Agenda Item	6.8
Report No	PLS-034-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 27 April 2021

Report Title: 20/03270/FUL: Lochaber Housing Association

Land 40m NW of 12 Glenkingie Terrace, Caol, Fort William

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 18 residential units

Ward: 11 – Caol and Mallaig

Development category: Local

Reason referred to Committee: 5 or more representations

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

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of 18 housing units for affordable housing or social rent. The development would comprise 12 no. two bedroom apartments set within two 2¾ storey buildings towards the centre of the development, with 2 no. 4 bed semi-detached houses to the west and 4 no. 3 bed semi-detached houses to the east. A small area of landscaped green space is proposed to be retained to the rear together with shared parking areas to the rear of the properties and parking for existing properties retained to the eastern side of the site.
- 1.2 The site will be served by a new spur from the existing public road which runs between Glenkingie Terrace/Glenkingie Street and the Caledonian Canal. This road currently provides access to the rear of the properties on Glenkingie Terrace/Glenkingie Street and terminates in a turning head to the south west. The existing road joins Kilmallie Road to the north east and improvements to the existing road are proposed including widening of the public road and improvements at the junction with Kilmallie Road.
- 1.3 Pre Application Consultation: Formal preapplication advice provided in 2019, noted that the site was within the Settlement Development Area where the principle of residential development may be accepted subject to full details of the scheme. Appropriate mitigation/compensation for the loss of greenspace was noted. Drainage, access and parking requirements were noted as likely to impact the number of units and site layout. It was advised that the density, design and layout would need to respond to the canal side setting and safeguard neighbouring privacy and amenity. The requirement for Developer Contributions was identified and advised.
- 1.4 Supporting Information: Private Access Checklist, Response to Consultee/Neighbour Representations, Construction Phase Traffic Management Plan, Drainage Impact Assessment, Cycle Shelter Supporting Information
- 1.5 Variations: Revised site layout concentrating development within the northern side of the site. 4 bed semi-detached pair re-sited away from the rear boundary of nos. 8 and 10 Glenkingie Terrace to the north side of the site. To facilitate an amended layout retaining a central greenspace, the 6 apartments originally proposed within 3 no. 2 storey apartment buildings, were revised to be accommodated within 2 no. 2¾ storey buildings.

2. SITE DESCRIPTION

- 2.1 The application site is a level grassed area extending to approximately 0.3ha with an area of hardstanding (approx. 875m²) to the east side which serves as an area of informal parking for existing properties nearby. A further small gravelled area (approx. 250 m²) to the west side is gravel and used for parking/access. The site is served by an existing public road which runs between the existing settlement edge and Caledonian Canal. This road terminates at a turning head approx. 220m to the west.
- 2.2 This site is located to the rear of properties on Kilmallie Road, Glenkingie Road and Glenkingie Terrace and set to the south side of the Calendonian Canal. The

development at the eastern end would be sited 17m from properties on Kilmallie Road and 3.5m from the rear garden boundary. The apartment buildings would be sited 40.5m from the existing terraced properties on Glenkingie Terrace and 26m from the rear garden boundary of these properties. The four bed semi-detached properties would be set 10m to the north east of no.48 Glenkingie Street and 3.5m from the side garden boundary.

3. PLANNING HISTORY

3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 15.10.2021 & 17.12.2020

Representation deadline: 31.12.2020

Timeous representations: 10 (10 Households) following initial

notification/advertisement

3 (3 Households) 2 from previous objectors and 1 new

objection following renotification/advertisement

Late representations: 4 (comments submitted via Community Council

Facebook Page)

4.2 Material considerations raised are summarised as follows:

- a) Loss of amenity/greenspace
- b) Loss of existing parking/vehicular access across grass to rear of existing properties
- c) Concerns regarding access to parking/fuel deliveries during construction
- d) Concerns over road safety along this route and at junction with Kilmallie Road
- e) Loss of privacy and amenity increased activity, noise
- f) Loss of daylight/sunlight to surrounding properties
- g) Noise pollution, disturbance, dust fumes and impact of construction/damage to neighbouring properties
- Concerns over the site layout as originally submitted with single semi-detached pair at the centre. Representations did note that improvements the site layout had been made in response to community feedback (prior to submission of planning application)
- i) Concerns regarding the standard of construction of paths and ongoing maintenance of retained public landscape area
- j) Concerns over impact of surface drainage which could impact neighbouring properties
- k) Lack of in person consultation due to Covid-19 should have delayed submission of application.
- I) No provision for sustainable energy or charging points for electric cars
- m) Concerns regarding primary school capacity

