

Agenda Item	6.1
Report No	PLS 003/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 29 January 2019  
**Report Title:** 18/02761/FUL: Lochaber Housing Association  
Site South Of Tigh Aran, Spean Bridge  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Housing development – 20no. units  
**Ward:** 11 – Caol and Mallaig

**Development category:** Local

**Reason referred to Committee:** Previous Committee 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.

### **Recommendation**

Members are asked to agree the recommendation to **revise the previously agreed developer contribution** for the reasons set out in the report.

## 1. BACKGROUND

- 1.1 At its meeting on 05 December 2018, the South Planning Applications Committee agreed to grant planning permission for this application for the development of 20 affordable houses subject to conditions and up front payment of developer contributions
- 1.2 As part of the presentation to Committee Members were advised of a miscalculation in the table of developer contributions. The table referred to is shown as Table 1 below. The development sub-total for Contributions Rate (per house) should have read £28,720 rather than £20,568. The Development Total should have read £58,432 rather than £50,280. In addition, The Total Per Home should have read £2921 rather than £2514. This correction formed part of the Committee decision.

**Table 1**

<b>Summary of Developer Contributions – Draft DCSG</b>			
<b>Infrastructure / Service Type</b>	<b>Answer</b>	<b>Contribution Rate (per house)</b>	<b>Contribution Rate (per flat<sup>1</sup>)</b>
Schools - Primary - Build Costs	1 Classroom Extension	£2,571	£1,457
Schools - Primary - Land Costs	-	-	-
Schools - Secondary - Build Costs	No Capacity Constraints	-	-
Schools - Secondary - Land Costs	-	-	-
Cumulative Transport Contributions	-	-	-
<i>Small scale development discount (applied to schools &amp; cumulative transport contributions only)</i>	N/A	-	-
Community Facilities	Indoor Training and Community Centre	£1,019	
<b>Sub-Total Per Home</b>		<b>£3,590</b>	<b>£2,476</b>
<b>Development Sub-Total</b>	12 x (2 Bed Flats) & 8 x (3 Bed Flats - House Rates Apply)	<b>£20,568</b>	<b>£29,712</b>
Affordable Housing	25% - On-site Provision	-	-
Standard Transport Requirements	Seek Advice From Transport Planning	-	-
Green Infrastructure	On-site Provision	-	-
Water and Waste	Seek Advice From Flood Risk Management Team	-	-
Public Art	On-site Provision	-	-
<b>Development Total</b>		<b>£50,280</b>	
<b>Total Per Home</b>		<b>£2,514</b>	
<i>All costs are subject to indexation and reflect Q2 2018</i>			

- 1.3 During the assessment of the application details of the required developer contribution was sent to the applicant, the Lochaber Housing Association. This unfortunately contained the calculation error.

## 2. SUPPLEMENTARY INFORMATION

- 2.1 Since the Committee decision, and prompted by the request for payment of the developer contribution, the Housing Association's representative has advised that it finalised the contract costings for the development based on the developer contributions figures provided.
- 2.2 It has advised that it was very challenging to absorb the figure (£50,280) given the increase from the anticipated £27.5K. However, following lengthy negotiations, cost savings and securing of additional grant funding, it achieved a viable contract to build these much-needed 20 affordable units. It notes that the sum has further increased to £58,432, which is over £8000 beyond what was previously advised. As it works to fixed budgets of grant and housing association private finance it is of the opinion that it is difficult to fund any increase in contribution at this stage. The Housing Association's representative has therefore asked that the developer contribution remain at the originally quoted figure as they do not have additional funds at this point and it is not supportable by extra grant.

## 3. ASSESSMENT

- 3.1 In support of the Housing Association's request, it should be noted that it proceeded with its contract negotiations in good faith, based on the information provided to them previously on developer contributions. The application was submitted to the Council prior to the adoption of the current developer contributions supplementary guidance, and it could therefore have argued at that time for the developer contribution to be calculated under the previous developer contribution guidance (shown in table 2 below) which calculates a lower figure of £27,500.

