

Perth and Kinross Council
Development Control Committee – 27 August 2008
Recommendation by Development Quality Manager

**Retail Development (Reserved Matters),
Market Park, Broich Road, Crieff**

Ref. No: 07/01998/REM

Ward No: 6-Strathearn

Summary

This report recommends approval of the application for reserved matters for the erection of a supermarket and a non-food retail unit as the details are considered to meet the terms of the outline permission and therefore to be acceptable.

Background and Description

1. The application site is located to the south of the town centre and comprises the open space area known as Market Park along with existing houses and roads depot fronting onto Broich Road which bounds the site to the south-west. The site lies to the south-east of Gallowhill and King Street, with the Crieff Medical Services and Crioich Business Park to the north-east and Duchlage Road to the south-east.
2. The site extends to some 3.1 hectares with the majority of the application site currently being in recreational use with a full-size grass football pitch located within Market Park. There are embankments along the north-east and south-east sides of the pitch which provide elevated viewing as well as smaller flat pitch areas. To the south-west of the application site, across Broich Road, are the fire station and St Dominic's Primary School. The majority of residential properties which adjoin the site are located on the opposite sides of King Street and Gallowhill.
3. Market Park, essentially the boundary walls and gates, is listed Category C(s) as being of special architectural or historic interest.
4. The scheme which was originally submitted in September 2007 was superseded by a amended scheme lodged in May 2008, in association with Sainsbury's supermarket, after substantial public notification and consultation and re-notification of neighbours. It should be noted that although Sainsbury's have publicly declared their association with this site they are not a formal applicant of this planning application. The amended scheme shows the supermarket and non-food store located towards the eastern part of the site, with an area of open space located adjacent to King Street, immediately inside the Listed boundary wall.

5. The proposed retail units are to be in one block running south-west to north-east, with the supermarket located at the south-eastern end. An interesting mix of finishes including sandstone, timber cladding and white and aluminium panels are proposed. The roof is to be 'goosewing grey' roofing panels.
6. A substantial landscaping package is proposed for the open space area and for many of the boundaries.
7. The vehicular access into the site is in a similar position to that approved at the outline planning application stage.

National Policy and Guidance

8. This was principally relevant at the outline stage and is therefore not relevant as the principle of development of a supermarket and retail development on this site has been approved and this application is for Reserved Matters.

Development Plan

Perth and Kinross Structure Plan 2003

9. The relevant policies are directed at the principle of development and therefore are not relevant in this instance as the principle of development of a supermarket and retail development on this site has been approved and this application is for Reserved Matters only.

Strathearn Area Local Plan 2001

10. The application site is located within the identified settlement of Crieff. The principal relevant policies with regard to this Reserved Matters application are:
11. Policy 2: Development Criteria requires all developments to meet a number of siting, layout and design criteria.
12. Policy 4: Landscape requires details to be submitted for consideration and to show that satisfactory arrangements will be made for the future maintenance of such areas.
13. Policy 5: Design requires high standards of design for all developments.

Other Key Policies

14. None is relevant as the principle of development of a supermarket and retail development on this site has been approved and this application is for Reserved Matters.

Site History

15. An outline planning application was refused by this Committee, a decision which was appealed against and subsequently sustained (reference 04/00678/OUT). Outline planning permission was granted by the Scottish Government in October 2006 subject to a number of conditions which remain applicable to the current Reserved Matters application under consideration (a copy of the appeal decision is available for inspection in the Members Lounge).
16. An associated application for Listed Building Consent has been lodged in respect of the Market Park boundary wall, which is listed Category C(s) and is being dealt with separately under the Scheme of Delegation.
17. There is an associated planning application (reference 07/01997/REM) for the development of two grass football pitches, a grandstand, storage and parking facilities at the junction of the B8062 and Pittenzie Road, Crieff (as a replacement and improvement of the existing facilities at Market Park) also included in this Committee agenda. Again, the outline application was refused by Development Control Committee but subsequently granted on appeal (reference 04/00689/OUT) by the Scottish Government.

Consultations

18. Perth and Kinross Heritage Trust Archaeologist notes that the site of the proposed development is in an archaeologically sensitive area, located within a rich prehistoric landscape to the south of Crieff. Furthermore, the previous land-use of the site, as a market field, offers a rare opportunity to evaluate an area that has not been subject to 20th century development or farming practices. It is recommended that a field-based archaeological evaluation should be carried out to determine the presence or absence of archaeology on site and this would be covered by a condition attached to any permission.
19. Scottish Environment Protection Agency has no objection to the application.
20. Scottish Water has no objection to the application however the granting of planning permission does not guarantee a connection to SW infrastructure.
21. Crieff Community Council did not submit any comments.

