
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MARY GRIER, PLANNING OFFICER,
(DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSAL: FULL PERMISSION FOR REFURBISHMENT AND ALTERATIONS TO CHEF'S GRILL AND ERECTION OF NEW STAFF ACCOMMODATION BLOCK AT PERTH ROAD, NEWTONMORE.

REFERENCE: 06/080/CP

APPLICANT: MR. J. HARPER, C/O DOUGLAS STUART, CHARTERED ARCHITECT, 32 CHURCH STREET, INVERNESS, IV1 1EH.

DATE CALLED-IN: 24TH MARCH 2006

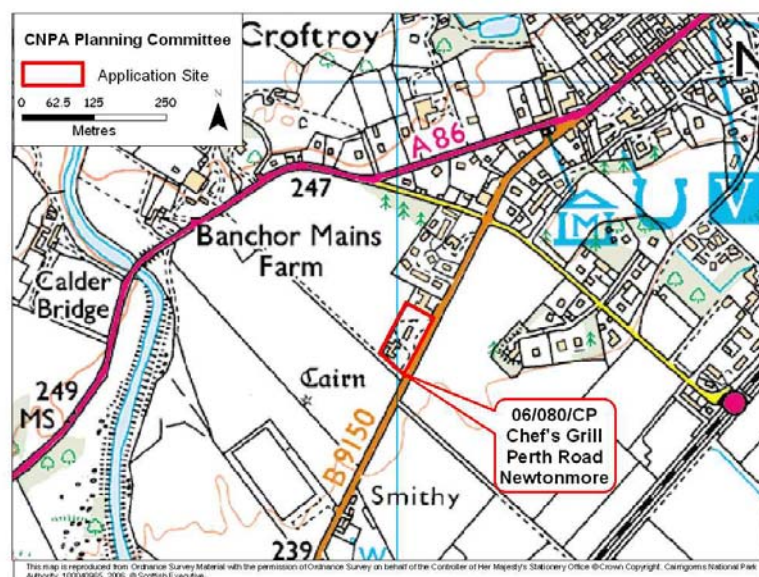


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full permission is sought in this application for the carrying out of refurbishment works and alterations to the Chef's Grill on Perth Road, at the southern entrance to Newtonmore village. Permission is also sought for the erection of a new staff accommodation block on the site. The subject site area is approximately 1,570 sq.m., consisting of level ground. The existing Chef's Grill facility is located in the south western corner of the site whilst the remainder of the site is given over to a large hard surface parking area associated with the business, much of which is utilised as a lorry park for heavy goods vehicles. A filling station facility operated on that area of the site at some time in the past. Areas adjacent to the south, east and west are open, consisting mainly of agricultural grassland, whilst the site is bounded to the north by a small housing group known as Balvatin Holiday Cottages. The southern and western boundaries of the site are formed by a post and wire fence and some trees exist adjacent to the southern site boundary. A large grassed earth bund forms the northern boundary of the site, whilst the remaining eastern boundary is open to the roadside, with the boundary division and the two vehicular entrances to the site demarcated only by a narrow grass strip.
2. Chef's Grill is a diner style restaurant / bar facility, which also incorporates a staff accommodation element. It consists of a single storey flat roofed structure which accommodates the main restaurant and bar area together with toilet facilities and kitchen area. A timber clad pitched roof structure adjoins the main structure and the existing staff accommodation is located in this area. The staff unit consists of 3 bedrooms, bathroom, kitchen and lounge area, and in addition to direct external access in the side elevation, it also incorporates an internal linkage into the bar area of the Chef's Grill.



Fig. 2 : Chef's Grill with staff accommodation unit to right

3. The proposal, although retaining the majority of the existing structure, involves extensive refurbishment externally as well as internally. The external alterations would result in the introduction of a pitched roof of matt grey metal profile sheeting on the structure, with the creation of a new frontage consisting of a mix of glazing and timber cladding, and including a pitched roof open porch projecting from a new entrance

area. Feature timber cladding is also proposed on part of the side elevation, with the remainder of the external walls being re-harled. An extension is also proposed to link into the existing bar section that extends to the rear of the structure.



Fig. 3 : Artists impression of proposed refurbishment works

4. Significant internal changes are proposed, with several walls to be demolished in an effort to create new space and additional functions. The main restaurant area is to remain in its current position, with floor to ceiling windows introduced to improve the aspect of the front elevation. The toilets in the south western corner of the premises are to be replaced by office accommodation, and also a dry store and cold store accessible from the kitchen area. The current staff accommodation is proposed to be replaced with enlarged male and female toilet facilities, as well as a number of shower cubicles. Remodelling of the existing bar area is also proposed, creating separate cellar space and spirit store behind the bar area. The existing projecting bar area to the rear of the property, together with the proposed new extension is intended to serve as the circulation space for the bar area, accommodating a snooker table, with double doors leading off this area to a lounge. A further set of double doors (located in the side elevation of the new extension) provide access to the car parking area.

