

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 28 AUGUST 2007**

Agenda Item	4.2
Report No	PLC-8-07

**07/00040/OUTRC**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

This application is in outline form for residential development. It relates to the former Morrison's site at Shore Road, in Tain. Although it includes a sketch layout, this is purely for indicative purposes. This has been advertised as a potential departure since the site falls within the 'town centre' allocation, and as development affecting the setting or appearance of the Conservation Area.

Ward 8

**The recommendation is to GRANT outline planning permission subject to conditions.**

**A hearing has been requested.**

**1. PROPOSAL**

- 1.1 The site relates to the former Morrisons' yard and associated buildings at Shore Road, in Tain. It is bounded to the north by Shore Road and to the west by Robertsons' (agricultural machinery sales and servicing). This area is primarily in industrial / business use. Station Road lies to the east and housing on Chapel Street backs onto the site along the southern boundary. This area adjoins the historic core of Tain and part of the Conservation Area. There are a significant number of trees within the site, which slopes from Chapel Street down to Shore Road.
- 1.2 The indicative layout shows an access off Station Road to the rear of the existing housing, and the provision of a mixture of 2 and 3 storey flatted development and town houses to provide 86 residential units. The applicant has, however, written to state that this is purely indicative of one way in which the site could be developed, and that the final design and layout will take full account of the site's constraints (levels, trees, contamination, noise from adjacent premises, access, etc).

**2. PLANNING HISTORY**

- 2.1 None

### 3. PUBLIC PARTICIPATION

3.1 The proposal was advertised under Section 34 and as potentially contrary to the development plan, and as development affecting the character or appearance of a Conservation Area. The expiry date for representations was 2<sup>nd</sup> March 2007.

3.2 3 letters of representation have been received on the following grounds:

- \* Proposed number of units greatly exceeds capacity of road network,
- \* Traffic generation
- \* Pinch point in Station Road near site and lack of footpath at this point makes
- \* Station Road unsuitable for accommodating the additional traffic. Vehicular access should therefore be via Shore Road, with pedestrian access only via Station Road.
- \* The pedestrian access indicated off Chapel Street uses roads with no footpaths. Pedestrians should not be routed via roads with no footpaths.
- \* Mature trees within the site should be protected.
- \* The design of housing should take account of nearby Listed Buildings and the Conservation Area, and the levels of this sloping site.
- \* Development fronting Chapel Street should be accessed off this road.
- \* Suitable boundary treatment should be included.
- \* Pedestrian access should not be adjacent to 'Ardvreck' (objector's house), but adjacent to 'Shandwick House' (Morrison's offices)
- \* Loss of light and overlooking from 2 and 3 storey development
- \* Depreciation of property value
- \* Increased noise generation and vandalism

### 4. CONSULTATIONS

4.1 **Contaminated land** – No objections subject to a condition precluding development until a contaminated land assessment is completed.

4.2 **Environmental Health officer** – There are sources of significant noise surrounding the site. At times noise levels could lead to complaints. Any future expansion or alteration of the industrial premises would be restricted due to the proximity of the proposed residential site. Noise attenuation proposals are required, and second storey buildings should be limited to the southern part of the site away from the industrial premises.

4.3 **Roads** – No objections. Request early discussions to develop homezone principles. Conditions required.

4.4 **SEPA** – Objects unless information is provided to demonstrate that a satisfactory SuDS system with no unacceptable adverse impact on the water environment can be accommodated on site.

4.5 **Scottish Water** – No objection. There may be issues within the water and waste water networks.

- 4.6 **Tain Community Council** – Broadly welcome the development. However, they are concerned at the narrowness of Station Road between Catherine House and Outram House, so suggest the introduction of 2 more access points, direct to Shore Road and to Chapel Brae, to disperse traffic to and from the site and alleviate the pressure point and minimise the impact on the surrounding area.
- 4.7 **Network Rail** – Requests conditions.
- 4.8 **Archaeology** – No condition requested.

