Development Plan 2014. However having assessed the proposals it considered that in this instance there are material considerations apparent which outweigh the Development Plan. On that basis the application is recommended for approval subject to conditions

RECOMMENDATION

A Approve the application subject to the following conditions and reasons:

1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2 All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise or vibration therefrom shall not be transmitted into any nearby noise-sensitive property.

Reason - In order to safeguard the neighbouring residential amenity in the area.

3 Any external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

Reason - In order to safeguard the neighbouring residential amenity in the area.

4 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within

the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 5 All plant or equipment (including any ventilation system) shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise-sensitive property, with all windows slightly open, when measured and /or calculated and plotted on a Noise Rating curve.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is audible in any noise-sensitive property.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 7 Prior to the commencement of development the tree protection measures detailed in the Arboricultural Impact Assessment by Arboretum International dated 25th August 2014 shall be implemented and maintained thereafter for the entire duration of the construction phase. Immediately following the implementation of the tree protection measures the developer shall notify the Planning Authority for inspection purposes.

Reason - In order to safeguard the existing trees that are to be retained on or adjacent to the site.

- 8 Prior to the commencement of any ground works in relation to construction of the proposed bay numbers 7, 8, 9, 10 & 11, the detailed method of construction of these bays shall be submitted in writing and agreed with the Planning Authority.

Reason - In order to safeguard the existing trees that are to be retained on or adjacent to the site.

- 9 Prior to the commencement of development samples of external finishing materials shall be submitted for the approval of the Planning Authority.

Reason - In interests of visual amenity.

- 10 Prior to the commencement of development suitable provision for cycle storage with capacity for at least 10 cycles shall be agreed in writing by the Planning Authority. The approved cycle storage shall thereafter be installed to the satisfaction of the Planning Authority prior to the use of the hall.

B JUSTIFICATION

The proposals are recommended for approval despite being contrary to the relevant provisions of the Development Plan as it is considered that there are material considerations apparent which would outweigh the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

Background Papers: 22 letters of representation
 Contact Officer: David Niven – Ext (4)75345
 Date: 24 September 2014

**NICK BRIAN
 DEVELOPMENT QUALITY MANAGER**

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