

**CG12**

**THE HIGHLAND COUNCIL**

**ROSS, SKYE & LOCHABER  
PLANNING APPLICATIONS COMMITTEE – 6<sup>th</sup> May 2008**

Agenda Item	6.4
Report No	PLR-043-08

**07/00357/OUTSL - Oatridge Ltd  
Report by Area Planning and Building Standards Manager**

**SUMMARY**

Ward: 11 – Eilean a Cheo

Outline application for the erection of a supermarket on land at Dunvegan Road, Portree

The proposal is contrary to policy, and is recommended for **REFUSAL**

A formal hearing is not necessary in this case

**1. PROPOSAL**

- 1.1 Erection of new class 1 food store on a site currently occupied by MacFarlane Brothers builders yard, Jewson Builders Merchants and an area of open ground located between the main distributor road serving the industrial estate, the existing Co-op store to the south east and the Royal Mail sorting office to the west.
- 1.2 The proposed food store would have a 2885 m<sup>2</sup> gross internal floor area with a net sales area of 1731 m<sup>2</sup>. The development also includes car parking provision, cycle parking, service areas and associated landscaping for the overall development. All of the existing buildings are intended to be demolished.
- 1.3 The proposed building and layout is shown in indicative form only, with the proposed main building having a rectangular footprint of approximately 45 x 60 metres. The building is proposed to be set back some 50 metre from the road frontage; car parking is to be located to the west of the store front and to the rear and east of the sorting office. The long axis of the building is orientated approximately east – west.
- 1.4 The proposed access is intended to use a one way traffic control, system with the entrance to the store car park being on the Dunvegan Road frontage and the exit road for customers being shared with the service road entrance and access being directly onto the feeder road already partly built within the Portree Industrial Estate. This direct access taken from the Dunvegan Road will require to be upgraded, in accordance with the recommendation of the Trunk Roads Authority. A total of 231 car parking spaces will be provided no additional details are submitted regarding the provision of spaces suitable for those with disabilities, parent/child or cycle



parking.

- 1.5 Information has been submitted in support of this application this consists of a planning statement, retail statement, and a transport assessment.

## 2. PLANNING HISTORY

- 2.1 As this is a site that has a long established use as a builder's yard, and more recently the Jewson Builders Merchant. There is no planning history which is of relevance to this specific site, however there is an associated retail food store application that is also before members at this Committee.
- 2.2 There is an associated application for the development of a class 1 food store by Lidl which is also relevant in this case 1381 gross sqm internal floor area with a net sales area of 1036 sqm.

Planning permission was originally granted for a small foodstore (net floor space of 305m) at Bayfield (planning application ref 96/34).

The other foodstore in Portree is the current Co-op (net floor space of 1,129m<sup>2</sup>) (planning application reference 01/00261/Fu/sl)

## 3. PUBLIC PARTICIPATION

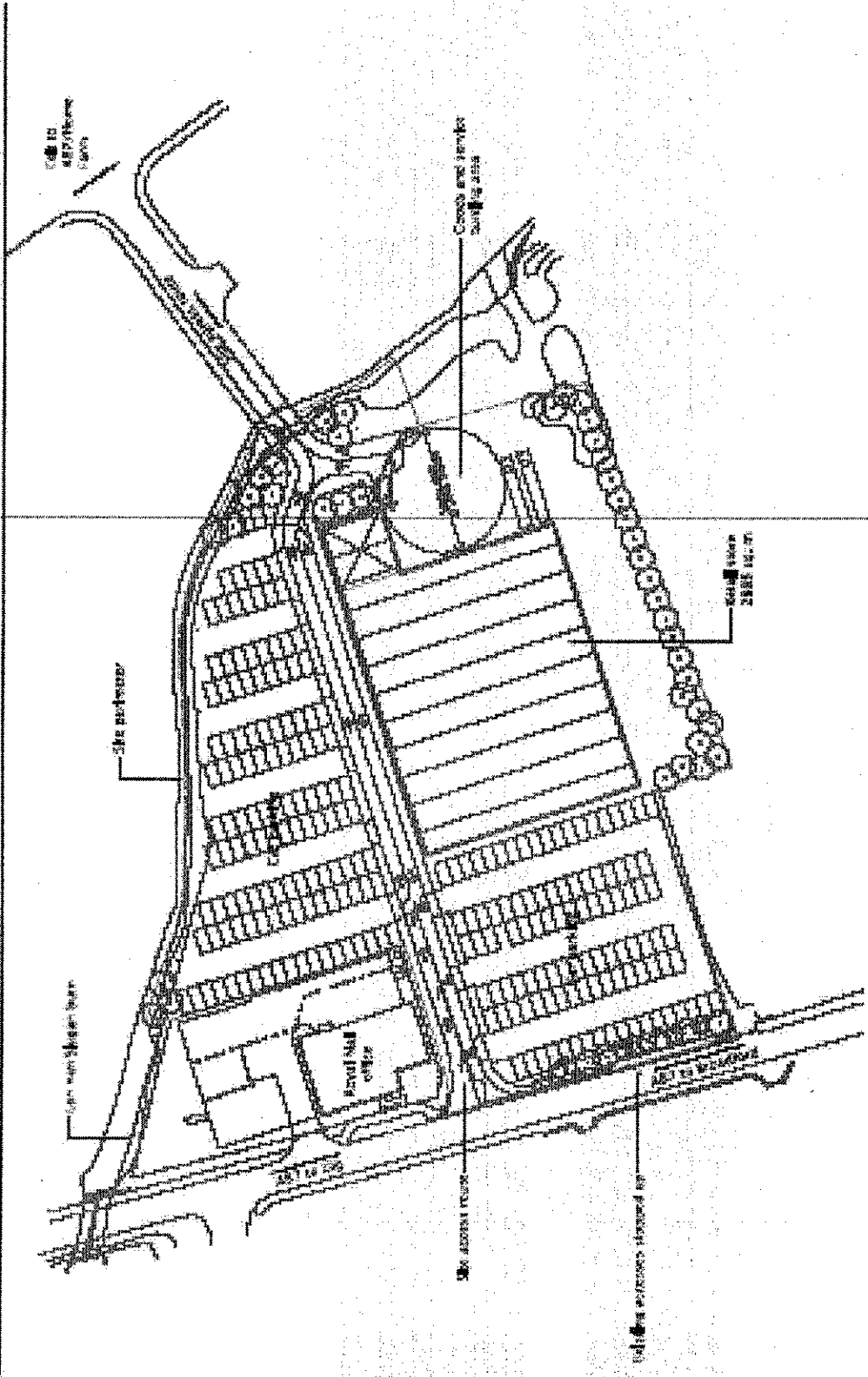
- 3.1 Neighbour notification was undertaken in accordance with procedure - closing date being 14<sup>th</sup> September 2007.

One letter in support of the application has been received from an individual. They are fully supportive of the additional supermarket. They comment as follows:

- Portree needs as many as it can get.
- The Co-Op and the Somerfield's store just can not cope with the volume of customers.
- The situation will only be made worse by the additional 250 houses currently being built.
- The Co-Op often has shortages of basic foods like fresh fruit and vegetables or bread and milk.
- This situation still occurs even after 40 years.
- The range of shops in the village centre is poor and they are often closed at lunchtime and other odd times when there could be tourists etc wanting to make use.

