

Agenda Item	6.2
Report No	PLS-06-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 07 February 2024

Report Title: 23/04074/FUL: Black Isle Brewing Co. Ltd
Land West of Inverness Retail and Business Park, Highlander Way
Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of brewery and distillery, storage and distribution of beer and spirits, car parking, access and ancillary uses, including; shop, visitor centre; bar and restaurant; office and education areas; courtyard outdoor events area, landscaping, fencing and associated works

Ward: 16 – Inverness Millburn

Development category: Local

Reason referred to Committee: Manager's Discretion

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a brewery and distillery for the manufacture, storage and distribution of beer and spirits with ancillary uses including a shop, visitor centre and bar and restaurant; access and car parking; office and education areas; courtyard outdoor events area; landscaping; fencing and associated works at Eastfield Way, Inverness. This facility will enable the expansion and relocation of the existing Black Isle Brewery from its current location at Old Allangrange Farm on the Black Isle which is at capacity with no scope for further growth or expansion at that location.
- 1.2 The proposal consists of the erection of a two-storey building with a footprint of approximately 2,750sqm, an external decked area, courtyard garden, a service yard to the rear and car parking. The proposed building has an internal floorspace of 3,323sqm across two floors comprising of the following uses:
- Class 1A (shop) - 259sqm
 - Class 3 (restaurant/bar) – 552sqm
 - Class 4 (office) – 297sqm
 - Class 6 (storage/distribution) – 537sqm
 - Sui Generis (brewing, distilling, production) – 1,678sqm

The building is designed to reflect the agricultural origins of the business and the industrial process within. The scale and mass of the building is broken up through the H-shaped footprint and variation in height across the different zones of the facility. The finishes are to be primarily black vertical cladding accented with horizontal planking in light brown/grey and feature panels in an ochre colour. Signage is to be a mix of white and ochre and reflect the existing business branding but does not form part of this planning application as adverts are controlled through The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, as amended.

- 1.3 The proposal is to be accessed from the A96 Trunk Road via a roundabout connecting to the existing internal road network servicing the retail park at Eastfield Way and Highlander Way.
- 1.4 Pre-Application Consultation: No statutory pre-application consultation required. The applicant has engaged with the Council's Pre-Application Advice Service (22/05346/PREAPP). The pre-application response outlined that the development is likely to be in overall compliance with the Development Plan and that the principle of the development may be accepted subject to a number of considerations being addressed.
- 1.5 The proposal has undergone Environmental Impact Assessment Screening, which has established that an Environmental Impact Assessment would not be required.
- 1.6 Supporting Information: The following information has been submitted in support of the application:
- Archaeology Report;
 - Baseline Condition Assessment;
 - Biodiversity Enhancement Assessment Report;

- Biodiversity Enhancement Metric;
- Design and Access Statement;
- Drainage Impact Assessment;
- Flood Risk Assessment;
- Preliminary Ecological Assessment Report;
- Topographical Survey;
- Transport Assessment; and
- Geoenvironmental Appraisal Report

1.6 Variations: 1 – Site plan updated

2. SITE DESCRIPTION

2.1 The site is located to the west of the main entrance to Inverness Business and Retail Park, Eastfield Way, Inverness and is the final remaining undeveloped site within the wider retail and business park. The site comprises 1.99ha of relatively flat land bounded by the Dell Burn to the north; the existing Stonefield Business Park at Highlander Way to the southwest; and Eastfield Way to the east. The site is predominantly rough grass with some gorse scrub and juvenile natural regeneration of trees over what appears to be hardstanding. Around the northern side of the site there is a well-established treed landscaping belt of mixed broadleaves and conifers.

2.2 The site falls within the Inner Moray Firth Local Development Plan (IMFLDP) allocation IN88 for business use and the Inner Moray Firth Proposed Local Development Plan (IMFpLDP2) allocation INE09 for mixed uses, specifically business, office, leisure, tourism, storage and distribution.

2.3 There are no natural, built, or cultural heritage designations on the site.

3. PLANNING HISTORY

3.1	25.10.2011	10/02161/PIP	Mixed use development including restaurants, drive - through restaurants, a public house/restaurant and a motorist centre	Planning Permission Refused
3.2	28.06.2013	12/04555/PIP	Connectivity strategy for Inverness Retail, Business & Leisure Park, Stoneyfield Business Park and University Campus (Beechwood), and development of four Class 3 / drive-through units	Planning Permission Refused
3.3	23.01.2024	23/02379/SCRE	Erection of brewery (sui generis), shop and visitor experience area, bar and restaurant, office and education areas courtyard and use of the external yard for brewery related servicing and storage	EIA Not Required

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 29.09.2023

Representation deadline: 13.10.2023

Timeous representations: One from one household

Late representations: None

4.2 Material considerations raised are summarised as follows:

- The proposal is a worthy and well thought out development which is much needed and, if successful, will add a significant tourist attraction to the Highlands

4.3 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.

5. CONSULTATIONS

5.1 **Contaminated Land:** No objection. Records indicate that the Contaminated Land team hold no information to suggest a potentially contaminative land use within the development boundary.

5.2 **Environmental Health:** No objection subject to conditions relating to construction noise, operational noise, odour and amenity.

5.3 **Flood Risk Management Team:** No objection subject to condition requiring further information as part of an updated Drainage Impact Assessment

5.4 **Forestry Team:** No objection subject to conditions relating to tree protection measures and requiring a tree planting plan.

5.5 **Historic Environment Team:** No objection subject to condition requiring an archaeological watching brief to be carried out during site clearance and excavation works.

5.6 **Transport Planning Team:** No objection subject to securing appropriate developer contributions and conditions relating to requirement for a travel plan, construction traffic management plan, design details for the access from the existing roundabout on Highlander Way, internal layout, and cycle parking and storage.

5.7 **Health and Safety Executive:** No consultation required.

5.8 **Exolum Pipelines:** No objection.

5.9 **Transport Scotland:** No objection subject to conditions requiring lighting details and ensuring no drainage connections to the trunk road system.

5.10 **Scottish Water:** No objection. There is currently sufficient capacity in the Inverness Water Treatment Works to service this development. There is currently sufficient capacity for a foul only connection in the Allanfearn Waste Water Treatment works to service this development.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.

6.2 National Planning Framework 4 (NPF4) 2023

- 1 – Tackling the Climate and Nature Crises
- 2 – Climate Mitigation and Adaptation
- 3 – Biodiversity
- 4 – Natural Places
- 6 – Forestry, Woodland and Trees
- 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
- 13 – Sustainable Transport
- 14 – Design Quality and Place
- 15 – Local Living and 20 Minute Neighbourhoods
- 22 – Flood Risk and Water Management
- 26 – Business and Industry
- 27 – City, Town, Local and Commercial Centres
- 28 – Retail
- 30 – Tourism
- 31 – Culture and Creativity

6.3 Highland Wide Local Development Plan 2012

- 28 – Sustainable Design
- 29 – Design Quality & Place-making
- 30 – Physical Constraints
- 31 – Developer Contributions
- 34 – Settlement Development Areas
- 40 – Retail Development
- 41 – Business and Industrial Land
- 42 – Previously Used Land
- 43 – Tourism
- 51 – Trees and Development
- 56 – Travel
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage

6.4 Inner Moray Firth Local Development Plan 2015

Allocation IN88 West of Eastfield Way - Business
Inverness – Settlement Development Area (SDA)

Policy 1: Promoting and Protecting City and Town Centres

6.5 **Inner Moray Firth Proposed Local Development Plan March 2023**
INE09: Eastfield Way, Business, Office, Leisure, Tourism, Storage and Distribution

6.6 **Highland Council Supplementary Planning Policy Guidance**

Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Inverness East Development Brief (2018)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

PAN 61 Sustainable Urban Drainage Systems (SUDS)
PAN 79 Water and Drainage

8. **PLANNING APPRAISAL**

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) Compliance with the development plan and other planning policy;
- b) Siting and design;
- c) Flood risk and drainage;
- d) Transport and access;
- e) Impact on natural and cultural heritage;
- f) Impact on infrastructure and services and proposed mitigation (developer contributions); and
- a) Any other material considerations.

Development plan/other planning policy

8.4 The principle of the development is supported by the adopted and emerging Development Plan. Specifically, NPF4 Policy 26 (Business and Industry); Policy 30 (Tourism), HwLDP Policy 41 (Business and Industrial Land); IMFLDP allocation IN88; and IMFpLDP2 allocation INE09. The application clearly demonstrates that the predominate use is for brewery and distillery purposes. This use, although not strictly falling within the business/office use class, is generally consistent with the

site's allocation for business use.

