

Agenda Item	6.7
Report No	PLS-52-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 August 2023

Report Title: 23/02918/S42: Montagu Evans
Unit 6 Aviemore Retail Park, Santa Claus Drive, Aviemore, PH22 1AF

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: s42 application Variation of Condition 1 (17/00659/FUL) for Unit 6 as Class 3 (Restaurant / Cafe), with ancillary hot food takeaway use

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Objection from Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

1.1 The development (17/00659/FUL) comprises three units for Class 1, 2, and 3 use or use as a hot food takeaway (maximum of two units for Class 3/hot food takeaway use) with associated adjusted car parking arrangements and ancillary works.

1.2 The original planning permission (17/00659/FUL) is set out in Appendix 1 to this Report. Condition 1 identifies that:

“Planning permission is hereby granted for the following uses within the units as shown on Proposed Site Layout drawing number 2158_341 Revision M:

Units 4 and 5: Any use falling with Class 1, Class 2 or Class 3 as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification) or use as a hot food takeaway;

Unit 6: Any use falling with Class 1 or Class 2 as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification).

For the avoidance of doubt no Class 3 use or use as a hot food takeaway is permitted within Unit 6.”

1.3 The proposal under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As Amended) is to vary this condition to allow for all three units to be used for Class 3/hot food takeaway use.

1.4 Pre-Application Consultation: None

1.5 Supporting Information: None

1.6 Variations: None

2. SITE DESCRIPTION

2.1 The site is located in the centre of Aviemore at the retail park on the west side of Grampian Road. It comprises of the eastern part of a modern retail unit. Within the building and adjacent to units 4-6 is The Snug distillery shop, with the end (western) unit occupied by Costa Coffee. To the south of the unit is a large car park.

3. PLANNING HISTORY

3.1	13.09.2017	17/00659/FUL: Erection of a building containing three units for Class 1, 2, and 3 use or use as a hot food takeaway (maximum of two units for Class 3/hot food takeaway use) with associated adjusted car parking arrangements and ancillary works	Planning Permission Granted
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4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 29.06.2023

Representation deadline: 13.07.2023

Timeous representations: None

Late representations: None

4.2 Material considerations raised are summarised as follows:

a) None

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Aviemore and Vicinity Community Council** – Object. Overprovision of restaurants/cafes. Original planning permission refers to only 2 units having food status.

5.2 **Cairngorm National Park Authority** – No call in

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Cairngorms National Park Development Plan 2021 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application.

6.3 **National Planning Framework 4 (2023) (NPF4)**

Policy 14 – Design, quality and place

Policy 27 – City, Town, Local and Commercial Centres

Policy 28 - Retail

6.4 **Cairngorms National Park Local Development Plan (2021)**

2 - Supporting Economic Growth

3 – Design and Placemaking

10 - Resources

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Cairngorms National Park Local Development Plan Non-Statutory Guidance: Policy 2 Supporting Economic Growth

8. PLANNING APPRAISAL

- 8.1 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.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The development of the retail park has been granted and built out. This application seeks to modify conditions and in particular for development of Unit 6 in order that it can be used for Class 3/takeaway use consistent with other units within the retail park. The key considerations in this case are:
- a) Compliance with the development plan and other planning policy;
 - b) Modification of Condition 1 (limiting use class), and;
 - c) Any other material considerations

Development plan/other planning policy

- 8.4 NPF4 policy 14 – Design, quality and place identifies that development proposals will be supported where they are consistent with the six qualities of successful places:
- Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 8.5 In addition, NPF4 Policy 27 – City, Town, Local and Commercial Centres development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported. Proposals for uses which will generate significant footfall, including commercial. will be supported in existing city, town and local centres.
- 8.6 Furthermore, NPF4 Policy 28 – Retail identifies that development proposals for retail (including expansions and changes of use) will be consistent with the town centre

first principle. This means that new retail proposals will be supported in existing city, town and local centres.

- 8.7 The assessment of s42 applications is required by legislation to be limited to only those matters directly related to the condition in question (No.1 of 17/0659/FUL). If minded to grant planning permission, the Planning Authority has the option of deleting the condition or replacing it with a condition containing amended wording.
- 8.8 The key issue therefore is whether the variation of the condition applied for would result in the development being incompatible with the Development Plan. The remainder of this report will consider the modifications proposed and assess the compatibility with the Development Plan.

