

THE HIGHLAND COUNCIL

**CAITHNESS PLANNING, DEVELOPMENT, EUROPE AND
TOURISM COMMITTEE
26th June 2006**

Agenda Item	2
Report No	C/P/154/06

06/00038/OUTCA: Erection of Class 1 retail foodstore, petrol filling station, associated car parking, landscaping, access road and roundabout, servicing, playing field, provision and associated community facilities and car parking in outline at Pennyland Farm, Thurso, Caithness

Report by the Director of Planning and Development

SUMMARY

This outline application proposes a development of a 2,896 square metre food retail store and petrol filling station at the north west edge of Thurso on agricultural land at Pennyland Farm and the formation of 1.01 hectares (2.5 acres) of recreational open space, associated community facilities and car parking to be transferred to the Council on adjoining land, the applicant bearing the annual maintenance cost thereof. The application is accompanied by supporting information namely a Retail Impact Assessment, a Traffic Impact Assessment and a Supplementary Supporting Statement regarding the effects of the TESCO proposal in Wick.

72 letters of objection and 1 letter of support have been received. Objections focus on the loss of amenity to local residential properties due to noise, disturbance and increased traffic; the loss of open views; the lack of accord with the Local Plan and the adverse effects on local businesses.

Subject to conditions, there are no objections from consultees.

The application site is located on an edge of town site. It is considered that the proposals meet in broad terms with the key themes and objectives of the Structure Plan and with Government Policy on town centres and retailing.

The proposals will provide greater choice and, while there will be greater competition with existing businesses in Thurso and Wick in particular, retail spend will be retained within Caithness. This is likely to have more of a positive effect than a negative one on the vitality and viability of Thurso town centre.

The development does not accord with the Caithness Local Plan, which allocates the site for hotel and open space/amenity use or agriculture and to retain the open panoramic views. The site is however, allocated for development and since the adoption of the local Plan in 2002 a proposal for a hotel has not been forthcoming. The current application includes a proposal for the formation of recreational open space and community facilities and the transfer of these to the Council together with annual maintenance being paid for by the applicant.

The amenity of residents and the appearance of the development could be secured by quality design and appropriate conditions.

Recommendation: Grant Outline Planning Permission.

As the proposal was advertised as being contrary to the provisions of the Local Plan the application will be subject to the Hearings Procedure.

If the Committee are of a mind to approve the application the Scottish Executive requires to be notified of the Committee decision because the application is contrary to the Local Plan and the Council has an interest in the recreation land if this to be obtained from the applicant at nil value.

1.0 Application Details

1.1 Proposal: This is an application in outline for the erection of a 2896sqm (31,172 sq.ft.) Class 1 retail foodstore, petrol filling station, associated car parking, landscaping, formation of access road and roundabout onto the A836/A9(T), servicing area, formation of playing fields and associated community facilities and car parking. A sketch site layout plan shows the retail building in the centre of the site with access, car parking and servicing to the west and north and a 1hectare playing field and landscaped area to the south. Parking is shown for 257 car spaces with a yard for servicing by lorries and goods

vehicles to the west of the building. A separate petrol filling station is shown at the north west of the site near the proposed access.

1.2 Location: The application site lies immediately to the south of the A9(T) near the junction with the A836. The site comprises agricultural grassland sloping down to the north with open views out over the Pentland Firth. Pennyland House and steading (Listed category B) lies on the east boundary of the site and the Pennyland Housing Estate (Brims Road) lies to the immediate south.

1.3 Applicant: ASDA Stores Ltd

1.4 Agent: GVA Grimley, Quayside House, 127 Fountainbridge, Edinburgh, EH3 9QG

2.0 Planning Policy

2.1 The Highland Structure Plan

Policies G1-G8 – General Strategic Policies;

Policy G2 - “Sustainability” is particularly relevant.

Policy R1 – Shopping Hierarchy – Under this policy those development proposals which will consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported.

Policy R4 – Food Retailing – states that in small and medium sized towns, food store provision will normally be located within town centres or within edge of centre locations....where major food store proposals are adjudged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted.

Policy R5 – Town Centre Shopping – states that retail development proposals which are considered to undermine the vitality and viability of existing town centres will be resisted.

2.2 The Caithness Local Plan

Thurso Policy 21 “At Pennyland Farm 1.2ha of land is allocated for a hotel. Detailed proposals should retain, respect and incorporate the Listed farm house and steading in the design and layout as well as interpretation of the historic interest, possibly in a small museum to Sir William Smith and the Boys Brigade. An opportunity exists to create a well designed quality development in this key location adjacent to the A9 Trunk road. Vehicular access is preferred from Castlegreen Road and provision should be made for associated improvements, including upgrading of the junction with the A9. Associated outdoor recreation uses could be provided over adjoining land to the west to retain its open character (see 35(b)).”

Thurso Policy 35 “The Council will protect and enhance major open space and amenity land in and around the town and, where appropriate, will encourage people to use and enjoy them. More specifically the Council will explore the availability of funding, including contributions from developers/owners of associated land, to: (b) develop open land to the north and south of the A836 at Pennyland farm as a public park in the longer term, incorporating playing fields and a pitch and putt course where possible, the siting of all ancillary buildings will be rigorously controlled to ensure that the panoramic views across this area is maintained in its entirety.”

