

THE HIGHLAND COUNCIL

**North PLANNING APPLICATIONS COMMITTEE – 16
September 2014**

Agenda Item	5.9
Report No	PLN/069/14

**14/02857/FUL : Mr Trevor Crowe
Eilean Òir
1A Edinbane
Portree
IV51 9PR**

Report by Area Planning Manager

SUMMARY

Description : Proposed Retail & Training Unit (inc. demolition of old shed)

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : None required

Reason referred to Committee : Number of Objections (7 from seven different households)

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a small building, the main element of which would measure some 12m long by 6m wide and 5m high. This building would replicate the appearance of a traditional blackhouse, with stone walls and a thatch roof. It would be used as a retail and training area, providing space for day courses in traditional knitting and spinning skills and a range of other rural skills as well as selling wool, traditional knitwear, and tweed. Ten parking spaces would be provided to the rear of this building. An existing small dilapidated agricultural building between the proposed building and the A850 public road would be demolished.
- 1.2 Informal pre-application discussions were held with the applicant.
- 1.3 Other than an existing access onto the A850, the site has no existing infrastructure.
- 1.4 A Design Statement has been submitted in support of the application, which explains the nature of the proposed retail and training operations.
- 1.5 **Variations:** The site layout has been amended at the suggestion of the Case

Officer to place the parking at the rear of the proposed building, rather than having this parking in front of the building (drawing nos. 1 Rev. B & 2 Rev. B, both received 08.08.2014).

2. SITE DESCRIPTION

- 2.1 The site comprises an area of gently sloping, open croft land on the western (seaward) side of the A850, some 1.2km north of Edinbane village. The dilapidated agricultural building occupies the eastern end of the site, and sits some 7m away from the edge of the A850.

3. PLANNING HISTORY

- 3.1 14/02855/FUL. Proposed New Croft House. Pending Consideration. This proposal has been lodged by the same applicant and relates to a site some 100m to the north west of the subject site.
- 14/02856/AGR. Prior notification of proposed new farm-related building. Withdrawn 07.08.2014. This application was also submitted by the same applicant, and has been withdrawn pending determination of the subject application.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days, expiry 23.08.2014.
Representation deadline : 04.09.2014
Timeous representations : 7 objections from seven different households.
Late representations : None.
- 4.2 Material considerations raised are summarised as follows:
- Road safety concerns due to alleged inadequate southbound visibility splay on a stretch of highway with a long history of accidents
 - Insufficient parking provision
 - Bat colony alleged to occupy building proposed for demolition
 - Proposal is change of use rather than croft diversification
 - No impact study relating to storage/disposal of chemicals
 - Siting out of character with nearby houses and contrary to the Development Plan
 - A precedent would be established for similar proposals in the future should consent be granted
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Environmental Health Officer** : No objection.
- 5.2 **Building Standards** : No issues which cannot be dealt with during determination of an application for a Building Warrant.
- 5.3 **Transport Planning Team** : No objection.
- 5.4 **Scottish Water** : No response.
- 5.5 **SNH** : No objection, satisfied that Bat Survey has been undertaken correctly.
- 5.6 **Crofting Commission** : No objection.
- 5.7 **SEPA** : A CAR licence would be required for the disposal of any chemical/dyes, but SEPA have no objection to the planning application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-Making
- 36 Development in the Wider Countryside
- 40 Retail Development
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species

6.2 West Highlands & Islands Local Plan 2010

NB. This local plan is relevant only insofar as it continues in force post-adoption of the Highland-wide Local Development Plan. More information at: <http://www.legislation.gov.uk/ssi/2012/90/made>

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/A

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design (August 2011)

Sustainable Design Guide (June 2011)

Highland's Statutorily Protected Species (Draft - June 2011)

7.3 **Scottish Government Planning Policy and Guidance**

N/A

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

In this case the Development Plan is comprised solely of the Highland-Wide Local Development Plan, the relevant policies of which are considered below.

The site lies outwith any defined Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.

Policy 28 requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity.

Policy 29 repeats this emphasis on good design in terms of compatibility with the local landscape setting.

