

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND AND EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 20 APRIL 2010

Agenda Item	3.1
Report No	16/10

09/00537/PIPSU: Asda Stores Ltd.
KNOCKBRECK ROAD, TAIN

Report by Head of Planning and Building Standards

SUMMARY	
Description	The application is for the development of a new supermarket and petrol filling station at Knockbreck Road, Tain.
Recommendation	In light of the application being contrary to the Development Plan and failing the sequential assessment for retail developments as required by the Development Plan and Scottish Planning Policy there is an obligation to recommend that the application be refused .
Ward	8 Tain and Easter Ross
Development category	Major development
Pre-determination hearing	None
Reason referred to Committee	More than 5 objections

1.0 PROPOSAL

- 1.1 The application for planning permission in principle is for the development of a new supermarket at Knockbreck Road, Tain. A retail development offering 3,796m² gross floorspace is proposed providing 1,858m² net sales floorspace with associated car parking, landscaping, access and servicing arrangements. The development also includes a petrol filling station. An indicative layout includes a bus turning area and associated bus shelter within the site. The plans also propose a new four leg roundabout being developed within Knockbreck Road and a separate footpath link leading to Burgage Drive. (Annex A provides a Location and Site Plan).
- 1.2 The application is supported by a pre-application consultation report, a planning statement, a retail assessment, a transport assessment, a drainage assessment, an archaeology assessment, bat and badger surveys.

2.0 SITE DESCRIPTION

- 2.1 The site is located to the south west side of Knockbreck Road immediately adjacent

to the junction with the main A9(T) road which forms the southern boundary of the site. The application site area extends to 4.49ha forming the eastern most portion of the large relatively flat agricultural field which extends from Knockbreck Road westwards to Hartfield Road. To enable the formation of a roundabout on Knockbreck Road, a small portion of agricultural land north of Knockbreck Road, east of the existing Tain Tennis Club, is included within the application site. Also included is a narrow strip of land to facilitate a remote footpath to link with the existing town network at Burgage Drive and Knockbreck Road.

- 2.2 The site is level with a gentle west to east gradient. It is open to the eastern side of Tain and its surrounding rural hinterland. The site falls within the settlement area contained within the A(9) Trunk Road by-pass. Bunding and landscaping adjacent the A9(T) road provides a short buffer between this main road and the site. At the junction of Knockbreck Road with the A9(T) road the community of Tain has established a “welcome” landscape feature which lies adjacent the south-eastern corner of the site.
- 2.3 Slightly apart from the application site, on the north side of Knockbreck Road sits the B Listed building, Knockbreck House within walled policies including garden areas and woodland features. Knockbreck Road currently has no pavements adjacent to the road carriageway east of Tain Tennis Club, with the road verge comprising grass banks, ditches, gated accesses and stone wall features. Four mature beech trees lie adjacent to Knockbreck Road (north-side) which would be lost to the proposed development.

3.0 PLANNING HISTORY

- 3.1 **22 August 2008** - development of a class 1 (retail) store, petrol filling station, vehicular access, car parking, landscaping and ancillary works was **withdrawn** prior to a public local inquiry. (Ref 06/00665/FULRC) The Council at its Planning, Economic Development and Tourism Committee on 14 March 2007 had determined to approve the application, which was subsequently called in by Scottish Ministers for determination.
- 3.2 The community of Tain has seen a number of planning applications for supermarket development in recent years including: -

5 September 2008 Supermarket at Shore Road, Tain granted outline planning permission. (Ref: - 08/00038/OUTRC)

3 March 2010 Reserved Matters application for Shore Road Tain – refused. (Ref 08/00453/REMSU). Outcome of appeal following Public Local Inquiry awaited.

1 December 2009 - Supermarket at Morangie Road, Tain seeking planning in principle which has yet to be determined. (Ref: - 09/00562/PIPSU).

4.0 PUBLIC PARTICIPATION

- 4.1 The application was advertised on 8 January 2010 as a potential departure from the Development Plan.
- 4.2 A total of 7 timeous letters of representation against the development have been

received as well as 44 letters of support. Annex C provides the details of those who have made representations.

4.3 Objectors have raised the following matters: -

- The development will not benefit Tain town centre.
- Supermarkets on both main entrances to Tain will affect the town centre.
- The development will impact on surrounding residential areas.
- The application raises issues on national and local retail policy.
- The sequential assessment of sites in Tain is not rigorous.
- The qualitative or quantitative assessments of the retail catchment is deficient.
- The development should be sited by the industrial estate with other retailers.
- The increased traffic on Knockbreck Road will impact on road safety concerns.
- The increase in traffic accruing from this development requires footpaths to houses east of Knockbreck.
- Turning on and off the A9 (T) road can be problematic requiring slip roads to be provided.
- The prominent siting of this store will adversely impact on the town's attractive / historic image.
- The development will erode the amenity / landscape area on the approach to Tain.

4.4 Supporters have raised the following matters: -

- Need for retail choice.
- Will reduce household travel to stores outwith the area.
- Benefit to the community through reduced prices.
- Ideal site location.
- Good access from off the A9.
- Will provide good pedestrian links.
- Will not affect congestion in historic town centre.
- Will help the town to grow.
- Project has community support.

4.5 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.

5.0 CONSULTATIONS

5.1 Tain Community Council has indicated its support for this application.

5.2 Archaeology Unit has raised no objections to the development. However the site has the potential for buried archaeological features. Any approval should be conditional upon a programme of archaeological work prior to commencement of development.

5.3 TEC Services (Environmental Health) have no objection subject to conditions being attached to any consent requiring controls on operational noise arising from delivery

vehicles and plant and equipment which should meet relevant noise criteria. Conditions should be attached to address these matters including controls on construction noise, dust and other matters with the potential to cause nuisance to neighbouring activities.

