

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
26 November 2013**

Agenda Item	5.3
Report No	PLS/05613

**13/03249/FUL : The Plantation Community Association
Old Golf Course, Pinegrove, Fort William**

Report by Area Planning Manager - South

SUMMARY

Description : Construction of recreational area including expanded playground, adult fitness track, mini mountain bike trail, pathways, picnic sites and viewing areas

Recommendation - GRANT

Ward : 22 – Fort William and Ardnamurchan

Development category : Local Development

Pre-determination hearing : Hearing not required

Reason referred to Committee : 5 or more timeous objections to the proposal

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the creation of a public recreation area set within an area of over 5 hectares. The site which is subject of this application extends to 0.7142ha and comprises the extension of an existing play park, construction of an adult fitness trail, improvement and formation of pedestrian tracks, and creation of a mini mountain bike track. Areas retained for wildlife are not development and do not require planning permission.
- 1.2 Informal pre-application advice was provided in August 2011 and February 2012. This identified general policy support for community led initiatives of this type and highlighted issues for consideration including proximity to housing, safe access, parking and servicing.
- 1.3 The site is set within a wider area of green amenity space with open drainage channels and informal paths.
- 1.4 A Design and Access Statement was submitted in support of this application.

- 1.5 **Variations:** An amended site plan was submitted on 02.09.13 which reduced the area of cycle path and restricted the location to the south west of the site. Details of the track and path widths and construction were included. Undeveloped land to be retained as a wildlife area has been increased to provide a continuous corridor along the south-western and north-western boundaries. The play park has been reduced and restricted to the eastern side of the site between the existing Pinegrove play park and enclosed play pitch.

2. **SITE DESCRIPTION**

- 2.1 The application site sits within the former golf course site which comprises an area of open, green amenity space located on the urban fringe of Fort William Town Centre. The land generally slopes downhill from east to west with a ridge running from north to south across the site.

A covered reservoir, play park and multi use games area are located within the former golf course site, together with a network of paths formed across the site. The application site is bounded by areas to be retained as wildlife corridors; beyond this buffer, residential development in Argyll Road lies to the north-west, the Plantation to the north-east and Glasdrum Mews to the south-west. Elevated open hillside extends to the south-east with Cow Hill and Glen Nevis beyond.

3. **PLANNING HISTORY**

- 3.1 99/00497/FULLO – Formation of multisport activity system (enclosed playing area) at Pinegrove Play Area, Fort William. Granted 23.12.99
92/00233/FULLO – Extension to play area (to provide aerial slide) at Pinegrove Play Area, Fort William. Granted 11.06.92 : not implemented or spent permission.

4. **PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 Development : expiry date 03.10.13
Representation deadline : 04.10.13

Timeous representations : 16 timeous representations from 15 householders; 13 objections and 2 letters of support

Late representations : No late representations received

- 4.2 Material considerations raised are summarised as follows:

Objections

- Loss of habitat and impact on protected species
- Noise impact from cycle track
- Loss of privacy for residential properties in Glasdrum and Argyll Road
- Concerns regarding security for properties neighbouring the development
- Insufficient maintenance plans provided in support of application
- Insufficient details of drainage in support of application
- Increase in traffic using the existing footpath
- Concerns regarding the use of private driveways as short cut into town from application site

Points of support

- General support received for the principle of development subject to consideration of drainage, security and wildlife

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **TECS Roads** : No objections. TECS have not been approached and will not be responsible for any ongoing maintenance of the paths and cycle tracks.

5.2 **Access Officer** : Support for the project and welcomes the inclusive design incorporating all-abilities standard paths. Identifies the proximity of core paths which bound the site and highlights need for these paths to remain open prior to, during and after completion of development.

5.3 **Scottish Natural Heritage** : Advice received to confirm that protected species licence not required following protected species survey on site for Pine Marten. Standard mitigation recommended to cap open pipes and tunnels during construction.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality and Place Making
Policy 34	Settlement Development Area
Policy 42	Previously Used Land
Policy 58	Protected Species
Policy 66	Surface Water Drainage
Policy 75	Open Space

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

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Statutorily Protected Species (March 2013)

Flood Risk and Drainage Impact Assessment (January 2013)

7.3 Scottish Government Planning Policy and Guidance

149. Open Space and Physical Activity

Scottish Planning Policy lends general support for the creation of good quality open spaces which increase opportunities for sport and recreation which contributes to health and well being. Planning Authorities are required to support, protect and enhance open space and opportunities for sport and recreation.

