

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING
APPLICATIONS COMMITTEE
1 JULY 2008

Agenda Item	3.4
Report No	27/08

OUTLINE APPLICATION FOR THE ERECTION OF A RETAIL STORE
WITH ASSOCIATED PETROL FILLING STATION, CAR PARKING
AND ACCESS, SHORE ROAD, TAIN.
(08/00038/OUTRC)

Report by Head of Planning and Building Standards

SUMMARY

The application seeks outline planning permission for the erection of a retail store (2,500m² gross floorspace) with associated petrol filling station, car parking and access on land comprising the former Morrison's Plant Hire site on Shore Road, Tain. It is supported by a range of traffic measures to be developed off site but within the existing road network of Tain, all of which would be financed by the developer. The applicant is Tesco Stores Ltd.

The application has attracted 5 objections including representations from parties involved with two other retail proposals in Tain soon to be heard at Public Local Inquiry. There are no objections from statutory consultees. The site falls within Tain town centre as set out in the adopted Local Plan. The Scottish Government has requested that it be notified of any decision to approve the application.

It is recommended that planning permission be **granted** subject to conditions.

Ward 8 Tain and Easter Ross.

1.0 PROPOSAL

- 1.1 Outline planning permission is being sought for the erection of a retail store (2,500m² gross floorspace) with associated petrol filling station, car parking and access on land comprising the former Morrison's Plant Hire site and associated building on Shore Road, Tain. The application is supported by a Transport Assessment, an Accessibility Plan, a Tree Survey and Tree Management Plan. The applicant has offered to resource transport, traffic and footpath improvements outwith the site, new bus services and an extension of the public space CCTV system in Tain to cover the area between the Station and the High Street as impacted by the proposed store.
- 1.2 The site, extending to 2.02ha (5 acres), is bounded to the north by Shore Road and to the west by Robertson's of Tain agricultural machinery sales and servicing business. Station Road lies to the east of the site, where the existing site access is located. Housing on Chapel Street back onto the site from the south. The site has a short frontage with Chapel Street which traverses the escarpment

(southwest to northeast) above which town centre and the settlement is largely located. This southern frontage is on sloping ground which quickly falls northwards into the former builder's yard, which is relatively flat at around the 6m contour.

- 1.3 An indicative layout (amended) is included with the application a copy of which is appended to this report. This plan indicates that the principal vehicular access point to the proposed development would be taken off Shore Road via a new access point on the site's northernmost boundary. The access would comprise a small roundabout set within the existing Shore Road. The existing site access on the eastern boundary would be closed off to vehicular traffic, leaving a pedestrian link only. Two new potential pedestrian links are proposed with the site on its western boundary should land by Robertson's of Tain be redeveloped. Most importantly however new footpaths are to be provided on the site's southern boundary with Chapel Street to improve access links to the High Street.
- 1.4 The proposed retail store is to be set on the south western portion of the lower area which until recently was the Morrison's Plant depot. The eastern half of the site is to be set out for customer car parking, including provision for disabled and family friendly parking spaces and cycle racks. The store is to be serviced on its western side, where a service yard is set out, taking access from the principal new access road into the site. The proposed petrol filling station is to be located on the northwest portion of the site on the west side of the new access road. A bus stop is proposed within the site, convenient to the proposed store.
- 1.5 This area is primarily in industrial / business use although a number of residential properties prevail. Shandwick House on Chapel Street, adjacent the site, is listed, as are a number of buildings in the neighbourhood. A portion of the site, close to Shandwick House, falls within Tain's Outstanding Conservation Area. There are a significant number of trees at the boundary edges of the site, including the portion of the site within the conservation area. To the north of the site are Tain Railway Station and the north Highland railway line.

2.0 PLANNING HISTORY

- 2.1 **07/00040/OUTRC** outline consent granted in September 2007 for the demolition of existing factory units and the erection of houses and flats. An indicative plan for 86 housing units was tabled.
04/01005/OUTRC –immediately to the west of the current application outline consent was granted for a supermarket. This continued on a consent first issued in February 1986 and repeatedly renewed. Consent for the development has now lapsed.
07/01110/OUTRC renewal of outline consent for supermarket (adjacent this site) withdrawn in February 2008.
- 2.2 Two applications for retail development on the edge of Tain are currently with Scottish Ministers for determination including: -
06/00665/FULRC at Knockbreck Road, Tain (Asda application) supported by the

Council, but not yet determined by Scottish Ministers.

06/01170/OUTRC at Morangie Road, Tain (Robertson Group application) not yet determined / under appeal.

- 2.3 In preparation for the co-joined Public Local Inquiry commencing in Tain on 17 September to consider the Robertson Group application (on Morangie Road) and the proposed Asda application (Knockbreck Road), the Council commissioned a local **Retail Study** from Halcrow Group Ltd. One outcome of that study was to determine retail capacity in Tain, largely from an assessment of the retail impact assessments provided to the Council by developers in support of their retail proposals.

3.0 PUBLIC PARTICIPATION

- 3.1 The application was advertised, on 25 April 2008 allowing 21 days for public representations, for the following reasons: -

- Section 34 Introducing change into an area.
- Potential Departure to the Development Plan.
- Development affecting a Listed Building
- Development within a Conservation Area.

- 3.2 The Council has received 6 representations including 5 who are objecting to the application and 1 supporter. Annex 1 provides the details of these parties.

- 3.3 Objections have focused on the following matters: -

Retail

- the Council has approved an Asda store in Tain.
- conflicts with SPP 8 as sites should be accessible.
- Site is impractical for modern foodstore purposes.

Roads

- there will be adverse impact on existing roads / local businesses.

Access

- the local road and footpath networks are substandard.
- Conflicts with requirements of SPP 17
- physical constraints will limit pedestrian access
- the design of ramps will not be attractive to potential users
- the mini roundabout should not be used on Shore Road
- the parking spaces provided are difficult to justify
- assessment does not recognise poor visibility at junctions

Traffic Assessment

- The assessment contains errors.
- Some data provided is unrealistic.
- underestimates the effect of traffic likely to be generated

Visual Impact

- the modern store would be detrimental to the historic core.

Noise

- construction and operational noise will have an adverse impact.

3.4 All letters of representation are available for inspection in the Planning and Development Service at Headquarters, Glenurquhart Road, Inverness and will be available at the committee meeting to be held in Tain.

4.0 CONSULTATIONS

4.1 Tain Community Council regards this proposal as a wholly unsuitable use for this site. The local road network is constricted. The application appears as an attempt to block the Asda development which is fully supported by the community council. The proposed off site works to improve links to the town centre are of questionable practical value.

4.2 TEC Services (Environmental Health) do not object but request a condition be applied to any consent to require completion of a contaminated land assessment.

4.3 TEC Services (Roads) have no objections following a review of the Tesco Transportation Assessment, the Parking Appraisal, the indicative site layout, the revised indicative site layout, as shown on Drg. No. 1540 (PL0) 002/A, together with plans of proposed improvements to external roads. The proposal is generally acceptable and there are no reasons, in terms of transportation, for a recommendation of refusal. If planning consent were to be recommended for the proposal, there is a requirement to apply a number of transport-related conditions.

4.4 Trunk Road Network Management Division has no objection but request the requirement for a travel plan as a condition.