- 5.4 TEC Services (Roads) have no objection subject to conditions being attached to any consent requiring specific access and accessibility provisions being provided and / or supported in the final design, all as discussed and agreed with the applicant. A package of network improvements and contributions to public transport have been tabled by the applicant and agreed including in the main improvements to Knockbreck Road west of the new roundabout, with widened pavement to the north side, a pedestrian crossing again east of the proposed roundabout and a crossing from the retail site to Knockbreck. A number of detailed issues have been drawn to the applicant's attention which would be required to be fully addressed at the detailed design stage including matters in respect of drainage, location of bus shelter and stop, parking, road and cycle track details, sections of road for adoption and waste management.
- 5.5 Trunk Roads Network Management Division has no objection to the application subject to any consent being conditional on the size of the store, and requirement for the development, submission and approval of a Green Travel plan to reduce dependency on the private car.
- 5.6 Scottish Water has no objections to the application but requires the developer to fund mitigation for any connection issues on existing customers and provide a separate sustainable urban drainage system (SUDS) and pollution controls (oil interceptor) prior to discharging waste water to the public sewer system.
- 5.7 Scottish Environment Protection Agency has no objections subject to adherence to the measures outlined in the supporting drainage assessment and implementation of a Site Waste Management Plan, both features which should be secured by planning conditions.
- 5.8 Scottish Natural Heritage has no objections having requested and acknowledged survey information on bats and badgers.
- 5.9 Property and Housing Services has no objections to the application following agreement over a £108,000 contribution being secured in compliance with the Council's Affordable Housing policy.

6.0 POLICY

- 6.1 The following development plan policies are relevant to the assessment of the proposals: -

Highland Council Structure Plan (March 2001)

- 6.2 Policy G1 Conformity with Strategy
Policy G2 Design for Sustainability
Policy G3 Impact Assessment

Policy H1	Housing Land Supply
Policy H5	Affordable Housing
Policy R1	Shopping Hierarchy
Policy R2	Everyday Shopping Needs
Policy R4	Major Foodstores
Policy R5	Town Centre Shopping

Ross and Cromarty East Local Plan (Feb 2007)

- 6.3
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| Para 4.6 | Spatial Elements of the Strategy |
| GSP 8 | Affordable Housing |
| Policy 1 | Town Centre |
| Policy 2 | Commercial Development |
| Policy 3 | Sequential Approach |
| Policy 6 | Shore Road |
| Policy 10 | Town Centre Strategy |
| Policy 24 | Knockbreck Farm – expansion area |
| Policy 26 | Amenity – Green wedge at entrance to settlement. |

National Planning Policy

- 6.4 Scottish Planning Policy (SPP) February 2010 contains policies relevant to this proposed development including: -
- Sustainable Economic Growth
 - Sustainable Development
 - Town Centres and Retailing
 - Landscape and Natural Heritage
 - Transport
 - Waste Management
- 6.5 This statement of Scottish Planning Policy sits along side the National Planning Framework (NPF) which presents the Scottish Government's strategy for Scotland's long term spatial development. Furthermore Circulars also provide statements of the Scottish Government's policy, containing guidance on policy implementation through legislative or procedural change. Statements of Scottish Government policy in the SPP, NPF and Circulars are material considerations which therefore require to be taken into account, where relevant, in development management decisions.

7.0 PLANNING APPRAISAL

Determining Issues

- 7.1 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.
- 7.2 The determining issues are:

- Does the proposed development accord with the development plan?

- If it does, are there compelling reasons for not approving the proposed development?
- If it does not accord, are there any compelling material considerations for approving the proposed development?

Assessment

7.3 To address the determining issues, the Committee must consider the following:-

- a) Policy – Development Plan, National Policy and other Guidance.
- b) Retail Policy – vitality and viability / sequential assessment.
- c) Services (transport infrastructure, local accessibility, drainage services)
- d) Layout and Design (indicative)
- e) Amenity
- f) Other Material Considerations

Policy – Development Plan, National Policy and Other Guidance

- 7.4 The Development Plan comprises the policies of the approved Structure Plan and the adopted Ross and Cromarty East Local Plan. Both plans recognise a hierarchy of town centres across the area. Tain is recognised as a community which serves an important shopping / retailing function within the East Ross and East Sutherland area. To counter the pull of Inverness the Development Plan is supportive of retail development across a number of existing communities in the Ross and Cromarty East area. The Local Plan, adopted in 2007, in particular recognises latent consumer demand and the need for a greater choice of shops in the settlement.
- 7.5 The Local Plan has allocated a town centre area in Tain. A site for redevelopment as a supermarket site is also identified within the town centre, at Robertsons of Tain, Shore Road. Previous planning permissions for this site have lapsed and the most recent application (Ref 07/01110/OUTRC) was withdrawn. The current application is an out of town centre proposal. It therefore has to be sequentially assessed against existing allocated sites for retailing, commencing with town centre sites, edge of town centre sites then out of centre sites. This matter is considered in more detail below.
- 7.6 The application site is identified in the adopted Ross and Cromarty East Local Plan as part of a future expansion area for development “primarily including residential uses and amenity uses”. The south eastern corner of the application site is allocated for amenity use. The Council’s Affordable Housing Policy applies to land identified for future expansion. This latter policy is particularly relevant in communities such as Tain, where there is an acknowledged need for such housing.
- 7.7 The form of Tain as a settlement has increasingly been defined by the A9(T) road which by-passes the town. Sites within the by-pass will become an ever more scarce resource, which adds to the importance of the Development Plan land allocations which have been the subject of extensive community consultation and shaped many investment commitments. The Knockbreck area is now being examined for development including housing, community and business uses as evidenced by the submission of pre-application consultations with the Council and

the local community. The supermarket development has considerable community support as demonstrated in the pre-application and public consultation phases undertaken in association with this particular proposal. Allocated sites for housing development at Craighill and Morangie Road, which have been granted planning permission, have not been developed to date.

- 7.8 The application is a departure from the provisions of the Council's recently adopted Ross and Cromarty East Local Plan. Whether or not the application represents a significant departure or not is a subjective judgement. This will be addressed within the conclusion of this report.

