

Agenda Item	6.3
Report No	PLS 080/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 October 2018

Report Title: 18/03647/PIP: The Highland Council

Land 400M NE of Blar Mhor Industrial Estate, Lochyside, Fort William

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Mixed-use masterplan comprising residential (Class 9 and flatted), Hospital (Class 8), STEM Centre (Class 10), commercial (Classes 1 & 2) and community uses

Ward: 11 – Caol and Mallaig

Development category: Major

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.

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 application is for Planning Permission in Principle for a mixed use development comprising of:

- Up to 250 residential units;
- A hospital;
- Science, Technology, Engineering and Maths (STEM) Centre;
- Community Uses;
- Associated infrastructure, landscaping, engineering works and open space.

The application form stated Class 1 and Class 2 Commercial uses in addition to the above. It is understood that these would be ancillary to both the STEM Centre and Hospital. The development will be accessed via an existing distributor road via the A830.

1.2 The applicant has undertaken public consultation which included a public exhibition on 11 June 2018. In addition the applicant has been through the Council's Pre-Application Advice Service for Major Developments.

1.3 The application is supported by the following supporting information:

- Pre-Application Consultation Report
- Design Statement, including Masterplan;
- Peat Management Strategy;
- Preliminary Environmental Assessment Report (contaminated Land);
- Drainage Strategy;
- Ground Investigations Report;
- Noise Impact Assessment;
- Topographic Survey;
- Transport Assessment;

1.4 Variations: None.

2. SITE DESCRIPTION

2.1 The site comprises an area of ground to the north east of the A830. The site was previously granted planning permission for a mix of uses and development commenced with the formation of the sustainable drainage system, delivery of a distributor road, delivery of transport and traffic mitigation (on-site and off-site) and some peat management works. Fort William Police Station is located within the site and any development will be required to have due cognisance of its presence.

2.2 The development site is largely level and is covered in low vegetation. The site is predominantly made up of peat. The deepest areas of peat are to the north of the site where development will not take place.

2.3 There are no natural or cultural heritage designations covering the site. There are sites of archaeological interest recorded in the Highland Historic Environment Record within the vicinity of the site.

- 2.4 There are no areas of fluvial flood risk within the site. There is an area of pluvial flood risk within the site.
- 2.5 There are largely open views from the site. The site is not covered by any national, regional or local landscape designations. The site lies within the Settled Lochs Landscape Character Type as identified in the Lochaber Landscape Character Assessment (SNH 1998).

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|--------------------|
| 3.1 | 14.07.2010 | 10/01590/PAN - Planning permission in principle for mixed-use scheme including use classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and sui generis (police station), associated roads, junctions, servicing, drainage, landscaping and infrastructure | Case Closed |
| 3.2 | 02.03.2011 | 10/02634/PIP - Planning permission in principle for:- Class 1 (Retail) Class 3 (Food & Drink) Class 5 (General Industrial) Class 8 (Residential Institution- Hospital) Class 10 (Non-residential Institution - School) Class 11 (Assembly & Leisure - All Weather Sports Pitch) Sui Generis (Police Station) plus associated roundabouts, roads, infrastructure, utilities, landscaping and engineering works (details of new A830(T) roundabout and internal spine road brought forward for approval now). | Permission Granted |
| 3.3 | 01.02.2012 | 11/03484/MSC - Approval of Conditions 4 (part), 7, 8, 9, 10, 12, 14, 15, 17, 19 and 21 in relation to Phase 1 of development (10/02634/PIP) | Permission Granted |
| 3.4 | 05.01.2012 | 11/03567/MSC - Application for Matters Specified in Condition, pursuant to condition 2 of PIP 10/02634/PIP to discharge conditions 4 (part) and 18 in so far as they relate to the class 1 retail store and petrol filling station site and related access roads, servicing, landscaping, recycling and parking. | Permission Granted |
| 3.5 | 10.05.2012 | 12/00333/MSC - Approval of condition 26 of 10/02634/PIP (class 1 retail store, petrol filling station site, access roads, servicing, landscaping, recycling and parking) | Permission Granted |
| 3.6 | 06.08.2012 | 12/01892/MSC - Application for Matters Specified in Condition, pursuant to condition 2 of PIP 10/02634/PIP to discharge conditions 4 | Permission Granted |

(part) and 18 in so far as they relate to the class 11 Sui Generis (Police Station with Ambulance Station)

3.7	06.08.2012	12/01900/MSC - Application for Matters Specified in Condition, pursuant to condition 2 of PIP 10/02634/PIP to discharge conditions 4 (part) and 8 to prepare land for development and establish landscape amenity bund (in part).	Permission Granted	
3.8	23.04.2018	18/01823/PAN - Proposed development includes residential (approx. 200 units), commercial, hospital & community use, the site also includes peat bog & habitat area & landscaped areas	Case Closed	
3.9	05.06.2018	18/02352/SCRE - Mixed use masterplan comprising 200-250 residential units, commercial, hospital & community use	EIA Required	Not
3.10	17.07.2018	18/03314/MSC - Submission of Matters Specified in Conditions 4J (Hard and Soft Landscaping) and Condition 8 (Peat Management Plan) of Planning Permission in Principle ref 10/02634/PIP	Pending Consideration	

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 16 August 2017 – Oban Times

Representation deadline: 02 September 2018

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Seeking clarity over the chosen site layout;
- b) Impact of traffic;
- c) Size of areas designated for different land uses;