- 8.5 Other uses, specifically the retail and bar and restaurant elements of the development would, if standalone proposals, not normally be supported at this location and would require to be assessed against NPF4, HwLDP and IMFLDP 'town centre first' policies. However, because the application clearly demonstrates that these uses are integrated with the main brewery development, and form an ancillary part of it, these policies are not required to be tested in this instance. It is perhaps worth noting that it would be unlikely that any future intensification/expansion of the bar and restaurant or indeed retail uses would be supported at this location.
- 8.6 Subject to the development being considered acceptable in relation to siting and design; flood risk and drainage; transport and access; impact on natural and cultural heritage; impact on infrastructure and services and proposed mitigation; and any other material considerations, the proposal would comply with the Development Plan.

Siting and design

- 8.7 NPF4 Policy 16 'Design, quality and place' requires proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places. Developer requirements in the IMFLDP and IMFpLDP2 include similar requirements for high quality design and siting to reflect the prominent position of the site. IMFpLDP2 and the Inverness East Development Brief also require an active urban frontage to adjacent streets and that meaningful, useable open space is provided.
- 8.8 The design of the proposal is a well thought out, distinctive development. The roughly 'H' block building encompasses several different components of an appropriate scale and mass. The materials palette will help give the building a distinct identity and improve the quality of the area.
- 8.9 The frontage onto Eastfield Way is dominated by the brewhouse and shop but set some distance back due to the presence of the service access road and land which may be required in the future for junction upgrades at Eastfield Way. The height of this building will provide a sense of enclosure and large glazed elements will help to contribute to providing an active frontage. Open space is provided within a courtyard in the south facing part of the 'H' block and open wildflower meadow and SUDS within the western portion of the site. These open spaces will help soften the landscape and provide an attractive setting for the development.
- 8.10 The location of the carpark does not dominate the public realm along Eastfield Way and the drawings show landscaping that would help to soften and filter the appearance of the car park.

Flood Risk and Drainage

- 8.11 SEPA's online strategic flood mapping shows that the site lies outwith any areas of fluvial, pluvial or coastal flooding during a 1 in 200 year plus Climate Change storm event. This suggests that the flood risk from these sources may be low.

- 8.12 The Dell Burn runs along the north boundary to the site and is not highlighted on SEPA's online strategic flood mapping. This is likely because its catchment is under three square kilometres which is too small to be represented on flood maps at a strategic scale. However, such watercourses can and often do offer considerable flood risk. The Council's Flood Risk Management team holds several records of flood events associated with this watercourse, although these recorded events were some distance up stream.
- 8.13 The applicant has provided a Flood Risk Study (FRA). The FRA appears to use conservative methods and appropriate sensitivity analysis (including 100% culvert blockage) to show that the construction area within the site lies outwith the flood plain of the Dell Burn and that the ground level of the construction area is has a suitable freeboard (more than 600mm) above the 200 year plus climate change design flood level. This suggests that the flood risk from this source may be low.
- 8.14 The FRA shows that the ground level above the adjacent road culvert would control the ultimate water level, should significant flooding occur. Such flooding is shown to flow north, across the local and trunk roads infrastructure, away from the site. Any future ground raising of such areas by others may increase the flood risk to this development.
- 8.15 The FRA considers access and notes that alternative routes are now available for vehicles and pedestrians, should the land to the north of the site flood, which is welcomed.
- 8.16 The applicant has also provided a Drainage Information Assessment (DIA). The DIA shows moderate infiltration results and the applicant has chosen to use a SUDS basin with a presumed discharge to the Dell Burn. The discharge rate proposed is acceptable to the Council's Flood Risk Management team.
- 8.17 The features of the SUDS basin appear to be CIRIA compliant but not SFS4 (Scottish Water) compliant. The system as proposed, will remain private and maintenance arrangements in perpetuity should be secured before any construction.
- 8.18 In order to deal with other outstanding information, the Council's Flood Risk Management team has recommended that a finalised DIA is provided, written in accordance with the Council's supplementary guidance and their consultation response comments. This can be secured by planning condition.

Transport and access

- 8.19 National and local planning and transport policy has evolved in recent years and there is now a much sharper focus on responding to the climate change emergency by reducing the need to travel unsustainably.
- 8.20 There have been improvements to the accessibility of West Seafield Commercial Centre in recent years. An active travel link is now provided between the site and Stoneyfield Business Park to the west and there are two pedestrian and cycle routes to the south that link to the Inverness Campus and beyond. The application

drawings indicate that connections will be provided to existing active travel links.

- 8.21 The application's Transport Assessment explains (para 4.34) that connections to the existing bus stops and services will be formed via new footway connections onto Eastfield Way. Currently the only signalised pedestrian crossing on Eastfield Way lies to the north of the site between the A96 and Eastfield Way roundabouts. This route is convoluted and does not provide a direct link to the existing retail park or bus stop. The Site Appraisal Connectivity drawing shown in the Design and Access Statement indicates pedestrian access crossing Eastfield Way at the southern retail park access, however no indication is provided what form this access is intended to take. Whilst it is appreciated there may be some technical challenges in providing direct safe crossing points for pedestrians on Eastfield Way, it is essential to encourage non-car connectivity to the existing retail park.
- 8.22 The submitted Transport Assessment (TA) has assessed predicted traffic generations for the site based on projected annual visitor numbers of 20,000 people and forecast staffing numbers. The figures show that weekends will be busier than weekdays and the busiest periods during a weekend are likely to be through the lunchtime period (12:00 – 14:00). Those weekend peak periods will correspond with likely peak levels of activity in the adjacent Inverness Retail Park, which is when the capacity enhancements identified for the Eastfield Way junction and tie-in to the A96(T) will be most needed.
- 8.23 The Council's Transport Planning team has noted and welcomed that the active travel connections into the site from both Highlander Way and Eastfield Way will be at least three metres wide to safely cater for both pedestrians and cyclists.
- 8.24 Subject to planning conditions relating to the requirement for a Travel Plan; a Construction Traffic Management Plan; approval of design details for the access from the existing roundabout on Highlander Way, the active travel routes, and the cycle store, along with a developer contribution towards previously identified road improvement works, the no objection to the proposal.

Impact on natural and cultural heritage

- 8.25 The site is predominantly rough grass with some gorse scrub and juvenile natural regeneration of trees over what appears as hardstanding. Around the northern side of the site there is a well-established treed landscaping belt of mixed broadleaves and conifers.
- 8.26 A Preliminary Ecological Assessment (dated August 2023) has been provided. The main findings are that badgers have been identified as using the site for foraging and commuting, but there are no active setts on the land. In addition, there is evidence that the site is also used by bats for foraging, but that the site is considered of low importance for bats. The Assessment recommends that pre-commencement surveys are undertaken. This, along with the implementation of any identified mitigation measures, can be secured by condition.
- 8.27 The Council's Forestry Officer advises that the proposed layout would remove the gorse and juvenile trees but retain the established trees on the northern side. There are no tree protection measures but this could be secured by planning

condition. The Forestry Officer has confirmed that he has no objection to the application subject to conditions requiring tree protection measures; submission and approval of an Arboricultural Method Statement; and Tree Planting Plan. Subsequent approval of these matters will ensure that there is a biodiversity enhancement deriving from the proposal, as required by NPF4.

- 8.28 In relation to cultural heritage matters, and specifically archaeology, the Council's Archaeologist has noted that the submitted archaeological evaluation has not identified any significant archaeological remains. Nevertheless, it is considered that a precautionary watching brief is necessary due to the importance of remains identified in the immediate and wider area. There remains the potential for buried features or finds to be impacted by this development. While the risk of encountering buried deposits is not such as to warrant a full excavation, it is important that the nature and extent of any features is identified and recorded before destruction. This can be secured through a planning condition.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.29 The principle of the proposal is welcomed and is consistent with the adopted and emerging Development Plan. However, there is a need for a formal, direct and safe crossing point on Eastfield Way to connect with the retail park and to enable the development site to be integrated with the wider environment. Following negotiations with the applicant, it has been agreed that a financial contribution towards the provision of an active travel link across Eastfield Way in the form of a signalised crossing will be made.
- 8.30 It is recognised that the exit from the retail park at Eastfield Way on to the A96(T) can become very congested at peak times. The Transport Statement submitted by the applicant predicts that the development is likely to attract up to 20,000 visitors per annum.
- 8.31 Where it can be demonstrated that new development is likely to increase congestion, the Council has sought developer contributions towards road improvements and/or active travel improvements within and around the wider business and retail park area. In relation to road improvements, the Council carried out a preliminary cost appraisal in early 2018 for the provision of a third lane existing out of Eastfield Way. This has been used, where appropriate, as the basis for informing developer contribution requirements for developments within the Retail and Business Park.
- 8.32 As it has been clearly demonstrated in the applicant's supporting Transport Assessment that the development will result in an increase in vehicle trips during peak weekend times, the applicant is required to make a financial contribution towards local road improvements.

