

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 3 March 2009

Agenda Item	
Report No	

08/00453/REMSU – Erection of retail store with associated fuel filling station, car parking and access (Approval of Reserved Matters) at former Morrison's Site, Shore Road, Tain

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is a Reserved Matters application for the erection of a retail store (2,500sqm 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 management measures to be developed off site but within the existing road network of Tain, all of which would be financed by the developer.

The Community Council of the Royal Burgh of Tain has objected to the application. In addition, there are two third party objections.

No technical difficulties have been highlighted by statutory consultees.

The application has been advertised under s34 of the Act for a 14 day period, expiring on 19 December 2008.

The site falls within Tain town centre as set out in the adopted Local Plan.

The Recommendation is to APPROVE THE RESERVED MATTERS subject to conditions.

Ward Number 8 – Tain and Easter Ross

Applicant – Santon Retail Ltd / Tesco Stores Ltd

1. PROPOSAL

- 1.1 Approval of reserved matters is being sought for the erection of a retail store (2,500sqm gross floorspace) with associated petrol filling station, car parking (213 spaces) and access on land comprising the former Morrison's Plant Hire site and associated building on Shore Road, Tain.

- 1.2 The application is supported by a Transport Assessment which provides details in addition to those submitted within the Transport Assessment and Travel Plan framework which accompanied the outline planning application (08/00038/OUTRC).
- 1.3 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.
- 1.4 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 backs onto the site from the south. The site has a short frontage with Chapel Street which traverses the escarpment (southwest to northeast) above which the town 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.

2. PLANNING HISTORY

- 2.1 Members will recall consideration of an outline planning application (08/00038/OUTRC) for a retail store on 1 July 2008 following a site inspection by Committee. The Committee approved the application, noting that it would have to be notified to the Scottish Government in the light of the possible implications for retail proposals in Tain which were then before Scottish Ministers for their determination. The application was subsequently not called in by Scottish Ministers.
- 2.2 The detailed history of the site is:
 - 08/00038/OUTRC - Outline permission (5 September 2008) for retail store with associated petrol filling station, car parking and access
 - 07/00040/OUTRC - Outline permission (3 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 permission was granted for a supermarket. This continued a permission first issued in February 1986 and repeatedly renewed. The permission has now lapsed.
 - 07/01110/OUTRC - Renewal of outline permission for supermarket (adjacent this site) (Withdrawn in February 2008).
- 2.3 Members will note for information that the Public Local Inquiry due to commence on 17 September 2008 to consider the Robertson Group application (Morangie Road) and the proposed Asda application (Knockbreck Road) did not take place following the withdrawal of both applications.
 - 06/00665/FULRC at Knockbreck Road, Tain (Asda application).
 - 06/01170/OUTRC at Morangie Road, Tain (Robertson Group application).

- 2.4 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. This concluded that there was scope for two supermarket developments in Tain.

3. PUBLIC PARTICIPATION

- 3.1 Two letters of representation have been received and relate to the following issues:
- location of proposed store
 - volume of traffic
 - proposed traffic management
- 3.2 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.

4. CONSULTATIONS

- 4.1 **The Community Council of the Royal Burgh of Tain** – Welcome supermarket development to Tain. The view of the Community Council has not changed from the original outline application for this site, in which we recommended refusal. We express strong concerns about traffic management to, and around the site for pedestrians and traffic access, and suggest that the traffic management report commissioned from Halcrow by TEC Services is taken into account.
- 4.2 **Edderton Community Council** – Inadequate access to the site.
- 4.3 **Internal Consultees**

Archaeology – No conditions requested.

Contaminated Land Unit – Our records indicate that the site has an historic use as a joinery yard / factory (and slaughterhouse in the northern corner) which may have resulted in land contamination. A Phase 1 Environmental Risk Assessment report was submitted in support of the previous application, however a Phase 2 Investigation Strategy or Phase 2 Investigation Report has not been received or agreed.

Forestry Officer - Existing Trees - Concerned about the proposed car parking within the Root Protection Areas (RPA) of retained trees. This was raised at the outline stage and has not been addressed. The developer should provide a detailed Tree Protection Plan and Method Statement clearly demonstrating how this work can be undertaken without compromising the retained trees. This will require the input of a qualified arboricultural consultant. There are still three main areas that cause concern:

1. The four large Lime trees located between Station Road and the eastern boundary of the site. The Lime tree nearest the existing access is indicated, although no RPA is shown; the other three Lime trees are not indicated. These trees appear to be in good condition and are an important feature along Station Road. The proposed car parking encroaches into the RPA's of these trees and will cause extensive root damage. While not owned by the applicant, it is particularly important that they are safeguarded against construction damage.

