

Agenda Item	8.4
Report No	PLS 037/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 20 June 2017

Report Title: 17/00114/FUL: Highland Council and Lochaber Housing Association
Former Lochyside Roman Catholic School, Lochyside, Fort William

Report By: Report by Area Planning Manager South/Major Developments

Purpose/Executive Summary

Description of development: Erection of 60 new dwellings with associated services, roads and landscaping, including an amenity area with play park. Housing to be a combination of two storey villas, bungalows and two and a half storey flats, with a mix of two, three and four beds.

Ward: 11 – Caol and Mallaig

Development category: Major

Pre-determination hearing: Not required

Reason referred to Committee: Major Development

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.

Recommendations

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 It is proposed to demolish the former Lochyside School and erect 60 residential units on the site. The new housing is in a mix of forms, 29 flats within three, two and a half storey blocks, five single storey houses forming part of three terraces and 26 two storey houses (2, 3 and 4 bedroom units) in a mix of semi-detached and terraces blocks. 100% of the new units are 'affordable'.

External finishes to the buildings will be a mix of white and coloured render, with feature walls of the development in grey and beige boarding. Roof coverings will largely be grey concrete roof tiles with a mix of standing seam metal roofs to add interest.

The proposals include a new access road through the site with parking for 93 cars arranged into four distinct areas, including 13 in-curtilage parking spaces. A network of paths connect the development to a proposed play area located towards the centre of the site, along the eastern boundary to link with the existing bike park and area of greenspace. An emergency vehicular access is to be created at the north western part of the site to link through to the new development at Curlew Place/Columba Court and on to Riverside Grove and Riverside Park in the event of flood waters affecting the main site entrance/exit onto Kilmallie Road. This emergency access will be bollarded to prevent day to day usage by vehicles. Pedestrian and cycle access will be available via this route. Pedestrian and cycle access is to be provided onto Castle Drive alongside the bike park and open space. As well as footways along the internal road layout, separate footpaths are provided throughout the development, and one links directly to the bus stop on Kilmallie Road.

New structural planting is proposed along the boundaries of the site to reinforce the edges and in and around the play area and flats. Stone walls and tree planting is proposed at the entrance to the development as a gateway feature.

Connection is proposed to the public water supply, public foul sewer and the public storm sewer, with attenuation proposed.

- 1.2 Formal pre-application advice was sought and provided in connection with this proposal.

- 1.3 The site is served by an existing access and public water and sewer connections.

- 1.4 Design Statement, Drainage Assessment, Accessibility Statement and Pre-application Consultation Report were submitted in support of the application.

- 1.5 **Variations:** Variations made since application submitted:

- (a) Changes to disabled parking layout
- (b) Adjustments to plots 47, 48 and 49 - houses moved slightly closer to Castle Drive houses (1.4m) and slightly closer to the play area.
- (c) Path adjacent to 27, 29 and 31 Castle Drive realigned and landscaped area introduced
- (d) The large parking court to the NE of the site (rear of flats) has been narrowed by 5m and lengthened by 2.5m. This reduces the tarred area and allows for the introduction of more landscaping
- (e) A new planted area to be introduced to front of 39-42 to soften the parking

area.

- (f) The house blocks in plots 35-46 have been switched around to provide the larger units with the larger gardens and allow 39-46 to be moved forward.
- (g) Path adjacent to 7 Castle Drive realigned
- (h) Finished floor level of plot 1-6 raised by 0.67m
- (i) Design change to bungalow on Plot 49 (slight increase in size - 1.2m longer to change property to a wheelchair unit)
- (j) Minors changes to internal layout of flats
- (k) Change to drainage layout
- (l) Minor adjustments to landscaping scheme

2. SITE DESCRIPTION

- 2.1 The site extends to approximately 1.6ha and comprises the former Lochyside RC School, which has now relocated to a new joint campus school in Caol. The existing school building is a mix of single, two and three storey sections in a cross footprint, with the building occupying the majority of the southern half of the site, with green space in the north half. There is an existing vehicular access off the B8006 (Kilmallie Road), shared with Cuil Na Sithe. There is bus stop/drop off point along the site frontage with Kilmallie Road which is to be incorporated into the redevelopment site. There is a secondary access into the rear of the school from Castle Drive. To the south the site is bounded by Kilmallie Road and the River Lochy beyond. To the west lie two houses, Cuil Na Sithe and Lochan Cottage, and north of these is a new development of 10 houses at Curlew Place. Along the northern boundary of the site lies Columba Court and the rear of 33 - 45 Castle Drive (odd numbers). Along the eastern boundary are 1-31 Castle Drive (odd numbers). At the south eastern corner of the site are two existing houses, Hawthorn and Glenlea which front onto Kilmallie Road, although screened by mature planting.

