

**LRB-2020-10 – 19/01734/FLL - Erection of a place of worship (class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns**

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**LRB-2020-10 – 19/01734/FLL - Erection of a place of worship (class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100190819-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *	07514278498	Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *	neil@grayplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Vermont"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Kirkton of Mailer Road"/>
Company/Organisation	<input type="text" value="Perth Gospel Trust"/>	Address 2:	<input type="text" value="Craigend"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 0SS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="neil@grayplanning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

LAND 30M EAST OF '18 CASTLE WYND', WALNUT GROVE, KINFAUNS, PH2 7JY

Northing	<input type="text" value="722372"/>	Easting	<input type="text" value="314525"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECTION OF A PLACE OF WORSHIP (CLASS 10) AND ASSOCIATED WORKS

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached Grounds for Review statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please refer to attached List of Appeal Documents

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/01734/FLL

What date was the application submitted to the planning authority? \*

17/10/2019

What date was the decision issued by the planning authority? \*

20/12/2019

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection will provide visual evidence of the setting of the proposal site and its surrounding context. It will show how the small-scale single storey building would not look out of character with single storey dwelling adjacent/ Because of its small scale there would be no harm to the Sidlaw Hills Special Landscape Area (Kinnoull Hill) positioned north west. It will also confirm the site is currently amenity space of limited value and much of the site will be left undeveloped anyway.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Gray

Declaration Date: 18/03/2020



2019-28

18<sup>th</sup> March 2020

Perth and Kinross Council  
Local Review Body  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Emailed to: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)

Dear Sir/Madam

**PLANNING APPEAL TO LOCAL REVIEW BODY – ONLINE REFERENCE 100190819 -003**

**LAND 30 METRES EAST OF CASTLE WYND KINFAUNS HOLDINGS WEST KINFAUNS  
ERECTION OF A PLACE OF WORSHIP (CLASS 10) AND ASSOCIATED WORKS  
(PLANNING REF: 19/01734/FLL)**

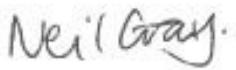
We are instructed by the Perth Gospel Trust to request that Perth and Kinross Local Review Body reviews the decision by the planning authority to refuse planning permission for the above proposed development. The Review has been electronically submitted with reference 100190819 -003.

The Review Documents comprise the following:

- Completed Notice of Review forms
- Grounds for Review Statement
- List of Documents intended to be relied upon in the Review

Should you require any further information to assist in determining the Review, please contact me in the first instance.

Yours sincerely,



**Neil Gray**  
MA (Hons), MSc, Dip TP, MRTPI  
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# **PERTH GOSPEL TRUST**

## **GROUNDS FOR REVIEW OF A PLANNING DECISION**

**LAND 30 METRES EAST OF CASTLE WYND  
KINFAUNS HOLDINGS WEST KINFAUNS**

**ERECTION OF A PLACE OF WORSHIP (CLASS 10)  
AND ASSOCIATED WORKS  
(PLANNING REF: 19/01734/FLL)**

**Online E-planning ref: 100190819 -003**

**March 2020**  
**Our Ref: 2019\_28**

**W:** [www.grayplanning.co.uk](http://www.grayplanning.co.uk)

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## Appendices

The following documents are referred to in this Grounds for Review Statement.

All such documents have been electronically uploaded to the ePlanning.Scot online portal.

**Appeal Document 01** – Decision Notice Application Ref: 19/01734/FLL dated 20.12.19

**Appeal Document 02** – Report of Handling of Planning Application 19/01734/FLL

**Appeal Document 03** – Planning Statement supporting Planning Application 19/01734/FLL

**Appeal Document 04** – PKC Planning Policy Team consultation response to 19/01734/FLL

**Appeal Document 05** – Letter of Support Neighbouring property

**Appeal Document 06** – Letter of Support K Michel

**Appeal Document 07** – Letter of Support J Burgess

**Appeal Document 08** – Letter of Support J K Hutchison

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval.

## 1 INTRODUCTION

### THE PROPOSED DEVELOPMENT AND REASONS FOR REFUSAL

- 1.1 These are Grounds for Review of a decision to refuse planning permission for the erection of a Church Hall, to be used exclusively by the Perth Gospel Trust, for its members in the Kinfauns area. The Perth Gospel Trust is an organisation affiliated with the Plymouth Brethren Christian Church (PBCC).
- 1.2 The church community refers to themselves as the “Brethren” because they are a close tight-knit community of families held together by their shared Christian belief founded on the Holy Bible. That said, just like everyone else, they live alongside people of their faith, other faiths and no faith. Brethren gather daily in Gospel Halls to pray together and read from the Holy Bible. They also congregate every Sunday in their Gospel Halls to celebrate the Lord’s Supper and to preach the Gospel. The men and women of the PBCC have shared values of community participation, ownership and decision-making. They actively practice Christianity through service to their family, their Church, and to their local and global communities. Their mutual Christian fellowship is an integral part of their way of life.
- 1.3 The proposed church hall at Kinfauns is a direct response by the organisation to provide local church outlets for the Brethren – several of whom live in the village (see letters of support **Appeal Documents 05 and 06**), and who would visit the church on the proposed three visits per week to pray and sing. These people and families would walk or cycle to the church, thereby reducing car dependent travel.
- 1.4 Further full details of the PBCC and the Perth Gospel Trust is found in the Planning Statement that was submitted in support of the planning application (**Appeal Document 03**), at paragraphs 1.3 to 1.6. Where relevant to this appeal, specific matters are highlighted from the Planning Statement to further explain the reasons the appellants seek the review.
- 1.5 The Review request is submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended 2006). The Notice of Review has been lodged within the prescribed three-month period from the refusal of planning permission dated 20<sup>th</sup> December 2019 (**Appeal Document 01**).
- 1.6 By Delegated Powers, the Head of Planning and Development of Perth and Kinross Council decided to refuse the application, as recommended by a Planning Officer in the Report of Handling (**Appeal Document 02**). The four reasons for refusal are per the Decision Notice (**Appeal Document 01**), which state:
1. *The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the design, siting and lack of landscaping of the development does not respect the character and amenity of the place. It would not contribute positively to the quality of the surrounding built and natural environment as required by Policy 1A.*
  2. *The proposal is contrary to Policy 14A: Open Space Retention and Provision: Existing Areas of the Perth and Kinross Local Development Plan 2 (2019) as it would result in built development on a significant part of an area that is designated as open space of amenity*

*value. The impact of the development would change the open character of the land and have an adverse impact on visual amenity that would lead to an erosion of the landscape buffer between the A90 Trunk Road and the built development at Kinfauns.*

3. *The proposal is contrary to Policy 39: Landscape, category b) of the Perth and Kinross Local Development Plan 2 (2019) as it would detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting and in particular the entrance to Kinfauns settlement.*
4. *The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019) as it would locate a development in a location where it would be dependent on access by private car and would not reduce travel demand by car as required by Policy 60B.*

### **PROPOSED PROCEDURE TO BE FOLLOWED IN DECIDING THE REVIEW**

- 1.7 We recommend the Local Review Body undertakes a site visit (accompanied) and considers further written representations in deciding the case.
- 1.8 With respect to the four reasons for refusal, visual inspection of the appeal site is necessary to better understand the site location and context in terms of its character, proximity to neighbours, and poor visual quality of the existing open space. It will enable the Local Review Body to better understand why the reasons for refusal should be reviewed as follows:
  - The proposed church building would stand 5.3m, at the same level as the adjacent existing single storey residential dwelling – this is not a large building (Reason 1);
  - The proposed church hall would not, by the scale described above, and with the proposed landscaping around it, in any way affect the Special Landscape Area setting of the Sidlaw Hills (view of Kinnoull Hill) (Reason 3)
  - Visual inspection of the land will confirm it is of limited amenity value – i.e. it provides no formal use or space for enjoyment. The Councils own officer described as “open space not exceptional for a specific use” (e.g. recreation). The proposal would be positioned on a site 50% of the LDP designated open space area. However, the built requirement of 141.5 sq m (church hall) and 50 sq m (car parking) would mean only 10% of the land would be built on, with the remaining 90% of the appeal site being landscaped and retained for amenity. The other 50% of the designated open space (the shelter woodland belt) is not within the appeal site but is owned by the appellant and would be retained and also enhanced. Thus there would be a very generous amount of land that would be landscaped and maintained to a far greater quality than presently seen (Reason 2)
  - Visual inspection of the neighbourhood will confirm there are several family homes within walking distance of the proposed church hall. These homes are already safely connected by a lit footway, for the convenience of church goers who will chose to walk or cycle to worship events and not require the use of a car to make the short journey (Reason 4).



## 2 THE APPEAL SITE AND PROPOSALS

- 2.1 Full details of the planning application site, detailed site layout, technical land use considerations are contained in the planning application.
- 2.2 The proposal is to erect a single storey wooden framed building which will be a church hall (Class 10), to hold up to 40/50 worshippers (maximum, but ordinarily 25-30 visitors). The frequency of use and nature of operations will be limited to only 3 visits (one hour services per week). These details were explained to the planning authority in the Planning Statement submitted with the application, see sections 3.9 to 3.11 of the Planning Statement summarised as:
- Use as a church hall, Class 10 *“for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body”*
  - Capacity max 40/50 worshippers with visits for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading.
  - The hall is proposed only for religious worship as detailed above. No other social gatherings or any other use is proposed. The proposed hall can therefore be considered secondary to the main religious activities undertaken in existing church halls across the Perth Gospel Trust network locally.
  - For the avoidance of doubt, there would be no amplified singing or music.
  - Only 10% of the appeal site is to be built upon, (church hall 141.5 sq m and car park 50 sq m). The other 90% of the appeal site will be landscaped and maintained by the Trust thus improving the visual quality of the existing site which is not landscaped. The remaining protected open space (i.e. 50% of the total protected open space) lying east is unaffected by the development, and would be retained as a woodland shelter belt / buffer.
- 2.3 Private foul drainage is proposed, and the site is elevated above the flood plain so there are no surface drainage issues. The proposed car parking would be mono-block surfaced.
- 2.4 It is important to highlight the proposed 29 car parking spaces would be positioned to the front of the site, on a ground level 1m lower than the proposed hall, which is designed specifically to reduce any perceived visibility of parking from the nearby A90 trunk road. This matter is explained in section 3.5 of the Planning Statement (appeal Document 03) and was discussed at pre-application stage with the planning officer. The proposed capacity of parking spaces is a maximum level set by PKCs Transport Planning guidance and it is far in excess of what the appellants envisage for its needs, as the choice of location for the development is to be within walking and cycling distance of its visitors many of whom live in Kinfauns village and wish to walk or cycle to services as the letters of support testify (See **Appeal Documents 05 and 06**).
- 2.5 Whilst new amenity landscaping is proposed around the church building, site entrance and car park area, the Gospel Trust will retain and manage the woodland belt located outside the application boundary on the east boundary of the site, as it lies in their ownership. This approach would ensure the existing woodland belt, and the new landscaping with church hall would be cared for together and would not risk any deterioration of the amenity space, which is presently in poor quality and lacks amenity.

2.6 The proposed vehicular access will be the existing field access, within the existing 30MPH speed limit. There is a bus stop immediately outside the site. There is a lit pedestrian footway along this stretch of road. As explained earlier, it is the intention that several local villagers who wish to worship at this hall will visit on foot - so traffic is likely to be limited (See **Appeal Docs 05 and 06**). However, the maximum parking standards required by the Council have been used to indicate the proposed car parking provision, but this is unlikely to be needed.

2.7 Detail of the site and its design and finish is found in the drawings which were submitted for the planning application, as follows:

- Existing Plan (Drawing PL-29)
- Proposed Plan and Sections (Drawings PL-201, Drawing PL-500 and Drawing PL-501)

The applicants also submitted a detailed Planning Statement with the planning application (See **Appeal Document 03**).

### **BACKGROUND TO USE OF APPEAL SITE FOR CHURCH WORSHIP**

2.8 Further detail about the Plymouth Brethren Christian Church (PBCC) is found in Section 1.3 to 1.6 of the Planning Statement (**Appeal Document 03**) The Perth Gospel Trust (part of the PBCC) owns an existing church hall at Wicks O'Baiglie Road, Bridge of Earn (500 visitor capacity), and previously held church services at Goodlyburn Hall, Goodlyburn Terrace Perth. The organisation also owns land in the Perthshire area where it is planned to have these small church halls for a capacity of 40/50 worshippers in local places where demand is high and continues to grow. Kinfauns is identified as meeting this need, as several Kinfauns villagers worship already at Wicks O'Baiglie Road and previously at Goodlyburn – a new hall at Kinfauns would reduce dependence on cars and provide the intended satellite network of halls in accessible locations for convenient access on foot or cycle by worshippers.

2.9 Several supporters have written to this appeal. They supported the planning application (which had no objections from any statutory body, agencies or residents). These letters are found in **Appeal Docs 05, 06, 07 and 08** expressing the need for the hall and support its accessible location for villagers, including the next door neighbour and other families within the village.

### 3 GROUNDS FOR REVIEW

3.1 Section 1 outlined the Planning Authority's four reasons for refusal. Based on the evidence presented in this appeal, the appellant contends all these reasons can be set aside, and planning permission should be granted for the proposed development. This is subject to the imposition of relevant, enforceable planning conditions.

3.2 This section will argue the following Grounds:

1. The proposal is acceptable in terms of design, siting and landscaping of the development. The new building is small and in proportion to the neighbouring dwelling (single storey), and its mass is no greater than the adjacent dwellings. The siting of the building will not dominate or over-develop the site. Indeed only 10% of the appeal site would be built upon (i.e. hall building and car park surfacing), with the remaining 90% of the appeal site available for landscaping. The other half of the protected open space, existing woodland belt lying to the north and east of the site will be retained and it will continue to provide amenity and screening as a woodland belt and buffer. The car parking area will not 'over-dominate' the site as opined in the Report of Handling (**Appeal Document 02**), for the reasons given that the provision is as required by the Council car parking standards, but which it is not expected to be required, as villagers will visit this hall on foot or cycle. We therefore argue the proposal is not contrary to Policy 1A (Placemaking).
2. The proposal is not contrary to Policy 14A: Open Space Retention and Provision. The proposed built development is not significant scale and will not dominate or over-develop the site (a modest building and car parking area on only 10% of the appeal site area). The remaining 90% of the appeal site would be much improved by landscaping, and the existing woodland belt lying east outside the appeal site (in the appellants ownership) would be much improved and maintained, thus enhancing the landscape quality of the area and thus offering an improved open space character, which is currently poor and does not provide an open space of amenity value. There will be no adverse impact on visual amenity that would lead to an erosion of the landscape buffer between the A90 Trunk Road and the built development of Kinfauns as the woodland tree belt will remain and the proposed new landscaping would enhance the poor quality amenity present. The proposal is therefore not contrary to LDP Policy 14A.
3. The proposal is not contrary to Policy 39: Landscape, category b). The Report of Handling (**Appeal Document 02**) claims the proposal would "*detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting and in particular the entrance to Kinfauns settlement*". Yet the proposal for a modest single storey building would be positioned to be read as part of the existing low density row of dwellings on the Holdings, and the existing woodland belt would remain thus it would not detract from the open aspect. The view to Kinnoull Hill is likely to be glimpse when viewed from Walnut Grove so the proposal is not contrary to Policy 39.
4. The proposal is not contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals. The development location has been precisely chosen to meet the needs of villagers (who have written in support of the appeal) who will chose to walk and cycle to meetings, thus reducing private car dependency. The appellants

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are specifically looking to reduce travel demand by car via this appeal proposal and the network of other small church halls in Perthshire to make a contribution to reduction of car use. This is a location that is not dependent on access by private car given it is intended for village residents' use, and so would not be contrary to LDP Policy 60B. The appellants' car parking design is dictated by the Council's maximum car parking standards for this type of development. A design of fewer car parking spaces would be acceptable to the appellants for the reasons given, that several worshippers from the village would walk and cycle to the hall on the very low frequency of visits proposed.

- 3.3 Each of these points is expanded in the paragraphs below, with evidence presented and justification given to support the appellants case that planning permission should be granted.
- 3.4 Not only do the proposals meet the provisions of the Development Plan, there are also material considerations which are relevant, add weight to and support the appellants case. These material considerations are discussed in the paragraphs ahead.

## 1 – DESIGN, SITING AND LANDSCAPING (POLICY 1A PLACEMAKING)

- 3.5 The planning authority's reason for refusal is the proposed design, siting and 'lack of landscaping' does not respect the character and amenity of the place.
- 3.6 The appellants view is the existing character and amenity of the place is of low to poor quality as the site comprises vacant ground with currently only very limited maintenance of overgrown grass. The existing woodland belt to the north and east of the appeal site provides existing screening to this part of Kinfauns (and to some degree sound-proofing from the nearby A90 trunk road). The development does not affect these trees. The development proposes new landscaping within the site itself (shrubs, grass and new boundary wall and fences) as well as taking on the maintenance and management of the aforementioned woodland belt (outside of the appeal site, but in the Gospel Trust's ownership).
- 3.7 The new development would improve the existing character and appearance through the new planting and maintenance of existing grounds as stated above. The scale and mass of the proposed church hall building is very modest – at a maximum eaves height of 5.2m and single storey this is directly comparable to the scale and massing of the adjacent dwelling – the occupiers have written in support of the appeal proposal (See **Appeal Document 7**).
- 3.8 The siting of the building and associated car parking space will occupy only 10% of the appeal site. The remaining 90% of the appeal site will be available for landscaping, managed by the appellants and detailed specification of planting can be agreed with the planning authority as a planning condition. The existing woodland belt lying to the north and east of the site will be retained and it will be maintained and managed by the Gospel Trust, along with the church grounds itself.
- 3.9 The car parking area will not 'over-dominate' the site as opined in the Report of Handling (**Appeal Document 02**), for the reasons given that the provision is what is required by the Council car parking standards, but this capacity is not expected to be required - as villagers who will visit this hall wish to travel on foot or cycle from their nearby homes in the village.
- 3.10 We note the Report of Handling supports the proposed community use, stating "*the site is located within the settlement boundary of Kinfauns. In residential areas such as this, community facilities, compatible with the amenity and character of the area are generally supported by LDP2 Policy 17.*"
- 3.11 We note the Report of Handling states "*The proposal is for a timber building that is functional for the use proposed*". At no point in the Report of Handling did the officer raise any concerns about the design, massing, form or use of materials relevant to Policy 1A Placemaking.
- 3.12 We argue that the modest design and scale of the proposed church building would not be out of keeping with the character of the area. It is characterised by low density residential dwellings in 'small holding' plots – the proposed siting, layout and form of the church building would replicate that form and character and would not be out of keeping with the pattern of buildings present in Kinfauns.

## 2 – DESIGNATION FOR OPEN SPACE – POLICY 14A OPEN SPACE RETENTION AND PROVISION (EXISTING AREAS)

- 3.13 The reason for refusal claims the proposed development would result in the loss of designated open space of an existing area, which has visual amenity value.
- 3.14 The built development proposed would result in about 10% of the appeal site being built upon (for a church hall community use with car parking). The remaining 90% of the appeal site would be landscaped. The PKC Planning Policy team did not object to the proposed community use – and we would argue this carries significant weight when assessing the proportion of the alleged loss of protected open space as this approach meets criteria b) and c) of Policy 14A as explained below.
- 3.15 The new development would offer new improved amenity value as well as significant improvement in the quality of the setting. The appellants’ supporting letters (**Appeal Documents 05 -08**) testify that the current amenity value of the site is poor and questions how it could perform the intended open space function required by Policy 14A. On the contrary, the proposed landscaping and undertakings to maintain and manage the appeal site alongside the existing woodland belt lying east of the site (also protected open space), will be a major improvement and it will be cared for and looked after as part of the church responsibility. The benefit of the appeal proposal is twofold in this context. Provision of a valuable community resource (the church hall), with the benefit of an enhanced open space and retained woodland belt all to be cared for in future by the appellants.
- 3.16 Policy 14A Open Space Retention and Provision in the LDP requires that “*one or more of the following criteria*” would support development. In the circumstances we consider the proposed use as a church hall complies with criteria b) and criteria c):

*“Areas of open space, parks, outdoor sport facilities, including sport pitches, and allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes; these areas are located both within and outside settlement boundaries. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:*

*(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

*(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.*

*(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*

*(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision”*

- 3.17 There would be absolutely no irrecoverable loss of the entire open space area. Only 10% of the protected open space would be built upon, and the remaining 90% of the protected open space in the appeal site would be enhanced through new landscaping. The woodland belt lying east (the other 50% of protected open space identified in the LDP) would be retained. This would be a minor loss of the open space (meeting Policy 14A criteria b), as a large area of open space would be completely unaffected (the area of land lying east of the appeal site), and 90% of the appeal site, which would be retained for landscaping and it would improve the quality of the setting of the site itself. This means a new replacement community use for worship occupying only 10% of the designated open space within the appeal site represents a very small or minor change to the land use and setting with the added benefits of improved amenity and quality of place.
- 3.18 The proposed development would also comply with criteria c) of Policy 14A as the replacement use is a church hall for a community benefit (supported by several villagers including the neighbour). It would have far greater use and enjoyment (benefit) in a location that is very convenient for the worshippers than no use as poor quality open space. This new space would be cared for and managed by the appellants.

