



## *Delegated Report*

*Report of Handling*

<b>Application Number:</b>	2013/0187/PPP
<b>Location:</b>	Church Hall Ballechroisk Killin FK21 8UW
<b>Proposal:</b>	Erection of a dwellinghouse
<b>Case Officer:</b>	Diana Worthy
<b>Target Decision Date:</b>	10 Oct 2013
<b>Decision Level:</b>	Delegated

<b>1.</b>	<b>Introduction:</b>
	<p>The application site contains a church hall and car park, owned by the Killin and Ardeonaig Parish Church of Scotland. The site is located within Killin settlement boundary. The site is established 'back land development', directly surrounded by residential dwellings, a retirement home, and A&amp;B Services (a light industrial forestry machinery sales and repairs business). Access is taken from Ballechroisk along a private driveway which forms part of the application site. The site is adjacent to the Killin Conservation Area.</p> <p>The applicant proposes to demolish the church hall and erect a dwellinghouse. Demolition of the hall is permitted development under Class 70(1) of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Therefore, this Planning Permission in Principle application focuses on the erection of a dwellinghouse on the site.</p>
<b>2.</b>	<b>Relevant Planning History</b>
	PRE/2013/0018 - Enquiry/PAC completed - Proposed erection of dwellinghouse
<b>3.</b>	<b>Policy Context</b>
	<p><u>National Park Aims</u></p> <p>The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:</p> <ul style="list-style-type: none"> <li>(a) to conserve and enhance the natural and cultural heritage of the area,</li> <li>(b) to promote sustainable use of the natural resources of the area,</li> <li>(c) to promote the understanding and enjoyment (including enjoyment in the form of recreation) of</li> </ul>

### **LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY**

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N

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	<p>the special qualities of the area by the public and (d) to promote sustainable economic and social development of the area's communities.</p> <p><u>National Park Local Plan (Adopted 2011)</u> Relevant Policies:</p> <ul style="list-style-type: none"> <li>• Policy HOUS1 New Housing Development in Settlements</li> <li>• Policy TRAN6 Parking Provision</li> <li>• Policy D1 Design Quality</li> <li>• Policy SUSDEV1 Sustainable Development</li> <li>• Policy ENV4 Legally Protected Species</li> <li>• Policy ENV11 Connection to Sewerage and Water Supply</li> <li>• Policy ENV20 Conservation Areas</li> </ul> <p><u>Other Material Considerations</u></p> <p><u>National Park Partnership Plan (2012-2017)</u> Relevant Policies:</p> <ul style="list-style-type: none"> <li>• RD Policy 2: Spatial Development Strategy</li> </ul>
<b>4.</b>	<b>Consultations</b>
	<p><u>STC Roads (Strategy):</u> <i>16 August 2013:</i> Notes that the access also serves other properties and requests details of all parties who are entitled to use this access, along with details of how their access would be retained as a result of this development proposal. <i>23 August 2013:</i> Satisfied by applicant's response that the access was an informal agreement to neighbours and they have no legal right. Therefore, supports the application subject to conditions regarding minimum car parking spaces, and upgrade of the road access.</p> <p><u>NPA Ecology:</u> A bat survey is not required prior to demolition of the church.</p> <p><u>NPA Built Heritage Advisor:</u> No comment at this time.</p> <p><u>Killin Community Council:</u> No objection.</p>
<b>5.</b>	<b>Summary of Representations</b>
	<p>At the time of writing the report, two objections had been received from neighbours. Key issues raised are:</p> <ul style="list-style-type: none"> <li>• It is an inappropriate residential site, given the close proximity to A&amp;B Services (light industrial business) and may be impacted by industrial noise;</li> <li>• The hall should be retained to be used by youth groups (such as brownies/scouts), and it is thought that such groups are interested.</li> <li>• Asks if there is a local plan policy against 'back land development'.</li> </ul>
<b>6.</b>	<b>Summary of Supporting Information</b>
	<ul style="list-style-type: none"> <li>• Supporting email from applicant dated 21<sup>st</sup> August 2013 clarifying road access issues and supporting statement regarding the use of the church hall.</li> </ul>
<b>7.</b>	<b>Planning Assessment</b>
	<p>This Planning Permission in Principle application seeks to erect a dwellinghouse on the site.</p> <p><u>Demolition of the Church Hall</u> As previously stated above, the applicant proposes to demolish the existing church hall located on the site to enable the erection of a dwellinghouse. Demolition of the hall is permitted development under Class 70(1) of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).</p>

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Page 2 of 5

The applicant states in their supporting information that the hall has not been in use since November 2011 when any groups using the building were relocated to other facilities within Killin. There remain other halls/venues in the community which can be used by community groups. It is noted that two objectors to the planning application note that the hall could be used by the Scouts and/or Brownies. However, given that demolition of the building is 'permitted development' and no specific planning approval is required, these objections are not relevant to the current application.

The NPA's Natural Heritage Planning Officer confirmed that a bat survey was not required prior to demolition of the hall as the building materials do not create a suitable environment for bat habitat.

The applicant (as the landowner) can demolish the hall at any time without the need for planning permission.

