

PLANNING PERMISSION IN PRINCIPLE

Reference No: 21/02331/PIP

To:
Stratherrick And Foyers Community Trust
Ltd
The Wildside Centre
B862
Whitebridge
Scotland
IV2 6UN

Per:
Colin Armstrong Architects
Per: Colin Armstrong
Lyle House
Pavilion 1
Fairways Business Park
Inverness
Scotland
IV2 6AA

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

DECISION NOTICE

**Community amenity development (masterplan), MUGA, sports/play areas, car park,
community hall, gym
Land 100M NW Of Linden Grays Park, Foyers**

The Highland Council in exercise of its powers under the above Acts grants **planning permission in principle** 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
Location Plan	90-102		13.05.2021
General Plan	90-101		13.05.2021
Site Layout Plan	90_100	REV B	15.10.2021

CONDITIONS & REASONS

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

1. No development shall commence within a phase, or relating to a phase, until all of the matters specified below, as they relate to or are relied upon by that phase, have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase.

Dated: 13th June 2022

David Mudie
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Area Planning Manager

2. No development shall commence until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure until required improvements have been put in place.

3. No topsoil shall be stripped from any phase area of the development hereby approved (as defined on the approved plans):
- i. which does not benefit from the approval of matters specified in conditions specific to that phase; and
 - ii. until a Notice of Initiation of Development, under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), has been submitted to, and acknowledged in writing by, the Planning Authority.

Furthermore, any undeveloped phases shall be maintained in a tidy order with weed control measures and grass cutting carried out at least four times per year.

Reason: To ensure that topsoil is not removed from future phases of the proposed development until it is absolutely necessary and that undeveloped phases are properly maintained; in the interests of visual amenity and the prevention of dust-related pollution.

4. 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. This shall be a phased landscaping scheme to accord with the approved phasing of the development unless otherwise approved in writing by the Planning Authority. The area of Parkland shall be formed within the first planting season following occupation of the tenth house in phase 1 of the development or occupation of the first unit in the commercial centre, whichever is the sooner. 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.

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

- 5. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

- 6. 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 Fourth 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.

- 7. No development shall commence on site until full details of all temporary surface water drainage measures designed to prevent flooding and contamination of existing watercourses during construction have been submitted to and agreed in writing by the Planning Authority and thereafter so implemented.

Reason: In order to ensure the proper provision of SUDS facilities.

- 8. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

- 9. No work shall start on site until the 2 parallel parking spaces are formed as shown on Drawing 90.100 REV B with associated pavement and relocation of lighting and other services with suitable signage provided to designate it for use by local residents. Details shall be submitted in writing for the prior written approval of the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road traffic safety.

- 10. No development shall commence on site until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority in consultation with Roads Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete. This shall include specific requirements for managing safe construction access over the River Foyers, along with other controls to manage impacts on the existing local community and facilities in the area.

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Reason: In the interests of road traffic safety and amenity

- 11. No work shall start on site until details of the footway connections from the U1185 Riverside Road into the site shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. Thereafter, the footway connections shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In the interests of pedestrian safety.

- 12. No development shall commence until full details with reference to the latest national guidance "Cycling by Design"). of a covered and secure communal bicycle storage/racking system for 10 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In order to facilitate the use of a variety of modes of transport.

- 13. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

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

- 14. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented. The use of MUGA shall be restricted to 21:00 hours.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

- 15. No development shall commence until full details of the footway connections from the U1185 Riverside Road into the site are submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of pedestrian safety.

- 16. No development shall commence until details of additional active travel connections into the site from likely desire lines from the surrounding area site are submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority.

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Reason: In the interests of pedestrian and road traffic safety.

17. No development shall commence until details of an area / areas within the site for parking overspill for overflow car parking use are submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. Thereafter, the overspill parking shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In the interests of pedestrian and road traffic safety.

18. No development shall commence until details of the location and designs for disabled spaces are submitted to and approved by the Planning Authority in consultation with the Roads Authority. Thereafter, the disabled spaces shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: To ensure there is sufficient provision for disabled parking

19. No development shall commence until details of a generic Events Management Plan is submitted to and approved by the Planning Authority in consultation with the Roads Authority. The generic Plan, once approved, shall then form the basis of preparing for any events that the new development will host in the future, being adjusted as necessary to suit specific events and as a result of experiences learned from previous events.