2.3 National Planning Policy Guidance 8 – Town Centres and Retailing

NPPG 8 sets out the Government’s policy for town centres and retailing. Whilst encouraging competition and choice, and minimising transport impacts, the emphasis is on protecting and enhancing the vitality and viability of town centres. In selecting sites for new retailing, advice is that a sequential approach should be adopted with preference

always given first to town centre sites, followed by edge of centre sites, and only then out of centre locations. However, this does not preclude the need to assess the impact upon vitality and viability of the town centre. NPPG8 is currently being revised and a new SPP on Town Centres is expected this year.

2.4 Supporting Information

Information has been submitted in support of this application. This consists of a Planning Statement, a Retail Impact Assessment, a Transport Assessment and a Supplementary Statement regarding the relationship to the TESCO proposal in Wick. These are available to view at the Caithness Area Planning and Building Standards office.

3.0 Consultations

3.1 Scottish Water: No objections subject to the developer obtaining their consent to connect to their assets.

3.2 Scottish Environmental Protection Agency: No objections however advise that a suitable condition be attached to any grant of outline permission that the detailed surface water scheme should be agreed by the planning authority with SEPA at any detailed planning stage.

3.3 Contaminated Land: No objections

3.4 Area Roads and Community Works Manager: No objections

3.5 Thurso Community Council: No objections but would wish to be consulted on any full application.

3.6 Transport Scotland, Trunk Roads: TRNMD have no objections to the proposals subject to the conditions that the applicant provides details of

- a) The lighting within the site;
 - b) A new footway along the southern kerb of the A9;
 - c) An off-road footpath/ cycle path from the development to the Pennyland Estate;
 - d) A bus stop and lay by on the A9 directly to the north of the site;
 - e) The proposed modifications to the existing A9(T)/ A835 priority junction;
 - f) A MOVA installation (Microprocessor Optimised Vehicle Actuation Signal Control System) at the existing Sir George's Street/ Traill Street A9 (T)/ Sinclair Street 4-arm signalised junction.
- and implements these prior to occupation of the development and provides a Travel Plan within 3 months of the grant of any consent

3.7 Highland Council Archaeologist: No objection

3.8 Highland Council Access Officer: Applicant should take full account of the Land Reform (Scotland) Act 2003. In particular access related issues will be a high priority for community amenity and integrated transport. It is believed that non-vehicular links to the site could be substantially improved, in particular:-

- a pedestrian crossing of the A9 should be considered for the safety of pedestrians.
- All access routes should comply with the relevant Disability discrimination legislation and best practice in design and materials should be used.
- An additional pedestrian access route from Brims road should be formed to form a link to Scrabster, Pennyland and Thurso Business Park.

- A pedestrian access from Castlegreen Road should also be created.
- Direct path access from the proposed store to the playing field should be considered.
- There should be an area for safe cycle storage and signage should be provided to promote access routes through the site.

3.9 Historic Scotland: Comment that the proposed development lies close to two significant heritage assets; Scrabster Castle (scheduled ancient monument) and Pennyland House and Steading (Listed category B). Before determining any application for full planning permission, the Council should assess the likely impact on views to the castle from the site, ideally by photomontage. The development has the potential to have a significant adverse effect on the listed buildings and their settings and Historic Scotland wish to be consulted on any application for full planning permission.

3.10 Highland Council Environmental Health Officer: advises conditions be attached to any consent regarding noise limits on plant and machinery and restrictions on opening hours be applied in the interests of residential amenity.

3.11 Highland Cycle Campaign: Ask that:

- 1) Secure enclosed cycle parking be provided for at least 20% of staff,
- 2) Sheltered parking for bikes close to, and in view of reception, be provided for at least 20% of users in the form of Sheffield stands,
- 3) Access design should give priority to walkers and cyclists as indicated in SPP17 (Planning for travel modes) and roads should be altered or provided with a view to encouraging cycle travel by providing segregated cycle and walking links to the surrounding settlement.
- 4) Engineering measures should be applied to restrict vehicle speeds within the development to 20mph.

3.12 Policy & Information, Development and Strategy: The proposal is not in conformity with Government planning policy which seeks to promote sustainable development by supporting the regeneration of urban areas and particularly town centres. The proposed development is on an area of Thurso allocated for amenity purposes and as such is viewed as contrary to the Local Plan. NPPG8 states that where proposals are not consistent with the Local Plan they should be assessed against all of the considerations set out under paragraph 45 of the guidance and refused if it does not meet them all.

4.0 Public Participation

4.1 Advertisement: The proposal was advertised under the Town and Country Planning (Scotland) Act 1997 Section 34 (Development not in accordance with the provisions of the development plan) 21 days.

4.2 72 letters of objection have been received; two on behalf of existing supermarket operators; Somerfield and The Co-operative Group, two from local businesses, and 68 from local residents.

The key issues raised are:

1. The proposals are contrary to the Caithness Local Plan Policy 21 which allocates the eastern part of the site for a hotel and small museum and the western part of the site is subject to Policy 35(b) of the Local plan which supports the creation of a public park that will complement and preserve the open panoramic views across to the sea.
2. The surrounding residential area will suffer a considerable loss of amenity from noise, traffic hazards and disturbance

3. The development does not accord with NPPG 8 – *Town Centres and Retailing* as there is insufficient local spend to justify this development leading to a significant resultant loss of trade to existing retailers to the detriment of the vitality and viability of the town centre;
4. The development does not accord with NPPG 8 – *Town Centres and Retailing* as it does not meet the sequential approach to determining store location;
5. There is already adequate provision of food stores in the town;
6. The proposed filling station is too large and will cause other smaller filling stations to close.
7. Any loss of smaller retail stores will result in job losses – the creation of up to 250 jobs is therefore disingenuous;
8. Supermarkets are bad for the environment and local economies with much of the produce not being sourced locally but from other parts of the UK or overseas.
9. Farmland should be preserved
10. This development should be sited on a brown field site or in the Business Park.
11. There is no need for a playing field in this location.