Other material considerations

- 8.33 There are no other material considerations relevant to this proposal.

Non-material considerations

- 8.34 There are no non-material considerations relevant to this proposal.

Matters to be secured by Section 75 Agreement

- 8.35 In order to mitigate the impact of the development on infrastructure and services the applicant will be required to enter into a Section 75 Agreement requiring a financial contribution to be paid towards local road infrastructure improvements at and active travel improvements as set out in Appendix 2 of this report and for this to be paid before any part of the development is brought into use.

9. CONCLUSION

- 9.1 Planning permission is sought for the development of a brewery and distillery for the manufacture, storage and distribution of beer and spirits with ancillary uses including a shop, visitor centre and bar and restaurant; access and car parking; office and education areas; courtyard outdoor events area; landscaping; fencing and associated works. This facility is proposed to allow for the expansion and relocation of the existing Black Isle Brewery from its current location at Old Allangrange Farm on the Black Isle.
- 9.2 The site forms the last remaining development plot at the retail park and the proposal has been well designed in terms site layout, scale and massing, landscaping and use of materials, and is likely to be a significant tourist attraction in the area with projected visitor numbers expected to be in the region of 20,000 per annum.
- 9.3 The development, once complete, will enhance the biodiversity value of the site. This will be achieved through effective mitigation measures to take account of protected species, as well as landscaping improvements.
- 9.4 Developer contributions will be secured towards the installation of a signalised crossing in the short term and for other local road and/or active travel improvement works in the longer term.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75
Obligation Y

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to any site excavation or groundworks, a Tree Protection Plan and Arboricultural Method Statement to be submitted to and subsequently approved in writing by the planning authority, in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction).

Thereafter, all retained trees are to be protected against construction damage using protective barriers located as per the approved Tree Protection Plan. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

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

3. A suitably qualified arboricultural consultant must be employed by the applicant to ensure that the approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in the Arboricultural Method Statement (AMS) for the written agreement of the planning authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

4. No development shall commence until a detailed Tree Planting Plan and maintenance programme has been submitted to and approved by the

planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity.

5. No development shall commence until a pre-commencement survey of protected species has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area of 50 metres in all directions from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

6. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

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

7. No development shall commence until a finalised Drainage Impact Assessment has been submitted to, and approved in writing by, the Planning Authority. The finalised Drainage Impact Assessment shall follow the guidance set out in the Council's Flood Risk and Drainage Impact Supplementary Guidance (Adopted January 2013) and the finalised Drainage Impact Assessment shall address the following matters:

- i) Full details of future maintenance arrangements for the SUDS basin;
- ii) Provide information to demonstrate that the exceedance water for the overflow swale between the SUDS basin and Dell Burn would be directed towards this area or other appropriate area and that water will not enter the public road; and
- iii) Provide simulations to show that the discharge rate through the hydrobrake at 2 year / Qbar, 30 year and 200 year plus Climate Change return periods. Outline information for the selected hydrobrake shall also be provided and the formal discharge location confirmed.

Following approval, development and work shall proceed in accordance

with the approved details.

Reason: To ensure that the proposed drainage arrangements are acceptable in the interests of environmental protection.

8. No development shall commence until details of the lighting within the site have been submitted to, and approved in writing by, the Planning Authority in consultation with Transport Scotland. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

9. No development shall commence until a construction Noise and Vibration Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall demonstrate how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration arising from the development of the site. The assessment shall include, but is not limited to, the following:

- i) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
- ii) The proposed operating hours and the estimated duration of the works for each phase;
- iii) A detailed plan showing the location of noise/vibration sources, noise sensitive premises and any survey measurement locations if required; and
- iv) A description of noise mitigation methods that will be put in place. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved Noise and Vibration Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise agreed in writing by the Planning Authority.

10. **Reason:** To ensure that construction noise and vibration is appropriately mitigated to protect the occupiers of nearby noise sensitive properties, in the interests of amenity. 'Noise-sensitive premises' includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

11. No development shall commence until an Odour Impact Assessment carried out by a suitably qualified and competent person in accordance with the Institute of Air Quality Management's document Guidance on the Assessment of Odour for Planning has been submitted to, and approved in writing by, the Planning Authority.

The assessment should evaluate the likely impact of odour emanating from the development on neighbouring properties and should include but is not limited to the following:

- i) A description of existing baseline odour conditions (including complaints history) where relevant;
- ii) A description of receptors and their relative sensitivities to odour effects;
- iii) Details of potential odour sources (whether existing or proposed), including the activities and materials involved;
- iv) A plan showing the location of sources and receptors;
- v) The residual odour impacts and their effects and a conclusion on the significance of the residual effect;
- vi) A description of any odour mitigation measures which are required in order to allow the proposal to proceed without causing loss of amenity;
- vii) Where odour modelling has been used the reports should contain full details of the input data and modelling options used to allow a third party to reproduce the results; and
- viii) An Odour Management Plan (OMP) which formalises and describes how odour issues will be managed on site. As well as covering normal operations, it should anticipate and plan for abnormal events and foreseeable accidents and incidents.

Thereafter the development shall progress in accordance with the approved Odour Impact Assessment and Odour Management Plan. All approved mitigation measures shall be in place prior to the operational phase commencing or as otherwise may be agreed in writing by the Planning Authority.

Reason: To ensure that odour arising from the development is properly managed and mitigated, in order to protect the occupiers of nearby premises.

12. No development shall commence on site until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Scotland. The Plan shall include appropriate

measures to prevent any construction related parking or loading / unloading of vehicles on the public road network. The Plan shall also include measures to ensure that local public roads and roadside footways are kept free of mud or other construction related debris.

The approved construction traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In order to ensure that appropriate construction traffic management arrangements are in place in the interests of the safety of road and footpath users.

13. No development shall commence until design details for the access from the roundabout on Highlander Way have been submitted to, and approved in writing by, the Planning Authority. The design details shall demonstrate that the access adequately caters for the existing active travel connection from the Holiday Inn and Snow Goose restaurant and that priority will be given for the safe crossing of the new access for pedestrians and wheeled users, both during the construction and ongoing operation of this development.

Following approval, development and work shall proceed in accordance with the approved details and completed prior to the development first being brought in to use.

Reason: To ensure that the new access is designed to accommodate existing active travel connections in the interests of public safety.

14. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

15. Within three months following the commencement of development, full details of cycle parking stores for the parking of at least 10 bicycles shall be submitted to the Planning Authority for approval. Notwithstanding details shown on the approved site layout plan (drawing no. 220201A-360-ZZ-ZZ-DR-A-0056) the cycle parking stores shall be split between both main cycling routes proposed into the development site from Highlander Way and Eastfield Way.

Following approval, development and work shall proceed in accordance with the approved details and the cycle stores completed and available for use from the date that the development is first brought in to use.

Reason: To encourage cycle access to the development and to avoid conflicts within the site between cyclists and pedestrians.

16. Within six months of the commencement of development, a Travel Plan shall be submitted to the Planning Authority for approval. The Travel Plan shall clarify the following:
- i) What the intended organisational management arrangements and decision-making processes will be for the development, implementation, monitoring, reviewing and updating of a Travel Plan.
 - ii) What the likely Objectives and Targets might be for measuring the effectiveness of the Travel Plan in encouraging greater proportions of staff and visitor travelling to and from this development by non-car modes.
 - iii) What additional measures may be required to manage events at the site that have the potential to generate higher than normal levels of access to and from the development.
 - iv) What additional measures may be required to manage events at the site that have the potential to generate higher than normal levels of access to and from the development.
 - v) What additional measures may be required to manage events at the site that have the potential to generate higher than normal levels of access to and from the development.

Whilst the measures proposed in the Travel Plan will relate to staff working at the site, the Travel Plan must also include measures to inform visitors and promote how they could travel to and from this site by non-car modes.

Following approval, the Travel Plan shall be implemented in accordance with the approved details.

17. The active travel link through the site connecting to Eastfield Way shall be designed to ensure that where it crosses the service access route, it is clear that users of the active travel route have priority crossing over vehicles using the service access route.

Reason: To ensure that pedestrian and wheeled users of the active travel link have priority crossing of the service access route, in the interests of public safety.