Policy 40 sets out a sequential approach to the assessment of retail development, with sites in town centres, then on the edge of centres, having to be considered before out-of-centre sites.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within an where views over open water are protected. Policy 57.1 states that developments are suitable where they can be demonstrated not to have an unacceptable impact on this protected amenity resource.

Policy 58 relates to protected species, and states that where there is good reason

to believe that a protected species may be present on site, or may be affected by a proposed development, a survey must be carried out to establish any such presence, with a mitigation plan prepared if necessary, before any planning application can be determined.

8.4 **Material Considerations**

It is considered that the key issues in this case are as follows:

- Siting
- Impact on Views over Open Water
- Design and Appearance
- Protected Species
- Whether the site can be adequately serviced in terms of road access
- Use of the Building

8.4.1 Siting

While the proposed building is situated within an area of largely open countryside, the fact that it would be replace an existing dilapidated agricultural building of similar size is a key consideration. The presence of this agricultural building is an obvious feature within the open landscape, particularly as it is so close to the A850 which provides the major public viewpoint within the locality. Its demolition and replacement with a slightly larger, although more aesthetically pleasing, building would not result in any significant change to the public perception of this area of countryside.

The original proposal showed the area of car parking situated between the proposed building and the A850, but this has since been put to the rear of the building, which limits the degree of change which would be perceived from the A850. Whilst the parking area would be visible from the opposite side of Loch Greshornish, given the distance of some 1.2km it is considered the visual impact of the parking on this receptor is negligible. A condition which requires an appropriate landscaping scheme would assist in assimilating the parking and the building into the landscape.

8.4.2 Impact on Views over Open Water

Again, the fact that the proposed building would replace an existing, somewhat unsightly agricultural building – which lies closer to the A850 – results in no significant detriment to the existing situation in respect of views over Loch Greshornish.

8.4.3 Design and Appearance

The proposed building has been designed to replicate the appearance of a traditional thatched blackhouse. It is considered to succeed reasonably well in this aim. While the proportion of gable to principal elevation is considered to be slightly

wrong - the building is a little shorter and wider than a traditional blackhouse - this is a minor criticism. It must be acknowledged that the replacement of a dilapidated, somewhat unsightly agricultural building with the proposed building would result in a significant visual improvement.

8.4.4 Protected Species

In response to claims from objectors that the existing agricultural building houses a colony of bats the applicant was asked to provide a bat survey. The submitted survey shows that in fact there are no bats present in the building. However, the survey states that, because the building is considered to have some potential as a bat roost it is recommended that the proposed new building be fitted with two bat boxes on its southern aspect. A condition to this effect would not be appropriate, on the basis that the survey has stated that there are no bats using the building. However, a footnote can be used to advise the applicant that they may wish to consider installing two bat boxes on the southern elevation of the new building.

8.4.5 Whether the site can be adequately serviced in terms of road access.

The site would be accessed from the public road via the existing access to the dilapidated agricultural building which would be upgraded to meet modern standards. The Transport Planning Team have visited the site and have stated that they are satisfied the necessary 2.4m x 215m visibility splays (appropriate to the 60mph speed limit on this stretch of public road) are achievable in each direction from the site access. In addition, they have investigated the accident record, and are satisfied that the four accidents which have occurred within a 500m radius of the site over the past 10 years were not related to the presence of the existing access into the site. They state that the site locality would not be assessed as an accident black spot, and conclude that the proposals are not judged to raise significant safety concerns, subject to a condition which secures visibility.

In terms of parking provision, Transport Planning state that the 10 spaces proposed are in excess of the 6 spaces plus staff parking which the Council's parking standards require, and are therefore acceptable.

8.4.6 Use of the Building

It is proposed that the building is to be used partly as a centre for running courses in crafts such as knitting and spinning, and for the sale of knitwear, tweed, wool and other non-food items. If the building is to operate successfully as a training centre it is clear from its modest size that the great majority of its limited floorspace (which extends only to some 70 sq m) would have to be given over to this purpose. On this basis, the retail element of the scheme would have to be ancillary to the training element. To ensure that this is the case, a condition is proposed which limits the amount of floorspace used for retailing to no more than 15 sq m – which equates to some 20% of the available internal area. In addition, a condition which defines the primary training centre use is necessary.

