

Perth and Kinross Council
Development Management Committee – 10 December 2014
Report of Handling by Development Quality Manager

Erection of a church and community centre on land 80m north of Pitfour Lodge,
St Madoes, Glencarse

Ref: No: 14/00992/FLL
Ward No: 1 - Carse of Gowrie

Summary

This report recommends approval of the application for the erection of a church and community centre 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 The application site is a 0.76 ha rectangular area of relatively flat ground immediately adjacent and to the east of the village of St Madoes. The application site is St Madoes and Kinfauns Parish Church glebe land and is presently tenanted agricultural land. The site is bounded by agricultural land to the north and east, private residential to the west and the B958 public road to the south. Pitfour Lodge which is C listed and the entrance to Pitfour Castle, a category A listed building lies to the south west of the site.
- 2 The proposed building is a modern single storey bespoke structure with mono pitched roofs which range in height from 3m to 6m in height at its highest point. The external materials include stone render cladding to the walls, standing seam zinc/aluminium roof and aluminium windows. Access to the site will be via a new access off the B958. There will be 25 allocated parking spaces and an overflow parking area adjacent to this.
- 3 The current category B listed church was built in 1799 and is considered by the applicants to be no longer 'fit for purpose' with a lack of room for modern family worship, lack of adequate disabled access for wheelchair users, safety concerns for children and elderly, inadequate social space and safety concerns with transporting children to the existing community centre on Errol Road. At present the church has to hire the community centre which is too small for many groups, particularly children and youths, has inadequate kitchen facilities and a lack of purpose built facilities. The restricted space within the community centre results in a lack of available rooms for community groups/activities and there is limited scope for sharing the space. A feasibility study carried out by the church states that there is no scope to extend or adapt the existing church building. St Madoes and Kinfauns Parish Church has an active and wide ranging demographic and a growing congregation which looks to provide a large number of activities for the church and wider community. The church runs a significant amount of welfare events and activities including senior

citizens events, men's soup lunch, holiday club and family fun days. The church has substantial funds for the proposed new church and community centre projects and any shortfall will be realised through fund raising, sale of assets and trust fund support.

- 4 The proposed new St Madoes and Kinfauns Parish Church and Community Project involves the erection of a modern purpose built facility which will be able to cater for family worship, ceremonies and assemblies and also provide for active indoor sports activities.
- 5 The application was re-advertised and neighbour notified on 12 September 2014 following the submission of an amended Design and Access Statement to provide further information on the site selection process and highlight the deficiencies of the existing facilities.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2014

- 6 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.

- 7 Of relevance to this application are:

- Paragraphs 135 – 151 Valuing the Historic Environment

PAN 56 – Planning and Noise

- 8 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

- 9 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Under the TAYPlan the principal relevant policy is:-

Policy 2: Shaping better quality places

- 10 Where the aim is to integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability ensure the integration of transport and land use to reduce the need to travel and improve accessibility by foot, cycle and public transport.

Perth and Kinross Council Local Development Plan 2014

- 11 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.
- 12 Under the LDP the site lies immediately outwith the defined settlement boundary of St Madoes and within an area where the principal relevant policies are, in summary:

Policy PM1A: Placemaking

- 13 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

- 14 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

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

Policy EP8: Noise Pollution

- 16 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.

Policy TA1B: Transport and Accessibility

- 17 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy ER5 Prime Agricultural Land

- 18 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non prime land or it is small scale development (generally single buildings) linked to rural business.

Policy HE2 Listed Buildings

- 19 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

SITE HISTORY

- 20 None.

CONSULTATIONS

EXTERNAL

- 21 **Scottish Water** - no objection
- 22 **West Carse Community Council** – concerns over insufficient car parking, noise and light spillage to neighbouring property, loss of prime agricultural land, impact on road safety and existing listed buildings.

INTERNAL

- 23 **Environmental Health** - 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.
- 24 **Transport Planning** – no objections subject to conditions on access geometry, footpath link, visibility splays, car parking and relocation of the speed limit signage.