18. There shall be no vehicle deliveries to the application site out-with the hours of 8am and 10pm unless otherwise approved in writing by the Planning Authority

Reason: To protect the amenity of occupiers of nearby noise sensitive properties. 'Noise-sensitive premises' includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

19. All plant, machinery and equipment associated with the development shall be installed, maintained and operated such that any associated operating noise does not exceed NR 25 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. Flare 191964/ZS02151 If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise will not have an adverse impact on noise sensitive properties. A report of the assessment must be submitted for the written approval of the Planning Authority

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

20. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

Road Construction Consent

The design details for all required changes for all drainage features impacting on the proposed local public road network, including gully locations, will need to be agreed through a formal Variation to the existing Road Construction Consent (RCC) Ref. 22/02198/RCC.

Construction Hours and Noise-Generating Activities

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

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of

the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: John Kelly/Jennifer Mair
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan DR-A-0052
Plan 2 – Site Layout Plan DR-A-0056
Plan 3 – Landscaping Plan DR-A-0055
Plan 4 – Ground Floor Plan DR-A-2081
Plan 5 – First Floor Plan DR-A-02082
Plan 6 – Roof Plan DR-A-2087
Plan 7 – Elevations DR-A-2083
Plan 8 – Courtyard Elevations DR-A-2084
Plan 9 – Sections Plan DR-A-2085

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Active travel improvements and local road Improvements	£84,010	n/a	n/a	£84,010	BCIS	Q1 2024	First use of development	Apr/Oct	15

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

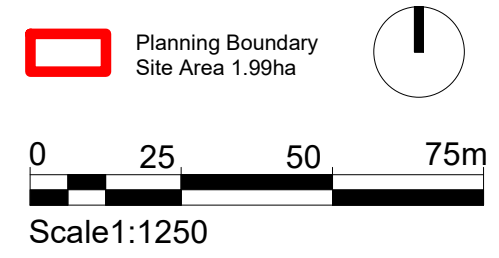
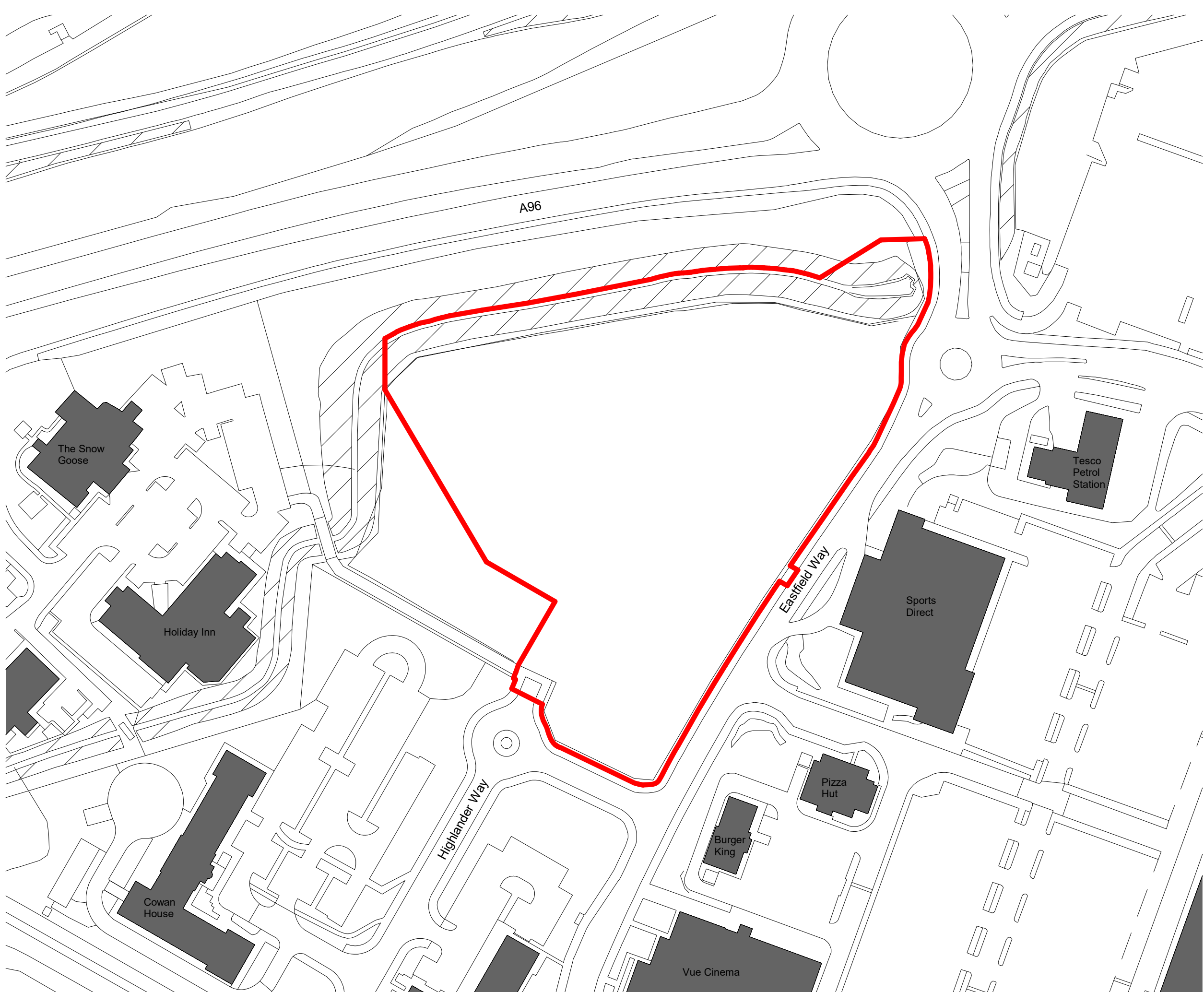
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

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REVISION		
22.08.23	Issued for Planning	HRB RK



PLANNING

SCALE	DATE	DRAWN	CHECKED
As indicated @A3	22.08.23	EW	RK

PROJECT
Black Isle Brewery

DRAWING
Location Plan 2


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04.09.23	Issued for Planning	HRB	RK	

NOTE
Foul and surface water drainage to specialist design. Vehicle tracking, road and access details to specialist design. Soft landscaping to be planted and maintained in accordance with The Highland Council's requirements including requirements for visibility splays.

PARKING PROVISION
68 visitor/employee spaces.
7 employee only spaces.
27 potential future overflow spaces.

EV charge points provided to not less than 1 in 10 parking spaces inclusive of accessible bays. Enabling infrastructure for charge points to at least 50% of car parking spaces.

SITE PLAN LEGEND

- Planning Boundary
 - Site Area 1.99ha
 - Entrance to Building
 - 1.8m palisade fencing, to match metalwork elsewhere
 - 1.8m slatted fencing
 - Vehicle Access - Tarmac
 - Pedestrian Paving
 - Shared Pedestrian and Cyclist Paving
 - Entrance to Service Access - Tarmac
 - Service Access - Compacted Road Plantings
 - Indicative SUDs to Specialist Design
 - Indicative Boundary Treatment
 - Indicative Screening Vegetation
 - Soft Landscaping - Grassland & Meadow
 - Courtyard / Rain Garden
 - Visitor Parking - Permeable Paving
 - Vehicle Access to Parking - Permeable Paving
 - Service Yard - Concrete
 - Sloping Area
 - Decking - Planked Material
- 0 10 20 30m
Scale 1:500

PLANNING

SCALE	DATE	DRAWN	CHECKED
As indicated	22.08.23	EW	RK

PROJECT
Black Isle Brewery

DRAWING
Proposed Site Plan

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DRAWING Rev.



Proposed Site Plan
Scale - 1 : 500

SOFT LANDSCAPING DETAILS

- Indicative Boundary Treatment
Mix of planted shrubs to enhance biodiversity
- Indicative Screening Vegetation
Mix of planted Scottish fruit trees and shrubs to enhance biodiversity, example varieties including:
trees - plum, damson, cherry
shrubs - hawthorn, blackthorn, dog rose
- Soft Landscaping - Grassland & Meadow
Grassland to be wild grasses seeded for natural regeneration
Meadow to be wildflower meadow seeded for natural regeneration
- Courtyard / Rain Garden
Drought-resistant mix of planted shrubs and seeded grasses

Planting

Soft landscaping to be planted and maintained in accordance with The Highland Council's requirements including requirements for visibility splays.

All planting, seeding and turfing to be carried out in the first planting and seeding seasons following the commencement of the development.

Imported topsoil to be kept to a minimum if required to make up levels. Areas to be planted will either be undisturbed topsoil or covered with topsoil to specified depths required for tree and shrub planting. Planting works to be carried out while soil and weather conditions are suitable for relevant operations:

- Deciduous trees and shrubs - 1st Oct to 31st March
- Conifers, grasses and reseeded material - at any time if ground and weather are favourable, provided the plants are kept well watered and adequate weed control is provided

Only machinery and tools which are suitable for the site conditions and/or the specific work to be carried out to be used.

