

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
24 June 2014**

Agenda Item	6.3
Report No	PLS/049/14

**14/01350/FUL : Kearney Donald Partnership  
Heathercroft Development Site, Connochie Road, Fort William**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description :** Erection of 21 unit residential development

**Recommendation - GRANT**

**Ward :** 22 Fort William and Ardnamurchan

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** Number of representations.

**1. PROPOSED DEVELOPMENT**

1.1 It is proposed to erect 21 residential units on a site at Heathercroft which currently has extant permission for 27 flats over three blocks (2 x 3.5 storey and 1 x 3 storey). The current proposal seeks to amend the format of the permission to:

- (a) reduce the number of residential units by six
- (b) change from three blocks of 9 flats (1 x 3 storey and 2 x 3.5 storey) to one block of 9 flats (3 storey), two blocks of 4 flats (2 storey) and four semi-detached houses (2 storey).

The external materials include Marley modern roof tiles, white render and timber cladding. The ground floor level of the proposed units sits on the same level as the currently consented blocks.

1.2 No formal pre-application consultation was required in this instance.

1.3 Connection is proposed to the public sewer and the public water mains. A preliminary drainage strategy has been submitted outlining the proposals for updating the previously approved surface water drainage scheme. The new road to the site (phase 1 of the distributor road) has been formed and the access spur into the site has also been formed.

1.4 In support of the application a plan has been submitted showing the original scheme overlaid with the proposed scheme. The agent has also provided a response to objections raised (see section 4.3), and has corrected an error with the land ownership certificate. Clarification has been provided on tree/shrub retention and fencing details have been submitted.

1.5 **Variations:** Since original submission the site plan has been updated to include boundary fencing, and a preliminary drainage strategy has been submitted.

## **2. SITE DESCRIPTION**

2.1 The site comprises an area of levelled, rough ground which formed part of a wider site with consent for 48 flats at Heathercroft, Upper Achintore (21 of which have been built - phase 1(a). The current proposal is for phase 1(b) which lies to the immediate north east of phase 1(a) now known as Iona Court and Mull Court. Mull Court is closest to the proposed development and is a three storey block of 9 flats which shares access with this current proposal. Phase 1(b) extends to approximately 0.6ha and is bounded to the north west by residential development at a significantly lower level along Connachie Road; to the north east by residential development at Glasdrum (at a lower level); and by rising ground and Heathercroft Drive (phase 1 of the distributor road serving a wider allocation at Heathercroft) to the south. The main elements of site levelling have previously been undertaken on this site, and the site has most recently been used as a temporary contractors compound when the properties at the Plantation were being upgraded, although this has now been removed.

## **3. PLANNING HISTORY**

3.1 05/00246/FULLO : Erection of 48 flats with associated first phase of new distributor road at Heathercroft, Upper Achintore, Fort William : Granted by Committee and cleared by Scottish Ministers. Decision issued 9.11.07 following conclusion of Section 75 Obligation securing developer contributions on a per house basis. Permission was granted for 48 flats (32 x two-bedroom and 16 x three-bedroom) spread over six blocks. The blocks were a mix of three-storey, three and a half storey, with one four-storey block. Subject to amendments, three of the blocks were built (21 flats), together with the first phase of the distributor road. As part of the permission was implemented, the remaining three blocks of flats containing 27 flats have extant permission which could be undertaken at any time without further submission to the Planning Authority.

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Unknown neighbour  
Representation deadline : 8 May 2014

Timeous representations : 12 (11 households)

Late representations : 1

4.2 Material considerations raised are summarised as follows:

- Boundary between new development and Glasdrum needs to be adequately fenced to prevent 'rat run'. No fencing shown.

- Planning application is incorrect and incomplete.
- Concerns over noise and dust pollution during construction.
- Concerns over the presence of nickel on the site - detailed ground survey should be carried out before and after construction with earth capping as required.
- All rock and waste must go to landfill.
- What is impact on privacy/light of adjoining properties as a result of the amended scheme?
- Impact on trees in south west corner of site/embankment (not shown on plans).
- Due to ongoing problems with Iona Court (Phase 1(a), a full SUDS plan for the development that satisfies all parties should be agreed. Problems with drainage from the original development have only been partially corrected.
- Concerns over increase in water coming down embankment.
- Area has a history of surface water problems and the current scheme should ensure that surface water is diverted in such a way as to ensure surface drainage is not exacerbated by the development.
- Seepage from the poorly constructed drainage system from the earlier development still exists. There is evidence that the banking to the south west of the culvert entrance on the access road is gradually slipping under the pressure of seepage.
- Kerbing on Connochie Road has not been replaced after it was destroyed by previous contractor.
- Concerns over the safety of the bank at the back of existing houses - boulders fell last time and assurances sought that this will not happen again.
- Concerns over close proximity of houses to the Glasdrum boundary - proposals close to north and east embankments. Two storey height could dominate existing houses - consideration should be given to moving houses back into the site.
- Demand made for public meeting with neighbours, Council and developer if construction goes ahead.
- Concerns regarding close proximity of car park at the top of bank and associated noise.