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 is located within the Fort William Settlement Development Area (SDA) and allocated as Open Space in the West Highlands and Islands Local Plan, as continued in force, in part by the Highland-wide Local Development Plan (HwLDP).

Policy 75: Open Space identifies the Council's long term objective to create sustainable networks of high quality open space, accessible by foot and linked to a wider network. These greenspaces should be fit for purpose, support sports facilities and enhance biodiversity to improve the quality of life of residents and visitors.

Given the setting of this site on the fringe of Fort William town centre, the impact on neighbouring amenity and natural heritage must be assessed in accordance with Policies 28: Sustainable Design, 29: Design Quality and Placemaking, 34: Settlement Development Areas and 58: Protected Species of the HwLDP.

8.3.1 Siting, Design and Landscape

The pedestrian paths largely constitute improvement of existing tracks, with picnic sites proposed at existing viewpoints at elevated points within the site. The provision of sport and play facilities will extend existing facilities towards the east of the site. The cycle track is to be formed within a hollow in the hillside towards the southern corner of the site. Given the scale of development which will formalise the existing site use, the proposals are considered acceptable in terms of the landscape setting of the site.

8.3.2 Amenity and Adjacent Land Uses

The site is currently informally used by walkers, cyclists and motorbikes which is evidenced by the rough tracks which run through the site.

These proposals seek to formalise the provision of access ways and view points at the site and form a mini mountain bike trail at the southern corner of the site.

The provision of formal, managed paths and tracks may reduce the impact of activities across the site as a whole, channelling activities to areas where impact on neighbouring amenity has been assessed and mitigated against and where the paths and tracks will be maintained and managed.

There are no proposals specifically for motorbikes and it is not considered that these proposals will result in an intensification of use by trial bikes. Arguably, a formalised, managed network of paths and trails with planned layout may reduce the impact of use at the site. Signage and physical features at the entrance of the tracks will be used to discourage motorbike use, details of which will be secured by planning condition.

Viewpoints 1 and 2 and northern path loop

The picnic area to the north-west corner of the site was originally proposed within a metre of the garden ground of Argyll Road properties. Concerns were raised regarding potential loss of privacy for properties in Argyll Road and increased numbers of pedestrians and cyclists on the hill using the Rossdhu/Braeside private driveway as a shortcut into town. In response to these concerns a revised site plan has been received to reposition the path and picnic site to a minimum of 12 metres from the shared boundary. Given the position of the existing track and the elevation at this corner of the site, loss of residential amenity through overlooking is not considered to be significant. The picnic site at the north-west corner will be sited approximately 60 metres from Rossdhu which is considered acceptable in terms of overlooking. Views of the rear gardens of Argyll Road properties become more apparent at the north-eastern end of the path before it ascends to the second picnic site. The wildlife area extends to provide a wide buffer at the north-east corner of the site and overlooking is again considered to be acceptable. The views from the second picnic area are elevated, raised above the roofline of the properties on Argyll Road, and considered acceptable in terms of neighbouring residential amenity.

Viewpoint 3, picnic area and central path loop

This section of path formalises existing paths which transect the site. The viewpoint and picnic area are positioned at the most elevated parts of the site and raise no substantive concerns regarding loss of amenity. There is approximately 50 metres separation distance between viewpoint 3 and Glasdrum Mews to the south-west, which is considered acceptable in terms of overlooking.

Path at south-west boundary

The proposed path route at the south-west boundary runs parallel and in close proximity to the garden boundaries of Glasdrum Road and Glasdrum Mews. As the path rises towards the viewpoint, the distance between the path and the houses increases and dense vegetation at the boundary provides screening. At the south corner of the site, where the path runs parallel to the garden of 18 Glasdrum Road, there is less vegetation and the path may reduce the current level of residential amenity. It is considered that fencing will be required to screen this section to minimise the impact of development on this property. A condition is proposed to secure this prior to the commencement of development of the path.

