Agenda Item	6.10
Report No	PLS-25-22

# **HIGHLAND COUNCIL**

**Committee:** South Planning Applications Committee

**Date:** 22 March 2022

**Report Title:** 21/02331/PIP: Stratherrick And Foyers Community Trust Ltd

Land 100M NW of Linden, Gray's Park, Foyers

**Report By:** Area Planning Manager – South

# **Purpose/Executive Summary**

**Description:** Community amenity development (masterplan), MUGA, sports/play

areas, car park, community hall, gym

Ward: 12 – Aird And Loch Ness

**Development category:** Major

Reason referred to Committee: Major

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.

#### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

#### 1. PROPOSED DEVELOPMENT

- 1.1 The application is for Planning Permission in Principle, with masterplan layout, for the following elements of community facilities:
  - community hall;
  - putting green;
  - · climbing wall;
  - trim trail:
  - outdoor table tennis;
  - MUGA (Multi-use Games Area) with a pavilion building;
  - in ground trampoline;
  - sensory garden,
  - ball wall;
  - landscaped terrace seating; and
  - petanque courts.
- 1.2 Site Layout Plan Drawing 90-100 Revision B shows the indicative layout for these uses. The MUGA will be located approximately in the centre of the field with associated parking to the southeast with vehicular access taken from the existing access on east boundary, which connects to the public road on the south edge of the houses at Riverside.
- 1.3 The purpose of this application is to grant permission for the masterplan, car park and associated drainage with the individual components then becoming the subject of further applications in respect of the detail.
- 1.4 This is a major application as the surface area extends to 2.2Ha and therefore exceeds the threshold of 2Ha.
- 1.5 An application for planning permission (22/00473/FUL) has been submitted to cover the formation of the vehicular access into the site, the parking and drainage in relation to the development.
- 1.6 The existing access gate was formed under planning permission 18/01856/FUL. Vehicular access will be taken from the public road which runs through Lower Foyers. The public road runs to the south of existing houses at Riverside then crosses the River Foyers by means of a bailey bridge before it winds up to meet the junction with B852. The road is predominantly single track with passing places. As a result of discussions with Transport Planning an area of land was identified for parallel parking within the play area to the south of the properties 15 & 16 Riverside to serve as parking for these properties. This is shown on Drawing 90-100 REV B.
- 1.7 No pre-application advice was sought by the applicant in advance of the submission of the application.

- 1.8 By way of background to the project, Stratherrick And Foyers Community Trust Ltd purchased the land in 2016 and carried out public consultation with stakeholders including: neighbouring residents; Foyers residents; residents of Stratherrick and Foyers; community organisations; pupils and staff of the two primary schools within the area; owners or occupiers of adjacent land and buildings; Stratherrick and Foyers Community Council; and elected ward members for the Aird and Loch Ness Ward. The Trust took the decision in October 2016 to develop the field for recreational purposes. The first draft of the Masterplan went out to public consultation in 2019 and a result of the feedback the second draft of the Masterplan was prepared for later in 2019.
- 1.9 A Proposal of Application Notice was submitted on 28 October 2020. Following this a further Community A consultation event was arranged and undertaken on 07 November 2020. The event was publicised in the Inverness Courier and via Community Trust electronic means of website and emails. The consultation was undertaken online via the Zoom platform and attended by twelve community residents and Trust Directors.
- 1.10 Following the submission of the application The Riverside Field Survey was undertaken by Stratherrick and Foyers Community Trust (SFCT) to capture the current views of the community as it moved into the Planning phase. SFCT consulted the nearby residents who expressed an active interest on the methodology of the survey. This was conducted online over a period of two weeks from 7th to 21st June 2021 with paper copies made available to nearby residents who weren't online. 70 responses were received online and 3 on paper. The sample size comparative to size of the local population gives confidence of the accuracy of the community view on this project. The survey was promoted via the Trust website, social media and an email database.
- 1.11 The application is supported by:

Design Statement;

Transport Statement;

Drainage Impact assessment; and;

Riverside Field Survey (submitted post submission).

- 1.12 Since validation, the following variations have been made to the application to reflect matters raised by Transport Planning:
  - 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.