- 4.3 Material considerations following neighbour renotification of amended scheme are summarised as follows:
 - a) Removal of two properties next to the green and extension of car parking and green area supported. Change from 2 storey flats to 3 storey to compensate for the loss is not.
 - Concerns three storey building would impact neighbouring daylight/sunlight, adversely affect privacy and amenity and be out of keeping with existing properties in Caol.
 - c) Concerns regarding lack of further dialogue with neighbours with limited information provided through neighbour renotification letters. Use of portal not easy for all parties to access information and make representation.
- 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.

5. CONSULTATIONS

5.1 **Caol Community Council:** Original response 12.11.2020 provided comments from Community Council feedback page on Facebook. Further response 20.03.2021 provided the following comments:

"As a statutory consultant can we please add the following:

Following on from our recent Community Council meeting, we would like to add a further comment regarding the above proposed Development. Having reviewed the public comments posted online, both on the eplanning website, and sent to ourselves we would like to confirm our support with the objections on this development from our community.

Many of the objections are on the grounds of loss of amenity (visual impact, effect on the character of a neighbourhood, possible noise and disturbance, overlooking and loss of privacy).

1. Loss of green space/playing fields - 8 comments mention this. It is also in contravention of policies 75 and 76 in the HwLDP

The West Highland Plan says: 1.4 "... the new Plan should safeguard and encourage the improvement of important green or open spaces and require developers to create new ones."

Although the developer has made steps regarding the green space usage from their original plans, this still remains below what those nearby would like to see happen.

- 2. Loss of amenity (overlooking/loss of privacy) for existing properties 5 comments mention this We feel that this is a material consideration and does impact on some residents still, despite the changes from the original plans.
- 3. Groundwater/drainage -1 comments mention this.

We note that Transport Planning have requested a Drainage Impact Assessment.

4. Loss of access to rear of existing properties and existing informal parking- 6 comments mention this.

We feel that this is definitely a problem, as the development will move more vehicles out onto the road. Especially with the loss of the informal parking which currently happens at the entrance to the current access road.

5. Road safety concerns about the junction with Kilmallie Road, in terms of sight lines and safe provision for pedestrians - 7 comments mention this.

We note that Transport Planning have made a few comments/concerns which will hopefully result in amendments/improvements. This access road, being on a tight bend on Kilmallie Road, will become even more problematic if further cars are parking on the road here. Especially with the expected increase in traffic caused by the development.

We also feel that there should also be steps taken to ensure the safety of all pedestrians using this access road, especially as there are no pavements after this access road on the canal side of Kilmallie Road."

- 5.2 **Access Officer:** Advised that there are 2 routes which could be affected. The route to the Canal Parks and the path from the corner Kilmallie Road up onto the canal towpath (Great Glen Way at this point). Request/note the following:-
 - Details of how public access will be accommodated, before, during and after construction to both these routes.
 - Paths within the retained greenspace should include suitable drainage arrangements, be of a durable specification and arrangements for ongoing maintenance and upkeep provided.
 - The provision of the path to Kilmallie Road and drop kerbs proposed to help link it to the path onto the Canal Towpath and Great Glen Way are welcome. Recommendations to upgrade the path to the Great Glen Way remain.
- 5.3 **Development Plans:** Application site within Settlement Development Area with no other specific allocation. Note the following:
 - Development likely to be acceptable but would lead to net loss of existing green space which should be compensated by higher quality provision on-site and developer contributions for other off-site provision.
 - All units would meet Council's definition for affordable housing
 - Developer Contribution towards Primary Education provision identified.
- 5.4 **Flood Risk Management Team:** Initial objection on grounds of flood risk overcome. **Flood Risk**
 - The proposed site plan shows finished ground level surrounding properties one and two below the minimum recommended level (5.29mAOD). However, this minimum level can be obtained around the gardens and footpaths of these houses but not to the parking and open space areas.
 - SEPA have advised that a lower freeboard allowance may be appropriate at this site, as the distance from the coast would remove the effect of coastal processes (wave action etc). Flood modelling with the Corpach tide gauge reduces modelling uncertainty below the norm.
 - Access to the site would be maintained above 5.29mAOD and any flooding to the car park during a 1:200 year plus climate change event would unlikely

prevent access to the parking area given the reduced freeboard requirement at this site.