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 **Kilmallie Community Council** do not object to the application but raise a number of concerns. It has raised concerns about: the impact on peat as a result of this development, in particular the potential release of carbon; securing a development which responds to the six qualities of successful places; the need to consider the impact of the development on traffic, health and education; the cohesiveness of the layout of the site. It also seeks clarification of the proposals for the area north of the police station identified for community use; and the hydrological impact of the proposed development on the croft land to the north.
- 5.2 **THC Transport Planning Team** do not object to the application. It has considered the traffic impacts of the development and note that these will be significantly lower than the impacts of the previously approved masterplan. It notes that the previously required mitigation has been implemented. It welcomes the use of the existing roundabout and spine road. In particular they welcome that the hospital, community use area and any future development to the north east will use the roundabout. A number of conditions are sought to manage the detail of any development. These conditions would include: junction spacing and visibilities for new accesses onto the spine road; active travel linkages to and from the Phase 2 residential development; a condition limiting vehicular access between the community use site and the existing health centre; location, type and form of the street hierarchy in any residential elements of the development; speed limits within the residential areas to not exceed 20mph with design speeds of no more than 10mph; provision of internal roads within the residential elements having adequate junctions and forward visibilities in line with the stopping site distances in Designing Streets; provision of service strips within the adoptable road boundary; positioning of private driveways in relation to junctions; appropriate levels of parking provision (car and cycle); provision of “no parking restrictions” on the internal spine road in advance of the occupation of the hospital site; active travel connections from the site to the A830, bus stops and local facilities; a layout that will ensure bus services can serve the site; details of servicing arrangements for the STEM centre and hospital sites; details of the ownership and maintenance of the surface water drainage system; and details of access to the surface water drainage system.
- 5.3 **THC Flood Risk Management Team** do not object to the application. It notes the area of pluvial flood risk on the site but considers it can be managed through drainage systems in the development. It has some concerns regarding the existing SuDS basin on the site but consider that each phase can be managed to not create any future flood risk. Conditions are requested to ensure the design of the existing SuDS is modified to not include infiltration features as that is not inline with current good practice; the capacity of the SuDS to accommodate each phase of development; and details of the party responsible for the management and maintenance of the SuDS.
- 5.4 **THC Historic Environment Team** do not object to the application. It notes that this is an area with moderate potential for archaeological finds. A condition is requested for a written scheme of investigation.

- 5.5 **THC Development Plans Team** do not object to the application. It sets out that the application proposals are compatible with the adopted development plan. A development of this scale would have wide ranging benefits for Fort William and help meet several of the HwLDP and WHILP objectives, including housing, healthcare and education provision. The proposals help to support existing and emerging employment opportunities. The mix of uses on the site is supported and a request has been made for land to be safeguarded for a primary school. Further an area for the location of a helipad has been requested as per the developer requirements of the allocation of the proposed plan.
- 5.6 **Scottish Environment Protection Agency** does not object to the application. Conditions are requested to ensure: the development connects to the public waste water network; the surface water to be treated by a SuDS; management of gravel extraction; and the provision of a finalised landscape, peat and peat habitat plan.
- 5.7 **Transport Scotland** does not object to the application. TS requests conditions to ensure: that development does not exceed that stated the level assessed in the Transport Statement; the details of the lighting within the site; details of the landscaping along the boundary with the trunk road; and no drainage connections to the trunk road drainage systems.
- 5.8 **Scottish Water** do not object to the application. It advises that there is sufficient capacity in the water and waste water network.
- 5.9 **Lochaber Access Panel** support the application. It would like to be kept informed at each stage of the development.

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
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 40 - Retail Development
- 42 - Previously Used Land
- 47 - Safeguarding Inbye/AppORTioned Croftland
- 51 - Trees and Development
- 53 - Minerals
- 54 - Mineral Wastes
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats

- 61 - Landscape
- 62 - Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 74 - Green Networks
- 75 - Open Space
- 77 - Public Access

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

Policy 2 – Development Objectives and Developer Requirements

Allocation MU4 – Mixed Use (300 houses, business, community, leisure and urban district)

6.3 Proposed West Highland and Island Local Development Plan 2017

Policy 2 – Delivering Developments

Allocation FW08 – Mixed Use (130 houses, Community, Business, Retail)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Construction Environmental Management Process for Large Scale Projects (August 2010)

Developer Contributions (March 2013) & Developer Contributions (August 2018)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)

National Planning Policy (2014)

Designing Streets (2011)

Creating Places (2013)

PAN 42 Archaeology

PAN 61 Planning for Sustainable Urban Drainage Systems (SUDS)

PAN 68 Design Standards
PAN 74 Affordable Housing
PAN 77 Designing Safer Places
PAN 79 Water and Drainage

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) Design and layout (including landscaping and open space);
- c) Roads, access and parking;
- d) Impact on peats and soils;
- e) Impact on the water environment (including SuDS);
- f) Impact on the natural environment;
- g) Amenity impacts;
- h) Impact on Education and Community Facilities;
- i) Any other material considerations (archaeology, contamination).

Development plan/other planning policy

8.4 Development Plan Policy is set out in the Highland-wide Local Development Plan (HwLDP), the West Highlands and Islands Local Plan (As Continued in Force), and statutorily adopted supplementary guidance.

8.5 The site is wholly within MU4 of the West Highland and Islands Local Plan. The allocation identifies the site for a mix of uses including housing (indicative capacity: 300 homes), business, community, leisure and urban district scale retail. The allocation is predicated on the development of a masterplan and safeguarding of land for a new hospital and other community facilities. A number of other developer requirements are set out which require supporting studies. The proposed development is consistent with the land uses and scale of development required by the plan, save for no inclusion within the proposed development for urban district scale retail. Any retail on the site would be ancillary to other uses on the site.