4.5 Scottish Water has raised no objections.

4.6 SEPA has no objections following submission of additional information setting out two levels of treatment for surface water run off and specific polluting areas being connected to the foul sewer. A waste management plan is also required.

4.7 Network Rail no objection but request conditions or advisory notes if granted to ensure integrity of the operational railway near this development site.

4.8 Scottish Government has directed the Council to notify the application to Scottish Ministers if it is minded to approve the development. Ministers would then have the opportunity to call-in this application.

5.0 POLICY

5.1 The following policies are relevant to the assessment of the proposal

5.2 Highland Structure Plan (March 2001)

Policy G1 Conformity with Strategy

Policy G2	Designed for Sustainability
Policy G3	Impact Assessment
Policy R1	Shopping Hierarchy
Policy R2	Everyday Shopping Needs
Proposal R3	Rural Shop Support Scheme
Policy R4	Major Foodstores
Policy R5	Town Centre Shopping

Ross and Cromarty East Local Plan (Feb 2007)

Sustainable Development 2.6 - 2.8

Strategic Themes 4.1

Spatial Elements of the Strategy Para - Para 4.6

Chapter 5 Settlement Policies and GSP1 – GSP7, GSP16

Tain Chapter 33.

Tain Policy 1

Tain Policy 2

Tain Policy 3

Tain Policy 6 and 13

Tain Policy 10

Tain Policy 27

- 5.3 The proposal requires to be assessed against the following relevant Scottish Planning Policies (SPP's), National Planning Policy Guidance (NPPGs) and Planning Advice Notes (PANs).

SPP 1	The Planning System
SPP 2	Economic Development
SPP 8	Town Centres and Retailing
SPP 15	Planning and Rural Development
SPP 17	Planning For Transport
PAN 57	Transport and Planning

6.0 PLANNING APPRAISAL

Determining Issues

- 6.1 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 determining issues are whether:
- the proposal accords with the development plan?
 - If they do accord, are there compelling material considerations for not approving them?
 - If they do not accord, are there any compelling material considerations for approving them?

Assessment

- 6.3 To address the determining issues, the Committee must consider the following issues: -
- a) Development Plan Policy
 - b) National Retail Policy - SPP 8
 - c) Services (transport infrastructure, local accessibility, drainage services)
 - d) Layout and Design
 - e) Amenity
 - f) Other material matters raised by objectors.

Development Plan Policy

- 6.4 The application lies within the Shore Road industrial area of Tain which is currently attracting a number of proposals for redevelopment including retail, housing and industrial / business uses. The site falls within the town centre area of Tain where Retail Policy 1 applies. The southernmost part of the site at Shandwick House falls into Tain's Conservation Area. This requires development proposals to recognise the special character of the area through sensitive design and choice of materials / landscaping.
- 6.5 Both the Council's Structure Plan and the Ross and Cromarty East Local Plan have set out a retailing hierarchy of town centres across the area. Within Ross and Cromarty East Local Plan this approach seeks to counter the pull of Inverness and spread retail development across existing communities including Tain, which serves an important shopping / retailing function.
- 6.6 The principal retail element of the application is consistent with the Council's Development Plan. However it was land immediately to the west that was particularly allocated for a supermarket development in the Local Plan with the potential for further land to the east of that site being included with that development if a larger site was required. The allocated site has remained undeveloped for over 20 years and was set aside by the Council when considering retail applications on Morangie Road (Lidl – now built) and Knockbreck Road (Asda – called in). Furthermore a recent application to renew the planning consent on the allocated site was withdrawn by the applicant.
- 6.7 A common feature of many supermarket developments is the inclusion of a petrol filling station. There are no specific policy issues that would work against this potential land use mix.

National Retail Policy – SPP 8

- 6.8 Notwithstanding the local plan town centre designation it remains important for the application to be considered within the terms of SPP 8 Town Centres and Retailing, which is generally consistent with the policy approach set out in the Council's Development Plan. Council's are asked to focus retail development within town centres prioritising such locations ahead of edge of centre locations, other commercial centres and out of centre sites. In this regard this application is

consistent with the first principle.

- 6.9 Other policy principles set out in SPP 8 require all parties to consider: -
- Maintaining, improving and developing town centres
 - Promoting a safe and attractive environment
 - Ensuring centres are accessible to all sectors of the community
 - Regularly monitoring and reviewing - especially the vitality and viability of the town centre.
- 6.10 Taking into account the supporting information as highlighted in paragraph 1.1 above, the applicant is clearly alert to the policy requirements of modern retailing provisions within an old historic town centre and has presented a clear development proposal, albeit in outline, for the Council to consider. The fact that the application does not exceed 2,500 sq m gross floorspace avoids the requirement for a retail impact assessment. A retail application of this type, being located within the town centre, is consistent with good practice. Applications for development in this area are being encouraged to assist with the regeneration of this lower area of Tain. The Council has recently approved re-development plans for this site, albeit for residential use.
- 6.11 The Council has recently commissioned research from Halcrow of recent Retail Impact Assessments provided by other applications to determine the capacity in Tain for further retail development, in the light of the Lidl application now approved, the Asda Application and Robertson Group applications, both of which are to be considered at a co joined Public Local Inquiry and finally be determined by Scottish Ministers. This work has suggested that “there is sufficient expenditure (£20.2m) within a 30 minute drive time catchment area to support further convenience floorspace in Tain. This capacity can potentially absorb the development of the Lidl store (£3.6m est. turnover) now built, the proposed Asda store (£9.6m est. turnover) on Knockbreck Road approved by Council, although not by Scottish Ministers, and the Tesco application (£5.7m est. turnover). There is not deemed to be sufficient capacity to additionally allow the Robertson Group application (£13m est. turnover), although the final decision on the two out of town centre applications falls to Scottish Ministers.
- 6.12 Concerns have been raised about the future of existing petrol retailing businesses in Tain if a national retailer was permitted consent to operate on Shore Road. SPP 1 advises that the planning system does not exist to protect the interests of one business against the activities of another. If a proposal accords with the development plan and there are no material considerations indicating it should be refused, permission should be granted. In any case the Council have already expressed their support for a new petrol filling station when supporting the application by Asda, a national retailer, on Knockbreck Road.

Services

- 6.13 There are no objections to the application from service authorities although many have set out particular requirements which the applicants would require to comply with should consent be granted. The applicant submitted further

information to SEPA which allowed them to withdraw their initial objection.