3. PLANNING HISTORY

- 3.1 16/03433/PAN: Proposal of Application Notice submitted on 27 July 2016

16/03755/PREAPP: Pre-application enquiry submitted to 'Demolish existing school and erect approximately 70 new dwellings for mixed tenure affordable housing comprising a mix of flats and houses with associated roads and services.'

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Yes

Representation deadline: 23 April 2017

Timeous representations: 13 (8 households)

Late representations: 0

Neighbours re-notified on 27 March 2017 following receipt of amended plans.

4.2 Material considerations raised are summarised as follows:

- a) Installing the drainage scheme would involve excavating the existing play area and public road and would severely impact on parking to neighbouring properties and cause road safety concerns. This would also displace children from the play area during the work

Comment: The drainage proposals have been amended which now avoid this area.

- b) Preference for proposed play area to be a more natural design, reducing any environmental impact on wildlife and reduce the cost for on-going maintenance

Comment: See assessment

- c) Concerns with increase in noise associated with the number of houses and flats proposed - suggest flats are restricted to 2 storey building to help reduce noise impact

Comment: The agent has advised that opening windows from public rooms towards the existing housing have been avoided to retain privacy of existing houses and minimise noise transmittance.

- d) Concerns over loss of the existing wall around Cuil Na Sithe - reassurance sought that wall will be reinstated before work commencing on site

Comment: The agent has advised that the walled boundary at Cuil Na Sithe will be retained and made good.

- e) Concerns over the sewer capacity - highlights that existing sewer blocks on a regular basis

Comment: The adequacy and capacity of the existing sewer infrastructure and permission to connect to the sewer will be the subject of Scottish Water consent.

- f) Need to consider impact on public facilities as a result of cumulative development in Lochyside

Comment: See assessment

- g) Concerns over impact on privacy and amenity due to the height of the flats - preference for bungalows

Comment: The agent has advised that opening windows from public rooms towards the existing housing have been avoided to retain privacy of existing houses and minimise noise transmittance.

- h) Loss of greenspace outside 7 Castle Drive

Comment: The greenspace outside 7 Castle Drive is to be retained. The secondary vehicular access to the school from Castle Drive is to be grassed over and only footpath access retained to the site from Castle Drive

- i) Loss of privacy to 7 Castle Drive due to open boundary and through access at a previous dead-end.

Comment: The greenspace outside 7 Castle Drive is to be retained. The secondary vehicular access to the former school from Castle Drive is to be

grassed over and only footpath access retained to the site from Castle Drive

- j) Loss of play space to create drainage is unacceptable despite promises to rebuild

Comment: The drainage proposals have been amended which now avoid this area.

- k) Uncertainty as to whether the current plans to leave the new scheme so open are in the best interests of all parties

Comment: Concern noted, however open space and interconnectivity are considered to be important elements for the success of the development.

- l) Potential impact on bats - school may be a summer roosting site

Comment: The demolition of the school does not require planning permission. The responsibility lies with the demolition contractor to make sure any licences are secured from SNH.

- m) Suggest replacing proposed beech hedging with an evergreen species - more shelter for birds and mammals and less maintenance in the autumn

Comment: The agent has advised that the Beech hedge has been specified for screening purposes. It retains its (brown) leaves during winter. Other planted areas surrounding the site are a native hedge and structure planting mix which will provide habitat and feeding opportunities for birds and other wildlife.

- n) Suggest retaining the Zebra crossing on the B8006/Lochyside Road - provides a well lit, safe crossing point for the other two housing developments off Lochyside. Suggestion to change it to a 'raised table' crossing to slow down drivers

Comment The zebra crossing will be retained but relocated to the other end of the bus stop. It will not be a raised table design.

- o) Too many two-bedroom apartments planned - 8 three-bedroom homes is totally inadequate

Comment: The agent has advised that the mix of units has been informed by the Highland Council housing register.

- p) Concern over removal of access to rear fences at 23 & 25 Castle Drive

Comment: The agent has advised that the fencing to properties 23-25 Castle Drive is not intended to change. The existing chainlink fence on the other side of the footpath is to be removed, opening to footpath into the open space area. A further representation was received seeking retention of this fence between to prevent damage to the private fencing and exclusion of access to the rear of these houses. Since receipt of the representation the landscaping plan has been further updated to accord with the site plan. This shows a fence being retained along the rear of 23 and 25 Castle Drive, with the access point within the site, not immediately at the rear of the houses.