1.13 To address a procedural planning matter with the application the type of application has also been changed from an application for planning permission to an application for planning permission in principle. This was due to each of the elements of the scheme requiring to be considered in more detail. There is now a separate application (ref: 22/00473/FUL) for the access, parking and drainage which will be determined in due course following determination of this application for planning permission in principle.

# 2. SITE DESCRIPTION

- 2.1 The site was used for grazing prior to purchase by the Trust and is presently a field used for informal recreational purposes. It is located to the southwest of housing at Riverside, Foyers. It is predominantly a flat site with land rising on the south boundary where there is mature deciduous woodland. Residential development is located to the east at Riverside and Gray's Park. On the northwest boundary is a Caravan and Camping Site. There is a strip of mature woodland on the lochside, which screens the Caravan and Camping Site and the application site.
- 2.2 The site takes access from the U1185 Riverside Road, which is a dual track road on the south side of the housing development at Riverside with a pavement on the north side. Thereafter it crosses the Bailey Bridge before joining the B852 at Upper Foyers. The section from the bridge to Upper Foyers is predominantly single track with passing places.
- 2.3 The site falls outwith the flood risk areas for Loch Ness and River Foyers.
- 2.4 There are no natural heritage designations that apply to this site
- 2.5 There are no built heritage designations that apply to this site.
- 2.6 The site lies within the Loch Ness and Duntelchaig Special Landscape Area (SLA)

## 3. PLANNING HISTORY

3.1	10.07.2018	18/01856/FUL - Create new tarmac access to Riverside Field	Planning Permission Granted
3.2		20/04309/PAN - Community amenity masterplan	Closed
3.3		22/00473/FUL - Formation of access, parking and drainage for masterplan	Pending Consideration

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 development

Date Advertised: 04.06.2021, 29.10.2021 & 11.02.2022

Representation deadline: 25.02.2022

Timeous 20 (18 Objections and 2 Supporters)

representations:

Late 0 representations:

- 4.2 Objections were received from 18 households and they are summarised as follows:
  - a) Location Shinty pitch at Lower Foyers might be a better location
  - b) Principle of development Support recreational facilities with a low impact but not a scale which includes a gym.
  - c) Landscape and Visual Impact Site visible from parts of the South Loch Ness trail; the B852; the Great Glen Way and the Loch itself; and the other road side of Loch Ness.
  - d) Design and Layout Large football pitch with large white canopy, high climbing wall and floodlighting on loch frontage. Would have adverse impact on landscape character of the loch and rural nature of the area with loss of open space.
  - e) Increase in anti-social behaviour Could become an "overflow" from the caravan park. Encourage wild camping in the area and parking bays will attract overnight stay by camper vans.
  - f) Traffic and transportation impacts; lack of parking; lack of event management plan; impact on road infrastructure
  - g) Impact on pedestrian safety
  - h) Flood Risk and Drainage impacts
  - i) Impact on cultural heritage;
  - j) Impact on protected species and wildlife
  - k) Impact on trees;
  - I) Lack of information on landscaping;
  - m) Amenity impacts including impact of floodlighting on residents, noise from the operational and construction phases; loss of privacy;
- 4.3 Support was received from 2 households and they are summarised as follows:
  - a) Provision of community facilities is welcomed;
  - b) Appropriate layout and design for the setting;
  - c) Health benefits.
- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

5.1 **Stratherrick and Foyers Community Council** object to the application. It has set out that it is supportive of the work that the Stratherrick and Foyers Community Trust are doing to improve sporting and leisure facilities in the area to improve physical and mental health but feel this proposal is not right for this location. Specifically, it raises

concerns relayed to it by residents including:

- 1. Road Safety
  - a. The entrance to the proposed development lies between the Riverside housing development and a children's playpark.
  - b. There are no pavements on the road to Lower Foyers.
  - c. The length and gradient of the hill would limit the number of people able to cycle or walk to the site, and users will travel by car.
- 2. Visually Amenity Concern about the visual impact from viewpoints to the east and west side of Loch
- 3. Noise during the construction phase and use of the facility.
- 4. Light Pollution due to floodlights
- 5. Amenity through loss of privacy to the houses at Riverside, which sit lower than the level of the field.