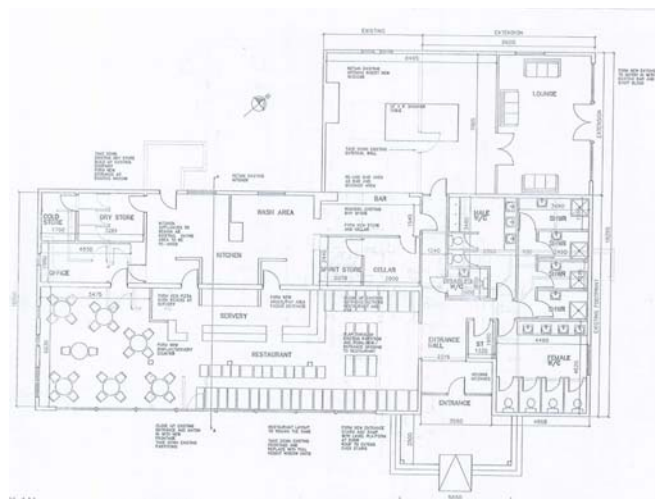


Fig. 4 : Proposed floor plan

5. In response to a suggestion from the Environmental Health Officer at Highland Council that provision is made for overnight toilet facilities for drivers using the lorry park, the internal arrangement was modified slightly to show a single toilet accessible from the outside of the structure for use by lorry drivers. It has been explained in supporting documentation that due to the licensed status of the premises it would be unacceptable from a security point of view for access to be provided within the building outwith opening hours. As regards external access to the single toilet, it is stated that it will be necessary for arrangements to be made for lorry drivers using the facility to obtain permission and to be provided with a key or code to gain access. It is a management procedure which is described as “necessary to prevent access by the general public and to safeguard the security of the premises.”
6. A new independent structure is proposed to provide staff accommodation and is located close to the western boundary of the site, approximately 12 metres from the Chef's Grill structure and 35 metres from the northern site boundary. The proposed residential unit is a 1 ½ storey structure, with windows in the upper gables and incorporating velux windows to provide natural light to the upper floors. The external walls are proposed to consist of concrete block with white harl over a cement render base course, with roof covering in the form of dark grey interlocking concrete tiles. The residential unit includes two entry points, with one in the front elevation leading into a hall via a small open porch, whilst the second is proposed in the side elevation, providing entry to the utility room. In addition to an open plan kitchen and living room, the proposed structure accommodates six bedrooms, four of which are located on the ground floor and all have en suite facilities, with the remaining two bedrooms at first floor level, where there is also a bathroom.
7. In the course of the planning application, it has been confirmed that the proposed accommodation block will be used for the purposes of staff accommodation only. The building has been designed to accommodate ten persons, all of whom would be employed on a full time basis at the Chef's Grill facility.



Fig. 5 : Proposed staff accommodation unit (front elevation)

8. Servicing arrangements are the same as those for the existing facility on the site, with foul drainage being disposed of by a connection to the public sewer. A public drain is used for surface water disposal and the water is from the public supply.

9. Proposals for additional landscaping around the periphery of the subject site have been included on a site layout plan, with a commitment given to the use of native species, detailing silver birch, cherry, rowan, hazel, dog wood and scots pine as the species to be used.¹ Due to the practicalities of frequent use of the parking area by large vehicles, including buses and HGV's, any sub-division of that area by the provision of planting internally has been discounted.

DEVELOPMENT PLAN CONTEXT

10. **The Highland Structure Plan 2001**
Policy G2 (Design for Sustainability) states that developments will be assessed on the extent to which they, amongst other things, are compatible with service provision; are accessible by public transport, cycling and walking as well as by car; maximise energy efficiency in terms of location, layout and design; make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; impact on habitats, species, landscape etc; demonstrate sensitive siting and high quality design; promote varied, lively and well-used environments; and contribute to the economic and social development of the community.
11. **Badenoch and Strathspey Local Plan 1997**
The **Badenoch and Strathspey Local Plan** describes Newtonmore as the main tourist and service centre for the south western part of Badenoch and Strathspey. It also states that service employment has become firmly established. The Plan outlines some of the principle planning considerations in Newtonmore, including identifying the best opportunities for village expansion; encouraging a balanced distribution of commercial and tourist activity; and safeguarding the wider village setting and encouraging large scale tree planting.
12. The subject site is allocated in the **Badenoch and Strathspey Local Plan (1997)** for Commerce / Tourism. **Policy 8.2.5 (b)** applies to the site and identifies it for tourist-related commercial development. The Plan suggests that the site could possibly incorporate "redevelopment of the restaurant and filling station together with adjoining land with planning permission for a ski hire / workshop, subject to adequate parking and safeguarding of trees."
13. **For information purposes only : The Consultation Draft of the Cairngorms National Park Local Plan** includes the subject site within the settlement boundary of Newtonmore. Together with land to the rear of the subject site, the area is identified for business purposes. The site is identified as B2, with the land to the rear being B3. and both are described as opportunity sites. **Policy opportunity sites B2 and**