2. The car parking spaces adjacent to tree numbers 610 and 611 on the southern boundary also encroach well into the RPA's.

3. The current proposals will result in extensive root disturbance which is likely to cause a rapid decline in the condition of these trees. I expect that there is little scope to revise the layout at this stage. The applicant must therefore employ an Arboricultural Consultant to provide a Method Statement and Tree Protection Plan at this stage demonstrating how the retaining wall and parking spaces are to be constructed within the RPA without compromising the adjacent trees.

Proposed Landscaping - This appears to provide a good variety of tree and shrub species, with an element of structural 'woodland' planting along the boundaries.

4.4 External Consultees

SEPA – Note that foul drainage is to connect to the public sewer. No objection to the proposed surface water drainage arrangements. The site was a builders yard and therefore there may be land contamination issues. Suggest that a Site Waste Management Plan is produced detailing the measures for minimising waste production during the construction stage of development and the measures for managing waste generated during the construction. The plan should thereafter be implemented in accordance with the approved details.

Scottish Water – No objections.

Transport Scotland Trunk Road Network Manager - No objections.

5. POLICY

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

Highland Structure Plan:

- Policy G2 Design for Sustainability
- 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 (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

- 5.2 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).
- Scottish Planning Policy
 - 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. 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 **Development Plan Policy** - Members will note that the principle of building a retail store on the site has already been established with the granting of outline planning permission in 2008. Accordingly, the merits of a supermarket on the site have already been accepted. The indicative details provided in support of the outline planning application have been adjusted to form the detail in the reserved matters application.

- 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 within 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 proposal accords with the Development Plan policies for the site.**
- 6.7 Notwithstanding the Local Plan town centre designation it remains important for the application to be considered within the terms of **National Retail policy SPP 8 Town Centres and Retailing**. Councils 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 A retail application of this type, being located within the town centre, is consistent with national policy. 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 (07/00040/OUTRC).
- 6.11 **The Building and Layout** – The building measures 43m along its entrance frontage (facing southeast) and between 60m and 80m to the southwest elevation. The main roof is 7m to the ridge and 11m to the top of the roof ventilators. The external materials are timber cladding walls and large areas of double glazed aluminium curtain wall, with a slate grey trocal single ply roof membrane. The boundaries are formed from reconstructed natural stone walls (modelled on those typically found within the area) with timber acoustic fences and low knee height timber railing. The building is located to the western side of the site, with the car parking area to the east. The delivery yard is to the west side of the building. The design of the building is similar to the developer's other recent stores, albeit with a number of features which are intended to significantly reduce energy use within the building. A combined heat and power unit is included within the service yard and grey water harvesting is also built into the design.

- 6.12 The **filling station** is located to the north west corner of the site adjacent to Shore Road. It measures approximately 33m x 15m and has a flat roof 5.5m above the forecourt. There is a kiosk with four pump islands.
- 6.13 A **bus stop** with a covered walk through shelter is located opposite the filling station just off the new Shore Road roundabout. A **recycling point** is also located to the northeast side of this.
- 6.14 **Access and Traffic Management Measures** – A detailed technical response to the access and traffic management measures has been prepared by the developer's consulting engineers and is attached as an Appendix to this report.
- 6.15 The proposed **car parking** at the store is:
- 189 standard spaces, of which 15 are provided for town centre use
 - 12 spaces for disabled users
 - 8 parent and toddler spaces
- 6.16 The parking provision complies with the national standards as set out by SPP17. The developer has also confirmed that an additional 15 spaces have been provided within the development car park for town centre uses. Members will note that the outline planning permission condition no.9 requires that the Reserved Matters application brings forward parking provision compliant with the Council's parking standards "unless otherwise agreed in writing with the Council". The requirement to comply with the Highland Council parking standards was identified by Committee during the consideration of the outline planning application. It is a town centre site and I consider that there will therefore be an expectation of shared parking between the existing town centre and the retail site. Accordingly, it is appropriate that the national car parking standards are applied in this instance. Members will note that TEC Services have not objected to the proposed parking provision.
- 6.17 The **main vehicular access to the site** is from a new roundabout constructed on Shore Road. **Deliveries to the site** will be via the A9(T), Morangie Road and Shore Road. The developer has brought forward various **traffic management and road improvement works for the surrounding area** in order to mitigate the impact of the retail store on the local road network and residents. These works include the following:
- Shore Road, along the length between the football ground access and Tain Rail Station. Footway provision will be upgraded, with facilities being provided on both sides of the carriageway at varying widths. Street lighting will be improved accordingly, and the carriageway will be widened to 6m to accommodate customer and service vehicles, as well as the proposed loop bus service.
 - The footpath running between sections of Shore Road to the rear of the existing Bannerman yard will be upgraded to provide formal surfacing, which will increase the opportunities for pedestrian penetration on Shore Road, and provide a community benefit.
 - Proposed traffic calming measures and environmental improvements for Chapel Street / Chapel Road / Castle Brae / Station Road. Footways will be provided and Station Road will become one-way at