Drainage

- Drainage Impact Assessments submitted to date do not adequately address all issues identified and a finalised DIA will need to be agreed through planning condition.
- Surface water drainage is proposed to discharge to Scottish Water and the applicant proposes that the system will be compliant with Sewers For Scotland v4 and Scottish Water will vest appropriate parts of the system.
- Suspensive planning condition recommended to ensure that a letter of intent to accept surface water discharge is agreed with Scottish Water.
- 5.5 **Historic Environment Team:** No comment
- 5.6 **Transport Planning Team:** Advise the following:

Roads and Visibility Splays

- Improvement to existing public road (widening from 2.1m to 5.5m) and visibility splays of 2.4m x 25m at junction with Kilmallie Road is acceptable
- Width of site entrance and parking leg roads/pavements and visibility acceptable
- Transport Planning Team advise that any internal roads would not be adopted by the Council.

Remote Paths & Streetlighting

- Recommend that the development should include works to upgrade the remote paths running through existing properties which connect this site to Kilmallie Road and Glenkingie Terrace, these works should include street lighting
- As part of improvements to the public road, the works would be expected to include upgrade of the road's street lighting to meet the requirement of the Council's Street Lighting Team.

Parking

- Disabled parking provision acceptable
- Minimum parking standards for new residential development with communal parking (including visitor parking) would be 1.5 spaces per unit i.e. 27 spaces total. This level of parking is provided within the proposal
- Note that an additional 18 parking spaces will be formed to compensate for existing parking areas used by existing properties within the site. Transport Planning note that the Design Access Statement does not demonstrate which existing properties are impacted or justify the adequacy of the number of spaces being provided and accessibility for the existing properties served by the existing parking.

Cycle Parking

• The provision of 2 cycle storage spaces per flat meets current guidelines; however, the cycle parking storage solution proposed does not meet current guidelines and will require amendment.

Drainage & Flooding

- Water runoff from Glenkingie Service Road will be collected by kerb drains and associated kerbside offlets to a roadside swale. The swale trench will discharge surface water to a pipe system/underground storage system and then Scottish Water network on Glenkingie Terrace.
- Road reprofiling works will be required to direct road surface water to the swale, at the developers cost and this is recommended to be secured through planning condition.
- Parking bays are to be constructed in permeable block paving with a filtration layer beneath. Surface water from house roofs, parking areas and internal roads to the underground storage system would be via this area of permeable block paving. Transport Planning recommend that an alternative drainage solution is promoted, as generally permeable paving should only be designed to drain surface water that falls directly on to it.
- Upgrade works to the Glenkingie Service Road include widening of the road and a surface water drainage swale to the north side of the road. All proposed road and verge works are on land operated and maintained by Scottish Canals and agreement from Scottish Canals would be required for these works. The Transport Planning Team have confirmed that the upgraded Glenkingie Service Road, including swale and footpath would be adopted by the Council.

Waste Management

Proposals comply with the Council's Waste Management guidelines.

Construction Traffic Management Plan

- Initial CTMP information provided noted. Detailed plan to be secured and agreed through planning condition.
- 5.7 **Lochaber Disability Access Panel:** Note that the Access Panel were not included in pre-submission discussions. Request/note the following:-
 - Two designated ground floor flats should be made accessible.
 - The initial road/car parking layout does not include designated blue badge parking bays and there is no indication of drop kerbs.
- 5.8 **SEPA:** No objection. Advise the following:-
 - Given the ground levels at and around the site, at present the site is not in a medium to high flood risk area.
 - Any new development should be designed to be safe in the long term taking climate change into account.
 - The site is set well back from the coastal edge and not at direct risk of wave action or coastal processes.
 - A flood scheme is planned for Caol to be delivered by Highland Council which should reduce flood risk in the area. The site would not currently depend on the scheme for protection. The scheme is not designed to fully protect the wider area from the effects of climate change, and the extent to which future flood risk would be reduced by the scheme in areas currently outwith medium to high risk areas is not known.