Retail Policy – Vitality and Viability & Sequential Assessment

- 7.9 The continuing vitality and viability of retailing in Tain and other retailing centres in the area is an important consideration. Since the approval of the Ross and Cromarty East Local Plan in February 2007, Tain has seen the development of a supermarket (Lidl) at Morangie Road (1,358 sq m (gross) and 1,063 sq m (net)). In addition the Council has granted outline planning permission for a supermarket (Tesco) at Shore Road ((2,500m² gross floorspace) with associated petrol filling station). The Matters Specified in Condition (MSC) application for this supermarket was refused by the Council. An appeal against this decision was lodged and recently considered at a Public Local Inquiry, the outcome of which is awaited.
- 7.10 The retail impact assessment supporting the current application includes a viability check on retail outlets within existing communities within the identified catchment area which includes Invergordon, Alness, Dingwall to the south and Dornoch, Lairg, Golspie, Brora and Helmsdale to the north. The assessment highlights that during November 2009 existing centres demonstrated low vacancy rates within existing retail units including only 4 in Dingwall, 4 in Invergordon, 2 in each of Brora and Golspie and 1 in Tain. The conclusion is that these town centres are performing well.
- 7.11 The retail assessment, which recognises the development of a supermarket at Shore Road, indicates that by 2013, following completion of the proposed store and a settling down period of trading patterns (18 months) that: -
- The catchment population, from Helmsdale to Dingwall, is estimated at 34,974.
 - Convenience Expenditure in the catchment area is estimated at £63.25m.
 - Convenience Turnover in the catchment area is estimated at £51.93m
 - Total Comparison Expenditure is estimated at £110.62m.
 - Total Comparison Turnover is estimated at £36.81m
 - Convenience Goods turnover leakage from the Catchment Area is estimated at £11.32m.
 - Comparison Goods turnover leakage from the Catchment Area is estimated at £95.72m .
- 7.12 With regard to the proposed supermarket : -
- The annual turnover of the store – convenience goods is estimated at £12.79m
 - The annual turnover of the store – comparison goods is estimated at £4.06m.

- 80% of the annual turnover of the store is expected to be derived from the local catchment area population (equal to convenience goods £10.23m and comparison goods £3.25m).

7.13 The supporting assessment advises that the impact of this proposed supermarket on existing town centres in the area is expected to be limited given that there is judged to be an under-provision of retail floorspace; similar stores within the catchment area have been overtrading; and there is considerable leakage of expenditure from the area to centres outwith the catchment area, particularly Inverness. Existing supermarkets in Tain, Alness and Dingwall are likely to bear the brunt of trade diversion brought about by development of a supermarket at Knockbreck Road, but the applicant considers that this will not be critical. The limited number of objections from existing retailers to this application would seem to confirm this view.

7.14 In preparation for a Public Local Inquiry in March 2008, subsequently abandoned following the withdrawal of each supermarket application on Morangie Road and Knockbreck Road, the Council commissioned Halcrow to undertake an assessment of the capacity for further retail floorspace in Tain. This drew upon the retail impact assessments supporting the Asda application at Knockbreck Road and Robertson application at Morangie Road and pre-inquiry discussions between the principal parties including the Shore Road application also called in by Scottish Ministers. Given the anticipated growth in household expenditure the Halcrow assessment concluded that the existing retail floorspace underprovided for the population within both the 30 minute and 15 minute drive time catchment areas around Tain.

7.15 Halcrow figures highlight that within a 30 minute drive time of Tain Town Centre: -

- The Total Available Expenditure (TAE) was estimated at £38m.
- The estimated turnover of the primary catchment area, excluding Dingwall, Evanton, Alness and Lairg but including an estimate for the emerging Lidl Supermarket in Tain was estimated for 2009 to be £18.2m.
- Consequently there remained a retail balance of £19.8m.

7.16 Halcrow figures highlight that within a 15 minute drive time of Tain Town Centre: -

- The Total Available Expenditure (TAE) was estimated at £28.3m.
- The estimated turnover of the catchment area including an estimate for the emerging Lidl Supermarket in Tain was estimated for 2009 to be £16.3m.
- There was a retail balance of £11.8m.

7.17 Given that the estimated turnover for the (Tesco) Shore Road application was £5.7m; the then estimated turnover for the Knockbreck Road application was £9.6m; and the estimated turnover for the Morangie Road application was £13m; the Halcrow study concluded there was justification for additional retail floorspace in Tain based upon the potential catchment of a 30 minute drive time that would allow for two additional supermarkets to that already provided in Tain. From a 15 minute drive time, there was clearly the potential for the approval of additional retail floorspace in Tain but not at a level that would see two new supermarkets being accommodated. The representations against the current Asda application as

received from Tesco, who have a planning in principle permission for a store at Shore Road, promote this concern. Tesco argue that their proposed investment should be established prior to further retail floorspace expansion being assessed and approved within the settlement. The applicant counter argues that the potential impact of a national retailer will very much draw upon the wider 30 minute drive time catchment area, where there is a need for additional retail floorspace as offered through this application.

- 7.18 Planning policy regarding retail development seeks to direct investment towards town centre or other retail locations as highlighted within the Development Plan and Scottish Planning Policy. Proposals that are outwith such locations need to be assessed against sites adjacent to the town centre and then sequentially assessed against other potential development locations. The applicant has correctly highlighted the principal retail development locations, including the town centre, sites adjacent to the town centre and then other development sites beyond the town centre, including undeveloped land at Morangie Road east of the Co-op and west of Lidl's, land at Craighill and land north and south of Knockbreck Road to the east of Tain. These five locations beyond the town centre have been recognised as having development potential as recognised by a range of land use allocations in the Development Plan.
- 7.19 The Planning and Development Service has previously considered these out of centre options when processing four supermarket applications submitted in 2006, 2007 and 2008. During these earlier assessments the Service recognised that the allocated supermarket site (Robertsons of Tain) within the town centre had limited value and other opportunities within or adjacent to the town centre were also limited, given land uses at that time and other development opportunities being aired including residential uses at Shore Road. There was a general acceptance that the land at Craighill was not best suited for retail development leaving the key sequential locations to be those at Morangie Road and Knockbreck Road. The views expressed previously by the Planning and Development Service saw a relatively balanced outcome from the assessment of these two areas. The key determining factor in favour of land at Morangie Road was the presence of existing supermarkets at the west end of Tain. This suggested that new out of centre retail proposals should co-locate in the Morangie Road area. A reassessment of the sequential options associated with this application has arrived at the same conclusion, ie preference for sites by Morangie Road. The Council has received an application for planning permission in principle for the development of a supermarket in this area but it remains undetermined.
- 7.20 The arguments for directing investment towards town centres, adjacent to town centres or co-locating on an out of centre location remain strong. There has not been any substantive change of circumstances that would change the views previously expressed over the sequential assessment of out of town centre sites in Tain. The current application fails the sequential assessment of sites in Tain as required by the Ross and Cromarty East Local Plan, the Structure Plan and Scottish Planning Policy.