The Royal Mail have submitted representations via consultants, Farningham - McCreadie, although not objecting in principle, they raise the following concerns:

- Concerned that development at this location could create additional traffic movements.
- Has a Traffic Impact Assessment (TIA) been submitted?
- Wish for reassurances that any potential increase in traffic, can be satisfactorily accommodated within the existing road network and that their business and provide a public service will not be adversely affected by the proposals.



- The proximity of the supermarket entrance to the Royal Mail delivery entrance is of particular concern.
- If approved Royal Mail want reassurances that any traffic related issues do not arise to the detriment of the immediate area and the business.
- Reassurances that the redevelopment works will not impact on their business in terms of noise, dust, vibration, parking etc.

As part of the representations received detailed comments were received from consultants acting on behalf the Co-operative the key points are summarised as:

- The proposal does not comply with Local Plan or structure plan policy or the policy contained within SPP8
- The submitted retail impact assessment is inaccurate
- The proposal will have an impact on the vitality and viability of Portree town centre and will result in the closure of existing shops in the Skye catchment area.
- The proposal will has the potential to undermine the Council's proposal for Skye as expressed in the Draft Skye and Lochalsh Local Plan.

Representations have been received from consultants acting on behalf of Somerfield and are summarised as:

- The site is unallocated and therefore the proposal is contrary to Local and Structure Plan as well as National Guidance.
- Development will prejudice the development of Bayfield.

The issues raised are addressed in the main body of this report.

#### **4. CONSULTATIONS**

##### **TECS (Roads)**

Recommend Refusal of the application for the following reasons.

- Contrary to the Portree North Framework Plan
- Contrary to the purpose of the trunk road network
- Does not close off all existing accesses, the best option in road safety terms relates is for the access to be solely from the industrial estate
- Creates an extra right hand turning lane

##### **Trunk Road Authority**

Raise no objections subject, that conditions covering the following are imposed:

- The submission of a comprehensive travel plan
- Junction Capacity Assessments to be carried for the site access
- The agreed site access modifications shall be implemented in accordance with the approved plans.
- Pedestrian crossing facilities shall be provided prior to occupation of the site

TECS( EHO) – No objections, subject to conditions relating to:

- Installation of external plant
- Scheme for storage and disposal of refuse
- Restriction on hours of construction work/demolition

- If pile driving equipment is to be used, a scheme of environmental mitigation to be submitted
- No burning of waste on site

**TECS (Contaminated Land)**

Recommends attachment of a condition requiring the submission of a scheme to identify any potential contaminants and remedial works.

**Scottish Water - No objections**

**Community Council - Object**

- Will take people out of the town centre
- Will affect the viability of the town centre
- Will directly affect Somerfields, this provides a particularly useful service for town centre inhabitants or those without cars, visitors and yachts people.
- Will affect the other town centre businesses

**5. POLICY**

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

▪ **The Highland Structure Plan 2001**

**Policy R1 – Shopping Hierarchy**

In terms of this policy, development proposals that will consolidate the shopping hierarchy and enhance the role of individual's settlements as shopping centres will be supported.

**Policy R4 – Food Retailing**

State that in small and medium sized towns, food store provisions will normally be located within town centres or within edge of centre locations.

**Policy R5 – Town Centre Shopping**

State that retail development proposals that are considered to undermine the vitality and viability of existing town centres will be restricted.

In addition the sustainable objective of the Structure Plan as set in Policy G1 and will promote the social, the economic and environmental well being of the area. G2 confirms that the Council will assess the acceptability of developments based on the extent to which they are acceptable.

▪ **Skye & Lochalsh Local Plan 1999**

**Policy 1.6.6 – Strategy**

States that the Council will support the provision of additional retailing facilities in Portree, Kyle and Broadford. The Council will also seek to improve the local shopping environment in consultation with residents and retailers.

#### **Policy 2.2.16 – Retailing**

There will be a presumption in favour of retail development proposals where these are located within or next to village centres, provided they are compatible with future land uses, transport requirements, visual amenity and can achieve satisfactory on site parking and servicing. Bayfield is the identified and preferred area for enlargement of the town centre, and is the only area of sufficient size and scale to accommodate a scheme as envisaged by the Adopted Local Plan.

#### **Policy 2.2.17 – Retailing**

The Council will resist retail development on industrial estates, except where the operating characteristics of the proposed justify such a location. Consideration may be given to restriction of permitted development rights to control retail uses in unsuitable locations.

#### **Policy 9.2.14 – Village Centre**

Encourages consolidation, enhancement and expansion of the village (as defined on its inset plan) to maintain its commercial viability. Included is resistance to further retail proposals outwith the village centre where these could jeopardise both its viability and investment.

#### **Policy 9.2.17 & 9.2.18 – Supermarket(s)**

Relates to the then recently built Co-op on Dunvegan Road, with the provision that the Council monitor the impact of that development. With the opening of the new Supermarket, the existing store/site would be appropriately used for non-food retail, emergency services, community business and light industrial.

#### **Site Specific**

In terms of the adopted Local Plan the Oatridge application site area is identified as "white land" of no specific allocation and in accordance with paragraph 9.2.1(a) approximately 50% of the site is allocated for business, industrial and storage uses.

- **Emergent  
West Highland and Island Local Plan**

#### **Policy 17 – General Policy**

Commerce – Set out a retail hierarchy covering the plan with Portree identified as a sub-regional town centre. The village centre boundary remaining as that established by the Adopted 1999 plan. There are no district or commercial centres within Portree.

The site lies outwith the identified village centre and therefore the following criteria in Policy 17 apply:

- Its compliance with the sequential approach to site identification
- Its accessibility by means of public transport walking and cycling
- Its impact including any cumulative impact on the vitality and viability of a



centre defined in a Highland Development Plan.

- If fits with the aim of erecting a retail hierarchy in which travel is minimised.
- Whether the type and scale of development proposed can reasonably be accommodated within a centre defined in the plan.
- The extent to which the proposals meet with identified deficiencies
- Whether any developer funded mitigation of the above is offered.

MU3 and MU4 are mixed use allocations sited at Bayfield with convenience retail identified as suitable.

**Site Specific** – In terms of specific allocations, the Oatridge application site is allocated for part business uses (Site B1) and part industry (Site I2). Site B2 carries with it developer requirements: *In the event of redevelopment : access from east , rationalisation of trunk road accesses, net design quality improvement, selective western boundary planting , pedestrian connection improvements to adjacent uses*.

The Portree North Framework Plan was approved by the Highland Council in March 2003 and the Oatridge site falls within its boundary. Paragraph 3.12 (iv) states that *'all roads and associated infrastructure should be designed to the standards set out in the Highland Council's Road Guideline for New Developments. Access from Dunvegan Road is discouraged and instead all land should take access from the new employment distributor'*.

#### **Scottish Planning Policy 8**

Sets out the Governments' policy for town centres and retailing. The key policy objectives for town centres are identified as encouraging distinct, competitive places and encourage regeneration in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities; creating a climate that enables all sections of the community to have access to a wide choice of shopping and leisure and other uses, remedying gaps and deficiencies in provision, improving the physical quality and sustainability of the town centre environments; and supporting development in existing accessible locations, or in locations where accessibility can be improved.

