

Agenda Item	6.2
Report No	PLN/029/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 August 2020

Report Title: 19/05343/FUL: Ben Loyal Ltd
Peter Burr Stores, Tongue, Lairg, IV27 4XF

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

- 1.1 **Description:** Change of use and erection of extensions to storage buildings to form restaurant. Alterations to Dunvarich House. Demolition of shop, garage, Beechwood Cottage, outbuildings, fuel pumps and underground tank. Erection of shop, fuel station, events space, guest and staff accommodation, microbrewery and site office.
- 1.2 **Ward:** 01 – North, West And Central Sutherland

Development category: Local

Reason referred to Committee: Community Council objection and number of representations

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.

2. Recommendations

- 2.1 Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 The application seeks permission to redevelop a mixed-use site in the north of Tongue with proposals for the change of use, demolition, and erection of several buildings across the site, along with external landscaping, lighting, public art, reconfigured access and parking arrangements, as well as flood management and drainage proposals. The completed development will provide the following mix of uses:

- 210sqm of Class 1 Shops (131sqm net trading space);
- 210sqm of Class 3 Food and drink;
- 204sqm of Class 4 Business (office/light industry);
- 13no Class 7 Hotel and Hostel units including 3no. in Dunvarich House;
- 1no Class 9 residential unit for 6 staff;
- 210sqm Class 11 assembly and leisure; and,
- 40no car parking spaces.

3.2 Demolitions include an agricultural storage shed and adjacent pig-sty, a mechanics garage, a former shop with petrol station including removal of existing fuel pumps and underground tank, and the private house known as Beechwood. A former bakery and a storage building will be renovated and repurposed to accommodate a restaurant, pop-up shop and toilet facilities respectively. Starting at the west of the site and moving clockwise, the proposed Buildings and facilities are as follows:

3.3 Events building with 2no linked events spaces (Class 11, Assembly and Leisure)

The L shaped building links two events spaces and is split over two levels with external staircases connecting the upper and lower ground floors. Material finishes are brick on the lower ground and Corten steel cladding for the upper ground and feature roof.

3.4 2no holiday accommodation units and cycle store / plant building (Class 7, Hotels and Hostels)

The westernmost lower-level block will incorporate a flat green-roof and accommodate six en-suite hotel rooms. The easternmost upper-level accommodation block has a traditional slate roof with gable ends and accommodates four en-suite hotel rooms, including one accessible room, with adjoining cycle store and plant room. Both blocks are finished in vertical timber cladding, although the cycle store and plant room component will be clad with brickwork. All hotel rooms have a private west-facing terrace and external access from both the west and east elevations.

3.5 Dunvarich House (Class 7, Hotels and Hostels)

The unlisted building will undergo a number of external and internal alterations to convert the traditional brick built building to holiday accommodation incorporating: ground floor reception and W.C. area, kitchen and dining facilities, as well as sitting area; three first floor en-suite hotel rooms; and, attic storage areas. External alterations include: garage door and blockwork on the house's side projection (currently a garage), south elevation, replaced with a feature stone dressed window; installation of an additional timber sash and case ground floor window on the side projection, east elevation; one new door opening on

the side projection rear elevation, and existing rear door replaced, both doors will be traditional painted four panel timber design; windows replaced with timber sash and case windows where required; and, south facing rooflights replaced with larger rooflights.

3.6 Staff residential block (Class 9, Residential)

Small-scale single-storey standalone block with three ground floor bedrooms, shared shower room, utility, storage and kitchen / dining spaces, along with shared attic living space. The building is finished in vertical timber cladding, slate-roofing, with stone built feature chimney.

3.7 Microbrewery (Class 4, Business)

Similar in scale to the staff residential block, the two-storey microbrewery accommodates a brewery floor, cold store, W.C., and externally accessed additional store on the ground floor, with office, laboratory, and storage space on the second floor, and additional enclosed external grain silo and dry store area. The building has an asymmetrical zinc roof with traditional gable ends, and is finished in a combination of vertical timber cladding, zinc cladding, and brickwork.

3.8 Bakery and Kitchen (Class 3, Food and Drink)

Single-storey building accommodating the restaurant's main kitchen, storage spaces, staff W.C. facilities, and a public takeaway counter. The Bakery and Kitchen will be finished and roofed with timber cladding, and feature a brick built rear chimney, while the public facing west elevation will feature a large area of glazing. The building is sited orthogonally to the main restaurant building, to which it is connected via a metal framed glazed link.

3.9 Bakehouse Gastropub/restaurant (Class 3, Food and Drink)

The existing brick built double height bakehouse building will be retained, refitted and repurposed to accommodate the site's main restaurant dining areas and bar. Internally, the mezzanine floor will be part removed to create two mezzanine seating areas and central void. Externally, an existing opening on the north elevation will be enlarged to create a glazed external entrance, and a new opening will be created, also on the north elevation, for the link to the kitchen. The first floor tiered goods door on the west elevation will be replaced with a timber framed window with astragals to match the existing fenestration. An existing doorway on the south elevation will be used to connect the Bakehouse to the Stonecutters pop-up space via a metal framed glazed link.

3.10 Stonecutters pop-up space with public W.C.s (Class 1, Shops)

The existing large wooden shed with metal profile roof will be renovated to create a cavernous flexible 'pop-up' space, with public W.C.s. Works will entail making the building water and wind tight using as much of the original materials as possible. Access to the space will be from the afore mentioned glazed link, as well as a small entrance at the south elevation, with the main entrance on the west elevation.

3.11 Office, plant and store block (Class 4, Business)

East of the kitchen-restaurant-pop-up complex is the site office block, which will be built over two levels with office, breakroom, kitchenette, W.C., and plant room facilities on the lower ground floor, and plant room and store space on the upper ground floor. There will

be an external platform lift on the south elevation. The building will be finished in brickwork and glazing on the lower level, vertical timber cladding on the upper level and both gable ends, and roofed with zinc cladding.

3.12 Shop (Class 3, Shops)

South of the kitchen-restaurant-pop-up complex will be the single-storey small scale standalone shop, finished in brickwork and roofed with profiled metal sheeting, with large feature windows and accessible entrances on the north and south elevations.

3.13 External Spaces

The proposals include the development of several external spaces including reinstating fuel pumps to the south of the site. A large surface car park will be laid out to the east of the site, in what is currently woodland, with 35no general car parking spaces (40 spaces in total across the site not including spaces made available for events), although the number is reduced to 28 spaces during delivery times, and including 5no electric car parking spaces with charging points, in addition to 5no motorcycle parking spaces and a motorhome discharge point and water connection. The car park area will be surfaced in permeable silver grey granite gravel.

3.14 The access driveway that bisects the site on the (mostly) north/south axis, will be laid out as a lime tree avenue predominantly for pedestrian use, although this will also provide a shared access drive with accessible parking spaces and 5no additional parking spaces, and a further 17no spaces for events, as well as bicycle parking points. General traffic will be directed to the main car park and discouraged from accessing the pedestrian area by a change of surfacing material at the junction before the drive becomes pedestrianised.

3.15 A series of outdoor public courtyards will be created flanking both sides of the main avenue providing sheltered activity and seating areas associated with the public events block and kitchen-restaurant-pop-up complex. Further hard and soft landscaping will create semi-private and protected outdoor spaces associated with hotel accommodation, staff areas, and along the burn that bisects the site on the east/west axis, which will be de-culverted. Several open courtyards will be established across the site, including within the garden ground of Dunvarich House, in protected areas between buildings and separating the fuel pump area from the access route to the car park. The remainder of the site will be landscaped and laid out for pedestrian circulation routes to connect the different components of the development, with the exception of the site's periphery, which will retain some light woodland planting.