its junction with Castle Brae. This will provide for a significant pedestrian improvement, and facilitates a safe route between the store and Castle Brae and onto High Street. The measures adopted will also ensure that vehicular traffic leaving the proposed Tesco store will utilise Shore Road, and not impact upon Station Road or Chapel Street.

- Improvements have been proposed at the junction of Chapel Street / Castle Brae / Chapel Road, where at present there is an overprovision of tarmac surfacing, and does not sufficiently provide for pedestrians. Alterations to the junction will enhance the local area, and adequately provide for pedestrians whilst still allowing access to local properties.
- Traffic management proposals for Chapel Street include the formation of a raised table at its junction with the lane adjacent to the Bank of Scotland. In addition, entry to this lane from Tower Street will be for access only, thus creating a safe pedestrian route between Tower Street and the access to the store from Chapel Street. Bollards at the Chapel Street end will prevent through vehicle traffic.
- Build outs into Tower Street at the bottom of Quarry Lane, with priority to vehicles coming into Tain from the west. This will reduce traffic speeds and also help pedestrians crossing from Quarry Lane to the St Duthus Hotel at what is currently a crossing point with poor visibility into Tain when coming down Quarry Lane.
- Further improvements will be implemented along the length of Chapel Street including carriageway build-outs to ensure low vehicle speeds are maintained.
- Parking along Station Road is to be formalised with additional spaces for use of local facilities.

6.18 The traffic calming and management measures are intended to direct traffic down the most appropriate route – past the Co-op and Lidl for traffic from the west and north and past the St Duthus Hotel for town traffic, with both routes joining along Shore Road. The old streets in the central part of Tain are not engineered for large volumes of traffic associated with a retail development and active discouragement of this by re-engineering junctions and traffic calming measures will make these routes less desirable, but still keep them free for use by local traffic and for access. **The traffic calming and management measures are considered to be a proportionate response by the developer to the development of the site and will benefit the local road network, pedestrians and cyclists in reaching the retail store as well as the train station, golf club and recreational areas at the links.**

6.19 Members will note that **Traffic Regulation Orders** will be promoted for all external improvements where required, and will be fully funded by the developer. All external road network improvements indicated in the aforementioned drawings will be submitted for an independent Stage 1/2 Road Safety Audit as soon as they are agreed with The Highland Council. Any subsequent recommendations will be implemented and all costs associated with construction and future remedial work associated with the safety audit process will be fully funded by the developer, and will be approved through the Road Construction Consent process.