- 6.14 The accessibility of this site for the proposed development is a principal consideration on account of the topography of Tain and the less than modern road network of this historic town. The settlement is fortunate to have a bypass, with many radial routes out of the centre of the town. In addition the Council has developed the Blarliath Link Road improving the connection of the lower area of Tain to the A9 Trunk Road, via Morangie Road on the west side of the settlement. Many residents of the area however will continue to use the local road network at the heart of the town to go between the lower area of Tain and other parts of the settlement and vice versa. The current road network has many junctions that have limited visibility. Whilst a handicap for road users, limited visibility at junctions / bends can help reduce traffic speeds.
- 6.15 The applicant is conscious of the access constraints in and around the Shore Road area, which perhaps has put off many other potential retail developers from utilising the site allocated for a supermarket in the adopted Local Plan. They have presented a package of measures to assist with local road network improvement to enable their development ideas. In particular they have promoted the practice that all delivery vehicles to the site access the store and filling station from the Morangie Road entrance on the A9.
- 6.16 The applicant has submitted three principal schemes to bring about improvements to the local road network around the site. The applicant is content to resource these changes, all of which can be promoted within the public road as currently managed by the Council. Although each scheme remains to be enhanced and finalised, there is sufficient information that has been made available to the Council to determine its views on the improvements. This also has taken forward the work as presented in the initial Transport Assessment, criticised by several objectors.
- 6.17 Shore Road Option A – Drg. No. 207937/53 (Appended)
- Provision of 6.0m carriageway is welcome.
 - Footways on both sides – less than 2.0m wide but do provide pedestrian facilities on both sides of road, which serve all units. Important aspect is that a section of 2.0m footway is provided on south side, between the footpath on the west and store site entrance.
 - Given the suggested increased levels of traffic, there may be a need, in terms of road safety, to provide a pedestrian crossing facility, to the west of the new roundabout.
 - Waiting restrictions should be provided on Shore Road to prevent on-street parking, certainly in front of and near the store entrance.

(An alternative Option B (N^o 55) was submitted to TEC Services providing a 2m footpath on the south side of Shore Road, but a much reduce footpath to the north side. Option B although acceptable was the less attractive option.)

- 6.18 Station Road/Chapel Road Drg. No. 207937/51 – (Appended)
- This is a significant improvement on initial proposal.
 - The triangular area is now simplified, in terms of traffic movements.
 - One way proposal reduces conflict between pedestrians and vehicles.

- Should consider associated formal parking provision on Station Road.
- Overall, a good basis for the outline application.

6.19 Chapel Street/Tower Street Drg. No. 207937/52/A – (Appended)

- Tower Street – small build-out at Quarry Lane improves safety for pedestrians and cyclists.
- Lane – closure to through traffic is welcome.
- Suggest that Chapel Street is provided with a 20mph speed limit. Would also suggest an entrance feature, either a raised table or red screed, is provided at mouth of Chapel Street, at its west end. A further feature should be provided to the east of No. 20, such as a raised table or another narrowing, to enforce low speeds.
- Overall, a good basis for the outline application.

6.20 The details of the road improvements demonstrate ideas which can be delivered to enhance access and improve road safety issues raised through this application generally within the lower area of Tain. Development of these ideas through to a detailed design is likely to be influenced however by consultation with community and Road Safety Audits. The principal of such ideas is acceptable to TEC Services with funding derived from the applicant.

6.21 Whilst the application is only in outline it is supported by an indicative layout which has enabled further accessibility issues to be addressed, particularly with regards to SPP 17 and the Council's own Road Construction Guidelines. The following aspects, generally acceptable to TEC Services, are to be provided: -

- Vehicular access to the site, via the proposed mini roundabout within Shore Road.
- Site circulation to petrol filling station, Service yard and car park with bus stop, facilities for recycling, waiting area drop off zone, etc.
- 211 car parking spaces with particular provision for disabled parking
- footpaths, steps and ramps with connections to porous boundaries.
- Cycle racks.

6.22 Under SPP 17 – National Maximum Car Parking Standards - a store of this size would be expected to provide in the region of 193 parking space (includes 12 disabled spaces). Using Council standards an estimated total of 274 spaces (including disabled would be required. The provision of 18 extra spaces above the national maximum for additional town centre car parking is allowable under SPP 17 if local road authorities support such extra provision. TEC Services have advised that although they have required the Council standards to be applied for developments outwith the town centre, they can accept national maximum on this site with the additional / notional 18 town centre spaces.

6.23 The applicant has offered to establish a bus service to the store and also recognises that the Town Centre is a principal stop for the majority of all public bus services that run in this locality, with connections to the wider rural community. In preference to a service being provided by the Applicant, the Council continues to commission enhanced services for Tain and its wider hinterland, using developer contribution. Lidl's have already contributed £20k, Asda have offered £55k and residential developments are providing £400 per house. An agreed sum can be set as a condition in addition to the provision of

the additional infrastructure as set out in the indicative layout, including a within-site bus stop with foot path links to the store.

- 6.24 Cycle and footpath (steps or ramps) have been promoted by the developer to ensure the new store is generally accessible. Concerns have been raised by objectors that the store is less than accessible in view of the topography and that the current designs, particularly the ramps, are not in accordance within design guidelines for ramps. Whilst pedestrian and cycle access to the proposed development are not ideal it is difficult to justify that the development should be refused for this reason, also implying that the site could never be developed and that the local plan town centre designation had been inappropriate.
- 6.25 The offer of a contribution towards the Council's public space CCTV service would also be beneficial to secure the safety of pedestrians and could be developed along with expected refresh programme for Tain's CCTV network. A three or four camera extension consistent with Council's standards, including digital storage of images could cost in the region of £30 -35k, perhaps less.

Layout and Design

- 6.26 The application is in outline. However an indicative site layout has been table to demonstrate a number of principal issues regarding the capacity of the site to accept and development of this scale. This illustrates the principal location of the store, petrol filling station, general circulation for delivery vehicles, buses, cars, cycles and pedestrians to, across and beyond the site. The layout also demonstrates a willingness by the developer to accommodate recycling facilities, trolley parks, landscaping etc. The package is consistent with that of a modern supermarket retail unit and is generally acceptable. With the initial layout plan having been amended it is considered the general circulation now proposed will work. The indicative layout provides a bus stop and pick up areas in close proximity to the store, which is to be welcomed. Issues such as the need to incorporate covered cycle bays, and trolley parks are minor details that can be left as reserved matters.
- 6.27 The indicative layout, whilst generally acceptable, does not fully address the range of matters that are important to consider in terms of design, taking into account the context of the site including Tain's Outstanding Conservation Area, Shandwick House being listed and others in the vicinity, the general features of this old part of Tain which includes a number of natural stone wall feature, trees, landscaped areas and detailed design aspects. The applicant has hinted at a few attractive design features such as retaining stone wall boundaries and whilst this is an outline application it is important to highlight in conditions clear expectations that the Council hold as part of the regeneration of this town centre area. This should be entirely consistent with SPP 8 which encourages development which should offer a safe and attractive environment.
- 6.28 With the development taking place on land generally lower than many vantage points to the south, the appearance of the roof of the proposed store will have impact. In preference to a standard flat roof, it is hoped that the developer will come forward with an arched / curved roof offering an element of design interest.

- 6.29 The Council encourages development which addresses issues of sustainability particularly within the design of any substantive new buildings. Issues of solar gain, efficient use of energy, use of grey water, etc are design aspects which the Council would anticipate within plans submitted for detailed approval.