4.3 One letter of support has been received stating that these companies (Asda and Tesco) might bring some desperately needed competition

5.0 Appraisal

5.1 Under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, a decision upon an application for planning permission should be made in accordance with the Development Plan unless material considerations indicate otherwise

5.2 The planning considerations are whether the proposal is:-

- a) acceptable in principle and will have no adverse impact upon the vitality and viability of the existing town centre,
- b) will have any adverse impact upon existing infrastructure, and
- c) will have any adverse impact upon the amenity of neighbouring occupiers, and
- d) is of a suitable design quality,

5.3 Principle – Structure Plan

Two particularly relevant key themes of the Highland Structure Plan, when considering proposals such as this are those relating to the accessibility to goods, services and markets and the need to consolidate the settlement hierarchy to prevent centralisation. The applicant has indicated that there is a ‘continuous flow of expenditure coming into the higher order centres to the south from Caithness.’ In view of this it would appear that these two themes of the Structure Plan are not currently being realised.

Thurso is identified within the Structure Plan as a sub-regional centre. In this regard, Thurso is considered to be far enough from Inverness to compete as a provider of a range of services. Major food stores, as well as retail warehousing, are acceptable but will normally be located within town centres or within edge of centre locations. The former is reflected in the Caithness Local Plan which seeks to consolidate retailing within the town centre.

The proposal is on an edge of centre location and is likely to reduce the flow of expenditure to higher order centres to the south of Caithness. At present this is estimated at about 13% of market share in Thurso. The potential reduction in car trips to these higher order centres is also in accordance with sustainability objectives of Government and Highland Council

5.4 Principle – National Planning Guidance – The Sequential Test

- 5.4.1** Where proposals are not consistent with the development plan, National Policy (NPPG 8) advises that it is for the applicant to demonstrate why an exception to policy should be made. NPPG8 requires planning authorities to adopt a sequential approach to selecting sites for new development, with first preference always being given to development in town centres and developers have to demonstrate that town centre and edge of centre options have been thoroughly assessed. The applicant has assessed opportunities for alternative sites and reviewed the impact that the proposal may have upon the vitality and viability of the existing town centre.
- 5.4.2** The applicant states in the supporting information that there are no town-centre or other edge of centre sites suitable for a development of this type and size and that opportunities within Thurso are limited in this regard. The applicant is of the view that the proposals offer a greater choice for retailing in Thurso and that there is sufficient expenditure in the wider catchment area to sustain this retail development.
- 5.4.3** The applicant states in their RIA that the existing retail stores are suffering from levels of “overtrade” and that the Thurso catchment area would benefit from a modern foodstore format to improve the type and quality of offer available to the population, thus providing enhanced competition for the benefit of consumers. Furthermore it is considered by the applicant, that the qualitative deficiencies that exist for the Thurso area will remain, with or without the implementation of the Tesco store in Wick. Without a similar type of store in Thurso, Thurso would have less potential to compete effectively with Wick, both of which are identified as Sub-regional Centres in the Structure Plan.
- 5.4.4** The food store within the town centre which is most likely to be affected by the proposals is the Co-Op. Somerfield’s store is an edge of centre location and All-days is also an edge of centre location. ‘Overtrade’ is a euphemism for a very profitable business. In this context the RIA shows that Somerfield, Co-op and All-days are very profitable in terms of national average turnovers with the Co-op having 27% of the market share in Thurso. Other town centre food retailers have an 8% market share in Thurso.
Thurso has a strongly functioning town centre performing well in its role as Caithness’ principle market town. However due to its form, historic constraints and limited sites for accommodating large food and non-food stores it has limitations. The RIA shows that the proposed ASDA store would achieve a market share in Thurso of 30% with most spending being diverted from Somerfield (£3.1m) and the Co-op (£2.0m) with an estimated total town centre diversion of £2.1m to ASDA.
- 5.4.5** The majority of turnover for ASDA would be derived from the two stores that are most comparable (Somerfield and Co-op) while it is estimated that a further £2.2m will be derived from other locations that are either not examined as part of the RIA or are located outwith the primary catchment area. While there is bound to be a significant impact on the turnover of the stores most affected by competition from ASDA the majority of these stores will continue to perform well. In terms of Planning Policy the Somerfield store, All-days at Mount Pleasant and Lidl are not located within the town centre and are therefore not of concern in planning policy terms. (All-days is part of the Co-op organisation). The Somerfield store has an extant planning permission to build a large extension to the store but this has to date not been progressed.
- 5.4.6** In terms of the impact on the town centre traders it is most likely that the ASDA proposal will impact most on the profit margin of the Co-op, but will not result in the Co-op becoming unprofitable. Similarly the level of impacts envisaged on other traders within the town centre would not lead to the closure of units and the physical decline of the town centre.

5.4.7 However, objectors question the retail capacity figures advanced by the applicant, pointing out that anticipated turnover has been under-estimated and that to sustain a store of the size proposed would require heavy reliance on the secondary catchments of Sutherland and the Northern Isles if the impact on the existing retailers is not to be significantly detrimental.