Representations

22. Forty letters of representation have been received from local residents and interested parties in respect of this application, however, only seven of those raise issues which can be considered under this Reserved Matters application. Two representations have been received since the amended scheme was lodged in May this year. The remainder raise issues relating to the principle of the development which cannot be considered at this time under this application and are therefore not valid.

23. The relevant issues raised which relate to the matters reserved for consideration now are:

- the siting of a recreational space adjacent to car parking (*original scheme*)
- industrial appearance of store more appropriate to out-of-town retail park (*original scheme*)
- inappropriate materials and design (*original scheme*)
- inadequate screening along western boundary of site (King Street) (*original scheme*)
- petrol filling station should be included within the proposal (*amended scheme*)

24. These issues are addressed in the Appraisal section of this report.

Appraisal

Policy

25. The relevant parts of the policies in this case require regard to be given to the scale, form, colour and density of the existing development within the area. High quality materials are encouraged as is innovative modern design.

26. It is considered that the amended scheme for the store and attached non-food unit takes into account the character of the surrounding area and, with the building located to the eastern part of the site, provides a higher level of amenity to the King Street area than the earlier scheme did. Some of the proposed external finishes are contemporary in nature and would sit comfortably alongside the sandstone. Samples of the exact finishes can be required for the further approval of the planning authority through a condition.

Traffic

27. My Roads colleagues have raised no concerns regarding the details submitted and recommend standard conditions relating to visibility splays, access gradient and standards.

28. The proposed pedestrian links from King Street to the proposed supermarket are considered acceptable and would provide ramped as well as stepped access.

29. A Green Travel Plan aimed at encouraging more sustainable means of transport is required by a condition on the outline planning permission, prior to the commencement of trading. This would need to be submitted to and agreed by the Council prior to either of the retail units opening for business.

Design and Layout

30. The amended layout shows the stores located to the eastern third of the site, the car parking mainly in the middle third and public open space and

landscaping to the western third, alongside King Street and the Listed boundary wall. The supermarket would occupy the southern-most part of the buildings with the non-food element being to the north. Whilst the building would be visible from King Street and Burrell Street, it is set back as far as possible and therefore any views would be partial due to the amount of landscaping proposed.

31. The main vehicular access into the site would be via Broich Road, as was previously shown at the Outline stage. The servicing area for the stores would be accessed via Duchlage Road.
32. Substantial landscaping is proposed for all edges of the site with the public open space area parallel to King Street being approximately 52 to 56 metres deep. Groups of tree and shrub planting are to be set within the grassed area. An area of seating is also to be incorporated into the design.

Residential Amenity

33. Visual amenity was a significant concern at the time of the outline application. The amended layout which is now under consideration reduces any visual impact as far as possible. This is achieved by setting the buildings into the site, at the eastern extent, and by retaining existing trees and planting numerous others.
34. Although the service area would be away from the majority of the residential properties in the area, it is nevertheless considered appropriate to attach conditions requiring servicing to take place from the identified servicing area and to restrict the times of servicing to between 7am to 9pm Mondays to Saturdays, unless otherwise agreed.

Built heritage

35. The area is of interest in archaeology terms. As noted above there is a condition on the Outline Planning Permission requiring a scheme of investigation to be carried out prior to any development taking place.
36. The works to the boundary wall of Market Park which is listed as being of special architectural or historic interest are being considered under the separate application for Listed Building Consent (reference 07/02177/LBC).

Contaminated Land

37. A condition requiring a contaminated ground investigation was attached to the outline planning permission and is recommended again should permission be forthcoming.

Representations

38. The majority of the issues raised in the representations have been addressed in the appraisal section.
39. In the amended layout the area of open space is shown as being separated from the car parking by a beech hedge.
40. A petrol filling station is not included as part of the current proposal. It is the applicant who decides what development to include in the planning application submission and not the planning authority. The acceptability of the proposals is not affected by the non-inclusion of a petrol filling station.