Park, Adult Fitness Trail and Path at south-east of site

Play park provision is well established at the eastern side of the site. The expansion and improvement of existing facilities is considered acceptable at this site. The path network at this corner of the site will improve connectivity across the site, there are no immediate neighbours and there are no concerns regarding loss of neighbouring residential amenity.

8.3.3 Natural Heritage and Nature Conservation

Originally, the plans for development of the play park area would have resulted in the retention of two separate wildlife areas, one to the north and one to the east of the wider site. Revised proposals have reduced the area of development with the play park area extended along the eastern boundary. This will retain a continuous buffer of undeveloped land which stretches the full length of the southern and western boundaries.

Pine Marten are a species protected under the Wildlife and Countryside Act 1981 (as amended) and have been identified as present at the site by objectors to the development. Scottish Planning Policy (para. 144) states that planning permission must not be granted for development likely to have an adverse effect on a species protected under this act. Policy 58 of the Highland-wide Local Development Plan requires a survey to be carried out prior to the determination of an application where there is good reason to believe that a protected species may be present on site. A Protected Species Survey was undertaken on 13.11.13 which established that whilst Pine Marten were confirmed present at the site, no den sites were found. On the basis of the evidence provided by the survey, Scottish Natural Heritage (SNH) advise that there is no risk to Pine Marten as a result of the proposed development and no requirement for a licence from SNH. A condition is proposed to mitigate any impact during the construction period.

8.3.4 **Accessibility and Servicing**

The proposed scheme will improve the standard of access tracks across this site. Building to an accessible standard will allow access to the site by a wider demographic and will improve inclusion.

Concerns were raised that pedestrians currently use the Rossdhu/Braeside/St Anthonys driveway at the western corner of the site as a shortcut into town. Improvements to the paths may result in an intensification of use and could lead to more people using this private driveway as a shortcut to town. The track has been realigned to increase the distance from this private driveway and fencing will be required at this corner to deter access at this point. Full details of proposed fencing can be secured through planning condition prior to the commencement of development.

The site is poorly drained and waterlogged in many areas. Full details of the proposed surface water drainage from the paths, tracks and play areas will be required prior to the commencement of development.

The funding for this project is dependent on on-going maintenance and management. A five year maintenance plan has been drawn up in support of these proposals and includes paid and voluntary workers to upkeep the wildlife area, signs, paths and tracks. In principle, Highland Council TECS have agreed to inspect and maintain the play equipment at Pinegrove Play Area, subject to further details of the equipment, post-installation inspection, and health and safety risk assessment.

8.3.5 **Policy Conclusion**

The site is allocated in the Local Plan for open space, where Council policy supports provision of high quality open space, accessible by foot and linked to wider networks. The proposals will improve sport and recreation facilities, and increase inclusion by provision of all abilities access, whilst protected species will not be adversely impacted by development. Potential adverse impacts on individual and community residential amenity have been assessed and are considered acceptable subject to mitigation through recommended planning conditions. For the reasons discussed above, it is considered the proposal accords with Policies 28, 29, 34, 58 and 75 of the Highland-wide Local Development Plan.

8.4 **Material Considerations**

16 timeous representations from 15 householders; 13 objections and 2 letters of support, have been received to the proposal. The points raised are summarised in section 4.2 above and assessment of the material issues raised are discussed above.

8.5 **Other Considerations – not material**

Issues have been raised by the objectors which are not material to the consideration of this planning application; namely,

- Lack of notification of adjoining landowner
- Lack of neighbour notification

- Lack of inclusion of Argyll Road and Glasdrum residents in pre-application public participation event

The landowner and neighbour notification has been carried out in accordance with the provisions of the relevant statutory legislation. The applicant states that the land is solely owned by the Fairfax-Lucy Trust. No evidence to the contrary has been provided to indicate that further landowner notification is required.

The applicant has stated that every house and property in the Plantation and every house on Argyll Road and Glasdrum which bounded the site was leafleted in April 2012 and invited to attend the Open Day held on 12 April 2012 and/or to submit their comments.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

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

10. RECOMMENDATION GRANT

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 full details of a 1.8 metre high, close boarded, timber fence between the development and the north-east boundary of 18 Glasdrum Road has been submitted to, and approved in writing by, the Planning Authority. The approved fence shall be erected prior to the commencement of works on the paths hereby approved and thereafter maintained in perpetuity.