Services including Transport, Accessibility & Drainage

- 7.21 The application site is recognised as being relatively unconstrained. There are no objections to the application from Trunk Roads, Highland Council TEC Services, Scottish Water and SEPA although each consultee has set out their requirements for development in this area. The requirements can be addressed through planning conditions and legal agreement. The applicant was been made aware of all responses and acknowledged the requirements that need to be met within and outwith the site. The electricity line which crosses the development site is not deemed to be an obstacle to the future development of the area as noted from a previous assessment by Scottish and Southern Electricity on a planning application on this site.
- 7.22 The application includes land which will allow for a new four leg roundabout being developed within Knockbreck Road. The requirement for this infrastructure recognises the development potential of all land allocated for future expansion at Knockbreck Road in the adopted Local Plan. Land ownership restrictions have caused the need to establish a remote footpath to Burgage Drive, with the applicant agreeing to fund a controlled crossing immediately west of the proposed roundabout on Knockbreck Road to allow pedestrians to gain safe access to the northern pavement which is to be improved adjacent to Tain Tennis Courts as far as No 35 Knockbreck Road. A footpath within the supermarket site and provision of an island crossing on Knockbreck Road is proposed to allow for better pedestrian access to houses east of Knockbreck House. The applicant has also agreed to provide a proportionate contribution to the expansion of public transport services, consistent with other developments in Tain in recent years.

Layout and Design Issues

- 7.23 The applicant has provided an indicative layout for the proposed store highlighting access roads into and out of the development, service yards, parking including disabled parking, cycle routes, cycle parking, bus routes, bus stop and shelter, proposed pedestrian routes, trolley bays and areas for public recycling bins. Notwithstanding that the current application is only seeking planning permission in principle the applicant has provided indicative drawings to demonstrate the proposed development takes into account the wider development interests of the Knockbreck area. The application can in part be conceived as an enabling development that could well unlock the development potential of this area.
- 7.24 The Local Plan identifies the requirement for a strong amenity space – green wedge adjacent to the A9, widening beside the Knockbreck Road Junction. Whilst in part this is to assist with the buffering of traffic noise for future housing developments it was also required to help define the settlement edge with a strong landscape feature. This landscaping is to blend in with the existing wooded policies of Knockbreck House. It is also to enhance the established landscape / welcome feature on this main access road into Tain. It is clear through the detailed proposals set out from this application that development in this area requires the provision of a sustainable urban drainage system (SUDS) and land within this amenity buffer presents the low point of this much larger site. The indicative plans recognise all

these aspects, setting out a comprehensive landscape package of natural design.

- 7.25 The Ancient and Royal Burgh of Tain has an architectural heritage that attracts residents, businesses and tourists alike. It gives the community considerable civic pride. Consequently there is an expectation that all new development on land within the community boundary, as defined by the A9 bypass, will make a positive contribution to the built form of the settlement (Local Plan Policy 26). The Council's Development Plan is also supportive of development which advances sustainable design features (G2). Such dynamics have been recognised by the applicant in its supporting statements and indicative plans. It is anticipated that the final design will promote a store with a partially glazed entrance to provide a frontage, from which activities within the store can be seen from the outside. The indicative frontage and side elevations will have sections which are timber clad to blend in with rural surroundings. The indicative roof is to be kept low, but broken up with strong features for roof lighting and ventilation. With the store being set to the back of the site (the south west corner) it allows for a car park and then an extended landscaped feature to south east, linking with the existing settlement entrance feature as noted above. Such a layout softens the impact of the store to traffic approaching from the south.

Amenity

- 7.26 The development would introduce a significant element of change to this edge of settlement location. Apart from the proposed road improvements including a new roundabout on Knockbreck Road, improved pavements and cycleways, new bus stops, etc. there will be extended speed restrictions, new lighting, signage, advertising, general activity and noise associated with firstly the construction and then operation of a modern supermarket and supporting ancillary activities. The development not only needs to function properly in its own rights, but needs to recognise both existing and future neighbours. Using planning conditions these matters can be controlled and addressed with the formal submission of detailed plans for the development. The current indicative plans suggest a good understanding of the site context, with ideas to help deliver an acceptable form of built development in this location, which should not adversely affect the edge of settlement amenity / neighbouring uses.
- 7.27 On the north side of Knockbreck Road a line of seven mature beech trees provide a feature of the approach into Tain in the vicinity of Knockbreck House. Four of these trees will be lost with the construction of the new proposed roundabout, with the potential for the remaining trees to be retained, if careful management is promoted through construction. The trees are not in good condition and their removal might be the best option, with replacement planting promoted within the site.

Other Material Considerations

- 7.28 The application will utilise land that has been highlighted for future residential expansion, as a consequence requiring provision of a commuted sum in lieu of on-site provision. A contribution for affordable housing to be developed within Tain has been agreed. This would require to be secured by a Section 75 legal agreement.