**SPP8** requires that the assessment of all proposals for retail development will need to ensure that both the following considerations are met:

- The proposal is of a high design quality and at an appropriate scale for its location.
- The location is, or can be made conveniently and safely accessible to all sectors of the community.

In addition, where the proposed development is not consistent with the development plan, the assessment should ensure that all the following considerations are met:

- A sequential approach to site selection has been used.
- There is no unacceptable individual cumulative impact on the viability

- and vitality of the network centres identified in the development plan.
- The proposal will meet qualitative and quantitative deficiencies in the development plan.
- The proposal does not conflict with other significant objectives of the development plan or community planning strategies. (This may be read with specific reference to Bayfield)

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), NPPG, and Planning Advice Notes PAN.

## 6. PLANNING APPRAISAL

6.1 **Determining issues** - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

### 6.3 Proposal

The site lies outwith the identified 'village centre' on the site currently occupied by MacFarlane Brothers builders yard, Jewson Builders Merchants and various other assorted uses including open storage.

#### **Site Development Issues**

The proposed means of access is to be for incoming shoppers vehicles only directly off the A87 (T). Exit for shoppers and the two way access for service vehicles onto an existing spur of the feeder road that serves the industrial estate. This feeder road is accessed via the existing Co-Op roundabout.

In terms of environmental health issues TECS have not objected subject to the imposition of conditions relating to external plant, refuse storage, construction working time limits, pile driving and burning on site of waste.

In terms of contaminated land, as there have been a variety of long established uses on the site including open storage, vehicle storage and maintenance, then it is likely that there will be varying levels of contaminated, some or all which may require remediation works. The TECS response reflects this lack of knowledge in the absence of a survey, and the imposition of conditions.

Foul drainage is to be taken by connection to the public sewer and connection is to be made to the public water main. Scottish Water has raised no objections. The applicant has not submitted details of sustainable urban drainage.

- 6.4 It is proposed to demolish all of the existing buildings on the site, with both MacFarlane Brothers and Jewson re-locating to elsewhere within Portree. The total area of the planning application site extends to appropriately 1.29 ha.

### **Retail Assessment**

- 6.5 With respect to this application, Local Plan Policy is the primary determining factor. A full assessment of the development plan policies as they relate to this application is undertaken in Sections 6.11 below. The policies that relate are summarised as above.

### **Retail Assessment**

#### **1. Development Plan Policy.**

The adopted Local Plan and the emergent local plan have common aims to promote and enhance the vitality of the town centre and enable opportunities for its expansion and regeneration through the development opportunity at the allocated Bayfield supermarket site. The delivery of this strategy to be successful is reliant on the curtailing of inappropriate development outwith the village centre.

The site lies outwith the Portree Village Centre (town centre) on the site of a builder's yard, builder's merchants and an area used for open storage and other low grade uses. The proposal to redevelop this location for a food store is a departure to the local plan as it lies outwith of centre of the town, and as such it could potentially threaten future investment in the proposed Bayfield redevelopment.

Policy R4 of the Structure Plan states that in small and medium sized towns, food store provision will normally be located within town centres or within edge of centre locations. **The proposal is a departure to Policy R4 of the Structure Plan.**

Policy R5 of the Structure Plan and 9.2.14 of the Local Plan advise that the Council will resist proposals for retailing away from the town centre where this could damage the viability of the village centre or jeopardise investment in the commercial core. There are also key issues when assessing the proposal under SPP8.

### **Bayfield**

The adopted Local Plan does not specifically earmark an allocation for a supermarket site at Bayfield, but rather it reflects the consents granted in 1996 which included both the new Co-op at Dunvegan Road and a Presto at Bayfield. No extant consent exists at Bayfield, however the adopted Local Plan village centre policy and boundary endorses Bayfield as being most suitable for commercial

development in terms of the sequential tests.

In 1999 the Bayfield Development Brief, set out a framework for the redevelopment of the area, based on the costings and development opportunities of that time. Crucially this brief states as follows:

**Commercial Development**

*8.5 The Skye and Lochalsh Local Plan ..... Previously, a supermarket has been approved in principle at Bayfield. However the land available, even with reclamation, is insufficient to support anything more than a 10,000ft<sup>2</sup> (930sqm) store in terms of parking, access and traffic circulation. Current indications are that the market requires a larger outlet and operators are concentrating their investment intentions elsewhere in the village. Should this search prove fruitless then the Brief may be amended to reconsider a supermarket at Bayfield."*

To realise Bayfield will require either the supermarket to be of a smaller size, to fit within the constraints OR the site will have to be enlarged to accommodate the supermarket. This has 'knock on' effects in terms of the provision of parking, both dedicated and general, circulatory areas, the reclamation of additional land and the potential revision of the land assemblage. This will inevitably have a direct impact on the costings of the scheme. Even if there is an acceptance that there has been a relaxation in terms of car parking standards since 1999, there is a natural limit as to how much development may be 'squeezed' onto a site, before it becomes unworkable.

Bayfield is a key element of the Councils adopted policy and it is on this basis alone, that Bayfield must be considered in preference, before the consideration of commercial/retail development at other less central locations.

The Bayfield Scheme is an opportunity to enhance Portree, by positive development, however the scheme is complicated by virtue of the number of landowners required for the land assemblage, delivery and servicing costs. Highland Council Property Services advise there is evidence of an understanding between the respective owners that form the basis for land assembly to progress. The current commercial viability of the site requires to be investigated, but on balance the prospects of Bayfield happening appear more positive than when originally investigated seven years ago. On this basis delivery of the site is of the order of 5 to 7 years. This must it be stressed relates to the existing Bayfield scheme and not for any revised or enlarged area. It should be noted that Somerfields have made direct representation, via their retail consultants, and have confirmed their interest in Bayfield.

The Local Plan strategy for Portree also recognised that the Bayfield area is a main point of entry and parking for the majority of visitors. The 1999 Local Plan established a framework for a comprehensive scheme for the regeneration of the area, featuring the following:

- Widespread environmental improvements i.e. landscaping, high quality buildings, land reclamation
- Improved parking arrangements

- Improved access for vehicles and pedestrians
- Retail and tourism related development
- Community facilities
- Residential
- Protection and enhancement of Listed Buildings and the Conservation Area.

Thus the Bayfield scheme is viewed as underpinning a number of aspirations to generally improve and enhance the area to the net benefit of the community.

The Oatridge application has to be considered as a speculative development albeit that the applicant has recently asserted that they have a preferred operator, Tesco's. The specifics of Tesco's as an operator, can not be assessed in the available timescale nor have these been detailed as part of the application, BUT it is clear that the applicant had from the outset not identified Bayfield as being a suitable site. The floor space that is identified is far greater than Bayfield could support on the basis of the analysis of the scheme in 1999. The proposal requires an alternative larger site that can accommodate a development of a size and scale greater than can be accommodated at Bayfield. There is in this case unlike the LIDL scenario no next best option on the edge of the town centre or even close to the town centre. Taking that as a line of reasoning then a sequential approach to site selection can be stated to have occurred. The location, however, is contrary to policy.