- q) Suggestion made for a regular liaison/communication for persons bordering the site to advise on timetable of works prior to commencement of stages of work.

Comment: This would normally be a requirement for the appointed contractor

as part of the contract, however given the scale of the development and the nearby existing houses it is considered appropriate to formalise such an arrangement as part of a planning condition.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Caol Community Council** : No formal response

5.2 **Flood Risk Management Team**: Objection raised to the proposal on the grounds of both flood risk and the management of surface water. Objections removed following submission of further information.

5.3 **Forestry Officer**: No objections - suggestions made regarding additional landscaping and conditions proposed to secure implementation of the landscaping proposals.

5.4 **Transport Planning**: Originally objected on grounds of lack of information. A Transport Statement was subsequently submitted, together with further information on the road layout. Transport Planning have now removed their objection and have recommended conditions.

5.5 **Contaminated Land Team**: Condition requested to secure Land Contamination report and details of any remediation.

5.6 **Access Officer**: No objections raised, suggestions made in relation to the construction standard for the footpaths and possible off-site improvement opportunities if justifiable.

5.7 **Development Plans Team**: Principle of the development supported. Issues raised over layout, parking, landscaping and play areas.

5.8 **SEPA**: Objections raised on grounds of lack of information on flood risk and surface water treatment. Objections removed following submission of further information.

5.9 **Scottish Water**: No response

5.10 **Transport Scotland**: No objection.

5.11 **Lochaber Disability Access Panel**: Requested meeting with the agent to discuss areas of concern. Objection submitted on grounds of lack of information and particular issues of access and facilities.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

29 Design Quality and Placemaking

31 Developer Contributions

32	Affordable Housing
34	Settlement Development Area
42	Previously Used Land
51	Trees and Development
56	Travel
57	Natural, Built and Cultural Heritage
61	Landscape
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage
75	Open Space

6.2 **West Highland and Islands Local Plan 2010 (as continued in force 2012)**

Fort William Inset Map - site identified as being within the Fort William Settlement Development Area.

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Proposed West Highland and Islands Local Development Plan (WestPlan)

The West Highland and Islands Proposed Local Development Plan was approved by the Council's Lochaber Area Committee on 18 January 2017. It represents the 'settled view' of the Highland Council on local planning policy in this part of Highland and is now a material consideration in planning applications and advice. The Proposed WestPlan has now been published for consultation (running from 5 May 2017 to 21 July 2017). Any representations to this draft of the plan will be considered by a Scottish Government appointed Reporter who will make recommendations as to the final outcome.

The WestPlan identifies this site as proposed development site FW03, extending to 1.5ha with an indicative housing capacity of 40. Developer requirements for this site are as follows:

Flood Risk Assessment (no development in areas shown to be at risk of flooding); Public sewer connection; Transport Statement including details of safe routes to schools and active travel connections; Site road access to be taken from Kilmallie Road which may require junction improvements and potential contributions towards wider Fort William transport network improvements; Good siting and design with layout to maximise shelter on site play space and southerly aspect for principal

elevations, retain woodland and boundary planting with privacy / amenity setback from existing houses; Site history and possible Land Contamination Site Investigation (possible fuel/oil storage associated with school boiler); where possible recycle/reuse existing building materials.

7.2 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2013)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014

Creating Places : A Policy Statement on Architecture and Place for Scotland

Designing Streets : A Policy Statement for Scotland

Planning Advice Note 33 - Development of Contaminated Land

Planning Advice Note 44 - Fitting New Housing Development into the Landscape

Planning Advice Note 61 - Planning and Sustainable Urban Drainage Systems

Planning Advice Note 65 - Planning and Open Space

Planning Advice Note 67 - Housing Quality

Planning Advice Note 75 - Planning for Transport

Planning Advice Note 77 - Designing Safer Places

Planning Advice Note 78 - Inclusive Design

Planning Advice Note 79 - Water and Drainage

Scottish Government - Online Planning Advice on Flood Risk

Scottish Government - Online Planning Advice on Waste Management

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**

8.3.1 Principle of Development

The current proposal seeks permission for the erection of 60 residential units in a

mix of two and a half storey flats, two storey villas and single storey houses. The site lies within the Fort William Settlement Development Area as defined by the local development plan. Settlement Development Areas are the preferred location for new developments. The site is not specifically allocated for new housing development under the current development plan, which reflects the site's use until last year as a school. The proposed WestPlan proposes this site for housing development, as the site is now vacant. The principle of the redevelopment of this site for housing accords with current and emerging development plan policy, in particular Policies 28 and 34 of the Highland wide Local Development Plan (HwLDP).