### 3 – VISUAL IMPACT / LANDSCAPE SETTING

- 3.19 This reason for refusal opines the proposal is contrary to Policy 39: Landscape, category b) of the Perth and Kinross Local Development Plan 2 (2019) as it would detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting and in particular the entrance to Kinfauns settlement.
- 3.20 The Officer's Report of Handling (**Appeal Document 02**) states *"the site is considered to have visual amenity value, defining the settlement edge and providing separation from the dual carriageway. The designation of this site was revisited during the recent Local Development Plan Examination where the Council stated: "Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas, creating landscape settings for settlement edges. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns. Removal of this designation whilst retaining it in the settlement boundary would mean that development of this site could take place. The development of this area would create a new more urban entrance off a busy road changing the visual entrance to the settlement. Furthermore, this site is located so close to the A90 that noise pollution could be an issue." The Reporter agreed with this view and the designation remained in the Plan."*
- 3.21 The appellants disagree with the officer's interpretation of Policy 39 Landscape – which from our reading, would apply more reasonably to much larger scale development or in large scale areas with a significant impact on the wider landscape setting. The proposal is for a very modest single storey building for church worship, positioned adjacent to a single storey dwelling house in a small village. The scale of landscape change is minor in proportion to the scale of the Sidlaw Hills Landscape Area this policy seeks to protect.



- 3.22 The site is enclosed on the east and north boundaries by a woodland belt. The proposals to enhance the local landscape and improve the existing poor quality of the amenity open space are considered to be of greater local benefit than any perceived impact the planning officer argues about this proposal on Kinnoull Hill and its role within the wider Sidlaw Hills Landscape Area. We therefore disagree with the weight applied to the policy in terms of the landscape designation and consider the disproportionate balance applied is unreasonable for a small-scale development such as this.
- 3.23 Turning to the visual impact of the proposal on the settlement edge and separation from the dual carriageway. The appeal site does not include the woodland belt lying to the north and east of the site, but this land is in the ownership of the appellants. The woodland belt would therefore continue to provide the landscape buffer to the A90 and the settlement edge to Kinfauns as desired. The proposal would ensure the existing open space would be of much better quality and will be maintained to enhance the amenity of the area. Coupled with the retention of the woodland, there is little visual impact or limited damage this proposed development would have on the setting of the settlement edge or on the buffer to the dual carriageway – these characteristics will not be lost, indeed we argue these will be significantly improved by the new development adding quality to this current poor amenity area. By contrast, a proposed Park and Ride facility development over 6 acres on the western edge of Kinfauns would by proportion be more visible to the wider surrounding area and less contained when seen from the A90 or from the entrance into the village from the east or the west.
- 3.24 Making specific reference to the Council’s comment of what the Local Development Plan Examination Reporter’s view was about retaining the open space designation for this land. They state *“the area of land is not exceptional for any specific use, recreational or scenic”*, and go on to suggest the land *“does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns”* - however the proposal is to provide a specific use (for the wider benefit of the community), and it will be a modest building located in the existing open setting with additional planting to enhance its setting. It would therefore not result in the “loss of open space” nor would it result in the removal of any “buffer between the dual carriageway and Kinfauns” as these will be undisturbed and the new planting adds to the buffer, not take it away.

#### **4– TRANSPORT ACCESSIBILITY**

- 3.25 The final reason for refusal claims the proposal does not meet LDP Policy 60, Transport Standards and Accessibility Requirements: New Development Proposals. This policy aims to ensure that uses that involve significant travel generation are easily accessible by walking, cycling and public transport to reduce travel demand by car.
- 3.26 The proposed development will not involve ‘significant’ travel generation. As evidenced, several villagers will worship at this new hall, visiting on foot or cycle. The appellants chose this location precisely because it wants to reduce car dependency and to take local worship to local people for convenience and to make a contribution to reducing car dependency. The church hall is intended for Kinfauns villagers. The organisation can confirm there are at least 4 Families of 4-6 persons living within walking distance of the appeal site – this would result in 16-20 visitors attending without dependence on the private car out of a capacity of 40/50 visitors. Nearly 50%



of worshippers would not rely on a private car and make use of existing lit footway to walk the few hundred metres to church.

- 3.27 The facility would have the capacity to accommodate a maximum of 50 people. However this is a capacity upon which the Council's road development guidelines recommend parking levels for this type of use. The appellants propose only 3 church services per week, lasting for one hour duration and do not anticipate the capacity of 50 people every single church service event. As detailed above, taking account of villagers who will walk or cycle the several hundred metres to the church hall from their homes, then the actual car use will be much lower than any maximum standards applied.
- 3.28 The organisation needs a new facility close to its members to reduce travel demand. We agree with the Planning Officer's assessment in the Report of Handling (**Appeal Document 02**), that *"the accessibility of this site cannot be described as good, other than for those living locally in Kinfauns"* – this is the congregation that is targeted for the proposed use as part of the organisation's wider plans to provide satellite church service locations elsewhere across Perth and Kinross.
- 3.29 We disagree with the officer's view thinking that *"the proposed parking provision of 29 spaces (including the overflow car park) also suggests that most visitors would be expected to arrive by car"* – the parking provision proposed is generated by the Council's own parking guidelines which requires maximum parking levels provided for the proposed use. As has been explained in paragraphs 3.26 and 3.27 above nearly 50% of visitors will walk or cycle the few hundred metres to the place of worship. This is a very strong material consideration that is evidenced in the letters of support (**Appeal Documents 05 to 08**). The convenience and proximity of the hall and the existing available lit footway as significant material considerations.
- 3.30 PKC's Transport Planner did not object to the proposals. Instead advised that provision be made for cycle parking if the application is to be approved. The appellants are happy to provide cycle parking, enforceable by planning condition.
- 3.31 The proposal therefore is in a location considered to be sufficiently accessible in terms of the provision made for access by modes of transport other than the private car.

## 4 CONCLUSIONS

4.1 This Grounds for Review statement sets out the appellants case, that the 4 reasons for refusal can be set aside, and planning permission should be granted. This is because:

- The proposed use is for a wider community benefit to residents of Kinfauns than is otherwise the current benefit of the existing amenity open space, which is in poor condition. The planning authority has not objected to the proposed church hall use.
- The choice of location is part of the Perth Gospel Trust's ambition to provide local to its Brethren a place of worship that can be accessed on foot or cycle and located close to home. Several other locations across Perth and Kinross along with the existing provision of a main church facility (at Bridge of Earn) is the vision for a satellite network of smaller church halls closer to where Brethren live.
- There have been no previous complaints of the organisation's neighbours at sites at Goodlyburn, Perth, or at Bridge of Earn about noises or other disturbances (as letters of support submitted with this appeal testify **Appeal Documents 05-08**)).
- The planning authority did not object the design or form of the proposed church building – but still decided that the proposals did not meet the LDP Policy 1A terms for Placemaking. However, the proposed building is of a simple form and scale as the neighbouring dwellings. It is to be located in a low-density setting where the existing space around the building will be retained for landscaping and this will maintain the character and setting of the village when it is located alongside an existing retained woodland belt.
- The planning authority opines that there will be a “loss of designated open space” so LDP Policy 14A would not be met. However the appeal has demonstrated that only half of the existing LDP designated open space land lies in the appeal site. Of that part of designated open space, only 10% of the appeal site itself would be needed to provide the church hall building and car parking. The remaining 90% of the appeal site would be for landscaping as needed by the Council's own guidelines. The proposal would enhance the poor quality open space with new additional planting. As the appellants own the woodland belted land lying further to the north and east of the appeal site, these woods would be maintained and managed as part of a landscaped scheme incorporating the new church hall. The proposed development would therefore present a much-improved future for the existing amenity open space. It would add better quality to the setting of the village, and it would not result in the “loss of open space” and it would not remove a buffer to the A90 trunk road or to the settlement edge of Kinfauns.
- The appellants have shown that the proposal meets the criteria of Policy 14A – specifically criteria b) and criteria c). In meeting these criteria significant benefit would be brought to the setting of the amenity space. The replacement for the small portion of open space (10%) to be built on, by a church hall will conversely provide benefit to residents of the village (by access to a local church hall), when that benefit is currently not the case.
- The appellants disagree with the planning officer's view that the landscape setting of Kinnoull Hill would be damaged by the proposed development of a modest church hall building. LDP Policy 39 in our view has been misinterpreted and its weight or proportion ought instead to apply to developments that might significantly change landscapes (such as large scale housing development or wind farms), not single buildings which are in direct proportion and scale to the existing scale and pattern of buildings in the village. As stated earlier, the wider amenity benefit of the proposal is that it retains a buffer to the settlement

edge, and to the A90, and it also will improve the quality of the retained open space and the new planting will offer further considerable added value.

- The appellants wish to stress the proposed development and choice of location is specifically intended to service local needs and demands for a place of worship for Brethren close to home for many. The letters of support testify residents would access this church on foot or cycle (nearly 50% of visitors). This would result in a much reduced dependency on the car. There is no encouragement required to attract people to worship at this location from elsewhere across the Perth Core Area as the organisation wishes to provide local satellite places for worship precisely to encourage local community worship and togetherness.
- The proposed number of parking spaces is a result of the Council Roads guidelines maximum standards and not a maximum expectation of visits by car. The appellants would be happy to reduce the car parking provision, and as stated above provide the necessary cycle parking provision in response to the Council's Transport Planner who did not object. He instead advised support providing the cycle parking provision is met. The appellants would agree to a planning condition to enforce this request.
- **The proposals are therefore not detrimental to the setting, design or placemaking requirements for Kinfauns and will not damage the setting or character of the village** so are not contrary to LDP Policy 1A Placemaking.
- **The proposals will not result in a significant loss of protected open space. By the Council's own admission, the existing space is 'not exceptional for a specific use' and only 10% of the designated open space in this appeal proposal is required for building, and the remaining 90% of the appeal site would be landscaped. This is a modest church hall building. All the rest of the open space would be retained, enhanced and protected by the organisation. It will be cared for through maintenance to provide the required long-term buffer and protection to the edge of the settlement.** Therefore the proposal is not contrary to LDP Policy 14A.
- **The proposals will not detrimentally impact on the landscape setting of Kinnoull Hill and the proposals will not result in the loss of the buffer from the A90 and the settlement edge of Kinfauns.** As such the proposal complies with LDP Policy 39.
- The proposal will not result in excessive private car use so is not contrary to Policy 60B. **One of the objectives of the Gospel Trust organisation is to reduce car dependency and hence why its strategy is to find locations to provide local church halls for its local residents (Brethren). The testimonies from supporters explains how villagers will walk or cycle to the hall (nearly 50% of all expected visitors). They support the whole project because it will provide a local community facility in their village reducing car dependency and offering convenient accessibility.**

4.2 It is respectfully requested therefore that the Local Review Body reconsider the proposals and find favour with the arguments set out in this Review and grant planning permission.



**PLANNING APPEAL – ONLINE REFERENCE 100190819 -003**

**LAND 30 METRES EAST OF CASTLE WYND KINFAUNS HOLDINGS WEST KINFAUNS**

**ERECTION OF A PLACE OF WORSHIP (CLASS 10) AND ASSOCIATED WORKS**

**(PLANNING REF: 19/01734/FLL)**

**LIST OF DOCUMENTS FOR APPEAL**

The following documents are relied upon to support the appeal case:

Please note other documents such as Local Development Plan, Supplementary Planning Guidance, Advice Notes, Scottish Government policy and guidance are not reproduced. We have assumed, at this stage, Perth and Kinross Council can provide these if necessary.

Appeal Document 01 – Decision Notice Application Ref: 19/01734/FLL dated 20.12.19

Appeal Document 02 – Report of Handling of Planning Application 19/01734/FLL

Appeal Document 03 – Supporting Planning Statement submitted with planning application 19/01734/FLL

Appeal Document 04 – PKC Planning Policy Team Consultation Response to application 19/01734/FLL

Appeal Document 05 – Letter of Support Neighbouring property

Appeal Document 06 – Letter of Support K Michel

Appeal Document 07 – Letter of Support J Burgess

Appeal Document 08 – Letter of Support JK Hutchison

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval 19/01734/FLL.



# PERTH AND KINROSS COUNCIL

Perth Gospel Trust  
c/o Gray Planning & Development Ltd  
FAO Neil Gray  
AYE House  
Admiralty Park  
Rosyth  
Dunfermline  
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Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 20th December 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01734/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 30th October 2019 for permission for **Erection of a place of worship (class 10) and associated works Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

1. The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2 (2019) as the design, siting and lack of landscaping of the development does not respect the character and amenity of the place. It would not contribute positively to the quality of the surrounding built and natural environment as required by Policy 1A.
2. The proposal is contrary to Policy 14A: Open Space Retention and Provision: Existing Areas of the Perth and Kinross Local Development Plan 2 (2019) as it would result in built development on a significant part of an area that is designated as open space of amenity value. The impact of the development would change the open character of the land and have an adverse impact on visual amenity that would lead to an erosion of the landscape buffer between the A90 Trunk Road and the built development at Kinfauns.

3. The proposal is contrary to Policy 39: Landscape, category b) of the Perth and Kinross Local Development Plan 2 (2019) as it would detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting and in particular the entrance to Kinfauns settlement.
4. The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals of the Perth and Kinross Local Development Plan 2 (2019) as it would locate a development in a location where it would be dependent on access by private car and would not reduce travel demand by car as required by Policy 60B.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

19/01734/1

19/01734/2

19/01734/3

19/01734/4

19/01734/5

19/01734/6

19/01734/7



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	19/01734/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	29.12.2019	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a place of worship (class 10) and associated works

**LOCATION:** Land 30 Metres East Of Castle Wynd Kinfauns Holdings  
West Kinfauns

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 2 December 2019

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a place of worship (class 10) and associated works at a site to the east of Kinfauns. The site is within the settlement boundary for Kinfauns on a site designated as open space in the Local Development Plan.

The site is currently an undeveloped field. It is bounded to the south by a stone wall along the public road. The A90 Trunk Road runs to the north. The site is located east of an existing residential property.

The proposal is for a single storey, 5.3 metre high, timber building measuring 15 by 11 metres. It is to be located 28 metres to the north of the public road and 22 metres south from the Trunk Road boundary. Car parking for 29 cars is to be provided to the front and east side of the building.

The site is 30 metres from the River Tay Special Area of Conservation and within the Sidlaw Hills Special Landscape Area. There are views to the north to Kinnoull Hill.

## **SITE HISTORY**

13/01474/IPL Erection of a dwellinghouse (in principle) 27 May 2015  
Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00721/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking  
Policy 1B: Placemaking  
Policy 5: Infrastructure Contributions  
Policy 17: Residential Areas  
Policy 14A: Open Space Retention and Provision: Existing Areas  
Policy 39: Landscape – All landscapes  
Policy 53B: Water Environment and Drainage: Foul Drainage  
Policy 53C: Water Environment and Drainage: Surface Water Drainage  
Policy 53E: Water Environment and Drainage: Water Supply  
Policy 56: Noise Pollution  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

Developer contributions and affordable housing supplementary guidance  
September 2016

## **CONSULTATION RESPONSES**

Strategy and Policy  
Contrary to open space policy 14.

Environmental Health (Noise Odour)  
No objections subject to conditions.

Transport Planning  
No objection subject to conditions with regard access and cycle parking.

Scottish Water

No objection. No foul drainage in the area.

Development Negotiations Officer

Transport Infrastructure: £2,546 (£18.06 x 141m<sup>2</sup>) required.

Network Rail

No impact on Network Rail infrastructure. No objection.

Structures and Flooding

No objection. Advise that finished floor levels should be set above existing ground levels. Refer to PKC Flood Risk guidance.

Transport Scotland

No objection.

## REPRESENTATIONS

There has been one representation of support for the proposal.

## ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Supporting statement submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

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 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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.

## **Policy Appraisal**

The site is located within the settlement boundary of Kinfauns. In residential areas such as this, community facilities, compatible with the amenity and character of the area are generally supported by LDP2 Policy 17. In this case however, the site is specifically designated as open space under Policy 14 which presumes against development.

The site is considered to have visual amenity value, defining the settlement edge and providing separation from the dual carriageway. The designation of this site was revisited during the recent Local Development Plan Examination where the Council stated: *“Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas, creating landscape settings for settlement edges. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns. Removal of this designation whilst retaining it in the settlement boundary would mean that development of this site could take place. The development of this area would create a new more urban entrance off a busy road changing the visual entrance to the settlement. Furthermore, this site is located so close to the A90 that noise pollution could be an issue.”* The Reporter agreed with this view and the designation remained in the Plan.

The submitted drawings suggest that the proposal would take up almost half of the open space area, with parking being dominant at the entrance to the settlement. Policy 14 allows for development on areas designated as open space that involves a minor part of a site and would not affect its continued use as open space. However, in this case, the proposal for built development on a significant area of the site does not meet the terms of Policy 14.

Policy 60, Transport Standards and Accessibility Requirements: New Development Proposals, should also be taken into account. The policy aims to ensure that uses that involve significant travel generation are easily accessible by walking, cycling and public transport to reduce travel demand by car.

The facility would have the capacity to accommodate 50 people which could be considered significant in the context of Kinfauns. The applicant's planning statement suggests that the organisation needs a new facility close to its members to reduce travel demand and refers to the anticipated growth in membership from within the wider Perth Core Area (sections 6.2 & 6.3). Kinfauns is a hamlet with a small population and a relatively infrequent bus service. The accessibility of this site cannot be described as good, other than for those living locally in Kinfauns. The proposed parking provision of 29

spaces (including the overflow car park) also suggests that most visitors would be expected to arrive by car. The proposal is therefore not in a location considered to be sufficiently accessible in terms of the provision made for access by modes of transport other than the private car.

### **Design and Layout**

The proposal is for a timber building that is functional for the use proposed. The building and extensive car park provision to the front and side would over dominate the area that is designated as open space in the Plan. As such it would be contrary to placemaking policies that seek to ensure that proposals contribute positively to the built and natural environment.

### **Landscape**

The site is within an area identified as being within the Sidlaw Hills Special Landscape Area with Kinnoull Hill dominant to the north west. There is some existing landscaping to the north along the A90 Trunk road boundary. Other than that the site is open. No further landscaping is indicated on the submitted plans.

Policy 39 b) requires proposals to safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identify or scenic quality. This site is designated as open space to preserve the existing open aspect with views of Kinnoull Hill behind the site. The proposal is contrary to policy 39 as it does not safeguard the visual amenity of this part of Kinfauns.

### **Residential Amenity**

The supporting statement submitted with the application states that the hall is proposed for religious worship with a capacity for up to 50 visitors and no other social gatherings or any other use is proposed. Environmental Health are concerned that there is the potential for noise from the daily operations of the gospel hall to effect existing neighbouring residential properties, especially from vehicle movements from early morning services and from amplified or non-amplified music and singing, if not properly managed and controlled. Should the application be approved conditions with regard to noise, amplified music, external lighting and timing of construction work are recommended.

### **Visual Amenity**

The proposed site is considered to have visual amenity value as it defines the settlement edge and provides a separation from the dual carriageway. The proposal would result in built development on a significant part of the site with the building set back from the neighbouring house with car parking to the front and east side. Although the use of the site would be intermittent the impact of the parking area and timber building would change the open character of the land and have an adverse impact on visual amenity that would lead to an

erosion of the landscape buffer between the A90 Trunk Road and the built development at Kinfauns.

### **Roads and Access**

The site access is on to the public road that runs through Kinfauns. The gate entry for the site is just outside the 30mph speed limit. Transport Planning has requested that any access be formed in accordance with the Council's access guidelines. Whilst the applicant suggests that the site is within an area suitable for walking and cycling there is no cycle parking indicated on the plans. The Transport Planner has requested that provision be made for cycle parking if the application is to be approved.

### **Drainage and Flooding**

There is no public foul drainage in this area. Private foul drainage arrangements are proposed.

The site lies outwith the functional floodplain as shown on the SEPA Flood Maps. Flooding and Structures recommend that finished floor levels are set above existing ground levels. This application is recommended for refusal on other grounds however an informative note with regard to the Council's Flood Risk supplementary guidance would be added should this application be approved.

### **Conservation Considerations**

There are no listed buildings in the vicinity. The site is not within a Conservation Area. There will not be any impact on any built heritage assets.

### **Developer Contributions**

#### **Transport Infrastructure**

The Council Transport Infrastructure Developer 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.

The proposed hall will extend to 141m<sup>2</sup>. It is within the full contributions area and would fall under the 'Other non-residential use' category which has a rate of £43 per m<sup>2</sup>. Calculations of the required contribution has been made on the expected usage of the building

The contribution requirement will be £2,546 (£18.06 x 141m<sup>2</sup>).

## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **Conclusion**

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 not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

## **Reasons for Recommendation**

1 The proposal is contrary to Policy 1A: Placemaking of the Perth and Kinross Local Development Plan 2019 as the design, siting and lack of landscaping of the development does not respect the character and amenity of the place. It would not contribute positively to the quality of the surrounding built and natural environment as required by Policy 1A.