Amenity

- 6.30 The proposed site lies on the edge of Tain Outstanding Conservation Area which dictates that great care is needed in the design, massing and appearance of any proposed development. Furthermore the requirements for “access” both pedestrian and vehicular could, without effective management, impact adversely on the historic street network and core of this historic town to the detriment of the high quality amenity that can currently be enjoyed by locals and visitors alike. The current application is supported by a number of reports and detailed indicative proposals that illustrate what might be realised. The principles of these proposals are acceptable however continued scrutiny through to any final design stage will be required to ensure design compatibility with the surroundings.
- 6.31 The redevelopment of this site will provide an important springboard for the positive management of the trees in this locality. From a tree survey within or adjacent to the site approximately 60 trees are required to be taken down on account of decay, disease or their impact on existing boundary walls. Thereafter the development itself requires two trees to be removed, but also provides an opportunity for considerable replanting and other landscape measures. As with any proposals to fell, lop or top trees it will be important to ensure such works are informed and controlled by the needs of protected species such as bats. Development and all construction works must also protect and safeguard important root systems of retained trees, within and adjacent the site. In this regard there are two areas of concern including root systems around the pedestrian access off Chapel Street and the site boundary on Station Road. In the latter area four significant lime trees should have root protection zones that may limit proposals for parking in that location, based on standard construction methods.

Other Material Considerations

6. The only other relevant material consideration raised by objectors is that of noise. Advice from TEC Services suggests that such concerns can be managed through conditions, as will other such issues including dust controls, waste disposal and burning and controls over operating hours.

7.0 CONCLUSION

- 7.1 Tain in recent months has been the focus of a number of significant retailing applications and largescale housing projects, which in terms of economic and social development is encouraging. The scale of these proposals and perhaps the prospect of fairly rapid change have raised a number of objections from a few parties within the community, only some of which are material to any planning assessment. Only one existing business within the locality has objected to the

application, although not on the basis of retail policy.

- 7.2 The principal objections to the development however have come from parties other developers seeking retail approval on the edge of the settlement, who have highlighted access concerns of this Shore Road site both vehicular and by pedestrians. The Council's advisors on these matters, whilst recognising some difficulties, have determined that with the acceptance of off site road improvements and new traffic management proposals there are no reasons in terms of transportation to refuse the application. The potential loss of parking on Shore Road, currently used by existing businesses and their customers, particularly Keyline, is not a reason to reject the current application.
- 7.3 The application is however consistent with the Local Plan Town Centre allocation and thereby retail policies as set out in the Council's development plan and national planning policy – SPP 8. The one exception is that the Local Plan has allocated land to the west of the current site for the development of a foodstore. However this has in recent times been set aside by the Council and the owner. The Council has already approved redevelopment for housing on the former Plant Hire site and the site is highlighted for regeneration within the Local Plan including retail uses.
- 7.4 There are no servicing constraints that suggest the application should be refused however there are a number of issues that would require to be addressed within any reserved matters application to ensure design compatibility with the adjacent outstanding conservation area, listed buildings, trees, sustainability and neighbours generally. The indicative layout has generally demonstrated the capacity of the site to accommodate a modern retailing unit and petrol filling station and all associated infrastructure, with parking to national maximum standards, plus some additional town centre parking.
- 7.5 In conclusion taking into account the provisions of the Development Plan and all other material considerations as highlighted in this report, the principal of a retail development on this site can be accepted subject to appropriate conditions.
- 7.6 If the Council is minded to approve this application the Scottish Government have requested that it be notified in the light of possible implications for retail proposals in Tain presently before Scottish Ministers for their determination.
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RECOMMENDATION

It is recommended that outline planning permission is **granted** for the erection of a retail store (2,500m² gross floorspace) with associated petrol filling station, car parking and access on land comprising the former Morrison's Plant Hire site on Shore Road, Tain, subject to conditions covering the matters listed below.

Planning Conditions

1. A further application shall be made to the Council within three years of the date of this permission for the approval of reserved matters as highlighted in this and conditions below and no works shall commence on any part of the site until the permission of the Council has been granted in writing for such proposals. Reserved matters shall include:
 - the siting, design and external appearance of all buildings/ services,
 - the means of access thereto,
 - the proposals for landscaping.
 - the design and appearance of boundary enclosures, and
 - design and siting of infrastructure for sustainability.

Reason: - The application was in outline only and no such details have been submitted with the application.

2. The submitted site layout is taken as indicative only and is not hereby approved.

Reason: - For the avoidance of doubt and to clarify the terms of the permission hereby granted.

3. Hours of opening shall be limited from 0800 hours to 2200 hours Monday – Sunday without prior written approval of the Council. There shall be no trading on Christmas Day or on 1st January each year.

Reason: In the interest of amenity.

4. No deliveries shall take place outwith the hours 0600 – 2200 Monday – Friday, 0700 – 2000 Saturdays and Sundays without prior written approval of the Council.

Reason: In the interest of amenity.

5. Prior to the commencement of development an appropriate site investigation to identify the nature and extent of potential contamination should be undertaken. An assessment then needs to be undertaken of the results of this investigation to demonstrate that the site is suitable for its proposed new use, including highlighting what additional provisions need to be undertaken in advance of development. The assessment must be consistent with the approach to land contamination contained within the new contaminated land regime as reflected in PAN 33 and the British Standard for investigation of potentially contaminated sites.

Reason: - Site falls within an area of land identified as potentially contaminated.

6. The Reserved Matters application shall include full details of existing and proposed ground and finish floor levels and shall include cross sections through the site to demonstrate minimal impact upon existing slopes and adjacent properties.

Reason: - to adequately demonstrate the likely impact of any detailed design on the surrounding area, particularly the escarpment on the southern boundary.

7. The Reserved Matters application shall include details regarding roads, footpaths, cycle access, parking, bus turning area, Public Space CCTV, recycling area, landscaping and SUDs have to be resolved to the satisfaction of the Council in consultation with the Roads Authority. Road Construction Consent (RCC) will be required for all "off site" and adoptable works. This is expected to include as a minimum the following : -

- Details of proposed access arrangements, in terms of pedestrians, cyclists, public transport, taxis, demand responsive/community transport vehicles, service vehicles and private vehicles, to be reserved matters.
- Details of levels of parking provision and their locations, for cyclists and vehicles, to be reserved matters.
- Details of internal layout, in terms of pedestrian and cycle links, public transport provision, drop off/pick up facilities, parking space dimensions, internal road dimensions/routes, petrol filling station, service yard access, recycling facilities and sustainable urban drainage scheme, to be reserved matters.

Thereafter approved plans shall be implemented before retailing commences on site.

Reason: - In the interests of road safety, general accessibility and public safety.

8. The Reserved Matters application shall include details regarding off site road, improvements including new traffic management ideas to be resolved to the satisfaction of the Council. Road Construction Consent (RCC) will be required for all "off site" and adoptable works. This is expected to include as a minimum the following : -

External improvements:-

- (i) provision of improvements to Shore Road (north of the site), in terms of providing enhanced pedestrian facilities and carriageway widening, to address road safety concerns. Outline proposals, as shown on Drg. Nos. 207937/53, shall form the basis of any final design;
- (ii) provision of a traffic management and environmental improvements scheme for the Chapel Street/Castle Brae/Station Road/Chapel Road area, to address road safety concerns. Outline proposals, as shown on Drg. No. 207937/51, shall form the basis of any final design;
- (iii) provision of a traffic management scheme for Chapel Street (south of the site), in terms of providing enhanced pedestrian facilities, to address road safety concerns. Outline proposals, as shown on Drg. No. 207937/52/A, shall form the basis of any final design; and
- (iv) provision of improvements to pedestrian facilities between Quarry Lane and Chapel Street, including the existing lane running between Tower Street and Chapel Street, to address road safety concerns. Outline proposals, as shown

on Drg. No. 207937/52/A, shall form the basis of any final design.