Agents for the Co-op state that the RIA significantly underestimates the proposed turnover of the ASDA development by £5.35m. They also believe that the RIA considerably exaggerates the turnover of the town centre and the turnover that could be expected from the secondary catchment area (Orkney, 2 hours minimum by ferry). The applicant is therefore relying heavily on diverting expenditure from Thurso to their store and this would have a major and damaging effect on Thurso town centre. They observe that a 21% reduction on the turnover of the town centre is unacceptable and will have damaging social and economic effects on the whole community of Thurso.

5.4.8 It is difficult to assess the actual impact on existing businesses outside the town centre. Much of this will be determined by consumer preference. There is no doubt however that the proposals will act as a counter to the existing draw of Inverness and Dingwall, improving the accessibility of goods and services to residents of Caithness, reducing unsustainable travel, and improving choice within the local market. The store is well located to take advantage of the main transport routes and should assist in bolstering Thurso as a sub-regional centre. Retaining retail spend within the area is more likely to enhance the vitality and viability of the town centre than detract from it. The proposal could also help support rail freight if the applicant was to adopt a sustainable strategy for goods deliveries and this is an issue which should be addressed in a Travel Plan.

5.5 Principle – Caithness Local Plan

The eastern side of the proposed site is allocated for hotel use while the remainder of the site to the west is allocated for open space/ amenity/ farm land. The Local Plan policy emphasises the need to ensure that the panoramic view across the area is maintained in its entirety. The development is therefore contrary to the Caithness Local Plan, however it should be noted that the site is allocated for commercial development (hotel) and open space.

5.6 Design Quality

The application is accompanied by a sketch layout and no details of the appearance of the proposed building have been submitted. I have considerable concerns over the indicated siting and orientation of the building in relation to Pennyland House and steading and the nearby residential properties. The proposal to place the main car parking on the highly visible frontage would lead to a 'sea of cars' in front of the building and facing onto an important tourist route. I consider that the layout could be greatly improved. No landscaping details have been submitted with this application and this would be an important part of any detailed design.

5.7 Infrastructure

The intention is to form a new roundabout on to the A9(T) and A836 junction. The design of the new road layout will allow for future development to take place on the adjacent site to the west. The sketch layout shows that there will be adequate parking provision for the retail store. The applicant has indicated that the development will be capable of accommodating bus access. However, no proposals have been put forward to encourage public transport as an alternative to the private car. It is normal to require a Travel Plan for a development of this scale. At this stage in the process however, it is difficult to know staff requirements, methods of transport, and work patterns. This could be controlled by condition. Whilst a full

SUDS scheme is not possible on the site, a scheme will be carried out to best practice within CIRIA manual C521 and SEPA are satisfied subject to a condition being attached to any consent requiring details at full planning stage.

5.8 Amenity

The development will result in an increase in traffic and activity and the amenity of nearby residential properties will be affected. The visual intrusion of a large supermarket with associated service areas and car parking will diminish the amenity of residents in Brims Road and Castlegreen Road. This is the strongly presented view of objectors to the proposals. A more appropriate design and layout of the site and controls on noise and hours of operation could lessen these impacts. The developer's inclusion of a playing field and associated community facilities in the proposal is a planning gain and goes some way towards realising the aims of Local Plan Policy 35(b) for a public park in the location.

6.0 Conclusion

- 6.1** Thurso is identified within the Structure Plan as a sub-regional centre. Thurso is considered to be far enough from Inverness to compete as a provider of a range of services. Major food stores, as well as retail warehousing, are acceptable but will normally be located within town centres or within edge of centre locations. This is in line with government policy which states that out of centre sites should only be considered where suitable town centre/edge of centre sites are not available. There appears to be no suitable town centre or other edge of centre location for this development. The application will provide Thurso with a modern foodstore development that will secure Thurso's sub-regional status and comply with Structure Plan Policies R1 and R2.
- 6.2** The applicant considers that the development will offer a greater level of choice than is available within Caithness at present. Whilst there may be an element of competition with existing traders within Thurso in particular, and with the proposed Tesco store in Wick the development is likely to reverse the current trend for long distance convenience shopping and retain retail spend within Caithness. This is likely to be to the benefit of both Thurso and Wick. The general principle of a development of this type can be considered acceptable in Thurso if it is considered that there will not be any adverse impact upon the vitality and viability of the existing town centre. The applicants Supporting Statement and Supplementary Supporting Statement provide facts, figures and reasoned arguments that the vitality and viability of Thurso town centre will not be undermined and that the proposals will meet a recognised deficiency in the area. While objectors challenge the methodology and conclusions of the RIA I believe that overall the proposal will not erode the viability and vitality of the town centre. I therefore consider that the sequential approach of NPPG8 has been satisfied.
- 6.3.** The development is in a location that is easily accessible by a range of transport modes. The upgrading of the existing road network by the provision of a roundabout at the junction of the A9(T) and A836 and other traffic management arrangements including computerised signal controls at St Georges Street/Traill Street junction conditioned by Trunk Roads (TRNMD) will ensure that access and pedestrian and vehicular safety are maintained. There are no other infrastructural constraints.
- 6.4.** The proposals are contrary to the provisions of the Caithness Local Plan which seeks to retain the site for hotel development and open space/amenity /agriculture and retain the open aspect of the site. Proposals have not been forthcoming for a hotel development since the plan was adopted in 2002. It should be noted that a hotel could have similar visual and

access impacts as a retail development. The current proposals also include formation of a recreational open space and community facility.