Reason : In order to safeguard the amenity of neighbouring properties and occupants, in accordance with Policy 28 of the Highland-wide Local Development Plan.

2. No development shall commence until full details of the proposed boundary treatment and planting to direct public access around the site, have been submitted to, and approved in writing by, the Planning Authority. Such details shall include the means employed to prevent public access to the private residential driveway which serves Rossdhu, Braeside and St Anthonys. The methods to prevent public access to private driveways shall be fully installed prior to the construction of the paths hereby approved.

Reason : In order to safeguard the amenity of neighbouring properties and occupants, in accordance with Policy 28 of the Highland-wide Local Development Plan.

3. Details of all directional signage within the development shall be submitted to, and approved in writing by, the Planning Authority prior to development commencing. The approved signs shall be erected within one month of completion of the path and thereafter maintained in perpetuity.

Reason : In order to safeguard the amenity of neighbouring properties and occupant, in accordance with Policy 28 of the Highland-wide Local Development Plan, 2012.

4. Full details of the construction of the proposed hardstanding, paths and tracks, including the treatment of surface water drainage, shall be submitted to, and approved in writing by, the Planning Authority prior to development commencing. Thereafter, development shall progress in accordance with these approved details.

Reason : To ensure that an adequate level of access, including surface water management, is timeously provided for the development, in accordance with Policies 29 and 66 of the Highland-wide Local Development Plan.

5. At the end of each working day, any voids which Pine Marten may gain entry into, shall be checked to be clear of Pine Marten and then blocked or capped. Ramps will also be left to prevent Pine Marten becoming trapped in open trenches.

Reason : In order to prevent Pine Marten, a protected species, from becoming trapped during construction works, in accordance with Policy 58 of the Highland - wide Local Development Plan.

REASON FOR DECISION

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

TIME LIMITS

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

Access

Please note the old golf course site is bounded by core path LO07.06 to the south and east. These core paths must remain open prior to, during and after completion of any proposed development, in accordance with the statutory provisions of the Land Reform Act 2003. Under this legislation, there is no recognition of a pedestrian path and access rights apply to all responsible users including cyclists and dog walkers.

Flood Risk

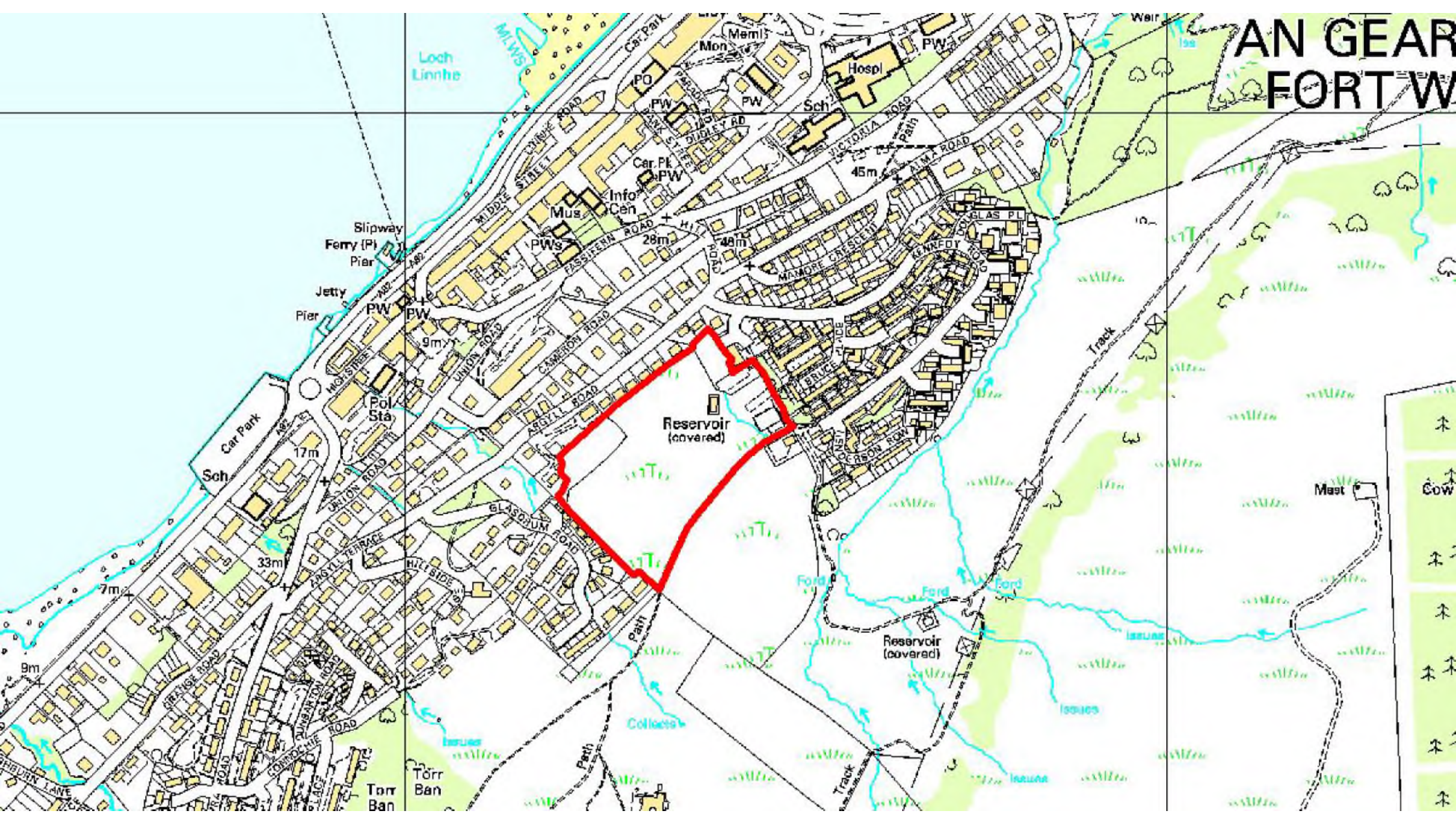
It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners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

