Agenda Item	6.2
Report	PLS
No	079/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 October 2018

Report Title: 18/03534/FUL: Aberdeen UK Property Fund

Land North of McDonald's Inshes Retail Park,

Sir Walter Scott Drive, Inverness.

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of Class 3 restaurant with "drive thru" facility including take

away function for consumption of hot food off the premises including

adjusted car parking and outdoor seating area.

Ward: 19 Inverness South

Development category: Local Development

Reason referred to Committee: Member Request.

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.

Recommendation

Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application proposes the development of a Class 3 "drive thru" restaurant within the Inshes Retail Park. The unit offers 204sqm / 2,200sqft gross internal area with a circulatory drive thru facility. It provides a small area of outdoor seating; waste management area, signage, etc.
- 1.2 The application presents a range of adjustments to the existing provision of services within the immediate retail park area including: -
 - Removal of six car parking spaces to facilitate the drive thru facility;
 - · Relocation of accessible parking spaces;
 - Amendments to the existing car park including introduction of one way routing, extended pedestrian areas & crossings, relocated cycle parking.
 - Adjustments (slight) to the rear service area with new service gate;
 - A security fence to the south boundary of the site.
- 1.3 Pre Application Consultation: None.
- 1.4 The application is supported by: -
 - Design Statement (including Servicing and Waste Management; Sustainability and Energy;
 - Transport Statement.
- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site presents as the last undeveloped plot within Inshes Retail Park, which extends from the Tesco Retail Unit and Petrol Filling Station in the north east to McDonalds and the B & M Store in the south west. The site is currently boarded off / awaiting development immediately north of the McDonalds "drive thru" restaurant; south / west of the B & M Stores and south of the common service access / yard.
- 2.2 Access to the unit for customers is via the existing retail park infrastructure. This offers access from the Southern Distributor Road (A8082) via Inshes Road to the west, or alternatively the main Inshes Roundabout to the north east via the Tesco Superstore. Service vehicles will access the unit from the existing B & M Store service yard / service road from Inshes Road between the SDR roundabout and Retail Park Access roundabout. Inshes Road also provides access to the wider residential neighbourhoods to the south.

3. PLANNING HISTORY

17.04.2018 Erection of Class 3 restaurant with drive thru Withdrawn facility including take away function for consumption of hot food off the premises including adjusted car parking and outdoor seating area. (17/05466/FUL)

21.05.2015	Erection of	of	Class	1	Retail	Warehouses	and	Granted
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Class 3 restaurant with drive through facility including take away function all with associated car parking, revised access, servicing and

landscaping (14/04516/FUL).

08.03.2012 Application under Section 42 to develop land Granted

without compliance with conditions 1 (b) (i) and (ii), 3, 7, 8, 12, 14 and 20 previously attached to 07/00160/OUTIN and conditions 3, 7, 9 and 15 previously attached to 08/00012/REMIN for the erection of a non food retail development, garden centre, bulk store and associated servicing at Southern Section Of Inshes District Centre Sir Walter Scott Drive Inverness IV2

3TW (11/03273/FUL)

21.04.2008 Non Food Retail Development Granted

(08/00012/REMIN).

09.05.2007 Non-food retail development, garden centre, Granted.

bulk store and associated servicing

(07/00160/OUTIN).

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3

Date Advertised: 09.08.2018

Representation deadline: 31.08.2018

Timeous representations: None

Late representations: None

5. CONSULTATIONS

5.1 **Transport Planning** has not formally objected to the application. However it has expressed concerns over a new drive-thru facility at this location.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 40 Retail Development
- 56 Travel
- 61 Landscape

- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 70 Waste Management Facilities
- 77 Public Access

6.2 Inverness Local Plan 2012 (as continued in force)

None

6.3 Inner Moray Firth Local Development Plan 2015

Policy 1 – Protecting and promoting City and Town Centres.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions (March 2013).
- Flood Risk & Drainage Impact Assessment (Jan 2013).
- Managing Waste in New Developments (March 2013).
- Sustainable Design Guide (Jan 2013).

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2014 and in particular :-

- Subject Policy A Successful, Sustainable Place Promoting Town Centres
- SPP Para's 70 73.

