THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE 8 April 2014

13/02876/FUL : Scottish Canals Land 100M SE Of Ivy Cottage, Laggan Locks, North Laggan

Report by Area Planning Manager - South

SUMMARY

Description : Erection of Two Visitor Accommodation Pods and a Services Building

Recommendation - GRANT

Ward : 12 - Caol and Mallaig

Development category : Local

Pre-determination hearing : None required

Reason referred to Committee : Number of representations.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect two visitor camping pods on a jetty/promontory at Laggan Locks on the Caledonian Canal. The pods are 2-person pods with footprints of 3.6m x 3.6m. There is also a WC pod with a footprint of 6.1m x 2.9m. The scheme has been reduced from the seven camping pods originally submitted to two camping pods in order to address concerns regarding flood risk and landscape impact. The two camping pods, and the WC pod, are to be finished in a charred larch cladding. The pods are to provide overnight accommodation for users of the Canal and the Great Glen Way as an alternative to camping.
- 1.2 Informal pre-application consultation was undertaken. General support was given for tourism development in this area. Advice was provided to ensure that the scheme design took into account the impact on trees, and concerns were raised over the proposed pod at the southern end of the promontory.
- 1.3 The site is between the car park at Laggan Locks and the Canal itself. The site can be accessed by either the Canal, the Great Glen Way or by vehicle from the A82 Trunk Road. The site is to be served by an existing private water supply from a borehole, and a new septic tank and soakaway are proposed.
- 1.4 A Planning Statement, Habitats Survey, Tree Survey and flood risk information were submitted in support of the application.

PLS/025/14

Report No

1.5 **Variations**: The proposal was originally submitted for seven visitor pods, however in response to officer concerns regarding the landscape impact of a pod at the southern end of the promontory, this southern-most pod was deleted from the scheme. The positions of the remaining pods were then slightly adjusted within the site to protect the existing trees. Following objections raised by SEPA in relation to potential flood risk, the scheme has further been reduced to two camping pods and the WC pod.

2. SITE DESCRIPTION

2.1 The site comprises grassed land on a built up promontory at the head of Loch Lochy, positioned between the Laggan Locks and the A82. The site is fairly level and contains mature conifer trees. To the immediate north-west of the site is the complex of canal buildings at the Locks and to the north-east lies the public car park within the wooded area towards the Trunk Road.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised : Yes (unknown neighbour) Representation deadline : 22.8.13

Timeous representations: 9

Late representations : 0

- 4.2 Points raised are summarised as follows:
 - 1. Impact on trade of existing tourist accommodation in the area
 - 2. No demand for additional accommodation
 - 3. Road safety at junction with A82
 - 4. Noise generated in peaceful location
 - 5. Impact on historic area
 - 6. Adverse impact on landscape
 - 7. Issues raised over the financing of the project
 - 8. No assessment of adequacy of foul drainage
 - 9. No assessment of private water supply
 - 10. Loss of public access to the site
 - 11. Design not in keeping with area
 - 12. Access and parking issues if pods used for long term accommodation
 - 13. Proposal will set a precedent for other applications

4.3 The applicant's agent has provided the following summarised points in response to the objections:

The application proposals form part of a wider Scottish Canals strategy to increase use of the Caledonian Canal. The proposal is unlikely to adversely affect local business, and is more likely to benefit them, for the following reasons:

- a) The proposal is not of a significant scale;
- b) The accommodation is unlike other options available locally;
- c) Scottish Canals is actively promoting increased use of the Caledonian Canal for tourism and recreation;
- d) All accommodation providers and tourism related businesses are likely to benefit from this;
- e) Scottish Canals is willing to assist local providers to list accommodation on marketing materials.

Competition is not a material consideration in this instance. Aside from this, Scottish Canals has a formal requirement to increase tourism and visitor use of the Caledonian Canal and this is expected to benefit local accommodation providers and other businesses.

4.4 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Forestry Officer** : Previous objections resolved due to scheme changes. Conditions recommended.
- 5.2 **Historic Environment Team** : Advised to consult Historic Scotland.
- 5.3 **TECS Roads :** No response.
- 5.4 **Historic Scotland** : No objections advised Scheduled Monument Consent will be required from Historic Scotland.
- 5.5 **Transport Scotland** : No objection subject to condition.
- 5.6 **Disability Access Panel :** No response.
- 5.7 **SEPA :** Objected to original scheme on flood risk grounds. Objection removed for amended scheme which reduces number of camping pods to two, sited above the 32.5m contour (this being the precautionary design flood level).

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-Making
- 36 Development in the Wider Countryside

43	Tourism
	—

- 44 Tourist Accommodation
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment
- 78 Long Distance Routes
- 6.2 West Highland and Islands Local Plan 2010 (as continued in force)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Trees, Woodlands and Development Supplementary Guidance 2013 Flood Risk and Drainage Impact Assessment Supplementary Guidance 2013

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 2010

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.
- 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.