- (v) All to the satisfaction of and at no cost to The Highland Council, with improvements completed prior to opening of the store.

Traffic Regulation Orders:-

- (i) If any external improvement measures require the promotion of a Traffic Regulation Order, the applicant shall fund all costs associated with the statutory process.

Road Safety Audit:-

- (i) The applicant agrees that any improvement to the external road network shall be submitted for independent Road Safety Audit, as part of the Road Construction Process. The applicant shall take account of any recommendations of the subsequent RSA reports, which shall cover all Stages of the process. The applicant shall be responsible for all fees, construction and any future remedial actions, arising from the various RSA Stage reports.

Public Transport Financial support:-

- (i) The applicant shall provide a financial contribution to the Council, which shall be used for providing public transport enhancements, which serve both the development and Tain. On the first day of site construction, the applicant shall pay the Council the negotiated sum, proportionate with contributions already received from other developments in the settlement.

Reason: - To ensure adequate improvements to the surrounding road network are undertaken, to address road safety concerns; the applicant funds all costs associated with these measures and adequate public transport enhancement is provided.

9. Prior to the opening of the store a comprehensive Travel Plan that sets out proposals for delivery vehicles and reducing the dependency on the private car by staff and customers and how these travel patterns can be influenced shall be submitted to and approved in writing by the Council, after consultation with TEC Services. The Travel Plan will require to be implemented for a minimum of 3 years from the opening of this retail store and will include:

- Details for the management of the Travel Plan identifying the persons responsible for implementation and a commitment to carrying out any actions that may be requested by the Council in consultation with the Roads Authority.
- Details of proposed initiatives, targets, monitoring proposals and reporting procedures
- Details of the advice to be given to all delivery vehicles serving the store, with a commitment to entering Tain from the west end, via Morangie Rd. / Blarliath Way.
- Details of proposed measures to improve and enhance public transport services and facilities and include a trolley park to be provided at the bus stop.
- Details of travel information to be provided within the site
- Details of the pedestrian footways cycle routes with appropriate signage and linkage to existing footways,
- Weather protection for the proposed cycle parking facilities.

Reason: To be consistent with the requirements of SPP17 Planning for Transport and Planning Advice Note 75.

10. Prior to the first occupation of the development details of all external lighting, including that proposed on the building, shall be submitted to and agreed in writing by the Council. Only lighting as approved shall be erected on site. Lighting within the car park and on the building (including box signs) shall be designed so that there is minimum glare consistent with the safety of traffic within the local area.

Reason: In the interests of amenity and traffic safety.

11. The Reserved Matters application shall include the results of an appropriate bat survey, informing what issues need to be taken into account prior to any works advancing the development hereby approved. Any bats found within the site must be adequately protected through the re-development project.

Reason: - Bats are a protected species.

12. With effect from the date of this permission, no trees or hedges are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Council. Prior to approval of Reserved Matters a detailed landscape plan must be submitted for approval specifying the quantity, position, size, species and protection measures (tree shelters, stakes & ties) of all trees / shrubs / vegetation to be planted together with an indication of how they integrate with the proposal in the long term. Such plans to also include details of all hard surface treatments and a management scheme for the future maintenance of all landscaped areas shall be submitted to and approved in writing by the Council.

Reason: In order to enable the Council to consider these matters in detail and in the interests of local amenity.

13. The approved landscaping scheme shall be fully implemented at the earliest appropriate opportunity and certainly within the first planting season following the first occupation of the development, and thereafter shall be maintained in perpetuity by the applicants and/or their successors to the entire satisfaction of the Council. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

Reason: In order that a high standard of landscaping is achieved, appropriate to the site.

14. The design and installation of any plant, machinery or equipment should be such that any associated noise complies with Noise Rating Curve 25 when measured and / or calculated within any nearby noise sensitive dwelling and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

Reason: To minimise potential disturbance to neighbouring residents.

15. The construction working hours within the site shall be Monday – Friday between 0700 hours and 1800 hours and on Saturday 0800 hours and 1300 hours, with no work being carried out on Sunday or public holidays. Any work requiring to be carried out outwith these times shall only commence with prior written approval of the Council.

Reason: To minimise potential disturbance to neighbouring residents.

16. Prior to commencement of development a construction method statement shall be submitted to and require approval of the Council in consultation with other parties as they consider necessary. The method statement shall detail the following matters in particular: -

- a detailed construction programme and timetable, including restoration of any construction site compound.
- An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free of mud / silt.
- Pollution prevention measures including contingency plans.
- a Tree Protection Plan be submitted for approval in accordance with BS5837:2005 (Trees in relation to construction) to ensure that any trees within or immediately adjacent to the site are safeguarded against construction damage.
- A statement covering maintenance and management of the site.
- The applicant shall take all necessary measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with this planning consent. The applicant should follow best practice and best management techniques in this regard, including a commitment to carrying out any remedial actions that may be requested by the Council.

Reason: To safeguard local amenity and road safety interests.

17. No development shall commence on site until a Site Waste Management Plan has been submitted and approved by the Council in consultation with SEPA. This plan shall detail the measures for minimising waste production through the construction stage of development and the measures for managing waste generated during the construction. The plan will then be implemented in accordance with the approved details.

Reason: - To minimise waste and safeguard local amenity during construction

18. There shall be no burning or disposal of waste on site unless a waste management license is in force or a suitable exemption has been registered under the Waste Management Licensing Regulations 1994.

Reason: - In the interests of amenity.

INFORMATIVES

1. Scottish Water has not objected to this application but this does not guarantee a connection to their infrastructure. The developer is encouraged to contact Scottish Water to discuss their proposals with that authority. Tel 0845 601 8855.
2. The petrol storage / fuelling facility will require a permit under the Pollution Prevention and Control Regulations. Information on this aspect is available from SEPA.
3. Standards for RCC submission are identified in Highland Council Road Guidelines Document.
4. In mitigating the effects of noise the applicant, and any future contractor, is advised to follow the guidance contained within BS5228: Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.
5. Open space, amenity or verge areas will not be adopted along with public roads and would need to be transferred for public maintenance under a separate agreement. There is a charge for adoption of these areas which is 40 times the annual maintenance charge and this is required to be paid up front. The site landscaping forming the new gateway to Tain will need to be maintained to a high amenity standard. All new trees to be planted 5m clear of road edge to avoid any long term maintenance difficulties of traffic conflicts.
6. It is recommended that the applicant / developer of this site informs all neighbouring residents who are likely to be affected by the construction works of the proposed timescales and the intended site of operations. It is recommended that the applicant / developer appoint a person responsible for dealing with complaints and provide a contact telephone number to neighbouring residents. By keeping residents informed of progress of the works and by treating any complaints expeditiously the applicant / developer may allay any possible fears that neighbouring residents have.
7. Network Rail require: -
 - a. All surface or foul water arising from the proposed works must be collected and diverted away from Network Rail Property.
 - b. Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
 - c. 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 where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