8.3.2 Design, Layout and Amenity

In terms of design and layout the proposal has been amended following pre-application advice and community consultation.

The change from the School site to a housing development will introduce a change for the immediate neighbours however as this is a largely residential area the new land use is compatible with the surrounding uses.

The density of the development is still fairly high however it is in keeping with the general area. The two and a half storey properties occupy a fairly central location within the development, in a similar location to where the three storey element of the school is at the moment. The northern portion of the site is a mix of single and two storey properties which back onto existing residential development which is predominantly one and a half storey. A reasonable set back from the existing houses has been achieved and most boundaries are to be reinforced with planting, or fences where properties are single storey. The development has been laid out to minimise overlooking issues. To the south, at the entrance to the development and where it borders Kilmallie Road, the buildings have been designed to provide a street frontage, with the buildings mirrored to provide a defined entrance. To add to this gateway, stone walling and ornamental tree planting is proposed along the sides of the entrance road. This then leads to a raised square which provides access to two rear parking areas and the road continuing through the development. Continuing past the flats towards the north of the site, there are two more communal parking areas.

The Development Plans consultation response raises some concerns over the layout of the proposal, in particular, that the proposal lacks:

- A focus on community use and social interaction in the design of the external environment;
- Play space that is well-overlooked by entrances and windows;
- A design-led approach to the provision of car parking that contributes to a high-quality public realm.

The response outlines particular concerns at the extent of open space dominated by open and visible carparks. The consultation response considers this will have a detrimental impact on the character, appearance and usability of the community's external environment. A limited amount of trees and planting are proposed within parking areas, which will help to soften the visual impact of parked cars but significantly more planting is required to balance the visual impact of parked cars.

As previously requested in pre-application advice a wider range of parking

solutions is needed to create an attractive public realm, with consideration given to:

- increasing the amount of in-curtilage parking;
- the potential to accommodate some parking in rear courts; and
- on-street parking, where vehicles are parked in blocks on alternate sides of the street.

In response to the issues raised the agent has advised that the rear parking courts either side of the 'square' raised table are to be screened from the main access road by hedging and railings thus will not visually dominate the streetscape. Planting is interspersed within the courts to soften and break up the rows of spaces. Some in curtilage parking is provided and some space for parking on the main access road is available in addition to the parking courts.

The play area has been located to benefit from good visibility from the flats, and to combine the new play provision with the existing bike park and adjoining grassed area. This location is practical within the development, both in terms of visibility and connectivity.

Concerns have also been raised regarding the positioning and limited size of private gardens and overshadowing for the plots at the north west corner of the site (in particular plots 37 and 38). This block of four houses in the top corner of the site is the tightest in terms of house to garden ratio, however this area does benefit from more open space at the rear of the properties, between the site and Columba Court.

In response to the concerns raised the agent has submitted a revised layout which reduces the width of the parking area at the rear of the flats by 5 metres. This has allowed the houses on Plots 39 to 46 to be moved to the south. The benefits of this include: reducing the dominance of the parking area; increasing the landscape buffer along the northern boundary of the site; introducing a new landscaped area in front of Plots 39-42; rearranging the 2 bed and 3 bed villas within Plots 35 to 46 to match the larger homes with the larger gardens; and providing more open space at Plot 38 and the approach to Plot 37. The negative effect of this change is that the terrace of three single storey houses (Plots 47, 48 and 49) will move 1.4m closer to the houses at 27, 29 and 31 Castle Drive. As the houses on Plots 47, 48 and 49 are single storey and as there will still be over 11 metres between the new houses and the rear garden boundaries of the Castle Drive properties, this amendment is considered to be acceptable.

Redevelopment of this site is a balance between maximising the potential affordable housing units on the site whilst maintaining a good standard of privacy and amenity and public and private space for the future occupants of the development and those existing properties bordering the development site. With the amendments proposed it is considered the proposal achieves this balance and accords with Policies 28, 29 and 34 of the HwLDP and associated guidance.

In accordance with Policy 29 of the Development Plan public art will require to be incorporated into the scheme.

8.3.3 Transport, Access and Parking

A Transport Statement has been submitted in support of the proposal. The Transport Planning Team has advised they are satisfied that the Transport Statement demonstrates that the site is well served in terms of public transport and

is well connected to the wider network by active travel modes.

The new access arrangement from Kilmallie Road is considered to be acceptable, subject to a condition to secure the necessary visibility splays.