- 25 **Strategy and Policy** – confirmed that the proposal is contrary to the Local Plan but if there is/are over-riding material considerations, such as wider community benefit, then there would be no objection to a departure from the Local Plan in this case.

REPRESENTATIONS

- 26 A total of 19 letters of objection have been received and 12 letters of support. The grounds of objection can be summarised as follows:

- Contrary to the Local Plan
- Excessive height
- Impact on road safety/unsafe access
- Out of character with the area
- Noise pollution
- Loss of visual amenity
- Light pollution
- Impact on listed buildings
- Loss of prime agricultural land
- Surface water flood risk
- Overlooking
- Loss of open space

- 27 These issues are all addressed in the Appraisal section of this report.

The applicants have outlined the community benefits of the proposed new church and community centre in their supporting statement. These benefits were re-iterated in the letters of support for the proposal and can be summarised as:-

- Comfortable, modern purpose built accommodation
- Large enough to accommodate the growing community organisations
- Large games hall and outdoor space for youth activities, sports activities and exercise classes
- Disabled access and facilities
- Large enough space to accommodate whole school events with parents
- The facility will provide an important community hub
- Large multi-purpose spaces
- Garden area with raised beds for elderly and disabled
- Opportunities for training and employment through the possibility of a social enterprise café.

ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not required

APPRAISAL

Policy

- 29 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 Council Local Development Plan 2014.
- 30 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.
- 31 The application site is situated outwith and adjacent to the settlement of St Madoes and is contrary to adopted Policy PM4: Settlement Boundaries of the adopted LDP, where this policy outlines that development will not be permitted, except within the defined settlement boundary.
- 32 As outlined above, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 development can be approved contrary to the LDP provided that there are sufficient material considerations which justify a departure from policy.
- 33 In this case it is considered that the most important material considerations are the wider community benefits and advantages of the proposal which are considered to outweigh any environmental or physical impacts of the proposed development on the edge of the settlement. These impacts and other relevant planning matters will be considered below.

Site Selection

- 34 The applicants had looked at 4 options for the provision of new community facilities in consultation with the local community and the Council - the proposed site, the lower glebe to the north of the church, the manse garden or

small glebe and for the renovation of the existing church. It was considered through the consultation process that the options to develop around the manse and the existing church were too restrictive and did not allow enough scope for the church to realise their aims for an “all encompassing” community facility. The renovation or extension of the existing listed church was also problematic because of the listing and restriction of space and therefore limiting the opportunity to realise wider community aims. It was considered that the proposed greenfield site despite being on the edge of the village allowed more scope to provide an all purpose modern facility for the community.

- 35 It is considered that the applicant has demonstrated that all other potential sites have been identified and discounted for legitimate reasons. It is acknowledged that a number of nearby residents have expressed concerns regarding the chosen location of the site but having reviewed the alternative sites, it is considered that the site that has been chosen to develop the new church and community centre is acceptable.

Design and Visual Impact

- 36 The design of the proposal is modern in outlook and has a horizontal rather than vertical emphasis in elevation ranging from 3m to 6m in height. The quality of design is considered to be acceptable and will not be incongruous in this setting being adjacent to relatively recently built modern housing. The proposed development will be most apparent on approaching the village from the east, however due to the scale and design of the building it is considered that it will not have a significantly detrimental impact on the visual amenity and character of the village from this approach and would be similar in height to the adjacent 2 storey dwellinghouses.

Residential Amenity

- 37 The application site is situated adjacent to residential properties at Gowrie Way to the west and Pitfour Lodge to the south. The proposed building is at least 20m from the nearest boundary to the west at its closest, which will afford an acceptable level of privacy to neighbouring residential property in terms of overlooking, in accordance with acknowledged privacy distances. Also there will be no adverse impact on neighbouring property from overshadowing. Boundary treatment will be as existing in the form of post and wire fencing. Other issues impacting on amenity are considered below.