2 The proposal is contrary to Policy 14A: Open Space Retention and Provision: Existing Areas of the Perth and Kinross Local Development Plan 2019 as it would result in built development on a significant part of an area that is designated as open space of amenity value. The impact of the development would change the open character of the land and have an adverse impact on visual amenity that would lead to an erosion of the



landscape buffer between the A90 Trunk Road and the built development at Kinfauns.

3 The proposal is contrary to Policy 39: Landscape, category b) of the Perth and Kinross Local Development Plan 2019 as it would detract from the open aspect and views from the site to Kinnoull Hill that contributes to the setting and in particular the entrance to Kinfauns settlement.

4 The proposal is contrary The Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals as it would locate a development in a location where it would be dependent on access by private car and wold not reduce travel demand by car as required by Policy 60B.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Informatives**

None.

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

19/01734/1

19/01734/2

19/01734/3

19/01734/4

19/01734/5

19/01734/6

19/01734/7

### **Date of Report**

20 December 2019



# PERTH GOSPEL TRUST

## Planning Statement

**ERECTION OF A PLACE OF WORSHIP (CLASS 10)  
WITH ASSOCIATED CAR PARKING**

**AT LAND 30M EAST OF '18 CASTLE WYND'  
THE HOLDINGS, WALNUT GROVE,  
KINFAUNS  
PH2 7JY**

**October 2019**  
**Our Ref: 2019\_28**

W: [www.grayplanning.co.uk](http://www.grayplanning.co.uk)

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## 1 INTRODUCTION

### PLANNING STATEMENT PURPOSE

- 1.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicant Perth Gospel Trust. A detailed planning application has been submitted to Perth & Kinross Council for:

*“Erection of a place of worship (Class 10), with associated car parking at land 20m east of 18 Castle Wynd, Walnut Grove, Kinfauns PH2 7JY”*

- 1.2 The purpose of this Statement is to provide a clear description of the proposal being submitted for the approval of Perth & Kinross Council (PKC); to set out the facts relating to location; content of the proposals; planning history; record of pre-application discussions with the Council’s planning service, and provide an assessment of the relevant development plan policies that are considered pertinent to the determination of the planning application; and any other material considerations relevant to the application.

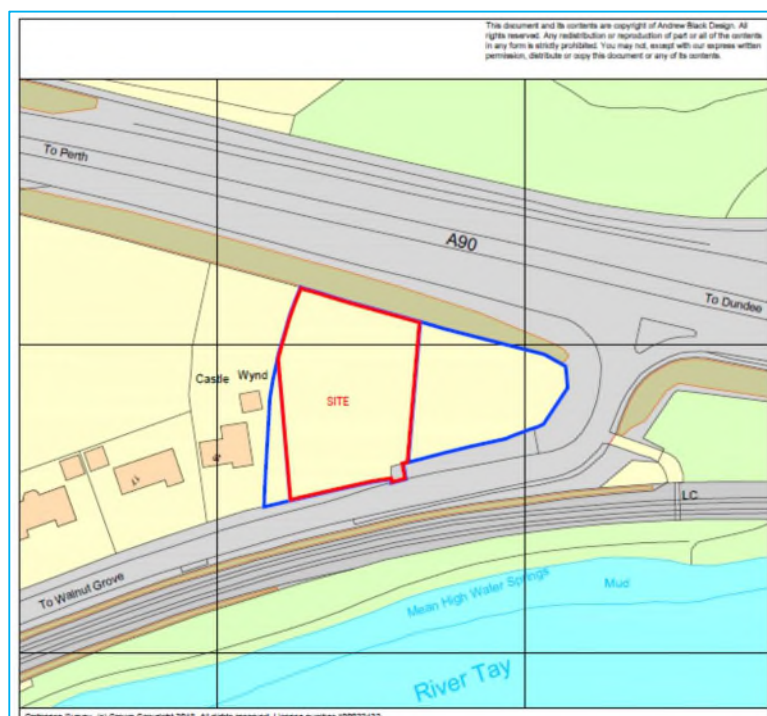
### CONTEXT FOR THIS PROPOSAL

- 1.3 The applicant is Perth Gospel Trust (affiliated with the Plymouth Brethren Christian Church (PBCC)). PBCC is a mainstream Christian Church that has more than 300 autonomous assemblies in 18 countries around the world and whose members extensively engage with the wider community on a daily basis. There is a strong and generous charitable spirit among Brethren, and this provides a constant source of help for those in need. This benevolence is all embracing and includes financial, social, pastoral, family and health assistance, and may involve guidance, training and ongoing support. Brethren also support many outside charities, and have generously contributed to worthy causes. The church community refers to themselves as the “Brethren” because they are a close tight-knit community of families held together by their shared Christian belief founded on the Holy Bible. That said, just like everyone else, they live alongside people of their faith, other faiths and no faith.
- 1.4 Brethren gather daily in Gospel Halls to pray together and read from the Holy Bible. They also congregate every Sunday in their Gospel Halls to celebrate the Lord’s Supper and to preach the Gospel. The men and women of the PBCC have shared values of community participation, ownership and decision-making. They actively practice Christianity through service to their family, their Church, and to their local and global communities. Their mutual Christian fellowship is an integral part of their way of life. Further details about the way of life of this community can be found here: <https://togetherwearebrethren.com.au/>.
- 1.5 The Perth Gospel Trust (part of the PBCC) owns an existing hall of worship at Wicks O’ Baiglie Road, Bridge of Earn, granted planning permission in 2007 (ref 07/00933/FUL), and constructed in 2009. It has capacity for up to 800 visitors for gatherings. The Trust has purchased the subject land to enable it to offer smaller-scale, smaller group gatherings on an ‘as required’ basis, for worship and as complementary to the main Gospel Hall at Wicks O’Baiglie Road - for a capacity of up to 50 visitors. It is not intended to make the proposed worship hall a regular meeting place, the frequency of use and nature of operations will be limited. Details are set out later in this Statement.

- 1.6 The applicants have secured the necessary funding for the project. This funding will allow them to develop a site that provides huge potential for the assistance to its community.
- 1.7 In line with the Development Management Regulations (Scotland) 2013, should the planning authority consider that it requires further information about the applicants and their way of life, to enable it to properly assess the submitted proposals, then the applicant will make reasonable effort to provide the additional information, if requested (under Regulation 10).

## 2 LAND BOUNDARY AND EXISTING SITE DESCRIPTION

- 2.1 The site is located at the eastern entrance into Walnut Grove, lying west of Kinfauns. It lies about 30m east of a residential property (No. 18 Castle Wynd) which is one of a linear group of dwellings positioned along the main road through the village called The Holdings. The site's northern boundary is defined by a bank of structure planting, which forms the boundary to the A90 Dundee to Perth trunk road. The site's eastern boundary is open field with an existing tree lined boundary planting. The existing boundary to the west, to No. 18 Castle Wynd, is defined by a post and wire fence with a low level stone wall. The existing boundary to the south of the site is a low level stone wall.
- 2.2 The proposal site is within the ownership of Perth Gospel Trust. The surrounding land is also in the ownership of the applicant (blue line boundary). Prior to making this application there have been detailed discussions with the owner of the residential property adjacent, at No. 18 Castle Wynd.
- 2.3 The site measures 2600 sq m (or 0.26 Ha) and is vacant grass land. It slopes down gently from north to south over a range of 8.5m to 6.0m above sea level respectively. There are no existing buildings on the site. There are no trees on the site. The main road through the village fronts the site. An existing field access gate to the site will be the proposed access entry to the proposed development. The existing speed limit at this location is 30MPH, there is a demarked footpath and cycle lane at this point and the highway is lit.
- 2.4 The nearest residential property is 'Castle Wynd lying about 30m west of the site. The owner and occupier of this property has been consulted prior to making this planning application. The nearest building to the proposed church hall building is a domestic garage. This is predominately a residential location.
- 2.5 An indicative Site Location is illustrated in Figure 1 below. Submitted Location Plan Drawing Ref PL-28 shows the information in greater detail.



*Figure 1 – Site Location*  
*Ordnance Survey data*  
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## **PLANNING HISTORY**

- 2.6 A search of PKC's planning database indicates there had been one previous development proposal for this land. A proposal for erection of a dwellinghouse (in principle) (Planning reference 13/01474/IPL) was withdrawn in 2015. However, the planning application was consulted on during the statutory consultation period. We note PKC Roads and Environmental Health did not object to that proposal. We also note Scottish Water advised there to be no public sewers in the location.

## **PRE-APPLICATION CONSULTATION**

- 2.7 On 27<sup>th</sup> November 2017, a formal Pre-application enquiry response was issued by Perth and Kinross Council (ref 17/00721/PREAPP). The proposal was for an identical scheme to the current proposal. At that time, the Pre-application response advised that the proposal lies in an area of open space (Existing Adopted LDP Policy CF1A would apply) and there may be a need to consider the proximity of the site to the Trunk Road, in terms of the proposed use and traffic generation levels. The advice also outlined that landscaping and visual impact may be key considerations along with impact on local amenity in terms of noise, traffic, light pollution.



### 3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal is to erect a simple structured meeting hall comprising 141.5 sq m of new floorspace, for the purpose of religious worship (Class 10 of the Town and Country (Use Classes) (Scotland) Order 1992), which will comprise:
- Meeting space (for congregation) of 100 sq m to be set out with chairs within a hall
  - Toilet / WC facilities (male, female and accessible) of 13.5 sq m
  - Kitchen 2 sq m and store 3.3 sq m
  - Foyer and entrance vestibule / cloak store of 22.7 sq m.
  - External car parking provision allowed for 16 formally provided spaces plus 2 accessible spaces with a further 11 informal car parking spaces provided as overflow
  - Install a bio-disc infiltration bed (drainage treatment)
  - Lay a 3m wide access track, with formal car parking formed over asphalt with disabled bays on permeable paving. The asphalt surface to be shrub planted to either side of access road.
  - At the entrance from the public highway form a timber fence of 0.8-1.2m set back to the access point and install new timber gate.
- 3.2 The proposed meeting hall would be single storey, 3m high to the eaves, and 5.5m high to the ridge height. It would be constructed of a timber framework, clad with Scottish Larch board on board arrangement, Kingspan trapezoidal roof panels in woodland grey, timber framed triple glazed windows, gutters and downpipes in dark grey.
- 3.3 The new single storey building would be located and positioned to the middle of the site to be in line with the pattern of existing dwellings and their outbuildings in the Holdings. This position would also reduce visibility from the A90 trunk road. The building itself would be more than 6m separate from the existing domestic garage belonging to No. 18 Holdings and further distant from the residential property itself.
- 3.4 The building would be sited on the 6.5m contour above sea level with the ground rising to the north, this position will also mitigate visibility from the A90 trunk road and the building will be seen as sitting in line with the pattern of existing buildings within the Holdings group of buildings.
- 3.5 The proposed 16 space plus 2 accessible car park would be sited in front of the church building fronting the main road through the village. The proposed overflow car parking provision of 11 spaces sited further north behind the church hall, would be designed in geocell and specified to reduce rutting. This would be sited on the 7.0m ground level, allowing a 1m height differential from the northern site boundary, again mitigating potential visibility from the A90 trunk road.
- 3.6 Previous advice from Scottish Water stated there to be no public sewerage system in the location. The proposal for toilets is to operate a septic tank and soakaway system. The proposal for foul surface water treatment is a single stage bio-disk filter system located near to the proposed car parking area.
- 3.7 There are no trees existing on the site. The existing tree boundary to the east and north of the will be retained, providing adequate screening of the new building from the trunk road. The

proposal for the west boundary adjacent to the domestic property neighbouring is to simply replace the existing post and wire fence boundary. The neighbour had been consulted about the proposed use, type of building and operation of the church hall. There is satisfaction with the proposals in terms of no plan to provide additional new planting on this boundary as the amenity impacts are likely to be negligible. To mitigate further, it has been agreed that the applicant's land ownership is to be pared back about 6m from the neighboring boundary and falling outside the planning application boundary. That land has been transferred to the neighbour to form an open space buffer between the existing residential and the proposed church hall.

3.8 The applicant has submitted several drawings, prepared by Andrew Black Design, to show the proposed development arrangements. These being as follows:

- Site Location Plan (Drawing Ref 735 - PL-25 Rev A), showing development site in red boundary, and land ownership in blue boundary;
- Proposed Site Plan, (Drawing 735 - PL-200 Rev A) showing general layout and block plan arrangements for the entire site boundary including positioning of the new building, car park arrangements, floor levels, on site water treatment and access arrangements;
- Proposed Floor Plan and Elevations of proposed hall building (Drawing 735 - PL-300 Rev A and 735 - PL-500 Rev A North and South Elevations and 735\_PL\_501 Rev A East and West Elevations).

#### **PROPOSED HALL BUILDING USE PROPOSALS**

3.9 The proposed hall building will be used to host church worship meetings by the applicants' members. In terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 this is Class 10 (Non-Residential Institution), specifically defined in the accompanying Schedule to the Order as *"for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body."*

3.10 The hall will have a capacity for up to 50 visitors. It is not likely this maximum will be reached on every worship occasion – dependent on attendance and time of year. The hall will be used for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading. The Sunday meeting is known as Holy Communion which is also conducted in all the applicant's other halls. The organisation has over 300 halls in the UK with unrestricted hours of use, so for this particular proposal, whilst the hours are detailed accurately above, the applicants are seeking no restrictions on times of use.

3.11 The hall is proposed only for religious worship as detailed above. No other social gatherings or any other use is proposed. The proposed hall can therefore be considered secondary to the main religious activities undertaken in existing church halls across the Perth Gospel Trust network locally. It is a material consideration that the applicant owns and runs an existing gospel hall at Wicks O'Baiglie, Bridge of Earn without any compatibility or residential amenity concerns. It is also pending a decision from PKC for an identical church hall proposal to this proposal, for a site at Bridge of Earn. The Trust wish to ensure all outlying communities in the

Perth area are conveniently and adequately catered for in providing halls of worship which can be accessed locally and ideally without need for vehicular use.

### **SITE ACCESS**

- 3.12 It is proposed to upgrade the entrance to the site from the existing main road through Walnut Grove. This will include installation of a new timber fence gate and sight line widening of the existing access. This will require part-removal of the existing 1m boundary stone wall to form the access point. The tree belt fronting the boundary on the east and north will be unaltered.
- 3.13 The access track will be formed to 3m wide, finished in asphalt for the car park surface area.
- 3.14 As previously stated, the highway at this access point is within the 30 MPH limit, and is lit. There is also an existing grassy verge, and alongside that an existing demarked pedestrian and cycle path.

### **SITE DRAINAGE STRATEGY**

- 3.15 The site lies above the flood risk area. The levels range from 6.0m to 8.5m. The proposed church hall positioned at 6.5m. Therefore the urban drainage strategy for this proposal is to provide a permeable surface for the overflow car park, and disabled bays. A single stage bio-filter disc system will be installed to treat the foul surface water.

## 4 DEVELOPMENT PLANNING POLICY

### DEVELOPMENT PLAN

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning etc. (Scotland) Act 2006, requires the determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Proposals must first demonstrate compliance with adopted planning policy. Where proposals do not comply, the planning system gives a further opportunity to demonstrate reasons which justify the proposed development. These material considerations to the case are set out later in Section 5.
- 4.2 The current Development Plan comprises TAYplan (approved 2017) and the Perth and Kinross Local Development Plan (adopted 2014).

### TAYPLAN 2017

- 4.3 TayPlan was approved by Scottish Ministers in 2017. TayPlan Policy 2 Shaping Better Quality Places is relevant. It states proposals such as this, under the Place Led Approach need to “Work with the Grain of the Place” to make it successful and sustainable. The size, shape and form of the proposed church hall development is low key, in terms of the relative scale of the building to the scale of its setting - the location set back from the trunk road, and situated in a site which is already screened by mature tree planting on the two boundary sides.
- 4.4 The proposal is however of limited strategic scale, but by its scale, form and setting fits with the Grain of the Place in line with Tayplan Policy 2. This hall is a proposed community use for worship within a predominately residential area, which also fits the ‘grain of the place’ context as part of an appropriate and compatible use in this context. As previously explained, the Perth Gospel Trust is aiming to provide local places of worship for its members via a network of halls. As the Perth area is strategically planned to grow significantly, (albeit Kinfauns is not in the Perth Core Area as defined in TAYplan), there is a future need to plan for the organisation and provision of suitable and convenient community facility such as the proposed church hall.

### PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014 (LDP)

- 4.5 The application site is identified as lying within the Kinfauns settlement boundary where Policy RD1 applies. **Policy RD1** requires all new proposals to consider compatible uses where existing residential amenity can be protected. Policy RD1 states “*encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area*”, this includes applicable criteria b) and e) as follows:
- (c) Proposals which will improve the character and environment of the area or village.
- (e) Proposals for improvements to community and educational facilities.
- 4.6 The area is predominantly residential in nature. In Section 6 (planning assessment) we will explain how the proposed use of the site is compatible with the neighbouring residential land

uses. We confirm that existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained as they are of recreational or amenity value. This is illustrated by the proposed site layout which indicates no removal of trees, limited changes of surface from grass to a hard surface and using only the required space for car parking and the building itself. The site drainage strategy has also influenced the design, as well as determined the retention of significant areas of open space.

- 4.7 The proposal also lies in a specific protected open space as defined in **Policy CF1A**: Existing areas of open space. The LDP identifies this as 'Sports Pitches, Parks and Open Space'. It states these are areas of land which "*have value to the community for either recreational or amenity purposes*". The Policy goes on to state "*Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:*

*(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

*(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.*

*(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*

*(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

- 4.8 The applicants will argue in Section 6, the proposed development is for a limited proportion of the protected open space and only the land required to provide a community facility (church hall) will be developed, with the remaining kept as open space. However the retained open space will be maintained by the landowner (the applicants) thus improving the open space general appearance and attractiveness. It will be argued the existing open space is not a principally used recreation resource (it appears to be maintained as scrub grassland). The proposal for a church hall will involve minor or proportionally small part of the open space site which would not affect its continued use as open space. By virtue of the proposal for a community facility in the shape of church hall, then the benefit of the hall to the community is arguably of comparable, if not greater benefit in a location that is convenient for its future users (villagers and other nearby residents accessing a place of worship).

- 4.9 In addition to the above, the following LDP policies are considered relevant: **PM1A**, **PM1B** (placemaking) in terms of design and layout, **PM3** (infrastructure contributions), **ER 6** (Managing Future landscape change), **TA1B** (Transport Standards and Accessibility Requirements), **EP3B** and **EP3C** (Water Environment and Drainage), **EP8** (Noise Pollution), outlined below briefly.

**Policy PM1A - Placemaking**

*Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.*

*The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.*

**Policy PM1B - Placemaking**

*All proposals should meet all the following placemaking criteria:*

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.*

**Policy PM3 – Infrastructure Contributions**

*Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments, the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:*

- (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or*
- (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.*

*Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required.*

*In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.*

#### **Policy PM4 Settlement Boundaries**

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

#### **Policy TA1B – Transport Standards and Accessibility Requirements**

*All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.*

*Development proposals should:*

- (a) be designed for the safety and convenience of all potential users;*
- (b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;*
- (c) incorporate appropriate levels of parking provision to the maximum parking standards laid out in SPP;*
- (d) fit with the strategic aims and objectives of the Regional Transport Strategy;*
- (e) apply maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport..*

*Development proposals should apply maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.*

*Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied.*

#### **Policy EP3B and EP3C (Water Environment and Drainage)**

##### **Foul Drainage**

*Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks*

### *Surface Water Drainage*

*All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) Measures.*

### **Policy EP8 Noise Pollution**

*There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.*

*In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur.*



## 5 MATERIAL CONSIDERATIONS

5.1 In addition to Development Plan policy, the following are material, adding weight to the applicant's case, that the proposals should be supported:

- Scottish Planning Policy (SPP)
- Emerging replacement PKC Local Development Plan 2 (Completed Examination in Public stage, i.e. Reporter recommendations issued to PKC pending adoption of the new LDP)
- Supplementary Planning guidance on Developer Contributions
- Applicant's business case in support of the proposal as part of the Gospel Trust's way of life
- Project funding availability.

5.2 Each of these matters is discussed below.

### SCOTTISH PLANNING POLICY (SPP) (2014)

5.3 The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. Of particular relevance to this proposal is:

- Paragraph 28/29: Sustainable economic growth: which aims to achieve development that is in balance, and that is in the right place. This can be achieved, in the Government's view by giving due weight to net economic benefit; or responding to economic issues, challenges and opportunities, as outlined in local economic strategies; or by supporting good design and the six qualities of successful places; by making efficient use of existing capacities of land, buildings and infrastructure and by supporting delivery of accessible leisure development. These are to be in balance with protection of natural environment and other planning policies in the LDP.
- In terms of the Scottish Government's aims to deliver a successful, sustainable place, by 'placemaking', Paras 44 and 45 are relevant. These encourage developers and planning authorities to consider their proposals in terms of compatible and accommodating uses (para 44) which are adaptable. This is particularly true of these proposals which take into account how people use places differently, for example depending on age, gender and degree of personal mobility. Perth Gospel Trust require such a hall to enable its organisation to adapt to how places are used differently, in this case within the religious context. In terms of land use efficiency, Para 45 encourages proposals that are "*ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes*" and also "*using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding*" – the applicants have identified this site as fulfilling its purpose for worship, but also it's an adaptable and resource efficient use of land that may otherwise be of little or no benefit to the wider community because of its drainage constraints which have been demonstrated to be capable of mitigating by design and fit perfectly for the secondary irregular use proposed by the applicant organisation.

