

PLANNING PERMISSION

Reference No: 19/03841/FUL

To:
Strathpeffer Residents' Association
Per: David Genney
25 Kinellan Drive
Strathpeffer
IV14 9BZ

Per:
Alan Jones Associates
Per: Alan Jones
62 Boswell Road
Inverness
IV2 3EJ

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

DECISION NOTICE

Installation of footpath network, play areas, bike track, storage shed and raised beds Play Area, Ord Terrace, Strathpeffer

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	000001	REV A	02.10.2019
Store Floor/Elevation Plan	000002		02.10.2019
Play Area Plan	000003		02.10.2019
Location Plan	000005		02.10.2019
Site Layout Plan	000006		02.10.2019
Zip Line Plan	15.1		07.10.2019

CONDITIONS AND REASONS

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

1. No development shall commence until details of all tree felling, planting and maintenance, including existing trees and hedging, has been submitted to and approved in writing by the Planning Authority. All approved work shall be implemented in accordance with the approved plan and shall be maintained in perpetuity to the satisfaction of the Planning Authority. For the avoidance of doubt this shall include retention and future maintenance of the roadside hedge along the A834.

Reason: In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

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2. No development shall commence until a final drainage design is submitted to, and approved in writing by, the Council's Flood Risk Management (FRM) team. All surface water discharge into the Kinellan Burn watercourse shall be limited to a maximum rate of 2 l/s and the design shall include calculations to demonstrate that this is the case. Surface water from all storms up to and including the 1 in 200 year plus climate change return period event shall be managed within the site boundary.

For the avoidance of doubt the final drainage design shall show the route of the culvert kept free from development (i.e. New buildings or any other structures that could not be easily moved) to allow for future maintenance access and demonstrate that construction work shall be undertaken in a manner that ensures that the culvert is not damaged and that the manholes are not damaged or buried. A manhole shall be provided at the point where the site drainage enters the watercourse.

Reason: To ensure that compliant surface water drainage is provided timeously in order to protect the water environment.

3. Public access to Core Path RC45.06 along the north boundary of the site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary. For the avoidance of doubt this would include any of the following;

- The placing of materials on the path;
- Allowing water, soil or any other substance to flow or spill onto the path;
- Erecting any fence or locked gates across the path;
- Prohibitory signs or notices;
- Plant or overhang any vegetation on the path;
- Projections from buildings;
- Park vehicles or place other structures.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development and to comply with the Council's statutory duty to uphold access rights.

4. For the avoidance of doubt, prior to first use of the children's play area, the footpath link from the community centre/primary school car park to the play area and beyond to link with the Core Path shall be a minimum width of 1.2m usable surface with passing places to 2m width, 2m long, every 50m, for wheelchair users. The finished surface shall be maintained as a fine dust or bitmac, all to the satisfaction of the Planning Authority.

Reason: To ensure suitable and timely provision of all-abilities access.

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5. For the avoidance of doubt, permission for the compound is granted for a temporary period only and shall cease to have effect on 28 February 2021, or such other date as may be first agreed in writing with the Planning Authority, or completion of the works hereby approved, whichever is the earliest (The 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated to the satisfaction of the Planning Authority.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

6. No development or work shall commence on the equipment shed until a detailed specification for all proposed external materials and finishes (including colours) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and appears recessive in the landscape.

IMPORTANT INFORMATIVES

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

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.

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.

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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.

Accordance with Approved Plans and 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 (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. According to records, the development proposals impact on existing Scottish Water assets. You must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team directly at service.relocation@scottishwater.co.uk Scottish Water asset plans can be obtained from the appointed asset plan providers: Site Investigation Services (UK) Ltd., Tel: 0333 1231223 Email: sw@sisplan.co.uk www.sisplan.co.uk

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

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Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities:

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and 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.

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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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
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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