

Agenda Item	6.3
Report No	PLS-13-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 19 March 2024
Report Title: 23/05339/FUL: McDonald's Restaurants Limited
Unit 6 Aviemore Retail Park, Santa Claus Drive, Aviemore PH22 1AF
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of extension, installation of ventilation system and external alterations

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Community Council objection.

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 proposed development comprises of external alterations, installation of a ventilation system and the erection of an extension to Unit 6 on the recently developed retail park. The end user of the development is a McDonalds restaurant.
- 1.2 The proposed rear extension will create a corral area for waste and recycling to be effectively stored and segregated. The proposed extension represents a small increase in floorspace and will be finished in colour coated metal capping cut panels to the walls with an open roof.
- 1.3 The ventilation equipment is to be installed adjacent to the proposed extension (rear elevation), and on the side elevation. In terms of external alterations, the proposed fascia board, window, and entrance door frames will match the existing colour. The opaque vinyl is proposed adjacent to the timber cladding, to the west of the entrance door.
- 1.4 The restaurant will be accessed via the existing car park (approximately 333 car parking spaces) and the current arrangements for delivery vehicles are to be maintained. The existing bollards, white lining and drop kerbs are all to be retained. The proposed development does not require altered water supply or drainage arrangements.
- 1.5 Pre-Application Consultation: None
- 1.6 Supporting Information: None
- 1.7 Variations: None

2. SITE DESCRIPTION

- 2.1 The application site comprises Unit 6 of Aviemore Retail Park, which is located within the centre of the village. The retail park is bound to the north by the Winking Owl bar/restaurant and associated car park; to the south by Santa Claus Drive; to the west by trees and to the east by Grampian Road (B9152). The property is a purpose built, single storey unit of 278sqm.
- 2.2 The building sits to the north and at a lower level to the Winking Owl and Grampian Road to the east. The rear (north side) of the building is used for deliveries, bins and storage, and includes a banked area of grass and newly planted trees.
- 2.3 The retail park includes occupiers such as Home Bargains, Tiso, Aldi, Costa Coffee and Blacks.
- 2.4 The unit has planning permission (23/02918/S42) for Class 3 (Restaurant/Café), with ancillary hot food takeaway use.

3. PLANNING HISTORY

3.1	12.09.2023	23/02918/S42 - S42 application Variation of Condition 1 (17/00659/FUL) for Unit 6 as Class 3 (Restaurant/Café), with ancillary hot food takeaway use	Planning Permission Granted
3.2	04.12.2023	23/05338/ADV - Erection of signage	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 development and Unknown Neighbour

Date Advertised: 14.11.2023.

Representation deadline: 02.01.2024

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Design, external materials finishes; and visual impact of the extension / out of character
- Odour and noise
- Disruption during construction
- Recycling and bins

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:

- External material finishes and visual impact of the extension/out of character
- Disruption during construction
- Recycling/provision of bins within the retail park
- Congregation of people

5.2 **Transport Planning Team:** No objection. The proposal does not remove any car parking spaces or restrict existing pedestrian access. All the construction works will take place within the site and will not affect the public road.

5.3 **Environmental Health:** No objection. Content that odour and noise concerns are addressed.

5.4 **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 Local 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)

Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 14 – Design, quality, and place

Policy 27 – City, town, local commercial centres

6.4 Cairngorms National Park Local Development Plan (CNPALDP) 2021

Policy 2 – Supporting economic growth

Policy 3 – Design and placemaking

Policy 10 – Resources

7. OTHER MATERIAL POLICY CONSIDERATIONS

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

7.2 Cairngorms National Park Local Development Plan Non-Statutory Guidance: Policy 3 Design and Placemaking

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 key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) design and impact on amenity
- c) odour and noise

- d) construction works
- e) recycling and provision of bins
- f) any other material considerations

Development plan/other planning policy

- 8.4 The application requires to be considered against National Planning Framework 4 (NPF4), which was adopted in February 2023, and the Cairngorms National Park Local Development Plan.
- 8.5 All development requires to be assessed against Policy 1 of NPF4 (Tackling the climate and nature crises) which states that when considering development proposals significant weight is given to global and climate nature crises with the intent of the policy being to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 8.6 Policy 14 (Design, Quality and Place) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and proposal will be supported where they meet the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.
- 8.7 Policy 27 (City, town, local and commercial centres) sets out that development proposal that enhance and improve the vitality and viability of the city, town, and local centres, including proposals that increase the mix of uses, will be supported.
- 8.8 In terms of the Cairngorms National Park Local Development Plan, the application requires to be assessed against Policy 2.4 - Other economic development (of Supporting economic growth) which sets out that proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities will be considered favourably where they:
 - a) have no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) are compatible/complementary with existing business activity in the area; and
 - c) support the vitality and viability of the local economy.
- 8.9 Subject to ensuring that the proposed extension and alterations are appropriate in design terms and compatible with the character of the area and that the proposal will have no significant impact on the amenity of neighbouring residents or existing services, the proposal would comply with the development plan.

Design and impact on amenity

- 8.10 The proposed development relates to external alterations, installation of ventilation system and erection of an extension to the rear of Unit 6 at Aviemore Retail Park.
- 8.11 The proposed extension will create a corral area for waste and recycling to be effectively stored and segregated, and deliveries to be received. The proposed

extension measures approximately 11.3m x 4.2m and height of 3m. The extension represents an approximately 18% increase in floorspace and therefore, is appropriate and proportional to the original retail unit. Furthermore, emergency exits and access in and out of the building will continue to be provided with the corral extension to the rear of the unit. The extension would have a metal panel finish. The external colour is yet to be confirmed however this could be controlled by condition. To the north of the extension a small gabion wall is proposed.

- 8.12 Comments received indicate that the proposed finish of the rear extension is out of character with the surrounding units and will have an undesirable visual impact. While it is the case that the building form does not fully reflect the aesthetic of the existing building, the context in which the development sits needs to be taken into consideration.
- 8.13 The floor level of the building sits several metres below the level of the Winking Owl car park and Grampian Road. Furthermore, an existing 1.8m high fence between the Winking Owl and the development provides a visual screen. Trees have already been planted on the bank between the fence and the retail unit and will mature over time to further limit visibility.
- 8.14 The proposed works would provide an improved service access and storage space, with changed external ventilation function. Furthermore, the external alterations and doors/fenestration would provide better functionality for the use of the premises. Such alterations would normally be expected within (the character of) a modern retail park setting. The proposed corral is considered subservient and proportionate in scale to the original building, so would not detract from the character of the original development. In order to retain and enhance the banked area of grass and newly planted trees to the north and east sides of the building, it is considered appropriate to condition their protection, retention and enhancement, ensuring that the proposed development would not adversely impact the existing character of the site and the surroundings. The proposal corral is small-scale and to the rear of the existing building and therefore is not prominently located.

Odour and noise

- 8.15 Representations refer to odour and noise impacts on the Winking Owl; in particular on its beer garden. It is noted that Environmental Health was consulted on the application and has not objected to the proposal noting that odour and noise concerns have been addressed.
- 8.16 Representations also refer to the potential congregation of people at the premises leading to an increase in noise and activity. This is not likely to arise as a result of this application and is a concern more likely related to the use of the premises for hot food takeaway for which the premises already has the benefit of planning permission. Anti-social behaviour is not a matter for Planning Authority in any event and would be an issue for Police Scotland. Any future potential noise impact of the development would be subject to consideration as a statutory noise nuisance by the Council's Environmental Health team.

Construction works

- 8.17 Representations have referred to potential disruption in the area during any construction works. It is noted that this will occur during any building project, however, will be for a temporary and relatively short period of time.

Recycling and provision of bins

- 8.18 Representations highlight potential for an increase in rubbish and litter within the retail park. Again, this is more likely a concern related to the use of the premises for hot food takeaway for which the premises already has the benefit of planning permission. The applicant has advised that the provision of additional bins within the retail park is outwith their control, as a matter for the wider management of the overall retail park. In this regard, the applicant has indicated that the retail park owners will monitor littering and will introduce additional bins as necessary. An informative has been added covering this point.

Other material considerations

- 8.19 None

Non-material considerations

- 8.20 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.21 None

9. CONCLUSION

- 9.1 The application relates to the external alterations, installation of ventilation system and erection of an extension to the rear of Unit 6 Aviemore Retail Park, Santa Claus Drive, Aviemore. The proposed extension will provide an improved service area and storage spaces. The changed ventilation system is considered to be appropriate and proportionate to the existing retail unit. The alterations to the front external finish and doors/fenestration would provide better functionality for the use of the premises. The alterations and extension are considered compatible with the building and its location and will not result in any adverse impact on amenity.
- 9.2 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.

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

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

3. Prior to the commencement of development, the developer shall provide full details in writing, including relevant RAL or BS codes, for the external finish and colour of the metal panel finish of the corral area to the north elevation of the unit, all for the approval of the Planning Authority. For the avoidance of doubt the development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to confirm the external finish of the rear extension.

REASON FOR DECISION

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.

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.

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.

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>

Bins & Waste

The requirement of additional bins should be monitored and introduced when considered necessary by the retail park owners.