- 5.9 **Scottish Water:** No objection. Advise the following:-
 - Water supply advise there is current sufficient capacity for connection to public water supply
 - Foul drainage advise there is current capacity for foul only connection to the Fort William PFI Waster Water Treatment works.
 - An informative note regarding connection to Scottish Water infrastructure is recommended.
 - Assets advise the development proposals impact on existing Scottish Water assets. Any conflict with assets identified may be subject to restrictions on proximity of construction.
 - Surface water advise Scottish Water will not accept any surface water connections into SW combined sewer system. There may be limited exceptional circumstances where connection would be allowed. This would be subject to significant justification taking account of various factors including legal, physical and technical challenges.
- 5.10 **SportScotland:** Advise the proposal does not affect an outdoor sports facility and SportScotland has no remit for response. Wider greenspaces are a matter for the consideration by the Council as Planning Authority.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 32 Affordable Housing
- 34 Settlement Development Areas
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 77 Public Access

6.2 West Highland and Islands Local Development Plan 2019

Map 2.1 Fort William Areas - Caol Map

Site within Settlement Development Area (adjacent to but outwith the Green Network Corridor which runs along the Canalside).

Placemaking Priorities for Fort William include - Development in Fort William (including the communities from Corpach to Achintore) should encourage consolidation within the existing physical limits of the settlement, not further dispersal which would make better internal connectivity more difficult to achieve.

Fort William 2040 Masterplan and Delivery Programme

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013) Flood Risk and Drainage Impact Assessment (Jan 2013) Highland's Statutorily Protected Species (March 2013) Open Space in New Residential Developments (Jan 2013) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy, June 2014 (Revised December 2020)

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, design and amenity
 - c) greenspace
 - d) access, parking and services
 - e) public access
 - f) flood risk and drainage
 - g) developer contributions
 - h) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Fort William Settlement Development Area (SDA), where Policy 34 of the Highland wide Local Development Plan (HwLDP) applies. Settlement Development Areas are identified as the preferred areas for most types of development, including housing and the principle of development complies with the Development Plan. The proposed development seeks to consolidate development within the existing settlement boundary which generally accords with the placemaking priorities of the WestPlan for the Fort William area.

- 8.5 Policy 28 of the HwLDP (Sustainable Development) and Policy 29 (Design Quality & Place-making) offers support for development where it would be compatible with service provision; do not impact upon individual and community residential amenity; and demonstrate siting and design in keeping with local character.
- 8.6 Subject to the development being appropriate in terms of siting, design and amenity, and incorporating adequate access and servicing, the proposal would comply with the Development Plan. There are no natural, built or cultural heritage designations at this site although the site is located within the wider setting of the Caledonian Canal which is a scheduled monument. Development at this site would lead to a reduction in an area of informal amenity/greenspace; however, the site does not form part of the identified Green Network or area of allocated open space within the current adopted development plan.
- 8.7 The proposal must be assessed in terms of flood risk to ensure that potential flood risk to the development is minimised and surface water drainage within the site managed, to meet development plan policy requirements.

Siting, Design and Amenity

- 8.8 The site is located at the edge of the existing settlement at Caol. Residential development at this site would accord with neighbouring land use and would represent infill development between existing residential properties along the Glenkingie Service Road to the south side of the Caledonian Canal. Development at this site would lead to a reduction in on-site informal amenity greenspace, which as highlighted in the representations received, is used by existing neighbouring properties.
- 8.9 Following consultation with the local community prior to the submission of the planning application, the proposals were developed to retain an area of on-site greenspace and retain parking spaces to serve the existing properties nearby. The proposed development would comprise 6 no. 2 bed apartments, 4 no. 3 bed semis and 2 no. 4 bed semis to offer a mix of affordable housing types to cater to a broad sector of the wider community. Retention of an area of on-site greenspace and retention of existing parking numbers has informed the layout and design of the development at this site. The principle of development following the line of the public road, set around a shared, public amenity space, would accord with the wider settlement pattern found in Caol.
- 8.10 The original proposals included a semi-detached pair within the centre of the site, which did not sit comfortably in terms of layout and amenity. A reduction in the number of units could not be accommodated by the Housing Association, given viability and deliverability constraints. The proposal was amended to concentrate development along the public road, avoiding encroachment into the retained central greenspace/amenity area. This resulted in a reduction in the number of apartment buildings, from 3 to 2, with the apartments accommodated over 3 floors within 2¾ storey high buildings, set with two storey semi-detached properties either side. The semi-detached housing and apartment design are considered to accord with the character of neighbouring development and dormer detailing has been incorporated

on the Canalside elevation of the apartment building to add interest to this public façade.

