CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS & REVIEW COMMITTEE 20 NOVEMBER 2007

THE HIGHLAND COUNCIL

Agenda Item	3.2
Report No	34/07

ERECTION OF CLASS 1 RETAIL DEVELOPMENT WITH ASSOCIATED ACCESS ROADS/CAR PARKING, LANDSCAPING AND ANCILLARY WORKS AND FACILITIES TO THE SOUTH OF AIKERNESS, A99, WICK, CAITHNESS 05/00073/FULCA

Report by the Head of Planning and Building Standards

SUMMARY

Applicant: Scapa Properties Ltd.

The application is for non-food retail development on land at Wick Airport adjacent to the existing Tesco store. The development is intended to complement the Tesco store and increase further the choice of comparison goods within Caithness and to prevent the current leakage of retail spend to stores in Inverness.

While the site is not identified within the local plan for retail development, it complies with the principles of the development plan when taken as a whole as well as those contained within national policy on retailing. It would consolidate Wick as a sub-regional and shopping centre and provide a commercial centre that is distinct from the town centre. While there may be some competition with existing stores in Caithness, the scheme would assist further in retaining retail spend within Caithness and preventing leakage to Inverness.

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

The applicant is Scapa Properties Ltd.

Ward: 3 (Wick)

The application will be determined by the Council's Hearings procedure.

1.0 PROPOSAL

1.1 It is proposed to develop a Class 1 retail park on land to the north of the A99 on land west of the new Tesco supermarket and immediately to the south of Wick Airport. The site, which lies within the settlement boundary, is currently disused land within the perimeter of Wick Airport. The boundary is in part delineated by a post and wire fence. The land slopes gently from north to south. The nearest residential property is at Westerseat Farm some 200m to the south on the opposite side of the A99.

- 1.2 The proposals comprise 4 individual units providing a gross floor area of approximately 5,126sqm in total. In addition, a garden centre with a gross floor area of 932sqm is proposed. No indication of the likely tenants has been given. While the application proposes an unrestricted Class 1 retail development, the applicant has confirmed in the Retail Impact Assessment that the intention is for there to be no food retailing.
- 1.3 The building will comprise of a series of simple steel portal frames with a profiled insulated metal roof system. The external wall will have the lower half faced in brick with a profiled insulated metal wall panel system above. The entranceway to each unit will have a short canopy over the entrance door.
- 1.4 Customer parking is proposed to the front of the development, accessed from the A99. Access is to be taken from a shared road that has already been constructed to access the adjacent Tesco development. 318 car parking spaces will be provided, 16 of which will be dedicated disabled spaces. 40 cycle parking spaces are to be provided. These will be located at either end of the development.

2.0 PLANNING HISTORY

- 2.1 There is no relevant planning history associated with this application.
- 2.2 Members should however note that planning permission was granted for a retail development of similar style albeit slightly larger size at South Road, Wick on 29 April 2005 (04/00577/FULCA).

3.0 PUBLIC PARTICIPATION

- 3.1 The application was advertised in the John O'Groat Journal on 20 January 2007 as a departure from the development plan a 'bad neighbour' development.
- 3.2 1 timeous letter of objection has been received from a resident of Wick. In addition 1 non-timeous letter of objection has been received from MacKays Stores Ltd which has premises in the town. The issues raised are:
 - 1. The land is not identified for retail in the development plan;
 - The development plan encourages retail development within the town centre. Further vacancies within the town will lead to its dereliction to the detriment of its vitality and viability contrary to Government advice set out with SPP8;
 - 3. There will be a surplus of retail space within the town;
 - 4. Development should be resisted until the impact of both Tesco and the retail development at South Road is known.
- 3.3 No letters in support has been received from members of the public.

4.0 CONSULTATIONS

- 4.1 <u>The Royal Burgh of Wick Community Council:</u> No response received.
- 4.2 <u>Scottish Environment Protection Agency</u> initially objected to the proposal as insufficient information on SuDS has been provided with the application. However, further information on drainage has been submitted directly to SEPA who agree with the principles outlined. SEPA therefore withdraws its objection subject to the imposition of a condition to cover this matter.
- 4.3 <u>Scottish Water</u> has no objection to this application.
- 4.4 <u>TEC Services Roads and Community Works</u> has not responded to the consultation request. It is therefore concluded that there is no objection to the development.
- 4.5 <u>TEC Services Environmental Health</u> has no objection subject to conditions to control noise from plant and machinery.
- 4.6 <u>TEC Services Environmental Health (Contaminated Land)</u> has no objection subject to conditions.
- 4.7 <u>Council Archaeologist</u> has no objection.