Signature: David Mudie

Designation: Area Planning Manager - South

Author: Megan Smith

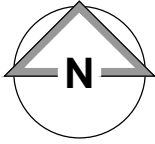
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – 13444_AEW_2121_0001 REV A – Location Plan

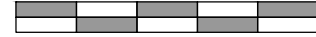
Plan 2 – 13444_AEW_2121_0004 REV A – Proposed Site Layout Plan

Plan 3 – 13444_AEW_2121_0005 REV B – Elevations

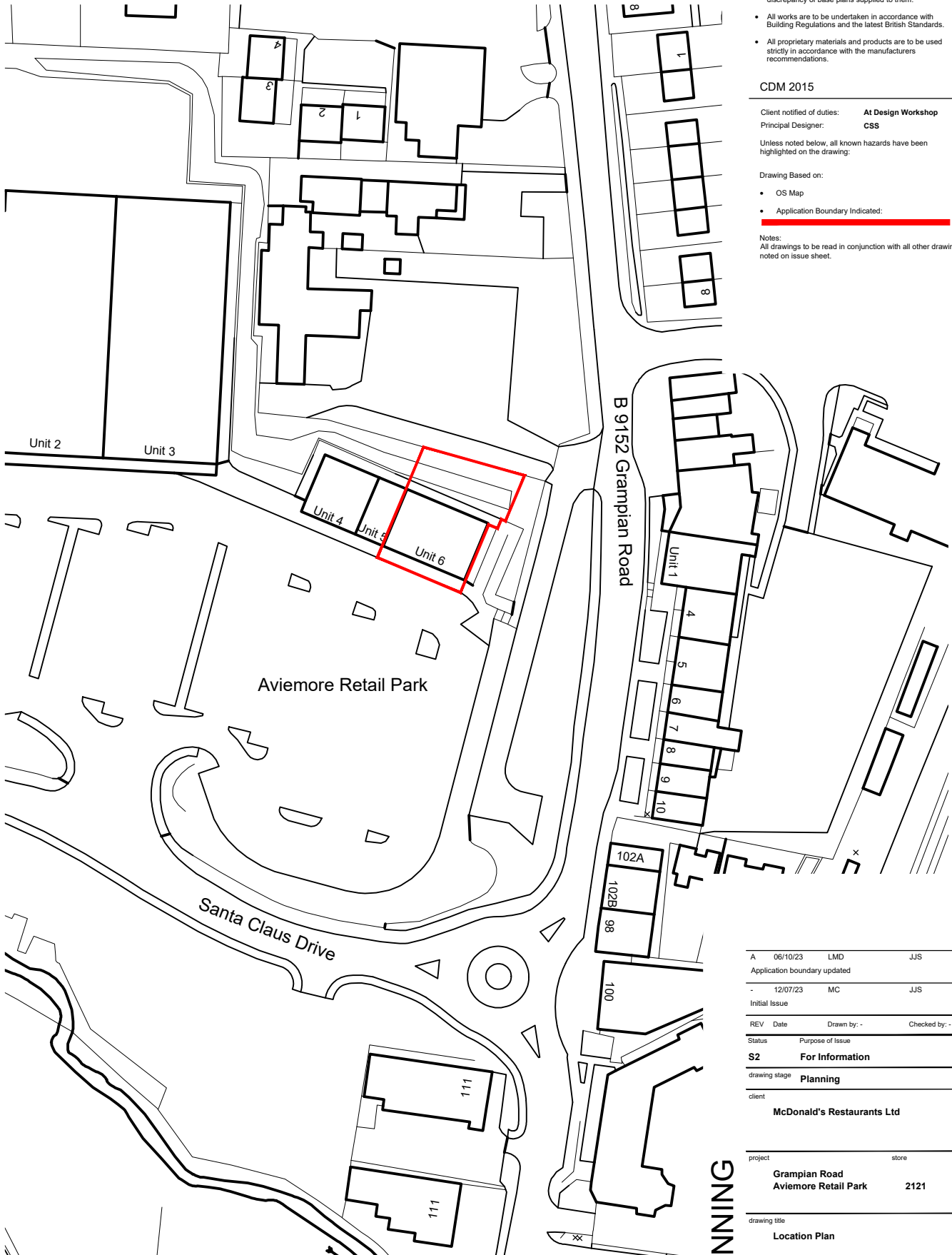
Plan 4 – 13444_AEW_2121_0018 REV A – Section Plan – Corral Details



0 10 20 30 40 50m



Scale 1:1250



NOTES

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- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015

Client notified of duties: **At Design Workshop**
Principal Designer: **CSS**

Unless noted below, all known hazards have been highlighted on the drawing:

Drawing Based on:

- OS Map
- Application Boundary Indicated:

Notes:

All drawings to be read in conjunction with all other drawings as noted on issue sheet.

REV	Date	Drawn by: -	Checked by: -
A	06/10/23	LMD	JJS
Application boundary updated			
-	12/07/23	MC	JJS
Initial Issue			
S2 For Information			
drawing stage Planning			
client McDonald's Restaurants Ltd			
project Grampian Road Aviemore Retail Park store 2121			
drawing title Location Plan			
date	12/07/23	drawn	MC
scale@A4	1:1250	checked	JJS

PLANNING

Ordnance Survey (c) Crown Copyright 2022. All rights reserved. Licence number 100022432

Location Plan

Rev

A

Job No

13444_AEW_2121_0001

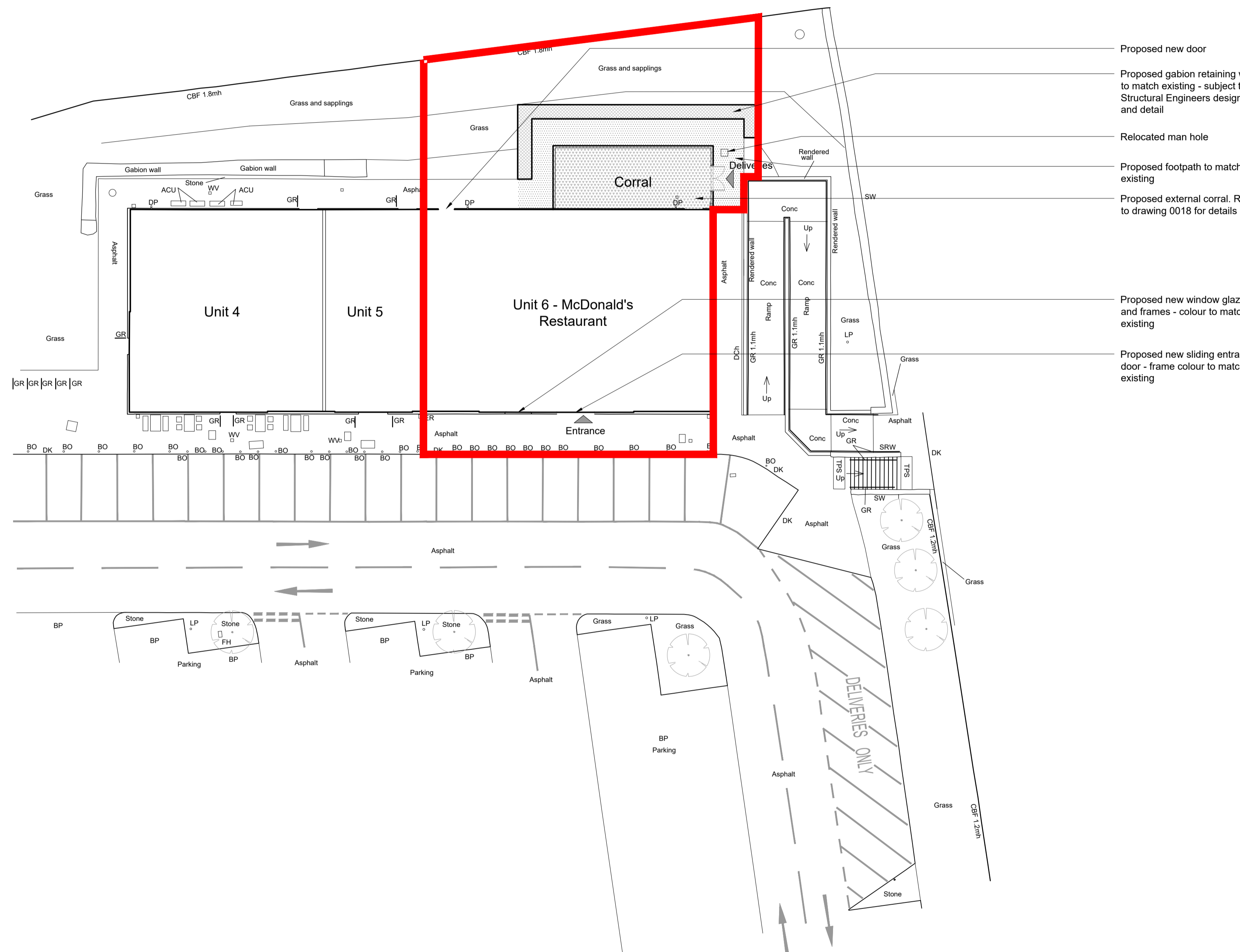
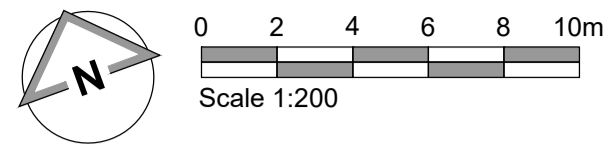
aeaw architects

0161 214 4370

www.aeawarchitects.com



AEW



- Proposed new door
- Proposed gabion retaining wall to match existing - subject to Structural Engineers design and detail
- Relocated man hole
- Proposed footpath to match existing
- Proposed external corral. Refer to drawing 0018 for details
- Proposed new window glazing and frames - colour to match existing
- Proposed new sliding entrance door - frame colour to match existing

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CDM 2015

Client notified of duties: **At Design Workshop**

Principal Designer: **CSS**

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PROPOSED NEW CONCRETE SLAB, BELOW GROUND SERVICES AND RETAINING STRUCTURE REQUIRED TO REAR OF EXISTING UNIT. BEWARE OF PRESENCE OF EXISTING CONCEALED / BELOW GROUND SERVICES. POSSIBLE DIVERSIONS REQUIRED SUBJECT TO SURVEY AND SPECIALIST INPUT

Drawing Based on:

- Glanville's Site Survey Drawings Reference: 4230305/4101 Dated: July 2023
- OS Map Ordnance Survey (c) Crown Copyright 2022. All rights reserved. Licence number 100022432
- Scale for planning purposes only.
- Extent of Application Boundary Indicated:

Notes:
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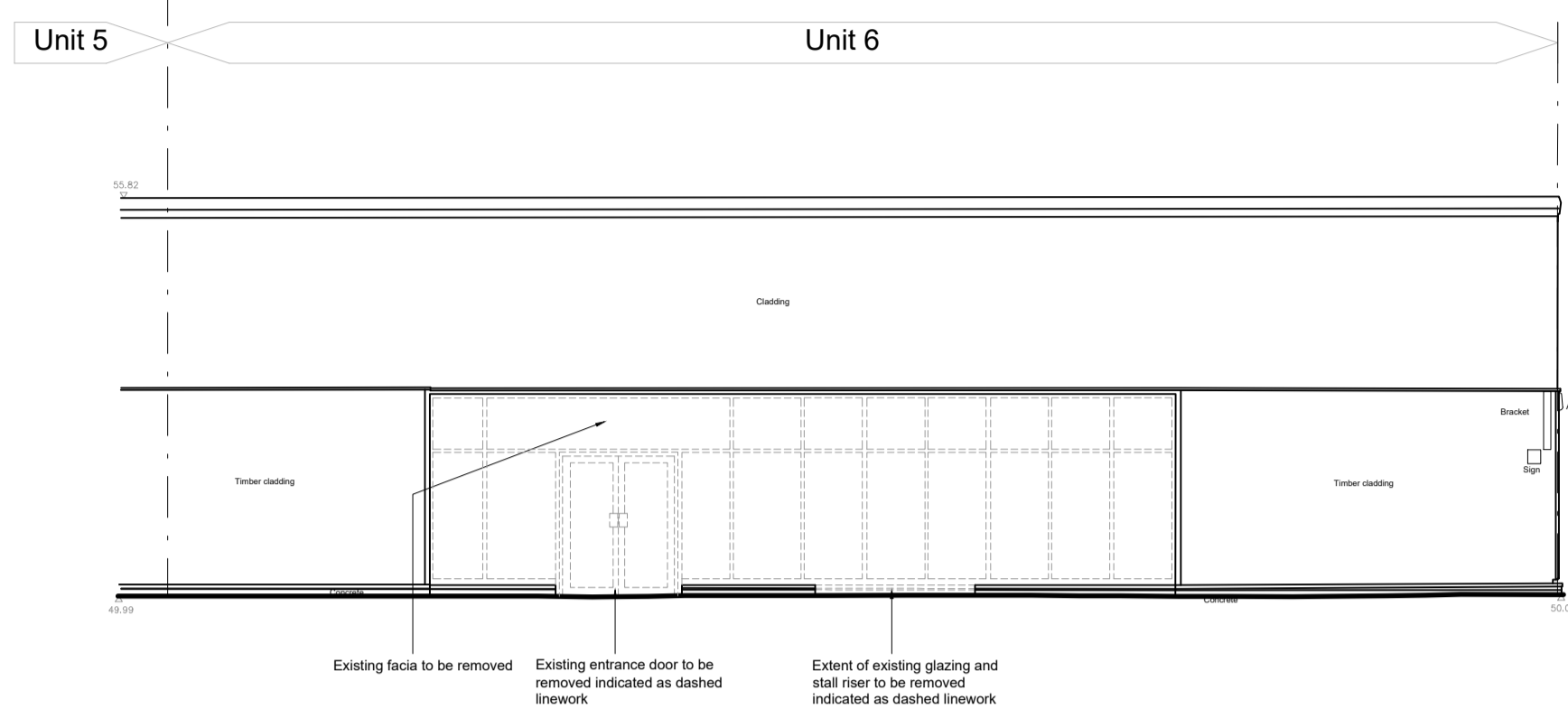
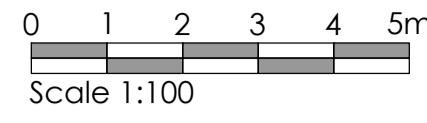
PROPOSED SITE FINISHES	
Tarmacadam - Footpaths to match existing colour	
Brushed Concrete	
Gabion retaining wall	

A	06/10/23	LMD	JJS
Application boundary shown			
-	06/09/23	MC	JJS
Initial Issue			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	For Information		
drawing stage	Planning		
client	McDonald's Restaurants Ltd		

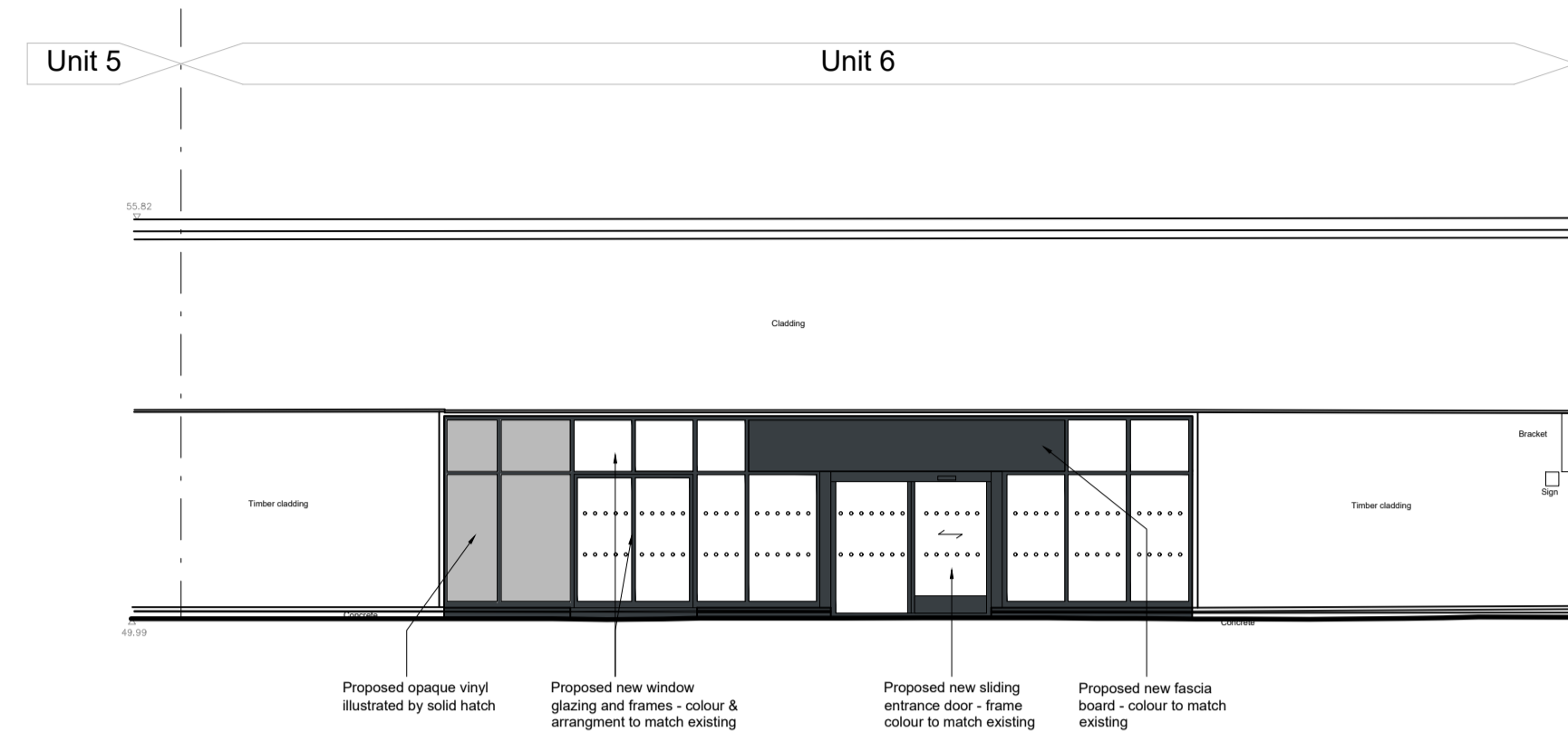
project	store		
Grampian Road Aviemore Retail Park	2121		
drawing title	Proposed Site Plan		
date	06/09/23	drawn	MC
scale@A1	1:200	checked	JJS