- 8.6 The West Highland and Islands Local Development Plan (WHILDP) Proposed Plan was agreed in early 2017. The Examination of the plan is underway and is targeted to be concluded by May 2019. The WHILDP is at an advanced stage and represents the 'settled view' of the Council.
- 8.7 The Proposed Plan supports the principle of the proposed development which fits with the Fort William Placemaking Priorities, focusing on expanding existing businesses, attracting and retaining a skilled workforce with improved services and providing ample housing options. The proposal falls within Proposed Plan allocation FW08 Blar Mor, identified for a mix of uses including housing (indicative capacity: 130 homes), community, business and retail. The developer requirements are broadly similar to the adopted local plan and continue to require a masterplan and safeguarding of land for a hospital. Further it requires safeguarding of land for a centre for science and technology and a possible primary school, as well as land for a helipad. A number of other developer requirements are set out which require supporting studies. The proposed development is consistent with the land uses and scale of development required by the plan, save for no inclusion within the proposed development for a helipad. There is however sufficient land adjacent to the site where a helipad could be sited subject to ground conditions being appropriate.
- 8.8 The mix of uses on the site, as proposed by this application, is broadly in line with both the adopted Local Plan and the proposed LDP. As per the request in the response from the Development Plans response, the applicant has agreed to safeguard an area of the community use site for a new primary school if it is required in this location. The housing numbers proposed by the application are below the indicative capacity set out in the adopted Local Plan but higher than the indicative capacity set out in the Proposed Plan. The indicative housing numbers in the plan should be generally adhered to but the plan is clear that a different level of residential development may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory site layout. Whilst this is an application for planning permission in principle sample layouts have been submitted for the first phase of residential development. This demonstrates that the densities are appropriate for the site.
- 8.9 With the broad mix of uses on the site being considered appropriate, as they relate to the provisions of the adopted and emerging Development Plan, the site requires to be considered against the general policies of the Highland-wide Local Development Plan and any adopted supplementary guidance. If there are no significant impacts arising from the consideration of the development against these policies the application could be supported.

Design and Layout

- 8.10 The application is for planning permission in principle. In assessing applications of this nature the Planning Authority need to be satisfied that enough space has been identified for each type of use proposed for the site and that the uses are in appropriate locations.

- 8.11 The applicant has provided a site plan which identifies how much space has been allocated for each of the proposed uses on the site. This is then supported by a masterplan that considers potential connectivity between the uses, landscaping and responses to the on-site constraints. The masterplan identifies how the different uses could interact with each other through a hierarchy of streets, the use of arrival points, treatments of elevations, placing of prominent buildings and designing vistas into the site.
- 8.12 The applicant has set out that there would be up to 250 residential units on the site. This would be a combination of flats and houses to address the housing need and demand within Fort William. This level of development would lead to a medium – high density of residential development across the areas identified for residential development. Given the location and the site constraints this is considered appropriate.
- 8.13 The residential development would be delivered across two phases. Phase 1 of the residential development would be accessed via the existing spine road and fill in the area between the police station and health centre. Development in this area will need to be designed to take account of the adjacent uses. In particular the hard boundaries provided by the police station and health centre. The indicative layout appears to be largely in accordance with Designing Streets principles but the details will need to be considered. In the applicant bringing forward this and any other development on the site they will be required to liaise with the Lochaber Access Panel.
- 8.14 The applicant has set out phase 2 of the residential development would likely be delivered concurrently with development of the hospital and be located on the most westerly part of the site. This layout of this part of the site will be partly guided by the operational requirements and design of the hospital and STEM centre. In this part of the site, connectivity out of the site for active travel users will be particularly important. This will need to include appropriate linkages to public transport provision and education provision. The masterplan demonstrates that this is possible but details would need to be considered through any future matters specified in conditions application.
- 8.14 An area has been safeguarded for a hospital site. NHS Highland has confirmed to the Council that the area set aside for the hospital will meet their needs. The proposed site is 2.42ha in comparison to the existing site which is 0.97ha in size. It is proposed to be located adjacent to, and will be accessed from, the western side of the spine road. This will allow the hospital to have more direct access and avoid hospital traffic travelling through any element of residential development which may have created traffic management issues. Locating the development in closer proximity to the health centre as suggested by representations may lead to a more fragmented development and may have led to more difficulty in accessing the hospital.
- 8.15 The STEM Centre is proposed at the front of the site and it is proposed that this could be accessed via the spine road but the preference would be for it to be accessed via a spur off the roundabout on the A830. In accessing the STEM Centre from this spur it would provide fewer opportunities for traffic conflicts on the

spine road by minimising junctions. If it was to be accessed via the spine road an adequate junction spacing would need to be demonstrated. Detailed design of the STEM Centre is being progressed by a separate design team. It is likely to be a two storey building to meet the operational needs of the STEM Centre.

- 8.16 The area of the site shown for community use has no defined use at this time. There are a range of options for this site however it is considered prudent to reserve a site for a primary school at this time. The Development Plans Team has suggested that an area of 1.5ha will be sufficient. The use of the site should be restricted via condition and relate to the community type use classes as set out in the Use Classes Order. This will include Class 10 – Non-Residential Institutions and any infrastructure which could be considered ancillary and for community use related to any other use on the site.
- 8.17 While likely to be small scale, the proposed retail on the site would need to be given appropriate consideration in terms of its siting and design. The applicant has not set out an area for this use to be located but it is understood that it would be of a “neighbourhood shop scale” and be ancillary to the other uses on the site. The design and location of this would be subject to a matters specified in conditions application.
- 8.18 Kilmallie Community Council consider that any development on the site will need to respond to the Six Qualities of Place as set out in Scottish Government guidance. They have made suggestions in terms of each of the qualities as to how the development could respond to the qualities as it moves through to the detailed design stage. These are all valid and consider matters such as material palette, use of shared spaces, utilisation of soft landscaping, encouraging use of active travel and appropriately designed open space. Generally the masterplan layout allows for the delivery of a site that meets the aspirations of the Community Council and national policy as it relates to design and layout.
- 8.19 The landscape strategy for the site has sought to ensure the setting of any development is of an appropriate quality. This includes addressing the amenity impacts of the A830 on the development through the provision of a landscaping buffer. Much of the wider landscaping on the site, and in the area to the north of the site, will be used to manage the peat on the site. Within the site the applicant has shown a network of interconnected open spaces. The open spaces in the site will be required to accord with the provisions of the Open Space in New Residential Development Supplementary Guidance. The details of any landscaping and open space will be secured by condition.