- 6.5.** There will be some impacts on the amenity of nearby residents and some loss of views. This is a major issue of the objections received. A sensitive design and layout of the site could minimise some of the potential adverse effects of this development as could controls on noise and hours of operation.
- 6.6** In broad terms the proposals meet with the key themes and objectives of the Structure Plan and with Government Policy on town centres and retailing, however the development does not accord with the Local Plan. Under Section 25 of the Town and Country Planning (Scotland) Act, planning applications must be determined in accordance with the terms of the Development Plan unless material considerations indicate otherwise. Material considerations in this case indicate that this development could be accepted and the application is therefore recommended for approval.
- 6.7** If the Committee are of a mind to approve the application the Scottish Executive requires to be notified of the Committee decision because the application is contrary to the Local Plan and the Council has an interest in the recreation land if this to be obtained from the applicant at nil value.

RECOMMENDATION

That subject to the approval of the application by the Scottish Executive and the prior conclusion of an appropriate legal agreement covering the following matters:-

- That once the recreational land and community facilities are completed to a standard agreed between the applicant and the Planning Authority the ownership of 1.01 Hectares (2.5 acres) of land and community facilities be transferred to the Highland Council without cost to the Council.
- To secure a financial bond for a sum of 40 times the annual maintenance cost of the recreational site and community facilities to provide for their future maintenance.

that **outline planning permission be granted** subject to conditions covering the matters below, the final wording of the conditions to be delegated to the Director of Planning and Development in consultation with the Committee Chairman and the Local Member within whose ward the proposed development lies.

General

1. A further application shall be made to the Planning Authority within three years of the date of this permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved matters shall include the siting, design and external appearance of all buildings, the means of access thereto, and proposals for landscaping, including the design and appearance of boundary enclosures, of the site.

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

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

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

3. Prior to the commencement of construction of any building on the site, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority. Only the approved materials shall be used in the construction of the building. Note: Samples of the materials may be required.

Reason: In order to enable the planning authority to consider these matters in detail.

Landscaping

4. Prior to the commencement of construction of any building on the site, a fully detailed landscape plan, all hard surface treatments and all planting, and a management scheme for the future maintenance of existing trees/shrubs, shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to enable the Planning Authority to consider this/these matters in detail and to ensure the protection of existing trees within the site.

5. The approved landscaping scheme shall be fully implemented within six months of the first occupation of the development, and thereafter shall be maintained in perpetuity by the applicants and/or their successors to the satisfaction of the Planning Authority. 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.

6. Prior to the commencement of work on site, details of all other boundary treatments shall be submitted and approved in writing by the Planning Authority. Only the approved treatment shall be constructed and shall be in place before the occupation of any buildings on the site.

Reason: In order for the Planning Authority to consider these matters in detail.

Amenity

7. Prior to the occupation of the development hereby approved, details of all external lighting, including that proposed on the building, shall be submitted to and agreed in writing by the Planning Authority. Only lighting as approved shall be erected on site.

Reason: In the interest of amenity.

8. No delivery vehicle movements to and from the site shall take place between the hours of 2200 and 0600, Monday to Friday and between the hours of 2000 and 0800 on Saturday and Sunday.

Reason: In the interest of residential amenity

9. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured and/or calculated within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Reason: In the interest of amenity.

Roads Infrastructure

10. Prior to the commencement of works on site, details of the following, as set out in the SIAS Transport Assessment dated February 2006, shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland – Trunk Road Network Management Directorate:

- a.) The lighting within the site;
- b.) A new footway along the southern kerb of the A9;
- c.) An off-road footpath/ cycle path from the development to the Pennyland Estate;
- d.) A bus stop and lay by on the A9 directly to the north of the site;
- e.) The proposed modifications to the existing A9(T)/ A836 priority junction;
- f.) A MOVA (Microprocessor Optimised Vehicle Actuation Signal Control System) installation at the existing Sir George's Street/ Traill Street A9 (T)/ Sinclair Street 4-arm signalised junction.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished; to ensure that facilities are provided for the pedestrians and cyclists that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road. In the interests of road safety and to ensure that there is no detrimental impact on the operation of the trunk road network; to ensure that facilities are provided for the public transport users that are generated by the development and to minimise interference with the safety and free flow of traffic on the trunk road.

11. Prior to the occupation of any part of the development the following must be constructed and completed, in accordance with the approved plans, to the satisfaction of the Planning Authority, in consultation with Transport Scotland – Trunk Road Network Management Directorate:

- a.) The new footway along the southern kerb of the A9;
- b) The off-road footpath/ cycle path from the development to the Pennyland Estate;
- c) The bus stop and lay by on the A9 directly to the north of the site;
- d) The modifications to the existing A9(T)/ A836 priority junction;
- e) A MOVA (Microprocessor Optimised Vehicle Actuation Signal Control System) installation at the existing Sir George's Street/ Traill Street A9 (T)/ Sinclair Street 4-arm signalised junction.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished; to ensure that facilities are provided for the pedestrians and cyclists that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road. In the interests of road safety and to ensure that there is no detrimental impact on the operation of the trunk road network; to ensure that facilities are provided for the public transport users that are generated by the development and to minimise interference with the safety and free flow of traffic on the trunk road.

12. Within three months from the date of this consent, a comprehensive Travel Plan, generally in accordance with the Travel Plan framework set out in Appendix Section 9 of the SIAS Transport Assessment dated February 2006, shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland – Trunk Road Network Management Directorate. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car.