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 policy;
 - b) Scottish Planning Policy;
 - c) Planning History;
 - d) Layout and Design;
 - e) Access and Traffic Impacts;
 - f) Opening Hours
 - g) Amenity Noise and Litter.
 - h) Other material considerations;

Development plan / other planning policy

- 8.4 The site falls within an identified Town / Neighbourhood centre Inshes Park as recognised by the IMFLDP (2015). Policy 1 of the IMFLDP applies which seeks to promote and protect city and local centres to bolster their role as well connected meeting places and hubs for local facilities. This is the key policy test for the application although all other relevant policies of the development plan apply as noted above. In particular Policy 28 Sustainable Design, Policy 29 Design and Place Making and Policy 56 Travel. The latter policy highlights "development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on and off site transport implications of the development."
- 8.5 The IMFLDP states "Developers of proposals that generate footfall (visits by the general public) should consider sites that are suitable, in terms of the scale and type of development proposed, within those centres listed below. Developers should also consider how appropriate the scale and type of their proposed development is to the hierarchical scale and function of the centre within which it is proposed. If the Council considers that a proposal may result in an adverse impact on the vitality and viability of any of these centres then the developer will be required to produce a retail impact assessment. If this demonstrates an adverse impact then the development proposal will not be supported."
- 8.6 Given the fact that the site is located within a recognised commercial centre in Inverness the principle of commercial use within the retail park can be supported without consideration of potential adverse impact on the vitality and viability of the city centre and other town centres. The main consideration therefore then relates to the suitability of the site in terms of the scale and type of development proposed. If there are no adverse impacts then the application can be supported in accordance with the development plan.

Scottish Planning Policy

- 8.7 Given the age and status of the development plan, its policies in relation to retail developments remain consistent with the Scottish Government's SPP.
- 8.8 SPP also provides relevant advice pertaining to sustainable design and placemaking and in particular the principle of taking every opportunity to create high quality places through a design led approach. It also advances support for development which demonstrate the six qualities of successful place including: -
 - Distinctive
 - Safe and Pleasant
 - Welcoming
 - Adaptable
 - Resource efficient
 - Easy to move around and beyond

Planning History

- 8.9 The site of this application and the Inshes Retail Park in general has a considerable planning history. The development of this site represents the final phase of a part brownfield / part original site re-development of the western end of the Inshes Retail Park. The retail park benefits from proximity of Southern Distributor Road (SDR) which serves the south of Inverness and offers a link between the A9(T) and A82(T) roads. The retail park is accessible from the SDR both from the main Inshes Roundabout and Inshes Road roundabout, with Service deliveries being directed to the latter route and a service road linking to rear service yard areas.
- 8.10 The design of the retail park has largely been determined through earlier applications including provision of public car parking, bus stops, pedestrian links and crossings which link to nearby residential area. Application 14/04516/FUL was the most recent / relevant planning permission which founded the current layout of this western end of the retail park. This included the provision of a drive through facility, which has been taken up by the McDonalds currently operating to the south of the application site.
- 8.11 The site of the current application has planning permission for a retail unit extending to 743sqm on the ground floor. The applicant has advised that "there was no restriction on this planning permission in respect of mezzanine floor-space and as such the consented building could have extended to 1,486sqm gross. By contrast the drive thru unit will only extend to 223sqm which is around 15% of the consented retail space on the site." It is noteworthy that whilst the retail space is considerably smaller than already consented, the current application introduces a new element to customer arrangements; principally a drive through facility. It also offers a small outdoor seating area for customers.

Layout and Design

- 8.12 The application draws upon and is generally consistent with the established layout of the Inshes retail park. The unit in layout terms is accessed from the existing retail car park and the pedestrian networks around this area. The existing disabled parking in front of the development, provided for local units in this area, will be relocated within parking spaces in front of the existing B&M store and Bannatynes. This is to allow for the entrance and exit to the drive through facility, which circulates the single retail unit within the plot.
- 8.13 The development maintains the same pedestrian route on the frontage, as already provided. However this requires to be altered to allow for vehicle penetration around the retail unit, but with the retention of pedestrian crossing to sustain the pedestrian route. It is this element of the application that presents some concern in respect of pedestrian safety. This is considered further later in this assessment under access and traffic impact.
- 8.14 The development also sustains the footpath between this plot and the McDonald's development, which allows for connectivity between the retail park and Inshes Road where there is a pedestrian crossing facility that leads onto Inshes Park and wider residential neighbourhoods. This connecting route is an important consideration to recognise and its associated resulting passing footfall in addition to

the footfall generated by the local retail units alone. The development seeks to utilise the existing service road access and service area arrangements as already provided for, but with minor amendments.