Roads, access and parking

- 8.20 The site will be accessed via the roundabout on the A830. This roundabout was delivered as a requirement of a previous planning permission on the site. The impact of traffic arising from this development has been considered by both Transport Scotland and THC Transport Planning. The applicant has submitted the Transport Assessment for the previous permission on the site and a Transport Statement which tests this application against the findings of the previous Transport Assessment. This approach has been supported by Transport Scotland

and THC Transport Planning.

- 8.21 The supporting information sets out that the development will generate significantly less vehicular trips at both the AM and PM peak periods. The previously consented masterplan for the site was required to put in place a package of mitigation for the local and trunk road network. This has already been put in place and includes:
- widening of the A82 on Belford Road to allow two lanes of traffic and increasing the flare length of the Belford Road arm of the roundabout;
 - upgrade of the roundabout between the A830 and the B8006 to traffic signals;
 - upgrade of the A830 / A82 mini-roundabout to a full size roundabout; and
 - delivery of the roundabout on the A830 which serves the development.
- 8.22 Transport Scotland does not object to the development but request a condition to ensure that the development is limited to the levels set out in the application.
- 8.23 Transport Planning has made a number of detailed comments in relation to the potential site layout. To ensure the matters they have raised are addressed it is proposed that these are secured by condition on each phase of the development.
- 8.24 The masterplan layout provides for future access beyond the site and shows opportunities for vehicular and non-vehicular connects to adjacent land uses where appropriate. The delivery of roads and paths up to the site boundary will require to be secured by condition.

Impact on peat and soils

- 8.25 The area of the proposed development is on an area of land which comprises a layer of peat which sits on top of sands and gravels. It is proposed that the peat on the site is managed and reused on the site. In doing so some of the sands and gravels below the peat will be extracted for use within the development. SEPA have supported this approach but request conditions in relation to the level of extraction and the management of the peat.
- 8.26 The Peat Management Strategy which has been submitted with this application is the same as that which is being considered under the separate application is before the Planning Authority for determination in relation to the management of Peat for the residential areas of the site. The approach is broadly supported as it seeks to manage the peat on the site in a way which ensures that it is not taken off-site or left in storage for prolonged periods of time. Further the strategy employed seeks to address the failings of previous peat management on the site. Detailed peat management plans will be required to be secured by condition and be implemented by the contractor.
- 8.27 Kilmallie Community Council has raised concerns over the disturbance of peat on the site as peat is a carbon store. The applicant has stated that

“where possible, that all natural resources available on site (peat, sands and gravels) would be fully utilised in the development, negating the need to export significant volume of peat off-site for disposal and import significant volumes of virgin quarried materials. This has already been achieved

during the phase 1 construction works with the successful formation of the construction platform for the hospital and facilitated the construction of the police station and ambulance depot.

The alternative option of export and import would have a significantly larger carbon footprint than the current option, particularly from the numerous lorry movements. It is estimated that the sustainable use of natural resources at the site has prevented >30,000 lorry journeys, significantly minimising CO2 emissions and other greenhouse gases from the development.

In addition it was recognised at the design stage that, where possible, peat should be retained in its original location across the site. The main reduction in peat excavation has been achieved by leaving a large section of peat bog in place to the north-east of the development. Peat has also been retained in-situ as part of structural landscaping, as shown on the original Development Masterplan, June 2010, and replicated fully in the current development proposals.”

Reading the above with the peat management strategy, it is considered that appropriate measures are being put in place to manage the peat and reduce the carbon release as a result of the development of the site.

Impact on the water environment

- 8.28 The site is not at risk of fluvial or coastal flooding. There is however an area of pluvial flooding on the site. The Council’s Flood Risk Management Team has set out that these can be managed via appropriate surface water drainage systems.
- 8.29 There is some concern over the design of the existing SuDS basin on the site and the adequacy of it to accommodate surface water in line with current good practice. However, it is accepted that this matter can be addressed as the development moves forward the issues around drainage on the site require to be addressed. This can only be done once the quantum and location of the development within the site is known. The solution to the issues presented may require further SuDS infrastructure to address both quantity and quality of the surface water in relation to the site. These matters can be secured by condition.
- 8.30 As per the requirements of the Highland-wide Local Development Plan and as requested by SEPA, the development will be required to connect to the public water and waste water network.

Impact on the natural environment

- 8.31 The site is not covered by any designated sites for protected habitats or species. There may however be some suitable habitats on the site for a range of species. As this is the case, it is considered appropriate to require pre-commencement protected species surveys by condition. In addition a construction environmental management document approach will be required as will an ecological clerk of works for the development. These matters can be secured by condition.
- 8.32 There are some existing trees on the site which were planted as part of the landscape mitigation for the previous planning permission on the site. It is proposed

that these will be retained, however the quality of these will need to be checked as part of bringing forward the now proposed landscaping strategy for the site.

Amenity Impacts

- 8.32 As with any development for a mix of uses there needs to be consideration of the amenity of each use on the other uses on the site. There is a synergy between the uses proposed on the site however the STEM Centre and Hospital would likely include mechanical ventilation and other plant / machinery which would create noise. It is considered appropriate to address these matters in any detailed design so that the inclusion of plant and machinery would not have an adverse impact on the amenity of noise sensitive properties (i.e. residential developments).
- 8.33 As with any development of this scale there will be impacts through the construction period. As such it is appropriate to attach conditions to secure construction environment management and construction traffic management plans. Planning conditions are not used to control construction noise as powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, as there is a potential to cause disturbance, it is considered appropriate to secure a noise and vibration assessment as part of the Construction Environmental Management Plan.