**Table 2**

<b>Summary of Developer Contributions – Adopted DCSG</b>			
<b>Infrastructure / Service Type</b>	<b>Answer</b>	<b>Contribution Rate (per house)</b>	<b>Contribution Rate (per flat)</b>
Schools - Primary - Build Costs	1 Classroom Extension	-	£356
Schools - Secondary - Build Costs	No Capacity Constraints	-	-
Community Facilities	Indoor Training and Community Centre	£1,019	
<b>Sub-Total Per Home</b>		<b>£-</b>	<b>£1,375</b>
<b>Development Sub-Total</b>	<b>20 x Flats</b>	<b>£-</b>	<b>£27,500</b>
Affordable Housing	25% On-site Provision	-	
Standard Transport Requirements	Seek Advice From Transport Planning	-	
Green Infrastructure	On-site Provision	-	
Water and Waste	Seek Advice From Flood Risk Management Team	-	
Public Art	On-Site Provision	-	
<b>Development Total</b>		<b>£27,500</b>	
<b>Total Per Home</b>		<b>£1,375</b>	

3.2 However, as they had been made aware of the forthcoming changes to the developer contributions requirements well in advance, and as the guidance was adopted prior to determination of the application, the higher figure was agreed. In light of the circumstances explained and the Housing Association's commitment to pay the higher rate of developer contribution (original quoted) of £50,280, it is considered reasonable in this instance to apply the figure of £50,280 rather than updated figure of £58,432.

#### **4. IMPLICATIONS**

4.1 Resource: Not applicable

4.2 Legal: Not applicable

4.3 Community (Equality, Poverty and Rural): Not applicable

4.4 Climate Change/Carbon Clever: Not applicable

4.5 Risk: Not applicable

4.6 Gaelic: Not applicable

#### **5. RECOMMENDATION**

It is recommended that the previously agreed developer contribution of £58,432 is revised to £50,280.

Signature: David Mudie

Designation: Area Planning Manager South

Author: Susan Macmillan

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

Relevant Plans: Plan 1 - Location Plan (00001)

Plan 2 - Site Plan (805B)

Plan 3 - Landscaping Plan (2098-01 Rev B)

Plan 4 - Drainage Layout (J1823-C-02D)

Plan 5 - Road Layout (J1823-C-01 Rev B)

Plan 6 - Elevations & Floor Plans (801A)

Plan 7 - Elevations & Floor Plans (802)

Plan 8 - Site Sections (110)

# APPENDIX


## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 05 December 2018  
**Report Title:** 18/02761/FUL: Lochaber Housing Association  
Site South Of Tigh Aran, Spean Bridge  
**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Housing development – 20no. units  
**Ward:** 11 – Caol and Mallaig

**Development category:** Local

**Reason referred to Committee:** 5 or more objections from members of the public

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 It is proposed to erect 20 flats, set out in four blocks. A two-storey block of four flats to the north of the site, a two storey block of four flats along the eastern boundary of the site, and two block of three storey flats along the southern boundary of the site, each comprising six flats. 30 car parking spaces are proposed, with the main provision in the centre of the site, and an additional section at the western boundary of the site. All of the properties are for 'affordable' housing. External finishes include white/off white painted wet dash render and flat concrete tiles. Bin and cycle storage is provided within the curtilage of each block, with a central bin collection point adjacent to the turning head.
- 1.2 The site is served by an existing private access which is to be upgraded to adoptive standards. Connection is proposed to the public water supply and public sewer.
- 1.3 Late Brief informal comments provided to draft scheme.
- 1.4 Supporting Information: Drainage Impact Assessment; Geotechnical Report; Landscaping Plan.
- 1.5 Variations: Changes to layout: parking, footpaths, bins, and internal hall arrangement in three storey flats.