3.16 There are a number of existing buildings on site, including the aforementioned agricultural storage shed and adjacent pig-sty, a mechanics garage, a former shop with petrol station including fuel pumps and underground tank, and the private house Beechwood and Dunvarich House, as well as a former bakery and a storage building. Additional existing infrastructure includes the aforementioned access driveway and culverted burn. The site is serviced and connected to the public mains fresh water supply however sewer connections are currently inadequate.

3.17 The applicant carried out a pre-application community consultation event in Tongue in April 2019, followed by a request for pre-application advice from the Planning Authority, response provided in July 2019 (ref. 19/02353/PREAPP). The applicant was informed that the policy environment is favourable for the proposals as they would renew a declining mixed-use site within the Settlement Development Area with further facilities which would likely result in a positive impact on the amenity of the area. The advice also stated that

while the proposals would exemplify the Highland Council's placemaking objectives, the applicant should explore incorporating more of the existing buildings in to the development where possible, and provide justifications for demolitions. Similarly, the applicant was encouraged to discuss their plans for tree removal with the Forestry Officer, and access arrangements with the Roads Authority, prior to submitting a detailed application. Following this response, a meeting was held between representatives of the developer, who presented amendments to the designs, as well as the Planning and Roads Authorities, who provided advice regarding siting, design, roads, access and parking issues.

3.18 Supporting Information: the application includes the following documents submitted in support of the application:

- Bat Survey Report
- Design and Access Statement - Landscape
- Design and Access Statement - Planning
- Drawing Issue Sheet
- Extended Phase 1 Habitat Survey
- Landscape and Visual Appraisal
- Lighting Assessment
- Market Statement: sets out arguments to demonstrate that the development will compliment, rather than compete with, existing facilities in Tongue.
- Phase II Geo-Environmental and Geotechnical Interpretative Report and Appendices
- Structural and Civil Engineering Report
- Transport Statement

3.19 Variations: there have been no significant material changes to the proposal during the application assessment period. However amended drawings, and revised and additional supporting information documents have been submitted to clarify a number of matters. These are given due consideration in the report and summarised below:

- The Proposed Site Layout Plan was amended to include details of additional vehicle parking spaces for events, and details of a motorhome discharge point/ EV charging points.
- The Drainage Layout Plan, Road Layout - Vehicle Tracking Plans, Landscape/Site Layout Plan, Tree Removal/Protection/Planting Plans have been amended to include works within the redline boundary.

Amended plan and elevational drawings have been submitted in relation to Dunvarich House, the kitchen, microbrewery, and staff accommodation blocks to correct minor errors.

4. SITE DESCRIPTION

4.1 The proposal site lies on the northern edge of the Tongue Settlement Development Area as defined by the Caithness and Sutherland Local Development Plan, encompassing 1.24ha of mixed agricultural, light industrial, retail, and residential land-uses, regrettably now in decline. The site is bisected by an access drive that leads to the garden ground of Dunvarich House, at the northern section of the site, as well as a culverted burn flowing east-west through the site's central area. The east of the site is a sloping area of mature tree growth not included in the SDA boundary, with further tree growth to the west, outwith

the site boundary. Stone walls demark the site's eastern boundary beyond the wooded areas. Ground levels drop an average of 12m east to west across the length of the site, with the lower ground at the west side of the site, towards the Kyle of Tongue.

4.2 Vehicular access is from the A838 at the site's southern boundary, approximately 20 metres south of where the road's speed limit is reduced to 40mph. Pedestrian access is via public footpath from the south that takes its route over the old A9 bridge over the Kirkiboll Burn, however there are no public footpaths from the north approach.

4.3 Tongue is a coastal crofting village that has developed as a local tourist centre in recent years, being a destination on the popular North Coast 500 route, in addition to its status as a local service centre for North West Sutherland. The village's setting is characterised by its dispersed linear settlement pattern formed along a north/south axis across the hillside, and facing the Kyle of Tongue to the west. Local housing and the village centre are located approximately 500m south of the application site with the allocated mixed-use site (TG05) on the opposite west side of the A838, approved in 2018 for the relocation of Tongue Garage (ref. 17/05619/FUL), although so far development has not commenced on that site. The site is within the wider Kyle of Tongue National Scenic Area (NSA), designated in part for its varied coastline and the dramatic peaks of Ben Loyal and Ben Hope. There are no other natural heritage designations on the site.

5. PLANNING HISTORY

5.1 No recent planning history on site.

6. PUBLIC PARTICIPATION

6.1 Advertised: application advertised as a Schedule 3 Development and for Unknown Neighbour

Date Advertised: 24th January 2020

Representation deadline: 14th February 2020

Timeous representations: 1no support comment, 5no objections, and 1no general comments

Late representations: 4no objections from 2no addresses.

6.2 Material considerations raised are summarised as follows:

- a) Proposals should be considered against HwLDP Policies for Tourism and Tourist accommodation.
- b) Proposals should demonstrably complement existing facilities.
- c) Suggestion that the proposals will overdevelop the site.
- d) Lack of information on submitted plans including topographical information and redline boundaries missing on some drawings and drainage arrangements outwith the development site.
- e) Querying whether statutory consultation and advertisement processes have been correctly followed.

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

7. CONSULTATIONS

- 7.1 **Tongue, Melness and Skerry Community Council** object to the application. The Community Council submitted two representations expressing concerns that proposals for tourist accommodation will directly disadvantage existing tourist accommodation facilities in the Tongue area, although they do acknowledge that the remainder of the development will likely provide community benefits.
- 7.2 **Access Officer** does not object. The access officer suggested formalising and upgrading the footpath leading to the site and highlighted the potential for a pedestrian crossing at the A838.
- 7.4 **Community Services Lighting Technician** has not responded to the formal consultation invitation however has consulted with the applicant in the production of the Lighting Strategy.
- 7.5 **Contaminated Land** do not object to the application, however note that works to establish the extent of land contamination and any subsequent mitigation are incomplete and therefore request a standard contaminated land condition so that the matter will be given further consideration prior to commencement of construction works on site.
- 7.6 **Development Plans** support the application. The response from the Development Plans Team provides an overview of policy considerations for the assessment of the application and potential Developer Contributions, these matters are discussed in the planning appraisal of this report.
- 7.7 **Flood Risk Management Team** have withdrawn their initial objection following the submission of additional drawings in relation to the burn, and a revised Flood Risk and Drainage Impact Statement, and subject to a condition securing access in perpetuity to the culvert inlet and watercourse banks for maintenance purposes.
- 7.8 **Forestry Officer** does not object to the application subject to conditions being applied to the permission requiring: an Arboricultural Method Statement to demonstrate retained trees will be protected during construction works; arboricultural and landscape consultants to be employed for the project to secure the approved tree protection measures and landscaping works are successfully implemented; and, a factoring arrangement to secure the long-term maintenance of the site's communal areas.
- 7.9 **Transport Planning** do not object to the application subject to a number of suspensive conditions being applied to the application in relation to: the site layout, upgrades to the public footpath; upgrades to the site access junction including appropriate visibility splays; onsite vehicle and cycle parking provision; upgrades to offsite public road infrastructure; a Construction Phase Traffic Management Plan; and, an Events Traffic Management Plan.
- 7.10 **Historic Environment Scotland** do not object. HES were invited to respond on any potential impacts on the setting of Tongue House designed landscape however declined to comment.
- 7.11 **SEPA** have withdrawn their initial objection following the submission of a revised Flood Risk and Drainage Impact Statement, and subject to conditions being applied to the permission to secure that all foul and surface water drainage, as well as trade effluent from

the microbrewery, are discharged to the Scottish Water Waste Water system via a public sewer network. SEPA also accept the temporary private drainage system provided a condition is applied to ensure the site connects to the public network once Scottish Water have completed a sewer growth project.