Reason: In the interest of road traffic safety

20. No development shall commence until a Noise Impact Assessment has been submitted to, and approved in writing by, the Planning Authority in consultation with Environmental Health. The assessment shall be carried out by a suitably qualified and competent person and shall assess the likely impact of noise emanating from the development on neighbouring properties with reference to the Design Guide Note published by Sport England: -Artificial Grass Pitch (AGP) Acoustics - Planning Implications. Furthermore, the following should comprise part of the assessment:-

- i. A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;
- ii. A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;
- iv. A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site;
- v. A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be provided; and
- vi. An assessment of the predicted noise levels in comparison with relevant standards.

Development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be implemented prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority. The assessment should include a noise management plan identifying who will be responsible for managing the site and detailing the management proposals for minimising the likelihood of disturbance.

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

21. A lockable gate or barrier shall be erected at the entrance to the site the details of which shall be agreed in writing by the Planning Authority. This shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: To restrict the use of the car park for the recreational uses granted approval by this permission.

22. No work shall start on site until a Tree Protection Plan (in accordance with BS 5837- 2012) is submitted to, and approved in writing by, the Planning Authority. Thereafter the scheme so approved shall be installed and retained in place throughout the construction period. Such scheme shall contain details of the erection and maintenance of fences around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. No storage of equipment, materials or machinery, nor dumping of material nor lighting of fires shall be permitted within the agreed tree protection zone all to the satisfaction of the Planning Authority

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

23. No later than 6 months prior to the first use of the site, an operational management plan (OMP) shall be submitted to and approved in writing by the Planning Authority.

The OMP shall include:

- a) The opening and operational hours of each elements within the facility;
- b) Details of how events and users of the site will be managed across the application site;
- c) The estimated user numbers for each facility;
- d) Measures to encourage sustainable transport to the site including the provision of signage on the wider footpath network between Upper and Lower Foyers;
- e) Measures to manage the site to avoid use of the site outwith the operational hours; and
- f) Proposals for a public information protocol and a communications strategy (including a website) to provide information on the use of the site and the provision of an advance schedule of any events which may take place on the site.

Thereafter the approved OMP shall be implemented in full.

The VMP will also include provision for monitoring of the Operational Management Plan and a review of the OMP shall be undertaken, in consultation with the Council during the first year of operation. Thereafter, monitoring and review of the visitor management plan will take place at the end of the 2nd year of operation and thereafter every two years following of first use of the development; or at the request of the Council.

Following each review of the OMP, the revised OMP shall be submitted for the written approval of the Planning Authority. Thereafter the revised VMP shall be implemented in full.

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Reason: To ensure that site is managed in a manner which avoids adverse impacts on residential amenity.

24. 6 months prior to the start of development on site a liaison group (which shall include members of the community and at least one ward 12 member) shall be established, details of which (including constitution and remit) shall be agreed in writing with the Planning Authority. Thereafter the group shall meet in accordance with an agreed frequency during the duration of construction. The remit of the group will be to keep the community fully informed of the development and its impact on the surrounding area during construction.

Reason: To ensure that the community is kept informed about the work on the development.

Variations

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

- Provision of two off-site parking spaces adjacent to Riverside residents;
- Footpath amendments and dropped kerb crossings added;
- A path connection from the development to the public park has been added;
- Inclusion of an overspill parking area;
- Provision of a footway from building to sports field;
- Increase in covered secure cycle parking provision from 5 to 10 cycle parking spaces and
- Provision of level access between bin store and refuse vehicle collection area.

Section 75 Obligation

None

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

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.

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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**.

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 & 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.

No works should be undertaken on or immediately adjacent to local public roads until an application has been submitted to and accepted by Highland Council as the Local Roads Authority. Such permits should be sought through Highland Council website (see link below).

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

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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>

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 outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Utility checking on site

The <https://www.linsearchbeforeudig.co.uk/> website is a self-service website to allow you to check your proposal and site for utility assets before the commencement of any development on site.

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

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Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free *Damage Prevention e-Learning* only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

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RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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).

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