## **2. SITE DESCRIPTION**

- 2.1 The site lies to the rear of Spean Crescent and the Bridge Café within the village of Spean Bridge. The site has previously been used by a local haulage company and has been cleared of the former buildings and equipment. The site will utilise an existing access from the A82, which runs between the Bridge café and Spean Crescent to the site. This access currently serves the house 'Tigh Aran', two of the houses at Spean Crescent, and is one of two accesses serving the café. The access was previous used to serve the haulage yard. Station Road runs round the rear of the site, on a higher level to the site

## **3. PLANNING HISTORY**

- |     |            |  |         |
|-----|------------|--|---------|
| 3.1 | 3.10.2016  | 15/03563/FUL : Formation of 8 serviced house plots (live permission) | Granted |
| 3.2 | 18.09.2012 | 08/00029/OUTLO : Erection of eight houses                            | Granted |

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3  
Date Advertised: 12 July 2018  
Representation deadline: 26 July 2018  
Timeous representations: 8

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Inadequate existing surface water drainage – need to ensure the proposed system is fit for purpose.
- b) Concerns over potential for periodic flooding of the area
- c) Three storey buildings not appropriate to the village setting
- d) Three storey block of flats too close to neighbouring properties and will be obtrusive
- e) Overdevelopment of the site
- f) Traffic congestion increase due to access from the A82
- g) Not in keeping with a rural countryside setting
- h) Site is a peat bog
- i) Possible land contamination (buried car/scrap metal)
- j) Assurance sought that the applicant will cover costs of any likely flooding and other property damage as a result of the proposed development.
- k) Adequacy of foul drainage arrangements

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Spean Bridge, Roy Bridge & Achnacarry Community Council** has made the following comments:

*Spean Bridge, Roy Bridge and Achnacarry Community Council have identified a need for affordable housing for their communities for many years. Yet achieving this objective has proved extremely difficult due to the lack of funding available to housing associations. Regrettably we have seen Developers being allowed to commute this much needed provision on payment of a monetary sum which has been used to secure affordable houses out with our area.*

*So a planning application for twenty affordable houses on a brownfield site in the village of Spean Bridge is a most welcome addition to the local housing stock. We recognize that the funding picture has changed materially, and that makes developments like Tigh Aran a feasible proposition.*

*The West Highlands and Islands Local Development Plan gives this site an indicative housing capacity of 10 units but 20 are being proposed. Although there are some who have reservations about whether the siting of two and three storey apartments in a rural village is demonstrating sensitivity and respect towards the local distinctiveness of landscape, architecture and design we feel we have to be realistic.*

*The Developer has assessed that the costs to stabilise the ground, together with those for the land purchase and construction costs mean that they need the extra units to make the development cost effective.*

*We are therefore broadly in favour of this development although we would appreciate the Planning Officials examining and moderating a couple of issues through effective conditions.*

*We trust that sufficient site investigation and risk assessment has been undertaken to demonstrate that the site is capable of being in a condition suitable for the proposed development but there has been a perennial problem of inadequate surface water drainage causing localised flooding, and we would like assurances for the neighbours that this will be addressed if the application is approved.*

*We welcome the reference to the retention of the existing trees to the rear of the development but would appreciate if consideration could be given to screening the front.*

- 5.2 **Transport Planning Team:** No objection subject to the grass verge being replaced with footway, linking footpath through parking aisle provided and flooding issues resolved.
- 5.3 **Flood Risk Management Team:** Original objection overcome through the submission of a revised drainage scheme. Condition proposed.
- 5.4 **Development Plans Team:** Developer contribution requirements provided.
- 5.5 **Transport Scotland:** Condition recommended.
- 5.6 **Scottish Water:** No objection in principle. Formal applications required to Scottish Water for connections.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- Policy 28 - Sustainable Design
- Policy 29 - Design Quality & Place-making
- Policy 31 - Developer Contributions
- Policy 32 - Affordable Housing
- Policy 34 - Settlement Development Areas
- Policy 42 - Previously Used Land
- Policy 51 - Trees and Development
- Policy 56 - Travel
- Policy 64 - Flood Risk
- Policy 65 - Waste Water Treatment
- Policy 66 - Surface Water Drainage

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

Within Spean Bridge Settlement Development Area and specifically allocated for housing (H1). H1 sets an indicative capacity of 10 units and requires land remediation, shared access, tree protection, contaminated land assessment, net betterment of surface water drainage and investigation of link through to Station/health centre.