- 8.15 In design terms the proposed building is generally consistent with the neighbouring "drive thru" unit to the south and will complete the western elevations to the retail park as seen from Inshes Road. The building will be subservient to the larger retail unit (B & M Store) to the north and south (McDonalds). It will be a flat roof 5m in height, finish in dark grey. The design palette of the retail unit will incorporate blockwork walls with a mix of white render or horizontally laid timber cladding. There will be extractor fans / plant high on the rear of the unit on its western elevation. These design details are acceptable.
- 8.16 The proposed seating area (six tables each with four chairs, with shared umbrellas) will sit on an area paved generally around the building, which will also incorporate external bin storage with surrounding timber fence. The retail unit and drive through area will have a boundary formed by a 1.8m timber fence.
- 8.17 The development as presented within the section / elevation plans with its neighbours ref PL 009 and PL 0010 are acceptable in terms of scale, building design and landscaping terms. These elements however do not address the key layout concern pertaining to the proposed drive through arrangements as noted above.

Access and Traffic Impacts.

- 8.18 As stated earlier in this report the application draws upon the established arrangements available at this existing operational retail park. It presents a number of small changes to take account of the requirements of a drive through service, whilst seeking to maintain servicing, pedestrian and parking arrangements specific to the development and generally within the retail park.
- 8.19 However the application has drawn operational safety concerns from Transport Planning. These relate to: -
 - the potential for the generation of new trips on a public road network that is already experiencing congestion problems at times through the working day.
 - The part of the retail car park adjacent to the application site operates above its practical capacity (e.g. - during busy periods on a Saturday). This issue generates more vehicle movements as people drive around looking for somewhere to park.
 - Demand to park in this congested area is expected to increase from this
 development, plus the new passing traffic that use the drive-thru without parking
 needing to negotiate the same parking aisles. This will increase the amount of
 exposure people walking between their cars.
- 8.20 In making the above comments Transport Planning has recognised the mitigation which the application brings forward to the design and operation of the car park (e.g. the proposed one way stretch; a new pedestrian walkway along the one way stretch; and the pedestrian crossing at the access and egress to the new drivethru). It also recognises the wider importance of the pedestrian link from the retail

park around the application site to Inshes Road and the signalised crossing. It feels that creating the new conflict points on this key active travel connection to serve the new drive-thru weakens the overall non-car connectivity of the wider retail park. It disagrees with the applicant's submission that these proposals will not have a negative impact on general safety of the car park. Transport Planning advises the proposals are unacceptable, notwithstanding it has not formally objected to the proposals.

- 8.21 When visiting the site and using this retail park and other retail parks over the years, there have been many different experiences. Congestion across the road network, particularly at the Inshes roundabout, results in a lot of traffic diversion off the main roads, which impacts on the approach roads into, across and out of the retail park. Parts of the retail car park have quite different levels of usage, influenced in full by the proximity of retail units that attract considerable footfall. So whilst there is overall capacity within the retail car parks, there are car parking zones which are extremely well used.
- 8.22 The use of the car park zone closest to the existing retail units at the south west end of the retail park are often in high demand. One of these units already offers "drive-thru" services. Accessing the existing drive-thru service is not straight forward and there are several routing options. The introduction of a second "drive-thru" without effective traffic management would most likely complicate traffic movements in this area. It has been noted that Transport Planning has requested planning conditions should the application be supported. These include the provision of further signage including no entry signs and no right turns.

Opening Hours

8.23 Within the Inshes retail park there are a variety of opening hours that have been supported relative to proposed uses, and the management practices of different retailers. Tesco and its associated petrol filling retail facility at the eastern end of the park operate on a 24 hour bases seven days a week, although delivery hours are restricted. Most retail units operate fairly standard day time / week day and weekend operating hours, but some for example Aldi have extended evening hours. The existing Mcdonalds drive through facility has permission to operate from 06.00 – 24.00. No specific operating hours have been requested within this application, but this could be managed by condition on a consistent basis with it neighbour, should the application be supported.

Amenity – Noise / Litter.