Proposed Site Plan

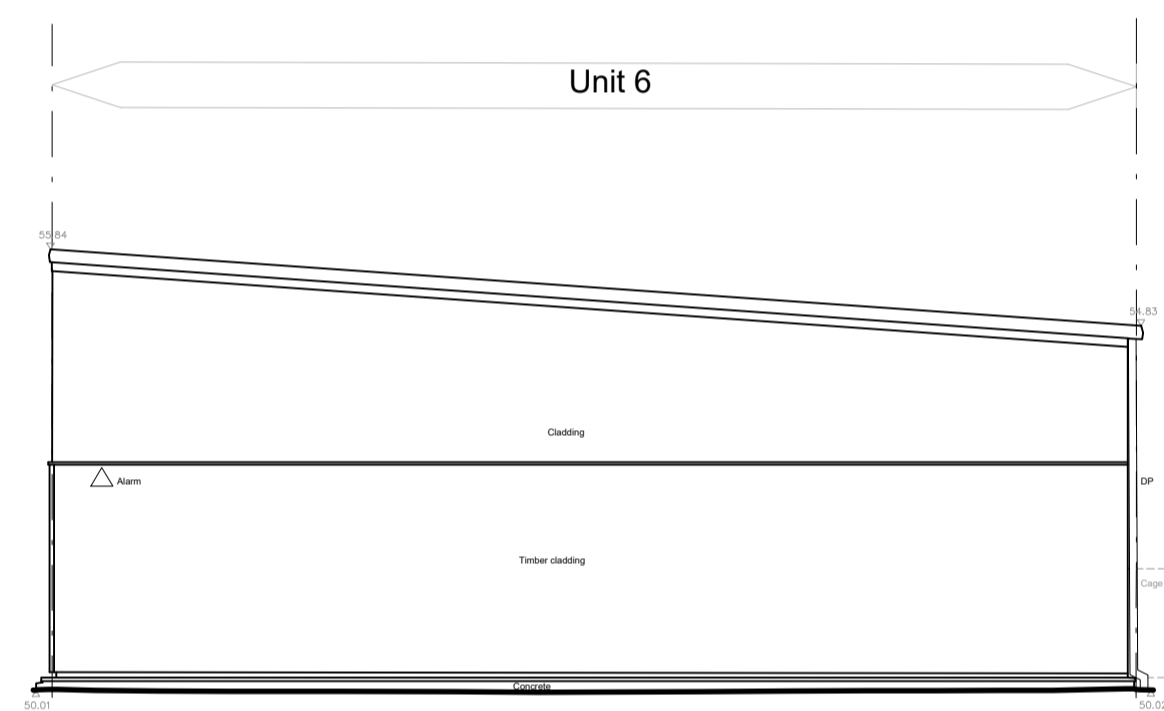
PLANNING



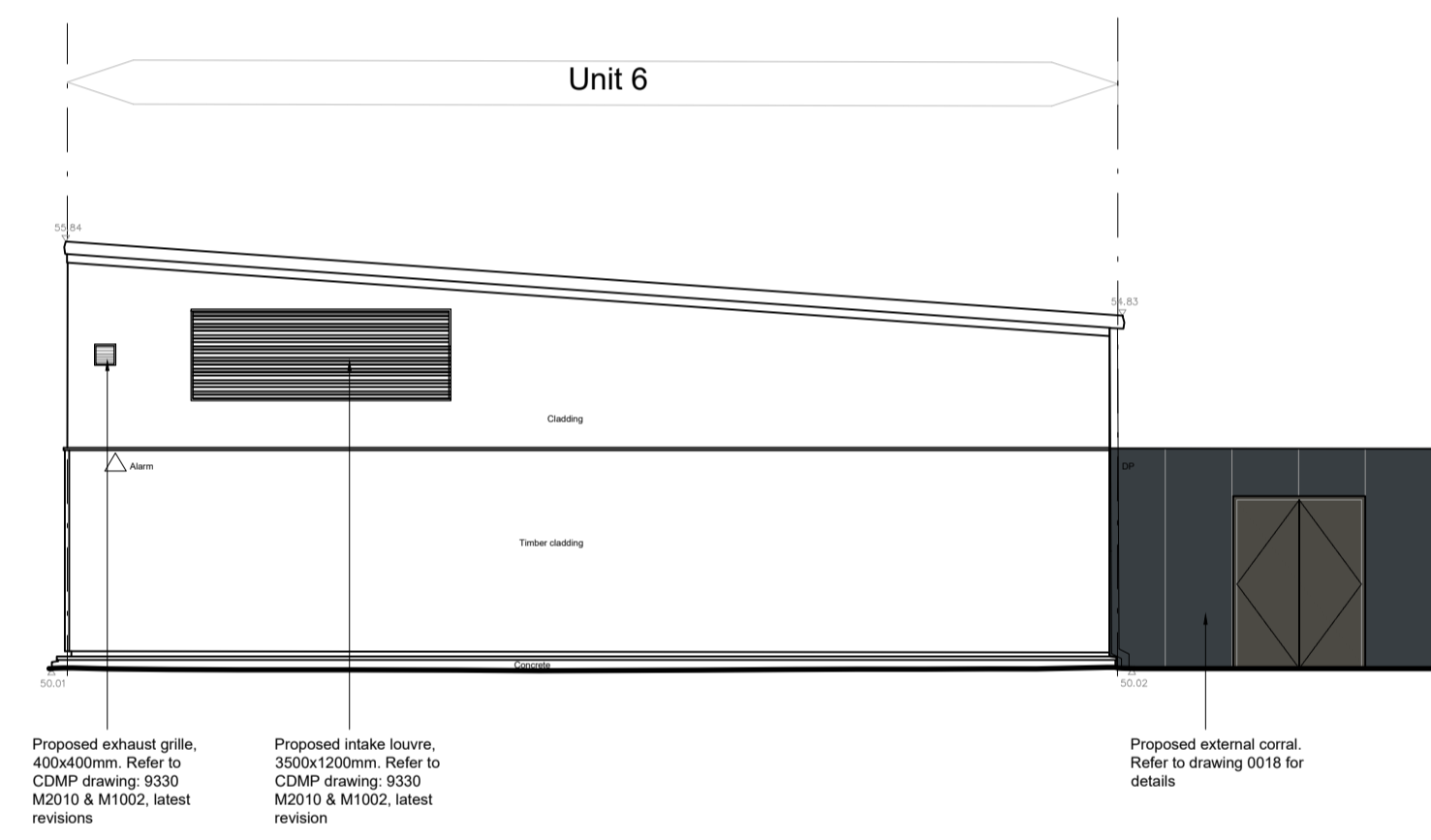
Existing Elevation A



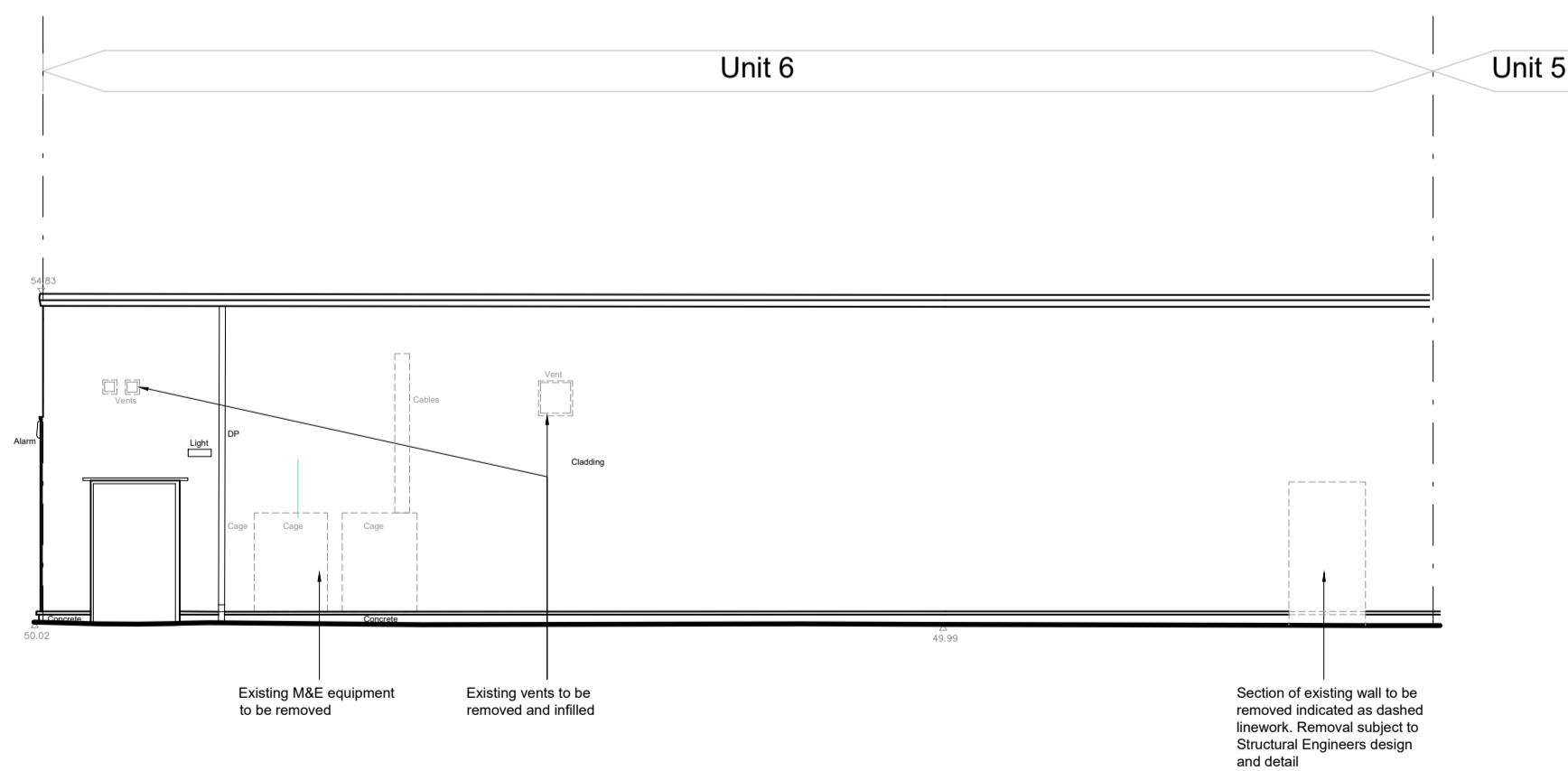
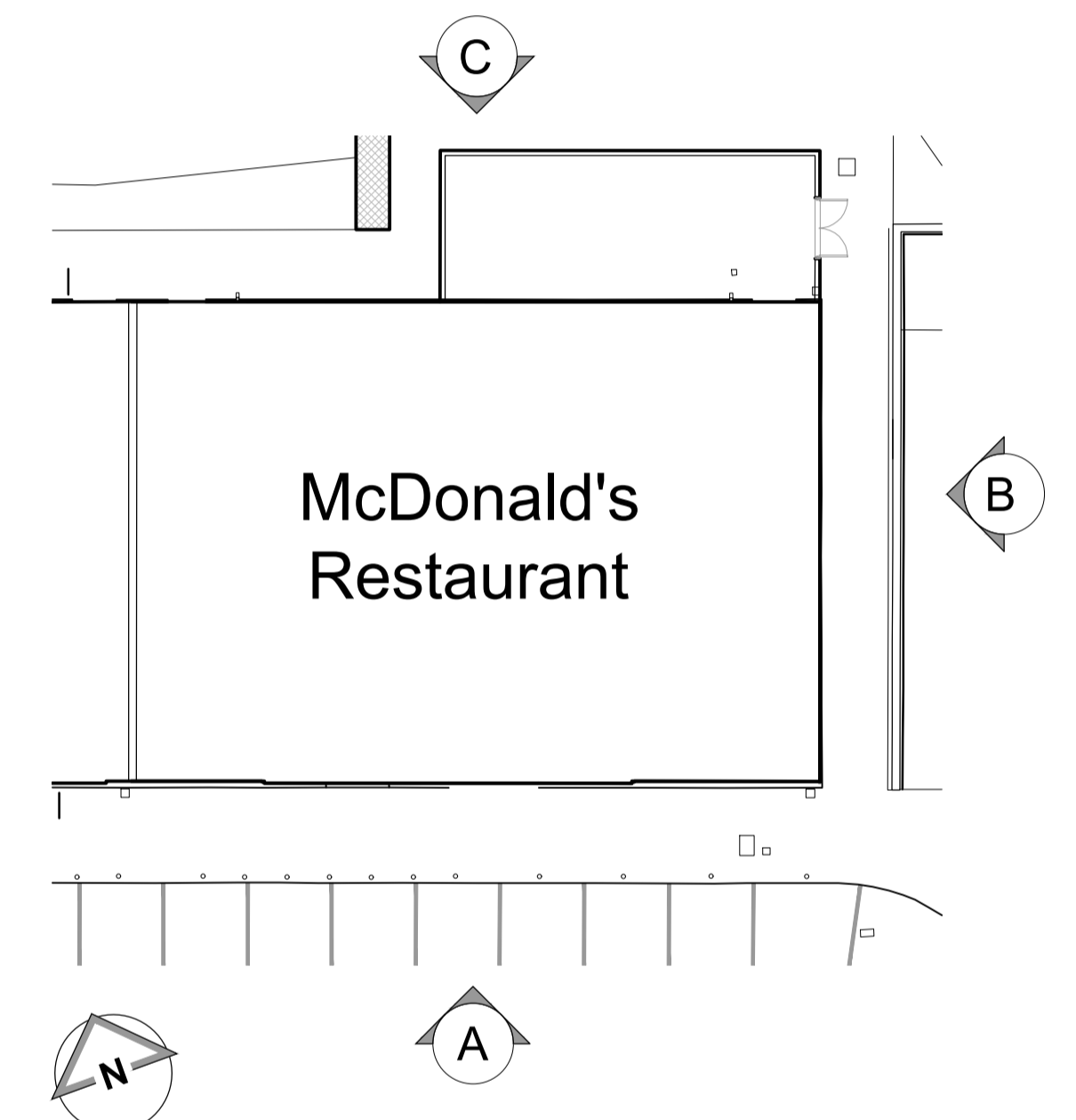
Proposed Elevation A