The applicant has not submitted a sequential assessment, but given that the retail element of the proposal could be limited by means of the condition referred to

above, it is considered that the very small amount of retailing which would be involved means that this does not represent sufficient reason for refusal.

Some objectors allege that chemicals would be used to dye wools. The applicant has stated that this would not be the case, although SEPA have advised that they have no objection to the planning application if this were to be the case.

8.5 **Other Considerations – not material**

The impact of the proposal on “Dark Skies” and the level of demand for the uses proposed, as raised by some of the objectors, are not material planning considerations.

8.6 **Matters to be secured by Section 75 Agreement**

N/A

9. **CONCLUSION**

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

10. **RECOMMENDATION**

Action required before decision issued N

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

1. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

Any trees or plants which within a period of five years from the completion of the

development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

2. The amount of floorspace within the building to be used for retailing shall be no more than 20 sq m.

Reason : To ensure that the building is not used primarily as a retail shop, and in order to protect the vitality and viability of existing centres.

3. The primary use of the building shall be as a non-residential training centre, as defined by Class 11 of the Town & Country Planning (Use Classes)(Scotland) Order 1997.

Reason : In order to define the permission.

4. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 04.09.2014), with:

- i. the junction formed to comply with drawing ref. SDB2; and
- ii. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

5. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan Ref. 2 Rev. B shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

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

REASON FOR DECISION

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

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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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.

Bat Boxes

You may wish to consider the installation of two bat boxes on the southern elevation of the building.

Signature: Insert Area Managers Signature
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – 1, Rev. B – Location Plan
 Plan 2 – 2, Rev. B – Site Layout Plan
 Plan 3 – CROWE.2014.2.1, Rev. B – Floor Plan & Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Malcolm Herbert	Bruaich na h'Aibhne Amer Struan	06.08.2014	Against
Mr Robin Morriss	Robtree Cottage, Edinbane	07.08.2014	Against
Mr Alexander John Macpherson	8 Drumfearn, Isle Ornsay, Sleat	11.08.2014	Against
Mr & Mrs Chris Robins	2a Edinbane, Portree	12.08.2014	Against
Mr Tim Robins	8 Eabost West, Struan	12.08.2014	Against
Mr & Mrs Berry	3b Skinidin, Isle of Skye	14.08.2014	Against
Mr Tony Quinn	16 Edinbane	20.08.2014	Against



MLWS

MHWS

crest of steep slope



**Croft 1A
BlockPlan (1:500)**

Redline indicates site boundaries for planning purposes only and does NOT delineate any proposal for decrofting. There are NO decrofting proposals attached to this proposal. Blue line indicative of clients land ownership

SITE

existing shed to be demolished

visibility splay to be cleared of vegetation to 1050 above carriageway

A 850

A 850 V

No. 1

An I-Aodann Ban (Edinbane)

Proposed new bellmouth and service bay to be refuse pickup point for Croft house and Retail and Training unit