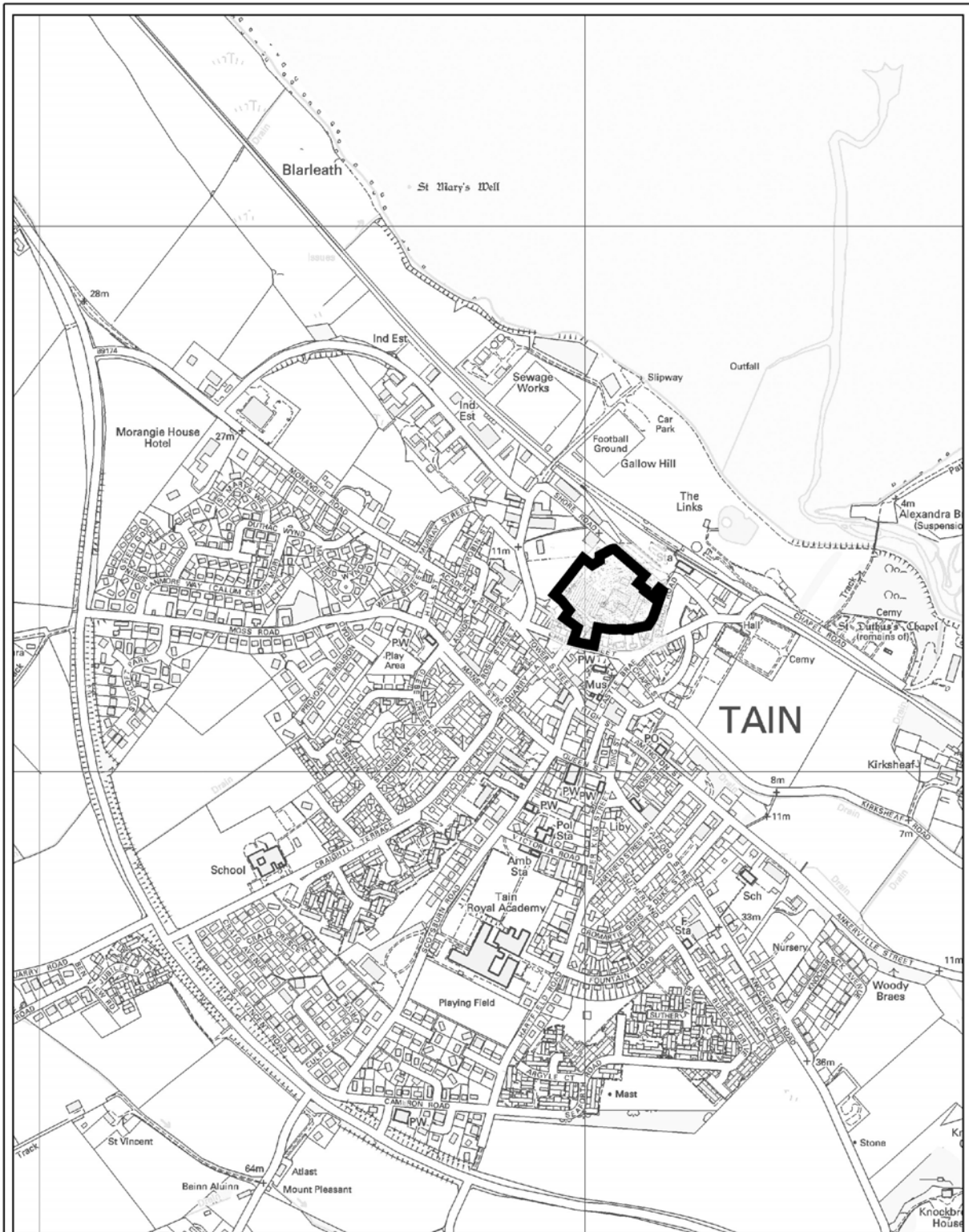
- d. All changes in ground levels and the laying of foundations carried out in the vicinity of Network Rail land, buildings or structures must be designed and executed such that there is no interference with their integrity.
- e. Network Rail is required to recover all reasonable costs associated with facilitating these works.

Signature: Richard Hartland

Name / Designation: Richard Hartland - Head of Planning and Building Standards

Author: Ken McCorquodale (01463 702256)

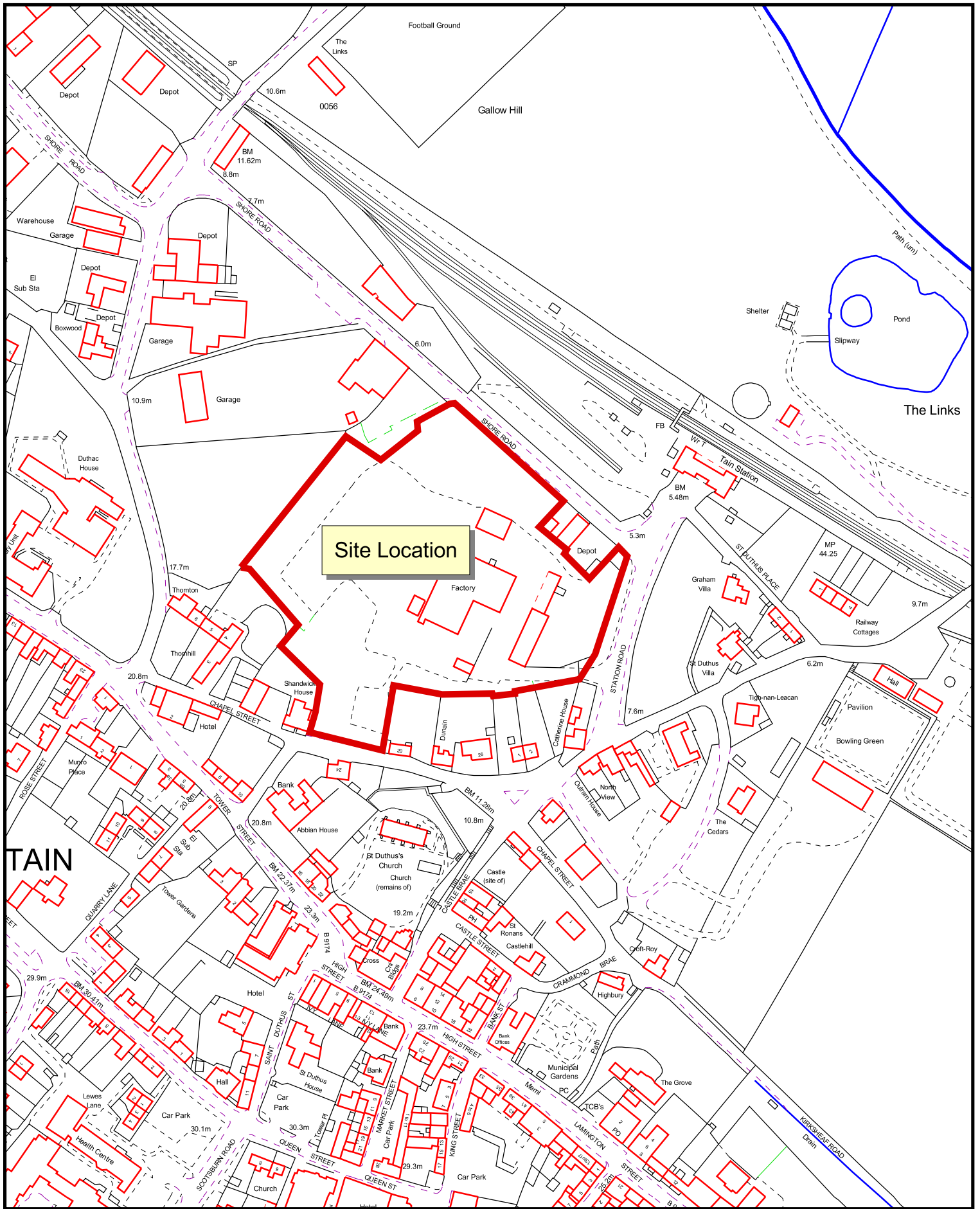
Background Papers: File reference 08/00038/OUTRC



