

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 30 metres west of St Columba's Episcopal Church, 19 Perth Road, Stanley

Description: Mixed use development comprising alterations to church, relocation of memorial, erection of community centre with sport/education facilities, offices, community cafe, formation of replacement MUGA, landscaping, parking and associated works

Application for Review by Stanley Development Trust against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 22/01959/FLL

Application Drawings:	22/01959/1	22/01959/2	22/01959/3	22/01959/4
	22/01959/5	22/01959/6	22/01959/7	22/01959/8
	22/01959/9	22/01959/11	22/01959/13	22/01959/24
	22/01959/28	22/01959/31	22/01959/32	22/01959/33
	22/01959/34	22/01959/35	22/01959/36	22/01959/37
	22/01959/38	22/01959/39	22/01959/40	22/01959/41
	22/01959/42	22/01959/44	22/01959/45	22/01959/46
	22/01959/47	22/01959/48	22/01959/49	22/01959/51
	22/01959/52	22/01959/53	22/01959/54	22/01959/55
	22/01959/56	22/01959/57	22/01959/58	22/01959/59
	22/01959/60	22/01959/61	22/01959/62	22/01959/63

Date of Review Decision Notice – 17 September 2024

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting held on 13 May 2024. The Review Body resolved that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) The applicant to provide, by written submission, the outcome of the Listed Building Consent appeals that are currently being considered by the DPEA.

- (iii) Following receipt of the DPEA decisions, the application be brought back to a future meeting of the Local Review Body.

1.2 Following receipt of the requested information, the PKLRB convened on 12 August 2024. The Review Body comprised Councillor B Brawn, Councillor D Cuthbert and Councillor I Massie.

1.3 The following persons were also present at the meeting:
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and K Molley, Democratic Governance Officer.

Also attending:

A Brown and S Dockerill (both Strategy, People and Resources).

2 Proposal

2.1 The proposal is for mixed use development comprising alterations to church, relocation of memorial, erection of community centre with sport/education facilities, offices, community cafe, formation of replacement MUGA, landscaping, parking and associated works on land 30 metres west of St Columba's Episcopal Church, 19 Perth Road, Stanley. The application was refused consent in terms of a decision letter dated 8 December 2023.

3 Preliminaries

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 8 December 2023;
- (iv) the Notice of Review and supporting documents;
- (v) consultation responses and representations to the planning application;
- (vi) representations to the Notice of Review and comments from the applicant;
- (vii) further information and comments from Development Management and the applicant, as requested by the PKLRB on 13 May 2024.

3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, the grounds for the Notice of Review and explained the further comments received from the planning officer and the applicant.

3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.

3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4 Findings and Conclusions

- 4.1 The PKLRB, by majority decision, decided that although the proposal is contrary to policy in that there would be an adverse impact on the setting of the accepted C Listed St Columba's Episcopal Church, there are other material considerations including the provision of much needed community facilities, and therefore the proposal should be granted.
- 4.2 The minority opinion of Councillor Brawn was that although there is a need for a community hub in Stanley, the construction will overwhelm the war memorial due to the massing of the building, and therefore the proposal should be refused.
- 4.3 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:

- (1) The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

- (2) This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

- (3) Prior to the commencement of any development the vehicle access across the footway onto the B9099 shall be provided with a lowered streetlighting cable and a strengthened culvert formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with dropped kerbs across the full 6 metre width of the vehicle access of Type A Road construction detail.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- (4) Prior to the development hereby approved being completed or brought into use, the cycle parking for a minimum of 22 cycles shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

- (5) Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitably qualified archaeological organisation. The scope of the archaeological standing building survey will be set by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. The name of archaeological organisation retained by the developer shall be given to the Council as Planning Authority and PKHT in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Record of the Historic Environment and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason – To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

- (6) The hours of operation of the all-weather pitch (MUGA) shall be restricted to 0800 hours to 2200 hours daily.

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

- (7) Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

- (8) All plant or equipment 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- (9) The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Local Planning Authority.

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

- (10) No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise

from inside the premises so no sound is audible in any nearby residential property.

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

- (11) Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

- (12) All external lighting 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 to a degree that it does not adversely affect the amenity of the neighbouring land.

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

- (13) The hours of operation of any external floodlighting shall be restricted to between 0800 and 2200 hours.

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

- (14) Noise from the site shall not exceed 50dB(A) Leq,15 min, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, or L A90,15 min background noise level plus 5dB (A), whichever is greater when measured within external amenity areas at any residential property in accordance with BS4142:2014.

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

- (15) Prior to the commencement of the development a Noise Management Plan shall be submitted to and subsequently approved in writing by the Planning Authority. The plan shall include all sources of noise associated with the use of the all-weather pitch and community centre, including user noise, activity noise and plant equipment and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

- (16) In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 8, 9,10 and 14 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 8, 9,10 and 14 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

- (17) Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- (18) All trees on site, other than those marked for felling on the approved plans, shall be retained

Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- (19) Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the species, height, size, location, density and maintenance regime of trees and shrubs to be planted. The scheme must illustrate that adequate compensatory tree planting for lost trees will be achieved with at least 3 trees planted for every tree lost. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- (20) The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (documents 40 and 41) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of protecting environmental quality and of biodiversity.

- (21) Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, ten bird nesting boxes and ten bat boxes shall be provided on the completed building or nearby trees in line with the recommendations in the submitted Preliminary Ecological Appraisal and Ecological Impact Assessment (Tay Ecology, May 2023). Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of protecting environmental quality and of biodiversity.



Lisa Simpson
Clerk to the Local Review Body

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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.

4. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

6. Street lighting plant is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of plant and the relocation to facilitate the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
7. The road culvert present at the vehicle access, must be strengthened to the satisfaction of the Roads Authority. Contact Brian Milne at Perth & Kinross Council Road Maintenance Partnership for further details.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Notice of Initiation of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act and enforcement action could be taken. Please complete the form below and return to Development Management.

Application reference number	22/01959/FLL
Date works are to commence	
Have you submitted information in relation to suspensive conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

**Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD**

HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.

Notice of Completion of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who completes a development for which planning permission has been given must give notice of completion to the planning authority. If the planning permission is for a phased development, notice of the completion of each phase must be submitted. Please complete the form below and return to Development Management.

Application reference number	22/01959/FLL
Date works were completed	
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

**Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD**

HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.