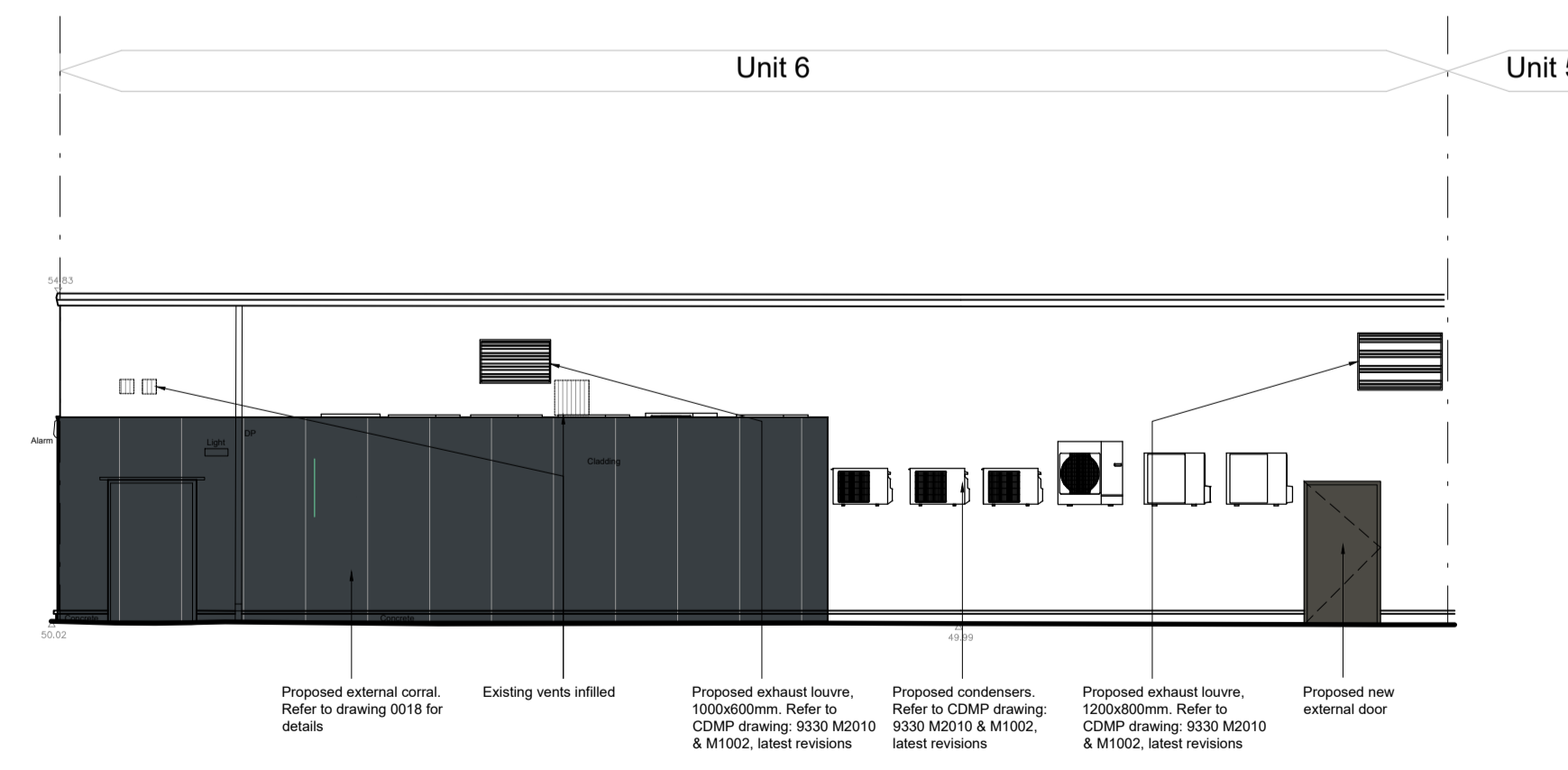
Existing Elevation B



Proposed Elevation B



Existing Elevation C



Proposed Elevation C

NOTES

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Drawing Based on:

- Glanville's Site Survey Drawings Reference: 4230305-4301 Dated: July 2023

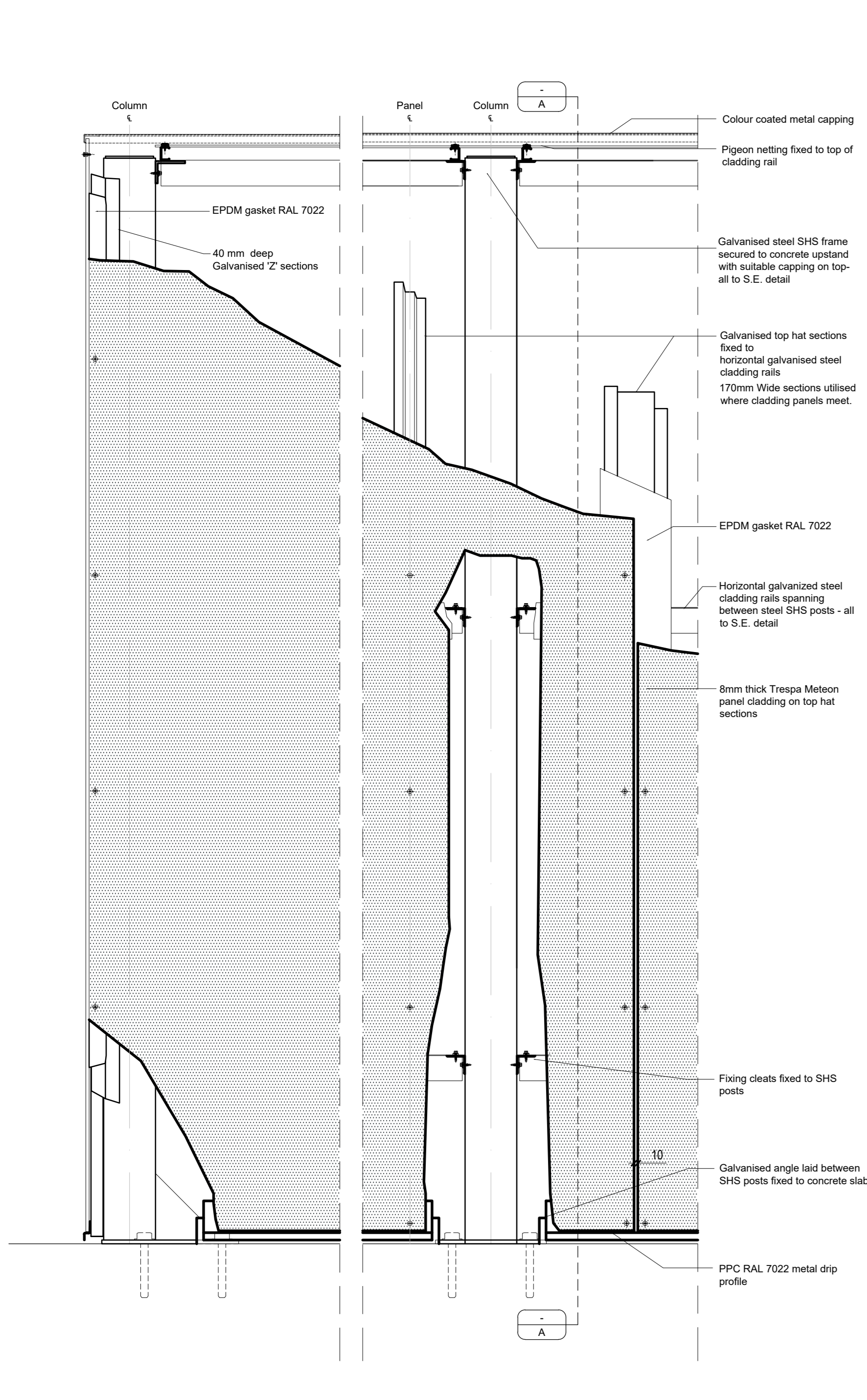
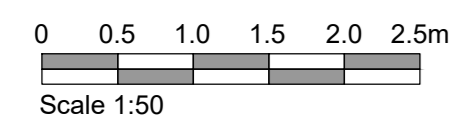
- Scale for planning purposes only.