# 5.2 **Transport Planning Team** has no objection and advises:

"The site is accessed from a new private access from the U1185 Riverside Road. Residents and visitors would need to park on-street, effectively making this stretch of Riverside Road single lane. A layby has been provided along the section of the U1185 Riverside Road providing access to this new development that is proposed as parking for adjacent residents. The 2 parking spaces meet the minimum residential parking standards and should be made a condition. These parking arrangements will need to recognise that there is a pedestrian access to the adjacent play park from that stretch of road, which will need to be catered for within the designs.

This area of Foyers is accessed via the U2823 and a temporary (bailey) bridge structure over the River Foyers. A permanent solution is required but there is nothing in the current Council funded works programme to deliver that permanent solution. The Structures Team has confirmed that remedial works are necessary to keep it in a safe operational state. The increased usage by vehicles accessing this proposed development will exacerbate the need for remedial works. Highland Council Structures Team has identified approximately £20,000 worth of repair work to the bridge. A financial contribution is necessary towards the upkeep of that temporary bridge to help mitigate the impacts of additional traffic generated by this development, and the Structures Team has suggested a £10,000 contribution.

A Construction Traffic Management Plan is necessary.

The Transport Statement refers to the facility being used by the local community and tourists already residing in the immediate area and is not intended to be a venue for larger events /gatherings with the use of Events Management Plans. No clarification how such events could avoid excessive access over the current the temporary bridge over the River Foyers. Within the site there is provision of overspill parking facilities within the site to limit impacts on the local public roads in the area. Combined with a financial contribution to the upkeep of the temporary Lower Foyers Bailey Bridge then the infrastructure in that area should be better able to accommodate some level of traffic from events at this development. Seek a condition requiring a generic Events Management Plan. That generic Plan should 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.

The masterplan layout proposes new pedestrian footways on either side of the existing private vehicular access. These will then run into the site and connect with the proposed facilities. Those footways are shown to tie into the existing roadside verge along the U1185 Riverside Road, as there is no footway on that side of the existing road. Either those footways will need extending along that side of Riverside Road, or suitable dropped kerb crossing points provided that allow pedestrians to cross and access existing footways. Recommend a Condition requiring the footway connections from the U1185 Riverside Road into the development site be submitted to and approved by the Planning Authority prior to any works commencing on site and implemented before the site coming into use.

The existing active travel connections into the site are from the vehicular access from Riverside Road and the proposed gated access to the cemetery. For local access then likely that additional active travel access routes will need to be established. Consideration should be given to formalising additional active travel connections into the site from likely desire lines from the surrounding area. This could include for example accesses from the existing play park, the caravan and camping site and from other points along Riverside Road.

The submission recognises that the services into Foyers are limited, with current published timetables suggesting there are 5 services into and out of Foyers Monday to Friday, 3 services in and out on Saturday and no services on Sundays. The Public Transport Team has not sought any financial contributions from this development towards the enhancement of these services, recognising that the likely size of such contributions would not be proportionate with the scale of the proposed development. The bus shelter at the turning head near Park Terrace has already been upgraded so no requirement is necessary here.

The latest Masterplan Layout Drawing shows 36 car parking spaces, including 2 accessible car parking spaces and a space for motorcycle parking. The latest designs provide a dedicated pedestrian route through the car park and include proposals for an area for overspill parking within the site. The disabled car parking spaces now have access buffers provided but their layouts don't fully accord with the recommendations within the Guidelines. To ensure that the designs for such spaces are appropriate seek a condition requiring the location and designs for disabled spaces be submitted to and approved by the Planning Authority prior to any works commencing on site.

The latest submission is intending to increase the covered bike store from 5 to 10 bike spaces and to ensure that the designs for that bike store are appropriate for their intended use, seek a condition about the design details for the proposed bike store. When developing those designs, with reference to the latest national guidance" Cycling by Design".

The revised drawing shows a defined direct pedestrian route through the parking area between the proposed community hall with gym and changing facilities and the MUGA. This route should include facilities to assist pedestrians across the vehicular access route and highlight to drivers of the potential for pedestrians to be crossing.

The revised layout now includes appropriate dropped kerbs and shallow gradients to allow for the safe manoeuvre of large heavy bins between the store and the turning head. Seek a condition about the arrangements for storage and emptying waste The latest proposals clarify there will be a level access between the bin store and the

carriageway of the turning head.