Modification of Condition 1 (limiting use class)

- 8.9 The application seeks to vary condition No.1 of planning permission (17/0659/FUL) which currently restricts the use of Units 4-6 and specifically excludes the use of unit 6 as a hot food takeaway.
- 8.10 The proposal seeks to allow Unit 6 to be used for Class 3 (Restaurant / Café), with an ancillary hot food takeaway use.
- 8.11 The applicant has submitted a cover letter alongside this application which states that the unit has been empty since September 2022 and therefore adjusting the use classes to include Class 3 and hot food takeaway would allow more flexibility to ensure the unit is occupied.
- 8.12 The site is located within the busy central business and retail area of Aviemore. There are currently a range of commercial operators within the retail park, including an outdoor shop (Tiso), household goods and food (Home Bargains), supermarket (Aldi), coffee shop (Costa Coffee), and distillery shop (The Snug). Nearby to the south is another outdoor shop (Blacks), while to the east side of Grampian Road there are various other retail shops, coffee shops and takeaways. Accordingly, there are a range of retail uses within the immediate area, including Class 3 and hot food takeaway.
- 8.13 Policies 27 and 28 of NPF4 generally support the provision of a range of commercial and retail uses which enhance and improve the vitality and viability of the established core of the village.
- 8.14 The use of retail premises in village and town centres can often change over a relatively short period of time, evolving and adapting to market demands. Such change and the vitality that it brings to a commercial centre has already been seen in the existing units, with a previous occupier, Superdrug. This flexibility is noted by Policy 14, which promotes developments which can be changed quickly to accommodate different uses.

Amendment to other conditions

- 8.15 The effect of a decision under Section 42 of the Act is that a new planning permission is granted. However, where permissions have been implemented and/or conditions satisfied already it may be necessary to amend the original permission to reflect this.

In this case, the development is complete. Therefore Condition 2 can now be deleted, along with Condition 7. Condition 3 has been met with planting now established. However, there is still a requirement for the ongoing maintenance. This can be reflected in amended wording. The remaining conditions are renumbered.

Other material considerations

8.16 None

Matters to be secured by Legal Agreement / Upfront Payment

8.17 None

9. CONCLUSION

9.1 The proposal is for the use of Unit 6 to be used for Class 3 (Restaurant / Café), with an ancillary hot food takeaway use. This use is considered to be appropriate to and compatible with the other uses in both the retail park and the longer established nearby units in Grampian Road. The

9.2 All relevant matters have been taken into account when appraising this application. The modification of Condition 1 (limiting use class) as sought by the applicant is considered to be acceptable and is consistent with the policies and provisions of the Development Plan.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

It is recommended to **GRANT** the application subject to the following conditions and reasons:

1. Planning permission is hereby granted for the following uses within the units as shown on Proposed Site Layout drawing number 2158_341 Revision M: Units 4, 5 and 6: Any use falling with Class 1A or Class 3 as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification) or use as a hot food takeaway.

Reason: To clarify the terms of this planning permission.

2. All landscaping shall be maintained in perpetuity in accordance with the approved landscape scheme.

Reason: To ensure that a good landscape setting is provided and maintained for the approved development in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. No development or works associated with the fitting out of Units 4, 5 and 6 for Class 3 use as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification) or use as an ancillary hot food takeaway shall be carried out until full details of the proposed ventilation system for that respective unit have been submitted to, and approved in writing by, the Planning Authority. The ventilation system shall comprise a kitchen extraction system designed, installed and operated to ensure the effective removal and dispersal of cooking odours to ensure that cooking odours are minimised, as far as possible, at any neighbouring premises. Thereafter the approved ventilation system for the respective unit shall be installed and fully operational prior to that unit being first brought into use and shall be retained in use thereafter

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

4. Full details of the location of all plant machinery shall be submitted to, and approved in writing by, the Planning Authority prior to installation. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 25 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure, or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

5. Full details of a scheme detailing the arrangements for segregation, storage and collection and management of business and commercial waste from this use shall be submitted to and approved in writing by the Planning Authority. These waste management arrangements shall thereafter be implemented in accordance with the approved scheme prior to the first occupation of any of the retail units.

Reason: To ensure that waste is managed in a sustainable manner in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

6. Unless otherwise agreed in writing with the Planning Authority there shall be no vehicle deliveries to any of the units outside the hours of 0700 hours to 2200 hours on any day and the opening hours of the units shall be restricted to 0700 hours to 23:00 hours Monday to Saturday and 0900 hours to 2100 hours on Sundays.