### 6.3 **West Highland and Islands Local Development Plan – Proposed Plan**

The West Highland and Islands Local Development Plan Proposed Plan (WestPlan) was agreed in early 2017 and consultation on the Proposed Plan ran from 5 May 2017 to 21 July 2017. The Lochaber area based outstanding unresolved objections and the overarching vision and strategy were reported to the 11 April 2018 Lochaber Area Committee who agreed the Council's response and for the Plan to proceed for Examination.

The WestPlan is at an advanced stage and represents the 'settled view' of the Council and is a material planning consideration in making planning decisions.

Proposal Map 2.9: Spean Bridge of the WestPlan shows the site allocated for housing development (SB04). This allocation shows an indicative housing capacity of 10. The allocation acknowledges the previous permission and sets out that any alternative proposals must address the following:

- Updated drainage impact assessment
- Site access improvements and active travel connections through the site to the rail station
- Protect/enhance existing trees along site boundary and the green network
- Privacy/amenity set back from existing houses
- High quality siting and design to complement the setting of the nearby listed building to the south east (Spean Bridge Station and Signal Box)

### 6.4 **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)

Roads and Transport Guidelines for New Development (May 2013)

## 7. **OTHER MATERIAL POLICY CONSIDERATIONS**

### 7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014

Planning Advice Note 61 – SUDS

Planning Advice Note 65 – Planning and Open Space

Planning Advice Note 69 – Flood Risk

Planning Advice Note 77 – Designing Safer Places

## 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) Density, siting and design
  - c) Privacy and amenity
  - d) Access and parking
  - e) Flooding and drainage
  - f) Ground conditions and previous uses
  - g) Landscape and play provision
  - h) Developer contributions
  - i) Setting of Listed Building
  - j) Public Art
  - k) any other material considerations.

### Development plan/other planning policy

- 8.4 The site lies within an area allocated for housing under the current development plan, with an indicative capacity of 10 units. This allocation continues within the Proposed Plan (WestPlan). The site has also had the benefit of permission in principle for eight houses and has a live permission for the formation of eight serviced house sites. The principle of housing on this site has been established and accords with development plan policy. Detailed proposals require to be assessed in terms of their appropriateness in terms of settlement pattern, siting and design, density, impact on amenity and servicing and infrastructure and how they meet the developer requirements set out in the housing allocation.

### Density, Siting and Design

- 8.1 The current proposal seeks to build 20 flatted dwellings within four blocks across the site. This exceeds the indicative capacity within the housing allocation. As is highlighted, this is an indicative figure set out in the development plans and the proposal, being of a different composition than single detached houses needs to be assessed in terms of its acceptability in its own right. In terms of footprint of the development, the current proposal covers less surface area than that shown on layout approved for the site servicing for the eight houses (live permission) and can be accommodated on the site while still allowing sufficient servicing and open space in this village setting. It is considered that building up, rather than out, in this setting will make maximum use for the site for affordable housing, while keeping the density of the built development at a reasonable level of this village site. Two of

the blocks are two storey and largely reflect the houses at Spean Crescent. The main departure is considered to be the introduction of two, three-storey blocks. These have been positioned at the rear of the site (where the large haulage building used to be) and are set as far back from the Spean Crescent and Tigh Aran as possible within the site. At this end of the site, Station Road runs to the rear and is set at a higher level than the site. Sections through the site show that these two blocks will present as one and a half/two storey from Station Road, which is not considered to be out of character or scale. Shallow hipped rooflines and the breaking up of the blocks help to reduce the mass of the buildings. For comparison purposes it is estimated that the proposed three storey blocks are approximately 1.5 metres higher than the properties at Spean Crescent and the two storey blocks are approximately 1.2 metres lower than the Spean Crescent properties.