With respect to the secondary emergency access to Cawdor Place/Columba Court, Transport Planning has advised that a revised layout has been submitted that details sacrificial bollards being used to prevent this being used as a 'rat run' by vehicles and they are satisfied with the principle of this design but may require further details at Road Construction Consent stage to ensure this link remains pedestrian and cycle friendly.

Transport Planning has advised the internal road layout proposed is satisfactory however more detail may be required at Road Construction Consent stage, and the parking provision and layout is acceptable. Cycle parking provision is in line with Council standards and is to be provided in a mix of internal and external locations. A condition is recommended to ensure that the cycle provision is delivered.

Given the location of the development and the likely impact on public roads and neighbouring residential area a condition is proposed to secure a construction traffic management plan.

Following submission of the additional information and subject to the recommended conditions it is considered the proposal accords with Policies 28 and 56 of the HwLDP and associated guidance.

8.3.4 Foul Drainage and Water Supply

Connection is proposed to the public sewer and the public water main. Concern has been raised by a neighbour over the capacity of the sewer and has experienced blockage of the existing sewer close to this property. Connection to the public sewer and the public water main requires the consent of Scottish Water who will consider issues of capacity and improvements required to their assets. A condition is proposed to ensure that agreement is obtained from Scottish Water to connect to their assets prior to work commencing on the houses. Connection to public services accords with Policies 28 and 65 of the HwLDP and associated guidance.

8.3.5 Flooding and Surface Water Drainage

The Transport Planning Team has advised that the drainage proposals have been updated to incorporate treatment in line with the simple Index Approach as previously requested. The layout has also been revised such that the filter trench now proposed is within the road verge rather than underneath the carriageway. The updated Drainage Layout (Dwg No. 3171:105) shows the filter trench within private garden space which would not be acceptable (this has since been amended). They understand that there is space within the road verge elsewhere and that these proposals will be revised and be approved at RCC. A condition is proposed to secure submission and approval of the final drainage layout.

SEPA originally objected to the development on the grounds of lack of information on flood risk and surface water drainage. The drainage scheme has been amended and details of the site levels have since been provided. SEPA have removed their objection subject to the revised plans being the ones approved as part of this

development.

The Council's Flood Risk Management Team also originally objected to the proposal on the basis of lack of information relating to flood risk and surface water drainage. Further information has been supplied by the agent. The Flood Risk Management Team has now removed their objection subject to a condition to set a minimum floor level of 5.67m AOD. This is in line with the submitted scheme and the response from SEPA. With respect to site drainage, the Flood Risk Management Team has advised they are satisfied with the proposed drainage arrangements for the management of surface water. A condition is recommended to send the finalised drainage arrangements to them for review prior to construction commencing, in case any changes are made to the proposed impermeable area or drainage design following planning approval.

Subject to the imposition of the recommended conditions, the proposal accords with Policies 28, 64 and 66 of the HwLDP and associated guidance.

8.3.6 Developer Contributions

Policy 31 of the Highland wide Local Development Plan, together with the associated Supplementary Guidance seeks developer contributions where appropriate for developments of four or more houses.

Following discussion with colleagues in Care and Learning and Transport Planning no contributions have been identified for education provision, health or off-site transport/travel.

All of the dwellings proposed are identified as being 'affordable' therefore no specific contributions are required towards affordable housing. A condition is proposed to ensure the delivery of the affordable housing.

Delivery of landscaping, open space and play provision, improved footpath linkages and public art will be secured by conditions and are discussed in more detail in the report.

With respect to community facilities, the supplementary guidance sets out that where there is deemed to be an impact from the development on community facilities, the Council will seek contributions towards the enhancement or creation of new community facilities. This is calculated at a rate of 0.69sqm of community facility space per dwelling – based on current build cost figures this equates to £997.85 per home. Since then, the West Highland and Islands Local Development Plan (WestPlan) – Proposed Action Programme has been published for consultation (as part of the Local Development Plan consultation process). With respect to provision of community facilities, the Action Programme seeks developer contributions of up to £1,000 per house across the Lochaber High School Catchment towards an Indoor Training and Community Centre adjacent to the Lochaber High School. Based on the existing supplementary guidance and the Proposed Action Programme, a contribution of £1,000 per house towards community facilities is considered appropriate in this instance, to be secured for the proposed Indoor Training and Community Centre at Lochaber High School.

Subject to securing the identified contributions the proposal is considered consistent with Policies 28, 31 and 32 of the HwLDP and associated guidance.