8.24 In a similar basis to the operational hours of any proposed drive-thru restaurant, the planning authority would address noise and local amenity interests of nearby housing through restrictions on construction management including deliveries; operational deliveries including the use of refrigerated units at site; noise limits upon all plant, machinery and other equipment; extractor units (odours); etc. Should the application be supported the existing framework set out in the earlier planning permission for this phase of retail development at Inshes (Ref 14/04516/FUL) should be deployed to manage amenity concerns of nearby housing.

8.25 The application presents a fast food restaurant where the vast majority of customers will leave the premises prior to opening and consuming the items purchased. Consumption may take place within the adjacent car park or further afield, with potential consequences of littering. There needs to be some consideration therefore of anti-litter measures that need to be implemented should the application be supported. These can target efforts towards public education, packaging, waste and litter and should be requested by condition.

Other material considerations

8.26 There are no other material considerations.

9. CONCLUSION

- 9.1 The application advances a relatively current retail project type i.e. one that offers drive through services. Such development can be accommodated within retail parks / neighbour centres. Indeed it would provide the second offering of this type of service at Inshes. There was no requirement for a retail assessment to assess the impact on the vitality and viability of existing retails centres, given the site's location within an existing retail park.
- 9.2 The scale of the proposed building, material selection for this unit, boundary treatments and landscaping are acceptable within this retail park / location generally. Planning conditions can be used to address specific safeguards relating to disabled parking provision, amenity, noise, odours and operational hours. The application has not attracted any objections from the general public / community council.
- 9.3 However, the application has raised access and traffic impact concerns from Transport Planning, although it has not made a formal objection. Transport planning has advised that it is not able to determine if the existing road network will be capable of accommodating the predicted trip levels from this proposed drive-thru. The proposal would introduce a new conflict point between vehicles and pedestrians, particularly within an area of the car park nearest to the proposed development. The concerns relate to the safety of pedestrians using the site and the intrusion by vehicles seeking out what would be the second drive through facility within a busy car park, which is also serving a range of other retail facilities and pedestrian connectivity between neighbourhoods.
- 9.4 From the application submission, including the exchange of information between transport planning experts, it has not been possible to draw out the acceptability of the application in layout and road safety terms. Accordingly in line with Policy 56 of the HwLDP and taking a precautionary approach as set out in Policy 28 Sustainable Design the application cannot be supported. There are real concerns that the current retail park would be compromised through the addition of this second drive through facility in such close proximity to an existing drive through which would adversely affect the use of this area. It is thereby in conflict with Policies 28 and 29 of the Highland-wide Local Development Plan. The concerns on access and traffic impact raise matters of safety concern in particular. These cannot be easily set aside or balanced against other benefits of the project and

therefore this application cannot be supported.

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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1. The application does not comply with Policy 56 (Travel) of the Highland-wide Local Development Plan as there is insufficient information to determine the likely "on and off" site transport implications of the development. This is reflected by the Council's Transport Planning Team response on the capacity of the local road network and retail car park to successfully accommodate the anticipated additional traffic generated.

The application does not comply with Policy 28 (Sustainable Design) and Policy 29 (Design Quality and Placemaking) of the Highland-wide Local Development Plan as there is no clarity on the compatibility of the development with existing services (e.g. roads and pedestrian links) to offer a better sense of place for additional drive through service activities

at this location.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Ken McCorquodale, Principal Planner