Conclusion

41. As already emphasised, the principle of developing a supermarket and non-food retail unit on this site has been established by the Outline Planning Permission being granted at appeal. The current application therefore deals with the reserved matters including layout, design, access and landscaping. I consider the design of the proposed building and its interesting mix of finishes to be acceptable for this site. The site is an important one and I am confident that this is a good quality proposal appropriate for the site and for Crieff. The additional landscaping and open space now incorporated into the scheme will benefit the residents of King Street and the wider locale by providing a landscaped area which can be enjoyed by many people. All issues relating to access have already been satisfactorily addresses. I therefore regard the proposals as acceptable.

Recommendation

A Approve the application subject to the following conditions:

1. The development shall be begun no later than two years from the date of this consent or five years from the date of the outline consent, whichever is the later.
2. Prior to the occupation of any retail unit, the Burrell Street, King Street, Broich Road junction shall be improved, and along Broich Road the site frontage shall be widened to give a carriageway width of 6.00 metres and 2.00 metre wide footways. All details shall be to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
3. The site access to the site from Broich Road shall be designed to a standard and specification required by the Council as Planning Authority.
4. The service access to the site from Duchlage Road shall comply with access Type E Figure 5.8 of Perth and Kinross Council Roads Development

guide and shall be designed to discourage commercial traffic movements north to Commissioner Street.

5. Prior to the commencement of trading, traffic signal controlled pedestrian crossings shall be provided on Burrell Street, King Street and Broich Road at locations to be agreed in writing by the council as Planning Authority.
6. Pedestrian facilities within the adopted highway shall be provided on Duchlage Road between the site boundary and the junction with Commissioner Street to the standard and specification required and agreed in writing by the Council as Planning Authority and shall be completed prior to the development being occupied.
7. Car parking shall be provided within the site to a minimum ratio of 6 spaces per 100 square metres of gross floor area. Additional parking, as agreed in writing by the Council, shall also be provided within the site to serve the town centre. Any measures to manage parking on any part of the site must be agreed in writing with the Council as Planning Authority prior to implementation (at any expense to the developer). The parking shall be provided prior to the commencement of trading and shall be permanently maintained so and not used for any other purpose.
8. Surface water shall be disposed of by means of a suitable Sustainable Urban Drainage System to meet the requirements of best management practices.
9. Prior to the commencement of any trading a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel will be submitted and approved in writing by the Council as Planning Authority.
10. No development shall take place until a contaminated ground investigation has been carried out by a suitably qualified consultant and a scheme to deal with any contamination on site has been submitted and approved in writing by the Council as Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - (i) the nature, extent and type(s) of contamination on the site including any source, pathways, receptor links.
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed;
 - (iii) measures to deal with contamination during construction works; and
 - (iv) the condition of the site on completion of remediation measures.

Before any unit is occupied the measures to remediate the site shall be fully implemented as approved in writing by the Planning Authority.

11. Details of measures to protect, preserve, repair, enhance and/or maintain the listed boundary walls shall be submitted and agreed in writing with the Planning Authority prior to the start of any works on the site.

12. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
13. The development of the replacement Sports Ground (04/00689/OUT or successor application) shall be constructed and completed prior to the start of works on the Market Park application site, unless otherwise agreed in writing with the Planning Authority.
14. The total food store built element hereby permitted shall not exceed 2,322m² net sales area of which no more than 500 m² shall be non food. Details of the non food range of goods shall be agreed in writing with the Council as Planning Authority prior to the occupation of the retail unit. Any increase in these areas shall require the written permission of the Planning Authority, and permission for any increase to more than 25% of the net retail floor area for the sale of goods other than food shall also not be permitted without the prior provision of a retail impact assessment on the town centre.
15. The retail warehouse unit hereby permitted shall not be subdivided and have a retail floor space of not more than 930m² gross floorspace/725m² net floor space. The use of the retail warehouse unit shall be limited to the sale of non food goods such as DIY, furniture, carpets and floor coverings, and household textiles but specifically excluding electrical goods including computers and related products, clothing, and footwear, or where the goods are of such a size that they would normally be taken away by car and not be manageable by customers travelling by foot, cycle or bus, for example flatpack furniture, or where large, flat areas would be required to display them e.g. furniture in room sets. The use for the sale of goods other than those specified shall require the permission in writing of the Planning Authority. Any increase of more than 15% of the net retail floor area for the sale of goods other than those specified shall also not be permitted without the provision of a retail impact assessment. The use of the unit for any purpose other than hereby permitted will require to be the subject of a further planning application to the Council as Planning Authority.
16. Details of the specification and colour of all the proposed external finishing materials to be used, including samples of the sandstone for the boundary walls, shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.