Appropriate shrub and spiral guards to be used to protect all planting. Rabbit fencing to be used for all planting beds. Appropriate tree stakes and ties to be used to support weakened trees.

All plants to be firm and watered in well following planting operations.

Feathered trees and shrubs to be planted in accordance with supplier's recommendations.

All seeding to be in accordance with supplier's recommendations.

Maintenance

Undertake the various maintenance operations to ensure that the site retains a high quality appearance and that all planting continues to establish satisfactorily.

Any trees or plants which within a period of five years from the completion of the development die, or for whatever reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Watering to be recycled greywater. Wet full depth of topsoil thoroughly using a fine rose or sprinkler as necessary to ensure the establishment and continued thriving of planting and seeded areas.

Maintain all planting beds free of weeds, including perennial weed roots. Remove all weeds, including roots, by hand using hoes, trowels or forks, taking care to remove not more than a minimum quantity of soil, causing minimum disturbance to trees and shrubs.

Chipping, shredding and burning on site are not permitted.

Collect and remove all extraneous rubbish including paper, packaging materials, bottles, cans and similar debris. Remove soil and arisings from hard surfaces and leave the works in a clean, tidy condition after each maintenance operation or visit.

Inspect all plants, at least once per season, for the need of pruning, removal of dead plants and treatment of pests and diseases. Refirm as required, generally once in Autumn and once in the Spring while plants establishing. Prune plants at appropriate times in accordance with good horticultural and arboricultural practice.

NOTE ORIGINAL A1

REVISION
22.08.23 Issued for Planning HRB RK

NOTE
Foul and surface water drainage to specialist design. Refer to site plan for details of access, road and parking provision.

Landscaping to be planted and maintained in accordance with The Highland Council's requirements including requirements for visibility splays.

SITE PLAN LEGEND

- Planning Boundary
 - Site Area 1.99ha
 - Entrance to Building
 - 1.8m palisade fencing, to match metalwork elsewhere
 - 1.8m slatted fencing
 - Vehicle Access - Tarmac
 - Pedestrian Paving
 - Shared Pedestrian and Cyclist Paving
 - Entrance to Service Access - Tarmac
 - Service Access - Compacted Road Plantings
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 - Indicative Boundary Treatment
 - Indicative Screening Vegetation
 - Soft Landscaping - Grassland & Meadow
 - Courtyard / Rain Garden
 - Visitor Parking - Permeable Paving
 - Vehicle Access to Parking - Permeable Paving
 - Service Yard - Concrete
 - Sloping Area
 - Decking - Planked Material
- 0 10 20 30m
Scale 1:500

PLANNING

SCALE As indicated DATE 22.08.23 DRAWN HRB CHECKED RK @A1

PROJECT
Black Isle Brewery

DRAWING
Proposed Landscaping Plan

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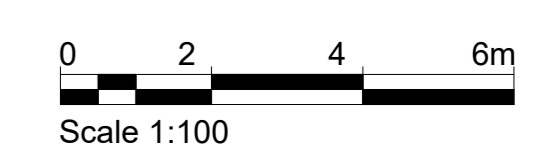
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22.08.23	Issued for Planning	HRB	RK



NOTE - PROCESS EQUIPMENT

- Threesixty Architecture take no responsibility for the design, sizing and placement of process equipment.
- Indicative layouts only - developed by Black Isle Brewery for discussion / communication purposes only.
- Final positions and dimensions are the responsibility of the process engineers and manufacturers. It is expected that the manufacturers' equipment will be designed to fit within the parameters and dimensions of the shell and core.
- Do not size or scale from the drawing.

Planning Boundary



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PROJECT
Black Isle
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DRAWING
Ground Floor Plan

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Architecture

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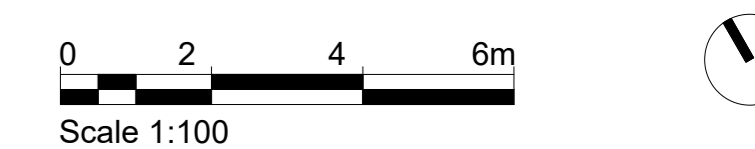
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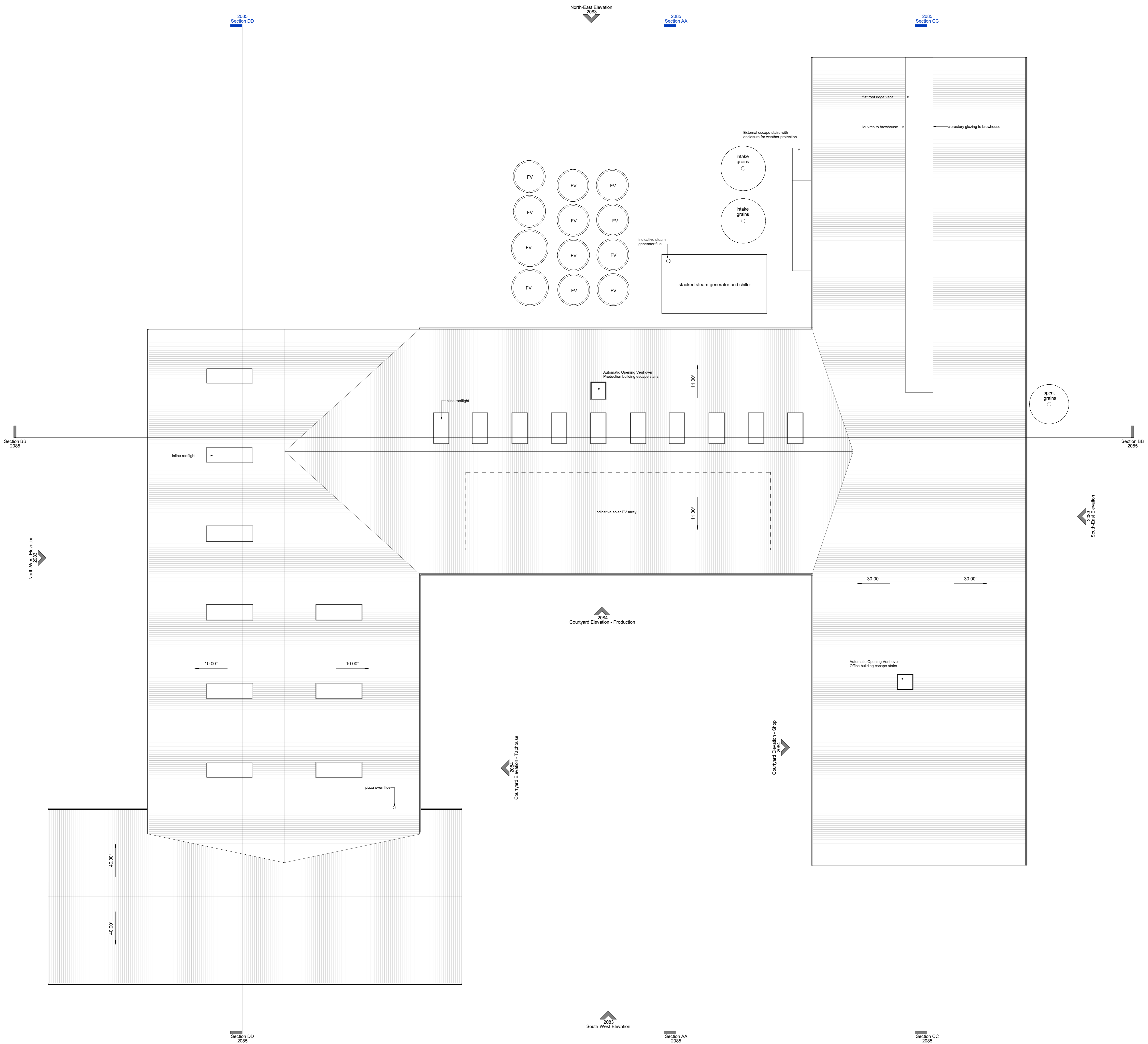
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PROJECT
Black Isle
IRBP
Inverness
DRAWING
First Floor Plan

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PROJECT
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DRAWING
Roof Plan