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

Plan 1- (PL)002 REV G Plan

Plan 2 – (PL)003 REV F Block Plan Plan 3 – (PL)004 REV F Floor Plan

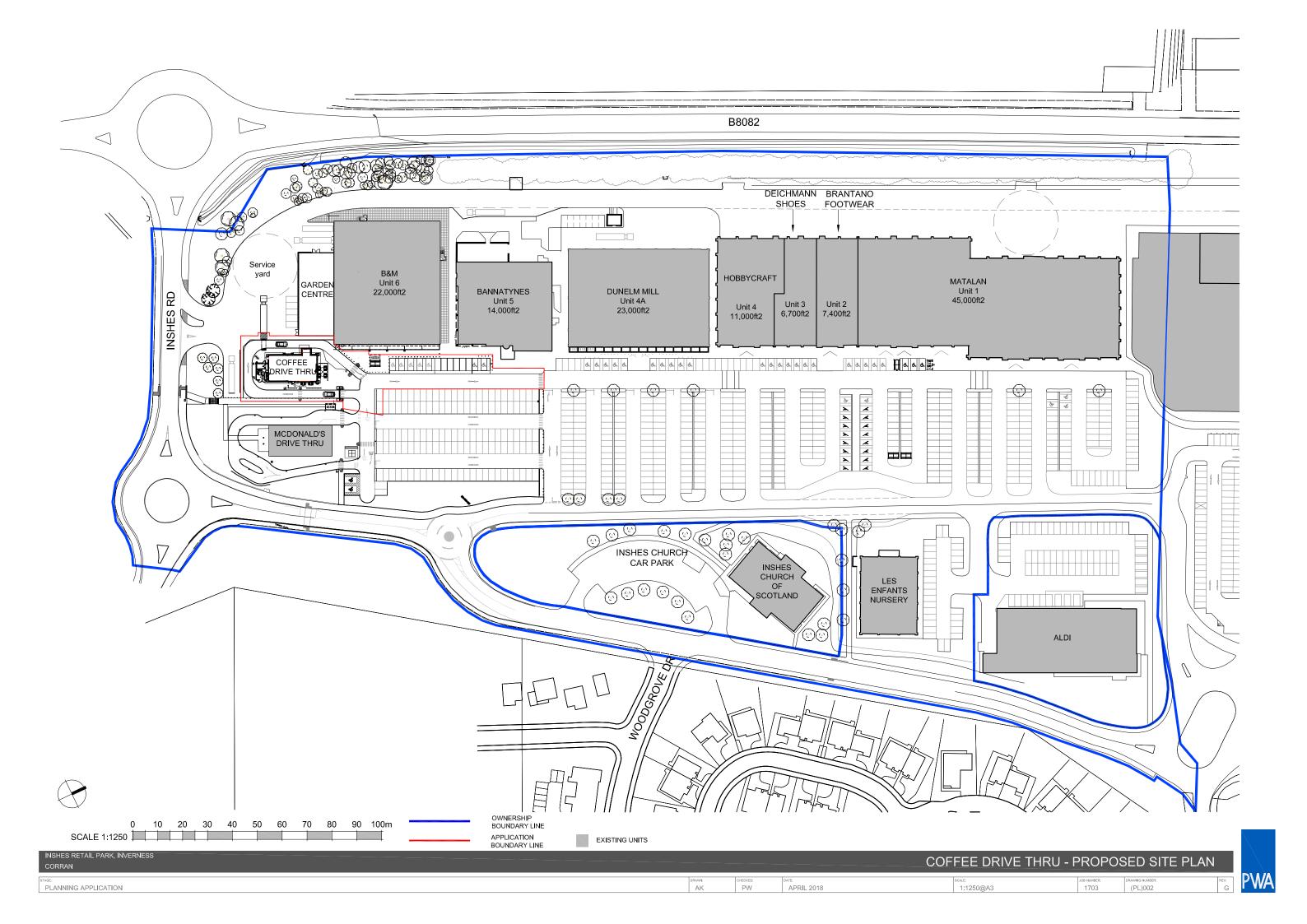