7.12 **SNH** do not object to the proposals and welcome the site's redevelopment as contributing to landscape and visual improvements of the local area. SNH are happy with the information provided and the approach taken by the applicant in relation to Protected Species. SNH's response also details a number of considerations pertaining to parking and service provision for motorhomes, electric vehicles (charging points), and motorcycles, which are covered in the application.

7.13 **Sutherland Access Panel** have not responded to the consultation invitation, however onsite access issues will be considered by Building Standards at the Building Warrant stage of development.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

Policy 28 - Sustainable Design
Policy 29 - Design Quality and Place-making
Policy 31 - Developer Contributions
Policy 34 - Settlement Development Areas
Policy 42 - Previously Used Land
Policy 43 - Tourism
Policy 44 - Tourist Accommodation
Policy 56 - Travel
Policy 57 - Natural, Built and Cultural Heritage
Policy 58 - Protected Species
Policy 64 - Flood Risk
Policy 65 - Waste Water Treatment
Policy 66 - Surface Water Drainage
Policy 74 - Green Networks
Policy 75 - Open Space
Policy 77 - Public Access

8.2 Caithness and Sutherland Local Development Plan 2018

Tongue Settlement Development Area

8.5 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010)
Developer Contributions (November 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)
Public Art Strategy (March 2013)
Roads and Transport Guidelines for New Developments (May 2013)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)
National Planning Framework 3 (The Scottish Government, June 2014)
Creating Places (The Scottish Government, June 2013)
Designing Streets (The Scottish Government, 2010)
PAN 61 - Sustainable Drainage Systems
PAN 68 - Design Statements
PAN 75 - Planning for Transport
PAN 77 - Designing for Safer Places

10. PLANNING APPRAISAL

10.1 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

10.2 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

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) any other material considerations.

Development plan/other planning policy

10.4 As an application for a mixed-use development within the Tongue Settlement Development Area, the proposal is principally assessed against Policy 34 of the Highland-wide Local Development Plan (HwLDP) for Settlement Development Areas. The Policy states the Council's general support for developments within Settlement Development Areas providing they are not detrimental to, and are compatible with, existing patterns of development, landscape and character, and, providing developments conform with existing and approved adjacent land uses, while satisfying the design for sustainability requirements of Policy 28.

10.5 In addition, the Caithness and Sutherland Local Development Plan (CaSPlan), which highlights Tongue's position as a strategic service and tourist centre for north-west Sutherland, identifies a number of Placemaking Priorities that seek to reinforce and

complement the existing village setting, while supporting community growth and safeguarding the quality of Tongue's natural and built heritage resources. The relevant Placemaking Priorities for the proposal are:

- Promote development by providing a range of options in the north and south of the settlement; and,
- Encourage development that reflects the special qualities of the Kyle of Tongue National Scenic Area.

There are no specific land-use allocations for the application site.

- 10.6 Based on the above policy appraisal, the development is considered to support the role of Tongue as a tourist and service centre by renewing a declining mixed-use site within the Settlement Development Area. The proposals will create new employment opportunities and additional services, as well as new leisure facilities for the fragile Sutherland community, within high quality indoor and outdoor environments. The proposals include the reuse and replacement of a number of disused buildings, some of which are in a dilapidated state, which is supported under the provisions of HwLDP Policy 42 for Previously Used Land as well as by Scottish Planning Policy. As such, the development will result in a positive impact on the amenity of the area by contributing significant environmental improvements to the built and wider natural environments. In policy terms therefore, the principle of the development is supportable under the provisions of Policy 34 of the HwLDP and the objectives for Tongue as set out in the CaSPlan, subject to the proposals according with all other relevant policies of the Local Development Plan. These matters are considered in the below assessment:

Siting

- 10.7 The site fits with the existing pattern of development through the repurposing of a brownfield site within the SDA, although the development site does extend into an area of Wider Countryside, specifically at the surface car park area to the east of the site. This effective extension of the SDA boundary is not considered significant given that the location of the car park follows the sequential approach of development, being adjacent to the brownfield site. Additionally, the car park is required to support the overall proposal and will provide an extra facility for the community, while reducing the adverse impacts on amenity resulting from cars parking in inappropriate locations during peak visitor times, which as SNH have highlighted, is also detrimental to the Special Qualities of the Kyle of Tongue National Scenic Area.
- 10.8 In terms of layout, the individual proposals demonstrate the site layout has been considered around pedestrian movements, topographical constraints, and according to land-use, with public, semi-private, and staff spaces clustered together or segregated appropriately. The buildings are sited legibly in relation to existing physical features, primarily the main pedestrian route, in a manner that mirrors the existing linear settlement pattern of the site and the larger settlement pattern of Tongue. In conjunction with tree planting, this arrangement will create an 'avenue' effect along the main pedestrian route with Dunvarich House at its head, while enclosing additional outdoor spaces for public use and social interaction. For example, the central 'Mercat' area, provides a focal point for the development, while several flanking courtyards will provide additional public seating and eating areas. The siting also takes advantage of topographical constraints, using step changes in the ground level to create distinct outdoor spaces, adding further interest to the

overall designed landscape. There are no concerns that these proposals will overdevelop the site, given that they exemplify the Highland Council's placemaking objectives as expressed in Policy 29 of the HwLDP, as such the proposals are supported.

Design

- 10.9 The design principles, as outlined in the Design Statement, are to protect the historic character of the site through developing rectilinear buildings with traditional gable ends, pitched roofs and simple rooflines, as well as the use and re-use of local traditional and carefully selected quality materials. These principles are reflected in the designs for each building across the site, which are appropriate in terms of form and scale for the location. In this instance, the limited material palette consists of timber, brick, metal profile sheeting, Corten cladding, and slate roofing tiles, all reflecting the existing materials and colour finishes on site and in the wider area. The designs also propose larger areas of metal framed glazing and a restrained use of zinc cladding; materials used to introduce contemporary design features to contrast, while complementing, some of the older and traditional buildings on site. Conversely, traditional architectural features will be sensitively reinstated or installed where appropriate, primarily in relation to the refurbishment of Dunvarich House, but also the replacement of the first floor goods door with a timber framed window with astragals for example. The individual building designs, across the site are high-quality in terms of form, scale, and materiality, and are considered to enhance the architectural and visual quality of the site and the wider area. As such the proposal is supported under the provisions of Policies 28 and 29 of the HwLDP for Design Quality and Placemaking and Sustainable Design.

Historic Environment

- 10.10 Development proposals must demonstrate respect for the historic environment in accordance with HwLDP Policy 57, and although the buildings on site are not listed, they do form part of the Highland area's historic environment. Scottish and Highland Council Planning Policy favours the retention and re-use of existing buildings and while Dunvarich House, the Bakehouse, and Stonecutters are to be retained as key buildings, four buildings are marked for demolition. As such, the applicant has been required to provide justifications for demolitions. The justifications have been informed by a Structural and Civil Engineering Report, and based on considerations of poor structural stability, weatherproofing, and architectural quality, and, where buildings are sited in a location that impedes the successful delivery of the wider development, such as Beechwood for example. The justifications are considered reasonable and are accepted given the overall quality of the proposal. Moreover, materials salvaged from demolitions will be used in the construction of new buildings where possible, while new buildings will be of form and materiality that complement the retained historic buildings, making the site's architectural past and historic land-uses integral features of the overall development. The development is not considered to impact the setting of the Listed Tongue House and Garden and Designed Landscape, or the setting of the Listed Tongue Parish Church. A condition is also applied to ensure the applicant provides photographic documentation of the site and buildings in their current state to assist the Council maintain an accurate and current record of the historic environment.