- 6.20 **Pedestrian Access** – Pedestrian routes to the retail store will be assisted by the traffic calming measures detailed above - in particular:
- Build outs at Quarry Lane into Tower Street
 - Lane next to the Bank of Scotland will provide a pedestrian priority route between the site and High Street. This will be achieved by placing bollards at the Chapel Street end (no through vehicles) and the construction of a raised table to reduce vehicle speeds on Chapel Street and assist pedestrians crossing to the north side of Chapel Street.
 - Pedestrian access from Chapel Street down to the store through the garden ground of Shandwick House.
 - Various works at the junction of Station Road and Chapel Street / Castle Brae.
- 6.21 **Developer Contributions** - Members will note that the developer intends to provide contributions to the extension and **upgrading of the CCTV system** in the town. In particular, new cameras are proposed to the east side of Shandwick House on Chapel Street and at the existing site entrance on Station Road which will extend the CCTV coverage to the retail store and to the train station, making the area more secure and discouraging anti-social behaviour.
- 6.22 Furthermore, the developer is also committed to promote and facilitate **public transport use with a new loop bus service** which will serve the town centre and surrounding area. It is intended that this service would initially be fully funded by the developer for 3 years. This will be secured by a financial contribution. Within the store a free phone will be provided for local taxis.
- 6.23 The developer's **home shopping service** will be available from the store, thereby helping those without cars or easy access to public transport to reach the store, or making shopping more convenient and reducing the number of car journeys.
- 6.24 **Services** – No technical difficulties have been highlighted by technical consultees.
- 6.25 **Representations** have been received and relate to the following matters:
- Volume of traffic and traffic management – TEC Services have had detailed discussions with the applicant's technical advisors over a period of time, with the access arrangements having undergone considerable assessment. They have confirmed that the proposed retail development with its associated access and traffic management and mitigation measures is acceptable from an engineering perspective.
 - Location of proposed store – Members will note that the application is consistent with the Council's Development Plan. The site falls within the town centre area of Tain where Structure Plan policy R1 Shopping Hierarchy applies. Furthermore the Ross and Cromarty East Local Plan allocates the site under Town / Village Centre uses. Notwithstanding the above, the recent planning history of the site (an outline planning permission exists for a retail store 08/00038/OUTRC) is a material planning consideration.
- 6.26 I would advise Members that the proposal is acceptable from a technical and design perspective and accords with development plan policy. Furthermore, re-development of this vacant site will help to tidy up and rejuvenate the area and help

to open up this part of the town. There is also the potential to attract people into the town from further afield which will result in more retail spend locally, rather than have a leaching of money to other towns in Easter Ross, or to Inverness. The development will also provide employment opportunities for local people and thus help to re-cycle money in the local economy.

7. CONCLUSION

- 7.1 The proposal is a welcome re-use of a derelict site in an underdeveloped part of the town centre. It will provide a new supermarket which will help to satisfy local aspirations and reduce travel to other towns. Such a significant retail development will help to consolidate Tain as a retailing centre providing greater choice and variety and attracting people in from the East Ross and Sutherland hinterland areas to shop, whereas previously they may have gone to Alness, Dingwall or Inverness. It will provide additional local employment and is considered to be a positive economic step and vote of confidence in Tain by a major national company during a difficult economic climate.

RECOMMENDATION

Approve the reserved matters subject to the conditions set out below. If Members are minded to approve the application then it is recommended prior to the issue of planning permission that a direct payment or legal agreement between the developer and the Planning Authority is concluded to pay for:

- 1) **CCTV** - The developer shall make a commuted payment to the Planning Authority for the provision of new CCTV cameras and appropriate recording media as detailed on approved plan 2 docketed hereto to link into the existing Tain CCTV system. The payment shall be made prior to the first opening of the retail store. The payment shall be used within three years after the first opening of the retail store and if not shall be returned to the developer.
- 2) **Public Transport Financial support:-** The developer 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 developer shall pay the Council the negotiated sum, proportionate with contributions already received from other developments in the settlement.

Conditions

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketed as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

2. The 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.

3. 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.

4. Prior to the commencement of development an appropriate site investigation to identify the nature and extent of potential contamination shall 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.

5. All access arrangements shall be undertaken in accordance with the details submitted in the Transport Assessment prepared by Waterman Boreham Transport Planning Ltd dated 8 April 2008 and docketed hereto as approved plan 18 to the satisfaction of the Planning Authority in consultation with the Roads Authority. Road Construction Consent (RCC) will be required for all “off site” and adoptable works for which separate application shall be made and approved by the Roads Authority. All the approved works shall be undertaken by the developer and at their expense prior to the first opening of the retail store, or as may otherwise be agreed in writing with the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt, all delivery and service vehicles to the retail store shall enter and exit the site from the west along Shore Road and shall not use Station Road, Chapel Street or Castle Brae.

For the avoidance of doubt, the external improvements and off-site works are:-

(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.

All these improvements and off-site works shall be undertaken to the satisfaction of and at no cost to The Highland Council, with all works completed prior to opening of the store.