- 8.11 The pattern of development, set around a central amenity space, will result in a degree of overlooking from upper floor bedroom windows across neighbouring gardens, however this arrangement and density of development is not uncommon within Caol village. The proposal meets recommended standards regarding separation distances between interfacing windows and privacy within the existing properties will be maintained. Bedroom windows will have a lesser impact on overlooking neighbouring gardens than a living room or kitchen would and existing boundary treatments surrounding neighbouring gardens on Glenkingie Street will safeguard privacy and amenity at ground floor level. Garden ground along the Glenkingie Service Road is already subject to a degree of over and inter-looking from public views and neighbouring properties and the impact of the proposed development on neighbouring privacy is not considered significant in this context.
- 8.12 The revised site layout concentrates development within the northern part of the site, following the line of the public road. Given the path of sunlight east to west and layout with sufficient separation between properties, no significant loss of daylight or sunlight to neighbouring properties is expected.
- 8.13 By concentrating development along the Glenkingie Service Road, maintaining a more cohesive central amenity space, the revised scheme is considered a better fit with existing patterns of development within the village. The 2¾ storey apartment buildings will be sited in the centre of the new development with lower two storey properties either side, adjoining existing properties. Neighbouring properties in Caol comprise two storey terraces and semi-detached units which extend higher than more recent building norms. Although 2¾ storey, the height of the proposed apartment buildings would only extend 0.6m above the terrace on Kilmallie Road and 1.8m above the terraces on Glenkingie Terrace and Glenkingie Street.
- 8.14 The applicant has confirmed that recommendations made by the Disability Access Panel will be included in the scheme. All properties will have a ramped access in accordance with current Building Standards Regulations. Bathrooms within all properties will comply with Building Standards Regulations in relation to accessibility, and recommendations for shower units in place of baths in the ground floor apartments noted.
- 8.15 The applicant has confirmed that a reduction in the number of units within this affordable housing scheme cannot be accommodated while ensuring the scheme remains viable. Taking account of the existing settlement pattern within the village, the siting of the apartments at the edge and centre of the site and the height of existing neighbouring properties, on balance the proposed development is considered acceptable in terms of siting, design and amenity. Permission is recommended subject to condition for the submission and agreement of a Construction Method Statement, given the constrained site and proximity to neighbouring properties, to minimise impacts to neighbours during construction.

Greenspace

- 8.15 The proposals will lead to a reduction in the area of greenspace within the site and letters from neighbours have highlighted the value of this informal amenity space locally. The application site is not identified as an area of cherished open space within the adopted local plan and does not form part of the Green Network identified within the Caol Settlement.
- 8.16 Current developer contribution supplementary guidance requires residential development of four or more homes to contribute towards improved open space, preferably within the application site boundary. Development of affordable housing scheme at this site will lead to a reduction in the area of greenspace retained on site. The proposals have been adapted to retain an area of amenity space including a seating area, play area with stepping stones and slide, kickabout area and soft planting, including ongoing maintenance of the amenity space. On balance, the reduction in the area of green amenity space is considered acceptable given the benefits to the wider community of affordable housing delivery together with the retention of managed amenity land and delivery of more formal play space which will serve the occupants of the proposed units and existing properties.

Access, Parking & Services

- 8.17 The proposal includes improvements (widening) to the existing, narrow Glenkingie Service Road and new footway provision along the southern edge of Glenkingie Service Road and a 2m wide footway on the northern side of the Glenkingie Service Road/Kilmallie Junction. These upgrade works have been accepted by the Transport Planning Team and will be subject to road construction consent.
 - A private spur road is proposed from the Glenkingie Service Road to access shared parking at the rear of the development. The internal footpaths, roads, car parking dimensions and disabled parking provision accord with road guidelines. Visibility splays within the application site and at the junction with the public road have been reviewed by Transport Planning Team and accepted.
- 8.18 Current guidelines seek 27 shared parking spaces to serve a development of 18 residential units. The proposed layout makes provision for 45 parking spaces in total. Further information was requested to assess impact on existing parking provision on site, including details of the properties currently served by the existing informal parking area, justification for the number of additional spaces to be provided on site and details of how accessible these spaces are from the properties they serve. This information has not been provided by the applicant; however, a dimensioned plan has been provided showing the current parking area with a maximum of 15 spaces accommodated within this area to the east side of the field. The parking layout includes an additional 18 parking spaces at the eastern side of the site to mitigate loss of existing car parking spaces. Planning permission is recommended subject to planning condition to secure full details of the management of the parking area for example through signage, parking permits etc, to secure the 18 spaces are solely for existing residents.
- 8.19 Communal cycle parking is proposed within the gardens of the apartment buildings to encourage alternative modes of sustainable transport. Permission is

recommended subject to condition to agree final details of the cycle parking provision to meet current standards and for an enclosed storage system, to soften the appearance of these structures given the position of the gardens close to the public road and canal towpath.