Natural Environment

- 10.11 Given the scale of the development and location within the brownfield site, there are no concerns that the development will have a detrimental impact on the special visual qualities of the Kyle of Tongue National Scenic Area. This view is reinforced by SNH's response, who welcomed the environmental benefits of the development, while the lighting scheme has been specifically designed not to overspill from the site and cause significant light pollution, which should also be controlled by condition.

Protected Species

- 10.12 Bat Surveys were conducted in 2019: a Preliminary Survey in February 2019 identified six structures and two trees in poor condition on site with potential to support bat roosts. Several Activity and Emergence Surveys of the identified features were conducted during June, July and August 2019 (the accepted survey season). The surveys established the presence of common pipistrelle using Dunvarich House, the Bakehouse, and the shop to be demolished, with all of the roosts considered to be low value non-breeding. Nevertheless, the works will result in the permanent loss of one common pipistrelle roost and the temporary loss of seven non-breeding roosts and consequently the development will require a European Protected Species Licence (EPSL). EPSL applications are subject to three stringent licensing tests, which in this instance are considered satisfactorily met for the following reasons:
1. The proposal is considered in the public interest as it is returning a site of significant local historic interest and heritage value to active re-use.
 2. The extent of the works require a licence as the renovation cannot be completed without a significant works to the buildings where the roosts were confirmed. As such there is no viable alternative.
 3. The issuing of a licence is not considered detrimental to the maintenance of the population of the species as the roosts were non-breeding, and transitory in most instances. In particular the submitted Bat Survey provides a tailored mitigation strategy for each structure, some of which, such as new bat roosts, are already incorporated into the submitted designs. The mitigation strategy will be refined further with the project architect and contractor and will provide for further mitigation to avoid a detrimental impact on the population of the protected species for example it is suggested that a number of measures are employed to ensure bats are not entrapped during construction works including soft-strips of buildings in areas with a potential or known bat presence, and the installation of bat boxes to safely store bats found on site. The bat survey outlines that such measures will ensure bats are maintained at a favourable conservation status as per the licencing test.
- 10.13 SNH have advised they welcome the approach taken by the developer towards protected species issues. SNH also provide standing advice whereby they consider a Bat Low Impact Licence (BLIMP) may be suitable for works to proceed on developments that are considered to have low conservation impacts. SNH will be notified of the Planning Authority's decision and an informative would be included with the permission to advise the applicant of the EPSL requirement. An additional informative is forwarded regarding all protected species in the event that others are discovered during the course of the works.

Trees

- 10.14 A line of spruce trees and other broadleaved trees screen the site from the main A838 road to the east. There are a number of trees surrounding the grounds of Dunvarich House, particularly to the west, with the most notable trees along Kirkiboll Burn to the south. The Proposed Tree Removal Plan identifies 75 trees for removal, with 41 existing trees to be retained, although it is acknowledged that this may change in respect of works to achieve visibility splays (para. 10.21 below). While a significant proportion of trees due for removal are identified as Category B (moderate quality) in the Tree Survey report, they are not exceptional specimens. Their removal will benefit the development of retained trees and facilitate the Proposed Tree Planting Plan. Planting will bring long term improvements to the setting of the development with the addition of 89 trees and shrubs, including an avenue of lime trees through the centre of the development. It is noted here that three trees to be removed are outwith the site boundary however this is not a concern as tree removal is not considered development in and of itself while their removal has been given due consideration by the Council's Forestry Officer. The Forestry Officer however has highlighted conflicts between the Tree Protection Plan and the Drainage Layout, whereby drainage outfalls are shown to be installed within Root Protection Areas, this will require an Arboricultural Method Statement to demonstrate how the outfalls will be constructed without impacting on retained trees, secured by condition. Further conditions are applied to secure arboricultural and landscape consultants will be employed throughout the project to secure the approved tree protection measures and landscaping works are successfully implemented; and, a factoring arrangement to secure the long-term maintenance of the site's communal areas.

Tourism and Tourist Accommodation (Impact on Existing Businesses / economic impact)

- 10.15 Several of the objections raised against the application focus on the potential for the development to detrimentally impact local tourism oriented businesses both within Tongue and the wider area. While the Planning Authority is sympathetic to these concerns, competing commercial and business interests are not a material planning matter and therefore cannot be considered as part of this assessment. Nevertheless, the Local Development Plan, through Policies 43 and 44 of the HwLDP and reinforced through the Placemaking Priorities of the CaSPlan, places a responsibility on the developer to demonstrate proposals for Tourism and Tourist Accommodation will, amongst other criteria, complement existing facilities and increase the length of visitors' stay as well as increase visitor spending or promote a wider spread of visitors. It is noted here however that without a defined Town Centre in Tongue, there is no policy requirement for the applicant to produce an *Economic Impact Assessment*, as was suggested in one of the representations.
- 10.16 To that end the applicant has however submitted a Marketing Report outlining how the proposals are intended to complement existing facilities based on a wider contextual assessment of the location and Market Research. Key factors include: the site's proximity and links to the village centre, being within 500m walking distance; the shop and fuel components are replacing lost facilities; and, the development will provide facilities that will contribute to increased visitor numbers in Tongue, including additional car, motorcycle, and motorhome parking provision. Market research centres on the popularity of the North Coast 500 highlighting yearly growth in tourism oriented businesses such as shops and restaurants, as well as the need for the additional tourist accommodation.

- 10.17 It is noted that representations have contested the above statement by highlighting that existing businesses in the wider Tongue area have or are developing additional hotel beds in line with projected growth in the hotel sector. However, such concerns are matters of competing commercial interests and therefore are not a determining factor in the determination of the application, which is concerned with assessing the acceptability of the proposed land-uses in accordance with the Local Development Plan. Based on this assessment, the application is considered to accord with the provisions of Policies 43 and 44 of the HwLDP by virtue of complementing existing tourist facilities, likely increasing the length of visitors' stay and spending while promoting a wider spread of visitors in the area. Similarly, the proposals are considered to comply with the placemaking objectives of the CaSPlan, by providing a range of options in the north of the settlement. The development site is within an unallocated brownfield site and is therefore not considered to prejudice the housing land supply in the area, which should be adequately accommodated at allocated housing sites TG01, and TG02, in addition to the long-term allocated housing site at TG03, all within the SDA.