Reason: To be consistent with the requirements of SPP17 and PAN57.

13. Prior to the coming into operation of the development hereby approved, the applicant shall provide at their expense a pedestrian 'Pelican' crossing on the A836, details of which shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads and Community Works Manager.

Reason: In the interest of road safety.

14. Prior to the occupation of the development hereby approved the applicant shall provide at their expense, bus shelters on either side of the A836/A9(T) in locations and to details which shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads and Community Works Manager.

Reason: To accord with the provisions of SPP17 and in the interests of sustainable transport.

SUDS

15. All surface water and flood prevention infrastructure shall be designed in accordance with the SUDS "CIRIA" design manual. Full details of the SUDS scheme to be implemented shall be submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority, prior to the commencement of construction. All water retention or detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose to the satisfaction of the Planning Authority prior to the occupation of the development hereby approved.

Reason: In order to ensure effective surface water drainage in the interest of sustainability.

Recreation, Landscape and Natural Heritage Plan

16. Before development commences on site, or as may otherwise be agreed, the developers shall

submit for further prior approval of the Planning Authority a scheme to characterise, safeguard and promote the development of open space, recreation and the natural heritage of the site. The scheme shall detail measures to establish a new playing field, and/or active recreational areas and associated community facilities. The scheme shall have regard to identifying, protecting or mitigating the interests of any protected species which may be present on or use the site.

Reason: In the interests of amenity and to ensure that adequate open space is provided as part of the development.

17. Prior to the commencement of trading from the retail development hereby approved a major area of public open space and associated community facilities shall be provided to the prior specification and approval of the Council, including any necessary access and car parking. The public open space shall include a playing field/ kick about pitch of minimum dimensions 70 x 50 metres, or as may be agreed in writing with the Planning Authority.

Reason: To ensure that adequate open space and community facilities are provided as part of the development.

18. Unless otherwise agreed, no development shall commence until a scheme for the maintenance in perpetuity of all open space, community facilities or associated areas, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water, has been submitted to and approved in writing by the Planning Authority. All such maintenance schemes approved by the Council shall thereafter require to be a legal obligation. Before the commencement of trading from the retail development hereby approved on the site, the scheme for maintenance shall be established and operational.

Reason: To ensure that the open space and community facilities are adequately maintained.

19. No development shall commence on site until the applicant has agreed a water and drainage scheme with Scottish Water and they have confirmed the agreement in writing to the Planning Authority

Reason; to ensure that the site is adequately serviced with water and drainage.

Informatives: The applicant should be aware that this consent does not carry with it the right to carry out works within the trunk road boundary and that he must consult with Transport Scotland, Trunk Roads Network Management Directorate through its Management Organisation on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.

Trunk Road modifications shall in all aspects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO, and should account for Cycle and Road Safety Audits at stages 1 to 4 as outlined in Volume 5 of DMRB. The developer shall issue a certificate to that effect, signed by his design organisation.

The applicant must make a separate application to Scottish Water, Planning and Development Services, 419 Balmore Road, Glasgow, G22 6NU tel 0845 601 8855 in order to fully assess the impact of the development on their assets.

The development may involve building over, or in such a way as to obstruct access to an existing public sewer and water main. The applicant must contact Scottish Water Operations, Technical Support team to ascertain what measures are to be taken to protect this apparatus.

Signature:

Designation: Area Planning and Building Standards Manager

Date: 30th May 2006

Author: Gordon Mooney

Tel. 01955 607754/01463 702249

Ref: **06/00038/OUTCA**

Local Member : Cllr Roger Saxon

Background Papers:

1. Application Form and Plans.
2. Highland Structure Plan (Written Statement).
3. Caithness Local Plan.
4. Memorandum from Area Roads and Community Works Manager
5. Memorandum from Contaminated Land dated 16/3/06
6. Memorandum from Policy and Information dated 8/5/06
7. Memorandum from environmental health officer dated 31 May 2006
8. Consultation from the Thurso Community Council dated 19/4/06
9. Consultation from Scottish Environmental Protection Agency dated 11/05/06 and 27/03/06
10. Consultation from Highland Council Access officer dated 8/3/06
11. Letter from Highland Cycle Campaign 14/3/06
12. Consultation response from Historic Scotland dated 15/5/06
13. Consultation Response from Transport Scotland dated 14th June 2006
14. List of objectors to the proposals
15. Letter of support for the proposals from Paul Simonite of Station House, Watten, Caithness

Any person wishing to inspect any of the above background papers should contact Iain Ewart on 01955 607751.

**LIST OF OBJECTORS FOR Erection of class 1 retail foodstore 2.896 metre square, petrol filling station, associated car parking, landscaping, access road and roundabout, servicing, playing field, provision and associated community facilities and car parking (outline) AT Asda, Pennyland Farm, THURSO, Caithness
06/00038/OUTCA**