Impact on Education and Community Facilities

- 8.34 The development is located within the Caol Primary School Catchment Area and the Lochaber High School Catchment Area.
- 8.35 The proposed development, based on the indicative mix of houses and flats, will generate 49.7 primary school pupils and 21.9 secondary school pupils.
- 8.36 Having discussed the proposal with colleagues in Education, there is a need across the Lochaber High School Catchment Area for a new primary school if all of the land in Fort William is developed. The site will safeguard land for this. The immediate impact of this development is a two classroom extension to Caol Primary School. Developer Contributions will be sought to secure the required mitigation.
- 8.37 Lochaber High School is currently below capacity and with the proposed development will remain under capacity. Therefore no contributions are being sought to extension of the High School.
- 8.38 The draft Action Programme which accompanies the West Highland and Islands Local Development Plan identifies the need for a new community facility in the area comprising of an Indoor Training and Community Centre. This has some funding through the capital programme and other funding sources. Developer contributions will be secured towards the provision of this facility or alternative community facility as identified through the action programme.

Other material considerations

- 8.39 The site is in an area which has moderate potential for archaeological finds. A condition will be required for a written scheme of investigation.
- 8.40 Site investigation works have been undertaken in relation to the potential contamination on the site. This is as a result of a former landfill adjacent to the site. A series of mitigation measures have been proposed. This full details of any further investigation required will be secured by condition.
- 8.42 The high voltage electricity lines run across the site. These are to be re-routed along the boundary between the phase 2 residential area and the hospital. The land around this will then become a wayleave. The applicant has shown a landscaping buffer in this area to address the wayleave.

Non-material considerations

- 8.41 The issue of the capacity of primary health care facilities is not one which the planning system can influence. This is a matter for NHS Highland. It is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.42
- a) Delivery of Affordable Housing
 - b) Contributions to primary school accommodation within the Lochaber High School Catchment Area, in the first instance Caol Primary School providing a two classroom extension (£2041 per house and £1157 per flat).
 - c) Contribution to the delivery of community facilities within the Lochaber High School Catchment Area, in the first instance being the delivery of the Indoor Training Facility (£482 per residential unit)
 - d) Contributions to Waste Management Infrastructure (£6 per residential unit)
- 8.43 The above developer contributions address the impacts of the development and have considered the abnormal costs in relation to the delivery of this site due to the required peat management. For the avoidance of doubt the hospital, STEM Centre and any Community Uses on the site will not be required to make developer contributions to items a - d above.
- 8.44 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.

9. CONCLUSION

- 9.1 The development offers an opportunity to deliver a significant number of affordable homes, a new hospital to serve the area and further education facilities. The development is largely in accordance with the Development Plan in both its

allocation and in helping to deliver the strategy for the development of Fort William.

- 9.2 There are some significant challenges with developing this site, the most prominent being the need to manage the peat resource on the site. However, the submitted masterplan and supporting information has demonstrated that the site has the potential to deliver, subject to the application of conditions to secure appropriate details, a high quality development.
- 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

Conclusion of Section 75 Obligation Y

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

Conditions and Reasons

1. Planning Permission in Principle is hereby granted for a mixed use development upon 18.37 hectares to be developed in accordance with the Master Plan hereby approved in two sequential residential Phases in accordance with the Phasing Plan and as set out in Table 1 and the Approved Non-residential Uses for each Phase set out within Table 2:

Table 1: Approved Residential Phasing

Phase Use	1	2
Residential	120	130

(units)		
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Table 2: Approved Non-residential uses

Use Class	Use	Total
1-2	Retail / Commercial (m ²)	550 m ² GFA
8	Residential Institutions	
	Hospital	2.42ha site area / 8,500m ² GFA
10	Non-Residential Institutions (m ²)	
	Primary School	1.5ha
	Further Education (STEM Centre)	1.05ha / 4800m ²
10 / Sui Generis	Community Use	0.56ha

The development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority. A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-
 - a. the siting, design and external appearance of all buildings and other structures;

- b. details of sustainable design considerations;
- c. the means of access to the site including connections to the A830(T) for all modes of transport;
- d. the layout of the site, in accordance with Designing streets principles;
- e. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design with projected traffic figures supported by traffic modelling;
 - iv. junction visibility requirements;
 - v. junction spacing both within the development and on the spine road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of provision for cyclists and pedestrians including carriageway crossings and pedestrian linkages to the A830;
 - ix. provision for disabled users following consultation with the Lochaber Access Panel;
 - x. details of safer routes to school;
 - xi. details of the location and type of service strips within the intended adoptable road boundary;
- f. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
- g. the provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and external covered visitor cycle parking at flats;
- h. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- i. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- j. the details of, and timetable for, the hard and soft landscaping of the site;
- k. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
- l. details of all boundary treatments within the development, as set out within the relevant approved Area Development Brief.
- m. the provision for service vehicles inclusive of the loading and unloading all goods vehicles during the operation of the developments;
- n. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;

- o. details of the water and waste water connections, with connection to the public water and waste water networks. For the avoidance of doubt there shall be no connections to the trunk road drainage system;
- p. means of dealing with domestic and commercial waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);
- q. details of existing trees, shrubs and hedgerows to be retained;
- r. details of existing and proposed site levels with fall arrows;
- s. details of finished floor levels;
- t. details of all street lighting and lighting of car parking areas ensuring that safety and security matters are addressed;

Reason: To enable the planning authority and relevant consultees to consider these aspects of the development in detail.

3. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:

- a). An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- b). Processes to control / action changes from the agreed Schedule of Mitigation
- c). The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Habitat and Species Protection Plan
 - (ii) Pollution prevention plan
 - (iii) Dust management plan
 - (iv) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
 - (v) Site waste management plan
 - (vi) Measures to protect private water supplies; including an emergency response plan.
- d). Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
- e). Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- f). Statement of responsibility to 'stop the job / activity' if in potential

breach of a mitigation or legislation occurs. The development shall proceed in accordance with the approved Construction Environmental Management Document.

Reason: To protect the environment and amenity from the construction and operation of the development.