Travel

- 10.18 Access to the site is from the A838 via a junction on the west of the public road and opposite to the proposed junction for the CaSPlan allocated mixed-use site TG05. The allocated site was approved in 2018 for the relocation of Tongue Garage (ref. 17/05619/FUL), although so far, no construction works have commenced in relation to this development. The Developer Requirements for TG05 note the need for careful junction design to safeguard the gateway to the settlement, and the relocation of the 40mph speed limit. These requirements are considered in relation to the current application and, given the likely impacts of the development on the public road network, the applicant has submitted a revised Transport Statement in support of the application, which is summarised below.
- 10.19 An automated traffic count was undertaken on the A838 over the week commencing 26th July at the current 40mph speed limit position 20 metres north of the application site. July is not considered a neutral month even though it is within the school holidays, and as such the traffic count is likely to reflect the higher traffic volumes during the tourist season. The results show an 85th percentile traffic speeds of 43mph southbound and 42mph northbound. The total volume of traffic on the public road is 1010 vehicles per day with a peak flow of 110 vehicles per hour. The Transport Statement estimates the number of trips into the development will be around 200 per day with a peak flow of around 25 per hour (or 12 trips into the site). The overall traffic volumes remain relatively low with the development having total traffic flows impact similar to that of around 30 housing units, but with different timings and a higher peak volume. However, this is a significant increase in traffic using the junction and given the location, many of the trips will be diverted into the site rather than generating additional traffic on the A838. Some additional traffic generation is expected as a result of the development, however this is acceptable given the location on North Coast 500 tourist route. The Transport Statement also notes that between 1999 and 2018 there were no recorded road traffic crashes causing injuries in the vicinity.
- 10.20 With the above in mind, the increase in the volume of traffic at the application site may have some impact on the development at TG05 once development starts there. However, the junction to the application site is already in place, with its current configuration, although with proposed alterations to the slope and small stone retaining wall to make space for parking and fuel pumps, considered acceptable by Transport Planning. However, a number

of offsite upgrades and infrastructure improvements are still required on road safety grounds and to offset public transport impacts, as well as to improve active travel opportunities.

- 10.21 Firstly, the required visibility splays for exiting the site onto the road with the current 40mph speed limit would be 4.5m x 120m in both directions, which is not achievable when looking left/north. The applicant has shown that a visibility splay of 4.5x90m is achievable, which is commensurate with a 30mph speed limit. The proposal is therefore to change the current 40mph speed limit by extending the 30mph covering the village to before the access point. Transport Planning have accepted the principle of extending the 30mph zone a minimum distance of 90m north of the centre line of the access with the A838. The cost of promoting the required Traffic Orders, to be agreed with the Roads Authority, and all related road signs and markings would be borne by the developer. Currently however, the visibility splay to the north is obstructed by trees and a stone wall and, although these are within the control of the applicant, more detail of the extent of the works necessary to provide the splay is required. Suitable suspensive conditions are therefore suggested on road safety grounds to secure the aforementioned information prior to commencement of development works on site, and to ensure the amended 30mph speed limit zone is enacted prior to the site's first occupation.
- 10.22 With regards transport impacts, the local bus stop is close to the site entrance at present, which will not be acceptable once the development is in use. Given the likely significant increase of traffic using the site's access, the location of the bus stops in each direction should be formalised to ensure road and pedestrian safety. The agreed new bus stop positions should provide suitable visibility for pedestrians crossing the road, should not interfere with junction visibility, and should give access to a surfaced footway. Conditions are suggested to ensure works carried out in relation to pedestrian links and proposed bus stop locations, are carried out to the satisfaction of the Roads Authority prior to the site's first occupation.
- 10.23 Pedestrian links to the existing footway network in Tongue are required to encourage active travel between the site and the other facilities within the village. The submitted proposal is to widen the existing remote footpath over the old road bridge and construct a short length of footway to the west of the site, which will then cross over onto the footway opposite. The point at which pedestrians will cross appears to be on the inside of a bend and it is not clear that there will be suitable visibility at this location. The crossing may need to be moved further along to where there is visibility, alternatively a switch back could be provided giving a suitable gradient of maximum 10%, and a crossing point provided closer to the fire station to secure suitable visibility. Additionally, the active travel route should be surfaced to ensure it is fully accessible, for which a gravel surface would not be appropriate. In order to secure pedestrian and road safety, a suspensive condition is suggested for an additional plan showing the full length of the footpath/footway link with a width of 2m throughout. The plan should specify a suitable surface material finish to the footpath, and show any dropped kerb crossings on both sides of the public road, as well as confirm the visibility for pedestrians crossing the road from the inside of the bend. Works to construct the footpath will require a Road Opening Permit.
- 10.24 Vehicular access in to the site for the car park and the fuel pumps are shared, with the junction between them very close to the junction with the A838, as well as the junction with the shared pedestrianised avenue leading to Dunvarich House. Transport Planning have some residual concerns regarding the safety impacts of queueing vehicles and potential conflicts between the various users of these spaces including pedestrians. Of particular

concern are the entrance and exit area to the fuel pumps, and, the widened shared-use space alongside the car park access, which is close to the fuel pump working area, and which is designed for over-run and may be used for larger vehicles for turning. As such Transport Planning require verification of how traffic will be safely directed into the correct routes for the car park and fuel pumps, and, highlight that the applicant should produce risk assessments and safe working methods to control potential hazards at these points. It should also be noted that the Council's refuse vehicles will also be accessing here to service the site, however appropriate swept path information has been provided to the satisfaction of the Waste Management Team, who are content with the proposals.

- 10.25 Onsite parking requirements are assessed within the Transport Statement, which indicates that a maximum of 50 vehicular parking spaces would be required for the whole development, with a total of 40 spaces proposed, representing 80% of the maximum. Transport Planning accept the stated reasons for the shortfall as provided in the Transport Statement; that there will be a large element of shared trips, that peak hours for the shop and microbrewery will be during the day, with visitors to the shop likely to be refuelling as well, whereas car parking spaces for the tourist accommodation components will be required overnight. The applicant will be responsible for managing any issues resulting from the shortfall of vehicular parking spaces within the site rather than allowing it to spill out onto the public road. The proposed accessibility and motorcycle parking provisions accord with Council guidance; however a condition is suggested to ensure 16 secure and covered cycle parking spaces.
- 10.26 In addition to general vehicular parking requirements, the applicant has provided a framework Events Management Plan, which estimates a requirement for 60 vehicular parking spaces for any planned events on site. As the actual requirement is uncertain, the applicant proposes an additional 17 spaces to be made available for events within the application site along the shared pedestrian avenue, giving a total of 54 spaces and a shortfall of 6. Marshalls may also direct some overspill to the car park approximately 60m south of the site junction on the east side of the A838, which would only be acceptable once onsite parking spaces are full; this would give a potential shortfall of 3 parking spaces. Indiscriminate parking on the A838 for an event would cause road safety issues and congestion, possibly even blocking access for larger and emergency vehicles. Nevertheless, Transport Planning are confident that events could be held and managed within the site with a limited overspill of parking into designated parking areas with prior agreement of the Roads Authority. A suitable suspensive condition is suggested for an indicative 'Event Traffic Management Plan' for events expected to attract more than 40 cars is submitted to and agreed in writing by the Roads Authority, and thereafter an Event Management Plan will be required prior to each event expected to attract more than 40 vehicles, in the interests of road and pedestrian safety. The plan will be required to include proposals for the number of Marshalls and their duties, and indicate the number of persons and vehicles estimated to attend the event. The plan should also detail the proposed parking arrangements and any traffic management required. Where necessary it shall include proposals to limit the numbers of those attending.
- 10.27 A suspensive condition for a Construction Traffic Management Plan is also suggested, which Transport Planning require to take account of the likely significant impacts on public road infrastructure from HGV vehicles accessing the site for construction works. In particular, Transport Planning highlight constraints along the A836 and the Naver Bridge. Additionally, the developer will be required to enter into a Wear and Tear Agreement under the provisions of Section 96 of the Roads Scotland Act, for which the Council will seek to secure a bond.