#### 4.3 Response from agent to representations (summarised)

- (a) A SUDS scheme for the original 48 flats on this site has been approved. The current scheme is for 21 units (reduced from 27) has a lower density across the site, and creates less roof area, access road and car parking than previously approved. A revised Drainage Impact Assessment is being carried out in consultation with the Council's Flood Team and the applicant is content for a suspensive condition to be imposed requiring full agreement of this.
- (b) Site plan updated to include fencing and landscaping proposals have been granted previously.

- (c) Land contamination has previously been tested and approved. Due to change in topography since original report, further testing has been undertaken across the whole of site in consultation with the Council's Contaminated Land Unit. Agent is content for imposition of similar suspensive condition as the previous permission requiring full agreement of details.
- (d) Phase 1(a) of the development included substantial levelling, rock pecking and crushing and construction of the distributor road. Phase 1(b) is now a relatively flat platform and the civil engineering works will not be on the same scale as the previous scheme. The level of noise and disruption to the immediate area will be significantly less than encountered in 2010.
- (e) The change from 3/3.5 storey flats to 2 storey blocks to the north east will offer much more privacy than the existing consent.
- (f) The original consent was for 21 affordable homes and 27 private homes for sale/rent. The original 21 affordable units have been built and the current application is for 21 affordable homes, instead of the 27 private, which will be managed by the Lochaber Housing Association. With approximately 1000 people on the waiting list for affordable housing in Lochaber it is vital that further affordable housing is built.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

- 5.1 **Council's Flood Team** : Objections raised due to lack of Drainage Impact Assessment. Following receipt of further information the Flood Team has recommended a condition requiring detailed drainage design and Drainage Impact Assessment to be submitted and approved prior to the commencement of works on site.
- 5.2 **Community Services - Roads** : No objection - recommends consultation with Flood Team.
- 5.3 **Community Services - Contaminated Land** : Condition recommended.
- 5.4 **Scottish Water** : No response
- 5.5 **SEPA** : No objection, but have highlighted the need for a drainage impact assessment and consultation with the Council's Flood Team with respect to surface water drainage.
- 5.6 **Disability Access Panel** : No objections.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland-wide Local Development Plan 2012

29	Design Quality and Place-making
30	Physical Constraints
31	Developer Contributions
32	Affordable Housing
34	Settlement Development Areas
56	Travel
66	Surface Water Drainage
75	Open Space

## 6.2 **West Highland and Islands Local Plan 2010 (as continued in force)**

Policy 2            Development Objectives and Developer Requirements

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Development Plan**

Not applicable

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions Supplementary Guidance 2013

Physical Constraints Supplementary Guidance 2013

Managing Waste in New Developments Supplementary Guidance 2013

Open Space Supplementary Guidance 2013

Trees Woodland 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

Planning Advice Note 33 - Development of Contaminated Land

Planning Advice Note 61 - Planning and SUDS

## 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 within the Fort William Settlement Development Area, as defined by the adopted development plan, which is the preferred location for new development. The site is immediately adjacent to a large mixed use allocation with an indicative capacity of 300 units. It is understood that the current site is within the Settlement Development Area rather than the allocation area in recognition of the extant permission that exists for 27 residential units on the site.

The current application seeks to lower the density and amend the format of the residential development currently granted for this site. In essence, one 3.5-storey block of flats is to remain, although reduced in size and height, and the other two blocks are to be reduced down to two, 2-storey blocks of four flats and two, 2-storey semi-detached blocks (four houses in total).

The principle of the development of this site accords with development plan policy.

#### 8.3.1 Siting and Design

The height and mass of the buildings have been reduced to five smaller blocks rather than three larger blocks. The design has been kept simple and will tie in visually with the first phase of flats. The reduction in height from the 3.5 storey flats to the two storey blocks at the north eastern end of the site will help the transition of the built development from the higher flats to the houses at Glasdrum. Materials proposed are to match existing.