The surface water run-off from the new access route through the site is proposed to be collected through permeable paving within the proposed parking bays, before infiltrating into the private ground of the development. Given this and that the first section of the access beyond that built through Permission Ref. 18/01856/FUL is shown as falling into the site, it is unlikely that these proposals would have any adverse impact on the existing drainage systems for the adopted public roads."

- 5.3 **Environmental Health:** The proposal includes a multi-use games area in close proximity to existing houses. Noise from this type of area can sometimes become a problem for neighbours depending on the extent and frequency of use. The area will be served by floodlighting indicating that it's use will likely extend into the evening. The floodlighting could have potential to disturb householders if care is not taken in the positioning and installation.
  - Prior to the commencement of the development the applicant shall submit, for the written approval of the Planning authority a noise assessment undertaken in accordance with the Design Guide Note published by Sport England: Artificial Grass Pitch (AGP) Acoustics - Planning Implications.

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.

- The external lighting system shall be designed and installed in accordance with the best practice contained in the Institute of Lighting Professionals document Guidance Notes for the Reduction of Obtrusive Light.
- Flood Risk Management Team has reviewed the information provided by the applicant and has no objection to the application. It has reviewed the Drainage Impact Assessment (DIA) provided and is satisfied with the proposed drainage arrangements. Surface water drainage will be via soakaways which have been designed to accommodate runoff from a 1 in 30 year plus climate change storm event. Exceedance events will be managed within the site by directing surface runoff to a greenspace area where it can collect before attenuating naturally.
- 5.5 **Historic Environment Team Archaeology:** The application area is considered to have archaeological potential and recommend standard condition.
- 5.6 **Sport Scotland** has no objection. It would be happy to provide informal design guidance to the applicant if this is of assistance to them.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 6.1 Highland Wide Local Development Plan 2012

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

- 64 Flood Risk
- 66 Surface Water Drainage
- 75 Open Space
- 77 Public Access
- 78 Long Distance Routes

# 6.2 Inner Moray Firth Local Development Plan 2015

Policy 3 Other Settlements. Foyers is listed as an other settlement. This includes criteria against which development is assessed.

# 6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

### 7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 The review of the Highland-wide Local Development Plan will be progressed after the scope of the policies for National Planning Framework 4 is determined. The Inner Moray Firth Local Development Plan is also under review with the formalised Plan to be issued for public input this year.

# **Scottish Government Planning Policy and Guidance**

7.2 Scottish Planning Policy

**Creating Places** 

PAN 65 Planning & Open Space

# 8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

#### **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

## **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) siting and design, including landscape and visual effects
  - c) amenity
  - d) traffic
  - e) drainage

- f) archaeology
- g) habitat and species
- h) trees
- i) any other material considerations.

# **Development plan/other planning policy**

- 8.4 The site lies on the west side of the village of lower Foyers, which lies within an area identified as wider countryside in the Highland wide Local Development Plan where Policy 36 applies.
- 8.5 This policy sets out that development proposals will be assessed on the extent to which they are:
  - acceptable in terms of siting and design;
  - are sympathetic to existing patterns of development in the area;
  - would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.
- 8.5 Policy 75 of the Highland wide Local Development Plan supports open space provision for: the creation of sustainable networks of open space of high quality; areas of local open space that are accessible by foot and linked to a wider network; fit for purpose greenspaces and sports facilities that support and enhance biodiversity; open spaces that improve the quality of life of residents and visitors.
- 8.6 All proposals need to be considered against the criteria within Policy 28 which, amongst other matters, requires developments to demonstrate sensitive siting and high quality design, promote varied, lively and well-used environments, be compatible with public service provision, to be accessible by a range of modes and ensure that they do not have significantly detrimental impacts on individual and community residential amenity or on the natural, built and cultural heritage. Policy 57 is also relevant in this regard given that the site lies within a Special Landscape Area.
- 8.7 Although not a defined Settlement Development Area in the plan, the Inner Moray Firth Local Development Plan does identify Foyers as an 'other settlement' and therefore Policy 3 applies. This requires proposals to be assessed against, amongst other matters, the extent to which they impact: on the character and social balance of the community; the infrastructure network; amenity / recreational areas that are significant to the wider local community; and on locally important heritage features.
- 8.8 If the proposal is considered to meet the criteria, the application will be considered to be in accordance with the Development Plan.

