

The Highland Council

North Area Planning Applications Committee
27 October 2015

Agenda Item	5.1
Report No	PLN/057/15

15/01869/PIP : Isle Of Skye Ferry Community Interest Company
Kylarhea Tourist Car Park, Glenelg

Report by Area Planning Manager

Summary

Description : A new building to house a cafe, office space, heritage and wildlife display centre, merchandise display and toilets

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Number of Objections.

1. Proposed Development

- 1.1 This application seeks Planning in Principle for the erection of a building to provide a café/display area, toilets and an office/store for the Kylarhea ferry operator. An indicative drawing has been provided which shows a building of 70 sq m internal floorspace situated in the north eastern corner of the existing Council-owned car park on the Glenelg side of the Kylarhea narrows.
- 1.2 No pre-application submission was made, but the applicant obtained telephone advice about how to complete an application for Planning in Principle.
- 1.3 The site is accessed from the eastern side of the public road which leads to the Kylarhea Ferry Slipway. The site is not connected to either mains water or mains sewerage.
- 1.5 **Variations:** An additional drawing (numbered 15:37:01) which shows the intended location and overall footprint of the proposed building within the existing car park, as well as the space to be given over to each of the intended uses of the building was received on 9th September 2015.

2. Site Description

- 2.1 The site comprises an existing tarred car park which does not have individually demarcated spaces, as well as an area of grass, shrubs and some trees between the tarred surface and a private track to the east. The proposed building would be sited on this area of grass and shrubs.

3. Planning History

3.1 None.

4. Public Participation

4.1 Advertised : The application was advertised for a period of 14 days because the ownership of neighbouring land was not known

Representation deadline : 26.06.2015

Timeous representations : 7 objections from 7 different households

Late representations : Late objections were received from the Community Council and from the Glenelg and Arnisdale Development Trust, as well as from 4 different households.

9 Supportive comments from 9 different households were received as late representations.

4.2 Material considerations raised are summarised as follows:

- Adverse visual, wildlife, landscape and heritage impacts.
- Loss of parking would create traffic congestion.
- Adverse effect on local businesses.
- Proposal would be better sited in Glenelg village or on Skye side of the crossing.
- Proposed facilities already largely provided for in old lighthouse building which could be improved/ expanded.
- Proposal would harm rather than enhance setting of local listed building group.
- Site is part of the important approach to Skye, and was removed from proposed Settlement Development Area by Government Reporters for that reason.
- Proposal is contrary to the Local Development Plan, the Planning Act and other national policies, and should be notified to Scottish Ministers on the basis of this conflict and the Council's interest in the matter.
- Adverse effect on existing neighbour amenity.

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 **Building Standards** : No response

5.2 **Projects and Facilities team** : No objection. Site within Council ownership and landowners consent would be required.

- 5.3 **Transport Planning** : No objection.
- 5.4 **Environmental Health** : No objection, private water supply would need to be proven adequate.
- 5.5 **Access Officer** : No response
- 5.6 **Skye and Lochalsh Access Panel** : No objection
- 5.7 **Glenelg and Arnisdale Community Council** : Objection on basis of loss of parking, adverse effect on existing businesses, incompatibility with local historic environment and the potential to improve current facilities at the ferry slipway.
- 5.8 **Scottish Water** : No response

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
36	Development in the Wider Countryside
43	Tourism
57	Natural, Built and Cultural Heritage
61	Landscape
65	Waste Water Treatment
77	Public Access

6.2 West Highlands and Islands Local Plan (as continued in force, April 2012)

No relevant policies

7. Other Material Considerations

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

SPP June 2014 Paras 74 to 83

Historic Scotland – Managing Change in the Historic Environment, Guidance Notes on Setting, October 2010

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 43 states that proposals for tourist facilities will be assessed as to whether the scale is appropriate to the local settlement/location, whether the site is within a settlement boundary, its likely contribution to increasing visitor stay/spending/spread, and its effect on natural, built and cultural heritage features.

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 existing ferry slipway and the former Old Ferry Inn building are both 'B' listed buildings, in respect of which Policy 57.1 states that developments are suitable where they can be demonstrated not to have an unacceptable impact on these protected heritage resources.

Policy 61 states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed. Consideration should be given to scale, form, pattern and construction materials.

Policy 65 states that the Council's preference for private foul drainage – where a connection to the public sewer is not available - is for discharge to land rather than to water.

Finally, Policy 77 requires existing core paths and public access rights to be protected.