#### 8.3.2 Privacy and Amenity

The reduction in height of the buildings at the north eastern end of the site will reduce any impacts on privacy and amenity on the closest houses at Glasdrum. The car parking was originally approved at the rear (south east) of the site, however this has now been arranged throughout the site, directing most of the activity away from the properties at Glasdrum Court, which is considered to be a benefit. The introduction of two 2-storey blocks towards the rear of the site will replace the previous parking area with rear gardens, which could overlook the rear gardens of Glasdrum Court due to the difference in levels. However, 1.8m high screen fencing along the garden boundary of the closest block of flats to Glasdrum Court will mitigate this. This reflects the requirement in the previous consent for screen fencing along this boundary. The site plan has been updated to reflect this requirement. It is important that this fencing is at the same ground level as the proposed residential units, as due to the change in levels, fencing on the lower level at Glasdrum Court would not be entirely effective. The other closest house 'Scaraben' is more protected due to existing tree cover, however it is considered appropriate to extend the fence along the full length of this north eastern boundary. This was also a requirement of the previous permission. It should be noted that the reason, both now and previously for this fence was in the interests of protecting residential amenity, not to prevent pedestrian access to Glasdrum, as desired by objectors to the scheme. The Council generally encourages the establishment of footpath linkages, although in this instance the differing levels do not lend themselves to a linkage here.

A landscaping scheme will also be secured to help consolidate the screening and soften the boundaries. Windows on the gable of the buildings have been restricted to obscure glazed bathroom windows to prevent overlooking issues.

Concerns have been raised regarding the potential for overlooking of the existing houses below the development site (to the north west). The buildings along this boundary are at a lower level, and the revised buildings do not extend any further forward than the building line of the current consent. The proposed buildings are also lower than the previous scheme, which will result in a reduction in potential for overlooking. The proposed buildings are sufficiently distanced from existing properties to prevent overshadowing or loss of daylight.

### 8.3.3 Access and parking

Access to the site is from the new road serving the first phase of the development. The access has been formed and is shared with Mull Court. The proposed layout of the parking/turning is generally acceptable and the final detail will be covered in the road construction consent. Concerns have been raised over the proximity of the car parking to the top of the embankment. The applicant has proposed fencing along the top of this bank to address any safety concerns for users.

### 8.3.4 Contaminated Land

During the assessment of the previous planning application in 2005 it was suggested the site at Heathercroft, Upper Achintore, Fort William had a history of unlicensed tipping. Accordingly the Contaminated Land Unit recommended a suspensive condition with regard to potential land contamination. This condition was imposed on planning permission 05/00246/FULLO.

An initial assessment by Terra Tek in 2007 covered both phases of the proposed development area (phases 1 (a) & (b)). However a review of their report highlighted a number of inadequacies within the sampling strategy and as part of the on-going appraisal of compliance with the conditions imposed the report was supplemented by additional works, undertaken by ERS in 2012, on phase 1(a) of the development.

The results of the soil sampling have demonstrated elevated levels of Nickel associated with the natural site won material on-site. However within the context of the Contaminated Land Regime these are not considered to represent a significant possibility of significant harm to human health.

Planning Application 14/01350/FUL has now been lodged for the second phase of the development (phase 1(b)) and in accordance with the previous permission a suspensive condition has been recommended in respect of potential land contamination.

The developer has undertaken an initial exploratory investigation and further to discussions with the Contaminated Land Unit a response has been provided to the Developers Consultant on 4 June 2014 regarding their proposed scope of analysis. This advice will assist in the provision of a robust data set upon which to assess the suitability of the site and any necessary mitigation.

### 8.3.5 Surface Water Drainage/Flooding

SEPA have advised that the site lies outwith the medium likelihood flood extent of the SEPA Flood Map. They have no record of flooding at the proposed site; however they do have a record of flooding in the residential area adjacent to the site caused by drainage issues. In addition the OS map shows there are groundwater features within close proximity to the proposed development site, which may indicate a shallow groundwater table. SEPA have not objected to the proposal on flood risk grounds, however, as the proposed development site has a steep gradient sloping towards existing residential properties, they have suggested that we ensure, through consultation with our flood prevention authority colleagues, that the surface water drainage scheme has been designed to ensure that the development will not result in increased surface water drainage flooding elsewhere.