**08/00038/OUTRC
 Planning Application at
 Shore Road, Tain**



SERVING The Highland Community
 Planning & Development Service



08/00038/OUTRC
 Erection of Retail Store with associated petrol filling station
 car parking and access (outline) at Land At Former Morrison's Site,
 Shore Road, Tain

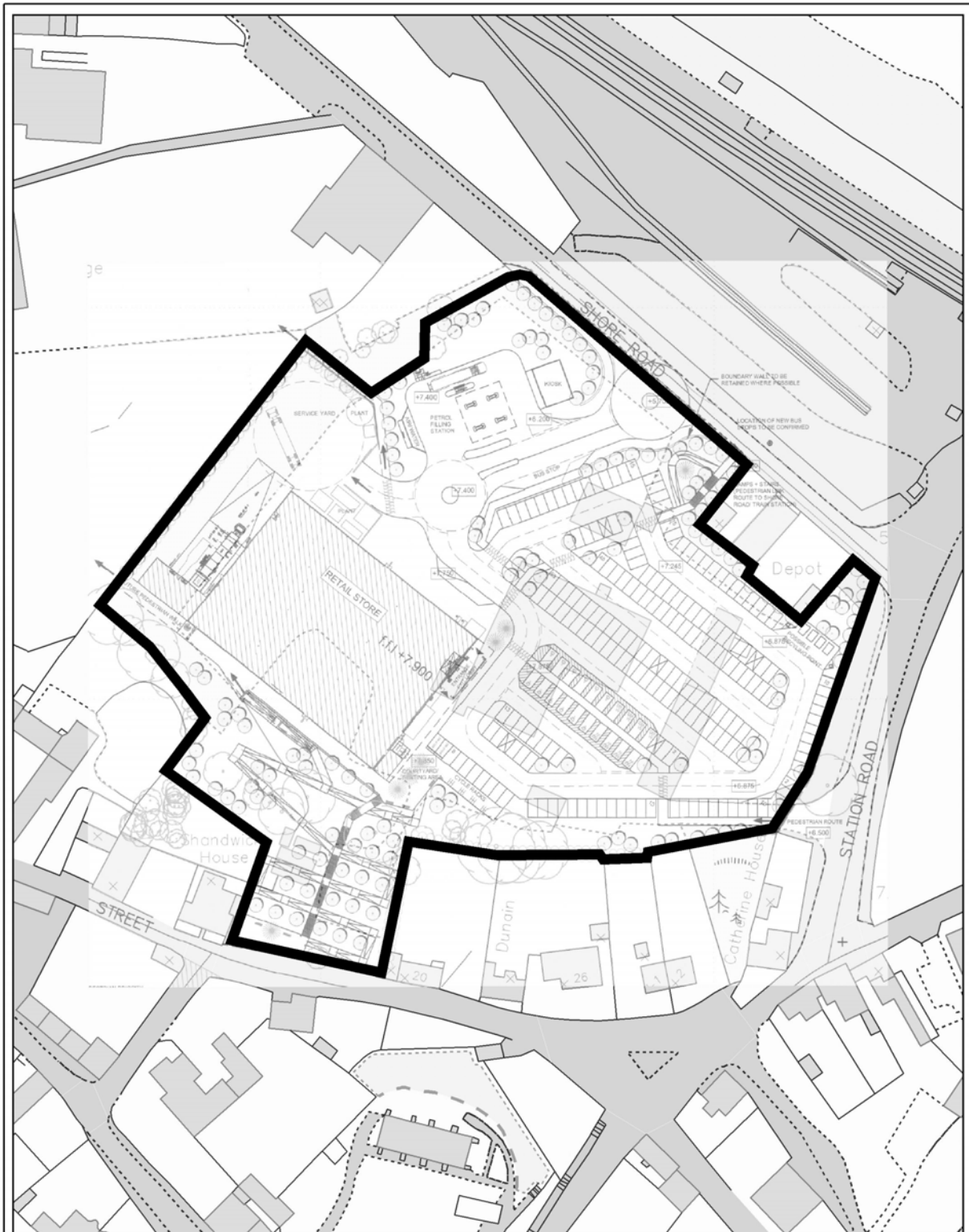
Tesco Stores Limited
 per Pritchett Planning Consultancy
 PO Box 8052
 Edinburgh
 EH16 5ZF

Date: 20 June 2008

SUPPLIED BY THE HIGHLAND COUNCIL

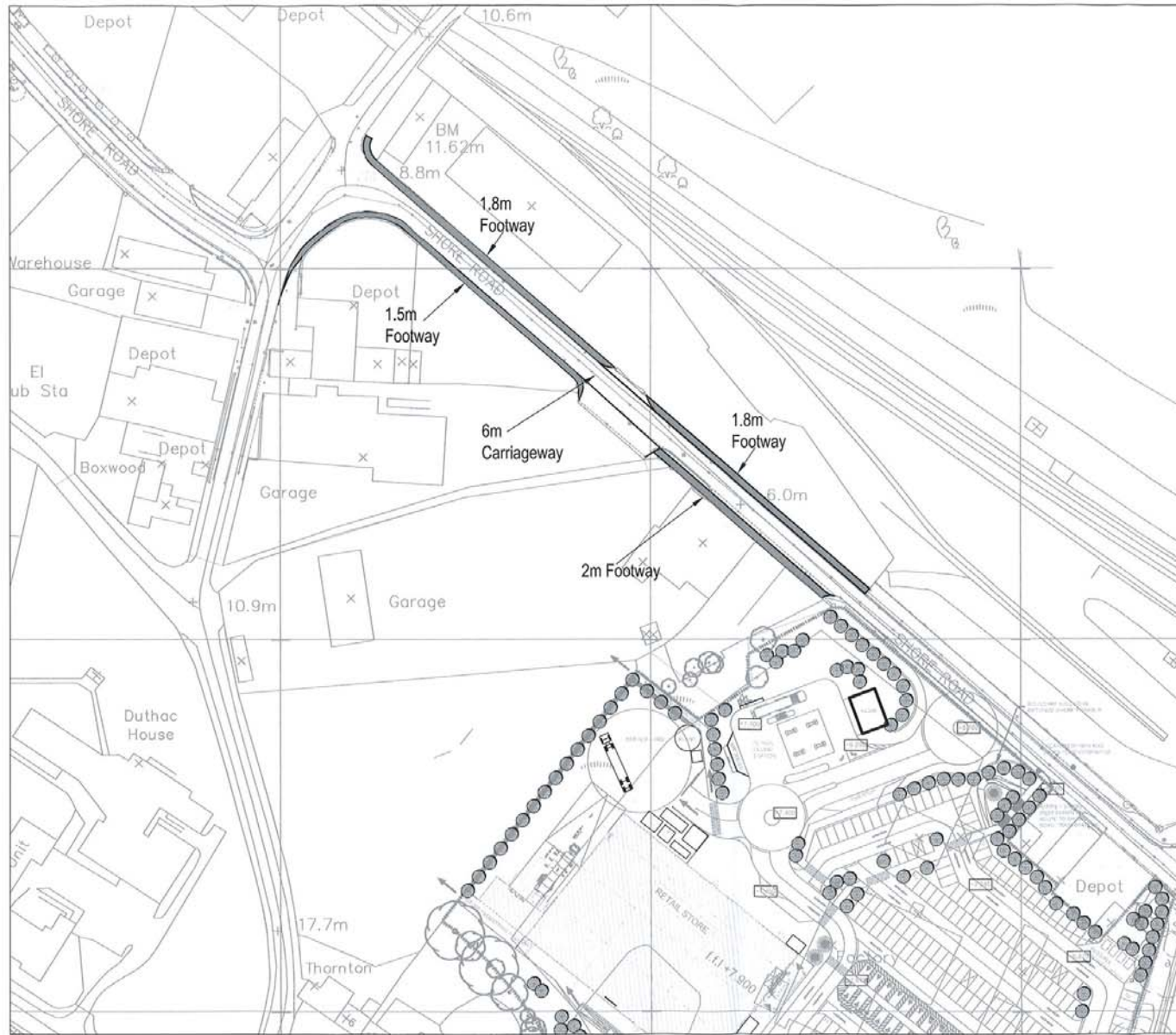
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 Scale
 1:2500