Roderick Maclean Associates prepared a Retail Impact Assessment (RIA) for Oatridge Ltd in support of their application, to assess the impact of the proposal on the relating interests of Portree and the wider area of Skye and Lochalsh. Retail assessments are complex in nature and are based on population projections, average spend per person within a catchments area, leakage of expenditure to other retail areas e.g Inverness and trading figures of existing businesses. The proposed store has an estimated turnover of £16.0m. In summary the report concludes that the available total convenience goods expenditure within the Skye catchment will be £22m (2007) rising to £23.0m in 2011. A store of the scale proposed will have consequences not only for the established retail centre of Portree but for the whole of Skye and the other established retail centres.

#### **SPP8**

SPP8 defines criteria on which to base an assessment of any large scale retail applications, these are set out as follows:

##### **a) Impact on the vitality/viability of the town centre.**

Vitality is a measure of how lively and busy a town centre is and the viability is a measure of its capacity to attract ongoing investments for maintenance improvements and adaptation to changing needs.

The Council, as a result of receiving two rival retail foodstore applications, both on out of centre location, commissioned consultants, White Young Green to undertake an independent study of the retail sector in Skye and Lochalsh. These findings broadly identify that:

- The Co-op has a near monopoly position.
- The Co-op stores over trade (have turnover rates in excess of the national average for that retailer) to a significant degree.
- Calculates that there is currently £13m spare convenience expenditure within Skye and Lochalsh.
- Spare convenience expenditure equates to an unmet convenience floor space of between 1086m<sup>2</sup> and 2600m<sup>2</sup>. If applied solely to Portree this equated to between 570 and 1366m<sup>2</sup>.

In terms of comparison with the proposed Oatridge development, the Council's study concludes that a development of this nature would almost certainly force the closure of both the existing Somerfield and Co-op stores. If taken in context this would potentially be a substitution of one operator's monopoly on the convenience retailing with that of another. It is likely to have a significant impact on the town centre and also significant trade on Kyle and Broadford. A significant decrease in the economic activity within the core of Portree, when faced with competition from a large multiple carrying a wide range of goods, would potentially impact on the future investment within the village core with a consequent impact on the character and nature of development. This potentially would have a direct impact on the character and appearance of the Portree Conservation Area.

The Highland Council commissioned Retail Study asserts that the turnover of the Oatridge store has been underestimated. The large size of store and impacts on wider catchments is reasonable however there are unjustified assumptions made about the existing amount of and reduction in convenience expenditure leakage (spending out-with the catchment by those resident in it) attributable to the new store. An assumed increase in tourism expenditure also serves to inflate available expenditure and reduce other things being equal, cushion the reduction in the turnover of local retail outlets – "trade draw". Even with these optimistic assumptions there is not enough spare convenience expenditure in the Oatridge RIA to cover the stores likely turnover. The Highland Council commissioned study concludes that available convenience expenditure, assuming a continuation of the present retail hierarchy, will only meet about 42% of the store's likely turnover. Therefore, it would require a significant change in the established retail hierarchy of Skye and Lochalsh to accommodate the level of expenditure to sustain a store of this size i.e. 58% of the store's turnover will have to come from established centres. Despite criticisms the study concludes that **there is sufficient spare convenience expenditure to support the store of the size represented by the LIDL application but not the Oatridge application.**

The study concludes that there is a projected retail capacity to support the Lidl application, but not that of Oatridge. **Therefore there is no retail capacity justification for supporting a retail foodstore of this size.**

#### **Impact on the objectives of the Local Plan**

As mentioned previously a key objective of both the adopted Local Plan and the emergent Local Plan is the regeneration of Bayfield, with commercial development at its hub. Both the adopted Local Plan and the emergent Local Plan **do not**

specifically earmark an allocation for a supermarket site at Bayfield. However the adopted Local Plan contains a village centre policy and boundary that endorses Bayfield and other land on the boundary as most suitable for commercial development in terms of the sequential test as required by SPP8. With regard to the proposed development by Oatridge at the proposed location is assessed as being contrary to the Local Plan and the application is recommended for refusal.

### Prematurity

In consideration of the fact that there were two applications for Supermarket's both sited outwith the 'town centre' there is an argument to suggest both applications should be dismissed as premature pending a review of retail capacity as part of the Local Plan review process. It was in this knowledge that the Highland Council commissioned a Skye and Lochalsh Retail Study, so as to provide both a better understanding of retail issues within the area and to provide the basis for an informed judgement for the two applications under consideration. As the Committee have formulated a general commerce policy and associated commerce centre boundaries, within the replacement plan, and there is up-to-date Retail analysis data that is therefore considered that a policy framework exists and that policy considerations have been taken when presenting both applications for determination.

The applications are not being considered in the absence of policy. There is established by the retail study carried out for the Highland Council an established market need for additional retail capacity. The Oatridge study could be argued on the basis of comparison with the Council's study, as taking an optimistic interpretation of the available data.

To support the application as a departure from policy has to be considered in terms of the sequential test and the availability of alternative sites that comply more fully in terms of the Development plan, the Adopted Local Plan and national guidance. The Development plan and national guidance place an emphasis on the sequential approach. In this instance Portree has a defined 'town centre' with Bayfield, the identified as the main focus for future commercial development. Bayfield is not specifically allocated as a preferred site for a new supermarket, but the previous Safeway permission in 1996 established the principle of a supermarket, acting as a catalyst for employment, housing commerce and retail and the wider aims as identified in the Local Plan. Crucially in this context is whether Bayfield is likely to come forward as a viable site within the short to medium term. Based on the available evidence from the Council's Property and Housing Service, it appears unlikely that Bayfield would happen in the near future. It is noted that Somerfield have advised of a definite interest in the Bayfield site, but this commitment has not been under pinned by either an application or by a formal approach to the Planning Authority. Notwithstanding this interest, land assemblage and additional partners will be required to bring a scheme to fruition. The challenges associated with the development of the site have prolonged its delivery although it is encouraging that land assembly now appears to be progressing.

## Scottish Planning Policy 8 – Assessment

SPP8 requires Planning Authorities and developers to adopt a sequential approach to selecting sites for all retail and commercial uses. This sequential approach gives preference first to town centre sites followed by edge of centre sites, then other commercial centres and only then out of centre locations.

### a) Sequential approach

#### 1. Town Centre

Within the town centre of Portree, there is only one area that has capacity for larger scale development. The Bayfield area and the issues relating to its development have been identified above in paragraph 6.11. The key question that has to be asked is whether the Bayfield development is likely to come forward in the foreseeable future or life of the emergent local plan. The site has a lapsed permission for a small foodstore and the challenges presented by the site are acknowledged in the Development Brief which has highlighted an upper limit for the size of foodstore that can be accommodated. Somerfield stores have made representations via their appointed consultants on the emergent local plan, to develop a supermarket at Bayfield, but as yet this has not been progressed. Given the fact that Bayfield 'allocation' has existed in the Local Plan since 1999 and has not moved any further forward suggests that to progress a supermarket and the associated larger scale development is unlikely to occur in the immediate future.