## **PKC LOCAL DEVELOPMENT PLAN 2 PROPOSED PLAN 2017**

- 5.4 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. Increasing weight can be given to its content as it has been subject to an Examination by Scottish Ministers which reported in July 2019. There are no significant policy changes or proposals that differ greatly from the development plan position outlined earlier. However, we note Policy 32 is concerned with Climate Change and approach to a low carbon place. The applicants will undertake, subject to planning permission, to aim for the Building Standards Bronze level for compliance with low carbon technology and building standards as a minimum. If the planning authority require more information about how it proposes to do so, then further information can be provided during determination of the application.

## **SUPPLEMENTARY PLANNING GUIDANCE DEVELOPER CONTRIBUTIONS**

- 5.5 The site is within the Transport Infrastructure Full Contributions boundary (per para 6.5 of the Guidance Affordable Housing and Developer Contributions).
- 5.6 In line with Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements we note the Council may use agreements under Section 75 of the Town & Country Planning (Scotland) Act 1997 to mitigate the impact of new development on infrastructure.
- 5.7 The applicants wish to put forward the case that either full or partial exemption should be made in the provision of a developer contribution.
- 5.8 The project itself is of very low impact (both in land use and environmental terms - as it is a community hall only proposed for use on selected days: The hall will be used for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading.
- 5.9 Whilst the applicant is seeking "no restriction on times of use" the clarification for this expression is that outside of the proposed days and times of use detailed, it would only be in the event of a one-off occasion (for specific day/observance of worship or for example a fund raising event e.g. coffee morning) then the applicant would have been looking for no restriction on time of use to give them that flexibility.
- 5.10 In this case, the Council is seeking to collect developer contribution for transport infrastructure as if the proposal would generate impact on the road network. However the applicant is a charitable trust, combined with the applicants request that the operations of the hall are restricted to those detailed in this Planning Statement at Para 3.9 – 3.11. Sunday mornings 0530-0630, a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 – then it is respectfully requested that the proposal is exempted from the application of developer contribution policy.
- 5.11 We believe this position can be negotiated as Para 6.8 of the Supplementary Guidance is relevant, as is Para 6.11. This is a proposal which supports Council objectives found in the Spatial Strategy of the emerging LDP2, such as meeting the needs of the community (e.g. for religious worship - the Gospel Trust organisation is one of the fastest growing and in PKC is

one of the busiest, with this site specifically chosen to provide walk-in benefits to local residents) and it offers new social interaction space, and adds to local identity and a strong cultural character - which amongst others, form the key objectives of the LDP Spatial Strategy in the emerging LDP2. It is also a proposal that is non-residential, it does not have a large gross internal area and does not have a large impact on the road network (as is evident in the applicants desire to encourage walk-in worship in the main, and only proposes the 16 space plus additional 11 overflow car parking spaces per SCOTS road development guidance – not because that is the anticipated vehicular/car borne activity anticipated).

#### **APPLICANT'S BUSINESS CASE FOR THE CHURCH HALL**

- 5.12 As was detailed in the applicant's case within paragraphs 1.3 - 1.6, the proposed church hall is intended only for use and benefit of members of the Perth Gospel Trust only, which is part of the Brethren Christian Church (PBCC), - a mainstream Christian Church that has more than 300 autonomous assemblies in 18 countries around the world.
- 5.13 The applicants want to develop the vacant land for a place of worship that would be secondary in status to the main church existing at Wicks O'Baigle Road but be part of a local network of halls for local use. The church hall would be used irregularly in terms of days for worship, and would only host religious meetings and no other social or other event or activity.
- 5.14 Prior to the applicants purchasing the land, it had been assessed for a variety of possible land uses. However, none fitted as well as the proposed church hall use given the constraints of the site in terms of location for compatibility and amenity to surrounding predominately residential uses. As has already been explained, the church hall use is for limited times of the day and days of the week and provides for a maximum of 50 visitors for religious worship only.
- 5.15 The applicants believe the best and only location for the hall is at the proposed location within the site owing to the known ground level constraints and visibility risk from the trunk road. However, the benefit to the existing community in providing a hall for worship will be positive and any perceived loss of open space that would diminish recreation opportunity is mitigated. Therefore, the proposal is considered to be a sustainable use of the land and will provide a valuable resource to the church community and still retain a large proportion of the protected open space for amenity and other local benefit.

#### **PROJECT FUNDING AVAILABILITY**

- 5.16 The applicants have funding available for the project. Draw down of funding is dependent on securing planning permission.

## 6 PLANNING ASSESSMENT

### PRINCIPLE OF DEVELOPMENT

- 6.1 The proposed development lies within the Kinfauns settlement, where building projects are supported by Policy PM4, subject to compliance with Policy RD1. This support is given providing the proposal has no detrimental impact on residential amenity and is seen to be compatible with the surroundings in line with Policy RD1. The proposal is located in a predominately residential area. It is positioned on a site that has been carefully assessed against known land use constraints. It is considered to be a compatible use owing to its proposed function as a church hall and owing to its limited or irregular pattern of use for religious worship as outlined in Section 3 and paragraphs 1.3-1.6 and 5.7 to 5.10. It is also a small scale development in terms of its expected visitor capacity of 50 people, and the size of building over one storey reflects that also. The building would be oriented to bring visitors into the site and park vehicles away from the nearest residential properties. It is intended to retain the existing site features and its character to avoid reduction in visual and residential amenity to existing residents.
- 6.2 The nature of the use, for religious worship will not generate significant noise that could disturb residential amenity. The very limited days and times of use are not likely to cause disruption to the residential character of the area, nor will it affect existing traffic levels on nearby streets given the provision for parking and the likelihood of movements to and from the hall to be not prolonged.
- 6.1 The proposal lies in a specific protected open space as defined in **Policy CF1A**: Existing areas of open space. The applicants consider the proposed church hall will occupy a proportion of the designated open space, with a significant part (outwith the planning application boundary) retained for open space and amenity function. This retained part will not be affected and can therefore continue as a recreational or amenity resource. The applicants are landowners of this retained space and will undertake to improve and enhance the amenity by maintenance of the wood and grassed areas. There will be a proportionately small loss of the open space for a community facility. The church hall is considered of greater benefit as a community resource given it is intended to provide a place of worship to local residents and the community around ideally and conveniently accessible on foot. The replacement is therefore a positive benefit. It will result in the upgrade of the landscape and its amenity. It will add more place quality to the settlement in an area that permits building within the village boundary.
- 6.2 The benefit of the development to improving the character and environment of the village is also considered relevant. As outlined earlier, the applicants purchased the site following careful due diligence and found that the proposed use would fit well with their organizational needs (i.e. need for a small hall in a catchment area close to its members to reduce travel demand and to enable more inclusivity for worship). Other potential land uses were discounted owing to their limited compatibility. This included the known Policy constraint about loss of protected open space. The applicants argue that the loss is a portion of the designated open space, and is to be used for a community use which will bring new benefits to the village and surrounding community. The function of the existing open space is not for formal or organized recreation, and the proposal to retain a significant part of the designated open space under the applicant's control for maintained amenity space will enhance the place.

Therefore the low frequency of use, the limited number of visitors anticipated and the use of some of the open space being solely for religious worship would generate a low to very limited amenity impact on the nearby residential neighbourhood. Therefore the proposal would be compatible in terms of its siting and location relative to LDP Policy RD1 and it would not result in loss of open space in terms of Policy CF1A.

- 6.3 Kinfauns lies near to the larger Perth Core Area in the LDP Spatial Strategy, where long term significant growth is planned and anticipated. The applicants anticipate growth in membership from within the wider Perth Core Area – and note its membership includes areas around Kinfauns and east of the City. They therefore believe the location is suitably placed to serve church members locally – who can access conveniently on foot or cycle and avoid travel from other areas within the Perth Core Area. Its strategic location and high accessibility via the A90 is relevant in this context.

## **DESIGN AND PLACEMAKING**

- 6.4 The proposed scheme has been designed to accord with Policy PM1A /PM1B. Originally, at pre-application stage, the applicants were proposing to erect a steel portal steel clad building. The applicants have however significantly improved the design, by the use of more sensitive materials such as wood finish, and choice of colours to soften any criticism of ‘industrial’ appearance.
- 6.5 In addition to the building, the design of the car park, the foul drainage infrastructure and the general layout of the site have all been influenced by the known land use constraints relating to drainage and how the design can accommodate and improve on the existing land conditions and make the scheme more sensitive to its surroundings. The retention of more open space existing to the east of the site will act as a permanent boundary and as it is in the same ownership as the applicants there is an opportunity that the retained open space area will continue to be protected and further enhanced.

## **TRANSPORT / ACCESSIBILITY / PARKING**

- 6.6 Regarding the transport impact of the proposed use and that it could increase traffic in the area. Given the stated low visitor number (capacity 50 persons), and the details of movement anticipated (see para 3.10), then it is anticipated that members would visit by car with limited trips into and out of the site per the proposed times of worship (Sundays 0530-0630, Mondays (1830-1915) and less frequently Fridays (at 1830-1915). This would not generate a high volume of traffic.
- 6.7 The proposed car parking area of 16no. spaces plus 2 disabled accessible, (with a further 11no. overflow parking spaces), is favourably generous compared to the national roads development guidelines (SCOTS) of 1 space per 10 seats for Class 10 places of worship (making the guidance require a total space provision of 5 spaces).
- 6.8 The use of the hall would be restricted to the church membership. The geometric requirements of the junction with the public road and access to the proposed hall has been set out in a detailed design submitted with this planning application and is subject to road construction consent approval.

- 6.9 We consider the proposal would not be significantly detrimental to highway safety and accords with polices.

### **NOISE**

- 6.10 Whilst the proposal is for a church hall to serve the church membership, the proposals do not anticipate a significant number of visitors at the site (up to 50 persons). However one of the worship times (Sundays 0530-0630) would be considered to potentially cause disturbance to neighbours owing to arrival and departure during early hours of a Sunday morning.
- 6.11 For comparison, and to support the above potential conflict, the main Gospel Hall at Wicks O'Baigle Road, has been open for use since 2009 with no actionable complaints having been submitted to the Council in relation to visitor activities at the site e.g. traffic generation, noises or other amenity issues.
- 6.12 This planning application seeks consent for the erection of a church hall building only. The nearest noise sensitive dwelling is approximately 30m west of the proposed building and separated from the application site by an existing domestic garage and a 6m open space buffer strip on the boundary. There is no other operational noise anticipated from the proposed hall.

### **RESIDENTIAL AMENITY**

- 6.13 The proposal has appropriate siting, orientation and design of the building to ensure that unnecessary overlooking, loss of privacy or loss of sunlight/daylight does not occur. The choice of building at a single storey, and oriented for windows to face south (rather than west towards existing residential property) is one factor. The other is the retention of a large area of the designated open space to the east of the building and outside the planning application boundary. The existing boundary wall and structure planted trees on the north and east of the open space to be retained will be left undeveloped and as it will be kept in the applicants ownership it will be maintained and preserve and enhance the character of the village on its eastern entrance.
- 6.14 The proposal to provide generous car parking over and above the required Scots Road Development Guidance, will ensure there be no off-site car parking on nearby residential streets. All visitors will be accommodated within the site.
- 6.15 As previously explained, the low frequency of use of the building itself, the limited hours of use for worship and the short period of visitations to the building for worship will have very limited amenity impact on neighbouring residential amenity.

### **VISUAL AMENITY**

- 6.16 The detailed appearance of the building is shown in the submitted drawings. In landscape terms, the building would sit on a middle part of the site, set back from the higher position nearer to the A90 trunk road. It will be designed to a maximum height over a single storey that would not result in overlooking to neighbouring properties. It would be positioned in line with

the domestic garage adjacent and the position of windows and doors located way from the residential property and instead facing south.

- 6.17 There are no plans to illuminate the building or the car park area.

#### **DRAINAGE**

- 6.1 The drainage design will improve existing drainage and mitigate against the effects of a low use public use hall. The design is in full compliance with Policy EP2.
- 6.2 Proposals for both foul and surface water show that the proposed use, and the design and layout can accommodate mitigation measures that comply with the legislation and best practice.

#### **DEVELOPER CONTRIBUTIONS**

- 6.3 The applicant notes the site lies in the Transport Infrastructure Full Contributions boundary as defined in the Council's Supplementary Guidance on developer contributions. Details are discussed in this statement at paragraph 5.5 to 5.11. The applicants have set out their argument that full exemption (or a relief) on the full amount of contribution due is considered appropriate, given the low impact of use of the proposed church hall (generating low traffic movement and impact), and the relatively small scale of build itself. The project viability may be significantly impacted by financial contributions which in our view could be more flexibly applied in this case. The applicant is also a charity; therefore we would argue that this status should be accounted for in reasonably calculating developer contributions due.



## 7 CONCLUSIONS

- 7.1 We have demonstrated in this Planning Statement, that the proposed church hall is a compatible use for this predominantly residential area within the Kinfauns village boundary. This is due to its small scale of building and design, along with the proposed operational matters which would limit the use and occupation of the building to a few hours and days per week, with a maximum visitor capacity of 50 persons. The only function of the building will be for religious worship by the applicant organisation.
- 7.2 We have also shown that the land use constraints, and proposed use circumstances in this case are quite unique. Whilst the site including the adjacent land not within the planning application boundary is protected open space, it has been argued that the proposed use for a community church hall will provide local benefit that is arguably of wider and more positive benefit than the informal open space offered presently. The development will use only part of the land designated for open space. The applicant is also landowner of the remaining open space. It is likely that the retained open space will be better managed and maintained to enhance the eastern edge of the village and continue to offer the open space and amenity value that is expected via Policy CF1A.
- 7.3 It is also apparent that other compatible land uses such as residential may not have been viable for this site given the land use and policy constraints. Therefore it is concluded this is an adaptable and efficient use of the land, which meets the Scottish Government's policy on place making and is a use that is supported in terms of the principle within the PKC LDP.
- 7.4 Whilst the proposal is for a limited number of days and hours of operation, the applicants wish to emphasise that it will be for exclusive use by the organisation itself and only for religious worship. Further measures can be discussed and agreed with the Planning Authority if there was a need to control visitors or noises arising to protect residential amenity. However the applicants would point to the very good relationship the existing main church hall located at Wicks O'Baigle Road at Bridge of Earn has with no recorded incidents of disturbance to nearby residential amenity. To further mitigate any risk to residential amenity, the proposals seek to retain the existing tree cover on the east and north boundaries and a 6m minimum open space buffer on the west boundary adjacent to the neighbouring residential property. This will maintain the existing site boundaries which provide visual amenity as well as an element of screening for noise or visual matters.
- 7.5 In terms of accessibility, whilst the proposal is likely to generate some additional low frequency of traffic, this will not be significantly above the current traffic flow and patterns. There is generous car parking provision allowed for (including use of overflow parking space if necessary) to reduce any risk of on-street parking in the residential neighbourhood. This scenario is highly unlikely. The existing road junction to the site on the main road through Walnut Grove is proposed to be designed to the suitable standards. The proposed site also lies near to a frequent public transport route for several services across Perthshire and within the A90 corridor. There are existing footpath and cycle provision on the main road and the route is lit and rests within the 30MPH zone.
- 7.6 In relation to drainage and water, particularly any concerns about surface water runoff, or foul drainage and treatment this has been assessed by the applicant's drainage engineers as



suitable. The applicants have designed a simple approach to foul water treatment for on site treatment to the standard expected by SEPA and PKC Structures and Flood team. Should any concerns from these consultees arise during consultation, then the applicant will undertake to collaborate with these agencies to provide the relevant further or necessary information.

- 7.7 It is a material planning consideration that the proposals are part of an established charitable church organisation which has successfully applied for and operates several church halls in Perthshire, and across the UK network. As discussed in Section 6, developer contribution policy applicable in this case ought to be more reasonably applied whereby a full or partial relief is made on the financial contribution due as a result of the very low impact of this development on the wider regional transport infrastructure.
- 7.8 For these reasons, the review of relevant planning policy demonstrates the proposal is in accordance with relevant national, strategic and local planning policies, which provides support for this planning application.
- 7.9 We would therefore ask Perth and Kinross Council to support this proposed development.



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Hajnalka Biro
<b>Service/Section</b>	TES: Development Plans	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p>The site is located within the settlement boundary of Kinfauns. In residential areas such as this, community facilities, compatible with the amenity and character of the area are generally supported by LDP2 <b>Policy 17</b>. In this case however, the site is specifically designated as open space under <b>Policy 14</b> which presumes against development.</p> <p>While the site is not used for recreational purposes, it is considered to have visual amenity value, defining the settlement edge and providing separation from the dual carriageway. The designation of this site was revisited during the recent LDP Examination where the Council stated: <i>“Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas, creating landscape settings for settlement edges. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns. Removal of this designation whilst retaining it in the settlement boundary would mean that development of this site could take place. The development of this area would create a new more urban entrance off a busy road changing the visual entrance to the settlement. Furthermore, this site is located so close to the A90 that noise pollution could be an issue.”</i> The Reporter agreed with this view and the designation remained in the Plan.</p> <p>The submitted drawings suggest that the proposal would take up almost half of the open space area, with parking being dominant at the entrance to the settlement. Therefore, the exemption under Policy 14 which allows for development that involves a minor part of the site and does not affect its continued use, does not apply.</p> <p>In relation to the suitability of this location for a new community facility, LDP2 <b>Policy 60</b> should also be taken into account. The policy aims to ensure that uses that involve significant travel generation are easily accessible by walking, cycling and public transport to reduce travel demand by car.</p> <p>I understand that the facility would have the capacity to accommodate 50 people which could be considered significant in the context of Kinfauns. The applicant's planning statement suggests that the organisation needs a new</p>		

	<p>facility close to its members to reduce travel demand and refers to the anticipated growth in membership from within the wider Perth Core Area (sections 6.2 &amp; 6.3). Kinfauns is a hamlet with a small population and a relatively infrequent bus service. The accessibility of this site cannot be described as good, other than for those living locally in Kinfauns. The proposed parking provision of 28 spaces (including the overflow car park) also suggests that most visitors would be expected to arrive by car. In light of the above, a more accessible location within the Perth Core Area that supports different modes of transport would be preferable for this facility.</p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	

14 March 2020

To Whom it may concern

Dear Sirs

I have been approached by a group of people known as the 'Exclusive Brethren' wanting to build a small building to use as a church hall for prayer and bible readings.

As this will only be used periodically and no-one is going to live there, I am happy to support this cause and as a Christian myself am in full support of a place to pray.

One only has to look at all the tragic incidents in the world in which we live today and the viruses and diseases that are rife in the world; to know that we are shut up to God for his divine intervention in bringing in healing and mercy for such. This church hall and meeting place is what's needed to provide this outlet for supplication.

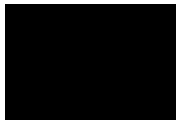
Kinfauns is a close-knit community where everyone would help anyone, and this site lends itself to the desired request. I would however object to any permanent residence, such as a house or a park and ride facility which are not community use.

Please do give this your deepest consideration for these kind and considerate people who are practising Christians.

Best Regards



**Pete Davies**



*(House neighbouring the land)*



Kevin Michel



15/03/20

Local review Body  
Council Chambers  
Forth Floor  
Council Building  
2 High Street  
Perth

Dear Local review Body

Re: Erection of Meeting Hall, Land East of Castle Wynd, Kinfauns Holdings,

I am writing in regard of the above application and would urge you to consider this favorably.

I was sorry that the decision was made to refuse this earlier as it will enhance the area and tidy up the end of the Holdings with a building that is very sympathetic and discreet.

We purchased a property a few doors down from the proposed development in May 2018 and we love the area and quiet surroundings. We were very pleased when the application was put in as it means we can walk to our local church on Sunday mornings and Monday evenings rather than take the car like we do currently.

I have attended these church meetings in Perth since 1994 and they are small, very quiet, inconspicuous occasions lasting no more than an hour twice a week, that cause no disturbance to neighbours even in areas with greater density of housing.

I ask you to view this application positively as it will be an improvement to the road, preserve the nature and feel of the area and above all reduce the number of cars we need to use currently.

Yours faithfully

Kevin Michel





Kirkton of Mailer Road  
Craigend  
Perth PH2

15<sup>th</sup> March 2020

Local Review Body  
Council Chambers  
Fourth Floor  
Perth & Kinross Council  
Council Building  
2 High Street  
Perth

Dear Sirs

Planning Application Kinfauns Holdings, West Kinfauns Planning reference 19/01734/FLL

As a member of the Plymouth Brethren Christian Church and living in the Perth catchment area, I would like to confirm that there is a need for a small meeting hall in the Kinfauns area. Presently due to the sale of our original Perth Hall in Goodlyburn Terrace, now being developed for affordable housing, we have an urgent need as several families are having to gather for our arranged meetings in cramped circumstances in their own homes for services which clearly is not sustainable.