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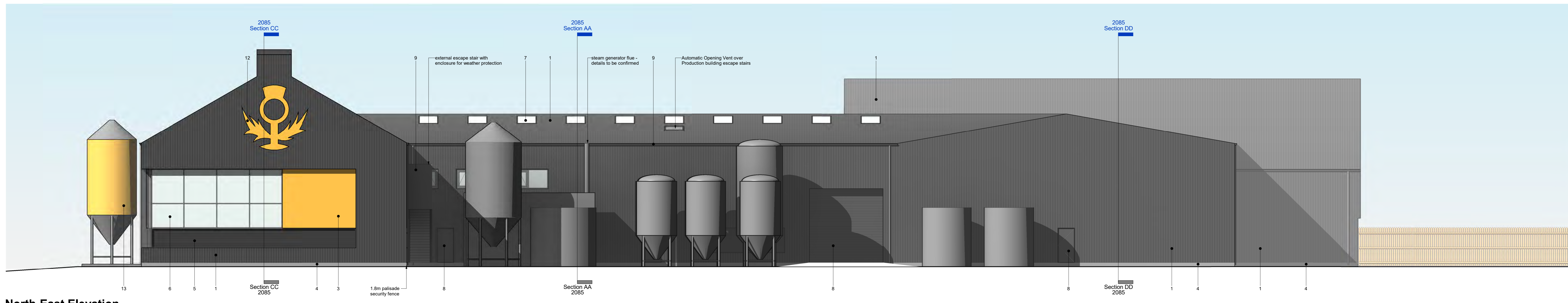
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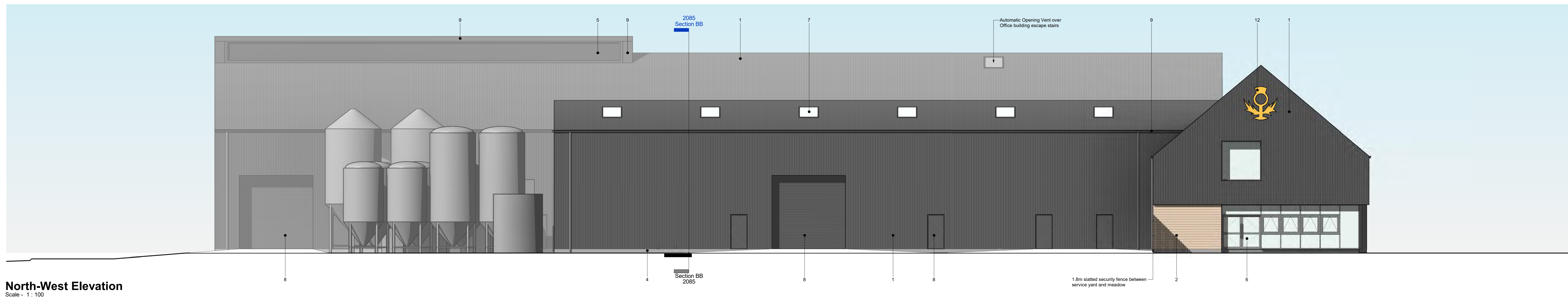
South-West Elevation
Scale - 1 : 100



South-East Elevation
Scale - 1 : 100



North-East Elevation
Scale - 1 : 100

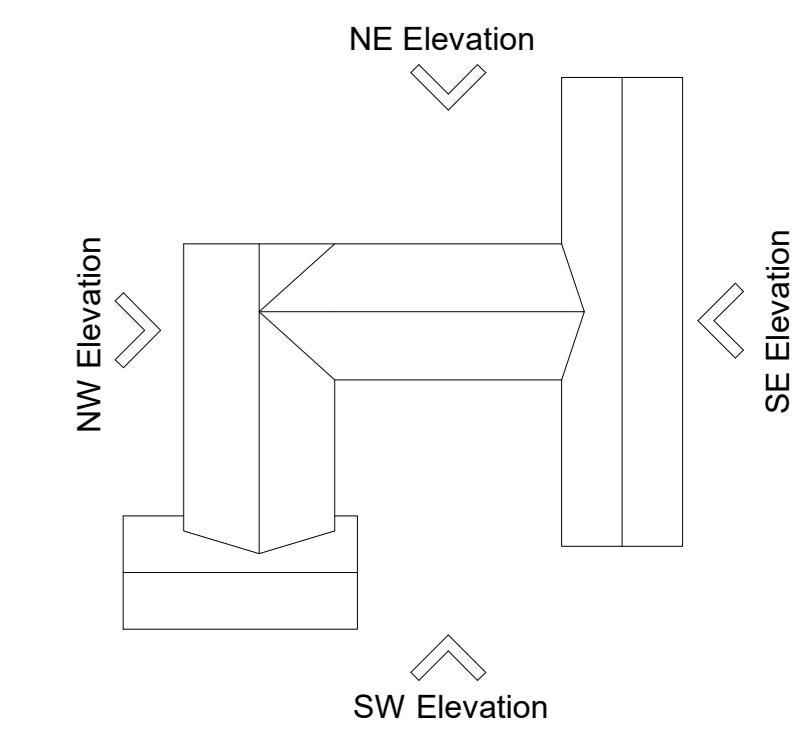
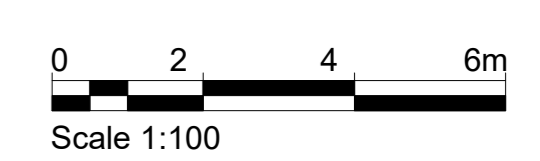


North-West Elevation
Scale - 1 : 100

- Materials Legend**
- Vertical profiled metal cladding - Colour: Black
 - Planked material - Colour: Light Brown / Grey
 - Feature panel - Colour: Accent Colour
 - Baselocase - Colour: Grey Black
 - Horizontal louvres - Colour: Black
 - Glazing, frame colour to match profiled metal cladding
 - Lintel rooflights
 - Doors, colour to match profiled metal cladding
 - Metawork, colour to match profiled metal cladding
 - Signage painted on cladding - Colour: White
 - Signage fixed to cladding - Colour: White
 - Signage fixed to cladding - Colour: Accent Colour
 - Signage painted on external equipment - Colour: Accent Colour

NOTE - PROCESS EQUIPMENT

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PROJECT
Black Isle
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Inverness