# Siting and Design, including landscape effects

8.9 Stratherrick And Foyers Community Trust Ltd purchased the land in 2016 with a view to develop the field for recreational purposes. Prior to submission of the application it carried out several consultations with the public to aid in the formation of the

masterplan. A representation suggested an alternative location at the shinty pitch. However, the shinty pitches are owned by SSE and the applicant did not want to enter into a lease as this would have had an impact on funding opportunities. SSE do not want to sell the land in the area for this purpose. The shinty pitch is located further to the east and north of the former Aluminium Smelter Works and surrounded by deciduous woodland. In comparison to the application site, the use of the shinty pitch would result in the clearance of woodland with the potential to be more visible to views from the west side of Loch Ness. The shinty pitch is on the edge of the Loch while the application site is set further far back from Loch Ness. The application site is an appropriate location in this respect as it is screened to views to the west due to the setback distance and the mature woodland on the edge of the Loch.

- 8.10 This application is a masterplan for the proposed uses of the site, so there are no detailed elevations of the individual components. The proposal consists of a Multi-Use Games Area (MUGA) with a pitch located in the centre of the site surrounded by a running track, which will be floodlight. The pitch/racing track is centrally located and is approximately 40m from the east boundary and 58.6m from the nearest house at Riverside. In terms of the residential amenity of the housing at Riverside this is considered to be a sufficient distance. The pitch will be covered by a canopy and the 3D views gives an impression of a possible design and this is reasonable in terms of scale. The floodlighting is required to illuminate the running track and control over the hours of use should minimise the disturbance to neighbours. The car park and associated drainage is subject of a separate application for detailed planning permission (22/00473/FUL).
- 8.11 Other elements of the masterplan include an outdoor table tennis area, an inground trampoline and petanque courts to the southeast of the pitch. In the southwest corner there will be a climbing wall. Parking will be located to the southeast of the site, with an area to the east to be used as an overspill car park. On the southeast boundary there will be a site for a community hall and gym, which is to the rear of the site and located at the edge of the site which rises to the southeast with a mature woodland as a backdrop. A footpath skirts the boundary of the site and there will be linkage through to the children's playpark to the southeast and to the cemetery at the southwest corner. Tree planting will be carried out on the northwest and east boundary.
- 8.12 The site is located within the Loch Ness and Duntelchaig Special Landscape Area (SLA). It comprises the Great Glen, which is an imposing steep-sided landform trench which creates a dramatic linear landscape. The site lies on the east side of Loch Ness within the settlement of Foyers. It is setback approximately 145m from the shore of Loch Ness and screened by woodland on the foreshore. The wider landscape can be viewed from public roads and at this location it would be the B852 to the east at Upper Foyers and the and the A82 on the west shore. As the site lies within Lower Foyers and only slightly higher than the loch side, it is not likely to be visible from Loch Ness in close proximity or from the A82 on the western side of Loch Ness. From more open aspects on the Great Glen Way, South Loch Ness Trail, B852 and elevated locations on north Loch Ness the scheme may be visible but it will be quite a recessive feature within the wider landscape around Foyers. Those elements which will likely be more noticeable would include the MUGA, the climbing wall and hall. However, subject to consideration of detailed design for these elements

it is considered that the proposal would integrate well into the landscape.

# **Amenity**

- 8.13 Residents are concerned about the potential for noise arising from use of the area as well as light pollution from floodlights for the running track and MUGA. Environmental Health is seeking a noise assessment by condition. Details of the floodlighting will also be sought by condition to ensure there is no light spill outwith the site. The hours of operation for the MUGA can be controlled by condition and it is recommended that its use should cease at 21.00 hours. Noise will arise from the construction phase and construction hours and noise-generating activities are controlled by Environmental Health legislation.
- 8.14 Representations have raised concerns about the loss of privacy to the residents of the houses at Riverside as the ground level of the application site. The land rises from the houses up into the application which is between 2 and 3m higher than the ground floor levels of No. 9-14 Riverside. The MUGA and associated running track are proposed to be the nearest built elements of the site to existing properties and are located approximately 40 m and 58.6m to the nearest house at Riverside. Further, an area of landscaping is proposed within the site which will screen the development from view. The choice of species will be important to ensure that the trees are appropriate to the location and are of a scale which provides screening but do not have an adverse impact on daylight / sunlight within the properties.
- 8.15 The development is being brought forward for the benefit of the whole community. It is recognised that there may be a level of amenity impacts during larger scale events which may be held on the site. While such events may require a licence, an operational management plan for the site can be secured by condition. This can be used to manage amenity impacts of the site, whether those are as a direct or indirect result of the development of the site.