Notes:
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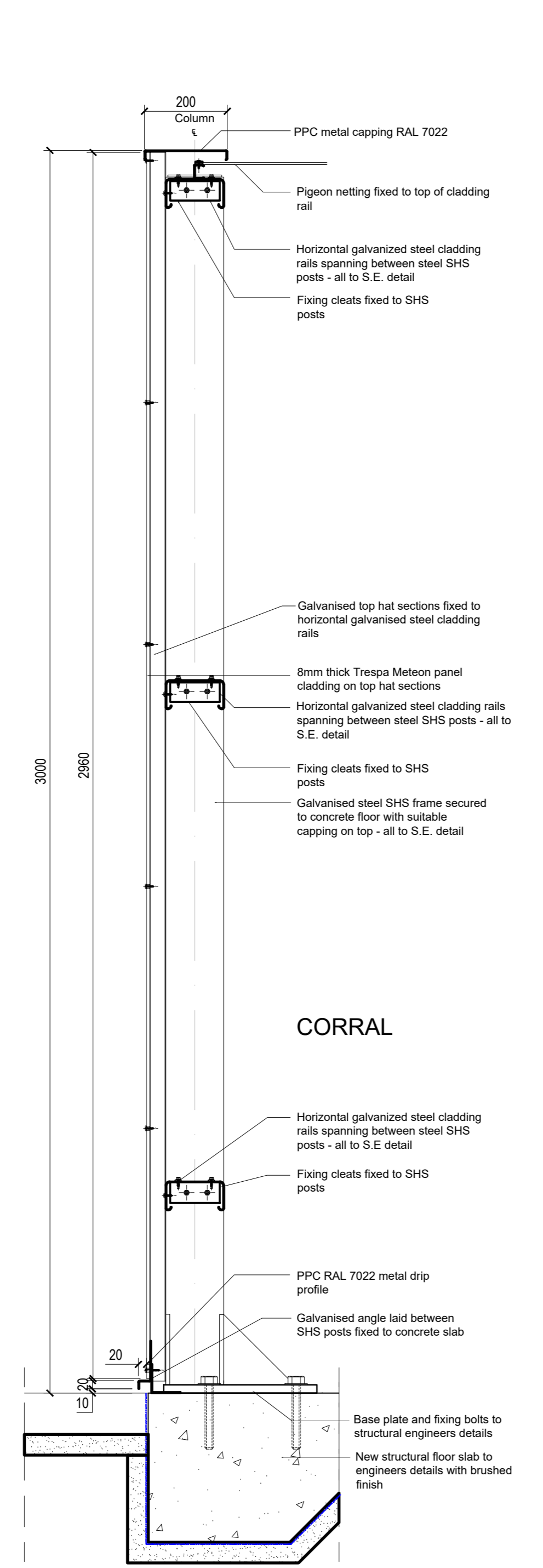
PLANNING

B	27/10/23	AF	JJS
MEP louvres & condensers added / updated			
A	06/10/23	LMD	JJS
Elevations & annotations updated			
-	06/09/23	MC	JJS
Initial Issue			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	For Information		
drawing stage	Planning		
client	McDonald's Restaurants Ltd		
project	Grampian Road Aviemore Retail Park		store 2121
drawing title	Existing & Proposed Elevations		
date	06/09/23	drawn	MC
scale@A1	1:100	checked	JJS