8.4 Material Considerations

Siting and Landscape Impact

The fact that the proposal is outside any Settlement Development Area is not a barrier to development. HwLDP Policy 36 allows for development proposals in the wider countryside to be supported, provided they meet the relevant tests set out by this policy.

The site and the surrounding area is not the subject of any landscape designations. The proposed building would be relatively modest in size – smaller than a typical dwelling house – and would be situated beside existing development in the form of the Council car park, rather than being located in an area of countryside where no development has occurred.

As this is an application for Planning in Principle a building design has not been put forward. However, it is considered that conditions could provide adequate safeguards to ensure that the design and appearance of the building would respect the local vernacular and would be appropriate to the local landscape setting.

Impact on the Setting of Listed Buildings

The proposed building would be some 105m to the south east of the Old Ferry Inn, and some 85m north east of the Ferry Slipway. Historic Scotland's Managing Change in the Historic Environment, Guidance Notes on Setting document states that:

“Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. Planning authorities must take into account the setting of historic assets or places when considering various types of environmental and design assessments/statements and in determining planning applications.

Setting often extends beyond the property boundary, or curtilage, of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.”

The slipway and Old Ferry Inn are associated with cattle droving from Skye to the lowlands, and have historical and cultural significance. They are however physically separate and set at different levels some distance apart and are not inter visible from the public road. As the development would be a modest structure - the design of which would be controlled by conditions - and is adjacent to previously developed land, it is considered that the proposal would not adversely affect the setting of these two listed buildings.

Access and Parking

Transport Planning state that the Council's parking guidelines require 7 parking spaces for the scale of development envisaged. Given the indicated 12 spaces within the existing car park Transport Planning state that it should have adequate capacity to accommodate the proposed development.

Given the location of the proposal it is considered unlikely that it would become much of a traffic generator in its own right. Instead, most of the building's patrons are likely to visit the site in order to use the ferry. Accordingly, it is not considered probable that visitor demand would exceed the capacity of the existing car park to the extent that traffic problems would occur on the public road.

Tourism Policy

Objections claim that there would be a negative effect on existing businesses, and that the proposal should either be sited within Glenelg village or that the existing honesty box catering arrangements and display facility at the old lighthouse adjacent to the ferry slipway should be expanded.

Commercial competition is not a planning issue. Because the proposal is not a retail operation planning policy does not require that it be sited within a village centre, and HwLDP Policy 43 does not require that tourist facilities must be within settlement development area boundaries. There would be a clear functional link between this proposal and the ferry operation, which justifies the chosen location outside the Glenelg SDA. Expanding the existing very basic facilities at the slipway itself would require a new building which would be in much closer proximity to the slipway and therefore have greater potential to affect the setting of this listed building. The proposal would increase the range of tourism facilities within the local area and is therefore likely to have a positive effect on visitor spending and spread.

Foul Drainage

The small size and nature of the site would very likely rule out a conventional septic tank and soakaway system. However, Building Standards have provided verbal advice that alternatives (such as composting toilets or chemical cassettes) are possible, and this is a matter which can be controlled by condition.

Public Access

The proposed building does not impinge upon an existing Core Path which utilises the track to the east of the site, but a condition can be applied which ensures that public access is not affected by construction works.

Water Supply

Environmental Health have no objection, but state that the applicant should be required to satisfy the Planning Service regarding the sufficiency and quality of the private water supply. This can be controlled by condition.

Environmental Health also note that the food areas must comply with Food Hygiene Regulations, and a footnote to this effect can be applied.

Notification to Scottish Ministers

The proposal is not significantly contrary to the Development Plan as has been suggested in some correspondence. Notification to Scottish Ministers is therefore not required. Although the Council as landowner have an interest in the site, the above assessment demonstrates that the proposal is in accordance with the Development Plan.

8.5 Other Considerations – not material

N/A

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 and notes to the applicant :

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and foul drainage arrangements.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in vertically orientated larch board on board cladding/natural stone;
 - ii. an internal floor area of no more than 70 sqm;
 - iii. a roof covering of natural slate or turf/sedum;

- iv. single storey in height;
- v. windows with a strong vertical emphasis

Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. Any details pursuant to Condition 1 above shall include an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason : To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. Any details pursuant to Condition 1 above shall include full details of the proposed foul drainage arrangements.

Reason : In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection

5. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related or operational activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason : In order to safeguard public access both during and after the construction phase of the development.

Reason for Decision

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

Time Limits

In accordance with Section 59 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:

- i. The expiration of THREE YEARS from the date on this decision notice;

- ii. The expiration of **six months** from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of **six months** from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than **two years** from the date of the requisite approval of any matters specified in conditions (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. If development has not commenced within this period, then this planning permission in principle shall lapse.