¹ Silver birch to be planted at 2.5 metre intervals, growing up to 20 metres with 10 metre spread; cherry growing up to 18 metres with 10 metre spread; scots pine having an annual growth rate of 450mm.

B3 states the following – “The site of, and behind the café / lorry park, whose proximity to housing will require a low impact and carefully designed development, possibly for a few small scale start up units, and enhancement of the existing.”

CONSULTATIONS

14. The proposal has been examined by the **Area Roads and Community Works** division of Highland Council and a response has been received stating that there are no comments from an area roads perspective.
15. The initial report from Highland Council’s **Environmental Health Officer** stated that the service has no objection to the proposal. However, a number of observations were made which the **EHO** required to be taken into consideration. Firstly it was noted that the staff accommodation is likely to be used as a ‘House in Multiple Occupation’ and as such would require to be licensed by Highland Council. The **Environmental Health Officer** stated that maximum occupancy would be restricted to 8 people, as only the two bedrooms shown on the upper floor of the property are large enough to comply with the space requirements for a twin room.
16. The second point raised by the **Environmental Health Officer** was in relation to the current lack of sanitary facilities available for lorry drivers staying overnight at the site. In the interests of avoiding the creation of a statutory nuisance, the consultation response suggested that alterations should be made to the proposed layout to incorporate the provision of overnight toilet facilities for drivers using the lorry park. The consultation response noted that the proposed layout “would appear to need very little alteration to allow the toilets to remain open whilst the remainder of the building was closed. Revised details of the internal layout of the proposed staff accommodation block and the Chef’s Grill facility were submitted by the applicants agent on 11th July 2006 addressing the points raised by the **Environmental Health Officer** and consequently in an updated consultation response from the **EHO**, the previous concerns raised were deemed to have been satisfactorily addressed.
17. In an initial response received from the **Forestry Officer** at Highland Council some concern was expressed in relation to the proposed position of the staff accommodation unit, which at that time was proposed to be sited just 9 metres from an area covered by a Tree Preservation Order (TPO HRC 08C Laggan Road, Newtonmore). The report noted that a large bund of earthworks forming the northern boundary of the subject site is located between the boundary of the TPO and the proposed location of the staff accommodation unit and suggested that the erection of the building may require a change in levels in the area which would be detrimental to the trees at their boundary to the TPO. In order to safeguard the TPO from construction

works and any post development resentment it was suggested that the footprint of the accommodation unit be relocated to the south west. Revised proposals, including a revised site layout were submitted to the CNPA showing the position of the proposed staff accommodation block relocated to take account of the concerns raised by the **Forestry Officer** with regard to its proximity and impact upon the area of the TPO.

18. The **Forestry Officer's** report also recommended that the belt of existing semi mature trees in the south of the subject site are protected before and during construction, in accordance with BS Standard 8537 : 2005 Trees in Relation to Construction. In the event of the granting of planning permission it is required that no works or development are undertaken until a scheme for the protection of the retained trees has been agreed in writing with the Planning Authority.
19. In a response received from **Scottish Water** it is stated that there is no objection to the proposed development, subject to compliance with a number of conditions. The conditions include the provision of evidence of formal approval from the relevant landowner if the connection to the public sewer / water main is required to be laid through land outwith the applicant's ownership. The applicant is also required to make a separate application to Scottish Water Planning and Development Services team for permission to connect to the public wastewater system and water network at the appropriate time.
20. It is advised in the response that Scottish Water's sewer network assets have adequate capacity to accommodate this development at the present time. However it is also cautioned that connection to the public sewer network system is dependant on the spare capacity at the time of application for a sewer connection. Similar comments are made in relation to the public water supply, where it is stated that the water network infrastructure is not affected by the proposal at the present time, but once again it is advised that a supply from the public water network is dependant on the spare capacity at the time of application for a water connection.
21. The response from **Scottish Water** also advises that a totally separate drainage system will be required with the surface water discharging to a suitable outlet. It is stated that Scottish Water support the principle of a sustainable urban drainage system (SUDS) and it is also advised that the developer should consider utilising this in the surface water drainage design. **Scottish Water** also advise that they will not adopt surface water drainage systems that require the flows to be pumped.