8.3.7 Brownfield Land

The site is the former Lochyside School and grounds. Reuse of brownfield sites are supported by development plan policy. The Council's Contaminated Land Team have advised that asbestos was present within the former buildings on site, in addition, oil fired heating systems were also present on site which may have caused land contamination. Although a Land Contamination report has not been submitted to date, the Contaminated Land Team has recommended a condition to secure submission of a Land Contamination report which includes any remedial works required. Subject to imposition of the recommended condition, the proposal accords with policies 28 and 42 of the Highland-wide Local Development Plan and associated guidance.

8.3.8 Accommodate the needs of all sectors of the community

The Lochaber Disability Access Panel objected to the proposal on the grounds of lack of information, namely:

- In the Design Statement regarding access and movement within the site there are no dimensions showing the width of pavements or the placement of drop kerbs
- The accessible homes it is to be presumed will be habitable for decades, yet there appears to very little thought given to the increase in wheelchair sizes over the last few years. It is disappointing for the Panel that there appears to have been little consideration given to the long term future.
- No consideration has been given for providing a storage room for medical equipment, the requirement for this was highlighted during the recent "Bedroom Tax Dispute"
- Panel members who are wheelchair users state they would not be able to negotiate the corridor widths shown in the drawings.
- The access to buildings appear to have steps leading to them, in particular to the doors at the rear, physically impaired residents should not be hindered from using either entrance. All entrances to the accessible homes should have level threshold entrances
- The comments above are all academic if, as stated previously the dwellings are going to be adapted to suit the needs of the individual occupant. This also raises another concern for the Panel. We request a firm assurance that those with more complex needs, meaning more expensive adaptations will be given the same consideration as others applying for residency

The agent has provided an Accessibility Statement to address the concerns raised and the key points are summarised below:

- (a) The site layout has drop kerbs provided at all desire lines footways and crossing points to provide maximum accessibility and permeability within the site and to surrounding areas.
- (b) All public footways are min 2m wide and will provide level access to all areas of the site.
- (c) Disabled parking is concentrated near the bungalows and additional disabled parking bays have been added to ensure all dwellings are within 45m.
- (d) 25% of the proposed units have all their accommodation on the ground floor, split between 5 bungalows and 10 privately accessible ground floor flats. All

of these units are wheelchair accessible and are capable of being wheelchair liveable with minor adaptations.

- (e) Typically 5 -10% of the units are adapted in some respect once the units are allocated.
- (f) The designs also incorporate general provisions for wider health issues including visual impairment and dementia with contrasting external and internal finishes which can be enhanced once the end user is identified.
- (g) The plans submitted comply with the space standards within Housing for Varying Needs and Building Standards and provide accessibility over and above the minimum required for standard wheelchair access and mobility requirements.
- (h) Storage in excess of minimum standards has been provided and individual need over and above this can be considered once the end user is identified. Some of the bungalows have been adapted already and amended proposals for these and the flats have been submitted.

The Lochaber Disability Access Panel were re-consulted following receipt of the revised and additional information, however they have maintained their objection to the application.

Since then the agent has met with the Lochaber Disability Access Panel to discuss their concerns. Following their discussions the agent has agreed to liaise with the Panel as part of the more detailed design work for Building Warrant.

Taking into account the existing design principles, the controls through the Building Regulations and the applicant's commitments as housing provider, the proposal is considered to accord with Policy 28 of the HwLDP.

8.3.9 Landscaping and Open Space

Previous facilities provided as part of the school complex have been replaced by improved facilities at the new joint campus school which is approximately 1.3km away. There are also play facilities at and near the Gaelic School in Caol, and at Lochaber High School, approx. 900m and 700m respectively (distances are all 'as the crow flies'). The current application provides on site equipped play space, and retains and enhances the existing adjacent bike park and greenspace

The landscape proposals have been updated to incorporate comments received during the application process and the agent has provided the following comments:

We have provided 3750m² of open space in the large equipped area and other planted areas which equates to 26m² per person based on 2.31 people per home in the guidance. This meets the area requirements in terms of Equipped Play Space, Amenity Greenspace and Natural Greenspace in Table 1 of the open space guidance. We acknowledge there is a lack of provision under Public Parks and Gardens and Outdoor Sports Facilities but we suggest there is adequate provision provided by other open space and sport facilities surrounding the site which is accessible from the site. We have concentrated on providing a high quality Local Equipped Play Area for younger children, which is the most appropriate for this development and its location in relation to existing surrounding neighbourhoods and other good quality wider facilities catering for older children and adults being available in close proximity off site.