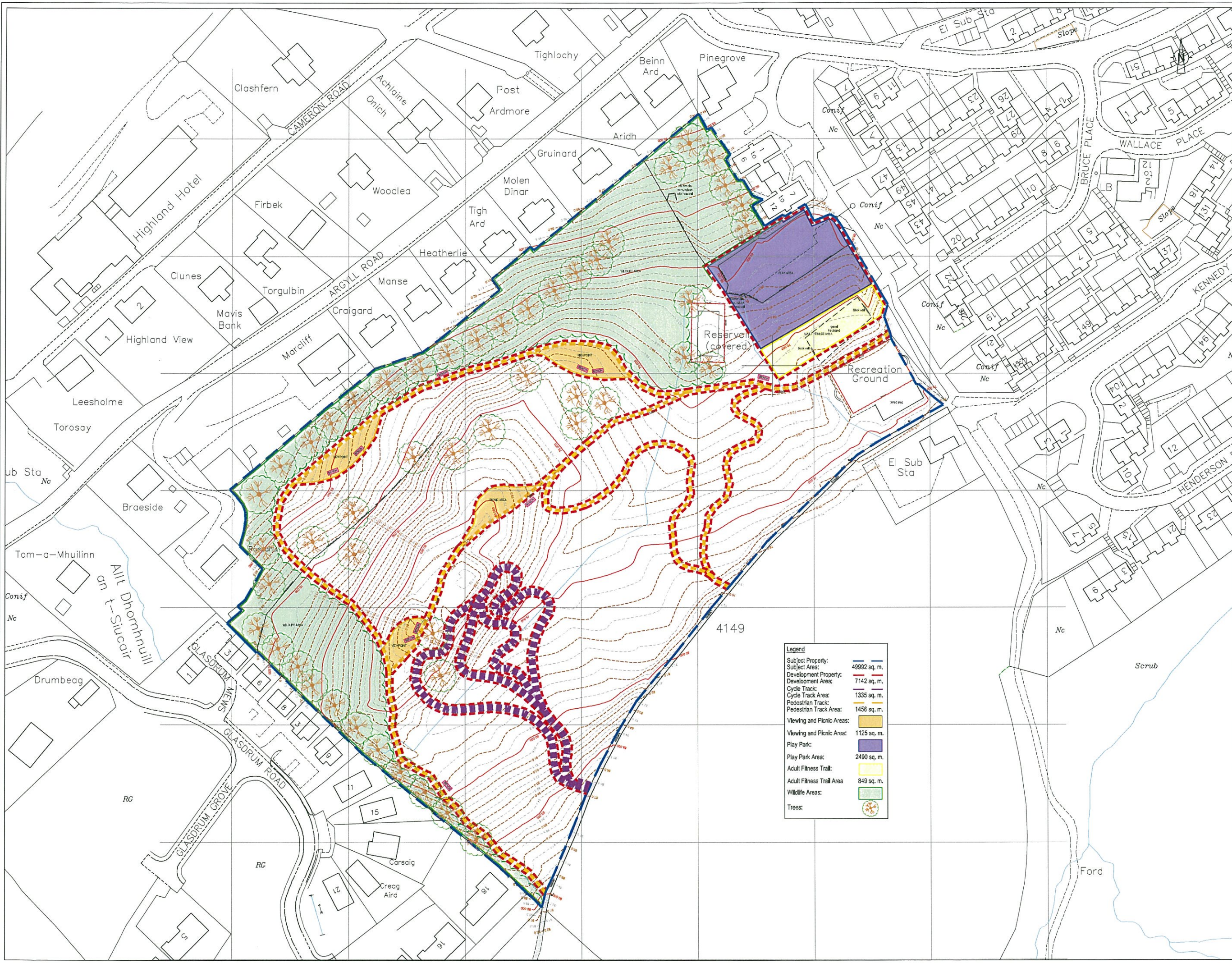
Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Christine Millard
Background Papers: Documents referred to in report and in case file
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs S Theobald	15 Glasdrum Road, Fort William, Highland, PH33 6DD	21.09.13	For
Mr C Tillett	7 Glasdrum Road, Fort William	26.09.13 & 30.09.13	Against
Mr A Norton	9 Glasdrum Road, Fort William	27.09.13	Against
Dr & Mr Rose	18 Glasdrum Road, Fort William	29.09.13	Against
Miss P Dale	Ross Dhu, Argyll Road, Fort William	29.09.13	Against
Mr R Rumney	Glasdrum House, Glasdrum Drive, Fort William, PH33 6DF	30.09.13	Against
S Allan	11 Glasdrum Road, Fort William	30.09.13	Against
K Norton	No address provided.	30.09.13	Against
Miss C Jennings	3 Glasdrum Mews, Fort William	01.10.13	Against
Mr & Mrs Ferguson	St Anthony's, Argyll Road, Fort William	01.10.13	Against
Mr & Mrs MacKinnon	Cuagach, Argyll Road, Fort William	02.10.13	Against
Mr T Laidler	16 Glasdrum Road, Fort William	02.10.13	For
Miss J Beattie	3 Glasdrum Road, Fort William	03.10.13	Against
