

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Hay Room, Dewar's Centre, Glover Street, Perth on Tuesday 29 November 2016 at 10.30am.

Present: Councillors M Lyle, I Campbell and D Cuthbert.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and H Rheinallt (Committee Officer) (all Corporate and Democratic Services).

Also Attending: C Brien, S Callan and A Finlayson (all the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

. **DEFERRED APPLICATIONS FOR REVIEW**

Deferred for written submissions, accompanied site visit and further written submissions

- (i) **TCP/11/16(398) – Planning Application – 15/01354/IPL – Erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff – Aldi Stores Ltd**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff.

The Planning Adviser outlined areas where there appeared to be broad agreement between the Applicant, Appointed Officer and Interested Parties concerning the following aspects of this Review:

- (i) This is a planning application in principle, and the details submitted can be treated as solely indicative and do not require to form a material planning consideration in the determination of this Review.
- (ii) The adjoining site allocated for retail use in the Local Development Plan enjoys two approved planning applications for supermarket development – one of which has been implemented. This is a material planning consideration to the determination of this Review.

- (iii) The application site is allocated for employment use in the Local Development Plan.
- (iv) The site is capable of being developed for a supermarket without requiring the land occupied by the listed farm buildings.
- (v) The nature and extent of necessary associated road improvement works, the manner and timing through which they would be undertaken to improve the road network, the extent of land within the applicant's control to implement such works and the appropriate level of contribution from the applicant are presently unknown/undefined.
- (vi) The desirability of securing additional supermarket provision within Crieff.

The Planning Adviser outlined the main areas of contention which appeared to focus on:

1. Retaining the allocation of the site for employment, rather than retail, purposes.
2. The inclusion or otherwise of the adjoining allocated retail site in a sequential test.
3. The potential impact (adverse and/or beneficial) of the prospective development of the retail development of the application site, in addition to the approved adjoining retail development, on Crieff town centre.
4. The potential adverse impact on, removal of, listed buildings.

The Planning Adviser provided clarification on the following points: (i) the role of the Local Review Body is not to seek to control competition between retailers but to consider broad retailing in the context of the town and its catchment area; and (ii) as defined in The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, interested parties are those who made submission to the original planning application, however, this does not imply that they are the only people with an interest in the outcome.

The Planning Adviser displayed photographs of the site.

The Legal Adviser informed Members that letters had been received regarding the Review which had not been requested by the LRB, (i) from Crieff Community Council, in addition to the letters of 26 and 27 October 2016 included in the paperwork before the LRB; and (ii) from London and Scottish Investments, who are not an interested party to the Review as defined in the Regulations. The Legal Adviser explained the options open to the LRB of either accepting the letters with a deferral required or declining to consider them. The LRB unanimously agreed to decline to accept the letters and subsequently did not take their content into account.

It was noted that, at its meeting of 24 May 2016, the Local Review Body resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Development Quality Manager be requested to provide a copy of the planning decision notice concerning the erection of retail units with associated landscaping, access, car parking, servicing and other associated works (16/00349/FLL);
- (iii) the Council as Roads Authority be requested to provide further information on the impact of traffic management at the application site and any road improvement measures that may be required, and in providing such information taking account of the outcome of the planning decision notice 16/00349/FLL, as well as the impact on, and provision for, public transport in the area as a result of the proposed and approved development at the wider site;
- (iv) following receipt of the requested information from the Development Quality Manager and Roads Authority, copies be submitted to the applicant and the interested parties for further representation;
- (v) following receipt of all further information and responses, an accompanied site visit be arranged;
- (vi) following the completion of the site visit, the application be brought back to the Local Review Body for determination of the specified matters for the purposes of convening a hearing session;
- (vii) following the determination of the specified matters, a Hearing Session be convened to discuss the specified matters.

It was noted that, at its meeting of 23 August 2016, the Local Review Body resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, and having undertaken an accompanied site visit on 22 August 2016, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Council as Roads Authority be requested to provide details of proportionate options available to resolve the traffic circulation and capacity issues at the King Street/Gallowshill junction, and approximate costings for these options;
- (iii) following receipt of the aforementioned information, the Council as Roads Authority and the applicant be requested to comment on the options available, including information on the viability of the options and any potential constraints to their completion;
- (iv) the applicant be requested to provide details of any provision for public transport considered in relation to the proposed development;
- (v) the Development Quality Manager be requested to provide a copy of the planning decision notice and the Appointed Officer's Report of Handling concerning the demolition of outbuildings,

- land 50 Metres east of Duchlage Farm, Duchlage Road, Crieff (15/01721/LBC);
- (vi) the applicant be requested to consider the possibility of retaining the traditional listed farm buildings subject of 15/01721/LBC and to provide information on indicative proposals regarding their development and reuse as part of the proposed development;
 - (vii) following receipt of all information, copies be submitted to the applicant, interested parties, Development Quality Manager and the Council as Roads Authority for any further representations;
 - (viii) following receipt of all further information and responses, the application be brought back to the Local Review Body.

Resolved:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, including further information requested by the Local Review Body at its meetings of 24 May 2016 and 23 August 2016, and the comments from the Planning Adviser, and having undertaken an accompanied site visit on 22 August 2016, sufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) The review application for erection of two units (class 1) and associated works (in principle) including full details of one retail unit, car parking, landscaping and associated works, land 50 metres east of Duchlage Farm, Duchlage Road, Crieff be upheld and planning permission granted, subject to the imposition of appropriate terms, conditions, informatives and legal agreement, if required, including relating to the following requirements:
 - (a) the extent of consent granted, the planning permission is granted in principle only;
 - (b) the listed buildings be made wind and water-tight in accordance with the recommendations in the Waterman Duchlage Farm – Steadings 8, 9 and 10 - Non-Intrusive Structural Report of December 2015, submitted by the applicant, with the recommendations to be completed before any retail sales commence on the site;
 - (c) contributions towards roads improvements;
 - (d) suitable approval of matters specified conditions for a development of this type concerning an in principle planning permission, including with regards to: all buildings, plant, access, parking, circulation and servicing, a travel plan, air quality action plan, archaeological investigation/works, contaminated ground investigation, finish materials, noise control, delivery times, hours of operation, ventilation systems and recycling provision, SUDS scheme, boundary treatments, external lighting;
 - (e) the protection of trees;
 - (f) proposed planting and landscaping, to be retained and maintained thereafter;

- (g) the provision of a bus turning facility;
- (h) that the steading buildings remain part of the development site.

Justification

Taking account of the applicant's retail study, it was considered reasonable to grant planning permission as there is likely to be sufficient retail capacity for the development and the adjoining consented site, and as the development is not expected to have a significant adverse impact on the centre of Crieff. Consequently, the proposal is seen as being in accordance with TAYPlan Policy 7 and Policy RC4 of the Perth and Kinross Local Development Plan 2014. Although the proposal is contrary to TAYPlan Policy 3 and Policy ED1A of the Perth and Kinross Local Development Plan 2014, in that the area is identified for employment use in the Local Development Plan, there are material considerations which justify contravention of the Plan, namely (i) that the proposal will not result in a significant loss of employment land; (ii) the proposal will create employment; (iii) the proposal contributes towards the potential gain of road improvements in the area. The PKLRB was also aware that the site was originally intended for retail use in the Duchlage Farm Area Development Brief (2006). Furthermore, the retention of the listed buildings accords with Policy HE2 of the Perth and Kinross Local Development Plan 2014.