- 8.2 This is a well contained, brownfield site which has the potential for development. The layout and design of the proposal is considered to be generally acceptable. Although the introduction of two, three-storey blocks is a departure from the norm in Spean Bridge, it is considered that the characteristics of the site can accommodate this without adverse impact.

#### Privacy and Amenity

- 8.3 The closest residential properties to the development are Tigh Aran, the adjacent properties at Spean Crescent and Cedar Cottage on Station Road. Flats 19 and 20 are gable on to Tigh Aran and are separated from Tigh Aran by approximately 15.5 metres and feature only a stairwell window in the gable. Although there is a conservatory on Tigh Aran which is not shown on the site plan which brings it closer to flats 19 and 20, this is at a sufficiently oblique angle to the stairwell window to prevent overlooking issues. At their closest there is a separation of 17.8 metres between the side of Tigh Aran and flats 1, 2 and 3.
- 8.4 5 and 6 Spean Crescent are situated to the immediate north of flats 17, 18, 19 and 20. The main living spaces in the flats face into the site, but there are kitchen, bathroom and bedroom windows on the rear elevation of this block which face towards these properties at Spean Crescent. At their closest there are 18 metres between opposing windows which is an acceptable distance.
- 8.5 The ground level of Cedar Cottage (eastern boundary of site) is approximately 4 metres higher than the site of flats 16 and 17, and the height from ground level of the flats to the top of the upper floor windows is approximately 5 metres, views from Cedar Cottage will be largely of the roof and past the block given the positioning. The nearest part of Cedar Cottage to one of the flat windows is approximately 17.8 metres which is considered to be sufficient given the offset and the difference in levels.
- 8.6 In terms of general amenity levels, as this site has been vacant for some years now, the neighbouring properties have benefitted from low levels of activity in this area. The introduction of housing will see a reduced level of amenity to the existing neighbours, however taking into account the previous use of the site, the site's allocation for housing, the village location, and the orientation of the flats to minimise over and interlooking, the impact is considered to be acceptable.

### Access and car parking

- 8.7 The site is to be served by the existing access onto the A82 trunk road. The access has previously been used by vehicles, including HGVs, serving the former yard. The access also serves the Bridge café (one of two entrances) and a couple of houses. Visibility to the north east is restricted, however improvements have been made to the visibility to facilitate the previous permission of 8 houses. This involved removal of a neighbouring property's hedge. Transport Scotland originally submitted a holding response to this current application requiring the applicant to submit an application to Transport Scotland for a Departure from Standard. This was to allow Transport Scotland to assess the justification for allowing a reduced standard of visibility splay. This was submitted by the agent and has subsequently been approved. Transport Scotland have submitted their final consultation response on this application which recommends visibility splays of 215 metres to the south and 70 metres to the north formed from a 4.5m set back distance. The technical detail of the condition has amended slightly to accept that the visibility splay will look over the adjoining fence.
- 8.8 The private access into the site is to be upgraded to a standard capable of adoption. The development will require Road Construction Consent from the Council which will determine the construction standard and layout. Following submission of revised details the Transport Planning Team has advised they have no objection, subject to some amendments; namely for the inclusion of a footway across the grass verge opposite the SUDS swale, clarification on the cycle parking provision, clarification of the service strips. Their response highlights the need for the drainage issues to be resolved prior to determination of the application and they have deferred to the Flood Risk Management Team on this matter.
- 8.9 30 car parking spaces are proposed to serve the development. The Transport Planning Team has highlighted that some of the parking spaces may be difficult to access/exit, but the provision is generally acceptable. The site is close to bus stops and a stepped access (taking into account the steep embankment) is proposed from the site to Station Road to facilitate access to the train station in order to encourage alternative travel.

### Flood Risk/Drainage

- 8.10 The potential for flood risk has been raised as a concern by a number of the neighbouring properties and has been the subject of careful consideration as part of the application.
- 8.11 The Council's Flood Risk Management Team has reviewed the drainage information submitted and requested further information and changes. Their final response advises that further to the discussions they have held with the drainage designer, they accept the proposed principles for managing surface water and welcome the amendments to ensure the total storage across the site is sufficient to contain the 1 in 200 year event. This will help ensure there is no detriment to the existing local surface water flooding issues; indeed betterment can now be expected.