Mr & Mrs Macdonald	Heatherlie, Argyll Road, Fort William	03.10.13	Against
Mr R Jordan	Beinn Ard, Argyll Road, Fort William	03.10.13	Against

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Drawing Notes:

- Surveyed by ___ & ___ / 2011.
- Levels are in metres/millimetres and are to Ordnance/Assumed Datum.
- Co-ordinates are to Base/National Grid.

Legend	
Subject Property:	49992 sq. m.
Subject Area:	7142 sq. m.
Development Property:	7142 sq. m.
Development Area:	1335 sq. m.
Cycle Track:	1335 sq. m.
Cycle Track Area:	1456 sq. m.
Pedestrian Track:	1456 sq. m.
Pedestrian Track Area:	1456 sq. m.
Viewing and Picnic Areas:	
Viewing and Picnic Area:	1125 sq. m.
Play Park:	
Play Park Area:	2490 sq. m.
Adult Fitness Trail:	
Adult Fitness Trail Area:	849 sq. m.
Wildlife Areas:	
Trees:	

For Planning	
<small> Civil & Structural Design Land & Building Surveying Archaeology & CAD Services Project Management & Construction Administration </small>	
Land at Plantation Fort William	
Alan Jones Associates 62 Boswell Road Inverness IV2 3EJ	
Scale:	1:500 @ A0
Date:	02/09/2013
Sheet:	SMCL
Drawn by:	EMG
Checked by:	2116-01
Scale:	A