- 7.29 The store would have economic benefit through the creation of additional local jobs, 220 new job opportunities have been estimated by the applicant. There may however be some loss of jobs from existing retailers who are likely to experience some reduced trading.
- 7.30 The Council was previously prepared to support a supermarket development at Knockbreck on the site of the current application (Planning, Development, Europe & Tourism Committee – 14 March 2007). This application was withdrawn prior to a Public Local Inquiry, which had been requested by Scottish Ministers, to determine three supermarket applications in Tain.
- 7.31 Members will note the comments from the Council's archaeologist requiring any grant of planning permission to be conditional upon an appropriate archaeological evaluation.
- 7.32 Trees within the site and on ground adjacent have the potential to accommodate bats. Surveys have been undertaken confirming no bat roosts are currently present. However any felling operations will require a final assessment of each tree for the presence of bats before works are commenced. As three of the trees to be removed have high value for potential for roosting bats, the applicant should be requested to support the provision of three bat boxes in the area.
- 7.33 There are no other material considerations raised by representations that have not otherwise been addressed within this report.

8.0 CONCLUSION

- 8.1 With regard to the allocations of the Development Plan as outlined within the Ross and Cromarty East Local Plan, it is clear that undeveloped land and "brown-field" sites confined by the A9(T) road bypass in Tain are regarded as suitable for a range of development including housing, retail, business and industry. Specifically however the Local Plan has set out its expected land allocations for development over a five to ten year period leaving areas such as Knockbreck for future (later) expansion. The site of the application is identified within the adopted Local Plan principally for longer term residential and amenity uses. Therefore the application is contrary to the allocated uses (Policy 24).
- 8.2 With regard to retail policy the Development Plan, comprising both the Structure Plan and Local Plan, support the growth in retail development across the hierarchy of retail centres in Easter Ross to help stem the leakage of local expenditure to shops in Inverness. Reducing this leakage has the concept of sustainable communities at its core. Tain is seen as a local retailing centre in the hierarchy of centres across Easter Ross. It has a considerable history as a centre serving the wider area and still retains a large number of shops in its town centre in comparison to many other communities of similar size. In addition Tain's retail sector has expanded on the west side of the town centre at Morangie Road (see below).
- 8.3 Assessment for the Council has highlighted the capacity in the expenditure of local households to support a greater level of retail floorspace and a wider choice of shops. Whilst the current application is principally for a convenience supermarket,

the additional comparison goods floorspace would also widen “choice” for local shoppers and increase retail competition in the area which has until recently been seen as limited.

- 8.4 A key consideration is whether or not there is capacity in the area for a retail store at Shore Road (Tesco) which enjoys outline planning permission and a supermarket of the size proposed in this application. Given that householders in the local area are already travelling long distances to purchase goods, there does seem to be sufficient expenditure within a 30 minute drive time of Tain (as shown within the 2008 Halcrow Retail Assessment) to allow both the approved Tesco development and the current proposal to proceed. It is likely that many local householders in the identified catchment area will be attracted to a settlement offering the current range of stores potentially including the Co-op, Lidl, Tesco and Asda. Consequentially they will reduce their travel costs for retail purposes by avoiding the need to go to centres such as Inverness. This is essentially what Structure Plan Policy R1 and R2 seeks to achieve.
- 8.5 In determining this application regard has to be given to the recent changes that have taken place in Tain in respect of retailing. Lidl's have opened their new store on Morangie Road and Tesco's have been granted planning permission in principle for a 2,500 m² gross floorspace store on Shore Road. This application also includes a petrol filling station. An application in principle for a supermarket at Morangie Road remains to be determined by the Council, illustrating the interest for land in the Morangie Road area being made available for development. Whilst retail use of this land would also be at odds with the allocations of the Ross and Cromarty East Local Plan it would be consistent with the precedent for retailing as established by the Lidl and Co-op stores.
- 8.6 Planning is principally about land use, including assessment of factors such as available retail expenditure and retail capacity and not simply about consumer choice. Fundamental to the assessment of any planning application are the policy provisions as set out the Development Plan and Scottish Planning Policy. Both prioritise the town centre, thereafter sites adjacent to the town centre and then finally policy requires a sequential assessment of development sites available within the settlement. In this regard the current application in retail terms is not town centre, is not adjacent to the town centre and is not regarded as the best sequentially located site out of centre. Although this is a subjective judgement land at Morangie Road is preferred for reasons of co-location with other retail stores. In all other respects the Knockbreck Road site is equally regarded as a site which could physically accommodate the proposed retail development.
- 8.7 Planning Authorities must have full regard for the policies of the Development Plan. Authorities can take into account other material consideration which may allow the provisions of the Development Plan to be set aside. The application does forward a comprehensive package of development which recognises the wider development interests of Knockbreck. It offers an affordable housing contribution and importantly seeks to provide further retail floorspace, a wider choice of goods, including a new petrol filling station, improved local infrastructure and a community transport contribution. All these elements will be of considerable social and economic benefit to the community. It is recognised that Members were previously supportive of a

supermarket proposal at Knockbreck.

- 8.8 However the Planning and Development Service is obliged to recognise that the Ross and Cromarty East Local Plan remains a valid statement of intent. Decisions have already been made regarding developments in the community including in the town centre where a supermarket has been approved at Shore Road. Retail development has also been established on the west side of Tain off Morangie Road, where land remains available for development which could accommodate the proposals as outlined in this application. Both the Development Plan and the recently published Scottish Planning Policy, which replaced SPP 8, set out an approach to determining retailing application, including the sequential assessment of out of centre sites. The Planning and Development Service has recognised that land at Morangie Road is better suited for retail development over land at Knockbreck Road.
- 8.9 In light of the application being contrary to the Development Plan and failing a sequential assessment of sites as required by the Development Plan and Scottish Planning Policy there is an obligation to recommend that the application be **refused** for the reasons outlined below.

RECOMMENDATION

That the Council refuse planning permission for a Class 1 retail development at Knockbreck Road for the following reasons: -

1. The proposal is contrary to the adopted Ross and Cromarty East Local Plan which allocates this site at Knockbreck Road as part of a future expansion area for housing and amenity purposes.
2. The proposal fails the sequential assessment of sites in Tain as required by the Ross and Cromarty East Local Plan (Policy 3), the Highland Structure Plan and Scottish Planning Policy. Alternative sites to the north of Morangie Road, adjacent to existing retail provisions prevail.