2a

towards Portree

towards Edinbane/Dunvegan

REV B : Retail unit and parking amendments

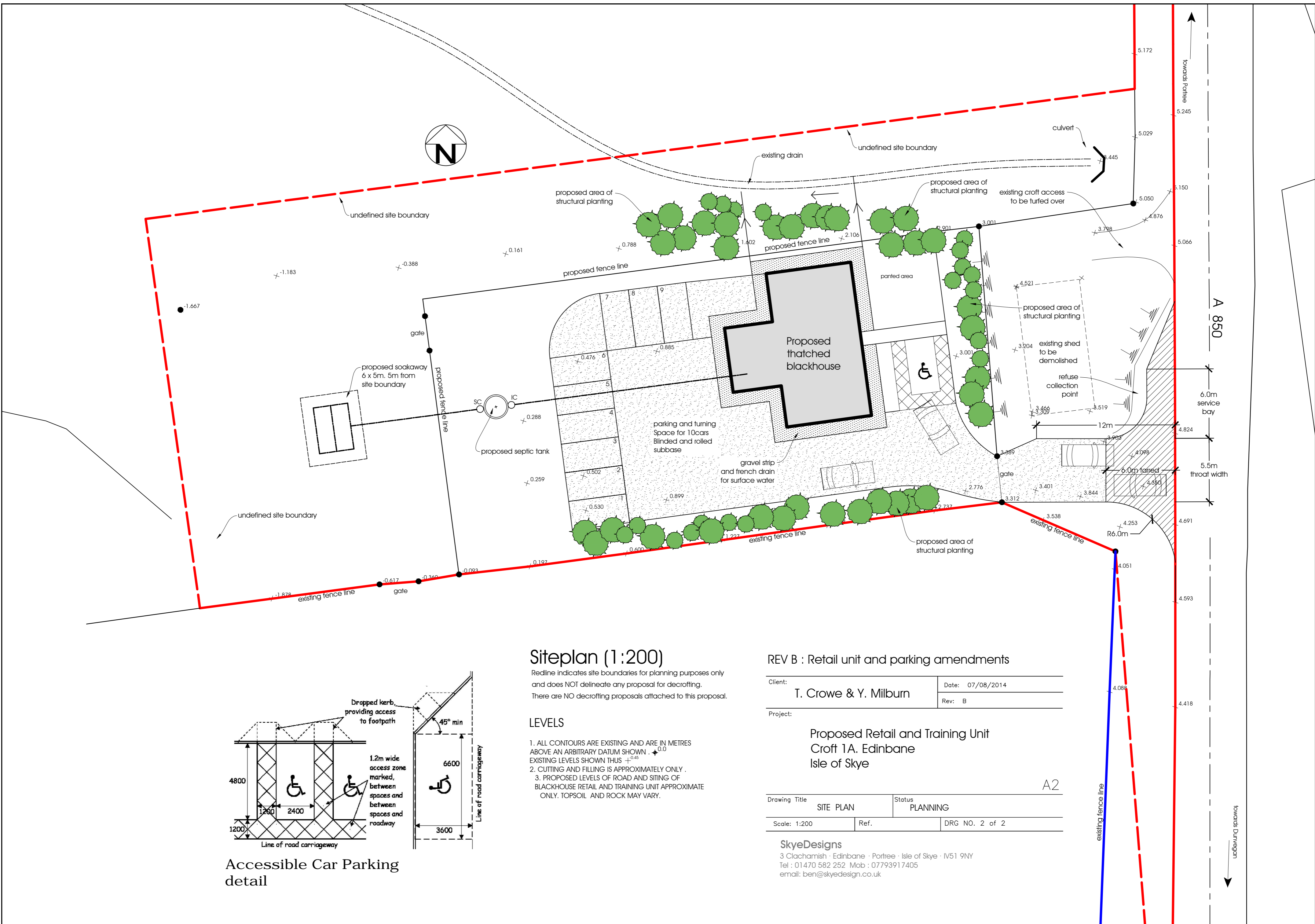
Client:	T. Crowe & Y. Milburn	Date:	08/08/2014
Project:		Rev:	B

Proposed erection of Retail and Training Unit, Croft 1A, Edinbane Isle of Skye

A1

Drawing Title	BLOCK PLAN	Status	PLANNING
Scale:	1:500	Ref.	DRG NO. 1 of 2

BEN WEAR (MEng)
SkyeDesigns
3 Clachamish Edinbane - Portree - Isle of Skye - IV51 9NY
Tel : 01470 582 252 Mob : 07793917405
email: ben@skyedesign.co.uk



Siteplan (1:200)

Redline indicates site boundaries for planning purposes only and does NOT delineate any proposal for decrofting. There are NO decrofting proposals attached to this proposal.

LEVELS

1. ALL CONTOURS ARE EXISTING AND ARE IN METRES ABOVE AN ARBITRARY DATUM SHOWN ± 0.0 . EXISTING LEVELS SHOWN THUS ± 0.45
2. CUTTING AND FILLING IS APPROXIMATELY ONLY.
3. PROPOSED LEVELS OF ROAD AND SITING OF BLACKHOUSE RETAIL AND TRAINING UNIT APPROXIMATE ONLY. TOPSOIL AND ROCK MAY VARY.