22. **Newtonmore and Vicinity Community Council** have responded to express their “strong support” for the planning application, noting that the applicant has in recent years spent considerable sums of money on improving the premises. The proposed plans are considered to be a considerable visual enhancement in comparison to the existing building, which is described as having an “outdated 1960’s ‘Little Chef’ look,” which has done little to enhance the approach to the village from the south. The proposed design is described as “entirely in keeping with the general scene and built environment at that end of the village.” The proposed staff accommodation unit is welcomed as a considerable improvement on current arrangements. In conclusion, the response from **Newtonmore and Vicinity Community Council** considers the proposal to be in line with both the existing local plan for Newtonmore and also with that which is currently proposed.

REPRESENTATIONS

23. No representations have been received in respect of the proposed development.

APPRAISAL

24. The assessment of the proposed development is relatively straightforward in that it is essentially works to upgrade an existing commercial facility at the site and also the provision of staff accommodation in conjunction with the operation of that facility. The commercial nature of the development is generally in compliance with the Commerce / Tourism land use attributed to the site in the Badenoch and Strathspey Local Plan (1997). As detailed in paragraph 12 of this report the Local Plan was quite specific in identifying the site for tourist related commercial development and in particular suggesting that the site could incorporate the “redevelopment of the restaurant and filling station together with adjoining land with planning permission for a ski hire / workshop, subject to adequate parking and safeguarding of trees.” Given the age of the plan and the fact that circumstances appear to have changed significantly in the years since its adoption, for example, the fact that the aforementioned filling station is no longer in existence at the site, and also some reduction in skiing opportunities in the area due to altering winter weather conditions, I do not feel that it is appropriate to oppose development which is not of the particular type mentioned in the Plan i.e. ski hire / workshop.
25. The current application is compliant with the general land use allocation of Commerce / Tourism applicable to the site, albeit more of a commercial nature than a tourist facility, and the proposed alterations and refurbishment of the existing facility can be considered a response to current market demand for this type of facility. Given the distance of Newtonmore from the established ski centre in this area i.e. Cairngorm

Mountain, it is highly unlikely that there is any current demand for the ski hire / workshop type facility mentioned in the Local Plan. The principle of the type of existing commercial facility at the site has long been established at the site and the alterations proposed are clearly intended to revitalise this established business and assist in prolonging its longevity. It is also worth noting that the proposed site layout would not hinder any future alternative development of the former filling station area of the site, nor does it jeopardise any future access to lands to the rear, should such provision be required.

26. In terms of the accommodation unit, which is effectively a new dwelling house at this location, documentation submitted with this application is quite specific in describing the structure as a 'staff accommodation block' and clarifying that it would be occupied by staff employed at the Chef's Grill facility. It is pertinent to point out that there is an element of staff accommodation contained within the existing structure and this is to be omitted from the main structure in order to facilitate the refurbishment and upgrading works. Taken in conjunction with the upgrading and expansion of the restaurant / bar area into the area previously used for staff accommodation, it is no longer feasible to locate the staff accommodation within the existing footprint. The new structure would therefore accommodate the displaced staff accommodation and provide generally improved staff facilities. The position of the structure remains relatively close to the commercial element of the development and does not have any dedicated curtilage area or designated car parking provision.
27. I accept that the structure is intended as a staff accommodation facility to be used in conjunction with the operation of the commercial facility, which is the primary use, at the subject site. In the interests of consistency in the approach taken by the CNPA in relation to structures proposed to provide accommodation ancillary to commercial enterprises etc., I recommend in the event of consideration being given to the granting of planning permission for the proposed development that the applicant be required to enter into a section 75 agreement, restricting the use of the proposed structure to staff accommodation only and restricting the sale of the structure separate from the commercial facility at the site. The issue of entry into such an agreement has been briefly discussed with the applicants agent, who has indicated that there is no objection to such an agreement.
28. One of the key reasons for the 'call in' of this planning application referred to the sites location at a prominent key entrance point to the village of Newtonmore.



