

PLANNING PERMISSION

Reference No: 15/04049/FUL

To:
3A Partnership Ltd
C/o Agent
Willow House
Stoneyfield Business Park
Inverness
IV2 7PA

Per:
G H Johnston Building Consultants
Ltd
Per: Colin Mackenzie
Willow House
Stoneyfield Business Park
Stoneyfield
Inverness
IV2 7PA

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

DECISION NOTICE

**Phased layout and servicing (including access, parking, utilities, landscaping and public art) of land for development of a tourism and commercial/leisure complex.
Land 255M South Of Drumossie Hotel Inshes Inverness**

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

Document Type	Document No.	Version No.	Date Received
Site Layout Plan	PL 001	C	01.04.2016
Site Layout Plan	PL 003		01.04.2016

CONDITIONS AND REASONS

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

1. **For the avoidance of doubt, the planning permission hereby granted is for change of use of land only to comprise a phased layout and servicing (including access, parking, utilities, landscaping and public art) of land for development of a tourism and leisure complex comprising a maximum of 48 lodges and apartments and buildings for commercial/leisure uses, reception, marketing/office and grounds maintenance accommodation. No development shall commence on site other than the formation of the main road access junction with the B9177 in accordance with details to be submitted and agreed in writing by the Planning Authority. All other matters as referred to, including all infrastructure, traffic management and internal roads, footways and cycleways, pedestrian facilities and sustainable means of access shall be the subject of and require separate planning permission. The use shall not be implemented until these matters are granted planning permission. For the further avoidance of doubt, the development shall proceed in accordance with the approved phasing.**

Reason: The application is for change of use of land and additional details are required.

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Area Planning Manager

2. No development shall commence on the construction of the road access junction until details are submitted to and agreed in writing by the Planning Authority. The details shall specify the requisite visibility splays, set back from the public road and boundary finishes to define the east boundary. Thereafter the access junction will be formed in accordance with the agreed details to the satisfaction of the Planning Authority.

Reason : In the interests of public safety and the free flow of traffic.

3. No development shall commence on the construction of the road access junction until a scheme to enhance the advanced signing and road markings for the proposed junction arrangements on the B9177 has been submitted to and agreed in writing by the Planning Authority. Thereafter the approved scheme shall be implemented and completed before development commences on the access junction to the satisfaction of the Planning Authority.

Reason : In the interests of the free flow of traffic and public safety.

4. No development shall commence on the construction of the road access junction until details of the method by which surface water will be drained to ensure no discharge of surface water onto the public road have been submitted to and agreed in writing by the Planning Authority. Thereafter the access junction will be formed in accordance with the agreed details to the satisfaction of the Planning Authority.

Reason : In the interest of public safety and to prevent the discharge of surface water onto the public road.

5. For the avoidance of doubt the Landscape Management Plan as submitted is not approved and no landscaping shall be undertaken on site until a revised Landscape Management Plan for landscaping and onward maintenance of the land outwith the footprint of development to the west of the site, including timescales, is submitted to and agreed in writing by the Planning Authority. Thereafter landscaping of the agreed areas may proceed in accordance with the approved Plan and shall be maintained in accordance with the approved plan all to the satisfaction of the Planning Authority.

Reason : In the interest of visual amenity.

6. No development shall commence until a scheme for the maintenance (which shall comprise a property management and maintenance agreement), in perpetuity, of all trees, landscaping, areas of open space including the area to the west of the development site, public art, roads and footpaths and boundary enclosures has been submitted to, and approved in writing by the Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved methodology.

Reason : to ensure the satisfactory functioning and upkeep of the site as a tourism and leisure facility.

7. No development or work (including site clearance) on the access junction, or landscaping, shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with

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the agreed timetable for investigation.

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

8. No development shall commence until a pre-commencement survey for statutorily protected species has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the survey and the timescales contain therein to the satisfaction of the Planning Authority.

Reason: In order to afford protection to statutorily protected species.

9. No development shall commence on site (with the exception of the proposed access) unless a Masterplan for the site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, the masterplan shall identify the phasing of development and associated infrastructure including landscaping of the site together with design principles for individual buildings. Thereafter any further applications for planning permission including services, landscaping and infrastructure shall comply with the terms of the Masterplan to the satisfaction of the planning authority.

Reason: In order to ensure the development accords with the principles of the Masterplan.

10. No development shall commence on site, including construction of the proposed access, unless details of the footpath between the application site and the facilities at the Drumossie Hotel has been submitted to and agreed in writing by the planning authority. Thereafter the footpath shall be completed in accordance with the approved details before any use of the access is implemented all to the satisfaction of the planning authority.

Reason: in the interests of public safety and to encourage sustainable access.

Variations

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

1. Details of access arrangements varied to take account of consultee comments

Section 75 Obligation

An Obligation in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 Obligation are as follows:

1. Developer contributions will be required for off site roads related matters unless provided by the applicant..

The full Section 75 Obligation can be inspected at the relevant planning office.

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IMPORTANT INFORMATIVES

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

REASON FOR DECISION

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

TIME LIMITS

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.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. 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.

Accordance with Approved Plans & Conditions

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

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 (p.198), 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.

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Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupati on.htm>

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.

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 Scottish Natural Heritage 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 SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

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Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Building Regulations

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

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

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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 from the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
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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