#### 2. Edge of Centre

There are no edge of centre site specific Local Plan allocations so in respect of SPP8 the Oatridge site fails the sequential test.

### b) Scale and Design

In the absence of any details, the indicative footprint of the proposed supermarket is some 2900 sqm footprint (By means of comparison the existing Co-Op being 1613 m<sup>2</sup>). This is an increase of nearly 80 %. It will be a very significant and dominant building, but with no clear design, no meaningful comment can be made on this aspect other than that the allocated Bayfield site was too small for the proposed footprint.

### c) Accessibility

SPP8 requires that developments are safely and conveniently accessible to all, reduce the need to travel and provide alternatives to car use. The proposed pedestrian connectivity measures are an improvement on those existing already. A proposed central refuge falls short of an ideal arrangement for crossing the A87(T), and is too far north to be perform as an effective link to the housing areas to the west of the Dunvegan Road or to the existing bus stop on the west side of the Dunvegan Road. The links to the existing Co-Op bus stop would need to be upgraded. Noticeably absent are links with the existing footpath network and particularly that serving the development at Home Farm. There is no identified dedicated parking provision for cycle parking, disabled and parent/toddler parking or for staff parking.



Access ability also has an economic dimension by providing wider access for the community to a wider range of goods and price range for those goods through the introduction of additional retailers into the market, with no definite end user identified this aspect can not be commented on.

## **Road Safety**

### **Access**

This is a matter for the Trunk Road Authority and TECS (Roads) TECS but the absence of a roundabout or at least a right turn lane on the A87 (T) appears a deficiency despite the proposed "in-only" entry which will lead to queuing on the trunk road. The Traffic Assessment suggests a ghost island but the application drawing does not. Indeed the replacement local plan and Portree North Framework Plan, specify that the site should be accessed from the industrial distributor road to the east rather than the A87. This is clearly the preferred option of TECS (Roads) and their consultation response reflects this view. The application indicates closure of two existing trunk road accesses, but the proposal would still lead to a material increase in the scale of traffic accessing from the A87 frontage.

TECS (Roads) do not disagree that the removal of the accesses and parking along the Jewson/MacFarlanes frontage will improve safety, however there is a clear direction set out in the Framework Plan that advises all traffic should access the site via the local road network, this would remove all of the problems of this frontage and remove the need for either a junction or a right hand turning lane to be created within the extent of the Trunk Road. Quite simply the sole access should be made via the existing Co-op roundabout access and partially constructed local road network.

The Trunk Road Authority comments are slightly perplexing in that there has in the past been a commitment to closing off existing accesses, where possible and preventing the creation of additional new accesses along this part of the A87(T).

## **7. CONCLUSION**

Portree is identified in the Structure Plan as a sub-regional centre, and is considered to be far enough from Inverness to compete as a provider of a range of services.

The key issue in determining the suitability of this site relates entirely to whether a departure from the Development Plan and national guidelines as set out in SPP8 is sustainable.

The Oatridge application has been made in outline only with only inferences to a specified end user, recently identified in the local press as Tesco's, thus it may be considered as speculative. In the absence of a confirmed end user or a full application there can be no anticipated date for the delivery of the site. It is therefore reasonable to make the judgement that there is a significant degree of uncertainty attached to the Oatridge application and that given the size and scale of

the proposal, the merits of this site are best addressed through the Local Plan review process.

In summary it is concluded that a departure from the Development Plan cannot be supported for the following reasons:

- A development of this size and scale would seriously undermine the aims of the Adopted Local Plan and Deposit Draft Local Plan to reinforce and enhance the viability and vitality of the town centre.
- A development of this size and scale would seriously undermine the aims of the Adopted Local Plan and Deposit Draft Local Plan to progress redevelopment of Bayfield by the uptake of all of the identified retail capacity, to a single entity.
- Would draw the commercial focus away from the town centre.
- Would reduce the range of shops and goods available in the town centre.
- Would have a detrimental impact on established retail centres in other settlements outwith Portree and have a negative impact on the established retail hierarchy of the area.
- Accessibility also has an economic dimension by providing wider access for the community to a wider range of goods and price range for those goods through the introduction of additional retailers into the market, with no definite end user identified this aspect can not be commented on.
- Potentially could have a detrimental impact on the Conservation Area, due to the closure of established retail premises therein.

#### **RECOMMENDATION**

Recommend planning permission be refused for the reasons detailed below.

- 1) The proposal would, if permitted be contrary to the provisions of Policy R1 – Shopping Hierarchy – of the Highland Structure Plan as it will serve to undermine future proposals aimed at consolidating the shopping hierarchy.
- 2) The proposal would, if permitted result in the provision of a retail foodstore outwith the town centre which incrementally and cumulatively erode from and affect the viability of the proposed town centre contrary to Policy R5 of the Lochaber Local Plan.
- 3) The proposal is contrary to the provisions of Policy 2.2.1.6 of the Skye & Lochalsh Local Plan as it would to undermine its aims whereby the Council will seek to reinforce commerce in the town centre and future expansion as identified for Bayfield and protect investment there against inappropriate out-of-town pressures.
- 4) The proposal is contrary to the provisions of Policy 2.2.1.7 of the Skye & Lochalsh Local Plan where the Council will resist retail development on industrial land except where the operating characteristics of the proposals justify such a location.
- 5) The proposal if permitted, would result in the provision of a foodstore outwith the town centre and adversely impact on its commercial viability and threaten future investment contrary to 9.2.1.4 of the Skye & Lochalsh Local Plan as it would to undermine its aims whereby the Council will seek to reinforce commerce in the town

centre and future expansion as identified for Bayfield and protect investment there against inappropriate out-of-town pressures.

- 6) The proposal would, if permitted result in the provision of a retail foodstore which incrementally and cumulatively erode from and affect the viability of the proposed town centre expansion and conflict with a significant objective of the development plan contrary to the provisions of SPP 8 Town Centres and Retailing.
- 7) The proposal would, if permitted result in the provision of a retail foodstore which incrementally and cumulatively erode from and affect the viability of the proposed town centre expansion and conflict with a significant objective of Policy 17 of the emergent West Highlands & Islands Local Plan.
- 8) The proposal will give rise to road safety concerns as it will not rationalise access arrangements and will give rise to potential pedestrian/vehicular conflict contrary to the Portree North Framework Plan.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Mike Hoar

Date :29/04/2008

Background Papers: Skye & Lochaber Local Plan, Deposit Draft Local Plan 2007,

Application – 07/00212/FULSL & 07/00357/OUTSL

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**CG13**

THE HIGHLAND COUNCIL

ROSS, SKYE & LOCHABER  
PLANNING APPLICATIONS COMMITTEE – 24<sup>th</sup> June 2008

Agenda Item	3.1
Report No	PLR-060-08

07/00357/OUTSL - Oatridge Ltd  
Report by Area Planning and Building Standards Manager  
SUPPLEMENTARY REPORT No 1

#### SUMMARY

**Description :** Outline application for the erection of a supermarket on land at Dunvegan Road, Portree

**Recommendation :** The proposal is contrary to policy, and is recommended for **REFUSAL**

**Ward :** 11 – Eilean a Cheo

**Hearing :** A formal hearing is not necessary in this case

**Reason for Committee :** significance of development and recommendation of refusal.

#### 1. INTRODUCTION

- 1.1 Members will recall the previous report dated 29<sup>th</sup> April 2008 which was considered at the Ross Skye and Lochaber Planning Application and Review Committee on the 6<sup>th</sup> May.