Traffic Regulation Orders:-

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:-

Any improvement to the external road network shall be submitted for independent Road Safety Audit (RSA), 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 developer shall be responsible for all fees, construction and any future remedial actions, arising from the various RSA Stage reports.

6. Prior to the commencement of development, the developer shall confirm the exact materials and colours of the road/pavement build out areas (Tegula type blocks), including any bollards, and the road surfacing materials.

Reason: In the interests of residential amenity and for the avoidance of doubt.

7. Prior to the first occupation of the development, details of all external lighting, including that proposed on the retail store, filling station buildings and filling station price advertising, 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.

8. The developer shall provide appropriate ducting for an electrical supply at their expense to serve the new CCTV cameras detailed on approved plan 2 docquetted hereto. The power for the CCTV cameras shall be provided from the new retail store, or as may otherwise be agreed in writing with the Planning Authority. The ducting shall be provided prior to the first opening of the retail store.

Reason: In the interests of public safety and for the avoidance of doubt.

9. The design and installation of any plant, machinery or equipment shall 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.

10. 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 the prior written approval of the Council.

Reason: To minimise potential disturbance to neighbouring residents.

11. Prior to the commencement of development, a construction method statement shall be submitted to and require the approval of the Council in writing 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 statement covering maintenance and management of the site.
 - 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 shall 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.

12. 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 shall be implemented in accordance with the approved details by the developer.

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

13. 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.

14. All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority, the Water Authority and SEPA.

Reason: In the interests of residential amenity and for the avoidance of doubt.

15. The external walls of the retail store shall be finished in timber cladding walls and large areas of double glazed aluminium curtain wall, with a slate grey trocal single

ply roof membrane. Prior to the installation of the timber cladding or roof membrane, the developer shall provide a sample finish, including any colour or stain of the timber cladding and roof membrane, for the approval in writing of the Planning Authority.

Reason: In the interests or residential amenity and for the avoidance of doubt.

16. Prior to the installation of the roof ventilators, the developer shall provide a sample finish, including any colour or stain, for the approval in writing of the Planning Authority.

Reason: In the interests or residential amenity and for the avoidance of doubt.

17. The boundary treatments including gabion walls, stone walls and feature gate pillars, acoustic walls or fences, and knee rail fences shall be provided by the developer prior to the first opening of the retail store.

Reason: In the interests of amenity and for the avoidance of doubt.

18. 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.

19. With effect from the date of this permission, no trees shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

20. Prior to the commencement of development, the developer shall submit and have approved in writing by the Planning Authority a Tree Protection Plan in accordance with BS5837:2005 (Trees in Relation to Construction) which includes details of appropriate protection measures for all retained trees before and for the duration of the development. A Method Statement shall also be submitted for approval which clearly details any work proposed within the Root Protection Areas of retained trees.

Reason: To ensure the protection of retained trees during construction.

21. A suitably qualified Arboricultural Consultant shall be employed to ensure that the Tree Protection Plan and Landscape Plan are submitted and implemented to the agreed standard. Stages requiring supervision shall be agreed with the Council's

Forestry Officer and completion certificates for each stage shall be submitted for approval.

Reason: To ensure the protection of retained trees during construction.

22. Prior to any site excavation, all retained trees shall be protected against construction damage using Herras fencing secured to fixed posts and located beyond the Root Protection Area (in accordance with BS5837:2005 Trees in Relation to Construction). Fencing is to be inspected and approved in writing by the Forestry Officer prior to commencement of ground works.

Reason: To ensure the protection of retained trees during construction and thereafter.

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.

8. It is recommended that the applicant appoint a competent environmental consultant to establish whether any European Protected Species (EPS) are present or adjacent to the site. Should any EPS be present, then a detailed survey report and method statement must be submitted to the Planning Authority for consideration following discussions with SNH.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson (01408) 635371

Background Papers: As referred to in the report above and case file reference number 08/00453/REMSU

Date: 22 February 2009

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REV	DATE	AMENDMENTS	DRAWN	CHK	APP
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Client
TESCO