5.0 POLICY

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

The Highland Structure Plan – March 2001

- Policies G1-G8 General Strategic Policies
- Policy R1 Shopping Hierarchy
- Policy R5 Town Centre Shopping
- Policy R6 Comparison Shopping

The Caithness Local Plan – September 2002

- Special Uses Settlement Policy
- Wick Policy 19 Supports expansion of development directly related to the provision of passenger and freight services from Wick airport.
- Wick Policy 20 Promotes development and facilities related to the business use of the airport.
- 5.2 The following Scottish Planning Policies (SPP's) and Planning Advice Notes (PAN's) are relevant material considerations:
 - Scottish Planning Policy 8 Town Centres and Retailing
 - Scottish Planning Policy 17 Transport Planning

6.0 PLANNING APPRAISAL

Determining Issues

- 6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The determining issues are:
 - do the proposals accord with the development plan?
 - if the proposals do comply with the development plan are there any material consideration that indicate that they should not be granted?
 - if the proposals do not comply with the development plan are there any material consideration that indicate that they should be granted?

Assessment

- 6.3 In order to address the determining issues, the following issues must be considered:
 - whether the principle of development is acceptable in terms of policy
 - whether there will be any adverse impact on the vitality and viability of the town centre/network of centres identified in the development plan
 - whether the design and layout of the development is appropriate
 - whether there are any adverse impact upon existing infrastructure
 - whether there will be any adverse impact on the amenity of the area and neighbouring residents
 - other material issues raised by the objectors

Principle

- 6.4 The Caithness Local Plan seeks to consolidate retailing within the town centre. However, no suitable town centre/edge of centre sites are identified in the local plan for large scale retailing in Wick. The proposed development is located in an area that is not identified for retail development, but in an area where special uses apply. In this regard, the proposal does not comply with local plan policy.
- 6.5 Having said this, Wick is identified within the Structure Plan as a sub-regional centre. In this regard, Wick is considered to be far enough from Inverness to compete as a provider of a range of services. Retail warehousing is acceptable within sub-regional centres. While this would normally be expected to be located within town centres or edge of centre locations, as the local plan has not identified suitable sites within close proximity to the centre, alternative sites could quite rightly be considered.

- 6.6 The proposed site is considered a suitable alternative. Although allocated for business use related to the airport, this land would appear to be surplus to Highland and Islands Airports Authority requirements. It is located adjacent to the Wick Tesco store and is therefore already easily accessible. While the re-use of the neighbouring vacant Caithness Glass site could be viewed as a missed opportunity, being that bit closer to town, it will continue to remain available for suitable industrial/business use as allocated in the Local Plan.
- 6.7 As can be seen, development plan policy is largely supportive of developments within sub-regional centres that will counter the draw of Inverness. While the site is not identified within the development plan for retail development, the principle of the development could be considered to comply with development plan policy when taken in the round.
- 6.8 National policy (SPP8) seeks to protect the role of town centres. Where proposed development is not considered consistent with the development plan the assessment should ensure that all the following considerations are met:
 - a sequential approach to site selection
 - there is no unacceptable individual or cumulative impact on the vitality and viability of the network of centres identified in the development plan
 - the proposals will help meet qualitative and quantitative deficiencies identified in the development plan
 - the proposal does not conflict with other significant objectives of the development plan or community strategies.
- 6.9 It is clear from this and other recent applications that, with the possible exception of the former Caithness Glass site, there are no suitable alternative sites. The proposal would assist in consolidating Wick as a sub-regional and shopping centre, and the proposals would not appear to conflict with other significant objectives of the development plan. Subject to there being no adverse impact upon the vitality and viability of town centre, the proposal if judged to be contrary to the development plan, would comply with government policy on town centres and retailing.