Fig. 6 : Views of Chef's Grill from the southern approach to Newtonmore

29. The development proposal represents an opportunity to improve the entrance to the village from the southern approach and it is my view that the proposed alterations and upgrading, including new higher quality external finishes such as the timber cladding and harled combination proposed, together with the introduction of a pitched roof, represents a significant visual enhancement of the site. In addition, proposals to provide additional landscaping at the site are also to be welcomed. I accept the reasons advanced in relation to the impracticalities of providing elements of landscaping within the existing car park and lorry park area. Nonetheless, proposals to provide planting on the periphery in existing grassed areas, as well as retaining the existing trees on the southern site boundary, have the potential to result in a significant visual enhancement of the site and ultimately of the approach to the village. The landscaping layout submitted is not however of sufficient detail at present and the absence of proposals for planting on the mounded area which forms the northern boundary of the site, as well as the absence of planting on parts of the western boundary are particularly evident. The mounded northern boundary of the site currently appears quite stark and whilst it would not be appropriate to plant trees in this area, the use of ground cover planting would undoubtedly enhance this area of the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

30. The proposed development does not have any direct impact on this aim. The improvement in the aesthetics of the existing structure, together with other on-site improvements such as further landscaping provision, would impact positively on the visual qualities of the area and in this respect would enhance the landscape character of the area.

Promote Sustainable Use of Natural Resources

31. The level of information provided is not sufficient to determine whether or not the development would promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

32. The development proposal would result in improvements to the quality of the surroundings and experience of this commercial enterprise and in this respect could assist in promoting the general public's enjoyment of the general area. In addition, the refurbishment works would result in a higher quality, visually enhanced structure at the southern entrance to Newtonmore, which could enhance the general public's perceptions and experience of the area.

Promote Sustainable Economic and Social Development of the Area

33. The refurbishment and upgrading of the commercial premises, together with the provision of improved quality staff accommodation, could have a positive impact on the economy of the area.

RECOMMENDATION

34. That Members of the Committee support a recommendation to:

Grant full planning permission for refurbishment and alterations to Chef's Grill and for the erection of a new staff accommodation block, subject to the completion of a Section 75 agreement restricting the use of the detached residential unit to staff accommodation only and restricting the sale of that unit separate from the main commercial facility i.e. the Chef's Grill, existing on the site, and in accordance with the following conditions –

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Prior to the commencement of development a revised landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority, acting as Planning Authority which shall provide further detailed proposals for landscaping on the western and northern areas of the site, in addition to the landscaping details shown on the plan submitted to the Cairngorms National Park Authority acting as Planning Authority on 11th August 2006.
 - (a) The agreed landscaping shall be completed during the planting season next following the completion of the development or such other date as may be agreed in writing with the Cairngorms National Park Authority acting as Planning Authority;
 - (b) The landscaped areas shall be maintained in perpetuity. Any trees or shrubs removed, or which in the opinion of the Cairngorms National Park Authority acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by

trees or shrubs of similar size and species to those originally required to be planted;

- (c) No trees on the site shall be uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
3. Prior to the commencement of development, a sample of the proposed roof finish shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority.
 4. No development shall commence on the site until a scheme for the retention and protection of the existing semi mature trees in the south of the site, (prepared in accordance with section 7, BS59837, the Tree Protection Plan), has been submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Forestry Section of Highland Council.
 5. All public services for the development including electrical, communal television and telephone cables, shall be undergrounded throughout the site.
 6. For the avoidance of doubt, this planning permission does not include for the erection of signage at the site. No goods shall be displayed adjacent to the public road or at any location outside the structure and no advertising boards or signs shall be erected adjacent to the public road, or elsewhere within the site or on the exterior of the structure (other than the extent of signage indicated on submitted elevation drawings) without prior consent from the relevant Authority.
 7. Final details of sustainable urban drainage arrangements (including details for ongoing maintenance) for the site shall be submitted to and approved by the Cairngorms National Park Authority acting as planning authority in consultation with SEPA prior to the commencement of the development hereby approved.

Advice note :

At the request of Scottish Water, the applicants attention is drawn to the following information : -

- In the event that the connection to the public sewer / water main requires to be laid through land outwith the applicant's ownership, the applicant must provide evidence of formal approval from the affected landowner(s) through whose ground the connection to the public wastewater system / water main must pass.

- The applicant must make a separate application to Scottish Water Planning and Development Services Team for permission to connect to the public wastewater system and water network at the appropriate time. The granting of planning consent does not guarantee a connection to Scottish Water's assets.

Determination Background

This planning application was called in for determination by the CNPA's Planning Committee at its meeting on 24th March 2006. A period of consultation commenced and upon receipt of the responses, a letter was issued by the CNPA on 24th May 2006 requesting various modifications to the proposal. Modified proposals were submitted to the CNPA on 11th August 2006.

Mary Grier
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21st August 2006

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