Project
**Proposed Foodstore
Shore Road
Tain**

Title
**Site Location
(Town Context)**

Team	Drawn	Checked	Approved
V	MG	RH 09.01.08	MS 09.01.08

Scale @ A3
NTS

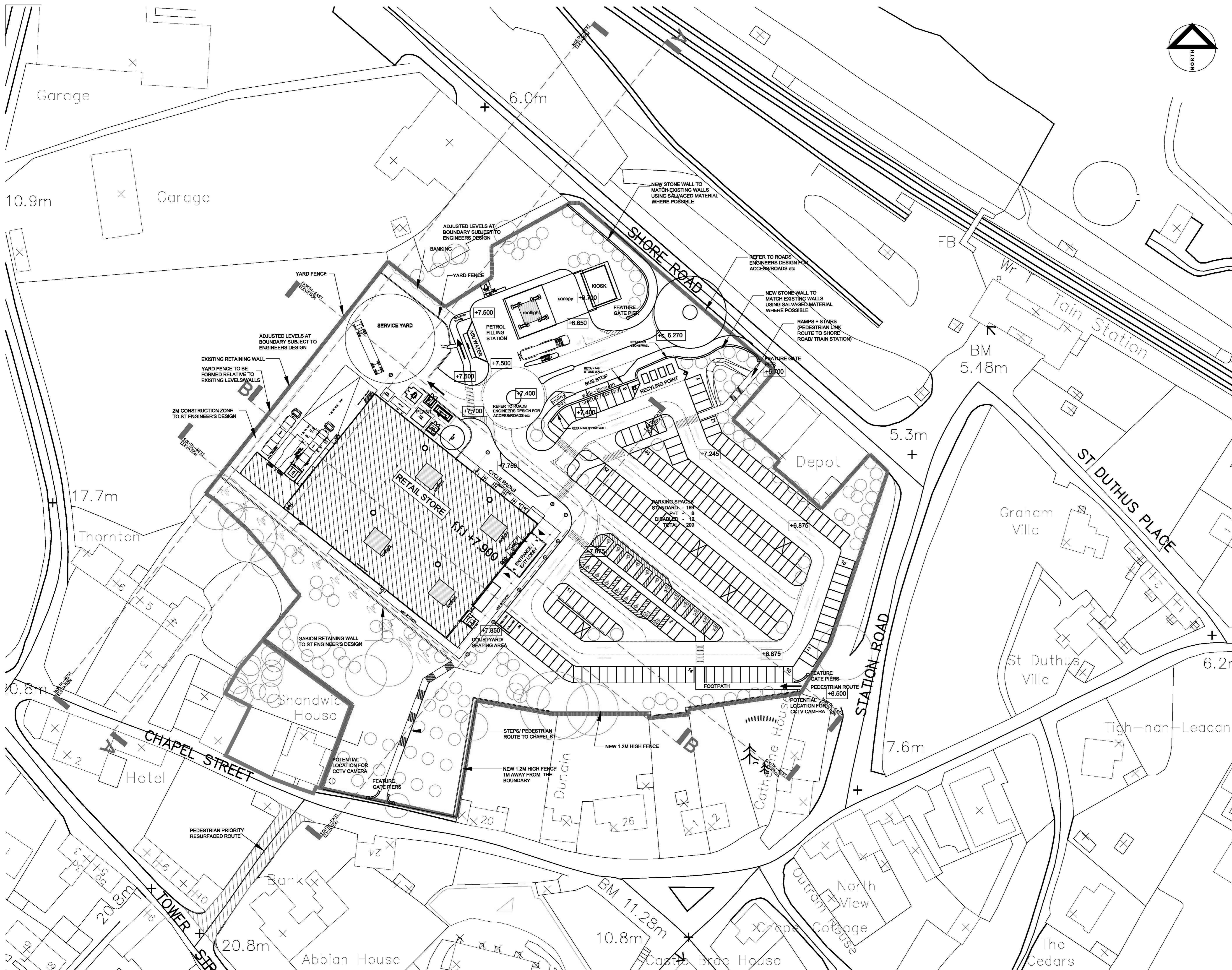
Date
Jan 2008

Project No.	Drawing No.	Rev
207937	08	-

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

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V:\Team V\207937 Tain\Drawings



REV D - 06.11.08 - RESERVED MATTERS PLANNING

PLANNING

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Client			
Project	TESCO STORE SHORE ROAD TAIN		
Drawing Title	PROPOSED SITE PLAN		
Date	JANUARY 2008	Scale	1:500 @ A1
Issue Status	PLANNING		
Drawing No.	1540 (PL) 002	Rev.	D

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All dimensions and levels to be checked on site and the Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless otherwise specified. If any dimensions or details conflict please notify the Architect immediately.