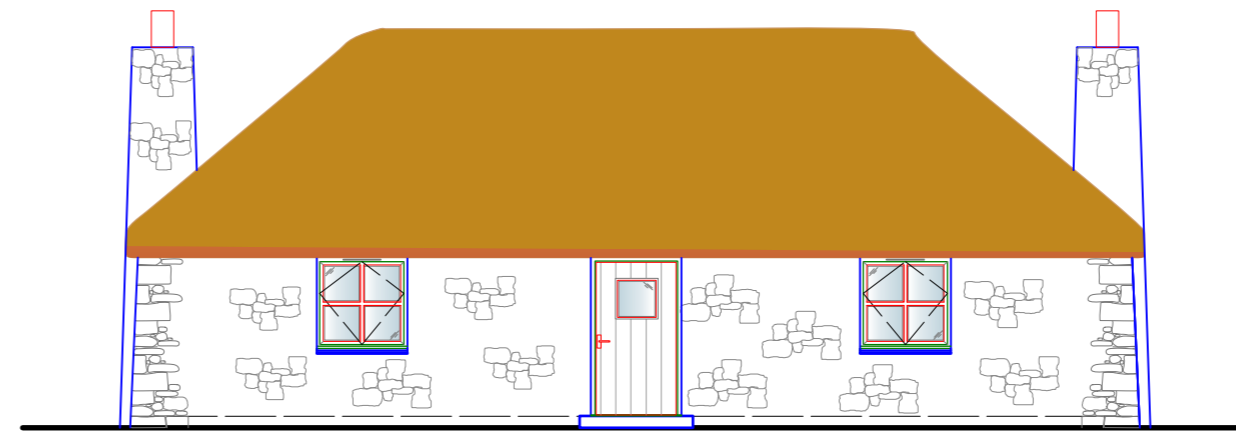
REV B : Retail unit and parking amendments

Client:	T. Crowe & Y. Milburn	Date:	07/08/2014
Project:	Proposed Retail and Training Unit Croft 1A, Edinbane Isle of Skye	Rev:	B

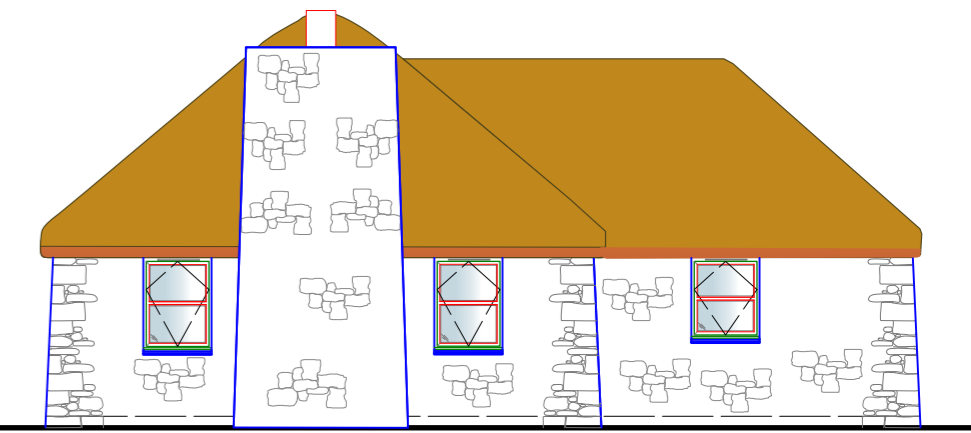
Drawing Title	SITE PLAN	Status	PLANNING
Scale:	1:200	Ref.	DRG NO. 2 of 2

SkyeDesigns
 3 Clachamish · Edinbane · Portree · Isle of Skye · IV51 9NY
 Tel : 01470 582 252 Mob : 07793917405
 email: ben@skyedesign.co.uk