1. Mrs. Janet Parker, 8 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
2. Mr. Gary Parker, 8 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
3. Ms. Lorna McDermid, Ardnahoe, Seaview House, Odrig Street, THURSO, Caithness,
4. Mr. Brian Cormack, Ardnahoe, Seaview House, Odrig Street, THURSO, Caithness
5. Mr. Kenneth Noble, 6 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
6. Mr. E. E. Newman, 8 Forss Road, THURSO, Caithness, KW14 7PB,
7. Ms. Sandra Noble, 6 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
8. Valerie Gilmour, 8 Brims Road, THURSO, Caithness.,
9. Barbara Gilmour, 8 Brims Road, THURSO, Caithness, KW14 7PD,
10. J. D. And Mrs. K. Campbell, 9 Forss Road, THURSO, Caithness, KW14 7PB,
11. P.J. And Mrs. E. M. Spearing, 44 Upper Burnside Drive, Scrabster, Caithness, KW14 7XB,
12. Mrs. Irene Jones, 9 Brims Road, THURSO, Caithness, KW14 7PD,
13. Mr. D. S. Grundy, 17 Brims Road, THURSO, Caithness, KW14 7PD,
14. Mrs. E. S. Grundy, 17 Brims Road, THURSO, Caithness, KW14 7PD,
15. Miss. G. M. Mackenzie, 1 Upper Burnside Court, THURSO, Caithness, KW14 7XT,
16. Miss. Kerry Johnston, 1 Hoy Terrace, THURSO, Caithness, KW14 7PH,
17. June McGlasson, 2 Oy Place, THURSO, Caithness, KW14 7PQ,
18. Mr. Robert H. Roy, 2 Hoy Place, THURSO, Caithness, KW14 7PQ,
19. Diane Johnston, 1 Hoy Terrace, THURSO, Caithness, KW14 7PH,
20. Mr. Brian Johnston, 1 Hoy Terrace, THURSO, Caithness, KW14 7PH,
21. Murdoch Family, 19 Brims Road, THURSO, Caithness, KW14 7PD,
22. J. Tait, Thorval, 11 Granville Crescent, THURSO, Caithness, KW14 7NP,
23. I. Tait, Thorval, 11 Granville Crescent, THURSO, Caithness, KW14 7NP,
24. Mrs. Phyllis Nicol, 10 Forss Road, THURSO, Caithness, KW14 7PB,
25. Ken Nicol, Downton Cottage, Crescent Street, HALKIRK, Caithness, KW12 6XN,
26. Mrs. Anita MacLean, 6 Brims Road, THURSO, Caithness, KW14 7PD,
27. D. Doohan, 15 Forss Road, THURSO, Caithness, KW14 7PB,
28. Mr. Peter Gilmour, 8 Brims Road, THURSO, Caithness, KW14 7PD,
29. Mr. And Mrs. Smedley, 11 Brims Road, THURSO, Caithness, KW14 7PD,
30. Mr. R. Falconer, 13 Forss Road, THURSO, Caithness, KW14 7PB,
31. Mr. B. Laird, 7 Hoy Terrace, THURSO, Caithness, KW14 7PH,
32. Mrs. E. Laird, 7 Hoy Terrace, THURSO, Caithness, KW14 7PH,
33. M. S. Melhuish, 11 Lythmore Road , THURSO, Caithness, KW14 7PF,
34. Alan J. Scullion, 15 Brims Road, THURSO, Caithness, KW14 7PD,
35. G. Doherty, 15 Rockwell Terrace, THURSO, Caithness, ,
36. Mrs. J Ridgley, 3 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
37. Mr. Gary Angus, 11 Forss Road, THURSO, Caithness, KW14 7PB
38. Mrs. Murray, 4 Pentland Crescent, THURSO, Caithness, KW14 8BL,
39. Mrs. Carolyn Swanson, Caol Argaibh, Hill Of Forss, THURSO, Caithness, KW14 7XQ
40. The Walker Family, 21 Brims Road, THURSO, Caithness, KW14 7PD,
41. Donna Sinclair, 5 Hoy Terrace, THURSO, Caithness
42. Jane And Steve Foster, Moonfleet, 3 Hoy Terrace, THURSO, Caithness, KW14 7PH,
43. Ms. Amanda Butress, Lazy Glade, 50 Duncan Street, THURSO, Caithness, KW14 7HU,
44. Tim Ridgley, 3 Rockwell Crescent , THURSO, Caithness, KW14 7PL,
45. Jason Ridgley, 3 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
46. A. B. Ridgley, 3 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
47. David And Jean Alexander, 2 Brims Road, THURSO, Caithness, KW14 7PD,
48. Ivor And Elaine Simpson, 28 Lythmore Road, THURSO, Caithness.
49. Mhair Suttar, Chairwoman, Thurso Traders' Association, C/o George MacBeath, 6 Traill Street, THURSO, Caithness, KW14 8EJ
50. Mr. Ian C. Cox, 25a Odrig Street, THURSO, Caithness, KW14 7HF,
51. Stuart Liddle, 7 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
52. D. W. Sprague, 12 Rockwell Crescent, THURSO, Caithness, KW14 7PL,
53. John Hambleton And Alison MacAdie, 10 Pennyland Drive, THURSO, Caithness, KW14 7PA,