Noise Impact

- 38 Many of the objections received have raised concerns regarding the potential impact on residential amenity, particularly in relation to the potential for noise being generated from the proposed church and community centre.
- 39 The applicant’s agent has confirmed that the intended hours of operation of the proposed development as being from 09:00 to 21:00 hours. The details of intended use are principally for church and community use such as

conferences and children parties, however there will not be functions involving the sale or consumption of alcohol on the premises.

- 40 There is to be mechanical ventilation within the kitchen area and bathroom areas, but the primary method of ventilation will be natural ventilation for the premises. In consultation with Environmental Health it is confirmed that they have no objections to the proposal subject to conditions on any consent to ensure that any noise from the development shall not exceed acceptable limits, that all plant and equipment shall be attenuated and sound insulation and sound transmission properties of the structure and finishes shall be such that no airborne noise from the operations within the premises is perceptible in any nearby noise-sensitive property. It is considered that the proposed development will not have a significantly adverse impact on neighbouring residential amenity subject to conditions.

Air Quality

- 41 The proposed heating system for the premises is still under consideration, however the applicant's agent has indicated that biomass is a possible option. Biomass has the potential to increase ambient air concentrations of nitrogen dioxide and particulate matter as well as potentially create nuisance conditions; therefore Environmental Health recommend a condition to be included on any given consent where any biomass boiler will require to be agreed with the Council prior to installation.

Light Pollution

- 42 The proposed external lighting will be down lighters on the eaves of the building to provide a reasonable level of security. There will also be lighting to the access route and car parking area which will be time controlled. This is considered acceptable to Environmental Health who has recommended a condition on any consent to protect neighbouring amenity.

Odour

- 43 The kitchen area is primarily to provide hot snacks such as soups and sandwiches from the community café and will also be available to hire for catering for private functions. Environmental Health recommend by condition that an effective ventilation system is installed that can accommodate the nature and scale of cooking to be undertaken, operated and maintained, within the commercial areas. This shall ensure that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Road Safety and Parking

- 44 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.

- 45 The Council's Transportation Planner has confirmed that parking provision is in line with the Council's Roads Development Guide for this type of development. However it is recommended that the disabled parking provision be increased to 3 (in line with the Council's guide) with covered cycle parking provided on site to promote sustainable travel. The site is approximately 150m from existing bus stops.
- 46 The proposed new access is located just to the east of the existing 30mph speed limit (with a 40mph speed limit on the section of the C484 towards Hawkstane) and Transportation also recommend that the 30 mph limit be moved to the east side of the new development which will require the existing Traffic Regulation Order to be amended with all associated costs borne by the developer.
- 47 The Council's Traffic and Road Safety team have not raised any concerns regarding the anticipated level of traffic generated by the proposal, particularly as many of the trips generated by the development would be at off peak times. It is recommended that the fence line along the site boundary to the east of the new access is set back 2.4m to achieve suitable visibility.
- 48 The proposal is considered to be acceptable in terms of access, parking and road safety subject to conditions on any consent to cover the above recommendations.

Developer Contributions

- 49 The Council's Transport Infrastructure Development Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 50 This proposal is for Class 11 development under the use classes order and the required contribution will be calculated on the 'Other non-residential use' rate. The site is outwith the Perth Core Area and the reduced contribution rate will be applied. The gross internal area of the building is 764m² and in this case a transport infrastructure contribution of £24,448 would be required.

Impact on Listed Buildings

- 51 There are listed buildings within the vicinity of the application site with the C listed Pitfour Lodge across the B958 to the south of the application site and the more distant A listed Pitfour Castle to the south of the site along the entrance driveway. The gable of Pitfour Lodge fronts the public road and the main elevation fronts onto the driveway to the castle. The character of Pitfour Lodge is not readily discernible from the north and Pitfour Castle is not visually apparent from the application site and is distant from it. For these reasons and within the context of the adjacent recent modern residential development at Gowrie Way it is considered that the proposed development will not have any significantly adverse impact on the setting or character of either Pitfour Lodge or Pitfour Castle.