- 8.20 Some letters of representation raise concerns regarding loss of historical access over the grass which provides access to the rear of adjacent properties. There is no existing path or road which runs along the rear garden boundaries and it appears that some vehicular access has been taken direct across this grassed area. Private access rights are primarily a civil matter outwith the remit of the Planning Authority. The applicant will need to ensure that any private legal access arrangements with existing neighbours are met and an informative note is proposed highlighting this matter.
- 8.21 Connection to Scottish Water infrastructure is proposed for water supply and foul drainage. An informative note regarding connection to Scottish Water infrastructure is proposed.

Public Access

- 8.22 The Canal Towpath runs parallel to the Glenkingie Service Road and forms part of the Core Path Network/Great Glen Way. The Access Officer highlights the opportunity to improve access onto and along the path from Kilmallie Road onto the towpath. The proposals include new footway provision (2m wide) along southern edge of Glenkingie Service Road and a 2m wide footway on the northern side of the Glenkingie Service Road/Kilmallie Junction. Works to improve the road and form the footway may impact public access and the management of public access during construction will be secured through planning condition.
- 8.23 The Access Officer has raised concerns regarding the proposed gravel paths within/around the landscaped area which are of a lesser standard than the existing public footpaths which run from Glenkingie Terrace to the application site. Gravel paths will require a higher level of maintenance and the Access Officer recommends a bound surface finish and drainage is adopted. Planning permission is recommended subject to condition for the submission and agreement of a finalised landscaping and management plan and an informative note is proposed to highlight the Access Officers recommendations.

Flood Risk & Drainage

8.24 The Flood Risk Management Team advise that its initial objection on the grounds of flood risk has been overcome. This follows submission of topographic information and supporting information and SEPA advice which agrees a lower freeboard allowance, due to the distance of the site from the coast and correlation of flood modelling with the Corpach tide gauge. Permission is recommended subject to condition to secure the agreed finished ground level surrounding the properties (excluding the parking and open space areas) in line with FRMT recommendations. The Flood Risk Management Team recommend that the proposed houses are constructed using flood resistant and flood resilient methods and materials and an informative note to the applicant is proposed.

- 8.25 Drainage Impact Assessments submitted do not provide sufficient detail to be accepted as a finalised drainage strategy. Permission is proposed subject to suspensive planning condition, in line with Flood Risk Management Team recommendations for the submission and agreement of final Drainage Information Assessment (DIA) prior to the commencement of development.
- 8.26 Surface water drainage is to be managed using large attenuation tanks within the site boundary, with discharge to the Scottish Water Sewer. The Flood Risk Management Team advise that Scottish Water may not accept all or any of the proposed surface water discharge. Planning permission is recommended subject to a suspensive planning condition for the submission of evidence of Scottish Water's agreement/letter of intent to accept surface water discharge prior to the commencement of development as without Scottish Water's agreement, the drainage scheme for the site may require to be redesigned and may have implications for the wider development.

Developer Contributions

8.27 Policy 31 requires development proposals which create a need for new or improved public services, facilities or infrastructure to make a fair and reasonable contribution towards these additional costs or requirements. Contributions towards Caol Primary School single classroom extension and community facilities have been identified in this instance. This proposal will deliver an affordable housing scheme on site, therefore no further affordable housing contributions will be required. A summary of required contributions is provided in Appendix 2 to this report.

Other material considerations

- 8.28 Insufficient neighbour notification and consultation has been raised in a number of representations received. Although pre-application consultation is not a statutory requirement for this scale of development, the applicant did seek neighbour views and participation prior to the submission of the planning application. This approach by the applicant was not maintained during the course of the application as amendments to the scheme were bought forward (this may in part be due to Covid-19 restrictions). Neighbour notification and renotification has been checked and undertaken correctly.
- 8.29 Electric vehicle charging points have not been included in the proposal.. With recent moves to an all-electric vehicle transport system in Scotland this provision would be sought, and permission is recommended subject to condition to secure Electric Vehicle charging point provision.