#### Principle of Development

The application site is located within Killin settlement boundary and therefore the principle of development to erect a dwellinghouse is supported by local plan Policy HOUS1. The two objectors ask if there is a local plan policy against 'back land' development, however it must be recognised that this is an established site in use. The existing hall building is of little architectural merit and redevelopment of the site would be positive given its close proximity to the Killin Conservation Area. The site is of a sufficient size to accommodate a house, garden ground and car parking, without negatively impacting on adjacent neighbours.

The Killin Community Council was specifically consulted to gauge their views on this application and their response states they have no comment to make on this application.

#### Access

The applicant's supporting statement notes that none of the surrounding houses have a legal right to use the existing hall car park for access or parking. Over the years the church has made an informal agreement to some of the neighbours allowing them to use the car park. Indeed some neighbours have built their garages within their rear gardens and vehicular access to the garages is taken through the church property. The church's lawyers have already advised all neighbours that those informal agreements will cease on the anticipated sale of the property.

Stirling Council Roads were consulted and in light of the above information are satisfied by the proposal. They recommend conditions relating to minimum car parking standards for residential dwellings and upgrading of the road access.

#### Other Planning Considerations

Objectors suggest that the property is not an appropriate residential site given that a light industrial business is located adjacent to the site and there may be issues with noise. However, it is noted that this business has other residential properties in close proximity. Any potential occupiers of the proposed dwelling will be aware of the business when purchasing the property and any excessive noise emitting from the business will be subject to Stirling Council Environmental Health controls regarding noise. The proximity of this established business is not therefore considered sufficient basis to refuse to grant permission.

The site is adjacent to the Killin Conservation Area and local plan Policy ENV20 applies. Given that the existing church hall building has little architectural merit, this application provides an opportunity to significantly improve the site and enhance the setting of the Conservation Area. It is recommended to attach conditions relating to the design of the proposed new dwellinghouse to ensure that it is of a suitably high quality design within this special setting, as supported by Policy D1.

#### Conclusion

The proposal to erect a new dwellinghouse on the site is acceptable under Policy HOUS1 and provides an opportunity to improve the existing site and enable a high quality designed building as supported by Policy ENV20 and Policy D1. It is recommended to approve the application subject to conditions.

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Page 3 of 5

## Recommendation: Approve with Conditions

1. **Matters to be approved:** The development hereby approved shall not begin until details relating to the following matters are submitted to and approved by the Planning Authority:
  - (a) Design and external appearance of the proposed dwellinghouse and any other structures indicating the type and colour of materials to be used.
  - (b) Elevation or similar perspective drawings which clearly illustrate how the development as a whole integrates with the existing built environment.
  - (c) Drawings illustrating the site layout including: the means of access, access within the site, car parking, landscaping, surface water and foul drainage arrangements, and water supply.
  - (d) A Design Statement based upon the Park Authority's most up-to-date Design Guidance

REASON: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning Etc. (Scotland) Act 2006 and to ensure a satisfactory form of development having regard to the constraints for the site, technical requirements, and the amenity value of any proposed development. In particular, to ensure the design is of a high standard and fits within the sensitive rural setting.

2. **Car Parking:** Two off-street car parking spaces shall be provided within the curtilage of the site, unless the house has 5 or more bedrooms, in which case a minimum of 3 spaces shall be provided. Each parking space shall be at least 5.0m x 2.5m and adequate turning space shall be provided, so that the access can be negotiated in forward gear in each direction.

REASON: To ensure adequate parking provision is provided within the curtilage of the dwellinghouse hereby approved.

3. **Surfacing of Access:** The first 6m of the access shall be fully surfaced and suitably drained to ensure no surface water or loose material is discharged from it out onto the public road. Any access gates shall be set back a minimum of 6m measured from the edge of the adjacent public road and open inwards only.

REASON: To ensure a suitable standard of access provision in the interests of road safety.

## Planning Obligations

N/A

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## Reason for Decision

This Planning Permission in Principle application is for the erection of a dwellinghouse and is supported under local plan Policy HOUS1. The proposal provides an opportunity improve the existing site and enable a high quality designed building as supported by Policy ENV20 and Policy D1.

## List of Plans

Title	Reference	Date Received
Location Plan	00069026	01/08/13
Plan Proposed Site Plan	00069026	21/08/13

## Informatives

1. **Duration of permission** - In accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses unless you begin the development within 2 years from

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Page 4 of 5

the date the last approval is obtained for the matters specified in Condition 1 above.

Time limits for approval of Matters Specified in Conditions - In accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application(s) for the approval of the matters specified in Condition 1 above, must be made within 3 years from the date of this permission. If an application for approval of matters specified in Condition 1 has been refused, the time limit for approval of matters specified in Condition 1 is whichever is the latest of the following:

- (a) 3 years from the date of this permission,
- (b) 6 months from the date of the refusal,
- (c) 6 months from the date an appeal is dismissed for such a refusal.

Further applications - An application for approval of any matter specified in Condition 1 above may be made for different matters and different parts of the development at different times. Each application shall be in writing and must:

- (a) identify the planning permission to which it relates;
- (b) contain a description of the matter in respect of which the application is made;
- (c) state the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent; and
- (d) be accompanied by–
  - (i) plans and drawings describing the matter in respect of which the application is made; and
  - (ii) any fee payable under the Fees Regulations.

- 2. Roads Consent** - The applicant is advised that in terms of Sections 21 and 65 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing road prior to the commencement of roadworks. 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.

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Signed:  
Diana Worthy  
**Development Management Planner**

Dated:  
1 October 2013