## **Traffic**

8.16 Vehicular access is to be taken via an existing entrance to the field from the public road which runs past existing housing at Riverside and via the U2823 junction with B852. It is predominantly single track with passing places. Concern has been expressed about the capacity to absorb traffic generated through use of the site if travelling from greater distances. Access to the site is via the temporary bridge structure (bailey bridge) over the River Foyers. This bridge was constructed in approximately 1985 and a permanent solution is necessary but there is no current Council funded works programme to deliver this. The Structures Team of the Council has confirmed that at some point require remedial works will be necessary to keep it in a safe operational state. This development will increase usage by vehicles in the region of 270 additional vehicle movements a day over that bridge, which should all be light vehicles for access to the sports and community facilities. This will exacerbate the need for remedial works and as a result Transport Planning are seeking an appropriate level of financial contribution towards maintenance of the bailey bridge. In terms of discussion with the Structures Team it is estimated that maintenance works would cost £20,000 and they are seeking the applicant to contribute £10,000 of this amount. The applicant has agreed to payment of this figure.

- 8.17 The Transport Statement has assessed the parking provision for the uses based on the Council's Guidelines and the proposed trip generation. The applicant anticipates that the majority of trips made to and from the site will be undertaken by those living in close proximity to the site (including the adjacent tourist accommodation facilities) by walking and cycling. The original parking provision was for 38 spaces but after discussion with Transport Planning this has been reduced to 36 spaces (including 2 disabled spaces) to allow for a defined direct walking route between the hall and MUGA. An overspill parking area for special events has now been included and an area of ground has been identified to the east of the running track (finished in a geotextile surface). A covered bike store for 10 cycles and bin storage will be located to the northeast of the proposed hall.
- 8.18 Transport Planning is seeking a condition to restrict any events or gatherings that have the potential to draw people from outside of the immediate area of Foyers. However, there is no condition that can be applied to regulate such a use which would be enforceable in terms of planning legislation. However, it would be appropriate to seek an Event Management Plan by condition to ensure that appropriate traffic management measures are in place, that any larger scale event takes into consideration any other events within the locality. This would involve an events management group being set up comprising of the applicant, the occupier of the facility, the Community Council and local residents. This would then be a forum for review of any larger scale events which may take place at the facility, any issues that may have arisen and a how they can be resolved for future events.
- 8.19 Residents have expressed concern about use of the parking area as an overflow from the caravan park and for wild camping. This could be controlled by condition with the erection of lockable gate and appropriate fencing around the perimeter of the site to prevent vehicular access outwith the operation of uses in the site. The land would however continue to be subject to the provisions of the Land Reform (Scotland) Act 2003, where people would be able to take responsible access.
- 8.20 Concern has been expressed about road safety as the entrance to the site would be between the housing at Riverside and the play area. Two parking spaces for residents are to be located on the south side of the access road within land which presently comprises the play area. This would incorporate a footpath along the back edge of the 2 parking spaces linking into the proposed footpaths within the site. There is no existing footpath leading north from the play park along the Lower Foyers Road up to the junction with B852 although there are informal footpaths/tracks connecting Upper Foyers to Lower Foyers. To encourage access to the site by non-motorised means, a condition is proposed to secure improved signage directing people toward the site from both Upper and Lower Foyers.
- 8.21 In terms of non-car connectivity, the applicant has created a footpath link on the southeast boundary to connect to the existing play area. The east boundary of the site (lying to the north of the existing vehicular access) is at a higher ground level than the access for the properties at Riverside so does not lend itself to pedestrian access. The proposed length of footpath would seem proportionate to the development and to extend it any further north would be unreasonable.

# Drainage

8.22 Foul water drainage from any building will be required to connect to the public waste water system. The Drainage Impact Assessment outlines how surface water from all aspects of the development will be disposed of within the site. This has been reviewed by the Flood Risk Management Team and they are satisfied with the proposed solution. Further details will be submitted with the detailed applications for the site. Concern has been raised about flood risk but the site does not fall within an area identified as susceptible to flooding in the Flood Risk Maps produced SEPA. The Flood Risk Management Team has no concern in this respect.