The Council's Community Works Engineer has advised that the application for the next phase of the Heathercroft Development for which a Sustainable Urban Drainage Scheme was submitted and partially constructed as part of the first phase.

*"Detailed drainage designs for the current proposals should be submitted to our Flood Team to ensure that the proposals for the amended layout comply with the desired post construction flow rates and to ensure where possible that ground water springs are intercepted as this hillside has a history of springs. There has been significant discussion and correspondence relating to drainage design and flows from the phase 1 drainage construction with respect to the off-site flow rates. I have inspected the culvert which the SUDs system discharges into in periods of heavy rain, which has caused flooding to other locations in the Fort William area and found the system to be coping with the required mitigation and keeping the flow rate well within the capacity requirements on the culvert."*

Previous discussions and meeting with concerned residents in this area have resulted in investigations of the leaking culvert and seepage referred to in objectors' comments. These investigations found that the surface water concerns come under the remit of colleagues in Community Services and do not arise as a direct result of the surface water drainage scheme for the Heathercroft development. Remedial works have been undertaken by Community Services under their Flood Prevention responsibilities and they continue to monitor the situation, with further works being considered.

The Council's Flood Team has provided the following comments in relation to drainage issues:

- i) We are disappointed to note that a full Drainage Impact Assessment, as requested in our memo dated 06/05/14, has not been submitted. In its place we have received the following information via email on the 21/05/14 and 6/6/14:
  - a. Outline Drainage strategy, drawing no. SK0300;
  - b. 2 year greenfield runoff pdf (Microdrainage printout); and
  - c. Prelim 001 pdf (Microdrainage printout).
  - d. Terra Tek Borehole and Trial Hole information

- ii) The Flood Team accept the principles of restricting runoff to Greenfield runoff rates and the provision of on-site storage to contain runoff up to the 1 in 200 year event. We note that storage may be provided in the form of underground storage or within an 'overland flood zone', and that land has been set aside within the site boundary to accommodate either option.
- iii) We require an increase of 20% in surface water network / storage design for future climate change, rather than 10% as is proposed.
- iv) We understand the site *may* be affected by springs, or shallow/ rising groundwater levels. Further information should be provided at detailed design stage, to document the presence or otherwise of springs within the site. The management of ground and surface water is a critical element in ensuring a development is not subject to flood risk and does not exacerbate flood risk elsewhere. It is recognised that this can be managed through the design and application of a robust drainage system, and that there is scope within the application boundary to accommodate such designs.
- v) It appears that the surface water will discharge into an existing Scottish Water sewer. It is understood that permission to discharge to this sewer was received at the earlier planning stage at higher flow rates than those suggested now. We therefore welcome this reduction as it will reduce the flood risk in the receiving network.
- vi) We recommend that additional protection from overland flows is incorporated into the site layout and suggest that cut-off ditches are located around the perimeter of the site. If confirmation is provided that this will be incorporated into the development (for example by amending an appropriate planning drawing to show the ditches) then we will request this to be a **condition** of any consent granted. The outfall of the cut-off ditches would need to be agreed with the Flood Team.
- vii) The Flood Team is unable to comment on the adoption of filter trenches or road drains.
- viii) We still recommend a Drainage Impact Assessment written in accordance with our Supplementary Guidance is submitted to address the issues raised above. However this can be a **condition** of approval, to be provided with a detailed drainage design. **Acceptance of the detailed drainage design and DIA is required prior to commencement of this infrastructure on site.**

In light of the foregoing, a suspensive condition is recommended seeking the Drainage Impact Assessment and full drainage design to be submitted to and approved by the Planning Authority. The adequacy of these will be assessed by the Council's Flood Team Engineers.

#### 8.4 Material Considerations

Public representations received have been summarised in section 4.2 above and addressed as part of the foregoing assessment. Remaining issues are considered below.

Concerns were raised over the accuracy of the planning application form, although these inaccuracies were not specified. Following consideration of the comments made it was identified that an error was made in the landowner certification which has now been rectified. It was highlighted that there are trees within the site, primarily on the embankment, and the agent has now confirmed that the trees/shrubs on this embankment will be retained.

Concerns have been raised over the potential for noise and dust pollution during construction. These elements are covered by separate legislation. It should be noted that this phase of the development does not contain the same level of engineering work as the first phase which contained the site levelling and the construction of the distributor road.