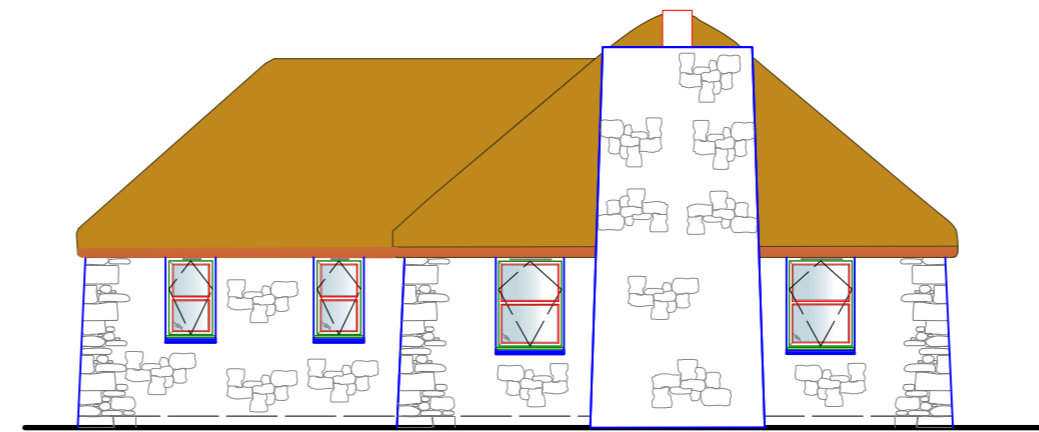
Accessible Car Parking detail



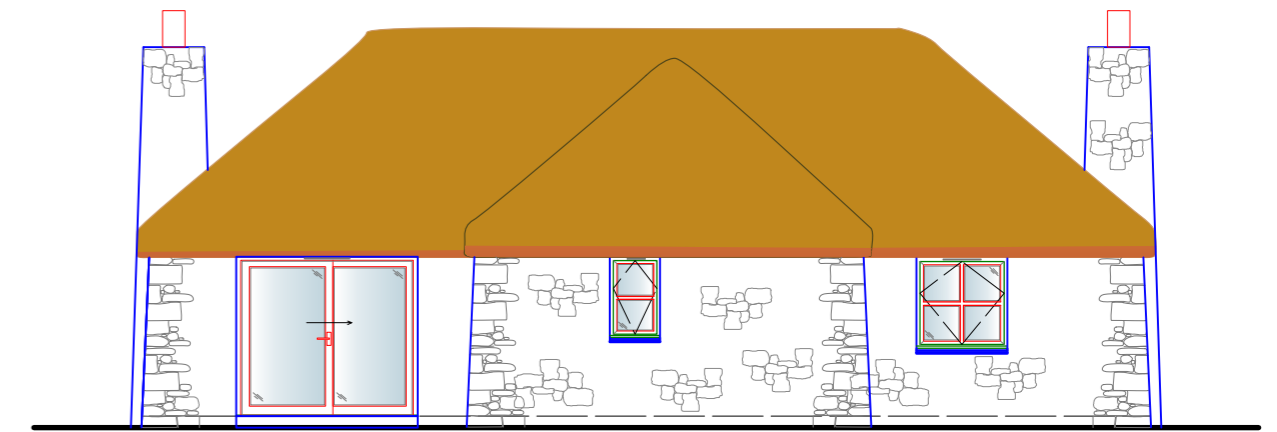
Front Elevation (1:100)