The proposed small hall is in keeping with the surrounding area and buildings and due to its low regular usage, at most 3 times weekly, with several of the church goers already living in Kinfauns and keen to walk to their services, traffic movement would be minimal. Reports of our Christian group amplifying music and loud singing by the media shortly after the refusal in December has to be refuted as the religious meetings for prayer and worship do no such thing.

In contrast to and in context with the recently approved 39 houses in the Walnut Grove area and the proposed Park and Ride, the proposal to use this small section of land at the end of this estate in my opinion is excellent use of a field which is not currently being put to good use, despite it being designated open space. We promise to enhance the area and promise to deliver a zero-noise use of environment with a generous layout of foliage and vegetation.

I trust the Review Body can view this application favourably in the light of our support and of the residents in Kinfauns itself.

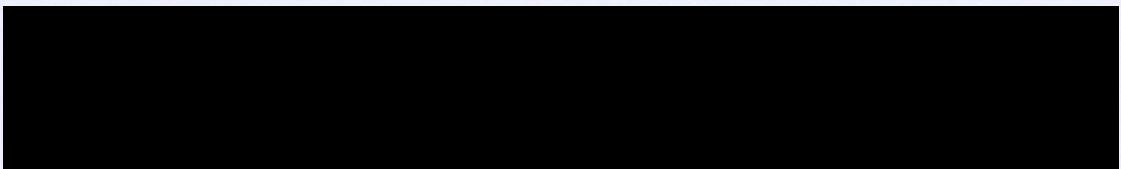
Yours sincerely

Jeremy Burgess – Trustee of Perth Gospel Trust

[Redacted signature block]

■





15 March 2020

Local Review Body  
Council Chambers  
Fourth Floor  
Council Building  
2 High Street  
PERTH

Dear Sirs

**Perth Gospel Trust**  
**Planning Application Ref. No. 19/01734/FLL**

As the neighbour to the Plymouth Brethren gospel hall in Perth for the past 17 years, I have been asked to comment on its impact on the neighbourhood, to assist you in your consideration of the above planning application.. This I am pleased to do.


The Brethren hold meetings early every Sunday morning which last about one hour and occasional meetings on weekday evenings which also last up to one hour.

The hall has its own parking area so there is no disturbance to the local street. Those attending meetings are invariably considerate – there is no slamming of car doors, no loud voices (even when children are present), no music to be heard and certainly no objectionable behaviour of any kind.

The hall and its environs are well maintained.

If required, I shall be happy to amplify any of the foregoing.

Yours faithfully



J K Hutchison





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100190819-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

ERECTION OF A PLACE OF WORSHIP (CLASS 10), WITH ASSOCIATED CAR PARKING

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent



## Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *	07514278498	Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *	neil@grayplanning.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Vermont
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Kirkton of Mailer Road
Company/Organisation	Perth Gospel Trust	Address 2:	Craigend
Telephone Number: *		Town/City: *	Perth
Extension Number:		Country: *	UK
Mobile Number:	07514278498	Postcode: *	PH2 0SS
Fax Number:			
Email Address: *	neil@grayplanning.co.uk		

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

LAND 30M EAST OF '18 CASTLE WYND', WALNUT GROVE, KINFAUNS, PH2 7JY

Northing

722372

Easting

314525

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

, the Pre-application response advised that the proposal lies in an area of open space (Existing Adopted LDP Policy CF1A would apply) and there may be a need to consider the proximity of the site to the Trunk Road, in terms of the proposed use and traffic generation levels. The advice also outlined that landscaping and visual impact may be key considerations along with impact on local amenity in terms of noise, traffic, light pollution

Title:

Ms

Other title:

First Name:

Persephone

Last Name:

Beer

Correspondence Reference  
Number:

17/00721/PREAPP

Date (dd/mm/yyyy):

27/11/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

2600.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant grassland / open space

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒

Yes

☐

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

29

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

☐

New/Altered septic tank.

☒

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).



Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Stage 1 bio disc infiltration system

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☐ No ☒ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☐ Yes ☒ No

If Yes or No, please provide further details: \* (Max 500 characters)

Church organisation will likely make its own arrangement for collection of very low levels of waste

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☒ Yes ☐ No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 10 Non-residential Institutions

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

141

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Neil Gray

On behalf of: Perth Gospel Trust

Date: 17/10/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Neil Gray

Declaration Date: 17/10/2019

## Payment Details

Pay Direct

Created: 17/10/2019 20:19

# PERTH GOSPEL TRUST

## Planning Statement

**ERECTION OF A PLACE OF WORSHIP (CLASS 10)  
WITH ASSOCIATED CAR PARKING**

**AT LAND 30M EAST OF '18 CASTLE WYND'  
THE HOLDINGS, WALNUT GROVE,  
KINFAUNS  
PH2 7JY**

**October 2019**  
**Our Ref: 2019\_28**

**W:** [www.grayplanning.co.uk](http://www.grayplanning.co.uk)

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## 1 INTRODUCTION

### PLANNING STATEMENT PURPOSE

- 1.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicant Perth Gospel Trust. A detailed planning application has been submitted to Perth & Kinross Council for:

*“Erection of a place of worship (Class 10), with associated car parking at land 20m east of 18 Castle Wynd, Walnut Grove, Kinfauns PH2 7JY”*

- 1.2 The purpose of this Statement is to provide a clear description of the proposal being submitted for the approval of Perth & Kinross Council (PKC); to set out the facts relating to location; content of the proposals; planning history; record of pre-application discussions with the Council’s planning service, and provide an assessment of the relevant development plan policies that are considered pertinent to the determination of the planning application; and any other material considerations relevant to the application.

### CONTEXT FOR THIS PROPOSAL

- 1.3 The applicant is Perth Gospel Trust (affiliated with the Plymouth Brethren Christian Church (PBCC)). PBCC is a mainstream Christian Church that has more than 300 autonomous assemblies in 18 countries around the world and whose members extensively engage with the wider community on a daily basis. There is a strong and generous charitable spirit among Brethren, and this provides a constant source of help for those in need. This benevolence is all embracing and includes financial, social, pastoral, family and health assistance, and may involve guidance, training and ongoing support. Brethren also support many outside charities, and have generously contributed to worthy causes. The church community refers to themselves as the “Brethren” because they are a close tight-knit community of families held together by their shared Christian belief founded on the Holy Bible. That said, just like everyone else, they live alongside people of their faith, other faiths and no faith.
- 1.4 Brethren gather daily in Gospel Halls to pray together and read from the Holy Bible. They also congregate every Sunday in their Gospel Halls to celebrate the Lord’s Supper and to preach the Gospel. The men and women of the PBCC have shared values of community participation, ownership and decision-making. They actively practice Christianity through service to their family, their Church, and to their local and global communities. Their mutual Christian fellowship is an integral part of their way of life. Further details about the way of life of this community can be found here: <https://togetherwearebrethren.com.au/>.
- 1.5 The Perth Gospel Trust (part of the PBCC) owns an existing hall of worship at Wicks O’ Baiglie Road, Bridge of Earn, granted planning permission in 2007 (ref 07/00933/FUL), and constructed in 2009. It has capacity for up to 800 visitors for gatherings. The Trust has purchased the subject land to enable it to offer smaller-scale, smaller group gatherings on an ‘as required’ basis, for worship and as complementary to the main Gospel Hall at Wicks O’Baiglie Road - for a capacity of up to 50 visitors. It is not intended to make the proposed worship hall a regular meeting place, the frequency of use and nature of operations will be limited. Details are set out later in this Statement.

- 1.6 The applicants have secured the necessary funding for the project. This funding will allow them to develop a site that provides huge potential for the assistance to its community.
- 1.7 In line with the Development Management Regulations (Scotland) 2013, should the planning authority consider that it requires further information about the applicants and their way of life, to enable it to properly assess the submitted proposals, then the applicant will make reasonable effort to provide the additional information, if requested (under Regulation 10).



## 2 LAND BOUNDARY AND EXISTING SITE DESCRIPTION

- 2.1 The site is located at the eastern entrance into Walnut Grove, lying west of Kinfauns. It lies about 30m east of a residential property (No. 18 Castle Wynd) which is one of a linear group of dwellings positioned along the main road through the village called The Holdings. The site's northern boundary is defined by a bank of structure planting, which forms the boundary to the A90 Dundee to Perth trunk road. The site's eastern boundary is open field with an existing tree lined boundary planting. The existing boundary to the west, to No. 18 Castle Wynd, is defined by a post and wire fence with a low level stone wall. The existing boundary to the south of the site is a low level stone wall.
- 2.2 The proposal site is within the ownership of Perth Gospel Trust. The surrounding land is also in the ownership of the applicant (blue line boundary). Prior to making this application there have been detailed discussions with the owner of the residential property adjacent, at No. 18 Castle Wynd.
- 2.3 The site measures 2600 sq m (or 0.26 Ha) and is vacant grass land. It slopes down gently from north to south over a range of 8.5m to 6.0m above sea level respectively. There are no existing buildings on the site. There are no trees on the site. The main road through the village fronts the site. An existing field access gate to the site will be the proposed access entry to the proposed development. The existing speed limit at this location is 30MPH, there is a demarked footpath and cycle lane at this point and the highway is lit.
- 2.4 The nearest residential property is 'Castle Wynd lying about 30m west of the site. The owner and occupier of this property has been consulted prior to making this planning application. The nearest building to the proposed church hall building is a domestic garage. This is predominately a residential location.
- 2.5 An indicative Site Location is illustrated in Figure 1 below. Submitted Location Plan Drawing Ref PL-28 shows the information in greater detail.

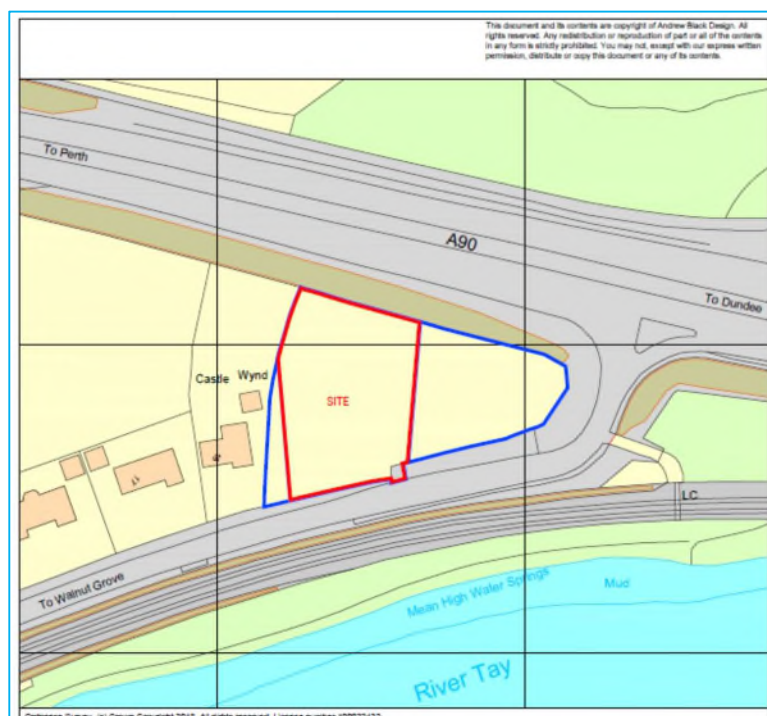


Figure 1 – Site Location  
Ordnance Survey data  
© Crown copyright 2019

## **PLANNING HISTORY**

- 2.6 A search of PKC's planning database indicates there had been one previous development proposal for this land. A proposal for erection of a dwellinghouse (in principle) (Planning reference 13/01474/IPL) was withdrawn in 2015. However, the planning application was consulted on during the statutory consultation period. We note PKC Roads and Environmental Health did not object to that proposal. We also note Scottish Water advised there to be no public sewers in the location.

## **PRE-APPLICATION CONSULTATION**

- 2.7 On 27<sup>th</sup> November 2017, a formal Pre-application enquiry response was issued by Perth and Kinross Council (ref 17/00721/PREAPP). The proposal was for an identical scheme to the current proposal. At that time, the Pre-application response advised that the proposal lies in an area of open space (Existing Adopted LDP Policy CF1A would apply) and there may be a need to consider the proximity of the site to the Trunk Road, in terms of the proposed use and traffic generation levels. The advice also outlined that landscaping and visual impact may be key considerations along with impact on local amenity in terms of noise, traffic, light pollution.

### 3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal is to erect a simple structured meeting hall comprising 141.5 sq m of new floorspace, for the purpose of religious worship (Class 10 of the Town and Country (Use Classes) (Scotland) Order 1992), which will comprise:
- Meeting space (for congregation) of 100 sq m to be set out with chairs within a hall
  - Toilet / WC facilities (male, female and accessible) of 13.5 sq m
  - Kitchen 2 sq m and store 3.3 sq m
  - Foyer and entrance vestibule / cloak store of 22.7 sq m.
  - External car parking provision allowed for 16 formally provided spaces plus 2 accessible spaces with a further 11 informal car parking spaces provided as overflow
  - Install a bio-disc infiltration bed (drainage treatment)
  - Lay a 3m wide access track, with formal car parking formed over asphalt with disabled bays on permeable paving. The asphalt surface to be shrub planted to either side of access road.
  - At the entrance from the public highway form a timber fence of 0.8-1.2m set back to the access point and install new timber gate.
- 3.2 The proposed meeting hall would be single storey, 3m high to the eaves, and 5.5m high to the ridge height. It would be constructed of a timber framework, clad with Scottish Larch board on board arrangement, Kingspan trapezoidal roof panels in woodland grey, timber framed triple glazed windows, gutters and downpipes in dark grey.
- 3.3 The new single storey building would be located and positioned to the middle of the site to be in line with the pattern of existing dwellings and their outbuildings in the Holdings. This position would also reduce visibility from the A90 trunk road. The building itself would be more than 6m separate from the existing domestic garage belonging to No. 18 Holdings and further distant from the residential property itself.
- 3.4 The building would be sited on the 6.5m contour above sea level with the ground rising to the north, this position will also mitigate visibility from the A90 trunk road and the building will be seen as sitting in line with the pattern of existing buildings within the Holdings group of buildings.
- 3.5 The proposed 16 space plus 2 accessible car park would be sited in front of the church building fronting the main road through the village. The proposed overflow car parking provision of 11 spaces sited further north behind the church hall, would be designed in geocell and specified to reduce rutting. This would be sited on the 7.0m ground level, allowing a 1m height differential from the northern site boundary, again mitigating potential visibility from the A90 trunk road.
- 3.6 Previous advice from Scottish Water stated there to be no public sewerage system in the location. The proposal for toilets is to operate a septic tank and soakaway system. The proposal for foul surface water treatment is a single stage bio-disk filter system located near to the proposed car parking area.
- 3.7 There are no trees existing on the site. The existing tree boundary to the east and north of the will be retained, providing adequate screening of the new building from the trunk road. The

proposal for the west boundary adjacent to the domestic property neighbouring is to simply replace the existing post and wire fence boundary. The neighbour had been consulted about the proposed use, type of building and operation of the church hall. There is satisfaction with the proposals in terms of no plan to provide additional new planting on this boundary as the amenity impacts are likely to be negligible. To mitigate further, it has been agreed that the applicant's land ownership is to be pared back about 6m from the neighboring boundary and falling outside the planning application boundary. That land has been transferred to the neighbour to form an open space buffer between the existing residential and the proposed church hall.

3.8 The applicant has submitted several drawings, prepared by Andrew Black Design, to show the proposed development arrangements. These being as follows:

- Site Location Plan (Drawing Ref 735 - PL-25 Rev A), showing development site in red boundary, and land ownership in blue boundary;
- Proposed Site Plan, (Drawing 735 - PL-200 Rev A) showing general layout and block plan arrangements for the entire site boundary including positioning of the new building, car park arrangements, floor levels, on site water treatment and access arrangements;
- Proposed Floor Plan and Elevations of proposed hall building (Drawing 735 - PL-300 Rev A and 735 - PL-500 Rev A North and South Elevations and 735\_PL\_501 Rev A East and West Elevations).

## PROPOSED HALL BUILDING USE PROPOSALS

3.9 The proposed hall building will be used to host church worship meetings by the applicants' members. In terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 this is Class 10 (Non-Residential Institution), specifically defined in the accompanying Schedule to the Order as *"for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body."*

3.10 The hall will have a capacity for up to 50 visitors. It is not likely this maximum will be reached on every worship occasion – dependent on attendance and time of year. The hall will be used for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading. The Sunday meeting is known as Holy Communion which is also conducted in all the applicant's other halls. The organisation has over 300 halls in the UK with unrestricted hours of use, so for this particular proposal, whilst the hours are detailed accurately above, the applicants are seeking no restrictions on times of use.

3.11 The hall is proposed only for religious worship as detailed above. No other social gatherings or any other use is proposed. The proposed hall can therefore be considered secondary to the main religious activities undertaken in existing church halls across the Perth Gospel Trust network locally. It is a material consideration that the applicant owns and runs an existing gospel hall at Wicks O'Baiglie, Bridge of Earn without any compatibility or residential amenity concerns. It is also pending a decision from PKC for an identical church hall proposal to this proposal, for a site at Bridge of Earn. The Trust wish to ensure all outlying communities in the

Perth area are conveniently and adequately catered for in providing halls of worship which can be accessed locally and ideally without need for vehicular use.

### **SITE ACCESS**

- 3.12 It is proposed to upgrade the entrance to the site from the existing main road through Walnut Grove. This will include installation of a new timber fence gate and sight line widening of the existing access. This will require part-removal of the existing 1m boundary stone wall to form the access point. The tree belt fronting the boundary on the east and north will be unaltered.
- 3.13 The access track will be formed to 3m wide, finished in asphalt for the car park surface area.
- 3.14 As previously stated, the highway at this access point is within the 30 MPH limit, and is lit. There is also an existing grassy verge, and alongside that an existing demarked pedestrian and cycle path.

### **SITE DRAINAGE STRATEGY**

- 3.15 The site lies above the flood risk area. The levels range from 6.0m to 8.5m. The proposed church hall positioned at 6.5m. Therefore the urban drainage strategy for this proposal is to provide a permeable surface for the overflow car park, and disabled bays. A single stage bio-filter disc system will be installed to treat the foul surface water.

## 4 DEVELOPMENT PLANNING POLICY

### DEVELOPMENT PLAN

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning etc. (Scotland) Act 2006, requires the determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Proposals must first demonstrate compliance with adopted planning policy. Where proposals do not comply, the planning system gives a further opportunity to demonstrate reasons which justify the proposed development. These material considerations to the case are set out later in Section 5.
- 4.2 The current Development Plan comprises TAYplan (approved 2017) and the Perth and Kinross Local Development Plan (adopted 2014).

### TAYPLAN 2017

- 4.3 TayPlan was approved by Scottish Ministers in 2017. TayPlan Policy 2 Shaping Better Quality Places is relevant. It states proposals such as this, under the Place Led Approach need to “Work with the Grain of the Place” to make it successful and sustainable. The size, shape and form of the proposed church hall development is low key, in terms of the relative scale of the building to the scale of its setting - the location set back from the trunk road, and situated in a site which is already screened by mature tree planting on the two boundary sides.
- 4.4 The proposal is however of limited strategic scale, but by its scale, form and setting fits with the Grain of the Place in line with Tayplan Policy 2. This hall is a proposed community use for worship within a predominately residential area, which also fits the ‘grain of the place’ context as part of an appropriate and compatible use in this context. As previously explained, the Perth Gospel Trust is aiming to provide local places of worship for its members via a network of halls. As the Perth area is strategically planned to grow significantly, (albeit Kinfauns is not in the Perth Core Area as defined in TAYplan), there is a future need to plan for the organisation and provision of suitable and convenient community facility such as the proposed church hall.

### PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014 (LDP)

- 4.5 The application site is identified as lying within the Kinfauns settlement boundary where Policy RD1 applies. **Policy RD1** requires all new proposals to consider compatible uses where existing residential amenity can be protected. Policy RD1 states “*encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area*”, this includes applicable criteria b) and e) as follows:
- (c) Proposals which will improve the character and environment of the area or village.
- (e) Proposals for improvements to community and educational facilities.
- 4.6 The area is predominantly residential in nature. In Section 6 (planning assessment) we will explain how the proposed use of the site is compatible with the neighbouring residential land

uses. We confirm that existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained as they are of recreational or amenity value. This is illustrated by the proposed site layout which indicates no removal of trees, limited changes of surface from grass to a hard surface and using only the required space for car parking and the building itself. The site drainage strategy has also influenced the design, as well as determined the retention of significant areas of open space.