Reason: To ensure that impacts upon residents in the area from disturbance caused by vehicles and customers is minimised in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Lauren Neil
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan - 000001
Plan 2 - Site Layout Plan – 2158-341 REV N

PLANNING PERMISSION

Reference No: 17/00659/FUL

To:
SC Aviemore Limited
Per: Mr Bryan Wilson
Venlaw
349 Bath Street
Glasgow
G2 4AA

Per:
Barton Willmore
Per: Iain Hynd
68-70 George Street
Edinburgh
EH2 2LR

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Erection of a building containing three units for Class 1, 2, and 3 use or use as a hot food takeaway (maximum of two units for Class 3/hot food takeaway use) with associated adjusted car parking arrangements and ancillary works
Land 80M West Of Aviemore News Grampian Road Aviemore

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Proposed Site Layout Plan	2158_341	M	07.08.2017
Proposed Elevation Plan	2158_342	D	03.08.2017
Proposed Floor/Elevation Plan	2158_350	B	03.08.2017
Proposed Floor Plan	2158-344	C	03.08.2017
Section Plan	2158_343	B	27.07.2017
Roof Plan	2158_345	A	27.07.2017
Location Plan	2158_340		11.02.2017

CONDITIONS AND REASONS

This consent is granted subject to the following conditions and reasons:

1. Planning permission is hereby granted for the following uses within the units as shown on Proposed Site Layout drawing number 2158_341 Revision M: Units 4 and 5: Any use falling with Class 1, Class 2 or Class 3 as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification) or use as a hot food takeaway; Unit 6: Any use falling with Class 1 or Class 2 as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification). For the avoidance of doubt no Class 3 use or use as a hot food takeaway is permitted within Unit 6.

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

Reason: To clarify the terms of this planning permission and to protected the amenity of nearby residential properties.

- 2. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

- 3. No development shall commence until a revised landscaping plan has been submitted to, and approved in writing by, the Planning Authority. This plan shall include details of future maintenance of the landscaped areas. Thereafter the approved scheme shall be implemented in accordance with the approved details during the planting season immediately following the commencement of development, unless otherwise agreed in writing with the Planning Authority. The landscaping shall thereafter be maintained in accordance with the approved landscape scheme and any planting which within a period of 5 years from the completion of the development is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted.

Reason: The submitted landscaping plan drawing number 78.17.LSI01_003 dated 23.04.2017 is not approved and a revised plan incorporating additional planting works is required to ensure that a good landscape setting is provided and maintained for the approved development in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 4. No development or works associated with the fitting out of Units 4 or 5 for Class 3 use as defined under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted, with or without modification) or use as a hot food takeaway shall be carried out until full details of the proposed ventilation system for that respective unit have been submitted to, and approved in writing by, the Planning Authority. The ventilation system shall comprise a kitchen extraction system designed, installed and operated to ensure the effective removal and dispersal of cooking odours to ensure that cooking odours are minimised, as far as possible, at any neighbouring premises. Thereafter the approved ventilation system for the respective unit shall be installed and fully operational prior to that unit being first brought into use and shall be retained in use thereafter.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

- 5. Full details of the location of all plant machinery shall be submitted to, and approved in writing by, the Planning Authority prior to installation. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 25 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

- 6. Full details of a scheme detailing the arrangements for segregation, storage and collection and management of business and commercial waste from this use shall be submitted to and approved in writing by the Planning Authority. These waste management arrangements shall thereafter be implemented in accordance with the approved scheme prior to the first occupation of any of the retail units.

Reason: To ensure that waste is managed in a sustainable manner in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 7. The delivery parking area shown on approved plan drawing number 2158_341 Revision M shall be formed and available for use prior to the opening of any of the units hereby approved.

Reason: To ensure that adequate facilities for the delivery of goods associated with any of the units is provided timeously in the interests of public safety.

- 8. Unless otherwise agreed in writing with the Planning Authority there shall be no vehicle deliveries to any of the units outside the hours of 0700 hours to 2200 hours on any day and the opening hours of the units shall be restricted to 0700 hours to 23:00 hours Monday to Saturday and 0900 hours to 2100 hours on Sundays.