Plan 4 – (PL)005 Roof Plan

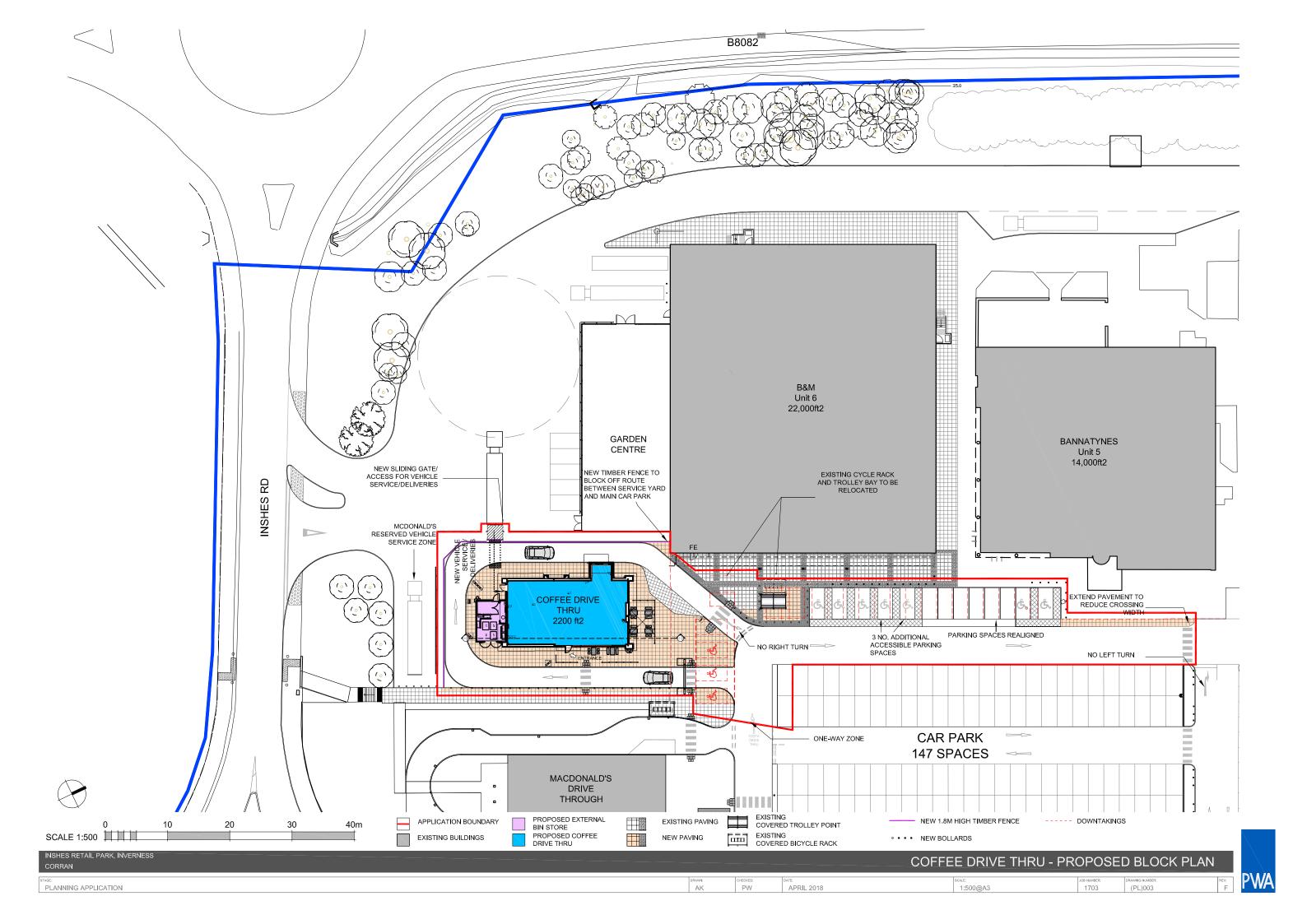
Plan 5 – (PL)007 REV C Elevations

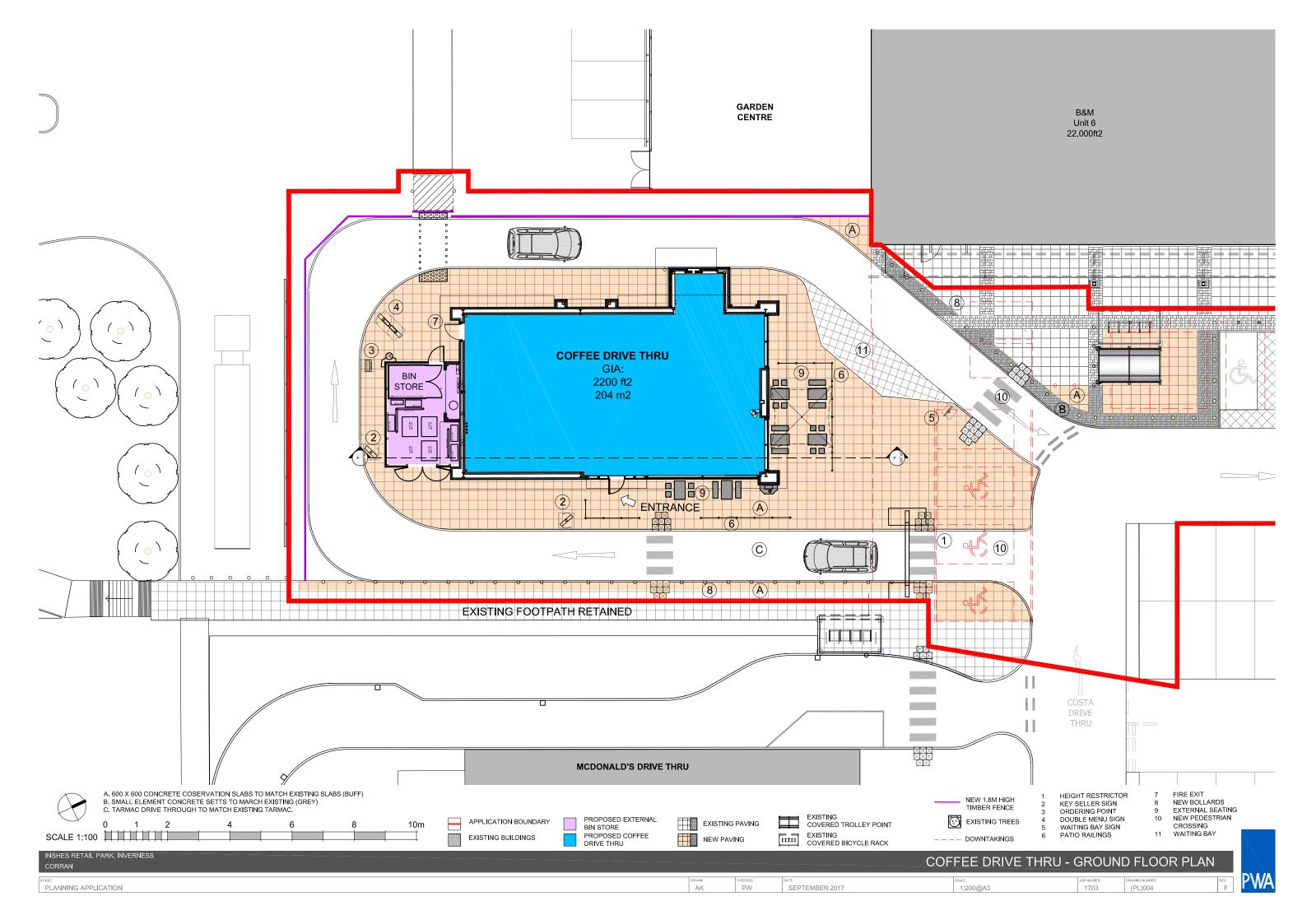
Plan 6 – (PL)008 REV C Elevations