4. No development shall commence within each Phase, or sub-Phase, until a scheme to deal with potential contamination on site within that Phase has been submitted to and approved in writing by the Planning Authority. The scheme shall include:
- i) the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment in line with PAN 33 and BS10175:2001, or any superseding guidance prevailing at the time of the assessment), the scope and method of which shall be submitted to and approved in writing by the Planning Authority;
 - ii) 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;
 - iii) measures to deal with contamination during construction works;
 - iv) a means of monitoring any decontamination measures;
 - v) a means of verifying the completion of any decontamination measures that may arise. Thereafter, no development shall commence within the phase in question until written confirmation that the scheme will be implemented and completed in accordance with an agreed programme and, if required, monitoring measures are in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for development, given the nature of previous uses/processes.

5. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect and enhance nature conservation from construction activities.

6. Any details pursuant to Condition 2 above shall be informed by and include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

Thereafter, only the approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

7. Any details pursuant to Condition 2 above shall include an assessment of the remaining capacity, inclusive of the cumulative uptake of the capacity by any prior phase or sub-Phase and the greenfield run-off rates of the next phase or phase or sub-phase, of the regional SuDS basin.

Thereafter, any mitigation identified to enhance the capacity of the overall SuDS system on the site shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment, reduce the risk of flooding and prevent pollution.

8. No development shall commence until a scheme for the re-modelling of the regional SuDS basin without infiltration features to assess the capacity and flood risk during a non-infiltration scenario has been submitted to and approved in writing by the Planning Authority.

Thereafter any mitigation required shall be implemented and completed prior to the occupation of the first phase of development.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and reduce the risk of flooding.

9. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure) shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:-

- a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all abilities users etc and how these will integrate with existing or proposed networks;

- d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e. Links to the Highland Council's core paths and green frameworks.

Each Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

10. Any details pursuant to Condition 2 above for the development of any Further Education (STEM Centre) facility or any Hospital until measures to mitigate the potential noise impact of development on existing and/or future noise sensitive dwellings (including any development of a primary school on the land identified for community uses has been submitted to and agreed in writing by the Planning Authority. The agreed measures shall thereafter be implemented.

Reason: To ensure acceptable levels of external and internal noise levels are achieved.

11. Any details pursuant to Condition 2 above for the development of any primary school, shall include, a detailed survey and assessment of the environmental noise sources impacting the school site shall be submitted for the written approval of the planning authority. Thereafter the agreed scheme of noise mitigation shall be implemented to the satisfaction of the planning authority.

Reason: To ensure acceptable levels of external and internal noise levels are achieved in the school.

12. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

Reason: In the interests of amenity.

13. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

Reason: In the interests of amenity, to manage waste and prevent pollution.

14. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

Reason: To ensure that future roads and routes can be provided without impediment.

15. No development shall commence each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

16. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking

17. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: to ensure that the proposed cycle parking is safe and secure for use by the public.

18. Any details pursuant to Condition 2 above which includes development of non residential uses within each Phase or sub-phase shall include a Parking Management Plan in respect of each application for non-residential development that includes car parking for that Phase shall be submitted for the written approval of the planning authority. The parking management plan shall include signage, specific provision for short-stay parking, management of staff parking and other parking control measures to which it relates, thereafter being maintained for this use in perpetuity

Reason: to ensure that the car parking provided is used in an effective and appropriate manner.

19. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

20. Before the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and

those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site are maintained in accordance with the Council's standards.

21. Any details pursuant to condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, all in accordance with the attached specification which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

22. Any details pursuant to Condition 2 above shall be informed by:

- a. Arboricultural Assessment;
- b. Tree Constraint and Protection Plan
- c. Arboricultural Method Statement;
- d. Tree and Woodland Management Plan for existing woodlands Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

23. All planting comprised in the approved scheme of landscaping for each phase or sub-phase shall be undertaken in the first planting season following occupation of the first building for that Phase. Any plants which, within a period of five years from the occupation of the first building on that Phase, die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately landscaped.

24. No part of the development shall be occupied until Traffic Regulations Order(s), limiting the speed of traffic on all roads, with the exception of the Spine Road, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any

required signage and road markings shall be at the expense of the developer.

Reason: In the interests of safety of all road users in the residential development.

25. Any details pursuant to Condition 2 above which includes development of non residential uses within a Phase or sub-phase shall include an Outline Travel Framework Plan in respect of each application for non-residential development. This shall set out proposals for reducing dependency on the private car and encouraging active travel.

Thereafter, no development shall be occupied in each phase or sub-phase of the development until a detailed Travel Framework Plan, based on the principles of the outline Travel Framework Plan, have been submitted and agreed in writing by the Planning Authority. The detailed Travel Framework Plan shall include:

- a. Measures for extending and/or increasing the active travel opportunities in the area;
- b. Details for the management, monitoring, review and reporting of these measures;
- c. A system of management, monitoring, review, and reporting.

The Travel Framework Plan shall be implemented as approved from the first occupation of the development.

Reason: To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

26. No development shall commence until the Planning Authority has approved the terms of appointment and the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to act as Travel Plan Co-ordinator to deliver the Travel Framework Plan required under Condition 25 of this Planning Permission from commencement of development to the date of completion of the development.

Reason: To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

27. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council, Lochaber Access Panel and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all mitigation measures and to keep under review the timing and type of development within future development phases. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the development has been completed and is occupied.

Reason: To assist with the provision of mitigation measures and delivery of future phases of the development.

28. Prior to the commencement of the development (including any engineering works) of any phase or sub-phase a Peat Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the SEPA. The Peat Management Plan shall include:

- a) The protection of peat within areas where peat is to be retained;
- b) The effective removal of peat in phases from the proposed development

- areas to be reused within landscape / amenity bunds;
- c) Details of all peat stripping, excavation, storage and reuse of material in accordance with good practice published by SEPA;
 - d) Details of peatland restoration as it relates to the relevant phase or sub-phase;
 - e) Details for the marking out of any sensitive peat areas on site which shall not be disturbed and to prevent any vehicle causing inadvertent damage; and
 - f) where necessary, plans for the final disposal of any removed peat which cannot be effectively accommodated on site.