## 5. POLICY

- 5.1 The following policies are relevant to the assessment of the proposal
- **The Highland Structure Plan** – Policy G2, design for sustainability.
  - **Ross and Cromarty East Local Plan** - Town centre allocation. No site specific policies.
- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG; and Planning Advice Notes (PAN).
- PAN 56 - Planning and Noise
  - PAN 33 - Development of contaminated land
  - SPP 3 - Planning for housing

## 6. PLANNING APPRAISAL

- 6.1 **Determining issues** - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance, and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
  - whether the layout of development is appropriate
  - the impact on the amenity of the area and residents
  - other material issues raised by the objectors
- 6.3 The site is within the Shore Road industrial area of Tain. However, it borders residential property and is within the general town centre allocation. There are no site specific policies. It is, however, generally accepted that residential can be an appropriate use for the town centre.
- 6.4 The juxtaposition of industrial and residential uses can generate issues in

relation to noise and residential amenity. A noise assessment has been carried out which indicates that noise from the railway line to the opposite side of Shore Road should not be a significant issue. Environmental Health has, however, raised concerns in relation to the noise from the surrounding industrial premises which could lead to complaints, and could restrict any future expansion or alteration of the industrial premises. They suggest that it may be possible to attenuate the noise by surrounding the site with a noise barrier, eg a bund. This would not reduce noise in upstairs rooms. Careful design and siting (eg single storey housing only adjacent to the industrial premises (northern and western areas of the site)), in conjunction with noise attenuation measures should enable the noise within housing units to be reduced to acceptable levels.

- 6.5 The existing road network in the vicinity of the site contains a number of roads without pavements and of varying gradients and carriageway width. This is of concern to some local residents who have objected on these grounds. TEC Roads recommend off site improvements in connection with the redevelopment of this site to ensure the provision of suitable footpaths and crossing points, and the implementation of traffic calming measures on the surrounding streets. An independent road safety audit will also be required. These details would be required at the Reserved Matters stage of the application.
- 6.6 The former use of the site could have resulted in contamination issues, and further investigation is therefore required prior to any development taking place.
- 6.7 A survey of the existing trees within the site has been carried out. However, Forestry recommend that it is expanded in relation to any detailed layout to include a holdback distance (separation distance between housing and the trees) to take account of constraints such as restricted daylight from the trees, growth potential, and safety implications. Changes in level also need to be taken into account. There is also the potential for the presence of bats within the site, and a bat survey should therefore be carried out.
- 6.8 SEPA requires that additional information is provided to demonstrate that the site can be satisfactorily drained by means of SuDS (Sustainable Drainage Systems), with no adverse impact on the water environment. They have indicated that this can be covered by condition.
- 6.9 Development Plan Policy Guidelines require a minimum of 25% affordable housing requirement in relation to the development of sites for residential purposes. It also requires the provision of open space / play equipment based on the number of housing units. These aspects need to be taken into account in working up a detailed layout.
- 6.10 Since the design and layout of residential units, and the road layout within the site, have not been submitted for approval, I am unable to comment on these aspects of the scheme. The objector's comments in this respect have, however, been forwarded to the applicants to enable them to be taken into

account when these details are worked out. Similarly, any layout can be designed with passive supervision of open spaces, footpaths, etc in mind to discourage anti-social behaviour.

6.11 Depreciation of property value is not a material planning issue.

## **7. CONCLUSION**

7.1 Since the application is in outline form, it is only the principle of residential development on this site which requires determination. There are a number of issues which will require to be resolved prior to any development taking place within the site. However, I am satisfied that the principle of residential use of this site is acceptable and that a scheme can be developed to adequately take account of these issues.

## **RECOMMENDATION**

### **Grant outline planning permission subject to the following conditions:**

1. Standard outline condition and reason.

2. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include a scheme to demonstrate to the satisfaction of the Planning Authority in consultation with SEPA that the site can be satisfactorily drained by means of SuDS (Sustainable Drainage Systems), with no adverse impact on the water environment. This shall also accommodate a 30 year return storm and not flood property or create a safety risk during a 200 year return storm.

Reason: In order to ensure that the site can be satisfactorily drained, in the interests of health and safety.

3. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include a contaminated land assessment. No construction work shall commence until such scheme has been submitted to and approved by the Council, and is thereafter implemented to like satisfaction. This shall contain details of proposals to deal with potential contamination and must include :

a) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (ie Contaminated Land Risk Assessment and Remediation Plan).

The scope and method of this assessment to be agreed in advance with the Council, and undertaken in accordance with PAN 33 (2000) and BS 10175:2001.

b) Remedial Strategy (if required) to treat / remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan).

c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.

d) Submission, if necessary, of monitoring statements at periods to be agreed with the council for such time period as is considered appropriate by the Council.

Written confirmation from the council that the scheme has been implemented, completed and if appropriate monitoring measurements are satisfactorily in place, shall be obtained before any development hereby approved commences.

4. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include a Tree Constraints Plan in accordance with BS 5837:2005 (Trees in relation to construction). This shall identify all trees being retained and removed, Root Protection Areas for all trees, and a holdback distance (separation between the trees and development), taking account of restricted daylight, growth potential, and safety implications. Any roads, services, and changes in level must also be taken into account. No trees shall lopped, topped, felled or damaged in any way without the prior written consent of the Planning Authority.

Reason: In the interests of amenity, and preserving the character of the area, given the existence of attractive trees within the site.

5. Notwithstanding the requirements of Conditions No 1 and 4 above, the Reserved Matters shall include a tree protection plan and a landscaping plan. These shall make provision for the adequate protection of trees to be retained during construction works and the planting of further trees within the site.

Reason: In the interests of amenity.

6. The Reserved Matters application shall include a bat survey, and any works proposed to any of the trees within the site shall take full account of the findings of the survey. Any bats found within the site shall be adequately protected by the proposed scheme.

Reason : In order to assess and take account of any bats within the site, since they are a protected species.

7. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include noise attenuation measures to reduce the noise experienced within the site from the nearby industrial premises, in particular those to the west and north of the site, and the housing shall be designed and sited to minimise noise experienced within the residential units. Anticipated noise levels within the residential units shall be submitted to demonstrate that adequate noise attenuation is being achieved and that unacceptable noise levels should not be experienced by future occupiers of the residential units.

Reason: In the interests of residential amenity, in order to avoid excessive noise disturbance to potential occupiers.

8. Construction hours on site shall be limited to 8:00 am to 6:00pm Mondays to Fridays; 8:00 am to 1:00pm Saturdays; and not at all on Sundays.

Reason: In the interests of amenity

9. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall make provision for the incorporation of 'homezone' principles in the layout .

Reason : In the interests of road safety and residential amenity, and achieving an

acceptable layout.

10. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include traffic calming measures both within and outwith the site, and associated off site road safety improvements. Account shall be taken of Safer Routes to Schools, DDA compliant access, and street lighting requirements.

Reason: In the interests of road safety.

11. No development shall commence until Road Construction Consent has been issued and Road Bond paid.

Reason: In the interests of road safety

12. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include an independent Road Safety Audit, and a Stage 2 and Stage 3 Audit in accordance with the Design Manual for Roads Bridges requirements. The findings of the Audit shall be fully taken into account in the Reserved Matters submission.

Reason : In the interests of road safety.

13. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include 2 off street parking spaces per house, or 1.5 communal spaces per property.

Reason: In the interests of road safety.

14. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters shall include provision of public open space and associated play equipment in accordance with the Council's guidelines as outlined in the Development Plan Policy Guidelines (February 2007).

Reason : In order to ensure a satisfactory standard of development, and in the interests of amenity.

15. The development hereby approved shall incorporate a minimum number of 25% affordable units. No development shall commence on site until the developer has entered into a design and build contract with a social housing provider or equivalent to deliver the affordable housing units within Communities Scotland benchmark costs and built to Communities Scotland Housing for variable needs standards, unless otherwise first agreed in writing by the Planning Authority.

Reason : In order to ensure an adequate supply of affordable housing, in compliance with Council Policy.

16. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or within 3.0m of overhead electrical equipment or supports.

Reason : In the interests of safety.

17. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters submission shall take full account of the levels within the site, and shall include full details of existing and proposed ground and finished floor levels, and shall include cross sections through the site.

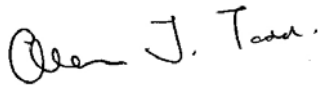
Reason : In order to ensure a complete and satisfactory form of development, in view of the sloping nature of the site.

18. Notwithstanding the requirements of Condition No 1 above, the Reserved Matters submission shall include full details of all boundary treatment, and any retaining walls required within the site.

Reason : In order to ensure a complete and satisfactory form of development.

Informative Note :

Scottish Water comment that any planning consent does not guarantee a connection to their infrastructure. They are unable to reserve capacity in their water or waste water networks. There may be pressure issues within the Water Network and there may be issues within their Waste Water Network. You are advised to contact Scottish Water (0845 601 8855) to discuss.