DRAWING
Elevations

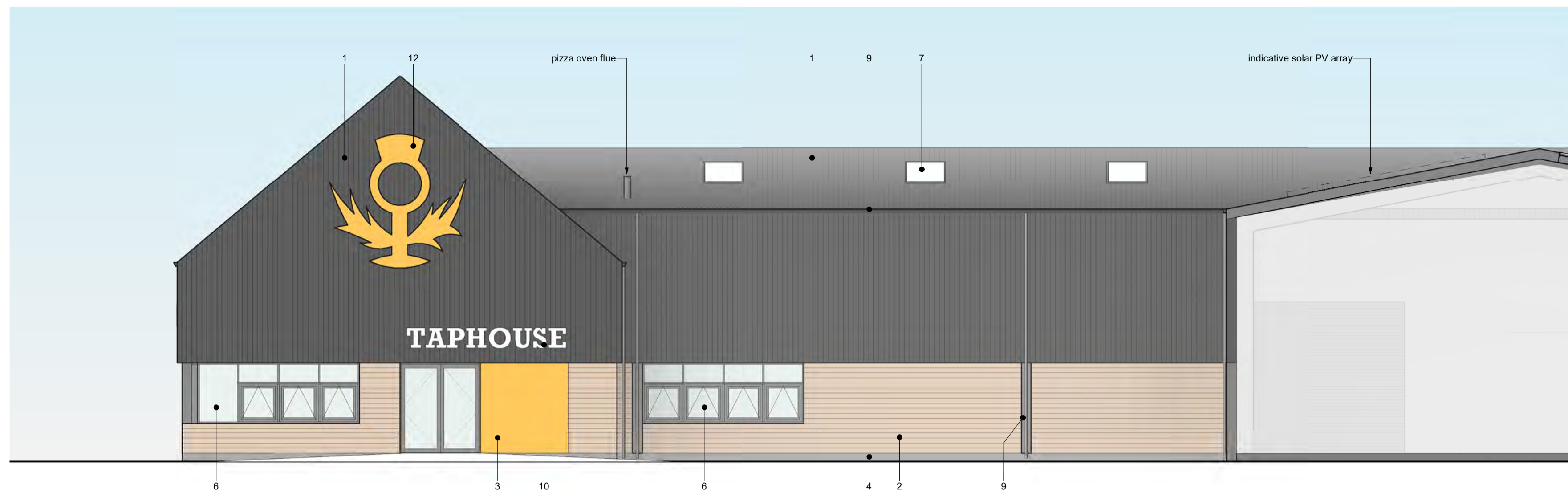
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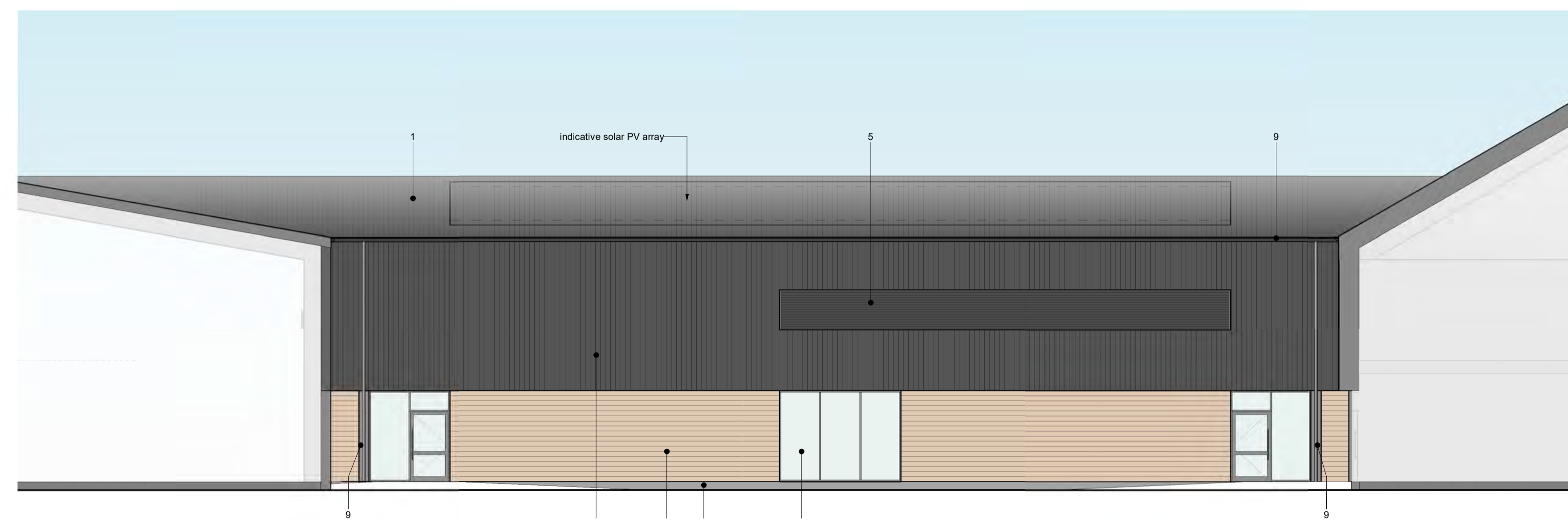
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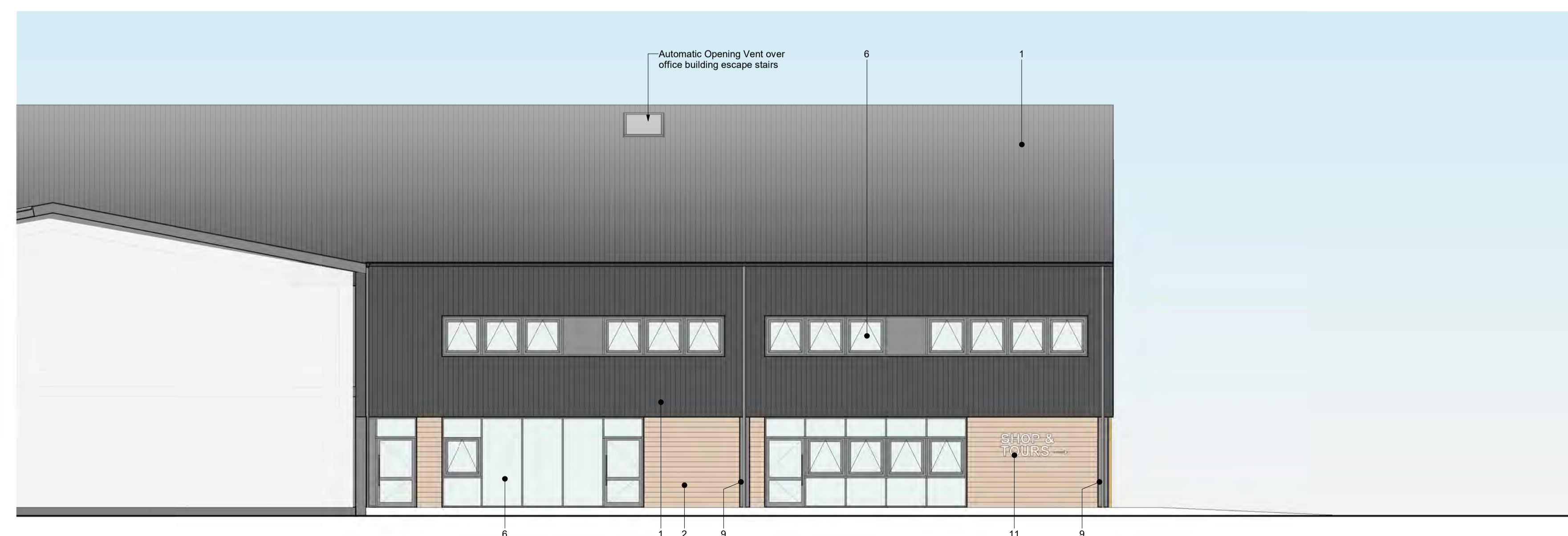
1. Courtyard Elevation - Taphouse & Storage

Scale - 1 : 100



2. Courtyard Elevation - Production

Scale - 1 : 100

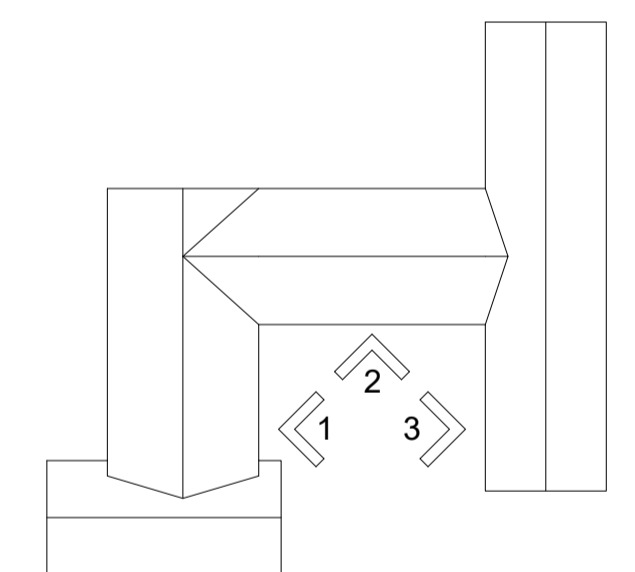
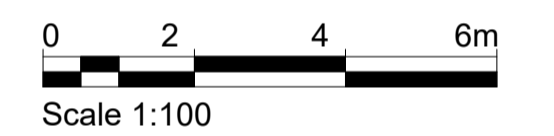


3. Courtyard Elevation - Shop

Scale - 1 : 100

Materials Legend

1. Vertical profiled metal cladding - Colour: Black
2. Planked material - Colour: Light Brown / Grey
3. Feature panel - Colour: Accent Colour
4. Basecourse - Colour: Grey Brick
5. Horizontal louvres - Colour: Black
6. Glazing, frame colour to match profiled metal cladding
7. Inline rooflights
8. Doors, colour to match profiled metal cladding
9. Metalwork, colour to match profiled metal cladding
10. Signage painted on cladding - Colour: White
11. Signage fixed to cladding - Colour: White
12. Signage fixed to cladding - Colour: Accent Colour
13. Signage painted on external equipment - Colour: Accent Colour



PLANNING

SCALE	DATE	DRAWN	CHECKED
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PROJECT
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DRAWING
Courtyard Part Elevations