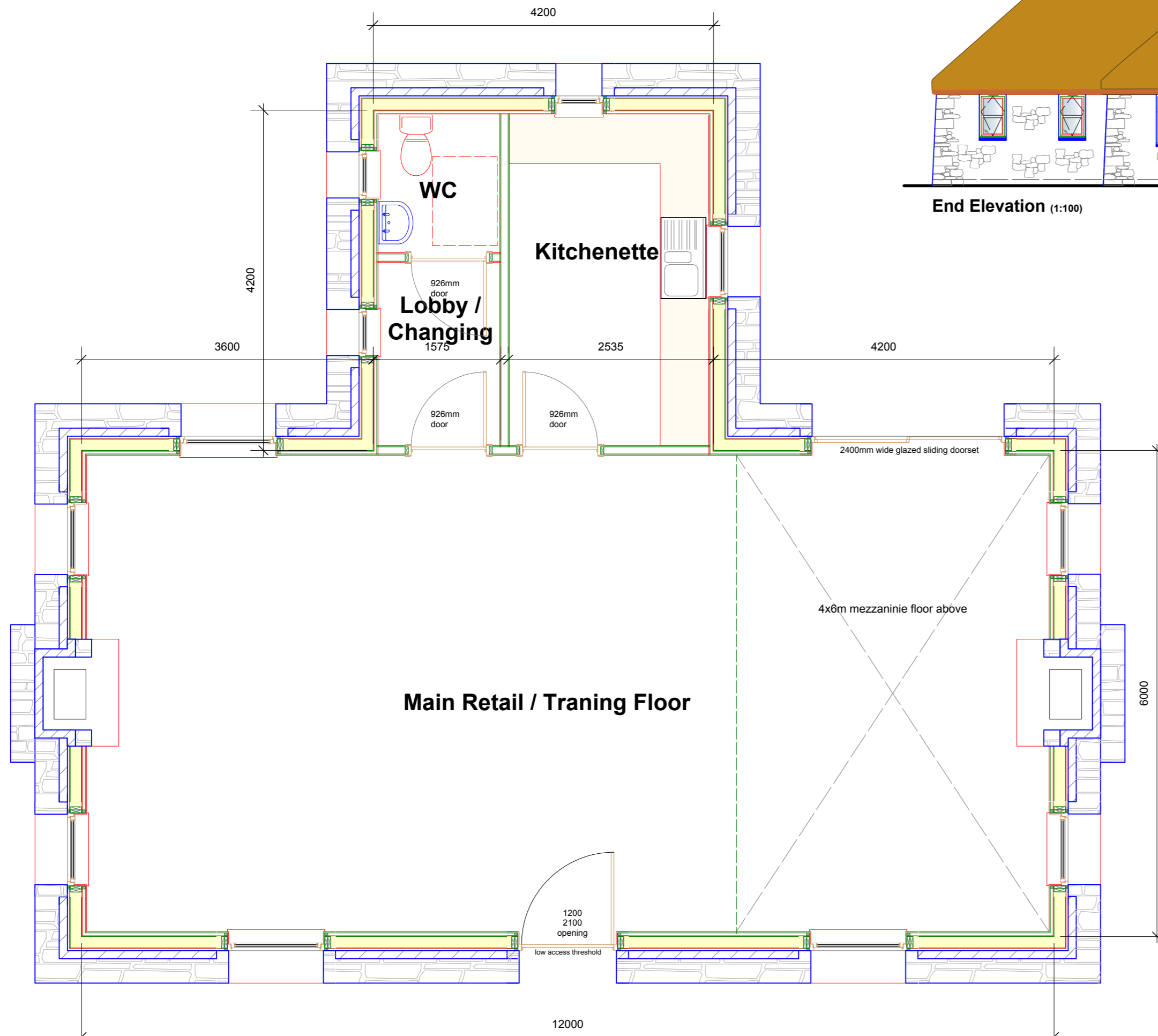
End Elevation (1:100)