Impact on vitality and viability of the Town Centre

6.10 Both objectors are of the view that the proposal would have an adverse impact upon Wick town centre. No objective evidence has been submitted to support these claims. Anecdotal evidence suggests that activity in Wick town centre has not diminished with the opening of Tesco and the retail development at South Road. There are still vacant units but these are generally of a smaller size and not suited to the larger retailer. There are some examples of diversification.

- 6.11 The applicant has not sought to justify the proposal through an in-depth retail assessment and no retail impact figures for this development have been submitted. This is understood to be as a result of the complexities involved in assessing such impacts when most comparison expenditure is lost to outwith the area. Indeed, it was reported by the agent acting on behalf of Tesco in their retail assessment that even with Tesco trading around £110 million of comparison expenditure from the Caithness area would continue to be lost to Inverness. If this is accepted, this current development would assist in retaining more retail spend within Caithness rather than continue to allow it to leak to Inverness.
- 6.12 The retention of this spend can only assist in bolstering the economy of Caithness in the longer term. It is of course possible that this development will provide for greater competition with some of the existing retail stores in both Wick and possibly Thurso. More likely however is that, given the nature and scale of both, this development will be in direct competition with the South Road retail development. Even if profit margins are being impacted, this would be quite normal in the short to medium term until town centre retailers adjust and/or diversify.
- 6.13 The applicant sees this proposal as complementary to the existing Tesco store where the scheme would benefit from the draw of Tesco and result in linked trips. It would fulfil the function of a commercial centre as distinct from the town centre and become part of the network of centres that government policy is seeking Council's to identify in their development plans.

<u>Design</u>

- 6.14 The building design is a relatively standard response to retail warehouse development. The form, whilst not exciting, is honest in that it responds directly to function, with servicing arranged to the rear and car parking to the front. The building is set back from the road and follows the building line of the adjacent Tesco store, which is considered appropriate in this context.
- 6.15 In terms of detailed design the development is disappointing in its current form. The use of composite cladding panels is a contemporary solution to improving the appearance of warehouse type developments and is considered acceptable. However, a brick base course is not considered appropriate in this context. A stone or reconstituted stone base course would be a better alternative. Of more concern, however, is that the building lacks any architectural interest. Given this gateway location and proximity to the new Tesco 'eco' store, greater architectural expression is expected. While this is not perhaps a reason in itself to refuse the application, design improvements to achieve greater articulation of the building should be sought. These could include greater use of projecting stonework features and larger but lower covered 'canopy' areas to give the building a more human scale. This redesign to the principle elevations can be achieved by condition.

6.16 Landscaping details have been submitted with this application. This envisages that planting will be generally at low level although will assist in improving the road frontage, screening cars, and providing a sense of enclosure. The opportunity exists to extend the existing natural stone wall along the frontage of the Tesco development. Subject to agreement on this issue further improvements to the visual amenity of this gateway to the town can be achieved.

Infrastructure

- 6.17 TEC Services Roads and Community Works has not responded to this consultation. However, access to this development is via the existing access to the Tesco store which was designed to accommodate both it and this future non-food development. On this basis it is considered that the existing junction is capable of taking the required additional traffic without any need to upgrade. Parking provision complies with the maximum standards set out within SPP17 *Transport Planning*.
- 6.18 The applicant has indicated that there is adequate existing public transport to accommodate the rise in patronage as a result of the development. This has been assisted with the development of the adjacent Tesco store. The applicant has not indicated that the site will be operated on the basis of an agreed Travel Plan. This would normally be required but could adequately be dealt with by condition since at this stage in the process where particular retailers are unknown, it is difficult to know staff requirements, methods of transport, and work patterns. Providing that this is submitted to and agreed prior to the start of development on site, there should be no significant transportation implications.
- 6.19 Scottish Water is content that the proposals are capable of being accommodated within their existing foul system. Surface water is to be regulated by a Sustainable Urban Drainage System (SUDS). A drainage scheme based on the SUDS principles has already been agreed by SEPA.

<u>Amenity</u>

6.20 Whilst the development will result in an increase in traffic and activity the development is unlikely to affect residential amenity given that there are few immediate residential neighbours. TEC Services - Environmental Health has no objections subject to the imposition of a condition to control plant noise during the operation of the development as a safeguard.