Members resolved to defer determination of the application until the 24<sup>th</sup> June to allow an inspection of the development site and the Bayfield site in Portree. The committee would be convened to consider the proposal after the Hearing for the Lidl application (planning application reference 07/00212/FULSL).

#### 2. PLANNING PROCESS UPDATE

- 2.1 At the meeting of the 6<sup>th</sup> May the appended report was considered. However, there were a number of submissions that were verbally presented to the Committee. For the avoidance of doubt these are summarised below:

- It was verbally reported that there had been submitted an amended drawing detailing the revised access arrangement. This revision entails the deletion of vehicular access direct from the A87. Vehicular entry will be via the existing road network from the industrial estate. Since the Committee the applicant has confirmed that they wish this amended access arrangement to be considered as part of the application.



- The applicant has also submitted a statement in support of their application (dated the 29 April). This statement outlines the site assessment exercise that the applicant undertook in order to select the propose site of the development. It also confirms that the developer is willing to contribute to the costs of a roundabout at Dunvegan road in conjunction with others.
- The applicant has formally confirmed that the operator of the supermarket is Tesco.
- The applicant has submitted a report from an independent survey regarding the retail market of Portree and Skye.

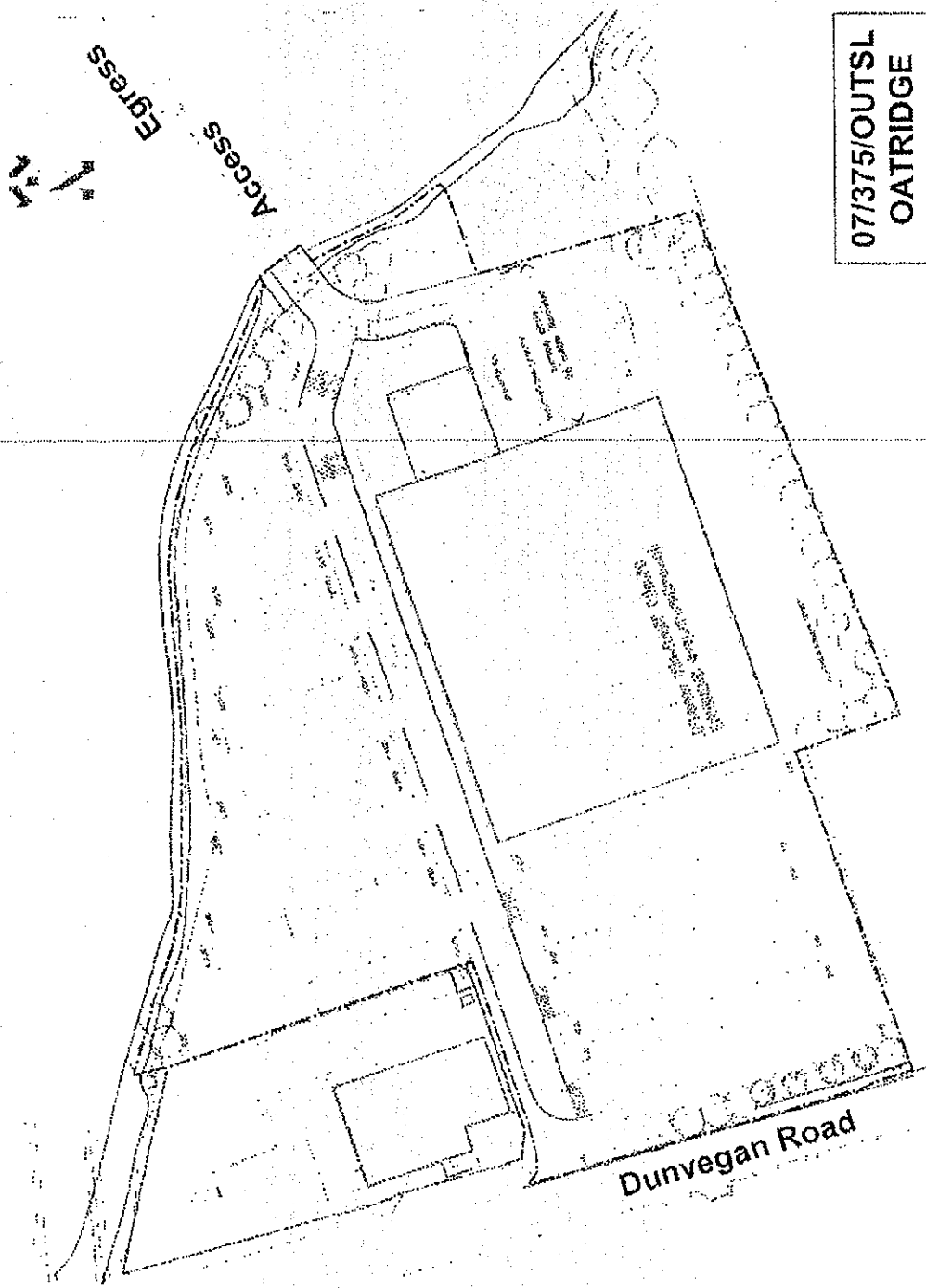
At the Committee it was verbally reported that there had been three further letters of objection received by the Planning Service since the circulation of the committee papers.

- The **Community Council** do not support any further retail development outside the centre of Portree. The existing supermarket in the town is an importance resource that provides an important service. The viability of other shops in the Town centre will be affected by the proposal and as such so will be the vitality of the town centre. The new supermarket needs to be in the town centre, the preferred site is at Bayfield. People go to Inverness for much more than supermarket shopping.
- Consultants for Co-op (2 letters) contend that the proposal is against the established Local Plan and emergent Local Plan policy for the development of Portree. The proposal will effectively double the amount of established retail in the area, a more appropriate means to assess the provision would be the Local Plan review process. It is contended that the proposal is a significant departure from the development plan and requires to be referred to the Scottish Ministers. It is further contended that the Retail Impact Assessment submitted in support of the application needs to be revised as the named operator is Tesco's and that fact has a bearing on the amount of turnover from the retail unit and its impact on established shops.

### 3. SUPPLEMENTARY TO REPORT

- 3.1 Since the matter was reported to committee the Planning service has requested confirmation and verification of certain aspects of the proposal from the applicant. While certain aspects are listed above there requires to be an assessment of the information that has been submitted both in support of the application and in opposition to it.

The applicant has commissioned and independent Survey into the retail provision in Portree and Skye. This report contends that the centre of Portree is migrating north and will do for some time to come. However, the planning framework against which the proposal is assessed, namely the Local plan and the emergent West Highland and Islands Local Plan define what the Planning Authority view as the Commerce Centre of Portree. The proposed development is out of town centre. It is interesting to note that the majority of this report is in opposition to the Lidl application rather than in support of the Oatridge application. The summary of the



07/375/OUTSL  
OATRIDGE  
Revised  
Site Layout

Dunvegan Road



report states "if both sites are granted approval then there would be an over development, saturation of the Food retail market for Portree and the Island and could have an affect on the town Centre."