- 4.7 The proposal also lies in a specific protected open space as defined in **Policy CF1A**: Existing areas of open space. The LDP identifies this as ‘Sports Pitches, Parks and Open Space’. It states these are areas of land which “*have value to the community for either recreational or amenity purposes*”. The Policy goes on to state “*Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:*”

*(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

*(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.*

*(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*

*(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

- 4.8 The applicants will argue in Section 6, the proposed development is for a limited proportion of the protected open space and only the land required to provide a community facility (church hall) will be developed, with the remaining kept as open space. However the retained open space will be maintained by the landowner (the applicants) thus improving the open space general appearance and attractiveness. It will be argued the existing open space is not a principally used recreation resource (it appears to be maintained as scrub grassland). The proposal for a church hall will involve minor or proportionally small part of the open space site which would not affect its continued use as open space. By virtue of the proposal for a community facility in the shape of church hall, then the benefit of the hall to the community is arguably of comparable, if not greater benefit in a location that is convenient for its future users (villagers and other nearby residents accessing a place of worship).

- 4.9 In addition to the above, the following LDP policies are considered relevant: **PM1A**, **PM1B** (placemaking) in terms of design and layout, **PM3** (infrastructure contributions), **ER 6** (Managing Future landscape change), **TA1B** (Transport Standards and Accessibility Requirements), **EP3B** and **EP3C** (Water Environment and Drainage), **EP8** (Noise Pollution), outlined below briefly.



**Policy PM1A - Placemaking**

*Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.*

*The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.*

**Policy PM1B - Placemaking**

*All proposals should meet all the following placemaking criteria:*

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.*

**Policy PM3 – Infrastructure Contributions**

*Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments, the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:*

- (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or*
- (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.*

*Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required.*



*In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.*

#### **Policy PM4 Settlement Boundaries**

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

#### **Policy TA1B – Transport Standards and Accessibility Requirements**

*All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.*

*Development proposals should:*

- (a) be designed for the safety and convenience of all potential users;*
- (b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services including railway and level crossings, road improvements and new roads;*
- (c) incorporate appropriate levels of parking provision to the maximum parking standards laid out in SPP;*
- (d) fit with the strategic aims and objectives of the Regional Transport Strategy;*
- (e) apply maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport..*

*Development proposals should apply maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.*

*Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied.*

#### **Policy EP3B and EP3C (Water Environment and Drainage)**

##### ***Foul Drainage***

*Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. In settlements where there is little or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. For a private system to be acceptable it must comply with the Scottish Building Standards Agency Technical Handbooks*

### *Surface Water Drainage*

*All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) Measures.*

### **Policy EP8 Noise Pollution**

*There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.*

*In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur.*

## 5 MATERIAL CONSIDERATIONS

5.1 In addition to Development Plan policy, the following are material, adding weight to the applicant's case, that the proposals should be supported:

- Scottish Planning Policy (SPP)
- Emerging replacement PKC Local Development Plan 2 (Completed Examination in Public stage, i.e. Reporter recommendations issued to PKC pending adoption of the new LDP)
- Supplementary Planning guidance on Developer Contributions
- Applicant's business case in support of the proposal as part of the Gospel Trust's way of life
- Project funding availability.

5.2 Each of these matters is discussed below.

### SCOTTISH PLANNING POLICY (SPP) (2014)

5.3 The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. Of particular relevance to this proposal is:

- Paragraph 28/29: Sustainable economic growth: which aims to achieve development that is in balance, and that is in the right place. This can be achieved, in the Government's view by giving due weight to net economic benefit; or responding to economic issues, challenges and opportunities, as outlined in local economic strategies; or by supporting good design and the six qualities of successful places; by making efficient use of existing capacities of land, buildings and infrastructure and by supporting delivery of accessible leisure development. These are to be in balance with protection of natural environment and other planning policies in the LDP.
- In terms of the Scottish Government's aims to deliver a successful, sustainable place, by 'placemaking', Paras 44 and 45 are relevant. These encourage developers and planning authorities to consider their proposals in terms of compatible and accommodating uses (para 44) which are adaptable. This is particularly true of these proposals which take into account how people use places differently, for example depending on age, gender and degree of personal mobility. Perth Gospel Trust require such a hall to enable its organisation to adapt to how places are used differently, in this case within the religious context. In terms of land use efficiency, Para 45 encourages proposals that are "*ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes*" and also "*using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding*" – the applicants have identified this site as fulfilling its purpose for worship, but also it's an adaptable and resource efficient use of land that may otherwise be of little or no benefit to the wider community because of its drainage constraints which have been demonstrated to be capable of mitigating by design and fit perfectly for the secondary irregular use proposed by the applicant organisation.

## **PKC LOCAL DEVELOPMENT PLAN 2 PROPOSED PLAN 2017**

- 5.4 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. Increasing weight can be given to its content as it has been subject to an Examination by Scottish Ministers which reported in July 2019. There are no significant policy changes or proposals that differ greatly from the development plan position outlined earlier. However, we note Policy 32 is concerned with Climate Change and approach to a low carbon place. The applicants will undertake, subject to planning permission, to aim for the Building Standards Bronze level for compliance with low carbon technology and building standards as a minimum. If the planning authority require more information about how it proposes to do so, then further information can be provided during determination of the application.

## **SUPPLEMENTARY PLANNING GUIDANCE DEVELOPER CONTRIBUTIONS**

- 5.5 The site is within the Transport Infrastructure Full Contributions boundary (per para 6.5 of the Guidance Affordable Housing and Developer Contributions).
- 5.6 In line with Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements we note the Council may use agreements under Section 75 of the Town & Country Planning (Scotland) Act 1997 to mitigate the impact of new development on infrastructure.
- 5.7 The applicants wish to put forward the case that either full or partial exemption should be made in the provision of a developer contribution.
- 5.8 The project itself is of very low impact (both in land use and environmental terms - as it is a community hall only proposed for use on selected days: The hall will be used for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading.
- 5.9 Whilst the applicant is seeking "no restriction on times of use" the clarification for this expression is that outside of the proposed days and times of use detailed, it would only be in the event of a one-off occasion (for specific day/observance of worship or for example a fund raising event e.g. coffee morning) then the applicant would have been looking for no restriction on time of use to give them that flexibility.
- 5.10 In this case, the Council is seeking to collect developer contribution for transport infrastructure as if the proposal would generate impact on the road network. However the applicant is a charitable trust, combined with the applicants request that the operations of the hall are restricted to those detailed in this Planning Statement at Para 3.9 – 3.11. Sunday mornings 0530-0630, a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 – then it is respectfully requested that the proposal is exempted from the application of developer contribution policy.
- 5.11 We believe this position can be negotiated as Para 6.8 of the Supplementary Guidance is relevant, as is Para 6.11. This is a proposal which supports Council objectives found in the Spatial Strategy of the emerging LDP2, such as meeting the needs of the community (e.g. for religious worship - the Gospel Trust organisation is one of the fastest growing and in PKC is

one of the busiest, with this site specifically chosen to provide walk-in benefits to local residents) and it offers new social interaction space, and adds to local identity and a strong cultural character - which amongst others, form the key objectives of the LDP Spatial Strategy in the emerging LDP2. It is also a proposal that is non-residential, it does not have a large gross internal area and does not have a large impact on the road network (as is evident in the applicants desire to encourage walk-in worship in the main, and only proposes the 16 space plus additional 11 overflow car parking spaces per SCOTS road development guidance – not because that is the anticipated vehicular/car borne activity anticipated).

#### **APPLICANT'S BUSINESS CASE FOR THE CHURCH HALL**

- 5.12 As was detailed in the applicant's case within paragraphs 1.3 - 1.6, the proposed church hall is intended only for use and benefit of members of the Perth Gospel Trust only, which is part of the Brethren Christian Church (PBCC), - a mainstream Christian Church that has more than 300 autonomous assemblies in 18 countries around the world.
- 5.13 The applicants want to develop the vacant land for a place of worship that would be secondary in status to the main church existing at Wicks O'Baigle Road but be part of a local network of halls for local use. The church hall would be used irregularly in terms of days for worship, and would only host religious meetings and no other social or other event or activity.
- 5.14 Prior to the applicants purchasing the land, it had been assessed for a variety of possible land uses. However, none fitted as well as the proposed church hall use given the constraints of the site in terms of location for compatibility and amenity to surrounding predominately residential uses. As has already been explained, the church hall use is for limited times of the day and days of the week and provides for a maximum of 50 visitors for religious worship only.
- 5.15 The applicants believe the best and only location for the hall is at the proposed location within the site owing to the known ground level constraints and visibility risk from the trunk road. However, the benefit to the existing community in providing a hall for worship will be positive and any perceived loss of open space that would diminish recreation opportunity is mitigated. Therefore, the proposal is considered to be a sustainable use of the land and will provide a valuable resource to the church community and still retain a large proportion of the protected open space for amenity and other local benefit.

#### **PROJECT FUNDING AVAILABILITY**

- 5.16 The applicants have funding available for the project. Draw down of funding is dependent on securing planning permission.

## 6 PLANNING ASSESSMENT

### PRINCIPLE OF DEVELOPMENT

- 6.1 The proposed development lies within the Kinfauns settlement, where building projects are supported by Policy PM4, subject to compliance with Policy RD1. This support is given providing the proposal has no detrimental impact on residential amenity and is seen to be compatible with the surroundings in line with Policy RD1. The proposal is located in a predominately residential area. It is positioned on a site that has been carefully assessed against known land use constraints. It is considered to be a compatible use owing to its proposed function as a church hall and owing to its limited or irregular pattern of use for religious worship as outlined in Section 3 and paragraphs 1.3-1.6 and 5.7 to 5.10. It is also a small scale development in terms of its expected visitor capacity of 50 people, and the size of building over one storey reflects that also. The building would be oriented to bring visitors into the site and park vehicles away from the nearest residential properties. It is intended to retain the existing site features and its character to avoid reduction in visual and residential amenity to existing residents.
- 6.2 The nature of the use, for religious worship will not generate significant noise that could disturb residential amenity. The very limited days and times of use are not likely to cause disruption to the residential character of the area, nor will it affect existing traffic levels on nearby streets given the provision for parking and the likelihood of movements to and from the hall to be not prolonged.
- 6.1 The proposal lies in a specific protected open space as defined in **Policy CF1A**: Existing areas of open space. The applicants consider the proposed church hall will occupy a proportion of the designated open space, with a significant part (outwith the planning application boundary) retained for open space and amenity function. This retained part will not be affected and can therefore continue as a recreational or amenity resource. The applicants are landowners of this retained space and will undertake to improve and enhance the amenity by maintenance of the wood and grassed areas. There will be a proportionately small loss of the open space for a community facility. The church hall is considered of greater benefit as a community resource given it is intended to provide a place of worship to local residents and the community around ideally and conveniently accessible on foot. The replacement is therefore a positive benefit. It will result in the upgrade of the landscape and its amenity. It will add more place quality to the settlement in an area that permits building within the village boundary.
- 6.2 The benefit of the development to improving the character and environment of the village is also considered relevant. As outlined earlier, the applicants purchased the site following careful due diligence and found that the proposed use would fit well with their organizational needs (i.e. need for a small hall in a catchment area close to its members to reduce travel demand and to enable more inclusivity for worship). Other potential land uses were discounted owing to their limited compatibility. This included the known Policy constraint about loss of protected open space. The applicants argue that the loss is a portion of the designated open space, and is to be used for a community use which will bring new benefits to the village and surrounding community. The function of the existing open space is not for formal or organized recreation, and the proposal to retain a significant part of the designated open space under the applicant's control for maintained amenity space will enhance the place.

Therefore the low frequency of use, the limited number of visitors anticipated and the use of some of the open space being solely for religious worship would generate a low to very limited amenity impact on the nearby residential neighbourhood. Therefore the proposal would be compatible in terms of its siting and location relative to LDP Policy RD1 and it would not result in loss of open space in terms of Policy CF1A.

- 6.3 Kinfauns lies near to the larger Perth Core Area in the LDP Spatial Strategy, where long term significant growth is planned and anticipated. The applicants anticipate growth in membership from within the wider Perth Core Area – and note its membership includes areas around Kinfauns and east of the City. They therefore believe the location is suitably placed to serve church members locally – who can access conveniently on foot or cycle and avoid travel from other areas within the Perth Core Area. Its strategic location and high accessibility via the A90 is relevant in this context.

## **DESIGN AND PLACEMAKING**

- 6.4 The proposed scheme has been designed to accord with Policy PM1A /PM1B. Originally, at pre-application stage, the applicants were proposing to erect a steel portal steel clad building. The applicants have however significantly improved the design, by the use of more sensitive materials such as wood finish, and choice of colours to soften any criticism of ‘industrial’ appearance.
- 6.5 In addition to the building, the design of the car park, the foul drainage infrastructure and the general layout of the site have all been influenced by the known land use constraints relating to drainage and how the design can accommodate and improve on the existing land conditions and make the scheme more sensitive to its surroundings. The retention of more open space existing to the east of the site will act as a permanent boundary and as it is in the same ownership as the applicants there is an opportunity that the retained open space area will continue to be protected and further enhanced.

## **TRANSPORT / ACCESSIBILITY / PARKING**

- 6.6 Regarding the transport impact of the proposed use and that it could increase traffic in the area. Given the stated low visitor number (capacity 50 persons), and the details of movement anticipated (see para 3.10), then it is anticipated that members would visit by car with limited trips into and out of the site per the proposed times of worship (Sundays 0530-0630, Mondays (1830-1915) and less frequently Fridays (at 1830-1915). This would not generate a high volume of traffic.
- 6.7 The proposed car parking area of 16no. spaces plus 2 disabled accessible, (with a further 11no. overflow parking spaces), is favourably generous compared to the national roads development guidelines (SCOTS) of 1 space per 10 seats for Class 10 places of worship (making the guidance require a total space provision of 5 spaces).
- 6.8 The use of the hall would be restricted to the church membership. The geometric requirements of the junction with the public road and access to the proposed hall has been set out in a detailed design submitted with this planning application and is subject to road construction consent approval.



- 6.9 We consider the proposal would not be significantly detrimental to highway safety and accords with polices.

### **NOISE**

- 6.10 Whilst the proposal is for a church hall to serve the church membership, the proposals do not anticipate a significant number of visitors at the site (up to 50 persons). However one of the worship times (Sundays 0530-0630) would be considered to potentially cause disturbance to neighbours owing to arrival and departure during early hours of a Sunday morning.
- 6.11 For comparison, and to support the above potential conflict, the main Gospel Hall at Wicks O'Baiglie Road, has been open for use since 2009 with no actionable complaints having been submitted to the Council in relation to visitor activities at the site e.g. traffic generation, noises or other amenity issues.
- 6.12 This planning application seeks consent for the erection of a church hall building only. The nearest noise sensitive dwelling is approximately 30m west of the proposed building and separated from the application site by an existing domestic garage and a 6m open space buffer strip on the boundary. There is no other operational noise anticipated from the proposed hall.

### **RESIDENTIAL AMENITY**

- 6.13 The proposal has appropriate siting, orientation and design of the building to ensure that unnecessary overlooking, loss of privacy or loss of sunlight/daylight does not occur. The choice of building at a single storey, and oriented for windows to face south (rather than west towards existing residential property) is one factor. The other is the retention of a large area of the designated open space to the east of the building and outside the planning application boundary. The existing boundary wall and structure planted trees on the north and east of the open space to be retained will be left undeveloped and as it will be kept in the applicants ownership it will be maintained and preserve and enhance the character of the village on its eastern entrance.
- 6.14 The proposal to provide generous car parking over and above the required Scots Road Development Guidance, will ensure there be no off-site car parking on nearby residential streets. All visitors will be accommodated within the site.
- 6.15 As previously explained, the low frequency of use of the building itself, the limited hours of use for worship and the short period of visitations to the building for worship will have very limited amenity impact on neighbouring residential amenity.

### **VISUAL AMENITY**

- 6.16 The detailed appearance of the building is shown in the submitted drawings. In landscape terms, the building would sit on a middle part of the site, set back from the higher position nearer to the A90 trunk road. It will be designed to a maximum height over a single storey that would not result in overlooking to neighbouring properties. It would be positioned in line with



the domestic garage adjacent and the position of windows and doors located way from the residential property and instead facing south.

- 6.17 There are no plans to illuminate the building or the car park area.

#### **DRAINAGE**

- 6.1 The drainage design will improve existing drainage and mitigate against the effects of a low use public use hall. The design is in full compliance with Policy EP2.
- 6.2 Proposals for both foul and surface water show that the proposed use, and the design and layout can accommodate mitigation measures that comply with the legislation and best practice.

#### **DEVELOPER CONTRIBUTIONS**

- 6.3 The applicant notes the site lies in the Transport Infrastructure Full Contributions boundary as defined in the Council's Supplementary Guidance on developer contributions. Details are discussed in this statement at paragraph 5.5 to 5.11. The applicants have set out their argument that full exemption (or a relief) on the full amount of contribution due is considered appropriate, given the low impact of use of the proposed church hall (generating low traffic movement and impact), and the relatively small scale of build itself. The project viability may be significantly impacted by financial contributions which in our view could be more flexibly applied in this case. The applicant is also a charity; therefore we would argue that this status should be accounted for in reasonably calculating developer contributions due.

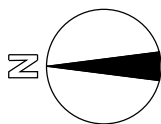
## 7 CONCLUSIONS

- 7.1 We have demonstrated in this Planning Statement, that the proposed church hall is a compatible use for this predominantly residential area within the Kinfauns village boundary. This is due to its small scale of building and design, along with the proposed operational matters which would limit the use and occupation of the building to a few hours and days per week, with a maximum visitor capacity of 50 persons. The only function of the building will be for religious worship by the applicant organisation.
- 7.2 We have also shown that the land use constraints, and proposed use circumstances in this case are quite unique. Whilst the site including the adjacent land not within the planning application boundary is protected open space, it has been argued that the proposed use for a community church hall will provide local benefit that is arguably of wider and more positive benefit than the informal open space offered presently. The development will use only part of the land designated for open space. The applicant is also landowner of the remaining open space. It is likely that the retained open space will be better managed and maintained to enhance the eastern edge of the village and continue to offer the open space and amenity value that is expected via Policy CF1A.
- 7.3 It is also apparent that other compatible land uses such as residential may not have been viable for this site given the land use and policy constraints. Therefore it is concluded this is an adaptable and efficient use of the land, which meets the Scottish Government's policy on place making and is a use that is supported in terms of the principle within the PKC LDP.
- 7.4 Whilst the proposal is for a limited number of days and hours of operation, the applicants wish to emphasise that it will be for exclusive use by the organisation itself and only for religious worship. Further measures can be discussed and agreed with the Planning Authority if there was a need to control visitors or noises arising to protect residential amenity. However the applicants would point to the very good relationship the existing main church hall located at Wicks O'Baigle Road at Bridge of Earn has with no recorded incidents of disturbance to nearby residential amenity. To further mitigate any risk to residential amenity, the proposals seek to retain the existing tree cover on the east and north boundaries and a 6m minimum open space buffer on the west boundary adjacent to the neighbouring residential property. This will maintain the existing site boundaries which provide visual amenity as well as an element of screening for noise or visual matters.
- 7.5 In terms of accessibility, whilst the proposal is likely to generate some additional low frequency of traffic, this will not be significantly above the current traffic flow and patterns. There is generous car parking provision allowed for (including use of overflow parking space if necessary) to reduce any risk of on-street parking in the residential neighbourhood. This scenario is highly unlikely. The existing road junction to the site on the main road through Walnut Grove is proposed to be designed to the suitable standards. The proposed site also lies near to a frequent public transport route for several services across Perthshire and within the A90 corridor. There are existing footpath and cycle provision on the main road and the route is lit and rests within the 30MPH zone.
- 7.6 In relation to drainage and water, particularly any concerns about surface water runoff, or foul drainage and treatment this has been assessed by the applicant's drainage engineers as

suitable. The applicants have designed a simple approach to foul water treatment for on site treatment to the standard expected by SEPA and PKC Structures and Flood team. Should any concerns from these consultees arise during consultation, then the applicant will undertake to collaborate with these agencies to provide the relevant further or necessary information.

- 7.7 It is a material planning consideration that the proposals are part of an established charitable church organisation which has successfully applied for and operates several church halls in Perthshire, and across the UK network. As discussed in Section 6, developer contribution policy applicable in this case ought to be more reasonably applied whereby a full or partial relief is made on the financial contribution due as a result of the very low impact of this development on the wider regional transport infrastructure.
- 7.8 For these reasons, the review of relevant planning policy demonstrates the proposal is in accordance with relevant national, strategic and local planning policies, which provides support for this planning application.
- 7.9 We would therefore ask Perth and Kinross Council to support this proposed development.