Reason: - To ensure the re-engineering of the site secures effective restoration of the peat resource retained on site as a natural / landscaped feature.

29. No mineral extraction shall be undertaken until a site specific scheme for the working and restoration of each area of working forming part of the Development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include;
- a. A detailed prioritisation plan for all the mineral extractions on site which shall provide detail on which mineral extractions are required or likely to be worked and the sequence in which they will be opened up;
 - b. A detailed working method statement based on site survey information and ground investigations;
 - c. Details of the handling of any overburden (including peat, soil and rock);
 - d. Drainage, including measures to prevent surrounding areas of peatland, and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;
 - e. A programme of implementation of the works described in the scheme; and
 - f. Full details of the reinstatement, restoration and aftercare of the mineral extraction areas at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored mineral extraction profiles.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the site is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of any areas of mineral extraction at the end of the construction period.

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 PRINCIPLE

The Highland Council hereby makes the following Direction under Section 59(5) & (7) of the Town and Country Planning (Scotland) Act 1997 (as amended).

An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following—

For Phase 1

- i. THREE YEARS from the date on this decision notice;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For each subsequent Phase

- i. THREE YEARS from the date of approval of matters specified in conditions for each previous Phase;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this permission will lapse on the expiration of the period from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

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.

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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

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

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

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

Protected Species – Halting of Work

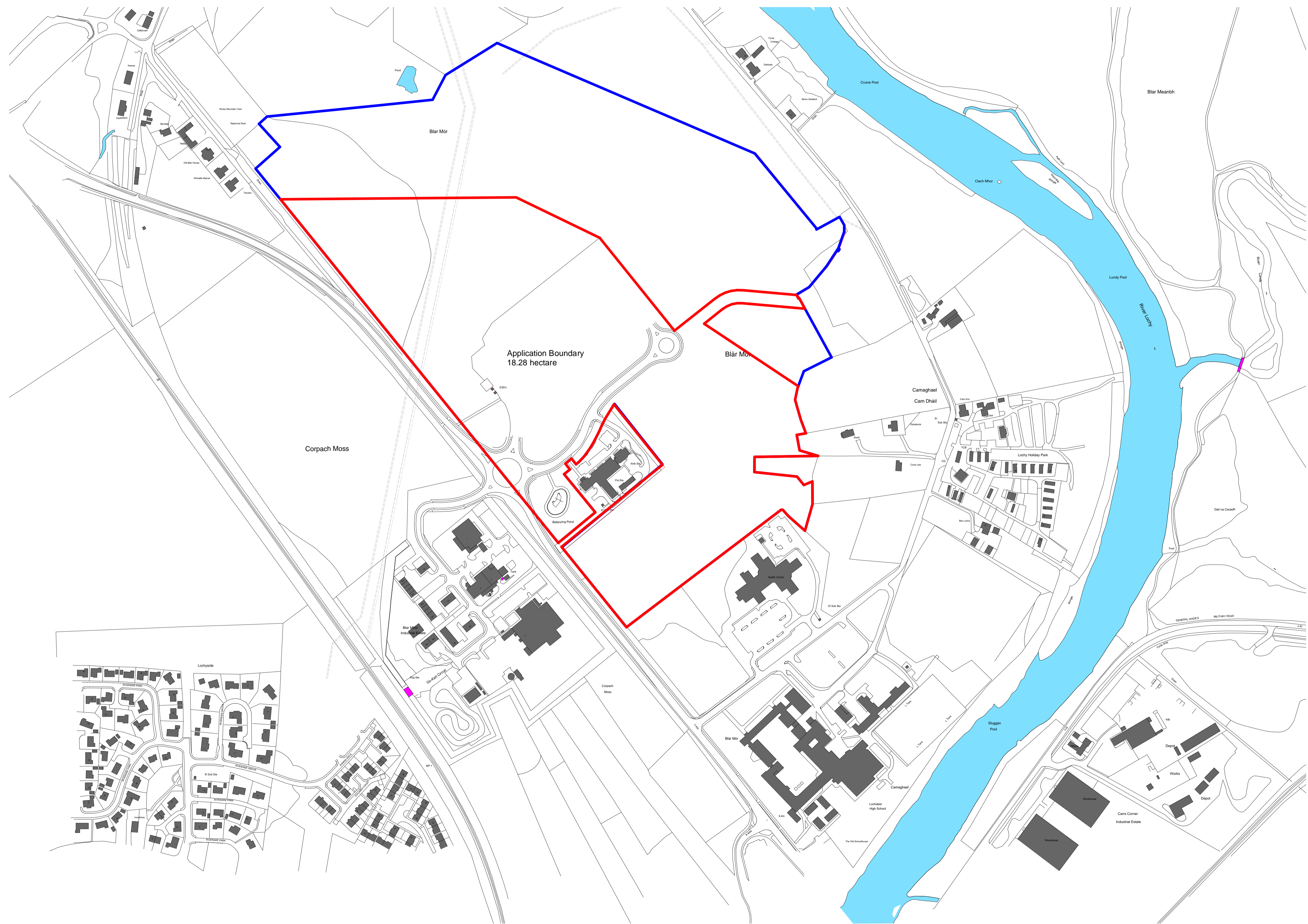
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application

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

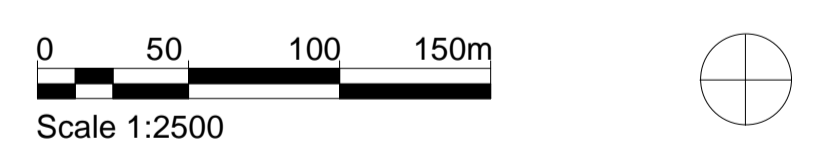
Signature: David Mudie
Designation: Area Planning Manager – South
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan (Drawing No: 17015A-360-ZZ-XX-DR-A-0014)
Plan 2 - Site Uses Plan (Drawing No: 17015A-360-ZZ-XX-DR-A-0002)