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Indicative Layout
08/00038/OUTRC
Planning Application at
Shore Road, Tain

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 The Highland Council 100023369
 June 2008



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Client					

TESCO

Project **Proposed Foodstore Tain**

Title **Shore Road Proposals**

Team	Drawn	Checked	Approved
V	JH	RH 30.05.08	MS 30.05.08

Scale @ A3 **1:1000 @ A3** Date **May 2008**

Project No.	Drawing No.	Rev
V/207937	207937/53	

Purpose of Issue Preliminary For Tender For Construction
 For Information For Approval As Built

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REV	DATE	AMENDMENTS	DRAWN	CHK	APP

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Client
TESCO

Project
Proposed Foodstore
Shore Road
Tain

Title
Station Road/Chapel Road
Proposed Improvements

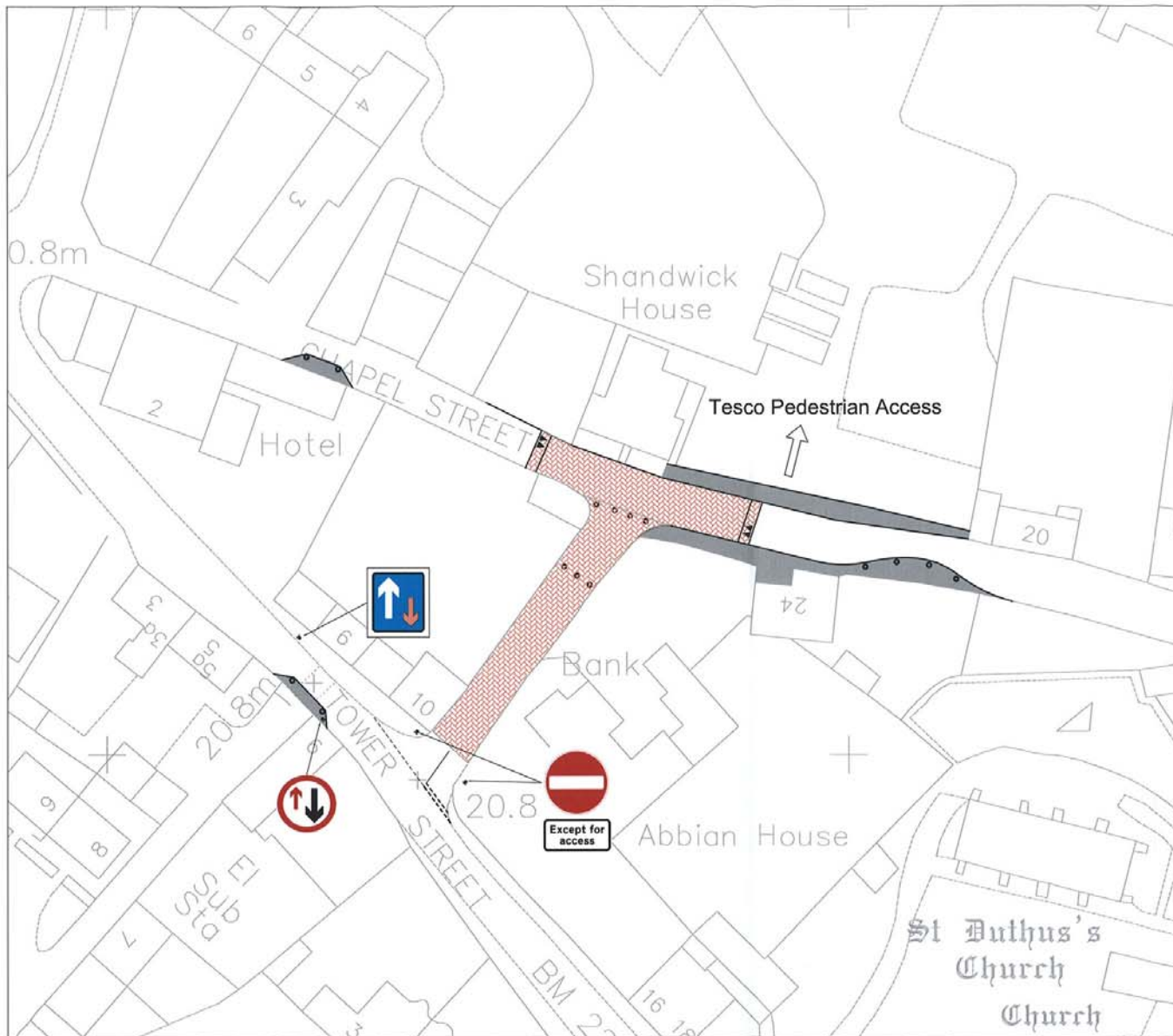
Team	Drawn	Checked	Approved	MS
V	RRH	RH 29.05.08	MS 29.05.08	

Scale @ A3
1:500
Date
May 2008

Project No.	Drawing No.	Rev
207937	51	-

Purpose of Issue
 Preliminary
 For Tender
 For Construction
 For Information
 For Approval
 As Built

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Key:

- New Footway
- Block Paving
- New Bollards

REV	DATE	AMENDMENTS	DRAWN	CHK	APP
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Client

TESCO

Project

Proposed Foodstore
Shore Road
Tain

Title

Chapel Street/Tower Street
Proposed Improvements

Team	Drawn	Checked	Approved	MS
V	RRH	RH	29.05.08	29.05.08
Scale @ A3		Date		
1:500		May 2008		

Project No.	Drawing No.	Rev
207937	52	-

Purpose of Issue

Preliminary For Tender For Construction

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