Flood Risk

- 10.28 The application site is not within an area identified by SEPA as being at risk of flooding from coastal, fluvial, or pluvial sources, however two sources of potential medium to high local flood risk have been identified; these being the culverted watercourse that flows east-west through site's central area, and the Kirkiboll burn south of the application site.
- 10.29 In response to some initial concerns from the Council's Flood Risk Management Team, the applicant has submitted a revised Flood Risk and Drainage Statement and verification of the extent of the remodelling of the culverted watercourse. The information shows the riparian buffer zone to south of the watercourse will be widened by 0.7metres, which although not substantial, will reduce the flood risk by a small degree in comparison to the current arrangement. The proposed riparian buffer zone on the north side of the culvert will be 5 metres, 1 metre less than the Council standard for riparian buffer zones. Given the watercourse appears to drop into a hanging gully before discharging to a deeper gully, which itself appears to be fixed in place in the vicinity of the proposals due to previous culverting, FRM have accepted the reduced buffer zone provided the culvert inlet and watercourse banks remain accessible for maintenance in perpetuity, which would be secured by condition. The removal of a length of culvert at the west of the site is welcome. Both the Flood Risk Management Team and SEPA have withdrawn their initial objections in relation to flood risk.

Drainage

- 10.30 As noted in Policy 65 of the HwLDP and confirmed by SEPA, foul drainage from all components of the development, as well as surface water runoff from the fuel pump area, and trade effluent from the microbrewery, should connect to the Scottish Water Waste Water system, which will be secured by condition. The applicant is in negotiations with Scottish Water to ensure site connections are made available via a Scottish Water Growth Project. The principle of the Growth Project has been accepted by Scottish Water, although they will only move forward with the Growth Projects if the application is approved for planning permission. For the meantime however, the applicant has included proposals for a site-wide temporary private foul waste water system, constituted of two biodisk treatment plants with discharge to suitably located land soakaways. The temporary arrangements also include proposals to treat effluent originating from the microbrewery via the private foul drainage system prior to discharge to watercourse, and, a chemical toilet foul waste holding tank for discharge from motorhomes, to be periodically emptied and discarded offsite by a licensed waste carrier. SEPA have no objections to the temporary private foul waste water system. Initial percolation test results show favourable ground conditions for land soakaways, while in the event of overflow, the biodisk treatment plants will ensure treated effluent will meet SEPA regulations for discharge to watercourses, which will require a separate CAR Licence.
- 10.31 Surface water will be drained via various SUDS solutions across the site before draining to ground or the aforementioned watercourses. Permeable surfaces will drain to ground via permeable hardcore subbase build-up, while water draining from impermeable surfaces will be channelled to the permeable hardcore subbase build-up via gullies/slot drains and piping. Water draining from roofs will be channelled through a soakaway designed to meet the filter trench criteria required by FRM and SEPA. Additionally, surface water draining from the fuel pump area will be discharged to the Scottish Water Waste Water system once a connection is established however in the interim period a separate oil interceptor with soakaway discharge will be installed in accordance with SEPA requirements. The applicant

has provided calculations that demonstrate the post development surface water run-off levels to watercourses will not exceed pre-development run-off levels. Further details of surface water drainage connections to outfalls at watercourses have been requested, and are covered by condition. The proposed discharge to the watercourses is controlled by SEPA under a CAR License and the affected landowner has already been served notice by the applicant.

Contaminated Land

- 10.32 Several sources of potential contamination have been identified at the site, mainly around the area of the petrol pumps and garage, and while investigations have been undertaken, they are yet to be completed. At this stage further soil sampling and assessment of the water environment are required for potential hydrocarbon leakages from the former petrol pump area. Additionally, the accommodation block is proposed in an area with known elevated levels of hydrocarbons, which will require further consideration of potential vapour risks in the area given the proposed residential use. While site investigations have not been progressed, the Contaminated Land Officer is content that the standard condition for contaminated land surveys can be applied to the application to ensure the above issues are resolved prior to construction works commencing on site. A standard asbestos informative is also suggested to remind the developer of their legal responsibilities regarding the safe disposal of asbestos.

Developer Contributions

- 10.33 The proposal has been assessed against the Council's Supplementary Guidance for Developer Contributions in accordance with HwLDP Policy 31. No monetary sums are required from the developer as Tourist, Business and Retail developments are exempt from Education, Community Facilities and Affordable Housing contributions. Furthermore, the staff accommodation component is not considered to result in a net increase in the number of residential units on site with Beechwood marked for demolition. Transport Planning requirements for offsite infrastructure upgrades will be dealt with via Roads Permits and Traffic Orders, while a separate wear and tear agreement will be dealt with via a Section 96 agreement, which is secured by condition. Water and Waste infrastructure requirements will be dealt with via a Scottish Water public sewer network Growth Project, also secured by condition. Green Infrastructure requirements are satisfied via EV charging points, while the site size and layout is considered more than sufficient to satisfy Open Space requirements. Public Art requirements will be satisfied via onsite landscaping in addition to proposals for lighting, signage and unique artworks as outlined in the respective strategies, while a gateway feature to the north entrance of Tongue will be given consideration by the Roads Department through roads permits. These requirements should be secured through condition.

Other material considerations

- 10.34 One representation received against the application comments on the lack of information on submitted plans including topographical information and redline boundaries missing on some drawings and drainage arrangements outwith the development site. Since the objection was received, the applicant has submitted amended plans and supporting information, which have sufficiently addressed these issues by providing the necessary information required to make a full assessment of the proposals. As stated, there have been no significant material changes to the proposal during the application assessment period that would merit the application to be re-advertised.

Non-material considerations

- 10.35 The main focus of a number of the objections received against the application has been the potential for the proposed hotel rooms, restaurant, and shop spaces to directly compete with existing businesses both within Tongue and the wider area. Whilst these concerns are understood as previously stated, competing commercial and business interests is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 10.36 None

11. CONCLUSION

- 11.1 The development is considered to accord with the relevant provisions of the HwLDP general Policies 36, 28, 29, 43, and 44, as well as the objectives for Tongue as set out within the adopted CaSPlan. The proposal's compliance with the Local Development Plan is by virtue that the development will support the role of Tongue as a tourist and service centre by renewing a declining mixed-use site within the Settlement Development Area. The proposal will create new employment opportunities and additional services, as well as new leisure facilities for the Sutherland community, within high quality indoor and outdoor environments. The proposals include the reuse and replacement of a number of disused buildings, some of which are in a dilapidated state, which is supported under the provisions of HwLDP Policy 42 for Previously Used Land as well as by national planning policy. As such, the development will result in a positive impact on the amenity of the area by contributing significant environmental improvements to the built and wider natural environments. Moreover, the applicant has demonstrated that the proposal will complement existing tourist facilities, and likely increase the length of visitors' stay and spending in Tongue while promoting a wider spread of visitors in the area. Similarly, the proposals are considered to comply with the placemaking objectives of the CaSPlan, by providing a range of options in the north of the settlement. Furthermore, the development site is within an unallocated brownfield site and is therefore not considered to prejudice local housing land supply in the area, which should be adequately accommodated at allocated housing sites TG01, and TG02, in addition to the long-term allocated housing site at TG03, all within the SDA. Although concerns have been expressed with some aspects of the development and the issue of competition, whilst recognised, is not a material planning consideration in this instance.

- 11.2 All relevant matters have been taken into account when appraising this application. We are satisfied that any outstanding issues in relation to roads and contaminated land can be satisfactorily addressed prior to development works commencing on site through condition. 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, and there are no grounds on which the application should be refused at this stage.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.

- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: Not applicable.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GANTED**, subject to the following:

Conditions and Reasons / Reasons for Refusal

1. Notwithstanding the provision of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the site shall be laid out and maintained in accordance with the approved drawings and supporting information docketted hereto. For the avoidance of doubt, no amendment or addition to the site, its layout, buildings, or land-uses on the site shall take place without the prior approval of the Planning Authority, including the stationing of Residential Caravans, and, signage and bespoke works of art (which shall be designed and implemented in accordance with the approved strategies and relevant Highland Council Supplementary Guidance).