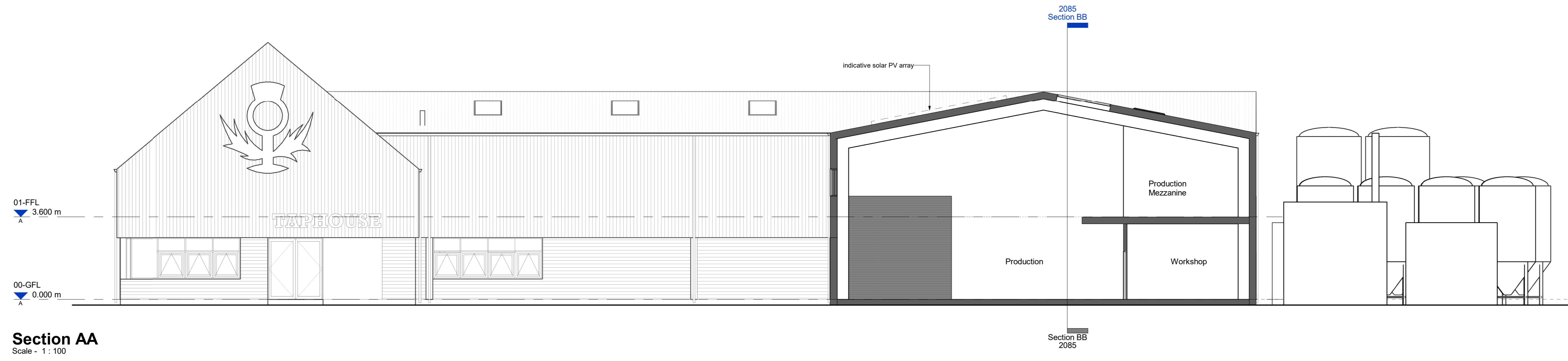
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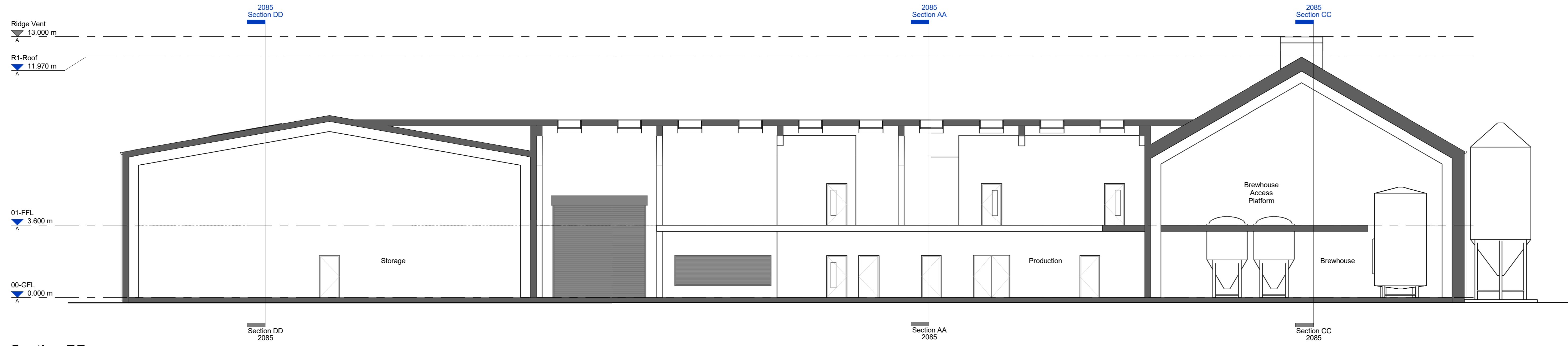
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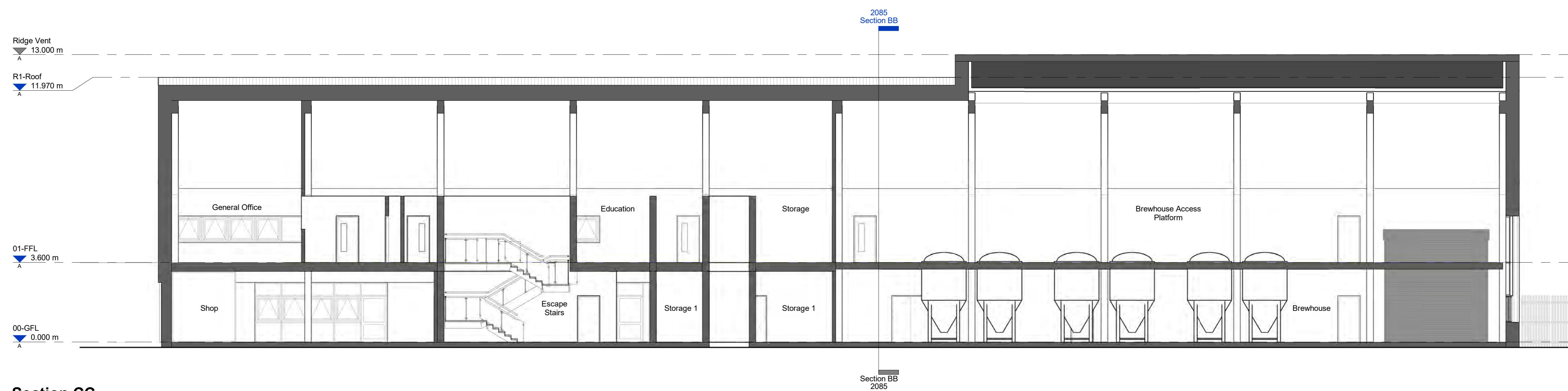
DRAWING Rev.



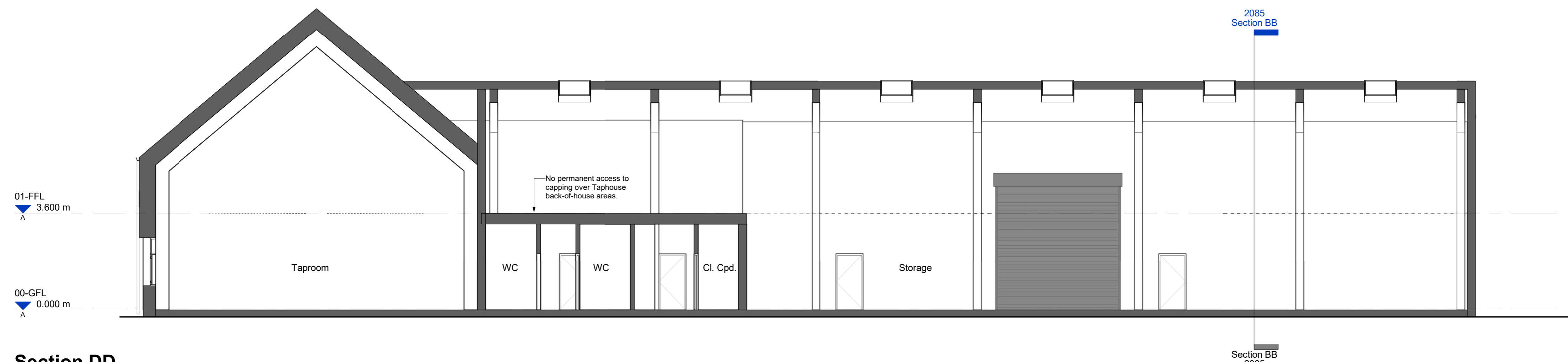
Section AA
Scale - 1 : 100



Section BB
Scale - 1 : 100



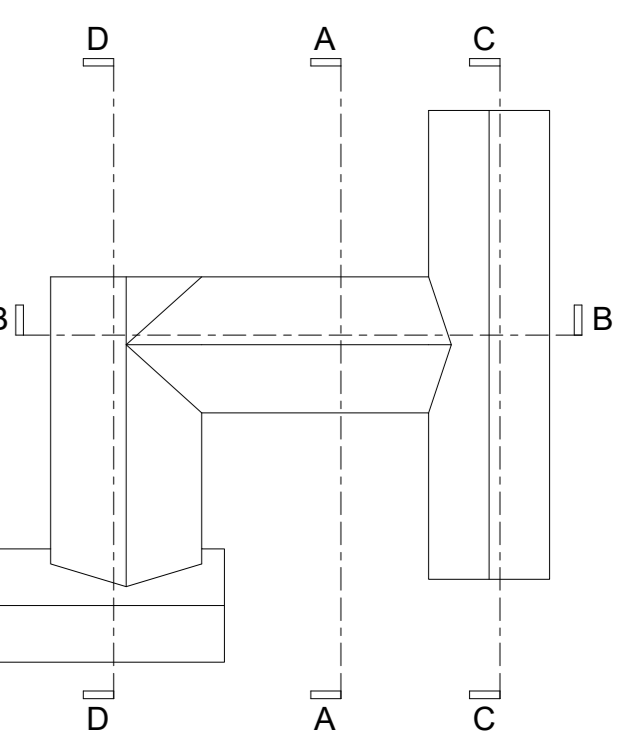
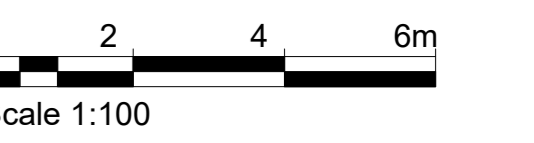
Section CC
Scale - 1 : 100



Section DD
Scale - 1 : 100

NOTE - PROCESS EQUIPMENT

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PLANNING

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PROJECT
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Sections



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