54. M. David Cox, Scotsburn Lodge, Scotsburn Road, TAIN, Ross-shire, IV19 1PR,
55. A. Jennifer Cox, Scotsburn Lodge, Scotsburn Road, TAIN, Ross-shire, IV19 1PR,
56. Patricia MacKay, 5 Rockwell Terrace, THURSO, Caithness, KW14 7PJ,
57. Colin MacKay, 5 Rockwell Terrace, THURSO, Caithness, KW14 7PJ,
58. Richard MacKay, 5 Rockwell Terrace, THURSO, Caithness, KW14 7PJ,
59. Jenna MacKay, 5 Rockwell Terrace, THURSO, Caithness, KW14 7PJ,
60. Elizabeth Bryce, 3 Rockwell Terrace, THURSO, Caithness, KW14 7PJ,
61. Mark Johnston, 1 Hoy Terrace, THURSO, Caithness, KW14 7PH,
62. Mrs. F. J. Doohan, 15 Forss Road, THURSO, Caithness, KW14 7PB,
63. Mr. William Kennedy, Pennyland Garage, Scrabster Road, THURSO, Caithness.,
64. Mrs. Hazel Busby, 13 Brims Road, THURSO, Caithness, KW14 7PD,
65. Trevor Barrett, 16 Rockwell Crescent, Thurso, KW14 7PL,
66. Mr and Mrs Kay, 64 Castlegreen Road, THURSO, Caithness, KW14 7LS,
67. Mrs. G. Halliday, 2 Bishops Drive, West Gills, THURSO, Caithness, KW14 7UD,
68. Lorna Mascall, 49 Pennyland Drive, Thurso, Caithness, KW14 7PG
69. Debbie Cox, Oakdene, Crescent Street, Halkirk

(NOS. 1 – 69 L01 ACKNOWLEDGED 15.03.2006)

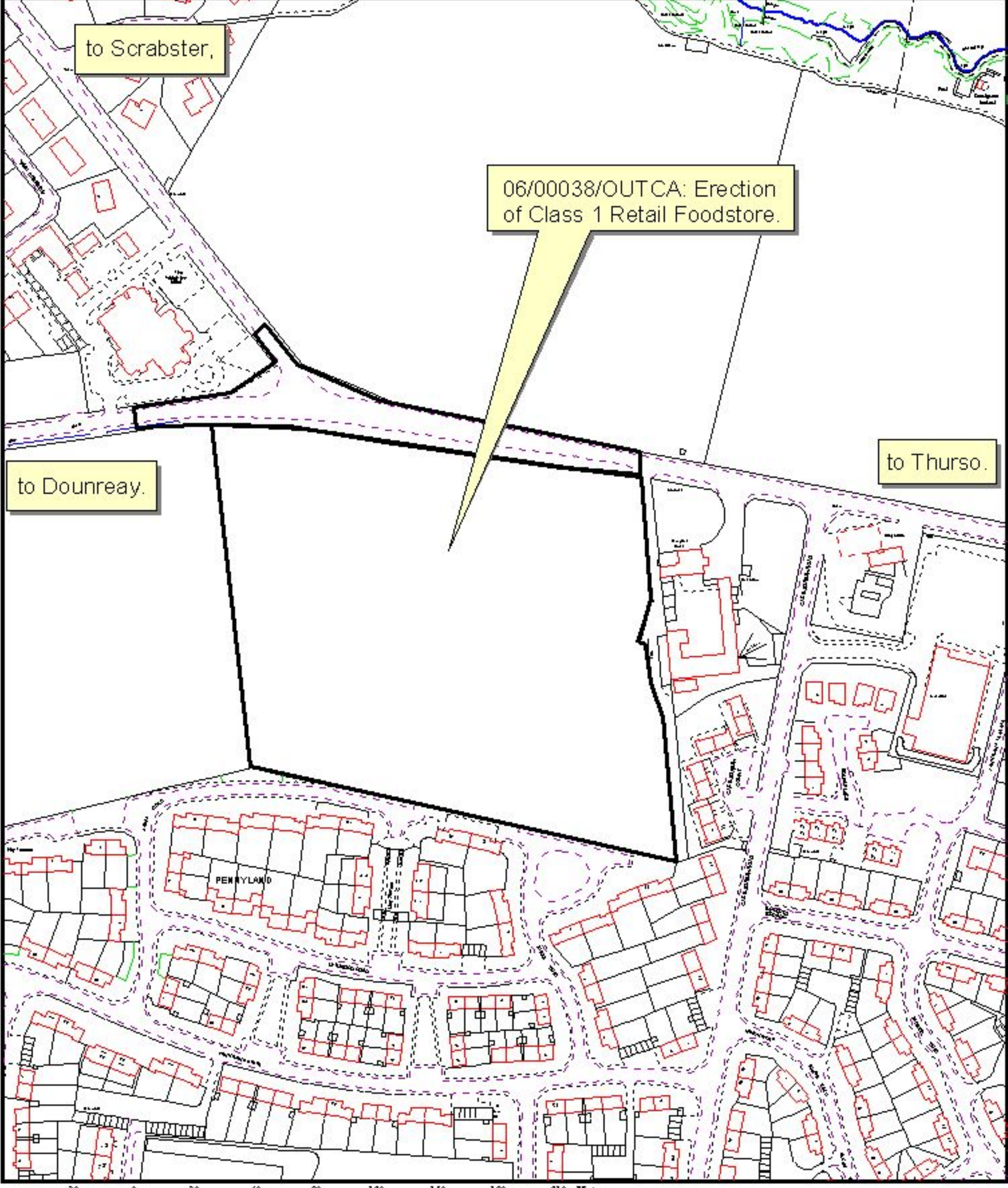
70. Roger Tym & Partners, Planners and Development Economists, 19 Woodside Crescent, Glasgow, G3 7UL (On behalf of Somerfield Stores Ltd)
71. Andrew Bryce, 3 Rockwell Terrace, Thurso, Caithness, KW14 7PJ

to Scrabster,

06/00038/OUTCA: Erection of Class 1 Retail Foodstore.

to Dounreay.

to Thurso.



Asda, Pennyland Farm, THURSO.



Date *SUPPLIED BY THE HIGHLAND COUNCIL PLANNING & DEVELOPMENT SERVICE*

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