It is acknowledged that the Council were minded to grant outline planning permission for a previous application of this type and scale of development on this site. If the Committee is similarly minded to grant permission in principle for this development then it is recommended that a Section 75 legal agreement addressing key policy requirements and conditions all as listed at Annex D be appended to the permission. Such a decision it is suggested would not be a significant departure to the Development Plan which recognises within the Structure Plan the advantages of further retailing being directed to communities such as Tain.

Signature: Richard Hartland

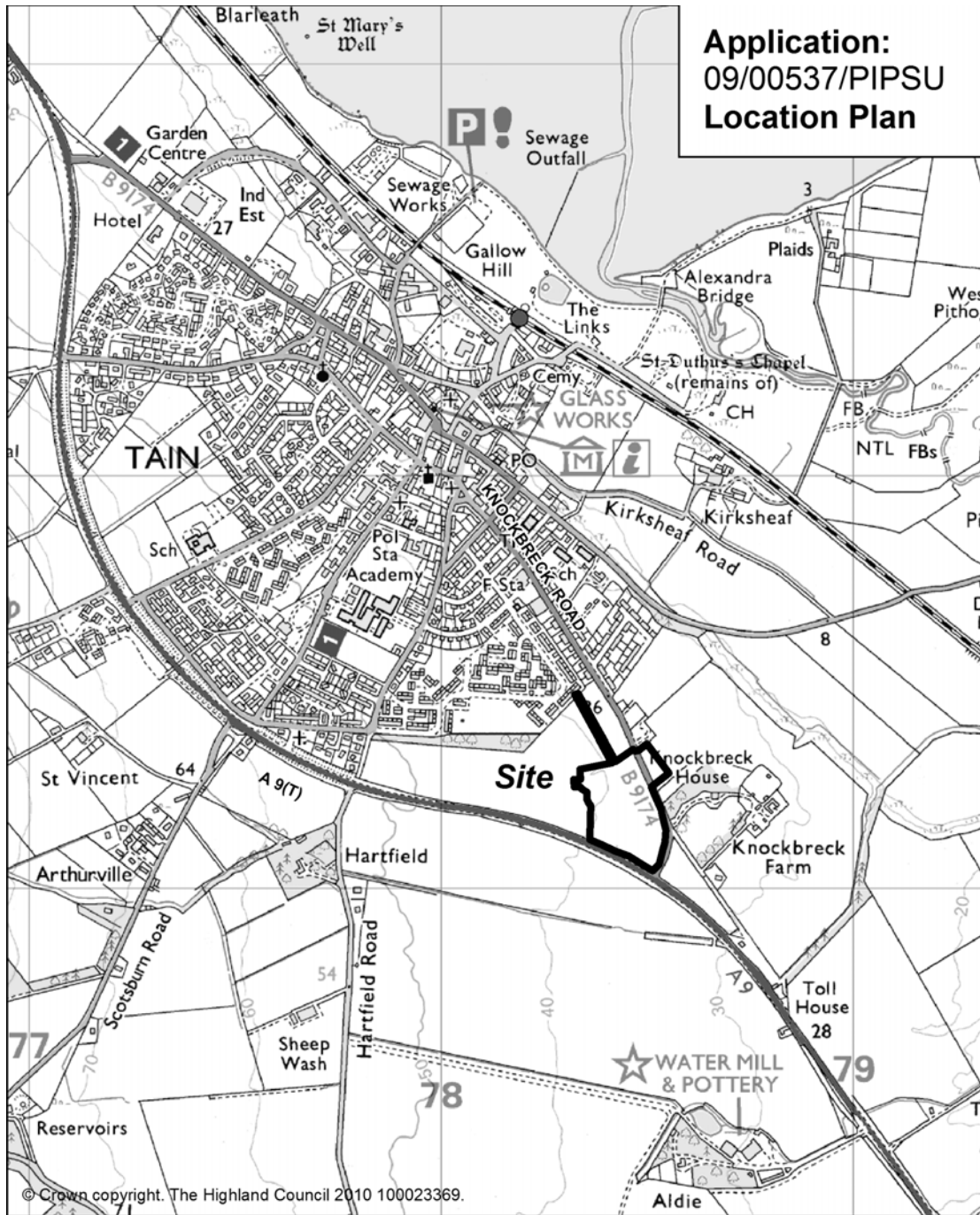
Name / Designation: Richard Hartland / Head of Planning and Building Standards

Author: Ken McCorquodale / Principal Planner - (01463 702256)

Background Papers: File: - 09/00537/PIPSU

Tain Retail Assessment by Halcrow for Highland Council

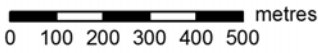
Annex A Location Plan, Site Plan and Sites noted in Sequential Assessment