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area, and in accordance with the uses applied for and the basis under which the application has been assessed.

2. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within any of the riparian buffer zones detailed on the approved plans without planning permission being granted on application to the Planning Authority. For the avoidance of doubt, access to the culvert inlet and watercourse banks shall at all times be made available in perpetuity for maintenance purposes.

Reason: To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere

3. No development or work (including site clearance) shall commence until a photographic record has been made of the remains of any buildings and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to assist the Council with maintaining an accurate and current record of the historic environment.

4. No development shall commence on site until a revised Site Entrance Layout Plan has been submitted to, and approved in writing, by the Planning Authority in consultation with the Roads Authority, detailing the following:

- the extent of the works required to achieve the visibility splay of 4.5m x 90m looking left (north) when exiting the site, including tree removal, earthworks and works to the boundary stone wall;
- the access layout showing how vehicle drivers will be guided to the preferred entrance and exit routes to and from the car park and fuel pump areas, including any proposed kerb lines and signage; and,
- provision of a continuous footpath link from the proposed footway on the west side of the A838 to the site as it passes over the existing bridge, the footpath shall be of 2m width for its entire length, and suitably surfaced to allow for full accessibility.

Thereafter, development shall proceed in accordance with the approved plans and details. For the avoidance of doubt, prior to the first occupation of the development the following shall be completed in full, made available for use, and maintained for use in perpetuity:

- visibility splays of 4.5m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction;
- the approved access layout to car parking and fuel pump areas;
- the continuous footpath link from the proposed footway on the west side of the A838 to the site as it passes over the existing bridge;
- 40no vehicle parking spaces, 3no accessible vehicle parking spaces, 17no vehicle parking spaces for events, 5no motorcycle parking spaces, 5no EV charging points, 1no motorhome effluent discharge point with fresh water connection; and,
- 16no secure and covered bicycle parking spaces.

No other development shall commence until the junction has been constructed in full and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension

Reason: To ensure that an adequate level of access and off-street parking is timeously provided for the development the interests of site, pedestrian, and road safety, and to ensure that the works involved comply with applicable standards.

5. No development shall commence on site until a construction phase Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The construction phase Traffic Management Plan, which shall be implemented as approved, must include:

- i. details of locations of areas of storage, loading and unloading of materials;
- ii. indicative numbers and types of construction HGVs;

- iii. the proposed routes of HGVs;
- iv. an indicative construction programme linked to HGV numbers;
- v. management proposals for the construction HGV traffic including any temporary signage or other measures to control speed;
- vi. timing and routes of traffic; and,
- vii. a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys covering all routes must be carried out by the developer, to the satisfaction of the Roads Authority(s).

The approved construction phase Traffic Management Plan, as it relates to, or is relied upon by, an individual phase, shall be implemented prior to development commencing on that phase and remain in place until the development of the phase is complete.

Reason: To ensure that the construction phase of development has no significant long-term adverse impact upon the integrity of the public road network, and in the interests of road and pedestrian safety.

6. No development shall commence on site until an indicative Events Traffic Management Plan for planned events expected to attract more than 40 vehicles has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The indicative Events Traffic Management Plan shall include details of:
 - i. the number of Marshalls and their duties;
 - ii. the number of persons and vehicles estimated to attend the event;
 - iii. the proposed parking arrangements;
 - iv. any traffic management required;
 - v. proposals to limit the numbers of those attending where necessary.

Thereafter, the approved indicative Events Traffic Management Plan shall be used as the template Events Management Plan for use for subsequent events expected to attract more than 40 vehicles within the development hereby approved, and subject to any modifications and amendments as required by the Roads Authority. For the avoidance of doubt, an Events Management Plan shall be completed in full and submitted to the local Roads Authority office no later than 21 days prior to any event expected to attract more than 40 vehicles.

Reason: To ensure that traffic travelling to the site in relation to specific planned events is properly managed in the interests of site, road, and pedestrian safety.

7. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
 - i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;

- ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii. measures to deal with contamination during construction works;
- iv. in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- v. in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

Thereafter, no development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

8. No development shall commence until an Arboricultural Method Statement has been prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) and submitted to, and approved in writing by, the Planning Authority. The Arboricultural Method Statement shall demonstrate that any works required for site drainage shall not damage the roots of trees in the Root Protection Areas within the woodland area to the south. For the avoidance of doubt, the approved Drainage Layout will be subject to any amendments recommended in the Arboricultural Method Statement.

Reason: To ensure the protection of retained trees during construction and thereafter.

9. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
 - i. Ensuring that the approved Tree Protection Plan and approved Arboricultural Method Statement are implemented to the agreed standard; and,
 - ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: To ensure the successful implementation of the approved tree protection measures.

10. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the

commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the approved Landscape Plan (ref. 1908.L.G(92)001 REV B) is implemented to the agreed standard; and,
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

11. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site communal landscaped areas, green spaces, trees and woodland identified for retention and management on the approved plans, and other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual owner (such as communal parking areas, and estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. The Scheme shall include contact details for the individual responsible for the management of the site, a schedule of monthly maintenance operations, and a map clearly indicating all areas covered by the Scheme. Thereafter, the approved Scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

12. Notwithstanding the approved Drainage Layout drawing ref. 18.1142-700 REV C, no development shall commence until full details of the perforated pipe outfalls laid within gravel trenches to existing outfalls are 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.

13. For the avoidance of doubt, all roads related works in relation to the A838 shall be carried out at the expense of the developer to the satisfaction of the Roads Authority in accordance with the required Traffic Orders and Road Construction Consent (RCC), including:

- i. enactment of the extended the 30mph zone;
- ii. road markings;
- iii. street lighting;
- iv. gateway features;
- v. new signage;
- vi. footpath links including dropped kerbs and pedestrian crossing;
- vii. relocated bus stops; and,
- viii. drainage measures.

No other works within or alongside any public road shall commence until the appropriate permission from the Roads Authority has been granted. Thereafter, all roads related works shall be completed in full, made available for use, and, maintained for use in perpetuity prior to the first occupation of the development.

Reason: In the interests of site, road, and pedestrian safety, and in order to ensure that the works involved comply with applicable standards.

14. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

15. Any external lighting to be used within the site and/or along its boundaries and/or access shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

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 the National Scenic Area and does not result in 'sky glow'.

16. All plant, machinery and equipment associated with this development shall be so installed, maintained and operated such that either of the following standards are met:

- any associated operating noise must not exceed NR 20 when measured or calculated within the bedroom of any noise-sensitive premises with windows open for ventilation purposes.

OR

- the operating noise Rating level must not exceed the Background noise level by more than 5dB(A) including any characteristics penalty. Terms and measurements to be in accordance with BS 4142: 2014 Methods for Rating Industrial and Commercial Sound.

Reason: In order to protect the amenity of users of the development.

17. All new and upgraded culverts and bridges within the development site shall be designed to accommodate a 1 in 200 year plus climate change flood event.

Reason: To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere.

18. The private foul drainage system hereby approved is approved as a temporary measure only and shall be installed in full and made available for use prior to the first occupation of the development. For the avoidance of doubt, trade effluent from the microbrewery shall be directed to the private foul drainage system and treated to the required standard on site prior to discharge, and, the chemical toilet foul waste holding tank shall be emptied and the waste removed from site and disposed of by a licenced carrier. Within six months of receipt

of written notification from the Planning Authority, in consultation with Scottish Water, that a foul drainage connection to a public sewer is available, the development shall connect to the public sewer and so far as is no longer required, the private foul drainage system shall be dismantled and removed from the site. For the avoidance of doubt, foul drainage from all aspects of the development, surface water runoff from the fuel pump area, and trade effluent from the microbrewery shall connect to the public sewer.