Reason: To ensure that impacts upon residents in the area from disturbance caused by vehicles and customers is minimised in accordance in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Variations

During the processing of the application the following variations were made to the proposal:

- 1. Changes to car park layout and alterations to building to reduce units from four to three.

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

Section 75 Obligation

No Section 75 Obligation.

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified:

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. Developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which

Dated: 22nd August 2017

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Area Planning Manager

exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Cooking Odours

In order to demonstrate compliance with condition 4, the following information requires to be submitted to, and approved in writing by, the Planning Authority:-

1. A design specification and installation plan for the proposed kitchen extraction system which has been carried out by a competent person. (For example a suitably qualified ventilation engineer.) The plan should include details of the filters to be installed - type, number, dimensions, dwell time etc. and details of the location of the extract point and the route of the ducting etc;
2. Details of the types of hot food prepared and the approximate number of meals per day;
3. A maintenance and management scheme for the kitchen extraction system which has been prepared in accordance with the manufacturer instructions.

It is important that the design specification takes into account local circumstances at the development site. For example, proximity of residential properties; topography of surrounding land; prevailing weather conditions etc.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from: http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground without your ownership or to enter private ground to demolish, construct or maintain your property.

RIGHT OF APPEAL, REVIEW ETC.

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. Notices of Review can be submitted online via the ePlanning portal at <https://www.eplanning.scot>. Alternatively the Notice of Review can be emailed to review.body@highland.gov.uk or addressed to:

Highland Council Review Body
eProcessing Centre
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

Please quote the relevant application reference number with any submission.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

PLANNING PERMISSION

Reference No: 17/00659/FUL

development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Dated: 22nd August 2017

Nicola Drummond
DJM.....
Area Planning Manager

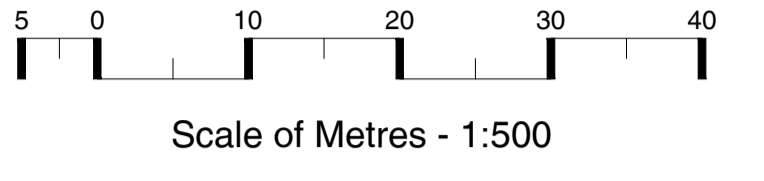


Promap

● LANDMARK INFORMATION

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Plotted Scale - 1:1750. Paper Size – A4



Site Ownership - - - - -
 Application Boundary - - - - -

PARKING NUMBERS

- 275 No. STANDARD SPACES
- 16 No. ACCESSIBLE SPACES
- 9 No. PARENT & CHILD SPACES
- 300 TOTAL CAR PARKING SPACES
- ALSO:-
- 2 No. TROLLEY BAYS
- 1 No. MOTOR CYCLE BAY.

WASTE/RECYCLING MANAGEMENT

TENANTS TO MANAGE ALL STORAGE OF WASTE INTERNALLY WITH THEIR REFUSE BEING MANOEUVRED, IN WHEELED BINS, ALONG FOOTPATHS / AREAS OF HARDSTANDING TO COLLECTION POINTS.

REV

- J 24.07.17 GM/SM
Staircase adjacent to retail pods increased to 2m wide as required by HC Planners. Note regarding waste/recycling management added.
- K 26.07.17 GM/CB
Unit 5 area revised
- L 02.08.17 SM/CB
Unit 4 layout revised as per client's specifications. Outdoor seating area added.
- M 03.08.17 SM/CB
Footpath extended to abut road adjacent stair and ramp. Dropped kerb introduced.
- N 16.01.18 JB/GM
Plant areas at rear of Units 4 & 6 updated to show clear distance to retaining wall as per comments received 15.01.18

Manson

Client **SC AVIEMORE LTD**

Project **PROPOSED RETAIL DEVELOPMENT
GRAMPIAN ROAD
AVIEMORE**

Drawing Title **PROPOSED SITE LAYOUT
3No POD UNITS**

Date **MAR 2017** Scale **1:500 @ A1**

Issue Status **PLANNING**

Drawing No. **2158_341** Rev. **N** Drawn **GM/SM**

Architects + Planners

Edinburgh Office: Hawthorn Rise, 10 Belford Road, Edinburgh EH4 3BL
 Dundee Office: 11 South Tay Street, Dundee DD1 1NU
 T: 0131 225 2958 E: info@mansonarchitects.co.uk
 T: 01382 226 361 W: www.mansonarchitects.co.uk

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