Other material considerations

6.21 No other material considerations have been raised by objectors.

7.0 CONCLUSION

- 7.1 Wick is identified within the Structure Plan as a sub-regional centre. In this regard, Wick is considered to be far enough from Inverness to compete as a provider of a range of services. Retail warehousing is acceptable but would normally be expected to be located within town centres or edge of centre locations. This is in line with government policy which seeks to protect the town centre.
- 7.2 National policy considers that out of centre sites should only be considered where suitable town centre/edge of centre sites are not available. There are no town centre or edge of centre locations identified within the local plan for this type of development. There are no other suitable alternative sites. As the land is surplus to airport requirements it will not affect the Local Plan land allocations and would complement the existing Tesco store to provide a distinct commercial centre that government policy is seeking to achieve.
- 7.3 The applicant considers that the development is complementary to the existing Tesco store and will offer a greater level of choice that is not apparent within Caithness at present. While there may be an element of competition with existing traders within Wick in particular, the development is likely to further contribute to the reversal of the current trend for long distance comparison shopping and retain retail spend within Caithness. For these reasons it is not considered that there will be any significant adverse impact upon the vitality and viability of the existing town centre retail area.
- 7.4 While the development does not accord with the local plan land allocation it is considered that the proposals meet in broad terms with the key themes and objectives of the Structure Plan in particular and therefore on the whole could be considered to comply with development plan policy. Even if this is not accepted, subject to design amendments, it would comply with government policy on town centres and retailing in that it would create, in association with the adjacent Tesco store, a commercial centre in its own right. Development plan policy and material considerations indicate that this development should be accepted.

RECOMMENDATION

That planning permission is **granted** subject to the following conditions:

1. The development hereby permitted shall be restricted to a gross floor area of 6,039 square metres gross floor area. The creation of mezzanine flooring in any of the unit's shall not be permitted without the prior written approval of the Planning Authority.

Reason: In order to safeguard the vitality and viability of the town centre.

2. The use of the retail units hereby permitted shall be limited to the sale of non-food goods only.

Reason: In order to safeguard the vitality and viability of the town centre.

3. 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.

4. 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

5. Prior to the commencement of work on site, revised elevations shall be submitted to and approved in writing by the Planning Authority. The amended design should incorporate stone rather than brick base courses, and features that provide greater articulation to the principal elevations to enhance visual amenity. Only the approved elevations shall be constructed.

Reason: In the interest of achieving higher quality of design in the interest of visual amenity given the gateway location of this development.

- 6. Prior to the commencement of development, a scheme to deal with potential contamination on the site shall be submitted to and approved in writing by the Planning Authority. No construction work must commence until the approved scheme has been implemented to the satisfaction of the Planning Authority. The scheme shall contain details of proposals to deal with potential contamination and must include:
 - a) The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of assessment to be agreed in advance with the Planning Authority, and undertaken in accordance with PAN 33 and BS10175:2001.
 - b) Remedial strategy (if required) to treat/remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan).
 - c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of the works to a satisfactory standard as agreed with the Planning Authority.

d) Submission, if necessary, of monitoring statements at periods to be agreed with the Planning Authority for such time period as is considered appropriate by the Planning Authority.

Written confirmation from the Planning Authority that the scheme has been implemented, completed, and, if appropriate, monitoring measures are satisfactorily in place, shall be required prior to the commencement of work on site.

Reason: In order to ensure that the site is suitable for the proposed use.

7. Prior to the commencement of development, 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 this/these matters in detail.

8. Prior to the commencement of development, a fully detailed landscape plan, including details of 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. 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 entire 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 to enable the planning authority to consider this/these matters in detail and to ensure that a high standard of landscaping is achieved, appropriate to the site.

9. Prior to the occupation of the development hereby approved, a continuous, except to allow for pedestrian and vehicular access, natural stone wall to mirror the wall along the frontage of the adjacent Tesco development, with entrance features where appropriate, shall be constructed along the entire road frontage of the development site, details of which will be submitted to and approved in writing by the Planning Authority.

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

10. Prior to the first 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.

11. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Planning Authority. The Transport Plan will identify the measures to be provided, the system of management, monitoring, review, the reporting and duration of the plan.

Reason: To be consistent with the requirements of NPPG17 and PAN57.

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

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

Signature:

- Designation: Head of Planning and Building Standards
- Author: David Mudie, Team Leader HQ, Tel : (01463) 702255

Background Papers: Case file









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