8.3 Development Plan Policy Assessment

The site lies at Laggan Locks, within the small settlement of Laggan to the south of Invergarry. Laggan does not have a settlement map in the Development Plan, therefore proposals require to be assessed under the 'wider countryside' policies, tourism policy and, due to the close proximity to the Caledonian Canal, a Scheduled Ancient Monument, landscape and heritage policy. Proposals require to be assessed in terms of siting and design, pattern of development, compatibility with landscape character and capacity, avoidance of incremental expansion of one particular development type, loss of croft land, servicing issues and impact on landscape and heritage.

8.3.1 The site is within the Loch Lochy and Loch Oich Special Landscape Area, which is a feature of Local/Regional Importance. There is a distinct cluster of Canal-based development at Laggan Locks, on both sides of the Canal. The current proposal seeks to introduce two small structures into this cluster of development to provide alternative overnight accommodation. The two single pods are to be located on an area of grassed land on the southern side of the access into the Scottish Canals car park, adjacent to a small group of trees and overlooking the inlet between the Canal and the public car park. The WC block is located to the south western most corner of the Scottish Canals car park.

The revised scheme, although introducing new structures into this area, has been designed and arranged to minimise the impact on the landscape and nearby trees, has largely kept the built development within the boundaries of the existing developed area at Laggan Locks, and comprises small scale structures to maintain the character of the area. It is considered that this scale of development and its associated activity will not adversely affect the amenity of this area. The design of the pods is interesting, and based on a small square footprint with angled roof. The small size and the darkened timber external finish will allow the buildings to recede into the landscape and wooded backdrop. The development will add to the mix of visitor accommodation in the area and accords with the tourism aims of the development plan. The pods are not designed for long term accommodation, and a condition is proposed restricting occupancy to underpin their use.

- 8.3.2 The site lies adjacent to the Caledonian Canal which is a Scheduled Ancient Monument. This part of the canal is situated at the north-east end of the loch and is partly on reclaimed ground. It comprises a pair of standard masonry lock chambers with associated working areas, including protective jetties projecting into Loch Lochy. Historic Scotland has advised that as there will be a direct impact on the canal, Scheduled Monument Consent (SMC) will be required. In terms of the potential impact on the setting of the canal, Historic Scotland has advised that there will be relatively little visual impact from the pods, and they are content that this does not raise significant issues for their historic environment interests. Historic Scotland has also advised that the application boundary is located in the vicinity of the Inventory Battle of Blar na Leine (Battle of the Shirts) historic battlefield. However, they are content that this does not raise significant issues for their historic environment interests.
- 8.3.3 Within the site there are a number of mature larch and Sitka spruce in varying conditions. The trees stand in a prominent position on the edge of the Caledonian Canal and are visually significant as a result, so should be retained and safeguarded from any development. The Forestry Officer originally raised concerns over the positioning of the pods within the root protection areas of the trees.

Following repositioning of the pods within the site to take account of the impact on the trees, the Forestry Officer has advised the scheme is acceptable in terms of impact on trees, subject to conditions. Any impact is further reduced by the latest amendment to reduce the scheme to two camping pods and the WC pod.

- 8.3.4 It is anticipated that the pods will be used by users of the canal, users of the Great Glen Way and visitors arriving by road. On the basis of the original seven pods proposed, Transport Scotland recommended a suspensive condition requiring visibility splays to be formed and maintained at the junction of the Laggan Locks road with the Trunk Road. At present visibility from this junction is restricted to the north by scrub within the adjacent field. Since then the scheme has been reduced to two camping pods. Transport Scotland were re-consulted in light of this amendment and have advised that if the proposals were restricted to two pods plus toilet block they would be content to accept this without junction alteration as the impact on the trunk road would be minimal, especially if some of the customers arrive by other means.
- 8.3.5 SEPA objected to the original scheme on flood risk grounds as they were of the opinion that a design flood level for a 1 in 200 year event was likely to fall somewhere between 31.32m and 32.5m AOD. SEPA provided the applicant with two options to address their concerns;
 - 1. To modify the layout of the proposal to ensure all built development is located on land already above 32.5m AOD (taking the higher level as a precautionary approach); or
 - 2. Detailed flood risk assessment to be provided which could enable SEPA to agree a lower design flood level.

The applicant has opted for the first option and the number of camping pods has since been reduced to two, which are located on land already above the 32.5m contour. On the basis of the revised scheme SEPA have removed their objection to the proposal.

- 8.3.6 In terms of foul drainage, a new septic tank and soakaway are proposed to serve the development. The technical details of this will be controlled by Building Standards and SEPA and may require to form part of the Scheduled Monument Consent application. The principle of private foul drainage arrangements in this location is acceptable. Water supply is by way of a private water supply from an existing borehole supply. Full details of the adequacy of the private water supply to serve the additional development will be secured by suspensive condition.
- 8.3.7 For the reasons discussed above, it is considered the proposal accords with Policies 28, 29, 36, 44, 51, 56, 57, 61, 64, and 78.

8.4 Material Considerations

Nine letters of objection have been received to the proposal. The points raised are summarised in section 4.2 above and assessment of the material issues raised are discussed above.