# **Archaeology**

8.23 Representations have raised concerns that the site may be rich in archaeological features. The Historic Environment Team considers the area to have archaeological potential and a condition has been attached to allow survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development.

## **Habitats and species**

8.24 No ecological survey has been carried out and no protected species have been identified within the site.

#### **Trees**

8.25 There are trees on the southern boundary of the site but at a higher level than the remainder of the site so no arboricultural assessment is necessary at this stage. An indicative line for a footpath connection is shown at the base of the slope and further details of the root areas can be sought by condition. The line of the footpath can be adjusted. There is an indicative location for a climbing wall and this can also be adjusted at the time of the detailed submission.

#### Other material considerations

8.26 There are no other material planning considerations.

#### Non-material considerations

8.27 Concerns over a loss of view has also been expressed, however this is not a material planning consideration.

# **Developer's Contributions**

8.28 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. Transport Planning has identified a need to contribute to the maintenance of the bailey bridge over the River Foyers and this would seem reasonable given the traffic generated by the proposal. The applicant has agreed to the requirement for a contribution of £10,000 to the maintenance upgrading of the bridge. This will be paid prior to planning permission being released.

# Matters to be secured by Section 75 Agreement

8.29 None.

#### 9. CONCLUSION

- 9.1 Highland wide Local Development Plan Policy 47 (Open Space) supports open space provision for greenspaces and sports facilities spaces that improve the quality of life of residents and visitors that are accessible by foot and linked to a wider network. It complies with the siting and design elements of HwLDP Policy 28 (Sustainable Design). The proposal aims to provide outdoor and sporting facilities for the community in response to public consultation. It will help physical and mental health and well-being, through activity and social interaction. The proposal is considered to be acceptable in terms of siting and design and is sympathetic to existing patterns of development in the area. The proposal therefore demonstrates compatibility with Policy 36. There is no significant impact on natural heritage or visual amenity in relation to views from the immediate area and longer distances. The level of traffic generated is acceptable in road safety terms. The site can be adequately serviced. The development is not considered to result in a significantly detrimental impact on individual and/or community residential amenity.
- 9.2 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.

#### 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

#### 11. RECOMMENDATION

## Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to GRANT the application 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.

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.

**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.

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.

**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

- 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.

**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.

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

#### 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.

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 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.

#### **Road Permit**

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

# **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: <a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</a>

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Keith Gibson

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

Relevant Plans: Plan 1 - Location Plan – 90-102

Plan 2 - Site Layout Plan - 90\_100 REV B

Plan 3 - General Plan – 3D Views 90-101

# Appendix 2

Туре	Contribution	Total Amount*1	Index Linked <sup>1</sup>	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period* <sup>5</sup>
Transport	Maintenance of bridge	£10.000			Upfront		

- \*1 Adjust total to take account of flat exemptions
- \*2 Base Date Set out in Supplementary Guidance on Developer Contributions
- \*3 TOC/CC The earlier of the issue of either a temporary occupation certificate or a completion certificate or specify alternative time if appropriate
- Accounting dates 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)
- \*5 Clawback 15 years for Major development; 20 years for Local development

If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

Scale 1:2000

Figured dimensions only are to be taken from this drawing.
All dimensions are to be checked on site before any work is put in hand.
IF IN DOUBT ASK.