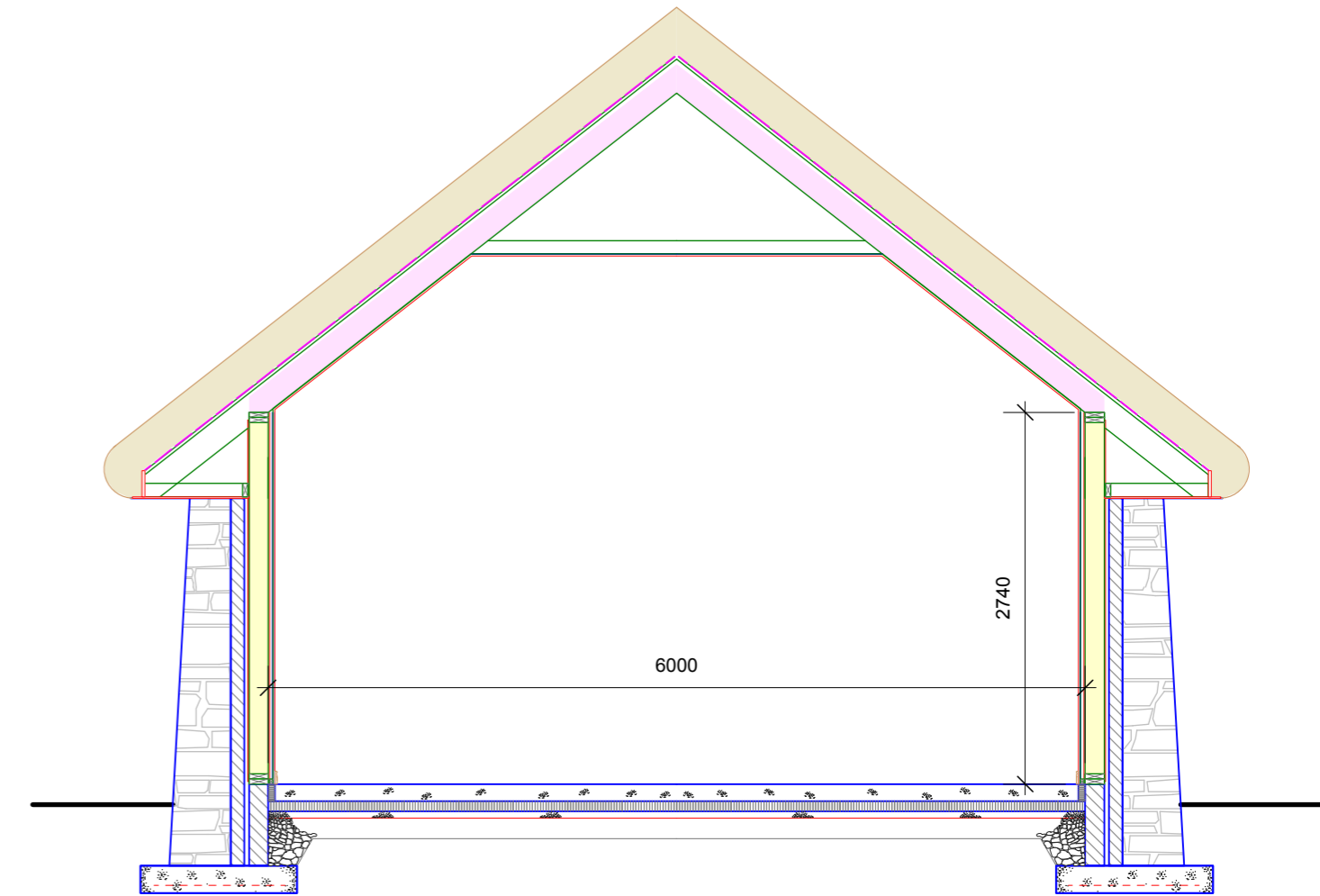
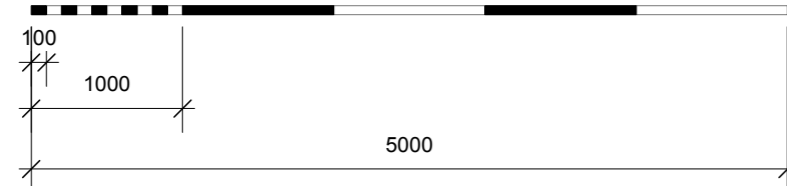
End Elevation (1:100)



Rear Elevation (1:100)



Floor Plan (1:50)



Section (1:50)

Externally traditional blackhouse with random stone pointed external walls (not painted) that have rounded corners and are tapered as per a traditional blackhouse design. chimney stacks and wooden windows / doors (4 pane wndws), thatched roof.

The rear extension, housing a changing room / toilet and a separate kitchenette can be a flat gently sloping roof incorporated into the thatched main roof. This has been designed as an extension in order to provide more open-plan retail / training space. The mezzanine that is shown is for storage purposes and access to this is to be via a proprietary fold-away loft access ladder incorporated into the mezzanine. Internal finish to be timber floors. Walls to be part V-lines to dado height and then painted plasterboard. Ceilings all to be exposed with internal finish to ceilings being the underside of the sarking boards

The end use is retail and training (therefore has to meet requirements for access by the general public).

B	Reduced windows at ends	30/06/14
A	Increased internal door sizes	28/06/14
Rev		Date

Client: **Trevor Crowe & Yasmin Milburn**
 Site: **Proposed Erection of Retail & Training Unit, Croft House & Agricultural Shed Croft 1A, Edinbane Isle of Skye**

Retail & Training Unit - Planning

scales:	drawn:	date:	Dwg No:	rev:
1:50 @ A2	A Smillie	May '14	Crowe.2014.2.1	B