Application:
09/00537/PIPSU
Location Plan

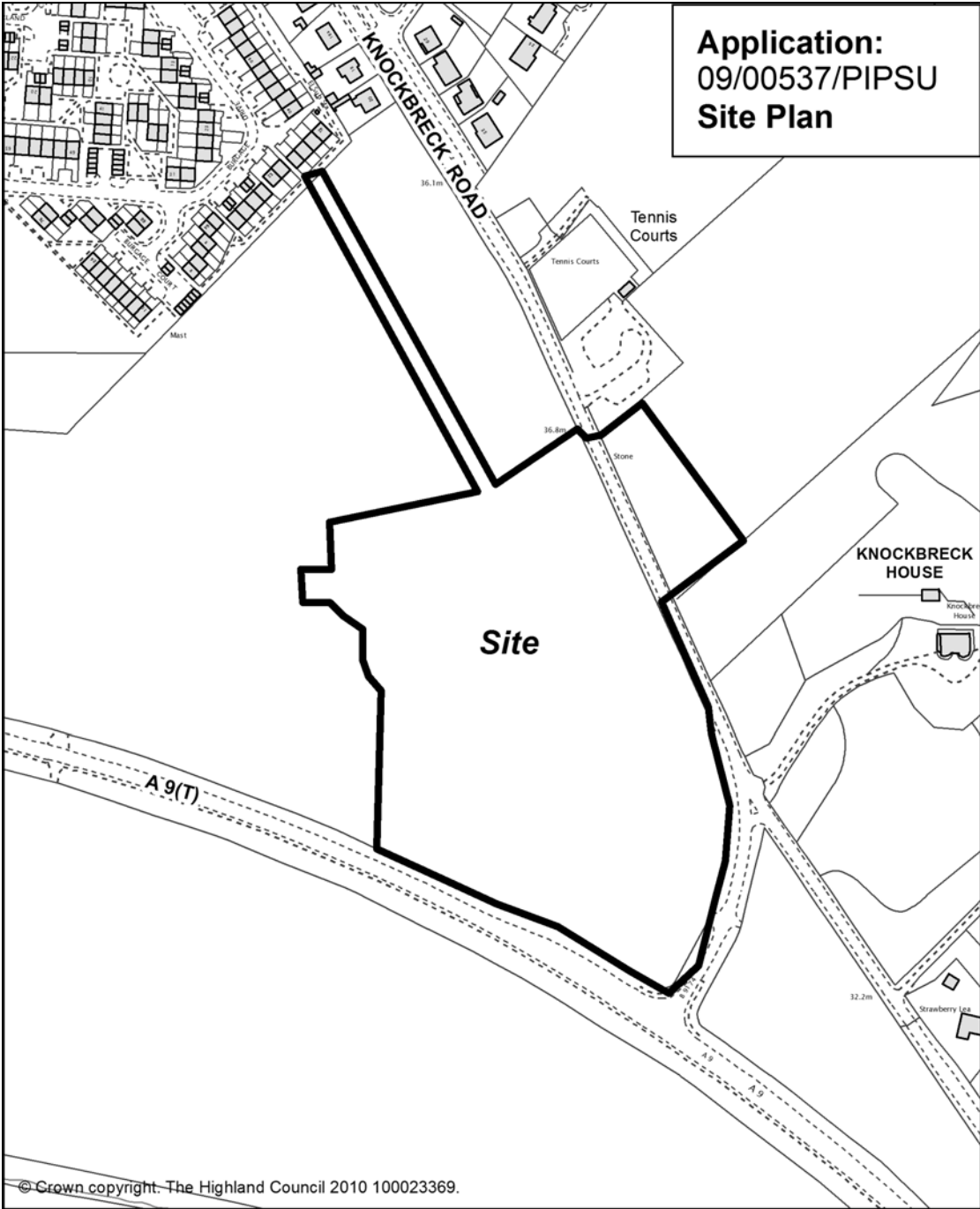
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PLANNING & DEVELOPMENT SERVICE
Stuart Black
Director of Planning & Development



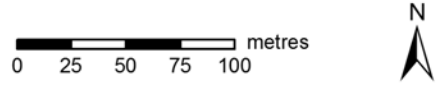
Ref . 09/00537/PIPSU
Proposal
Supermarket & Filling Station
Address
Between A9 and Knockbreck Road, TAIN
Applicant: ASDA Stores Limited