All levels and dimensions to be checked on site prior to construction/fabrication; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

Rev	Description	Date	Dr by	App by
P1	Boundary amended	25.07.18	AO	SG
P2	PIP issue	01.08.18	SG	RK



- Application Boundary
- Land within the ownership of the applicant



SCALE	DATE	DRAWN	CHECKED
1: 2500 @A1	17/07/18	SG	RK

CLIENT
The Highland Council
PROJECT
Blar Mor Masterplan, Fort William

DRAWING
Location Plan

Threesixty Architecture
MORAY HOUSE
16-18 BANK STREET
INVERNESS
IV1 1QY
t 01463 729929
www.360architecture.com

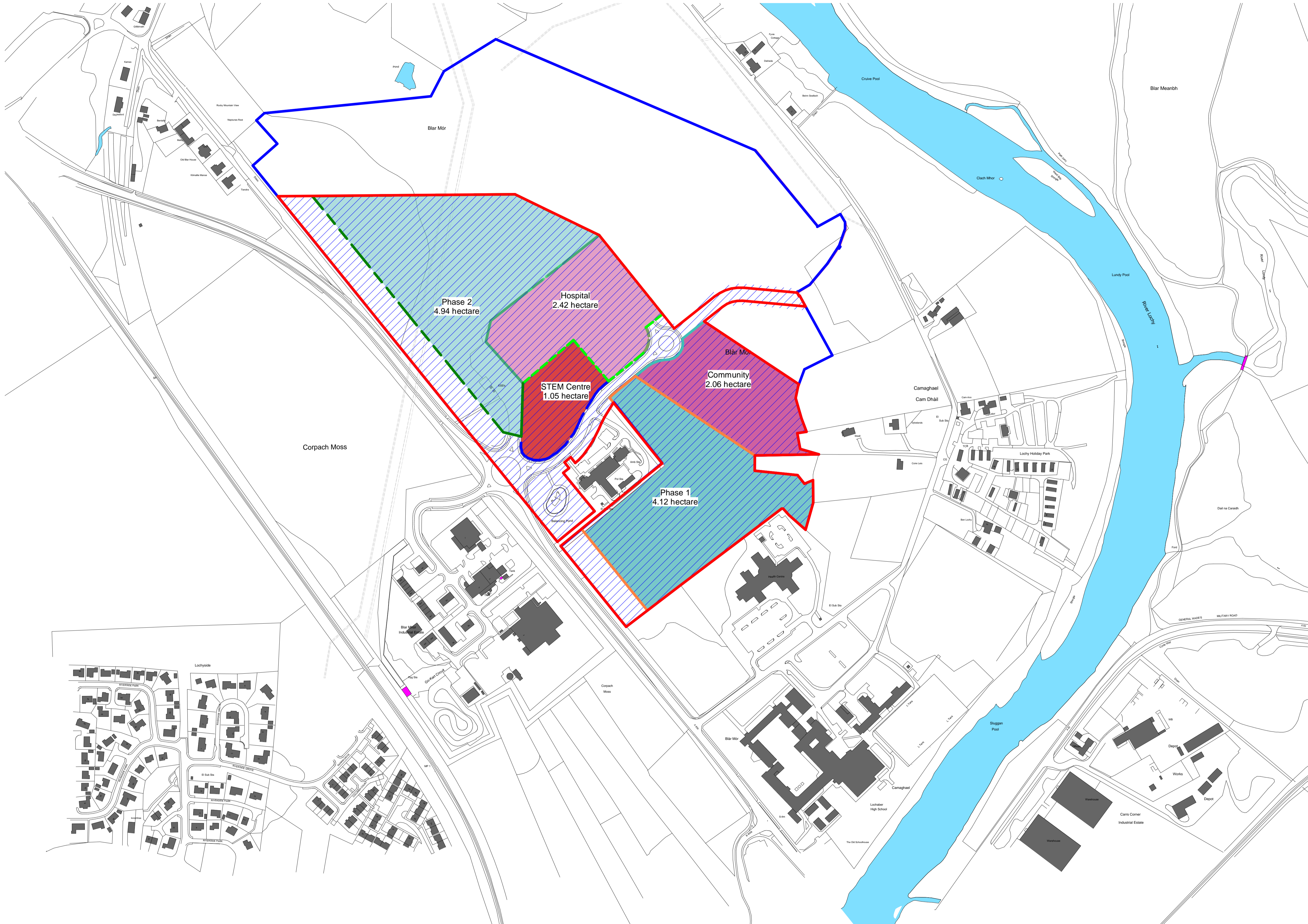
DRAWING No.
17015IA-360-ZZ-XX-DR-A-0014

REVISION ISSUE STATUS
P2 PLANNING

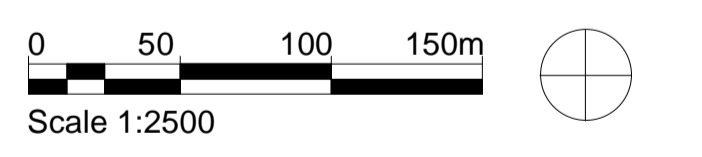
C:\Users\sgornd\Documents\17015IA-360-ZZ-XX-14-A-0014_Applied\sgornd@360architecture.com

All levels and dimensions to be checked on site prior to construction/fabrication; report discrepancies immediately. Do not scale dimensions from this drawing. This drawing is copyright protected.

Rev	Description	Date	Dr by	App by
P1	PIP Issue	01.08.18	SG	RK



- Application Boundary
- Land within the ownership of the applicant



SCALE	DATE	DRAWN	CHECKED
1 : 2500 @A1	18/05/18	SG	RK

CLIENT
The Highland Council
PROJECT
Blar Mor Masterplan, Fort William

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