8.5 **Other Considerations – not material**

Issues have been raised by the objectors which are not material to the consideration of this planning application; namely, issues raised over the financing of the project; impact on trade of existing tourist accommodation in the area; no demand for additional accommodation; and that the proposal will set a precedent for other applications.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 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. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. The camping pods hereby approved shall be positioned on the site, in accordance with Drawing No. 428(PL)122 05, on land no lower than 32.5 metres AOD, unless otherwise first agreed in writing by the Planning Authority.

Reason : In the interests of safety in order to protect against potential flood risk.

2. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason : To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

3. With effect from the date of this permission, no trees other than those already agreed are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

4. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction) and as per Proposed Site Plan drawing (Dwg No 428(PL)122 Rev 05). 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 throughout the construction period.

5. The development shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason : To ensure that the development does not become used for permanent residential occupation, in accordance with the buildings' design and use applied for.

REASON FOR DECISION

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

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans & Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Septic Tanks & 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).

Mud & Debris on Road

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

Scheduled Monument Consent

Historic Scotland has advised that Scheduled Monument Consent will be required as the development will have a direct impact on the Canal which is a Scheduled Ancient Monument. You are advised to discuss the requirements of such an application direct with Historic Scotland:

Historic Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH

Tel. 0131668 8600

Signature:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	Susan Macmillan
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Superseded Site-Location Plan
	Plan 2 – Amended Site-Location Plan
	Plan 3 – Elevation Type A1
	Plan 4 – Type A Floor Plan
	Plan 5 – WC Block Elevation

Plan 6 – WC Block Floor Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Alasdair Fraser	Lochy House South Laggan By Spean Bridge PH34 4EA	12.8.13	А
Frances Jamieson	Lilac Cottage South Laggan Spean Bridge PH34 4EA	15.8.13	А
Mr & Mrs A Fraser	2 South Laggan Spean Bridge PH34 4EA	16.8.13	А
Mr & Mrs Robert and Phoebe Hutchinson	Forest Lodge South Laggan Spean Bridge PH34 4EA	16.8.13	A
Ms Maria Macrae	7 South Laggan By Spean Bridge Inverness- shire PH34 4EA	17.8.13	A
Mr Matthew Jenneson	Invergarry Lodge Mandally Road Invergarry PH35 4HP	18.8.13	A
Mrs Eilidh MacIntyre	Cherry Grove Spean Bridge PH34 4EU	19.8.13	А
Ms Kirsty Bloom	Great Glen Hostel South Laggan Spean Bridge PH34 4EA	20.8.13	A
Mr David Matheson	Letterfinlay Lodge Hotel Letterfinlay Fort William PH34 4DZ	21.8.13	A







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Notes:

Refer to site plan for individual locations of pod types.

Relationship of pod to ground varies at each location. Ground line shown is indicative only.

Outer security doors shown in open position for clarity.

Key:

- 01. Charred natural Scotch Larch rainscreen cladding to walls
- Charred natural Scotch Larch rainscreen cladding to roof
- Door/Glazed Screen painted finish to timber frames Outer security doors Charred natural Scotch Larch
- 05. Timber Window
- 6 Aluminium diagonal verge pressings at roof/wall interface with a PPC finish.
- Concealed RWP behind rainscreen Stove back pack with Charred natural Scotch Larch rainscreen cladding to walls and roof 8
- q Stove flue
- Timber joist below stove back pack 10.
- 11. 12. Concrete accessible platt Painted timber panel

REVISION

01 25.07.13 Submitted for Planning Application. DETAILS

Oliver Chapman Architects

36 St. Mary's Street, Edinburgh, EH1 1SX t. 0131 477 4513 f. 0131 556 9960

admin@oliverchapmanarchitects.com www.oliverchapmanarchitects.com

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Notes:

Refer to site plan for individual locations of pod types.

Relationship of pod to ground varies at each location.

Outer security doors shown in open position for clarity.

Key:

- 01. Charred natural Scotch Larch rainscreen cladding to roof
- Dibond mirror finish rainscreen cladding to roof Door/Glazed Screen painted finish to timber frames Outer security doors Charred natural Scotch Larch 2.
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- 4. 05. Timber Window
- Aluminium diagonal verge pressings at roof/wall interface with a PPC 6. finish.
- 7. 8.
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- Stove back pack with Charten natural scotch Larch rainscreen cladding to walls and roof Stove back pack with Dibond mirror finish rainscreen cladding to walls and roof Stove and flue 9.
- 10. 11. 12.
- Concrete accessible platt Painted timber panel

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02 (PL)_212







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Notes:

Refer to site plan for individual locations of WC block.

Relationship of WC block to ground varies at each location. Ground line shown is indicative only.

Key:

- Charred natural Scotch Larch rainscreen cladding to 1. walls
- 2. Copper roof covering - TECU Oxide finish
- Doors and infill panels Trespa epoxy resin panel secret 3. fixing.
- 4.
- Top hung glass fanlights. Metal copes and flashings at roof/wall interface to match roof covering 5.
- 6. Concealed RWP behind rainscreen
- Accessible platt and path around perimeter 7.

+ 3.035 FL

REVISION

DATE

01 25.07.13 Submitted for Laggan Planning Application. DETAILS

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