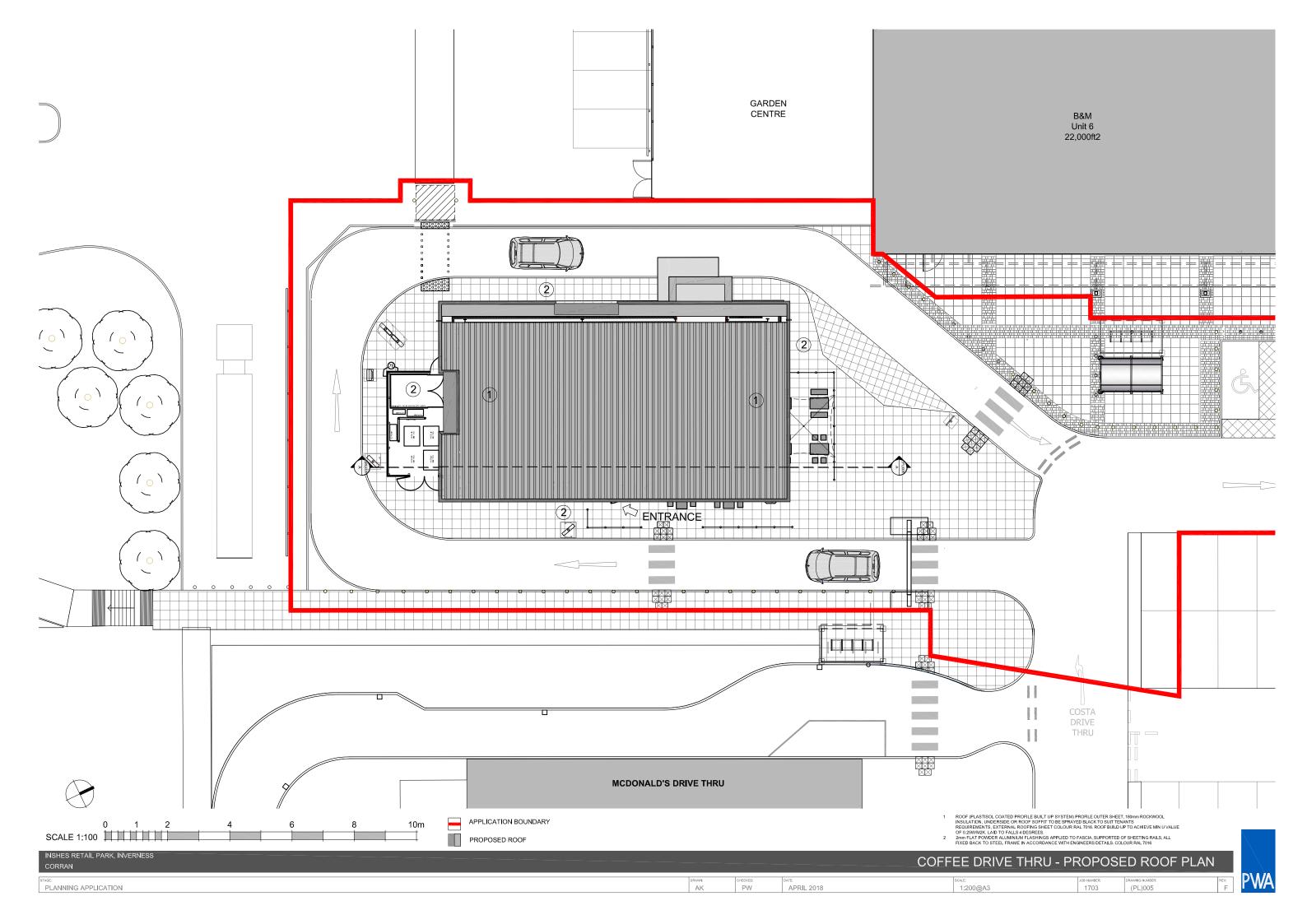
Plan 7 - (PL)009 REV C Sections

Plan 8 – (PL)010 REV C Sections















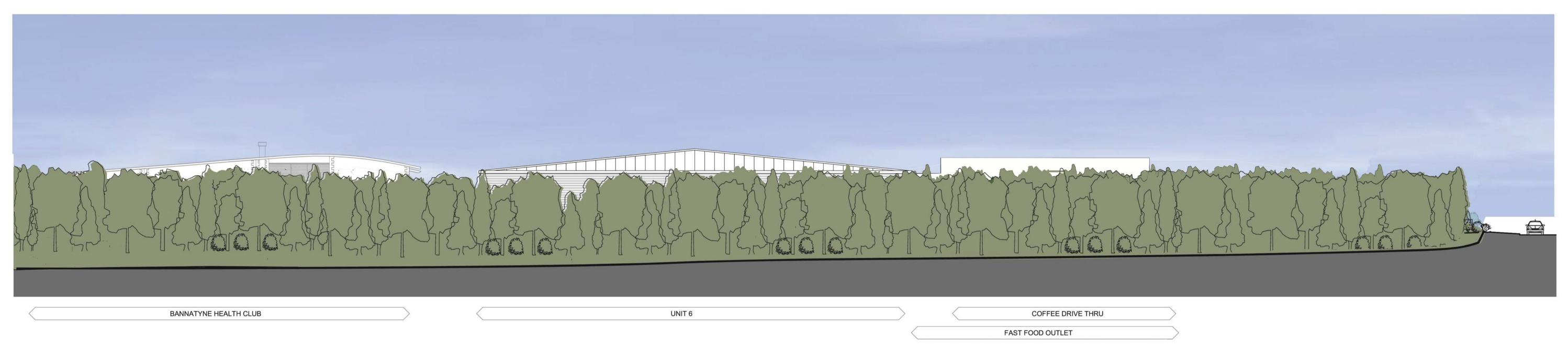


CONTEXT SECTION 1-1 LOOKING WEST



CONTEXT SECTION 2-2 LOOKING SOUTH

INSHES RETAIL PARK, INVERNESS



CONTEXT SECTION 3-3 FROM SIR WALTER SCOTT DRIVE



0 5 10 15m PROPOSED SIGNAGE ZONE

INSHES RETAIL PARK, INVERNESS CORRAN