Reason: To ensure that foul drainage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection, and in order to comply with Policy 65 (Waste Water Treatment) of the Highland-wide Local Development Plan.

19. All surface water drainage provision within the application site shall be implemented in accordance with the approved plan ref. 18.1142-700 REV C and, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

REASON FOR DECISION

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

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.

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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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.

Specifically, you are required to make application to the Council for the extension of the 30mph speed limit as soon as practicable. The development cannot be brought into use until this speed limit has been enacted. New gateway signs will be required. Early contact is advised with the Area Roads Office as this is a lengthy legal process. The cost of making and enacting the order shall be borne by the applicant. It is required for road safety reasons to ensure enough visibility at the junction.

In addition to planning consent a Road Opening Permit is required from the Council as Roads Authority for construction of the new footway on the west side of the public road and the dropped kerbs crossing over to the east side. This shall be obtained from the local roads' office and the detailed layout to ensure appropriate visibility will be agreed at that stage. This may require slight alterations to the extent of the footway and crossing point (to be agreed on site).

The submitted swept paths for the larger vehicles indicate that reversing into the shared use area will be required creating conflict with vulnerable users. The developer should be aware of this and develop risk assessments and safe methods of working for turning HGVs within the site.

Where an event is proposed at which 40 vehicles or more may be expected then the you are required to contact the local roads office at least 21 days in advance to agree the Event Traffic Management Plan and the parking proposals required remote from the site.

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 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

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 - Bat License

This proposal will result in the potential disturbance of a roosting site for common pipistrelle bats during the works. Therefore, a Scottish Natural Heritage EPS license will require to be obtained, in relation to the bat roosts, prior to any of the proposed works commencing on-site.

A Species Protection Plan will require to be drawn up prior to application for an EPS license. License application forms and guidance notes can be found at;

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/development>

EPS licenses can be granted to permit activities that would otherwise be unlawful under European legislation. Three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats andc.) Regulations 1994 (as amended). An application for a licence will fail unless all of the three tests are satisfied.

Asbestos

There is the potential for asbestos to be disturbed as a result of the development. Any asbestos should be removed from site by an approved contractor and disposed of at a licensed facility in accordance with Schedule 2 of the Control of Asbestos Regulations 2012.

Designation: Acting Head of Development Management – Highland

Author: Mark Fitzpatrick

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

Relevant Plans:

Plan 1 - 989-TON-P-00-000 LOCATION PLAN

Plan 2 - 989-TON-P-00-201 REV C PROPOSED SITE LAYOUT PLAN

Plan 3 - 1908.L.G(92)001 REV B PROPOSED LANDSCAPE/SITE LAYOUT PLAN

Plan 4 - 989-TON-P-09-202 GENERAL PLAN - PROPOSED FUEL PUMP AREA

Plan 5 - 989-TON-P-00-350 SITE SECTIONS A-A

Plan 6 - 989-TON-P-00-351 SITE SECTIONS B-B

- Plan 7 - 989-TON-P-00 353 SITE SECTION PROPOSED C-C
- Plan 8 - 989-TON-P-00-352 SITE SECTION PROPOSED D-D
- Plan 9 - 989-TON-P-10-201 EVENTS SPACE PROPOSED GROUND FLOOR PLAN
- Plan 10 - 989-TON-P-10-202 EVENT SPACE LOWER FLOOR PLAN
- Plan 11 - 989-TON-P-10-311 EVENTS SPACE WEST AND SOUTH ELEVATIONS
- Plan 12 - 989-TON-P-10-310 EVENTS SPACE EAST AND NORTH ELEVATIONS
- Plan 13 - 989-TON-P-10-301 EVENTS SPACE SECTIONS A, B AND C
- Plan 14 - 989-TON-P-10-301 EVENTS SPACE PROPOSED SECTIONS D AND
- Plan 15 - 989-TON-P-1-201 ACCOMMODATION FLOOR PLANS
- Plan 16 - 989-TON-P-11-302 ACCOMMODATION LOWER BLOCK ELEVATIONS
- Plan 17 - 989-TON-P-11-302 ACCOMMODATION UPPER BLOCK ELEVATIONS
- Plan 18 - 989-TON-P-11-350 ACCOMMODATION SECTION A-A
- Plan 19 - 989-TON-P-07-201 REV A DUNVARICH HOUSE PROPOSED FLOOR PLANS
- Plan 20 - 989-TON-P-07-202 DUNVARICH HOUSE PROPOSED 2ND FLOOR AND
ROOF PLANS
- Plan 21 - 989-TON-9-07-301 DUNVARICH HOUSE PROPOSED ELEVATIONS
- Plan 22 - 989-TON-P-12-201 STAFF ACCOMMODATION FLOOR PLANS
- Plan 23 - 989-TON-P-12-301 STAFF ACCOMMODATION ELEVATIONS
- Plan 24 - 989-TON-P-12-350 STAFF ACCOMMODATION SECTIONS A-A and B-B
- Plan 25 - 989-TON-P-14-201 MICROBREWERY FLOOR PLANS
- Plan 26 - 989-TON-P-12-301 REV A MICROBREWERY ELEVATIONS
- Plan 27 - 989-TON-P-13-350 MICROBREWERY SECTIONS
- Plan 28 - 989-TON-P-01-201 RESTAURANT PROPOSED GROUND FLOOR
- Plan 29 - 989-TON-P-01-202 RESTAURANT PROPOSED FIRST FLOOR
- Plan 30 - 989-TON-P-01-301 REV A RESTAURANT PROPOSED WEST AND SOUTH
ELEVATIONS
- Plan 31 - 989-TON-P-01-302 REV A RESTAURANT PROPOSED EAST AND NORTH
ELEVATIONS
- Plan 32 - 989-TON-P-01-303 RESTAURANT PROPOSED SECTIONS A-A and B-B
- Plan 33 - 989-TON-P-01-350 RESTAURANT PROPOSED SECTIONS C-C and D-D
- Plan 34 - 989-TON-P-01-351 RESTAURANT PROPOSED SECTIONS E-E
- Plan 35 - 989-TON-P-08-201 OFFICE/PLANT/STAFF ROOM FLOOR PLANS
- Plan 36 - 989-TON-P-08-301 OFFICE/PLANT/STAFF ROOM ELEVATIONS
- Plan 37 - 989-TON-P-08-350 OFFICE/PLANT/STAFF ROOM SECTIONS
- Plan 38 - 989-TON-P-09-201 SHOP FLOOR PLAN
- Plan 39 - 989-TON-P-09-201 SHOP ELEVATIONS
- Plan 40 - 18.1142-700 REV C DRAINAGE LAYOUT PLAN
- Plan 41 - SK603 ALTERNATIVE FOUL WATER STRATEGY
- Plan 42 - 1908.L.L(93)001 SECTION PLAN BURN
- Plan 43 - 1908.L.G(92)002 REV B TREE REMOVAL PLAN
- Plan 44 - 1908.L.G(92)003 REV A TREE PLANTING PLAN
- Plan 45 - 1908.L.G(92)003 REV A TREE PROTECTION PLAN
- Plan 46 - PROPOSED SITE SECTION E-E

Relevant Supporting Information:

- Design and Access Statement - Landscape
- Design and Access Statement - Planning
- Lighting Assessment
- Transport Statement