**Application:
09/00537/PIPSU
Site Plan**

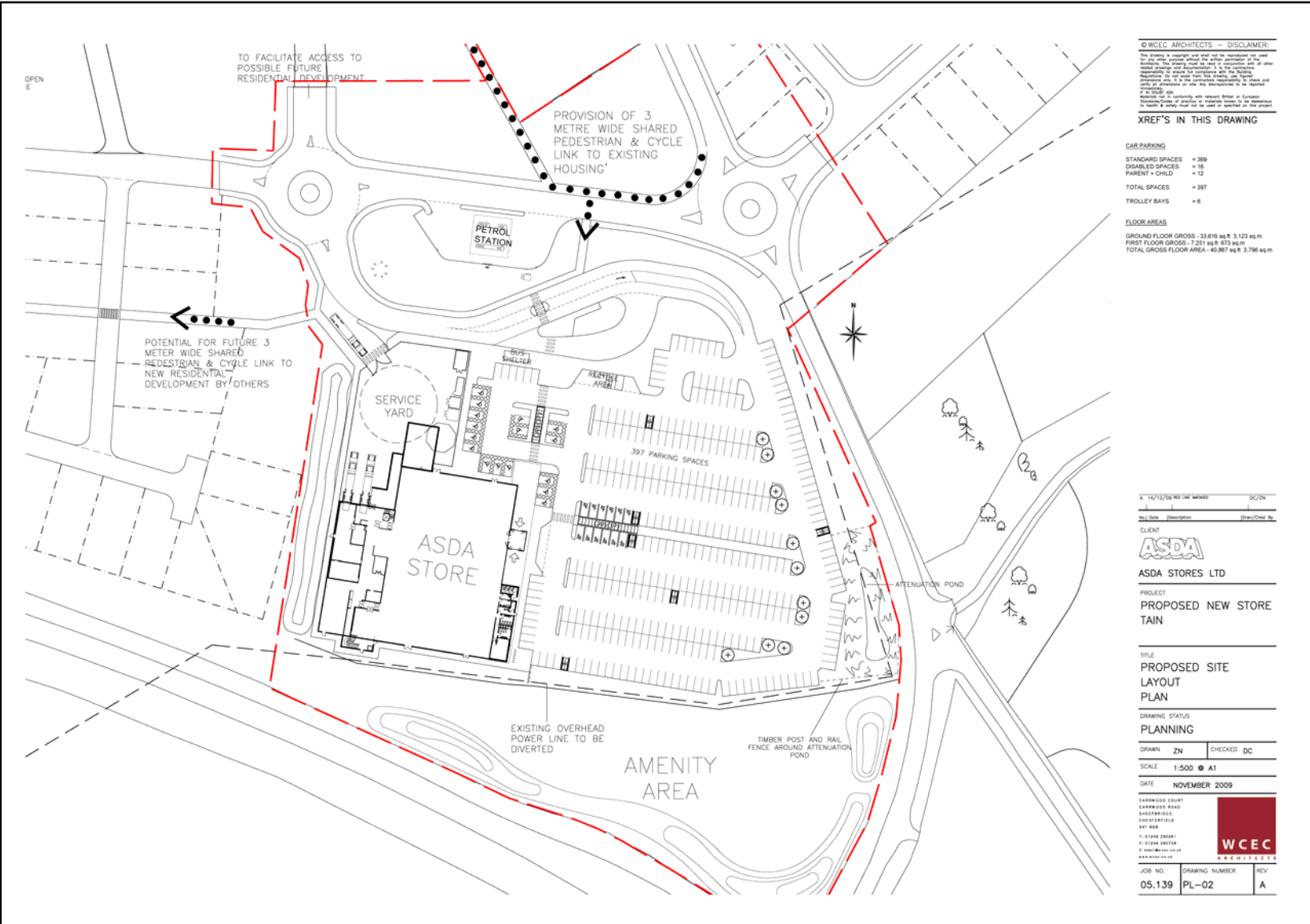


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 **The Highland Council**
Comhairle na Gàidhealtachd
PLANNING & DEVELOPMENT SERVICE
Stuart Black
Director of Planning & Development



Ref . 09/00537/PIPSU
Proposal
Supermarket & Filling Station
Address
Between A9 and Knockbreck Road, TAIN
Applicant: ASDA Stores Limited



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XREF'S IN THIS DRAWING

- CAR PARKING**
- STANDARD SPACES = 369
 - DISABLED SPACES = 10
 - PARENT + CHILD = 12
 - TOTAL SPACES = 397
 - TROLLEY BAYS = 6

- FLOOR AREAS**
- GROUND FLOOR GROSS - 33,616 sq m
 - FIRST FLOOR GROSS - 7,251 sq m
 - TOTAL GROSS FLOOR AREA - 40,867 sq m

A 14/11/09 10:00 AM 10/2/09

Scale: 1:500 Drawn/Checked By: ZN

CLIENT

ASDA
ASDA STORES LTD

PROJECT
PROPOSED NEW STORE
TAIN

TITLE
PROPOSED SITE
LAYOUT
PLAN

DRAWING STATUS
PLANNING

DRAWN: ZN CHECKED: DC

SCALE: 1:500 @ A1

DATE: NOVEMBER 2009

CARRWOOD COURT
CARRWOOD ROAD
SHEFFIELD
S10 2JL
SHEFFIELD
S10 2JL
SHEFFIELD
S10 2JL



JOB NO. 05,139 DRAWING NUMBER PL-02 REV A

Architecture

Design Views



Design and Sustainability Statement

Annex D Draft Section 75 Legal Agreement and Draft Planning Conditions if Members Support the Application

A **Section 75 Legal Agreement** be developed to secure the following provisions: -

- Improvements to Knockbreck Road including a pedestrian crossing as discussed with the applicant.
- A contribution to public transport in Tain - £60,000.
- A contribution for affordable housing development in Tain - £108,000.

Conditions

- 1) A further application, or applications, for the approval of matters specified in this condition must be made within THREE YEARS of the date of this decision notice. The application shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s. The MATTERS specified in this condition are the siting, design and external appearance of any building(s), the means of access and landscaping.

Reason: -In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- 2) The site layout supporting this application is taken as indicative only and is not hereby approved. The development will be limited to a total of 3,796 m² gross floorspace, offering 1,208 m²net floorspace for convenience goods and 650 m²net floorspace for comparison goods.

Reason: - To clarify the terms of the permission granted and to minimise the impact on the free flow of traffic on the A9(T) road.

- 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 any development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: - In order to preserve the archaeological and historical interest of the site.

6) The Matters Specified in Condition application shall include details regarding roads, footpaths, cycle access, parking, bus turning area, recycling area, landscaping and SUDs have to be resolved to the satisfaction of the Council in consultation with the Roads Authority and SEPA. This is expected to include as a minimum the following:

- a. 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.
- b. Details of levels of parking provision and their locations, for cyclists and vehicles, to be reserved matters.
- c. 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, external lighting and provision of recycling facilities to be reserved matters.
- d. Details of the sustainable urban drainage scheme, to be reserved matters. The applicant will be expected to adhere to the principles contained within the Drainage Assessment supporting the in principle application.

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

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

7) The Matters Specified in Condition application shall include details regarding all off site road, improvements including footpath links for Knockbreck Road, new traffic management to the satisfaction of the Council. This is expected to include as a minimum the following :

- a. provision of improvements to Knockbreck Road,
- b. the extension of speed restriction measures on Knockbreck Road,
- c. 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.
- d. All detailed plans will be made subject to a Road Safety Audit through the required Road construction Consent process. The applicant shall be responsible for all fees, construction and any future remedial actions, arising from the various RSA Stage reports.
- e. All to the satisfaction of and at no cost to The Highland Council, with improvements completed prior to opening of the store.

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.

8) 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 and the Trunk Roads Authority. The Travel Plan will require to be implemented for a minimum of 5 years from the opening of this retail store and will include: -

- a. 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.
- b. Details of proposed initiatives, targets, monitoring proposals and reporting procedures.
- c. Details of the advice to be given to all delivery vehicles serving the store.
- d. 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.
- e. Details of travel information to be provided within the site
- f. Details of the pedestrian footways cycle routes with appropriate signage and linkage to existing footways,
- g. Weather protection for the proposed cycle parking facilities.

Reason: To be consistent with the requirements of SPP and Planning Advice Note 75.

- 9) With effect from the date of this permission no walls, trees or hedges are to be removed, 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 a detailed landscape plan must be submitted 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.

- 10) Prior to the removal of any trees final bat surveys will be undertaken to confirm the absence of bats / bat roosts from each tree. The applicant will also confirm measures to provide three bat boxes prior to any tree felling within the Knockbreck area to compensate for the loss of 3 trees which currently have the potential to accommodate bats.

Reason: - Bats are a protected species.

- 11) 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.

- 12) 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.

- 13) 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. a detailed construction programme and timetable, including restoration of any construction site compound.
- b. 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.
- c. Pollution prevention measures including contingency plans.
- d. 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.
- e. A statement covering maintenance and management of the site.

- 14) 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.

- 15) 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

- 16) 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. Road Construction Consent (RCC) will be required for all “off site” and adoptable works. 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.