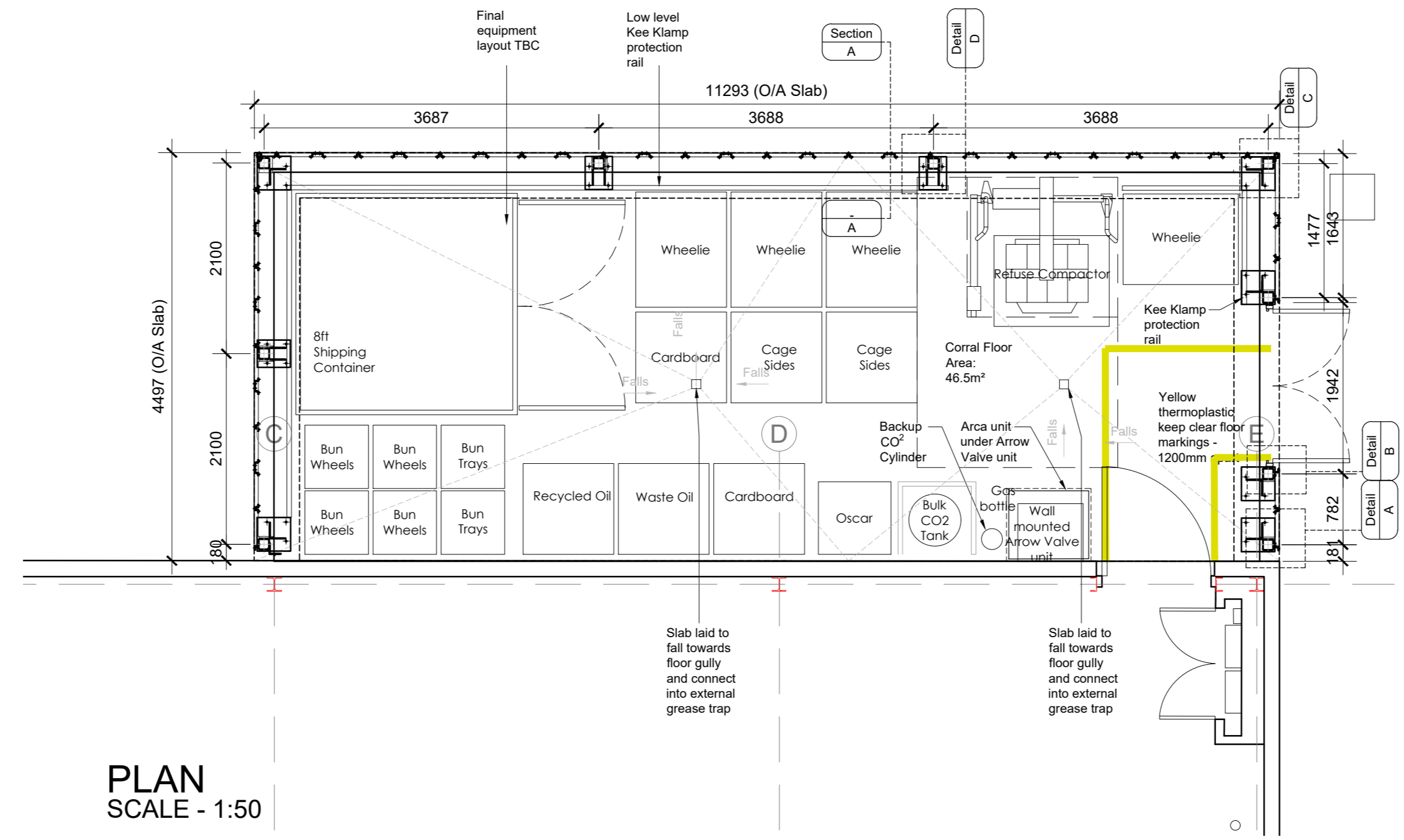
Existing & Proposed Elevations



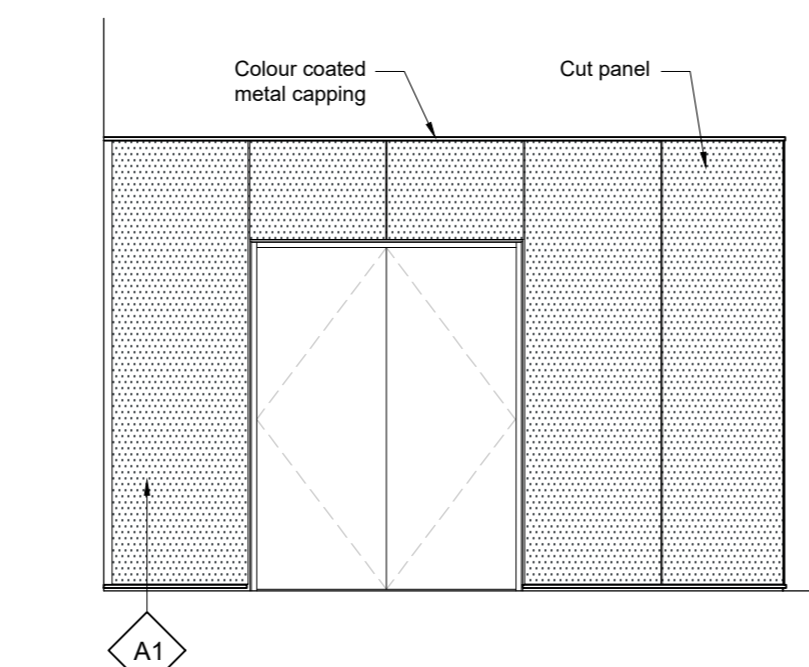
SECTIONAL ELEVATION
SCALE - 1:10



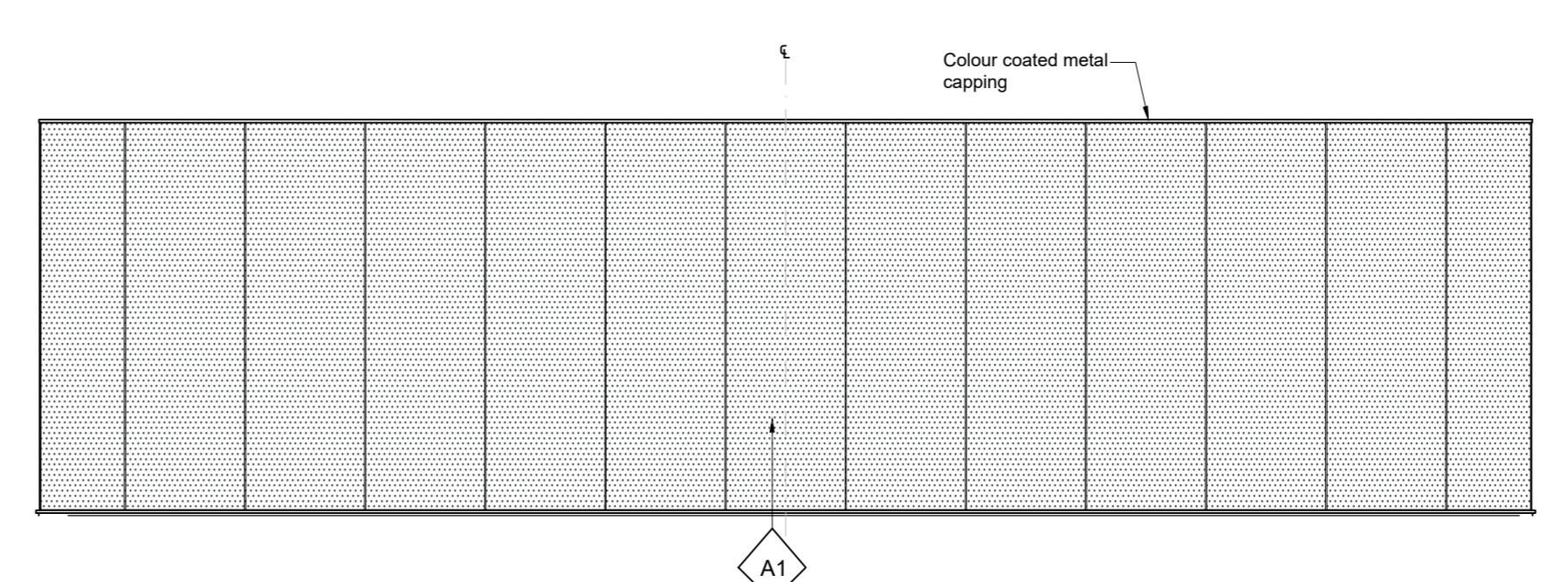
SECTION A-A
TYPICAL SECTION
SCALE - 1:10



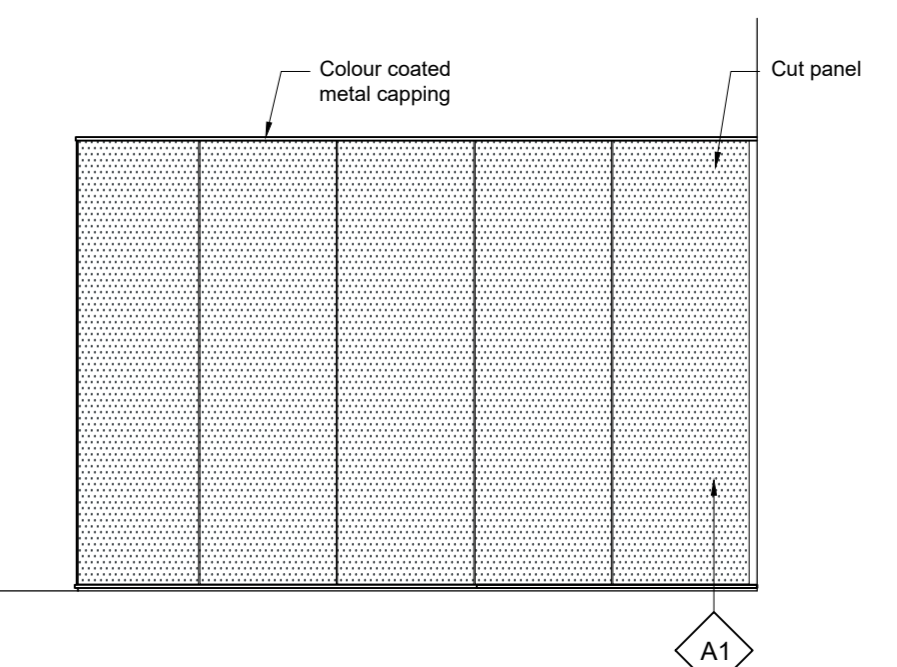
PLAN
SCALE - 1:50



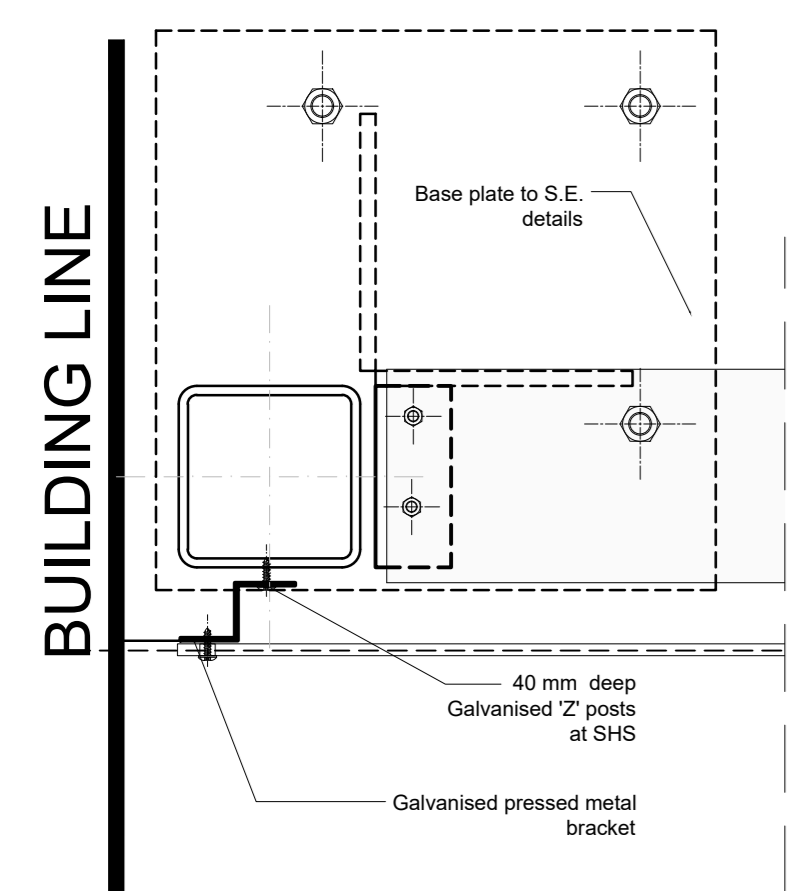
FRONT ELEVATION
SCALE - 1:50



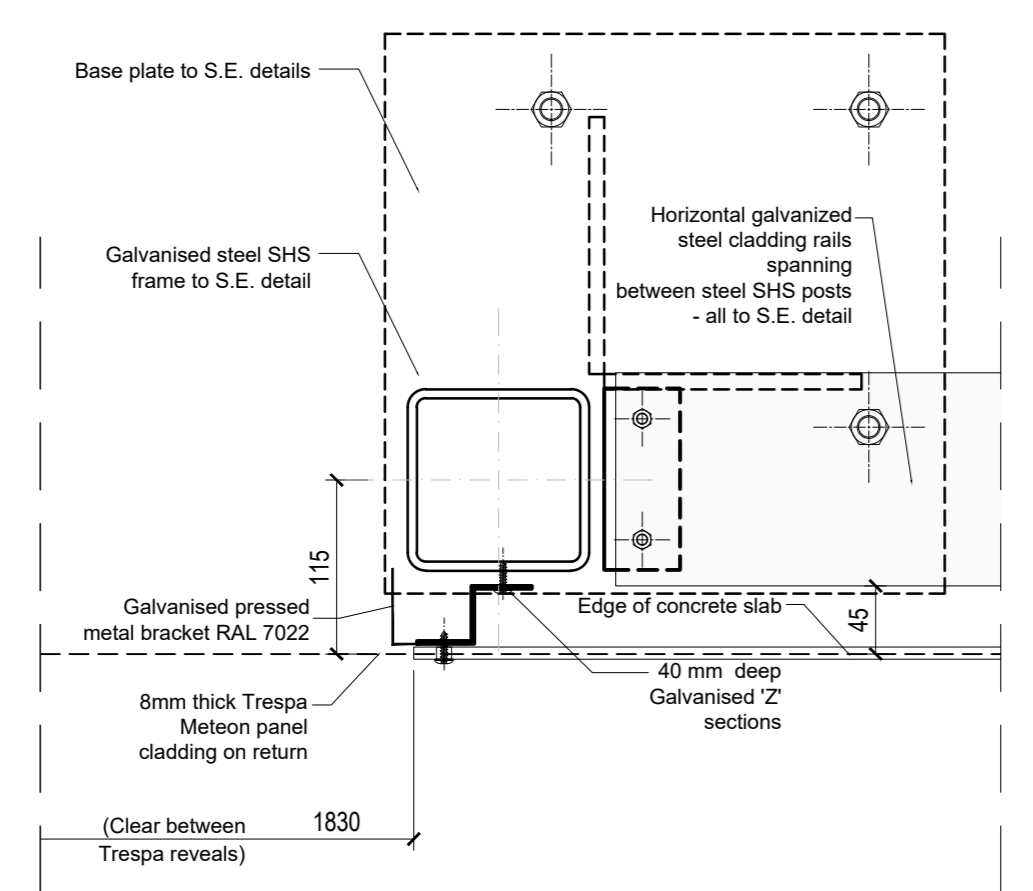
SIDE ELEVATION
SCALE - 1:50



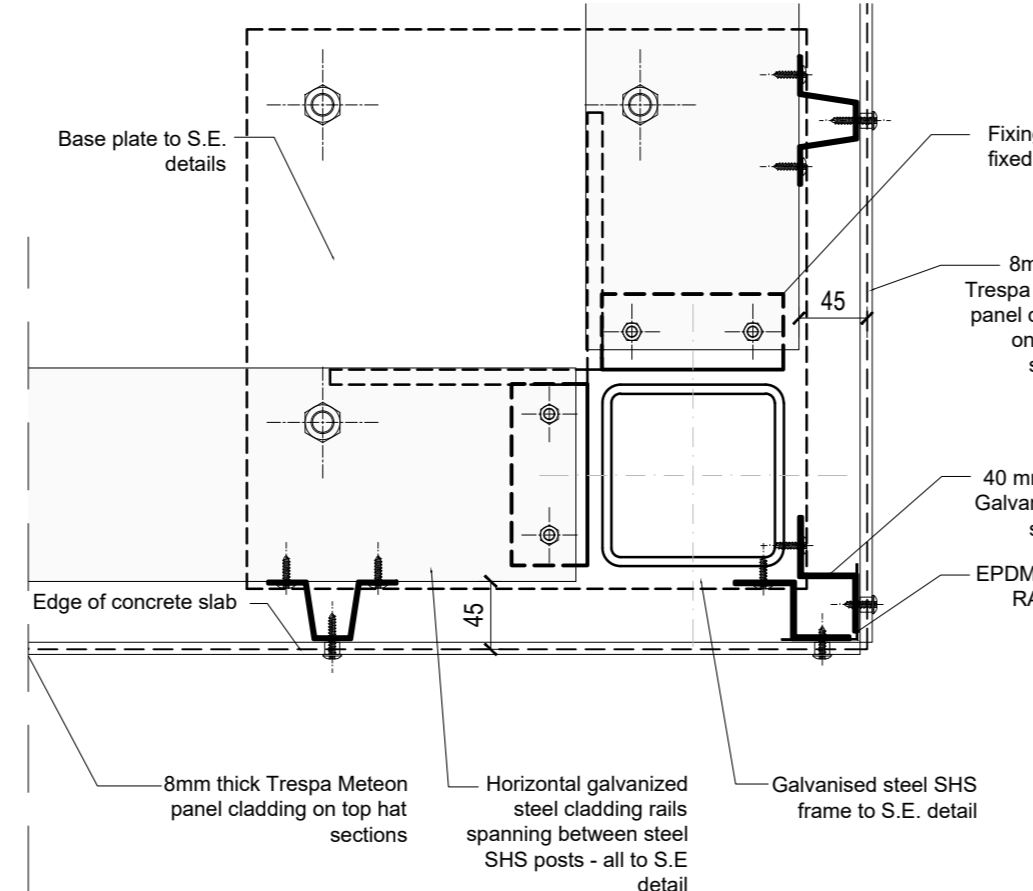
REAR ELEVATION
SCALE - 1:50



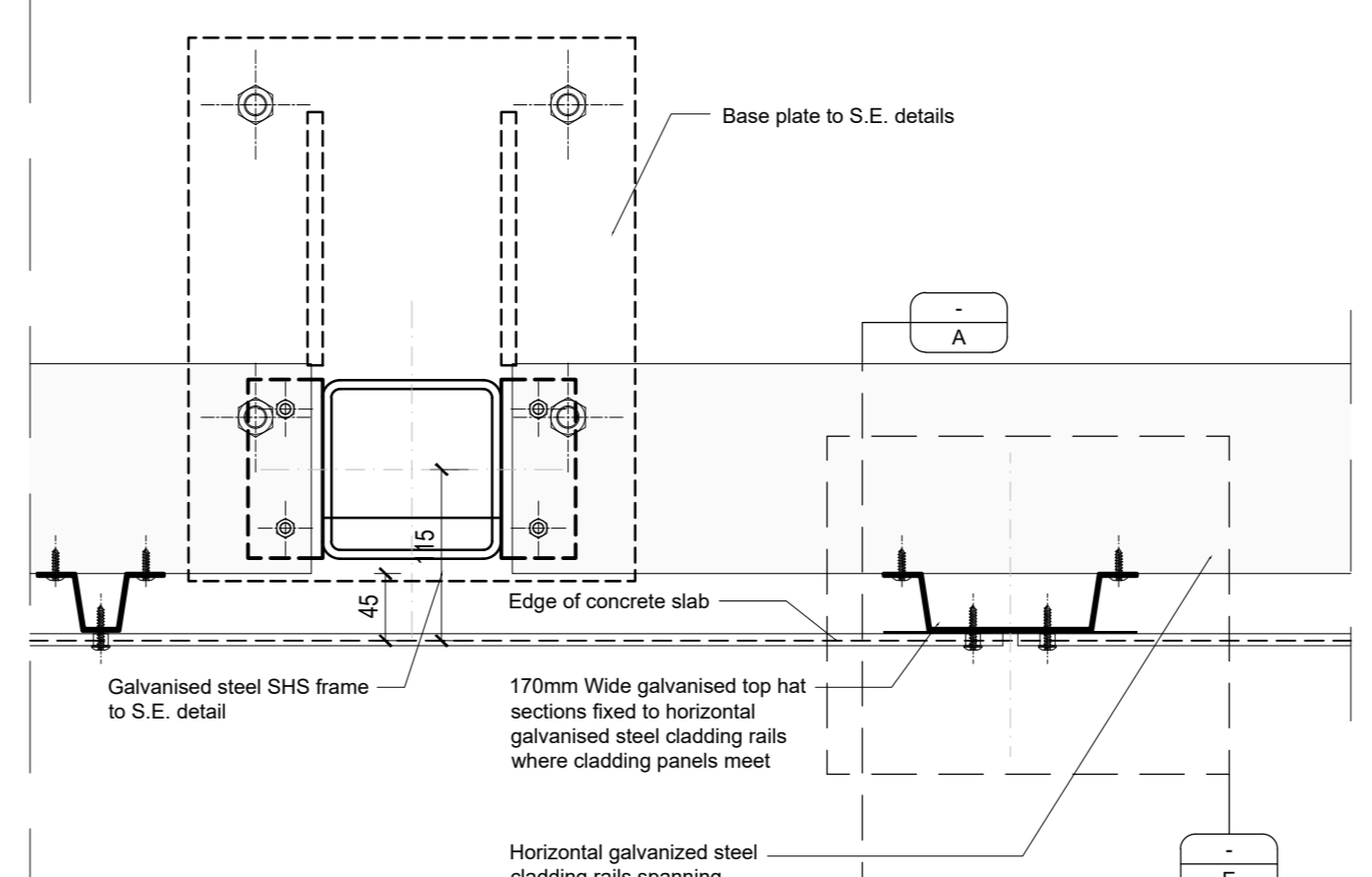
DETAIL A
SCALE 1:5



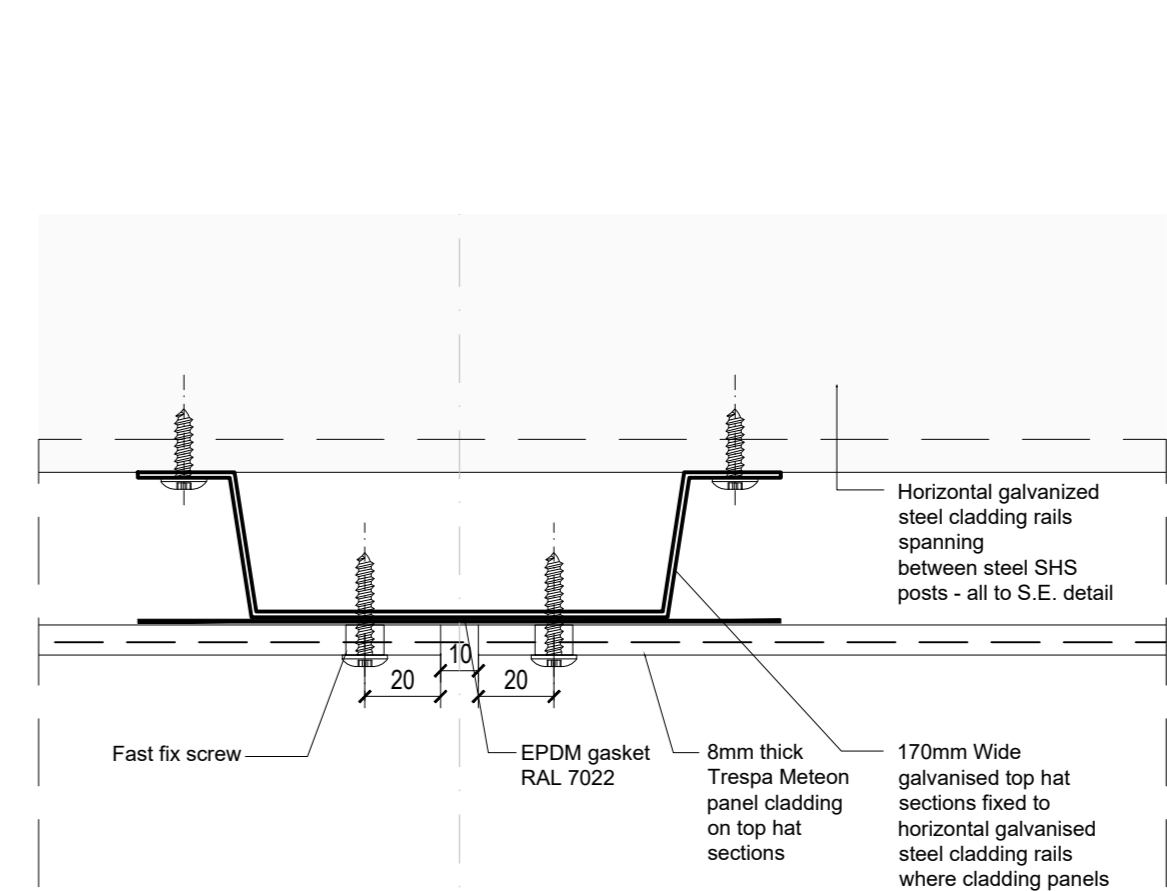
DETAIL B
SCALE 1:5



DETAIL C
SCALE 1:5



DETAIL D
SCALE 1:5



DETAIL E
SCALE - 1:2

- NOTES**
- All dimensions and levels are to be checked on site.
 - Any discrepancies are to be reported to the architect before any work commences.
 - This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
 - This drawing shall not be reproduced without express written permission from AEW.
 - Title overlay drawings and ownership boundaries are produced using all reasonable endeavours. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
 - All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
 - All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015
Client notified of duties: At Design Workshop
Principal Designer: CSB
Unless noted below, all known hazards have been highlighted on the drawing.

ELEVATION FINISHES KEY

A1	8mm Trespa Melson cladding panels. Colour: 'Van Colours' Anthracite Grey A.25.8.1. All joints RAL 7022
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NOTE:
Trespa panels to be fitted in accordance with manufacturers recommendations. Each top hat must be separated from Trespa panels by EPDM gasket - Colour: RAL 7022. All join use (CO2 fill point, gullies and RWPs) in corral to be centred 500mm from edge of corral slab.

REV	Date	Drawn by	Checked by
A	06/10/23	LMD	JJS
Floor area added			
-	06/09/23	MC	JJS
Initial Issue			
Status Purpose of Issue			
S2 For Information			
Drawing stage Planning			
Client McDonald's Restaurants Ltd			
project	store		
Gramplan Road		2121	
Aviemore Retail Park			
Drawing title Corral Details			
date	06/09/2023	drawn	MC
scale	Varies	checked	JJS