Agricultural Land

- 52 The application site is currently prime agricultural land and there have been concerns raised over the loss of this land. The Carse of Gowrie is a renowned agricultural area in Scotland where most of the agricultural land is of good quality. The application site is 0.76 ha and it is considered that in the context of the wider agricultural acreage in the Carse of Gowrie the loss 0.76 ha of this land will not have an adverse impact on farm viability and is acceptable where it is justified for the wider community benefit.

Economic Development

- 53 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. There may be some opportunities for employment creation however through the community café.

LEGAL AGREEMENTS REQUIRED

- 54 A Section 75 Agreement may be required for the deferral of financial contributions. The Section 75 should be completed within 4 months of the date of any Committee approval.

DIRECTION BY SCOTTISH MINISTERS

- 55 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

- 56 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 Perth and Kinross Council 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 with respect to wider community benefits. On that basis the application is therefore 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 in accordance with the manufacturer's instructions such that 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 residential premises, with all windows slightly open, when measured and /or calculated and plotted on a rating curve chart.

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 to the satisfaction of the Planning Authority.

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

- 5 The soundproofing of the premises and the control of all amplified sound shall be such that the level of amplified sound shall not exceed Noise rating 35 within any neighbouring residential premises.

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

- 6 The installation of any biomass boiler shall not take place unless otherwise agreed with the prior approval of the Planning Authority.

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

- 7 Prior to the commencement of development suitable provision for cycle storage with capacity for at least 6 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 development.

Reason – In the interests of pedestrian and vehicular safety.

- 8 Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.

Reason – In the interests of pedestrian and vehicular safety.

- 9 The footway link shown on the submitted plans will tie in with the existing footway along the C484 and will be built to the standards required by the Council as Roads Authority and to the satisfaction of the Council as Planning Authority prior to occupation of the development.

Reason – In the interests of pedestrian and vehicular safety.

- 10 The fence line along the site boundary to the east of the new access shall be set back 2.4m from the edge of the carriageway to ensure adequate visibility from the new access prior to occupation of the development and the visibility splay formed shall thereafter be kept clear from obstruction to the satisfaction of the Planning Authority.

Reason – In the interests of pedestrian and vehicular safety.

- 11 Prior to the occupation or use of the approved development a minimum of 25 No. car parking spaces, including 3 disabled spaces, shall be provided within the site.

Reason – In the interests of pedestrian and vehicular safety.

- 12 The existing 30mph speed limit will be relocated to the east of the new access with all costs associated with the physical works and the modification to the traffic regulation order borne by the applicant prior to the occupation of the development.

Reason – In the interests of pedestrian and vehicular safety.

- 13 Prior to commencement of work the applicant shall provide a fully detailed hard and soft landscaping plan for the approval of the Planning Authority. The approved landscaping scheme thereafter shall be implemented and maintained by the applicant/ and or their successors within the first planting season to the full satisfaction of the Planning Authority.

Reason – In the interests of landscape quality and residential amenity.

- 14 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

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

- 1 Prior to issue of consent the applicant shall provide a financial contribution of £24 448 towards transport infrastructure. This payment may be deferred through the completion of a suitable legal agreement with the Council.
- 2 If an up-front payment is not received within 2 months of the date of the decision, or a legal agreement completed in 4 months, then the application shall be refused for the following reason;-

Without the developer contributions being secured either by an up-front payment or a Section 75 Agreement the proposed development is contrary to the requirements of the approved Developer Contributions 2012 and the Developer Contributions, Transport Infrastructure 2014, both of which require financial contributions to be secured.

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).
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 31 letters of representation
Contact Officer: Mark Williamson – Ext (4)75355
Date: 18 November 2014

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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14/00992/FLL

Erection of church and community centre. Land north of Pitfour Lodge, St Madoes



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