The proposed modifications to the access arrangements to delete the direct access off the A87 are acceptable. This addresses the road safety concerns and can be deleted from the reasons for refusal.

Although the applicant has offered a pro-rata contribution towards the cost of a roundabout as detailed above - there is no justification for its provision at present on planning grounds based on the consultation responses received.

The applicant has confirmed that the contribution for the roundabout (at the junction of Viewfield road and Dunvegan road) will be made on a pro rata basis. Members should note that the basis of this pro rata contribution would be the supposition that other developers contribute to the costs of the roundabout the level of contribution being based on a calculation of pounds per square metre of floor area. However, there is no guarantee that other developers will contribute and therefore the applicant in this instance would not be obliged to make a contribution either.

The objector's contention that since Tesco is the named operator the submitted Retail Impact Assessment requires to be refreshed is a contention that can be supported. The Highland Council commissioned report assessed the amount of turnover of the proposed store if the operator is Tesco then, as the objector contends, the turnover increases and as a result the potential impact on the established retail outlets based in the town centre increases. In the previous report presented to committee it detailed that the available convenience expenditure will only meet 42% of the required turnover of a store of this magnitude. The other 58% of the required turnover of a store of the size proposed will require to come from established operations in Portree and beyond. While there may be a surplus of convenience goods expenditure in the market and a demand for the provision of facilities to meet this demand it has to be stated that a store of this size is too large for the market hierarchy as it stands. In essence the current monopoly will be replaced by another large monopoly which will have a greater impact.

## **7. CONCLUSION**

Portree is identified in the Structure Plan as a sub-regional centre, and is considered to be far enough from Inverness to compete as a provider of a range of services.

The key issue in determining the suitability of this site relates entirely to whether a departure from the Development Plan and national guidelines as set out in SPP8 is sustainable.

The Oatridge application has been made in outline, recently the identified user being Tesco's results in the potential negative impacts of the proposal on the town centre as being greater. However, there remains a certain level of doubt and it is therefore reasonable to make the judgement that there is a significant degree of



uncertainty attached to the Oatridge application. Given the size and scale of the proposal, the merits of this site are best addressed through the Local Plan review process.

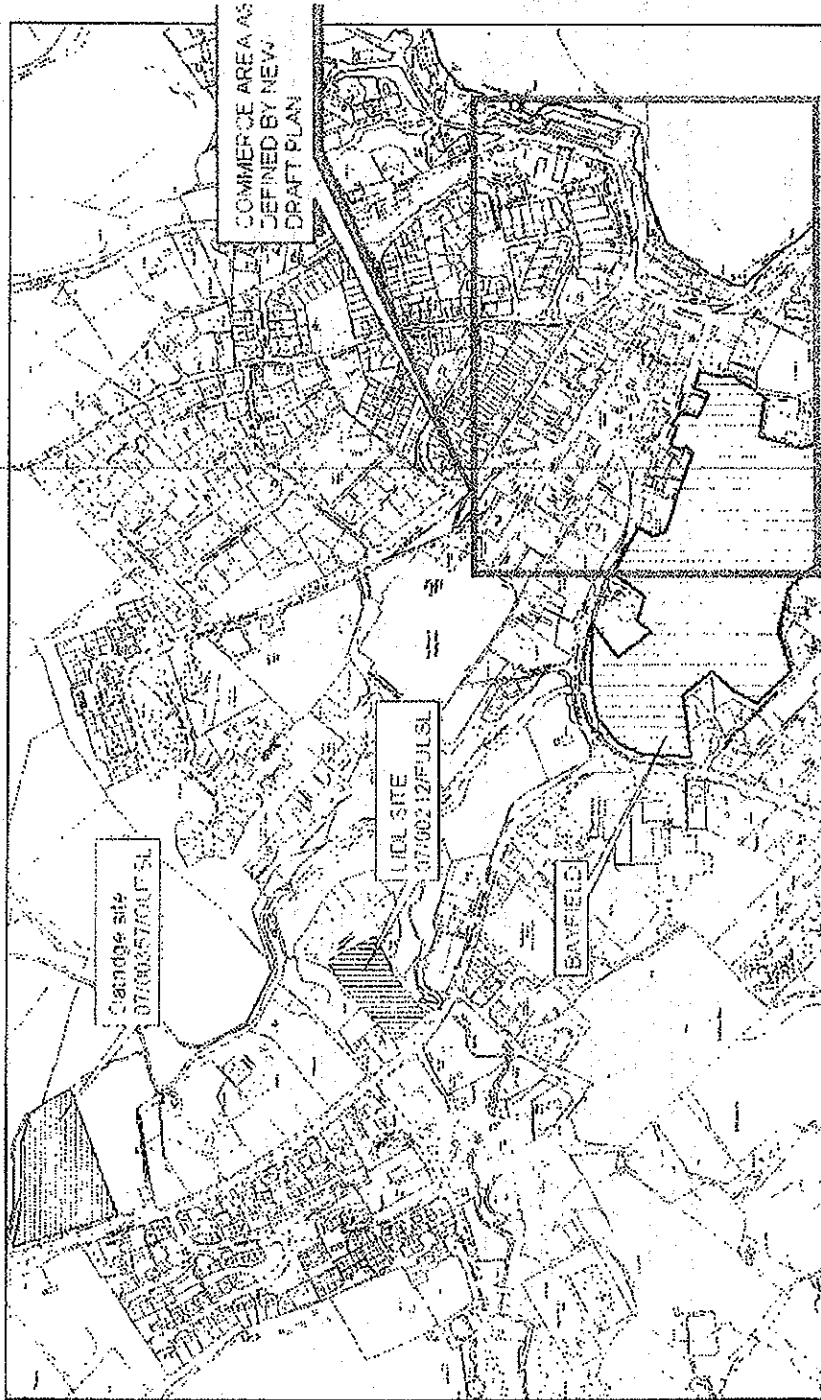
In summary it is concluded that the proposal will represent a significant departure from the Development Plan and cannot be supported for the following reasons:


- Would draw the commercial focus away from the town centre.
- Would reduce the range of shops and goods available in the town centre.
- Would have a detrimental impact on established retail centres in other settlements outwith Portree and have a negative impact on the established retail hierarchy of the area to the detriment of the vitality and viability.
- Accessibility also has an economic dimension by providing wider access for the community to a wider range of goods and price range for those goods through the introduction of additional retailers into the market, with no definite end user identified this aspect can not be commented on.
- Potentially could have a detrimental impact on the Conservation Area, due to the closure of established retail premises therein, resulting in vacancies, and loss of revenue and investment of the fabric of the building.
- A development of this size and scale would seriously undermine the aims of the Adopted Local Plan and Deposit Draft Local Plan to reinforce and enhance the viability and vitality of the town centre.
- A development of this size and scale would seriously undermine the aims of the Adopted Local Plan and Deposit Draft Local Plan to progress redevelopment of Bayfield by the uptake of all of the identified retail capacity, to a single entity.

#### RECOMMENDATION

Recommend planning permission be refused for the reasons detailed below.