**Client:** Perth Gospel Trust

DWG. NO. PL - 201

Project:

**Meeting Hall**  
Walnut Grove, Kinfauns  
Perth, PH2 7JY

Title:

# Proposed Site Plan

1:500 @ A3

Job No: 735

Date: Oct 19

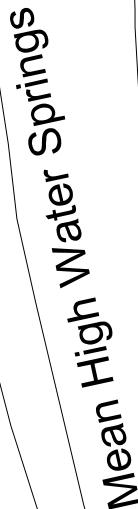
Purpose:	Planning
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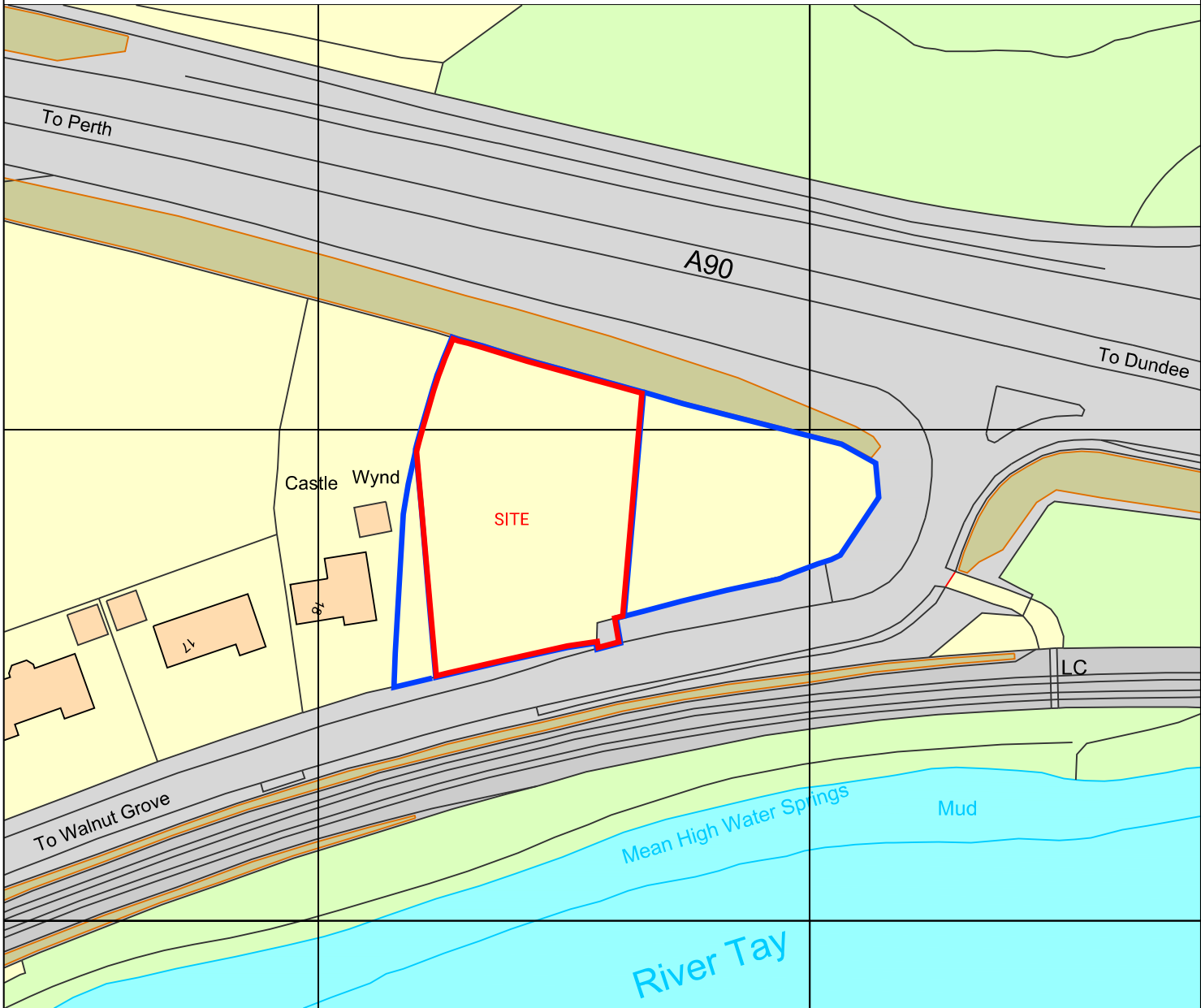
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mail@accredweb.co.uk

1-800-368-2287  
www.1-800-368-2287



# Proposed Site Plan

1:500 @ A3



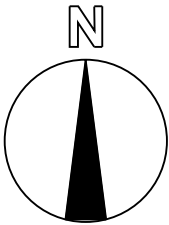
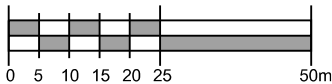
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1

Site Location Plan

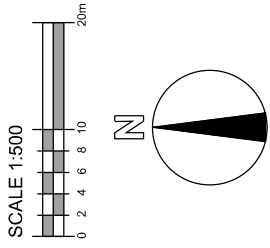
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SCALE 1:1250



<div><div></div><div><div>Andrew Black Design</div><div>Architecture + Interior Design</div></div></div>		<div>Project: <b>Meeting Hall</b></div> <div>Walnut Grove, Kinfauns</div> <div>Perth, PH2 7JY</div>	
<div>Client: Perth Gospel Trust</div>		<div>Job No: 735</div>	
		<div>Date: Oct 19</div>	
		<div>Purpose: Planning</div>	
<div>DWG. NO. PL - 28</div>		<div>27 Tay Street Lane, Dundee, DD1 4EF</div>	
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Client: Perth Gospel Trust

DWG. NO. 29

Project:  
**Meeting Hall**  
Walnut Grove, Kinfauns  
Perth, PH2 7JY

Title:  
**Existing Site Plan**

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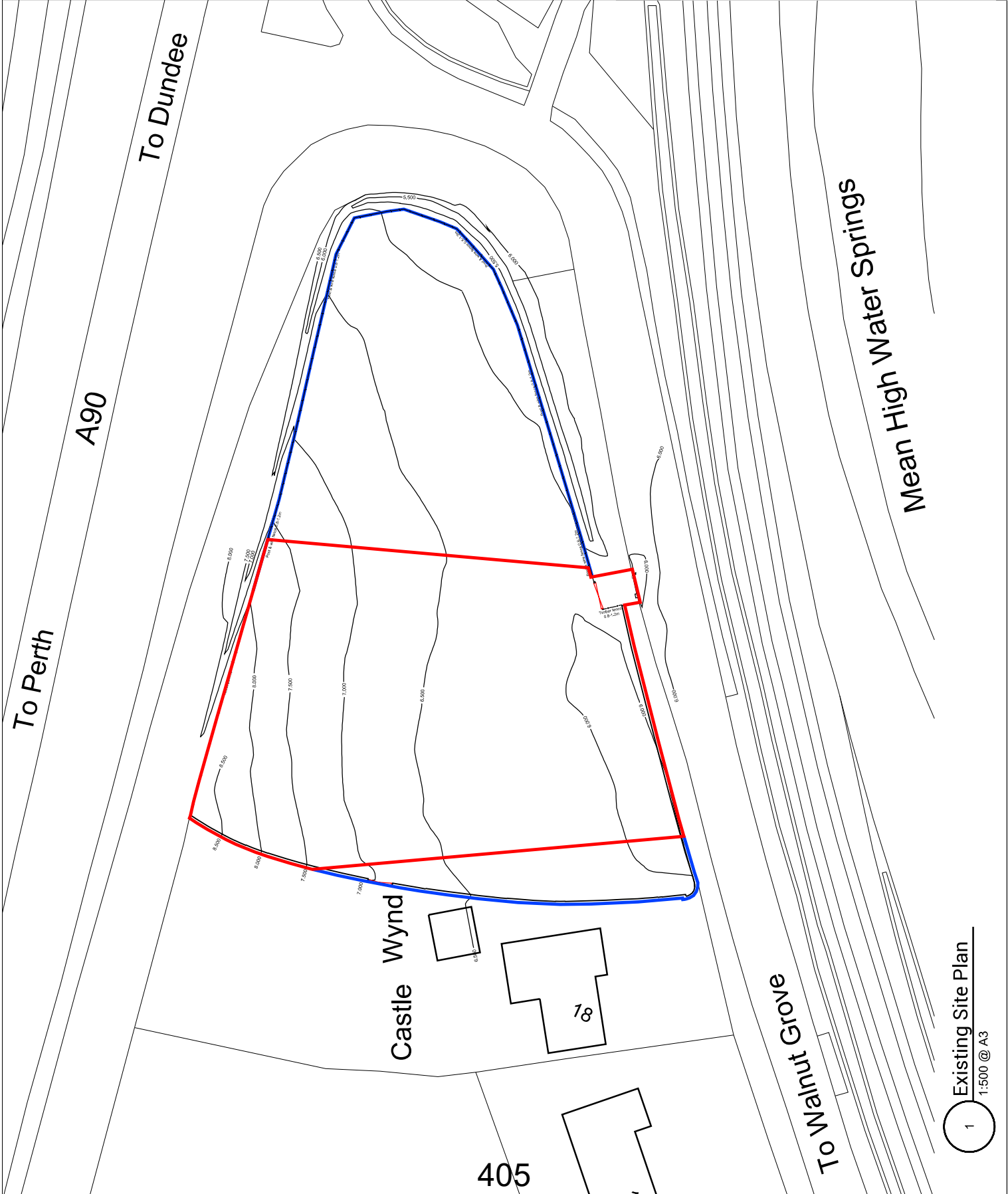
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Date: Oct 19

Purpose: Planning

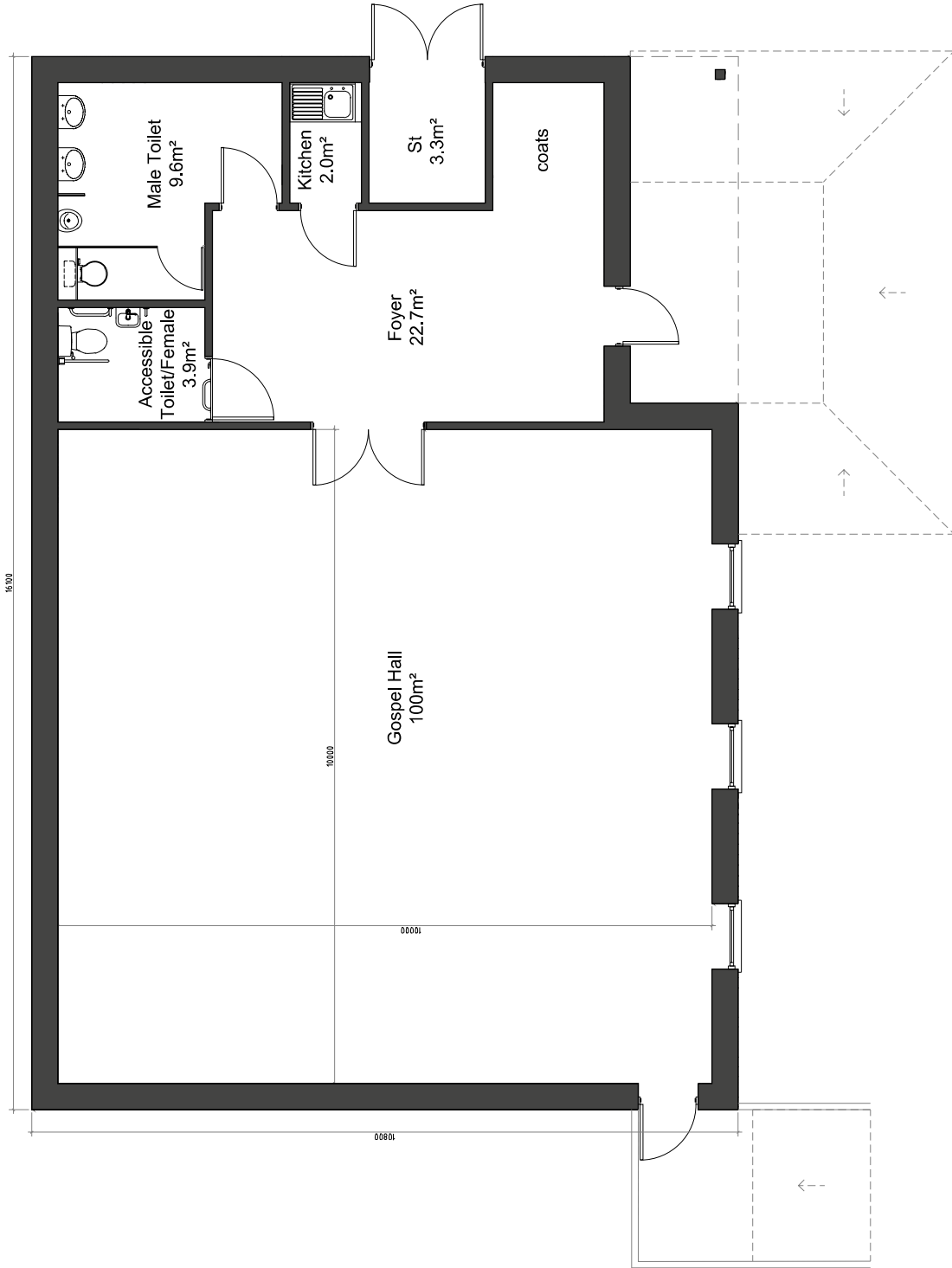
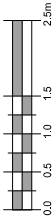
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SCALE 1:50



1 Proposed Plan  
1:50 @ A2



Client: Perth Gospel Trust

DWG. NO. PL - 300

Project:  
**Meeting Hall**  
Walnut Grove, Knares  
Perth, PH2 7JY

Title:  
**Proposed Plan**  
Ground Floor  
1:50 @ A2

Job No: 735

Date: Oct 19

Purpose: Planning

Drawn by: HG

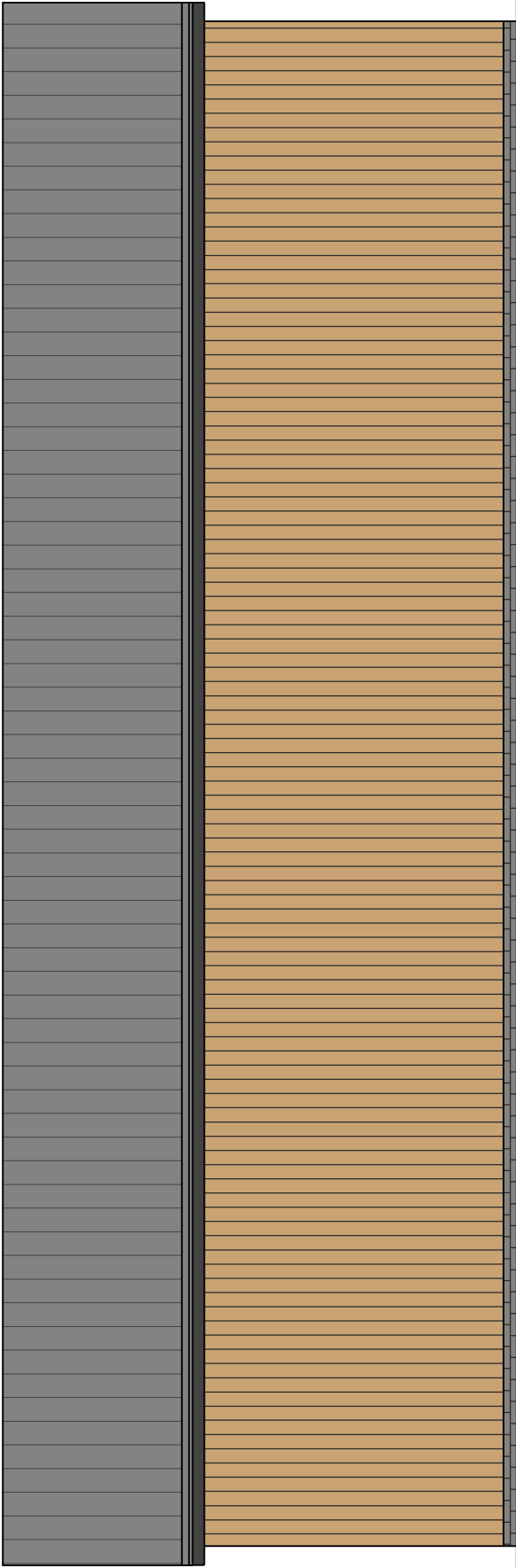
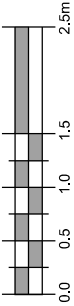
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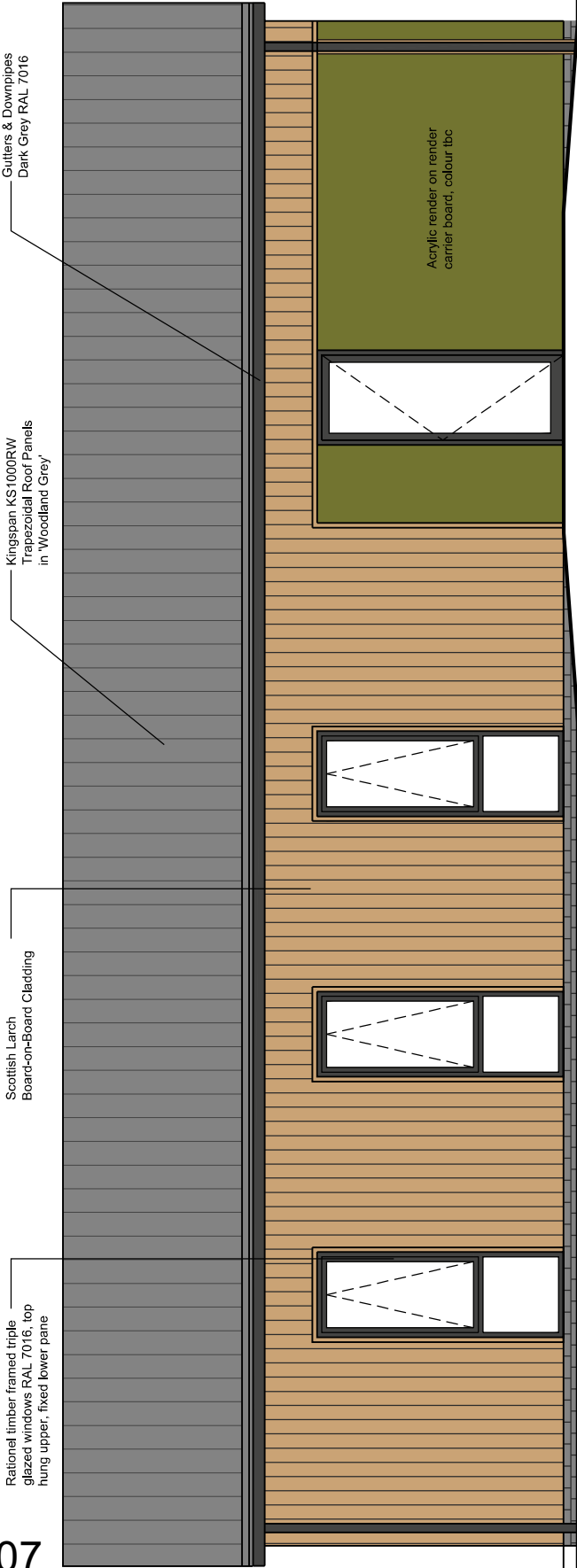
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SCALE 1:50