Objectors have advised that all rock and waste must go to landfill. This element will be legislated by SEPA and/or as part of any contaminated land mitigation plan which will be covered by planning condition.

Concerns have been raised over the safety of the bank at the back of existing houses - boulders fell last time and assurances are sought that this will not happen again. This is both a civil matter in relation to damage to private property and a health and safety matter for the contractor/land owner. It should be noted that the level of engineering works are less than for phase 1(a).

One objector has demanded a public meeting with neighbours, Council and developer if construction goes ahead. Although there is no requirement for neighbours to be involved in site monitoring, Members may wish to facilitate such a meeting should concerns arise during construction.

## **8.5 Other Considerations – not material**

Concerns over kerbing on Connochie Road not having been replaced after it was destroyed by the previous contractor are not material to the consideration of this application.

Concerns raised over a temporary storage area for materials up the hill from the site which has no planning permission. There has been a planning application in for this for some time awaiting further information from the applicant. A commitment has been given to bring this outstanding planning application to a conclusion.

## **8.6 Matters to be secured by Section 75 Agreement**

There is an existing Section 75 Obligation registered against this site which secures a developer contribution per residential unit covering contribution towards public transport, playing field/parking, bus stop shelter, traffic management, structural planting and path maintenance. This Obligation remains in place.

## **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:

1. **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:
  - a) 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+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
  - b) 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;
  - c) measures to deal with contamination during construction works;
  - d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
  - e) 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.

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.

2. **No development shall commence** until full details of all surface water drainage provision within the application site, to include a Drainage Impact Assessment, (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason** : To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment and to reduce the risk of flooding occurring both within and outwith the application site.

3. The access serving the application site shall be a road over which the public has a right of access, as defined in Section 151 of the Roads (Scotland) Act 1984 (as amended). **No development shall commence** until evidence has been submitted to, and approved in writing by, the Planning Authority that demonstrates that all necessary consents and bonds are in place for the road.

**Reason** : In the interests of road safety to ensure a standard of access commensurate with the scale of development.

4. **No development shall commence** until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
- a) A plan showing existing landscaping features and vegetation to be retained;
  - b) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities;
  - c) Details of the external surfacing within the site boundary (road, parking, footways); and
  - d) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping and surfacing works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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 integrate the proposed development within the surrounding townscape setting.

5. No trees within the application site, other than those which are specifically identified for removal as part of Condition 4, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason** : In order to integrate the proposed development within the surrounding townscape setting.

6. All fencing shown on the approved site plan, drawing number 0502014/002 C shall be erected in accordance with the approved details prior to the initial occupation of any of the residential units hereby approved.

**Reason** : In the interests of privacy and amenity of adjoining houses and in the interests of safety of residents of the approved residential scheme.

## **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 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 & 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.

### **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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **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.