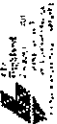
- 1) The proposal would, if permitted be contrary to the provisions of Policy R1 – Shopping Hierarchy – of the Highland Structure Plan as it will serve to undermine future proposals aimed at consolidating the shopping hierarchy.
- 2) The proposal would, if permitted result in the provision of a retail foodstore outwith the town centre which incrementally and cumulatively erode from and affect the viability of the proposed town centre contrary to Policy R5 of the Lochaber Local Plan.
- 3) The proposal is contrary to the provisions of Policy 2.2.1.6 of the Skye & Lochalsh Local Plan as it would to undermine its aims whereby the Council will seek to reinforce commerce in the town centre and future expansion as identified for Bayfield and protect investment there against inappropriate out-of-town pressures.
- 4) The proposal is contrary to the provisions of Policy 2.2.1.7 of the Skye & Lochalsh Local Plan where the Council will resist retail development on industrial land except where the operating characteristics of the proposals justify such a location.
- 5) The proposal if permitted, would result in the provision of a foodstore outwith the town centre and adversely impact on its commercial viability and threaten future




  
 1:5000

**Portree Supermarkets**

PREPARED BY THE BISHOP AND COUNCIL  
 OF THE BISHOP OF PORTREE AND THE BISHOP OF BISHOPSCLEUGH  
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 2004

investment contrary to 9.2.1.4 of the Skye & Lochalsh Local Plan as it would to undermine its aims whereby the Council will seek to reinforce commerce in the town centre and future expansion as identified for Bayfield and protect investment there against inappropriate out-of-town pressures.

- 6) The proposal would, if permitted result in the provision of a retail foodstore which incrementally and cumulatively erode from and affect the viability of the proposed town centre expansion and conflict with a significant objective of the development plan contrary to the provisions of SPP 8 Town Centres and Retailing.
- 7) The proposal would, if permitted result in the provision of a retail foodstore which incrementally and cumulatively erode from and affect the viability of the proposed town centre expansion and conflict with a significant objective of Policy 17 of the emergent West Highlands & Islands Local Plan.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Victor Hawthorne

Date :13/06/2008

Background Papers: Skye & Lochaber Local Plan, Deposit Draft Local Plan 2007,

Application – 07/00212/FULSL & 07/00357/OUTSL

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**CG14**

**THE HIGHLAND COUNCIL**

4 September 2008

Agenda Item	
Report No	

**07/00357/OUTSL - Oatridge Ltd**

**Report by Director of Planning & Development**

**SUPPLEMENTARY REPORT No 2**

**SUMMARY**

**Description :** Outline application for a supermarket on land at Dunvegan Road, Portree

**Recommendation :** The proposal is contrary to policy and recommended for **REFUSAL**

**Ward :** 11 – Eilean a Cheo

**Applicant :** Oatridge Ltd

**Hearing :** A formal hearing is not necessary in this case

**Reason for Committee :** Major application and significance of development.

**1. INTRODUCTION**

- 1.1 This planning application was originally considered by the Ross Skye and Lochaber Planning Application and Review Committee on the 6<sup>th</sup> May and subsequently on the 24<sup>th</sup> June 2008 following a site inspection.

As detailed in the attached report from the Assistant Chief Executive the application is the subject of a Notice of Referral.

**2. PUBLIC PARTICIPATION**

- 2.1 The application was advertised as a Departure from the Development Plan under Article 18 (closing date 25<sup>th</sup> July 2008). Further to Supplementary Report Number 1 dated 13<sup>th</sup> June 2008 a further 22 letters/e-mails were received. Of these 18 were supportive and 4 were opposed to the development. Where new comments were made these are detailed below :

Representations of concern :

- i. Prior to its determination the application should be advertised as a departure to policy.
- ii. Concern to ensure all applications for retail development are considered consistently against the development plan and national retail policy

- iii. As Tesco are stated as being the proposed operator a revised Retail Assessment is required as their turnover levels are greater than that predicted in the original assessment.
- iv. There are no material considerations that should allow support for this proposal contrary to policy.
- v. There is a concern the applicant has not examined all alternative sites.
- vi. Bayfield should be pursued as a more suitable location and would act as a catalyst for other developments.

#### Representations of Support

- vii. Lack of choice forces residents to shop elsewhere which has a cost implication for local residents
- viii. New supermarket will provide increased choice, employment opportunities and reduce travel distances for local residents.
- ix. Bayfield is not a suitable site for a supermarket due to concerns over car parking and its impact on wildlife.

2.2 The details of those 22 parties who made representations in response to the press advertisement are shown in the Appendix. The previous submissions and representations are detailed in the previous reports.

### 3. Conclusion

3.1 No new planning issues have been raised in the comments received which have not been previously addressed in the assessment of the original reports dated 29<sup>th</sup> April & 13<sup>th</sup> June 2008

The recommendation to refuse must remain unaltered.

### 4.0 RECOMMENDATION

4.1 Recommend planning permission be refused for the reasons detailed below.

- 1) The proposal would, if permitted be contrary to the provisions of Policy R1 – Shopping Hierarchy – of the Highland Structure Plan as it will serve to undermine future proposals aimed at consolidating the shopping hierarchy.
- 2) The proposal would, if permitted, result in the provision of a retail foodstore outwith the town centre which incrementally and cumulatively would erode from and affect the viability of the proposed town centre contrary to Policy R5 of the Lochaber Local Plan.
- 3) The proposal is contrary to the provisions of Policy 2.2.1.6 of the Skye & Lochalsh Local Plan as it would undermine the aim of reinforcing commerce in the town centre and future expansion as identified for Bayfield and protect investment there against inappropriate out-of-town pressures.



- 4) The proposal is contrary to the provisions of Policy 2.2.1.7 of the Skye & Lochalsh Local Plan which indicates the Council will resist retail development on industrial land except where the operating characteristics of the proposals justify such a location.
- 5) The proposal if permitted, would result in the provision of a foodstore outwith the town centre and adversely impact on its commercial viability and threaten future investment contrary to 9.2.1.4 of the Skye & Lochalsh Local Plan.
- 6) The proposal would, if permitted result, in the provision of a retail foodstore which incrementally and cumulatively would erode from and affect the viability of the proposed town centre expansion and conflict with a significant objective of the development plan contrary to the provisions of SPP 8 Town Centres and Retailing.
- 7) The proposal would, if permitted result in the provision of a retail foodstore which incrementally and would cumulatively erode from and affect the viability of the proposed town centre expansion and therefore conflict with a significant objective of Policy 17 of the emergent West Highlands & Islands Local Plan.

4.2 If Council is minded to grant outline planning permission it will require to give reasons for departing from Development Plan policy. In that event conditions should be agreed through delegated powers between the Area Planning & Building Standards Manager, the PARC Chair and the local Members. It will be necessary to refer the application and decision to Scottish Ministers.

Signature:

Designation: Director of Planning & Development

Author: Richard Hartland, Head of Planning & Building Standards (Tel: 2254)  
Dafydd Jones, Area Planning & Building Standards Manager (Tel: 01348 868424)

Date : 27 August 2008

Background Papers: Skye & Lochaber Local Plan, Deposit Draft Local Plan 2007,

Application – 07/00212/FULSL & 07/00357/OUTSL