Natural Greenspaces

There are several areas of natural green space within the required 10 minutes walk of the site. Some of these include access to the ruins of Inverlochy Castle and the surrounding green areas via the Soldier's Bridge and access to the Lochside Common Grazings via Riverside Park. It is acknowledged that the common grazings area is zoned for housing under FWH3. We would expect post development that large open areas here would require to be retained along with provision of pedestrian and cycle linkages to them. There may be an opportunity to improve the path linkages through the Common Grazings land and this will be investigated.

Outdoor Sports Facilities

There are several options for accessing sports facilities within the required distances of the site. There are facilities at Lochaber High School, the new Gaelic School provides a Multi Use Games area and the new Caol Primary School and Community Centre provides a Multi Use Games area in addition to the existing 5 a side pitch. There is also recreation ground at Blackparks and the BA pitches which can be accessed from the site via Soldier's Bridge.

Core Path Networks

The Soldier's Bridge off Kilmallie Road provides linkages to the Great Glen Way and the walking/cycle route into Fort William. Cycle/pedestrian linkages are available from the site through Riverside Park via the Common Grazings to access the wider Core Path linkages to the canal and further to Corpach as well as linking to the new facilities at the new schools.

Local Equipped Play Area

A LEPA is provided which will be furnished with high quality activity based equipment. The age range for these will be aimed at 18 months to 14 years on the basis that older children are catered for with larger off site facilities. There are other LEPAs in the vicinity which cater for young children in their immediate area such as the one at the end of Castle Drive. The existing bike park will be improved as part of the works for the new equipped play area. These improvements will be in the form of maintenance free dog proof fencing with gated access to match that around the new play equipment, provision of seating and relining/repair of the play surface. It is the intention to liaise with the Caol Community Council to agree the final design for the new play area and the improvements to the bike park.

As set out in the supporting information the space standards for equipped play space, amenity greenspace and natural greenspace have been met by the proposed scheme. The shortfall of on-site provision of public parks and gardens and outdoor sports facilities is off-set by the range of existing facilities available in the local area. The development has proposed reasonable pedestrian and cycle linkages through the development to connect to the existing routes to these facilities, however to fully maximise the links to these areas a review of the potential for enhancement of off-site linkages is recommended and will be secured by condition.

8.4 Material Considerations

13 letters of representation have been received which have been summarised in Section 4.2 and considered above. The issues raised by the Consultees have been

summarised in Section 5 above and the relevant issues considered above.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by legal agreement

Developer contributions for community facilities.

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. 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

Conclusion of Section 75 Agreement Y

Matters to be secured by Section 75 Agreement

A developer contribution of £1,000 per residential unit to be secured towards new communities facilities; these being identified as a new Indoor Training and Community Centre to the north of Lochaber High School.

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 shall be refused under delegated powers.

NB: if the developer chooses to lodge the developer contribution immediately following determination of the application this would negate the need for a legal agreement.

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

1. The development hereby approved is for 60 affordable dwellings (which meet the definition of affordable housing outlined in The Highland Council's Developer Contributions Supplementary Guidance 2013 (as amended, revoked or replaced; with or without modification)). Any change to the number of affordable housing units to be delivered on site will require the prior written permission of the Planning Authority.

Reason: To ensure that affordable housing is provided in accordance with the scheme as approved and to ensure that any changes to the proposed type and tenure adequately addresses developer contributions.

2. No development shall commence on site 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.

3. No development shall commence on site 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 interests of road and pedestrian safety.

4. No development shall commence on site until a construction method statement has

been submitted to and approved in writing by the Planning Authority. This shall include:

- a) the proposed location of the works compound, the means of screening the site;
- b) details of how the site will be developed and mitigation measures in terms of dust and noise for the adjacent premises; and,
- c) details of the arrangements for regular communication with those properties bordering the site.

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.

5. No development shall commence on the construction of the housing hereby approved until an application for Road Construction Consent for the new access road, together with the appropriate financial bond, has been submitted to and approved by the Council's Transport Planning Team.

Reason : In the interests of road safety and to ensure the development is served by a road commensurate with the scale of development proposed.

6. No development shall commence on the construction of the housing hereby approved until evidence has been provided that Scottish Water will grant permission to connect to the public sewers and the public water main.

Reason : In order to ensure that the development can be adequately serviced.

7. No development shall commence on the construction of the housing hereby approved until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason : To ensure that build-out of the development suitably sequenced to avoid adverse impact on existing infrastructure and local amenity, and to ensure all necessary elements of the development are delivered timeously, including services, landscaping, open/play space .