Non-material considerations

8.30 The issue of loss of neighbouring property value is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.31 Developer contributions towards primary education provision and community facilities. The option of an upfront payment of the developer contributions is available to the applicant which would dispense with the need for a Section 75 Agreement.
- 8.32 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application may be refused under delegated powers.

9. CONCLUSION

- 9.1 This proposal is for the delivery of 18 affordable residential units within the Fort William Settlement Development Area at Caol. The proposed development is considered acceptable in terms of siting, design and layout at the periphery of Caol village. The proposal will impact on neighbouring residential amenity to a degree with a reduction in informal greenspace which currently serves neighbouring properties; however, the proposal has been revised to retain an area of managed amenity/greenspace on site with additional parking proposed to retain existing levels of provision within the site. On balance, the delivery of an affordable housing scheme which will deliver a mix of housing types to the wider community is considered acceptable subject to conditions to secure delivery of paths/road infrastructure upgrades, drainage and developer contributions towards primary education provision and community facilities.
- 9.2 Permission is recommended subject to the planning conditions set out below including fully suspensive conditions for roads construction consent and confirmation of the vesting of surface water drainage by Scottish Water.
- 9.3 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 Y

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation Y

Revocation of previous permission N

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

Conditions and Reasons

No development shall commence on the construction of the housing units hereby approved, 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, the development shall be undertaken in accordance with the approved specification. For the avoidance of doubt the roofs of the development shall be finished in dark grey natural slate, unless otherwise agreed by the Planning Authority.

Reason: In the interests of visual amenity.

2. No development shall commence on the construction of the housing units hereby approved, until a construction phase Traffic Management Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved Traffic Management Plan shall be implemented in accordance with the approved plan for the duration of construction.

Reason: In the interest of road and pedestrian safety.

3. No development shall commence on the construction of the housing units hereby approved until a construction method statement has been submitted to and approved in writing by the Planning Authority. This plan shall include the proposed location of the works compound, the means of screening the site, details of how the site will be developed and mitigation measures in terms of dust and noise for the adjacent premises. Thereafter, the development shall be undertaken in accordance with the approved construction method statement for the duration of the construction works.

Reason: In the interests of road and pedestrian safety and visual and residential amenity.

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

be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS.

5. No development shall commence until evidence has been provided that Scottish Water intend to grant their permission for the discharge of surface water arising from this development to the public sewer.

Reason: To ensure surface water drainage arising from the development is adequately managed.

6. No development shall commence until an application for Road Construction Consent for development, together with the appropriate financial bond, has been submitted to and approved in writing by the Council's Roads Department.

Reason: In the interests of road safety and to ensure that improvements to the public road network are made commensurate to the scale of development proposed.

7. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on the approved plans attached hereto shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

8. Notwithstanding the details shown on the approved plans attached hereto, no development shall commence until full details of a fully enclosed and secure communal bicycle storage system for 24 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage facilities shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved and retained for this use in perpetuity.

Reason: In order to facilitate the use of a variety of modes of transport and to ensure cycle storage is provided in keeping with the village setting.

9. No development shall commence until full details of remote path upgrade works which link the site to Kilmallie Road and Glenkingie Terrace, including a timetable for implementation of these works, are submitted to and approved in writing. Thereafter, delivery of the improvements agreed shall be carried out in accordance with the timescale agreed, unless otherwise first agreed in writing by the Planning Authority, in consultation with the Roads Department.

Reason: In the interests of pedestrian safety and to provide commensurate improvements to the public path network which links to the wider village.

10. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following

completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- All existing access points, paths, core paths, tracks, rights of way and other routes and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
- All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iii. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access during the construction phase of the development.

- 11. No development shall commence until full details of the 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:
 - i. Full details of the layout, design and construction of the green space, play area and outdoor recreation area (including path specifications, protection measures, boundary treatments and timescales for implementation)
 - ii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iii. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - iv. A programme for preparation, completion and subsequent on-going maintenance and protection of all open space, play area and landscaping works.

The public amenity space and play area scheme as agreed shall be implemented in full and in accordance with the timescales contained therein.

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

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: To ensure suitable integration of development into the village setting and to ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

12. The finished ground level adjoining the development shall be set at or above 5.29mAOD (with the exception of parking and open space areas) as detailed in the supporting statement dated 22.01.2021.

Reason: To reduce flood risk to the proposed development during an extreme flood risk event.