**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.

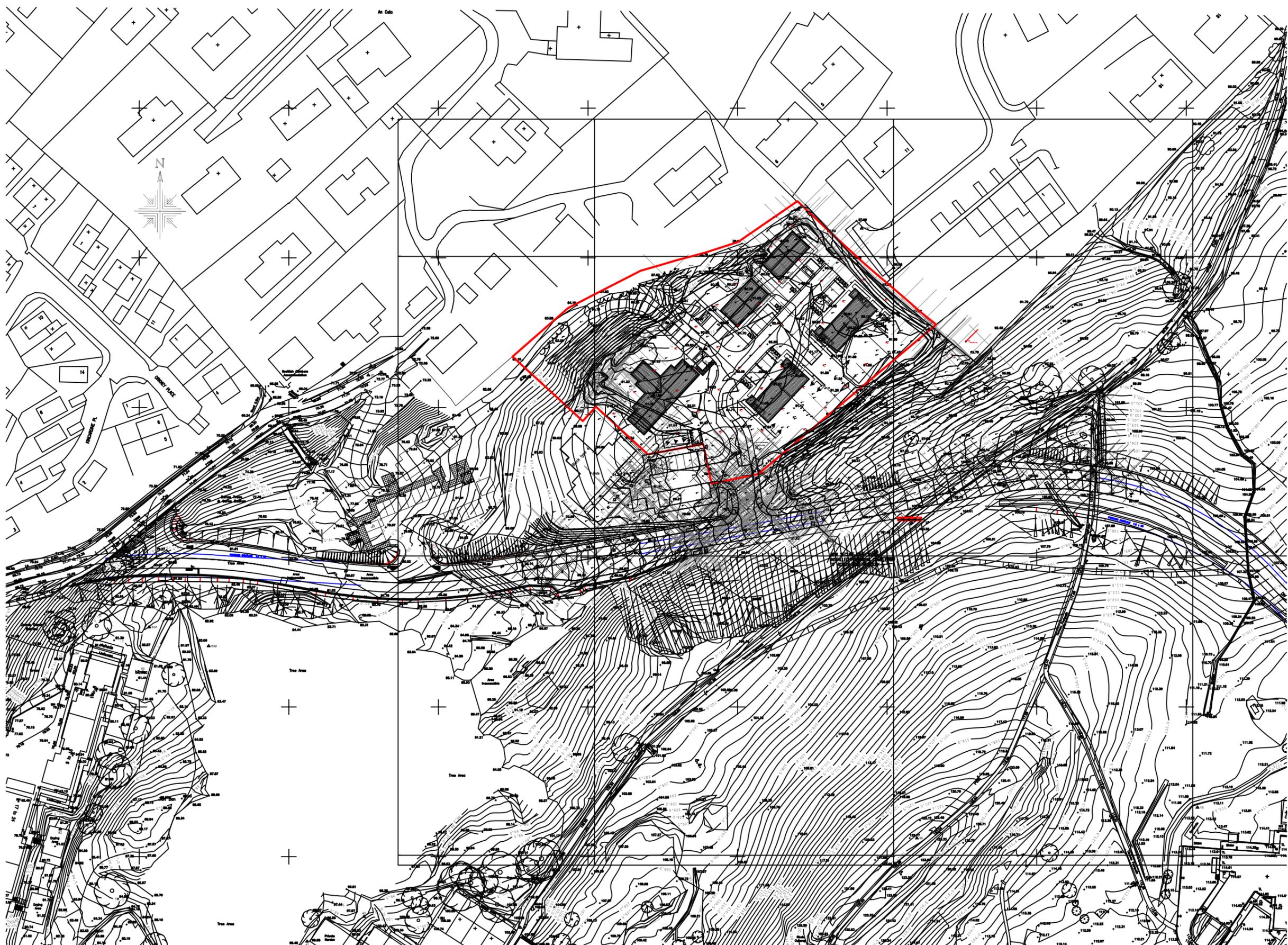
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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](mailto:env.health@highland.gov.uk) for more information.

**Building Regulations:** Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886606.

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 – Location Plan  
Plan 2 – Site Plan  
Plan 3 – Elevations and Floor Plan of 2 storey houses  
Plan 4 - Elevations of 2 storey flats  
Plan 5 - Floor Plans of 2 storey flats  
Plan 6 - Elevations of 3 storey flats  
Plan 7 - Ground Floor Plan of 3 storey flats  
Plan 8 - First Floor Plan of 3 storey flats  
Plan 9 - Second Floor Plan of 3 storey flats  
Plan 10 - Street Elevations  
Plan 11 - Layout comparison with previous scheme

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Dr Valerie & John Rose	18 Glasdrum Road Fort Wiliam PH33 6DD	18.4.14	A
Miss Sandra Verhoeven	8 Iona Court Heathercroft Drive Fort William PH33 6GA	22.4.14	A
Miss Moira Campbell	10 Glasdrum Road Fort William PH336DD	22.4.14	A
Mr Tony Laidler	16 Glasdrum Rd Fort Wiliam PH33 6DD	22.4.14	A
Miss Roslyn Stewart	9 Glasdrum Court Glasdrum Road Fort William PH33 6QR	25.4.14	A
Mr Alan Kimber	Calluna Connochie Road Fort William PH33 6JX	25.4.14	A
Mrs Lorraine Hook	Tigh na saor Off Connochie Road Fort William Ph33 6jx	27.4.14	A
Mr Alister Maclean	7 Glasdrum Grove Fort William PH336DE	28.4.14	A
Mr & Mrs Harry Hampton	20 Glasdrum Road Fort William PH33 6DD	30.4.14	A
Mrs Mairi Galloway	Glenrigh Connochie Road Fort William PH33 6JX	4.5.14	A
Mr James Galloway	Glenrigh Connochie Road Fort William PH33 6JX	4.5.14	A
Mr & Mrs Alan Kirk	Lochview House Heathercroft Road Fort William PH33 6RE	7.5.14	A
Alan & Sue Kimber	Calluna Connochie Road Fort William PH33 6JX	14.5.14	A