8. No development shall commence on the construction of the housing hereby approved until a scheme for provision of on-site public art has part of the development has been submitted to and approved in writing by the Planning Authority. The brief for this public art shall be prepared in accordance with the Council's Public Art Strategy. Thereafter the public art scheme shall be delivered on site in accordance with the approved brief.

Reason : In accordance with the Council's Public Art Strategy for the Highlands.

9. No development shall commence on the construction of the housing hereby approved until a scheme for the maintenance, in perpetuity, of all on-site green spaces, woodland, play areas and other spaces, facilities, features or parts of the

development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flatted developments and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

10. No development shall commence on the construction of the housing hereby approved until a finalised 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. A plan showing existing landscaping features and vegetation to be retained;
 - 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 landscaping works.

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: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

11. No development shall commence on the construction of the housing hereby approved until a detailed specification for all proposed external material 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.

Reason: In the interests of visual amenity.

12. No other development shall commence on site until the site access from Kilmallie Road has been constructed in accordance with the approved details and visibility splay of 4.5 m(X distance) by 90 m (Y distance) have been provided. Within the visibility splay at no time shall anything obscure visibility between a driver's eye height of 1.05 metres positioned at the X dimension and an object height of 0.60 metres anywhere along the Y dimension

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

13. No development shall commence on the construction of the housing hereby approved until finalised details of the type and location of the secure cycle parking has been submitted to and approved in writing by the Planning Authority. Such details shall show a minimum provision of 29 on-site secure cycle parking spaces. The cycle parking shall be provided on site prior to the initial occupation of the housing hereby approved, unless otherwise first agreed in writing by the Planning Authority.

Reason: In order to facilitate the use of a variety of modes of transport.

14. No development shall commence on the construction of the housing hereby approved until a detailed specification for all footpaths within the site, together details of any off-site path improvements identified following review of pedestrian linkages, shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details and completed in accordance with the phasing schedule set out Condition 8.

Reason: In order to maximise the links to existing open spaces and outdoor sports facilities in the local area, to off set the shortfall of on-site provision of public parks and gardens and outdoor sports facilities.

15. No development shall commence on the construction of the housing hereby approved until the finalised drainage design has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flood Risk Management Team and the Council's Transport Planning Team. Thereafter the development shall be undertaken in strict accordance with the approved drainage design.

Reason: In order to ensure any changes to the proposed impermeable areas or drainage design following the granting of planning permission are carefully considered prior to work commencing on site.

16. The finished floor levels of the housing hereby approved shall accord with the levels shown on the approved plans. For the avoidance of doubt, minimum finished floor levels of 5.67m AOD shall be applied.

Reason: In order to protect against the residual flood risk associated with coastal/fluvial sources.

REASON FOR DECISION

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

TIME LIMITS

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a

connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

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

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

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

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

Mud & Debris on Road

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

Signature:	Nicola Drummond
Designation:	Area Planning Manager - South/Major Developments
Author:	Susan Macmillan
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan (4138-01-001) Plan 2 – Site Layout (4138-02-050A) Plan 3 – Road Layout (3171:101B) Plan 4 – Drainage Layout (3171:105D) Plan 5 – Plots 1-3 Floor Plans (4138-01-100A) Plan 6 – Plots 1-3 Elevations (4138-01-101A) Plan 7 – Plots 4-6 Elevations (4138-01-104A)

Plan 8 – Plots 4-6 Floor Plans (4138-01-103B)
Plan 9 – Plots 7-8 & 27-28 Elevations/Floor Plans (4138-01-400A)
Plan 10 – Plots 9-26 Elevations/Floor Plans (4138-01-500A)
Plan 11 – Plots 29-34 (Elevations/Floor Plans (4138-01-200A)
Plan 12 – Plots 35-38 Elevations (4138-01-604A)
Plan 13 – Plots 35-38 Floor Plans (4138-01-603A)
Plan 14 – Plots 39-42 Elevations (4138-01-601A)
Plan 15 – Plots 39-42 Floor Plans (4138-01-600A)
Plan 16 – Plots 43-46 Elevations (4138-01-621A)
Plan 17 – Plots 43-46 Floor Plans (4138-01-620A)
Plan 18 – Plots 47-49 Elevations/Floor Plan (4138-01-300B)
Plan 19 – Plots 50-60 Elevations/Floor Plans (4138-01-501A)
Plan 20 – Site Section at Kilmallie Rd (3171:121)
Plan 21 – Landscaping Plan (964 LS LP 01 REV A)
Plan 22 – Landscaping Plan (964 LS LP 02 REV B)
Plan 23 – Wall/Fence Details (964 LS SD 01)