### Ground Conditions/Previously Used Land

- 8.12 Development Plan Policy 42 generally supports development proposals that bring previously used land back into beneficial use provided site investigation and risk assessment are undertaken and demonstrate that the site is in, or is capable of being brought into, a condition suitable for the proposed development
- 8.13 A Geotechnical Report was submitted in support of the application. This discussed the site investigation works that were undertaken in 2014 and the recommendations made. The results of the site investigation suggest there is made ground and/or peat onto predominantly granular soils of sand or sand and gravel, which is not considered to be a suitable foundation bearing stratum. The report recommends removing all made ground and organic soils in areas to be developed and replaced with granular fill (the detail of this would be required for building warrant). The report notes that groundwater will be problematic to foundation excavation and has made recommendations in relation to foundation design and drainage. A separate drainage assessment has been submitted which provides a drainage scheme for managing water on and from the site.
- 8.14 During consideration of the previous application for this site (15/03563/FUL) for eight serviced house sites, the Contaminated Land Team confirmed that the land contamination issues were investigated and concluded in support of the former application 08/00029/OUTLO. No further information is required on this matter.

### Landscaping and Play Provision

- 8.15 A landscaping plan has been submitted as part of the proposals. This incorporates children's play equipment and facilities. Tree planting is proposed within the site and existing trees and shrubs on the slope at the rear of the site are to be retained. A timber post and wire fence is proposed along the Station Road boundary and a mixed hedge proposed along the rear of Spean Crescent. Conditions are proposed to ensure implementation of the landscaping scheme and play provision.

### Developer Contributions

- 8.16 The Council's Supplementary Planning Guidance on Developer Contributions has recently been adopted and the developer contributions have been calculated on the basis of the new guidance, as set out below.

8.17

<b>Summary of Developer Contributions – Draft DCSG</b>			
<b>Infrastructure / Service Type</b>	<b>Answer</b>	<b>Contribution Rate (per house)</b>	<b>Contribution Rate (per flat<sup>1</sup>)</b>
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Schools - Primary - Land Costs	-	-	-
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Schools - Secondary - Land Costs	-	-	-
Cumulative Transport Contributions	-	-	-
<i>Small scale development discount (applied to schools &amp; cumulative transport contributions only)</i>	N/A	-	-
Community Facilities	Indoor Training and Community Centre	£1,019	
<b>Sub-Total Per Home</b>		<b>£3,590</b>	<b>£2,476</b>
<b>Development Sub-Total</b>	12 x (2 Bed Flats) & 8 x (3 Bed Flats - House Rates Apply)	<b>£20,568</b>	<b>£29,712</b>
Affordable Housing	25% - On-site Provision	-	
Standard Transport Requirements	Seek Advice From Transport Planning	-	
Green Infrastructure	On-site Provision	-	
Water and Waste	Seek Advice From Flood Risk Management Team	-	
Public Art	On-site Provision	-	
<b>Development Total</b>		<b>£50,280</b>	
<b>Total Per Home</b>		<b>£2,514</b>	
<i>All costs are subject to indexation and reflect Q2 2018</i>			

### Setting of Listed Building

- 8.18 Spean Bridge Station and Signal Box are Category C Listed. They are located on the other side of Station Road from the development. Due the distances involved, the differing levels and the existing tree/shrub cover, it is considered the proposal will not adversely impact on the setting of these listed buildings.

### Public Art

- 8.19 The Council's preference is for public art to be an integral part of the overall design of a development, integrated into the design of fixtures and fittings in the public realm to promote neighbourhood identity and a distinctive sense of place. This will be secured by planning condition. As there are public views of the site from Station Road, it is suggested that the public art provision is focused in this area and could perhaps be incorporated as part of the boundary treatment. Alternatively the public art contribution could be incorporated at the entrance into the site from the A82.