17. All trees on site shall be protected during construction works and details of such protection measures shall be submitted to and agreed in writing by the Planning Authority prior to the start of works.
18. The future landscape management measures and maintenance for, and management of the facilities on the application site shall be discussed and agreed in writing with the Council as Planning Authority prior to the development commencing. The measures as agreed shall be implemented as part of the ongoing development programme.
19. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, the Burrell Street, King Street, Broich Road junction shall be improved to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
20. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, Broich Road ex adverso the site frontage shall be widened to give a carriageway width of 6.00 metres and two 2.00 metre wide footways. All details shall be to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
21. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, the access to the site from Broich Road shall be designed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.
22. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear to the satisfaction of the Council as Planning Authority.
23. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, the service access to the site from Duchlage Road shall comply with access Type E Figure 5.8 of the Perth & Kinross Council Roads Development Guide and be designed to discourage commercial traffic movements north to Commissioner Street.
24. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, traffic signal controlled pedestrian crossings shall be provided on Burrell Street, King Street and Broich Road at locations to be agreed by the Roads Authority to the satisfaction of the Planning Authority.
25. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, pedestrian facilities shall be provided on Duchlage Road between the site boundary and the junction with

Commissioner Street to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.

26. Prior to the commencement of trading and unless otherwise agreed in writing by the planning authority, a secure waterproof cycle parking facility for a minimum of 20 cycles shall be provided within the site adjacent to the access to the building to the satisfaction of the planning authority.
27. All fixed plant or equipment to be installed or operated in connection with the granting of this permission shall be so enclosed, attenuated and/or maintained such that noise therefrom shall not exceed International Standards Organisation (ISO) Noise Rating 30 between 0700 and 2300 hours, or Noise Rating 25 between 2300 and 0700 hours, within any neighbouring residential premises, with windows slightly open when measured and/or calculated and plotted on an ISO rating curve chart.
28. The delivery of goods to the premises shall take place in the designated delivery yard and shall take place between 7am to 9pm Mondays to Saturdays and at no other time unless otherwise agreed in writing with the planning authority. The idling of delivery vehicle engines is prohibited.
29. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any nearby residential property.
30. All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
31. A scheme for recycling facilities shall be submitted for the further approval of the Council as planning authority. The scheme shall include details of types of recycling, noise mitigations where necessary and details of collection and replacement of recycling containers. The scheme as subsequently approved by the Council shall be implemented to the satisfaction of the planning authority.

Reasons

1. In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure proper road access to the development in the interests of road safety.
3. To ensure compliance with the council's road construction standards, in the interests of road safety.

4. To ensure compliance with the council's road construction standards, in the interests of road safety, and discourage heavier vehicles on unsuitable roads.
5. To ensure pedestrian safety at the crossing points.
6. To ensure pedestrian safety at the crossing points.
7. To ensure adequate car parking provision, including an allocation for the town centre.
8. To ensure the proper disposal of surface water from the site, to avoid flooding.
9. To encourage sustainable travel methods.
10. To ensure that the development takes place on uncontaminated land, in the interests of public health.
11. To ensure the continuing integrity and protection of the listed walls.
12. To ensure that any potential archaeological remains are properly identified and treated, in the interests of the knowledge of the history of the site.
13. To ensure that the replacement sports facilities are properly provided.
14. To control the potential impact of the development on town centre shops.
15. To control the potential impact of the development on town centre shops.
16. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
17. To ensure the protection of the existing trees.
18. To ensure that the landscaping is properly maintained.
19. In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
20. In the interests of road safety; to ensure that adequate service facilities are provided.
21. In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
22. In the interests of road safety; to ensure acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

23. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
24. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
25. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
26. To ensure the development is adequately serviced.
27. In order to safeguard the amenity of neighbouring residential properties.
28. In order to safeguard the amenity of neighbouring residential properties.
29. In order to safeguard the amenity of neighbouring residential properties.
30. In order to safeguard the amenity of neighbouring residential properties.
31. In order to ensure appropriate recycling facilities are provided.

B Procedural Notes

Should the Council be minded to approve this application, it will require to be notified to the Scottish Government as the Council has a financial interest in part of the application site.