Note:  
 The contractor will be held to have checked all dimensions before commencing with any works and in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.  
 Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.  
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— SITE REFERRED TO

Date	Revisions	Mark

Project PROPOSED DEVELOPMENT AT HEATHERCROFT, FORT WILLIAM	
Client WEST HIGHLAND PROPERTIES LTD	
Drawing LOCATION PLAN	
Scale 1:1250 @ A3	Date MAR '14
Drawn	Checked
Dwg. No. 0502014/001	

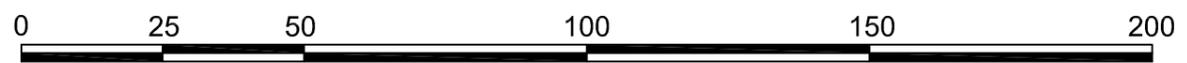


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LOCATION PLAN - SCALE 1:1250



scale in metres

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No.	Type	Area
6	4 person, 2 Bedroom Flats	[70.5m <sup>2</sup> ]
3	2 person, 1 Bedroom Flats	[49.0m <sup>2</sup> ]
Cottage Flats		
4	4 person, 2 Bedroom Flats	[70.5m <sup>2</sup> ]
4	2 person, 1 Bedroom Flats	[49.0m <sup>2</sup> ]
Houses		
4	4 person, 2 Bedroom Houses	[85.8m <sup>2</sup> ]
21	No Units Total	

Fence line continues. For details refer to drawing 1712004/801H - Landscaping Plan approved under 05/00246/FULLO

1200mm high Post and Wire fence along boundary line. As per Planning Permission 05/00246/FULLO

Existing scrub, trees & bushes to be retained in the area between two fence lines

1200mm high Post and Wire fence

14 No CAR PARKING FOR 9 No FLATS

1800mm high Hit and miss board fence along boundary line. As per Planning Permission 05/00246/FULLO

1200mm high Post and Wire fence along boundary line.

1800mm high Hit and miss board fence

— SITE REFERRED TO

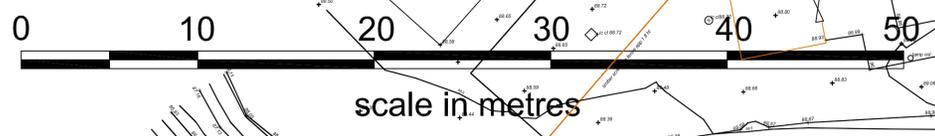
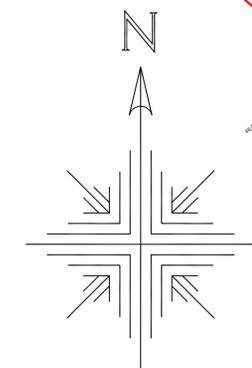
Date	Revisions	Mark
02/05/14	fence lines/heights to boundary lines as per Planning permission 05/00246/FULLO now shown	A
27/05/14	service strip corrected	B
06/05/14	amendments to fence lines and addition of notes regarding existing scrub, bushes etc.	C

Project		PROPOSED DEVELOPMENT AT HEATHERCROFT, FORT WILLIAM
Client		WEST HIGHLAND PROPERTIES LTD
Drawing		SITE PLAN
Scale	Date	1:200 @ A1 MAR '14
Drawn	Checked	
Dwg. No.		0502014/002 C



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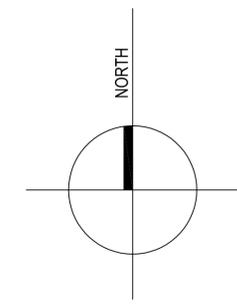








Note:  
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-  LAYOUT AS PER PREVIOUS APPLICATION [PLANNING REF: 05/00246/FULLO]
-  LAYOUT AS PER CURRENT PROPOSALS [PLANNING REF: 14/1350/FUL]

 SITE REFERRED TO

Date	Revisions	Mark

Project <b>PROPOSED DEVELOPMENT AT HEATHERCROFT, FORT WILLIAM</b>	
Client <b>WEST HIGHLAND PROPERTIES LTD</b>	
Drawing <b>SITE PLAN COMPARING CURRENT PROPOSALS TO PREVIOUS 2005 APPLICATION</b>	
Scale <b>1:200 @ A1</b>	Date <b>APRIL '14</b>
Drawn	Checked
Dwg. No. <b>0502014/003</b>	



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