Signature: 

Designation: Area Planning & Building Standards Manager

Date: 14<sup>th</sup> August 2007

Author: Susan Hadfield

Background Papers: As referred to in the report above and case file reference number 07/00040/OUTRC

Ross and Cromarty East Local Plan

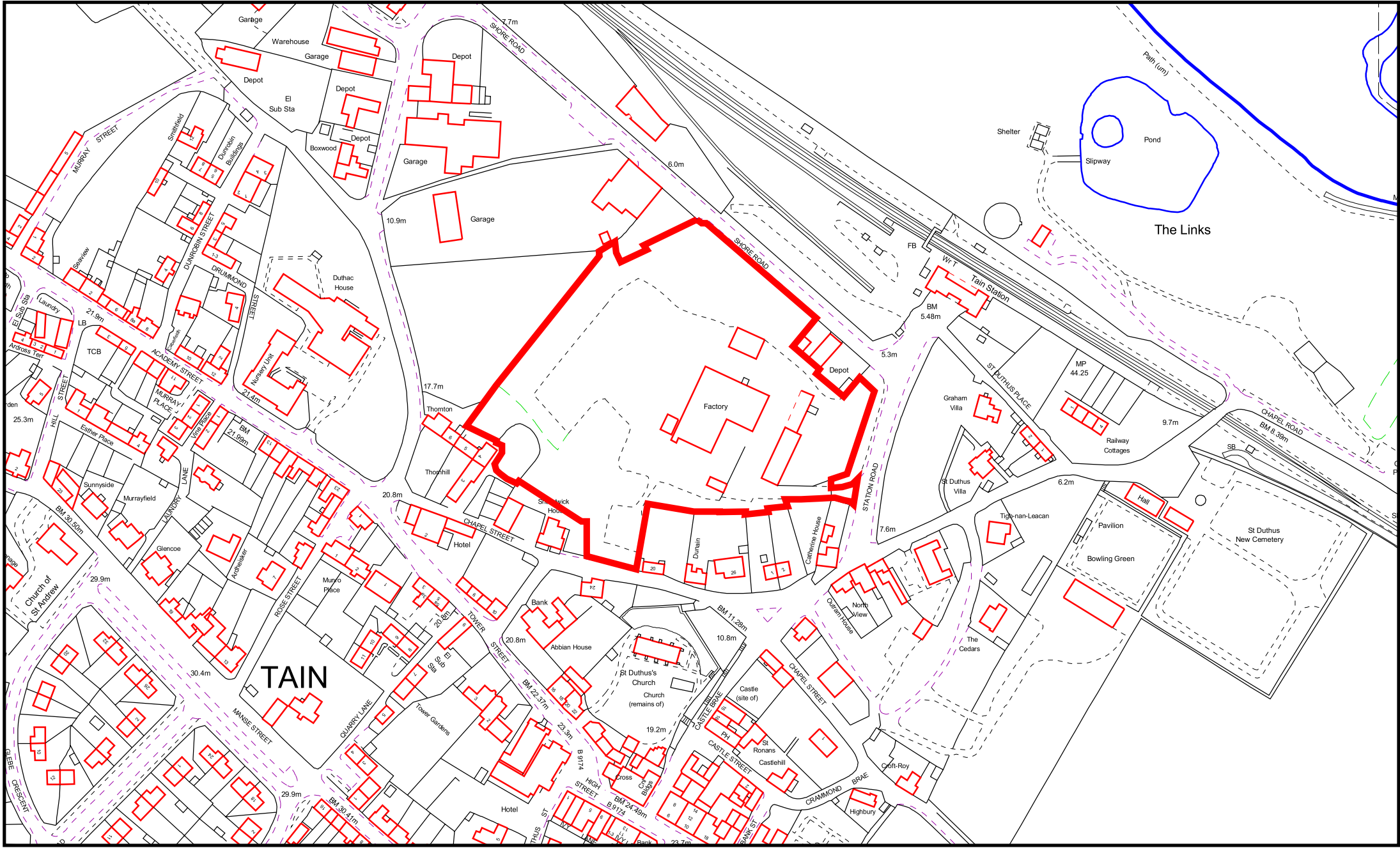
The Highland Structure Plan

PAN 33

PAN 56

SPP3





07/00040/OUTRC  
 Demolition of factory units and erection of houses / flats at former Morrison's site, Shore Street, Tain.

Tain Investment Properties  
 per The Farningham McCreadie Partnership  
 Edinburgh



Date: 20 August 2007

**SUPPLIED BY THE HIGHLAND COUNCIL**

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