C Informatives

- 1 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 2 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

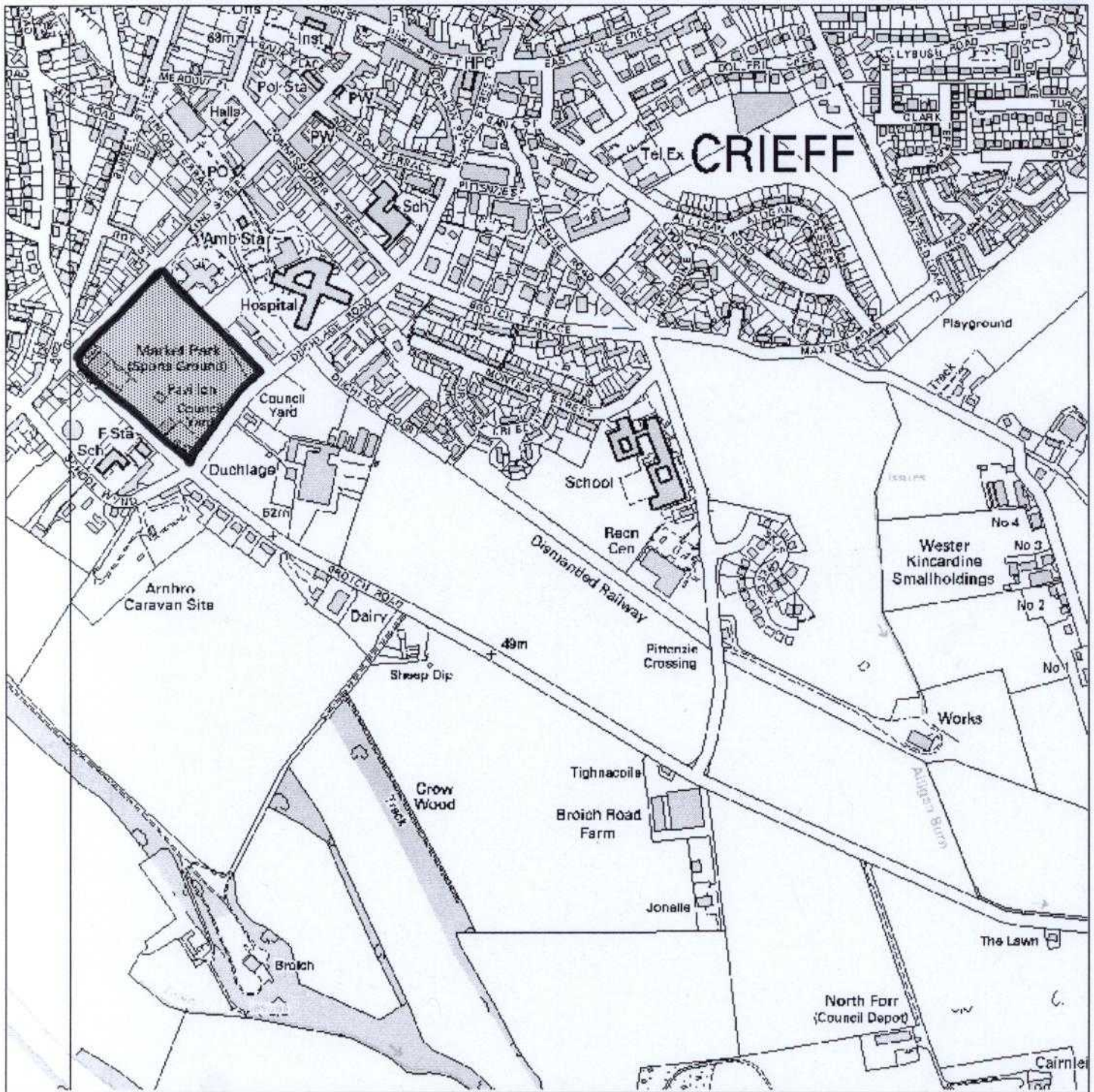
Background Papers: 40 letters of objection
Contact Officer: Christine Brien – Ext 75359
Date: 13 August 2008

07/01998/REM

Retail Development, Market Park, Broich Road, Crieff



GIS by ESRI (UK)



Scale : 1:7500

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Organisation	Perth and Kinross Council
Department	Development Management
Comments	Location Plan
Date	06 August 2008
SLA Number	100013289