# COLIN ARMSTRONG ARCHITECTS

Lyle House, Fairways Business Park, Inverness IV2 6AA

T:01463712288 W:www.colinarmstrong.com



Trust



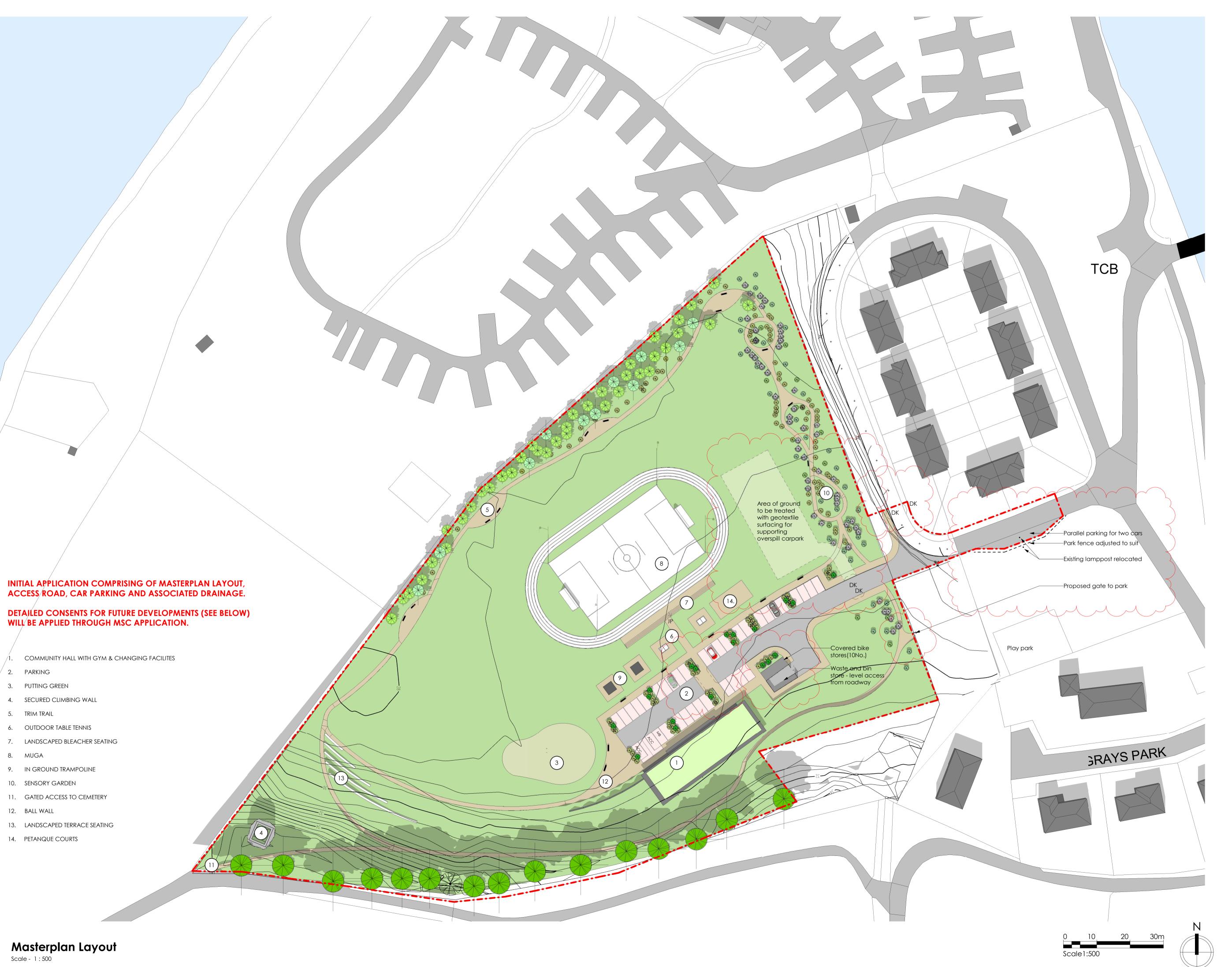
Stratherrick and Foyers Community Masterplan

Project No.	1863
Drawing No.	90_102

# Location plan

Revision

Status Planning	
Date Created 08/18/20	Drawn by
Scale 1:2000	Sheet @ A3



Figured dimensions only are to be taken from this drawing.
All dimensions are to be checked on site before any work is put in hand.
IF IN DOUBT ASK.

CDM:
Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the associated "Industry Guidance for Designers"

B Planning revisions. Added bay parking. Added Dropped kerbs. Added playpark access path. Added overspill carpark. Re sized bike store. level access to bin store. A Planning Application Submission



Lyle House, Fairways Business Park, Inverness IV2 6AA







Stratherrick and Foyers Community

Masterplan

1863 Project No. 90\_100 Drawing No. Revision

Masterplan Layout

PLANNING Date Created Drawn by RG 09/21/17 Sheet @ A1 Scale 1:500

Figured dimensions only are to be taken from this drawing.
All dimensions are to be checked on site before any work is put in hand.
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Stratherrick and Foyers Community
Trust

Masterplan

Project
Stratherrick and Foyers Community

Project No.	1863
Drawing No.	90_101

3D Views

Revision