1 Proposed North Elevation  
1:50 @ A3

407



2 Proposed South Elevation  
1:50 @ A3



Client: Perth Gospel Trust

DWG. NO. PL - 500

Project:  
**Meeting Hall**  
Walnut Grove, Kirrfauns  
Perth, PH2 7JY

Title:  
**Proposed Elevation**  
North & South  
1:50 @ A3

Job No: 735

Date: Oct 19

Purpose: Planning

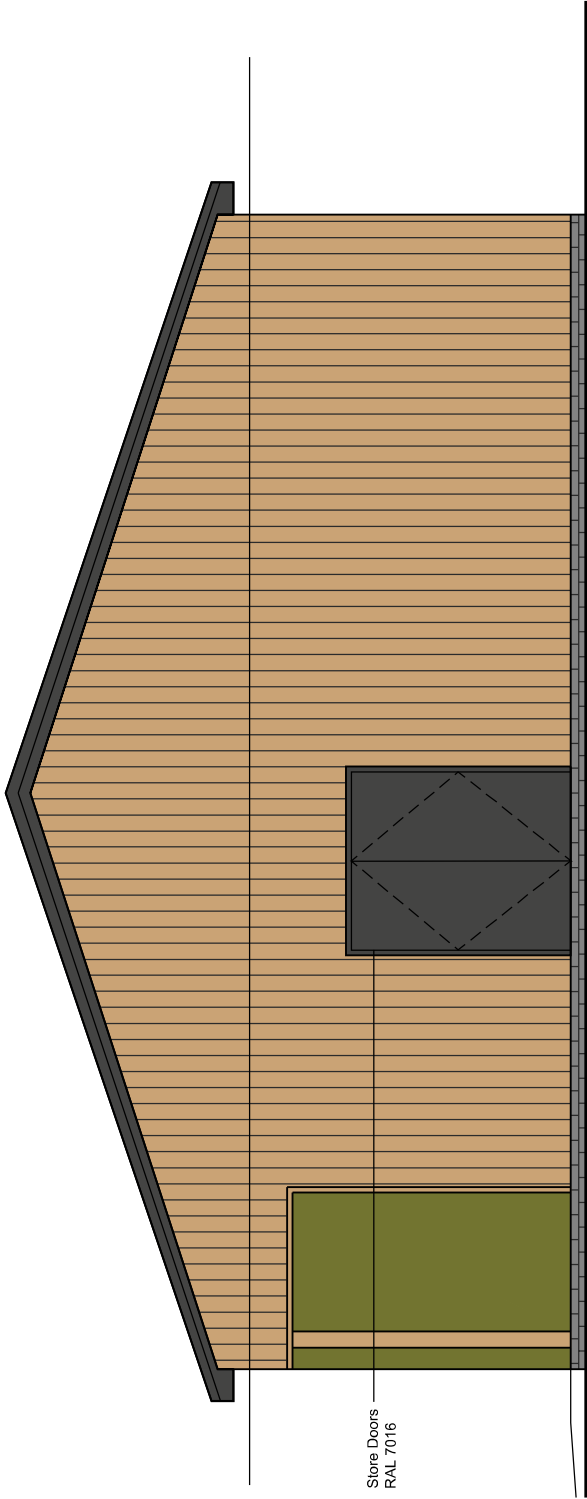
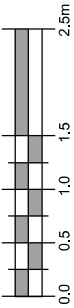
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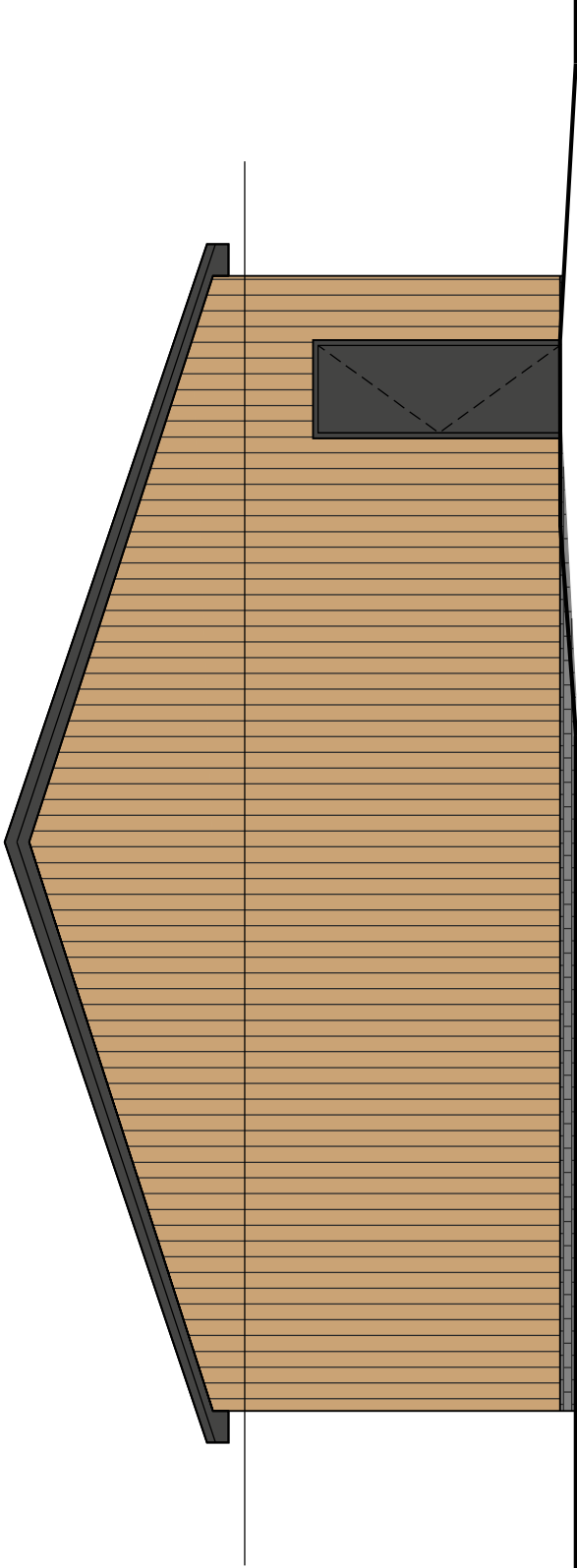
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SCALE 1:50



1 Proposed East Elevation  
1:50 @ A3



2 Proposed West Elevation  
1:50 @ A3



Client: Perth Gospel Trust

DWG. NO. PL - 501

Project:

Meeting Hall  
Walnut Grove, Kirrfauns  
Perth, PH2 7JY

Title:

Proposed Elevation  
East & West  
1:50 @ A3

Job No:

735

Date:

Oct 19

Purpose:

Planning

Drawn by:

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<p><b>LRB-2020-10 – 19/01734/FLL - Erection of a place of worship (class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns</b></p>
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**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 325-326)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 327-335)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, pages 379-408)*



**LRB-2020-10 – 19/01734/FLL - Erection of a place of worship (class 10) and associated works, land 30 metres east of Castle Wynd, Kinfauns Holdings, West Kinfauns**

## **REPRESENTATIONS**



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Hajnalka Biro
<b>Service/Section</b>	TES: Development Plans	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p>The site is located within the settlement boundary of Kinfauns. In residential areas such as this, community facilities, compatible with the amenity and character of the area are generally supported by LDP2 <b>Policy 17</b>. In this case however, the site is specifically designated as open space under <b>Policy 14</b> which presumes against development.</p> <p>While the site is not used for recreational purposes, it is considered to have visual amenity value, defining the settlement edge and providing separation from the dual carriageway. The designation of this site was revisited during the recent LDP Examination where the Council stated: <i>“Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas, creating landscape settings for settlement edges. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the busy dual carriageway and the quiet back road that leads through Kinfauns. Removal of this designation whilst retaining it in the settlement boundary would mean that development of this site could take place. The development of this area would create a new more urban entrance off a busy road changing the visual entrance to the settlement. Furthermore, this site is located so close to the A90 that noise pollution could be an issue.”</i> The Reporter agreed with this view and the designation remained in the Plan.</p> <p>The submitted drawings suggest that the proposal would take up almost half of the open space area, with parking being dominant at the entrance to the settlement. Therefore, the exemption under Policy 14 which allows for development that involves a minor part of the site and does not affect its continued use, does not apply.</p> <p>In relation to the suitability of this location for a new community facility, LDP2 <b>Policy 60</b> should also be taken into account. The policy aims to ensure that uses that involve significant travel generation are easily accessible by walking, cycling and public transport to reduce travel demand by car.</p> <p>I understand that the facility would have the capacity to accommodate 50 people which could be considered significant in the context of Kinfauns. The applicant's planning statement suggests that the organisation needs a new</p>		

	<p>facility close to its members to reduce travel demand and refers to the anticipated growth in membership from within the wider Perth Core Area (sections 6.2 &amp; 6.3). Kinfauns is a hamlet with a small population and a relatively infrequent bus service. The accessibility of this site cannot be described as good, other than for those living locally in Kinfauns. The proposed parking provision of 28 spaces (including the overflow car park) also suggests that most visitors would be expected to arrive by car. In light of the above, a more accessible location within the Perth Core Area that supports different modes of transport would be preferable for this facility.</p>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	



# Comments for Planning Application 19/01734/FLL

## Application Summary

Application Number: 19/01734/FLL

Address: Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns

Proposal: Erection of a place of worship (class 10) and associated works

Case Officer: Persephone Beer

## Customer Details

Name: Mr Peter Davies

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: As a close neighbour to the site of this land where the application is proposed; I would gladly support this.

As a place of worship, no-one would be living there; so to be used 2 or 3 times a week for a service; this wouldn't be a problem to me.

It would also tidy up and improve an overgrown site which doesn't get much maintenance.

I also think it would enhance our village which has great views, pleasant surroundings and friendly people.





4<sup>th</sup> November 2019

Perth & Kinross Council  
Pullar House 35 Kinnoull Street  
Perth  
PH1 5GD

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**PH2 West Kinfauns Kinfauns Holdings Land 30 M East**  
**PLANNING APPLICATION NUMBER: 19/01734/FLL**  
**OUR REFERENCE: 784584**  
**PROPOSAL: Erection of a place of worship (class 10) and associated works**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- There is currently sufficient capacity in the PERTH Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

#### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator

# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	19/01734/FLL	Our ref	LA
Date	05 November 2019	Tel No	██████████

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5

## Consultation on an Application for Planning Permission

**RE: Erection of a Place of Worship (Class 10) and associated works, Land 30 Metres East of Castle Wynd, Kinfauns Holdings, West Kinfauns for Perth Gospel Trust**

### Recommendation

I have no objection in principle to the application provided that the under noted conditions be included on any given consent.

### Comments

This application is for the erection of a place of worship with associated car parking for approximately 30 vehicles. The site will be situated at the end of a row of residential properties and in close proximity to A90 dual carriageway. The closest residential property to the proposed development will be approximately 30 metres to the west of the site at 18 Castle Wynd

The supporting statement submitted with the application states that the hall is proposed only for religious worship with a capacity for up to 50 visitors and no other social gatherings or any other use is proposed and will consist of a meeting space for congregation, foyer, small kitchen, and toilet facilities

### Noise

### Operational

I understand that the proposed hall will be used for Holy Communion (Sunday mornings 0530-0630), a Monday evening prayer meeting (1830-1915) and then less frequently on a Friday at 1830 for a Bible reading.

I would advise that Environmental Health are concerned that there is the potential for noise from the daily operations of the gospel hall to effect existing neighbouring residential properties, especially from vehicle movements from early morning services and from amplified or non-amplified music and singing, if not properly managed and controlled.

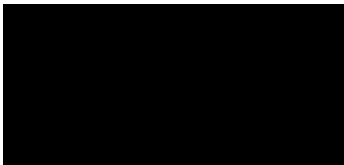
### Construction

There is the potential for noise during the construction stage of the building to affect existing residential properties

In light of the above, I would have no objections to the development subject to the undernoted conditions being attached to any given consent to safeguard the residential amenity of nearby properties.

### **Conditions**

- EH10** 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.
- EH13** 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.
- EH31** 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.
- DC02** Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.





### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Rebecca Mack
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	██████████
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 metres East of Castle Wynd Kinfauns Holdings, West Kinfauns		
<b>Comments on the proposal</b>	We have reviewed the information provided in this application and we would highlight that the proposed development lie outwith the functional floodplain as shown on the SEPA Flood Maps. Therefore, we have no objection to the proposed development. We would recommend that finished floor levels are set above existing ground levels.		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	The applicant is advised to refer to Perth & Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2014</a> as it contains advice relevant to your development.		
<b>Date comments returned</b>	07/11/2019		



**Response On Development Affecting Trunk Roads and Special Roads**

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Perth and Kinross Council Pullar House, 35 Kinnoull Street, Perth PH1 5GD	Council Reference:-	19/01734/FLL
	TS TRBO Reference:-	NE/167/2019

Application made by Perth Gospel Trust per Gray Planning & Development Ltd, FAO Neil Gray AYE House Admiralty Park Rosyth Dunfermline KY11 2YW and received by Transport Scotland on 31 October 2019 for planning permission for erection of a place of worship (class 10) and associated works located at Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns affecting the A90 Trunk Road.

**Director, Roads Advice**

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A90)
0141 272 7100
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

NORTH EAST
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Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
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Telephone Number:-

01738 448600
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e-mail address:-

NEplanningapplications@bearsotland.co.uk
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<b>Transport Scotland Response Date:-</b>	11-Nov-2019
<b>Transport Scotland Contact:-</b>	Shaun Phillips

**Transport Scotland Contact Details:-**

Roads - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number:  
e-mail: development\_management@transport.gov.scot

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

**From:** Henderson Martin on behalf of Town Planning Scotland  
**Sent:** Thu, 14 Nov 2019 11:56:22 +0000  
**To:** Development Management - Generic Email Account  
**Subject:** REF: 19/01734/FLL - Erection of a place of worship (class 10) and associated works at Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns

**For the attention of Persephone Beer**

Persephone,

Thank you for consulting Network Rail regarding the above application. After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application.

Regards

Martin Henderson



**Martin Henderson**  
Town Planning Technician  
151 St Vincent Street,  
Glasgow, G2 5NW

**[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)**

Please send all Notifications and Consultations to [TownPlanningScotland@networkrail.co.uk](mailto:TownPlanningScotland@networkrail.co.uk) or by post to Network Rail, Town Planning, 151 St Vincent Street, Glasgow, G2 5NW

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### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 Metres East Of Castle Wynd, Kinfauns Holdings, West Kinfauns		
<b>Comments on the proposal</b>	<p>The Planning Statement advises that the development site lies within the 30mph speed limit, the gate entry for the site is not within the 30mph speed limit and is within the national speed limit section, albeit just outside the 30mph speed limit.</p> <p>The applicant states that there are cycling and walking facilities to the current field gate entrance, but has not included any cycle parking facilities for members who may want to cycle to the worship centre. It is recommended that a minimum of four cycle parking spaces are provided.</p>		
<b>Recommended planning condition(s)</b>	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3m radius kerbs, of Type B Road construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the occupation or use of the approved development cycle parking shall be provided for a minimum of 4 cycles within the site to the satisfaction of the Planning Authority.</p> <p>Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.</p>		
<b>Recommended informative(s) for applicant</b>	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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.</p>		
<b>Date comments returned</b>	15 November 2019		





## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 Metres East Of Castle Wynd, Kinfauns Holdings, West Kinfauns		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer 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.</p> <p>The proposed hall will extend to 141m<sup>2</sup>. It is within the full contributions area and would fall under the "Other non-residential use" category which has a rate of £43 per m<sup>2</sup>.</p> <p>The applicant has confirmed that the building will mainly be used for the following times:  Sunday Mornings – 0530-0630  Monday Evening – 1830-1915  Friday Evening – 1830 onwards  The building may also occasional be used out with these times but this would be on a very limited basis.</p> <p>The provided information is based on expected levels of use, but the hall has the potential to operate both more and less frequently as it would be inappropriate to place a restriction on the total number of events so a view will be taken on the estimates provided.</p> <p>The Transport Infrastructure calculations are based on a site being operational 365 days per year. Based on the estimates it is considered that the contribution will be centred on the site operating for 156 days of the year.</p>		

	<p>This allows for each of the identified days of use throughout the year while noting that it will be only used for a limited number of hours within each of these days. Any additional days of use would be met through the hours where the hall is not used on the core use days. The contribution level will be reduced on this basis with a contribution of 18.06 per m<sup>2</sup> being applied, which equates to 42% of the original total ((156/365) x 100 = 42%).</p> <p>The contribution requirement will be £2,546 (£18.06 x 141m<sup>2</sup>)</p>
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Transport Infrastructure: £2,546 (£18.06 x 141m<sup>2</sup>)</p> <p><b><u>Total: £2,546</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for developments of this scale is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after completion.</p>
<b>Recommended informative(s) for applicant</b>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal</p>

	<p>Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b>  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Transport Infrastructure</b>  For Transport infrastructure contributions please quote the following ledger code:  1-30-0060-0003-859136</p> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	21 November 2019



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/01734/FLL	<b>Comments provided by</b>	Hajnalka Biro
<b>Service/Section</b>	TES: Development Plans	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a place of worship (class 10) and associated works		
<b>Address of site</b>	Land 30 Metres East Of Castle Wynd Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p>Additional comments on behalf of the Policy team, in response to the statement provided by the applicant for the Local Review Body:</p> <p>The point regarding the development's relatively modest footprint is acknowledged. However, it remains the case that the proposed church and associate car parking would be highly visible from the road going through Kinfauns. The proposal would alter the character of the open space area which is safeguarded in the Local Development Plan (LDP) and change the visual entrance to the settlement. As highlighted in the previous policy response, the designation of this site has been revisited through the LDP examination and it was concluded that the area should be safeguarded under Policy 14.</p> <p>If the proposal was to be approved, a robust landscape framework should be required to provide natural containment for the development and prevent any future expansion onto the remaining part of the designated open space area. Additional landscaping would also benefit biodiversity and help reduce the visual impact of the development. It should be noted that wire fencing is not consider a robust boundary treatment.</p> <p>In relation to the concerns raised regarding the proposals transport impact and Policy 60, I note that the appeal statement suggests that the hall is mainly intended for the use of Kinfauns residents who could walk or cycle to the facility. If the application was to be approved, reducing the number of car parking spaces and providing additional cycle parking would be encouraged.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	08/04/20		



## CHX Planning Local Review Body - Generic Email Account

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**From:** HPD [REDACTED]  
**Sent:** 12 April 2020 18:32  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: LRB-2020-10

**Importance:** High

Dear Sirs

I wish to reply as a Neighbour of the land where this permission is being sought and let you know that having studied the plans; I have absolutely no objection to what is proposed on this site.

Your point 1. The landscaping on the proposed plan is a whole lot better than what is there currently.

Your point 2. As far as I know; this is actually Agricultural Land at present and not Open Space – therefore it could easily have a Barn or such on the site and this new construction wouldn't be dissimilar in appearance. As far as I can see there would be no adverse impact in the respects that you mention. It is a scruffy bit of land which someone is offering to make good for the benefit of all the Kinfauns residents.

Your point 3. To say it would detract from the open aspect and views from the site to Kinnoull Hill is nonsense. The proposed building and car park only take up a small proportion of the 2-acre site and most of the site would still be an open aspect.

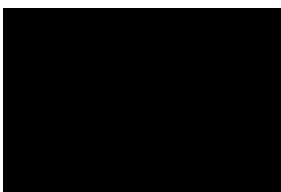
Your point 4. I am really not sure about what you say and I happen to know of a few families in this road that hope to frequent this 'place of worship' and would most definitely be walking there. If you are really worried about the access this road gets by private cars; then please let me ask why you allow cars to come down this road from off of the A90 into Perth from Dundee. Most of these road-users don't respect the speed limit and as there are no pavements; to be walking along the road in the permitted white-lined road space with cars going past at 40-50 mph is positively dangerous.

It would be a good thing if the A90 from Dundee was blocked off at the end of the road and only local Kinfauns traffic was allowed to exit The Holdings onto the A90 Dual Carriageway. Also Kinfauns did have regular bus routes until the council decided to cancel them.

You say this Development is not in accordance with the Development Plan; yet you are allowing a number of new houses to be built in this road; on a site in The Holdings next door to the Morris Leslie Headquarters.

I trust you are prepared to give this Application your due care and attention for the Erection of a small building for a Place of Worship.

Regards,  
**Pete Davies**







2019-28

5<sup>th</sup> May 2020

Lisa Simpson  
Perth and Kinross Council  
Local Review Body  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Emailed to: [planninglrp@pkc.gov.uk](mailto:planninglrp@pkc.gov.uk)

Dear Madam

**PLANNING APPEAL TO LOCAL REVIEW BODY – LRB-2020-10**

**LAND 30 METRES EAST OF CASTLE WYND KINFAUNS HOLDINGS WEST KINFAUNS  
ERECTION OF A PLACE OF WORSHIP (CLASS 10) AND ASSOCIATED WORKS  
(PLANNING REF: 19/01734/FLL)**

Thank you for the letter dated 30<sup>th</sup> April 2020 advising the Review Body had received representations to the appeal and inviting the appellants comments on these.

We comment below on the representation by Mr Davies (the nearest neighbour to the proposed development) and by Perth and Kinross Council's local development plan Policy team as follows:

**Response from Mr Davies**

We note Mr Davies' unconditional support for the proposals. The responder is the closest neighbour, he has no objection and wishes to see the corner tidied up. Now the site is not even secure, due to tree felling work alongside the A90 undertaken by another party recently.

The appellants also wish to emphasise the point made by Mr Davies – that any traffic and vehicle problem is already in the vicinity, with motorists coming off the A90 and breaking the speed limit through the village.

**Response from PKC Policy Team**

We note the tone of the Policy Team's response is more supportive of the proposal than the Policy Team's original response to the planning application. This may be as the appellant has clarified the scale of the development is very small (i.e. a modest footprint) and won't take up a significant part of the proposal site. Also, the design of the hall is very much in line with the surrounding landscape and will blend in with the country surrounding the proposed hall. This mirrors the views of Mr Davies who remarks that an agricultural shed could be erected on this site anyway, (under Permitted Development planning regulations) so the church hall is an acceptable use for the site given these circumstances.

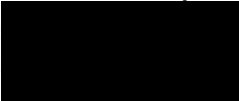
Regarding screening the site to reduce visibility concerns of the Policy Team, this can be achieved successfully with a landscaping scheme. The appellants support the Policy Team's suggestion for a

robust landscape framework which they say is – “*required to provide natural containment for the development and prevent any future expansion onto the remaining part of the designated open space area*”. The submitted proposals showed indicative landscape treatment to the boundary, but these can be detailed up and approved with the planning authority in advance of any construction works starting. Similarly, the scale of car parking proposed is driven by the Council’s own guidance on maximum car parking requirements. As has been explained in this appeal, the majority of church-goers live nearby and many will walk and cycle to the hall from within the village itself. The Policy Team appear to understand that, and recognise that “*reducing the number of car parking spaces and providing additional cycle parking would be encouraged*” – which like the landscaping matters, could be suitably controlled by an appropriately worded planning condition.

The appellants would therefore be happy to agree appropriately worded planning conditions, to meet these comments by the Policy Team if the appeal is allowed.

Should you require any further information to assist in determining the Review, please contact me in the first instance.

Yours sincerely,



**Neil Gray**

MA (Hons), MSc, Dip TP, MRTPI

Director

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