### Other material considerations

- 8.20 There are no other material considerations.

### Non-material considerations

- 8.21 The issue of liability for flooding events is not a material planning consideration, neither is the financial devaluing of existing properties.

### Matters to be secured by Section 75 Agreement

- 8.22 None – as discussed above developer contributions will be required for the development, however the applicant has advised they are agreeable to payment of these contributions prior to the issue of permission in order to negate the need for a Section 75 Agreement.
- 8.23 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 proposed site is a well contained, brownfield site which has the potential for development and is allocated for housing development within the development plan. Although housing numbers are above the indicative figure in the development plan, the layout and design of the proposal is considered to be generally acceptable. The introduction of two, three-storey blocks is a departure from the norm in Spean Bridge, however it is considered that the characteristics of the site can accommodate this without adverse impact.
- 9.2 The site can be adequately serviced and a surface water drainage scheme has been proposed which should result in betterment of the existing situation.
- 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

Payment of developer contribution Y

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

### Conditions and Reasons

1. The development hereby approved is for 20 affordable dwellings (which meet the definition of affordable housing outlined in The Highland Council's Developer Contributions Supplementary Guidance 2018 (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 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;
  - 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 residential amenity.

3. No development shall commence on the construction of the housing development until an application for Road Construction Consent for the access road, together with appropriate financial bond if necessary, has been submitted to and approved by the Council as Roads Authority.

**Reason:** In order to ensure the necessary standard of road to serve the development and to ensure the development can be adequately serviced.

4. No development shall commence on the construction of the housing hereby approved until a scheme for provision of on-site public art as 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

5. 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 home owner (such as communal parking areas, common entrances to flats 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 maintained in accordance with the approved details.

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

6. No development shall commence on the construction of the housing hereby approved until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

7. 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. The cycle parking shall be provided on site prior to the initial occupation of the housing hereby approved.

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

8. The landscaping scheme hereby approved shall be implemented in full no later than the first planting and seeding season following the initial occupation of the development.

**Reason:** In the interests of residential and visual amenity.

9. No development shall commence on the construction of the housing hereby approved until finalised details of the footpath link to Station Road has been submitted to and approved in writing by the Planning Authority. Thereafter the footpath link shall be provided prior to the initial occupation of the development.

**Reason:** In order to provide a direct pedestrian link to alternative forms of transport

10. No development shall commence on the construction of the housing hereby approved until the finalised drainage design, including cross section drawings and calculations, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in strict accordance with the approved details.

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

11. Minimum finished floor levels of 225mm above surrounding ground levels shall be applied to each new property.

**Reason:** In order to protect against the residual risk of flooding from high groundwater levels.

12. Prior to the initial occupation of the development a CCTV survey shall be undertaken of the drainage system around Tigh Aran and any blockages cleared.

**Reason:** In order to ensure the drainage system is clear of blockages.

13. Visibility splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres to the south and 70 metres to the north (the y dimension) from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a height 1.05 metres and above.

**Reason:** To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road

## **REASON FOR DECISION**

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

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

### **Accordance with Approved Plans & Conditions**

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

## **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

## **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.

## **Roads Authority Permission**

The applicant should be advised that they will be required to apply for and obtain Road Construction Consent from the Highland Council, as the Roads Authority under Section 21 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the public road network. Please note that no work should commence until official permission from the Roads Authority has been obtained.

## **Mud & Debris on Road**

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

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

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

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

Signature: David Mudie  
Designation: Area Planning Manager South  
Author: Susan Macmillan  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan (00001)  
Plan 2 - Site Plan (805B)  
Plan 3 - Landscaping Plan (2098-01 Rev B)  
Plan 4 - Drainage Layout (J1823-C-02D)  
Plan 5 - Road Layout (J1823-C-01 Rev B)  
Plan 6 - Elevations & Floor Plans (801A)  
Plan 7 - Elevations & Floor Plans (802)  
Plan 8 - Site Sections (110)