13. No development shall commence on site until full details of a scheme of management for the car parking area shown on the approved plans attached hereto, has been submitted to, and approved in writing by the Planning Authority. The scheme shall include details of any markings, signage, permits and management proposals for the parking area to include 27 parking spaces to serve the development hereby approved and 18 parking spaces reserved for use for existing neighbouring residents.

Reason: To ensure that the level of off-street parking is adequate

14. No development shall commence until a scheme has been submitted detailing the provision of infrastructure to serve future electric vehicle charging points. The scheme shall include the provision of infrastructure, defined as the provision of cabling to serve appropriately located communal electric vehicle charging points within the communal parking area.

The approved scheme(s) shall be implemented in line with the approved details.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must

commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

The Flood Risk Management Team recommend that the proposed houses are constructed using flood resistant and flood resilient methods and materials.

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.

Cycle Storage

In terms of addressing Condition 8 above, the cycle storage system should take into account recommended cycle parking dimensions and spacing as set out in the Highland Council's General Planning Guidance – Roads and Transport Guidelines for New Developments.

Disability Access Panel Recommendations

Please note that the Disability Access Panel have recommended the installation of showers instead of baths within two of the ground floor apartments. The Disability Access Panel would be happy to discuss the proposals with the developer as the scheme moves forward to building warrant stage.

Landownership / Access Rights

Please be advised that the granting of planning permission does not supersede existing private access rights. Matters of existing private access rights are a civil matter and agreement should be reach with all relevant parties and appropriate legal advice sought, where required.

Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership and you must obtain the agreement of any neighbouring landowners for any works which encroach into land outwith the developer's ownership/control.

New Access Roads and Shared Parking Area

Appropriate provision should be made for the rights of public access (pedestrian and vehicular) to and use of the shared parking area and amenity space and provision made for the ongoing maintenance of the shared access, parking area and amenity space.

Electrical Vehicle Charging Points

Electric vehicle charging points have not been included in the proposal. In light of recent moves to an all-electric vehicle transport system in Scotland electrical vehicle charging points provision should be considered.

Local Roads Authority Consent

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

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

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

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

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

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding

protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature:

Designation: Area Planning Manager – South

Author: Christine Millard

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

Relevant Plans: Plan 1 - Location Plan 000001

Plan 2 - Site Layout Plan 103

Plan 3 - Floor/Elevation Plan – 3 Bed Semi 203 Plan 4 - Floor/Elevation Plan – 4 Bed Semi 204

Plan 5 - Floor/Elevation Plan - 2 Bed Apartments 104

Plan 6 - Elevations - Streetscape 311

Plan 7 - Road Layout 197116-03 Rev D

Plan 8 - Roads Swept Path Analysis 197116-02 Rev E

Plan 9 - Roads Areas for Adoption 197116-06 Rev C

Plan 10 - Roads Kerbing Layout 197116-07 Rev C

Plan 11 - Landscape Layout PN2162-RFB-ZZ-GF-DR-AL-001 Rev C

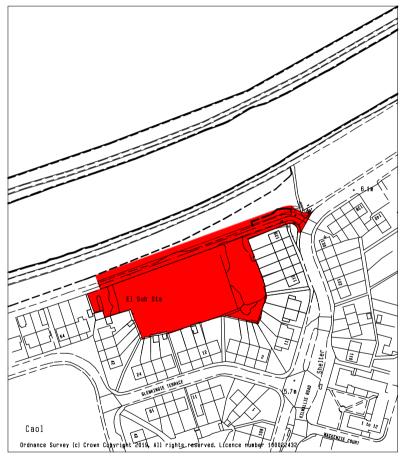
Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Туре	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
Schools ²									
Primary – Build Costs	1 classroom extension	£2652	£1503	£33949	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Community Facilities	Various as detailed in WestPlan Delivery Programme	£1051	£1051	£18918	BCIS	Q2 2018	TOC/CC	Apr/Oct	20

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt





LOCATION PLAN

SCALE - 1: 2500









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 Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office. This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.

> PROPOSED HOUSING DEVELOPMENT AT GLENKINGIE TERRACE , CAOL

R E CAMPBELL (joinery) LTD.

DESIGN SKETCH -

DKD

Queen Anne House •111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888

25: 11: 20 job no. 19/089 drg no. 104 drawn D. KELLY



REAR ELEVATION TO CANAL



FRONT ELEVATION TO CAR PARKING



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.