Footnote To Applicant

Accordance with Approved Plans and 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.

Septic Tanks and 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.

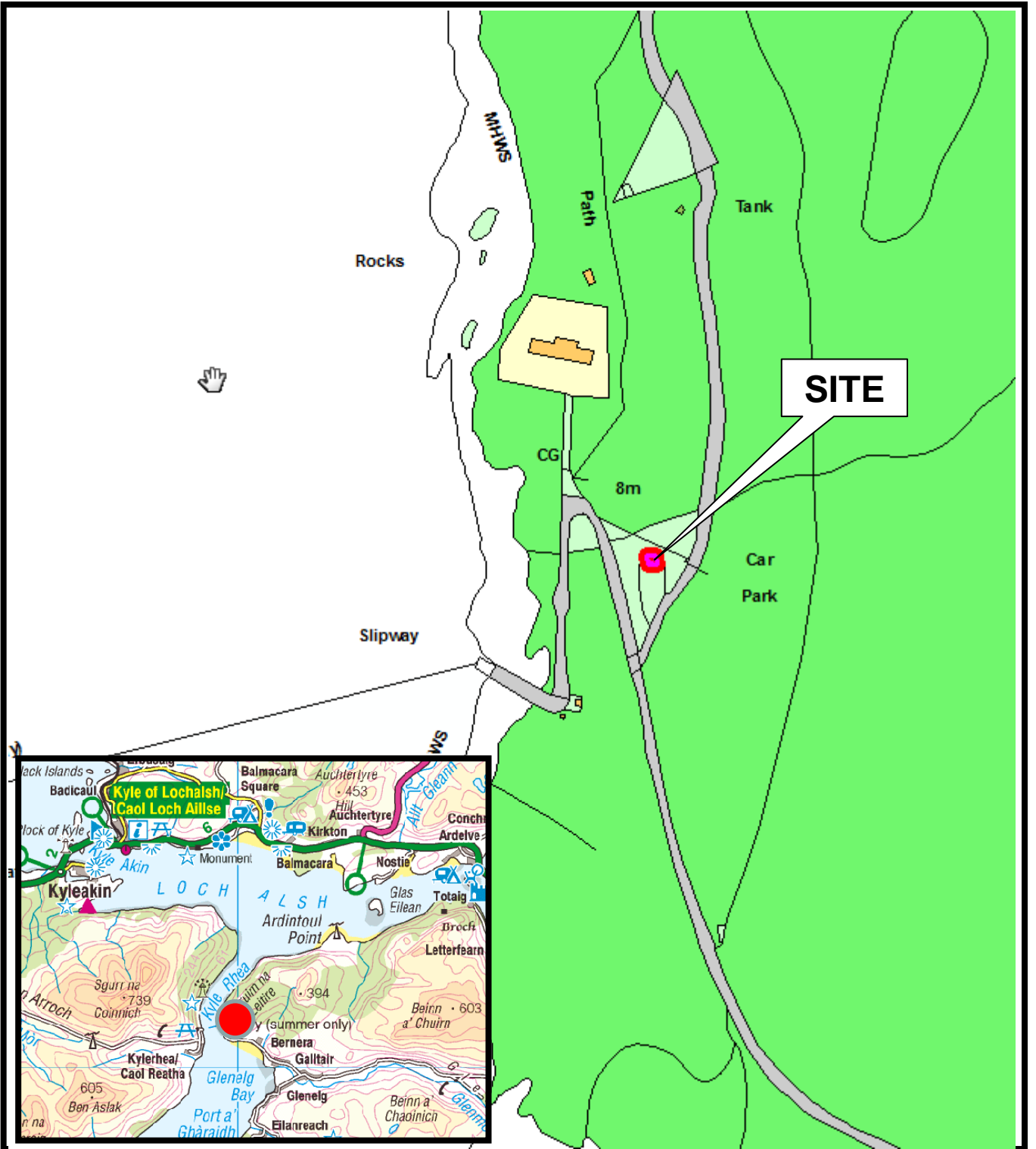
Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Food Hygiene Regulations

The areas within the development where food will be prepared and served must comply with the Food Hygiene Regulations.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – 000001 – Location Plan
Plan 2 – 000002 – Location Plan
Plan 3 – 15:37:00 – Location Plan
Plan 4 – 15:37:01 – Site Layout Plan



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

15/01869/PIP

Erection of cafe/heritage centre/shop building at Kylerhea Tourist Car Park, Glenelg



PLAN REFERRED TO

1/4 Mile

N



SCALE 1:5000

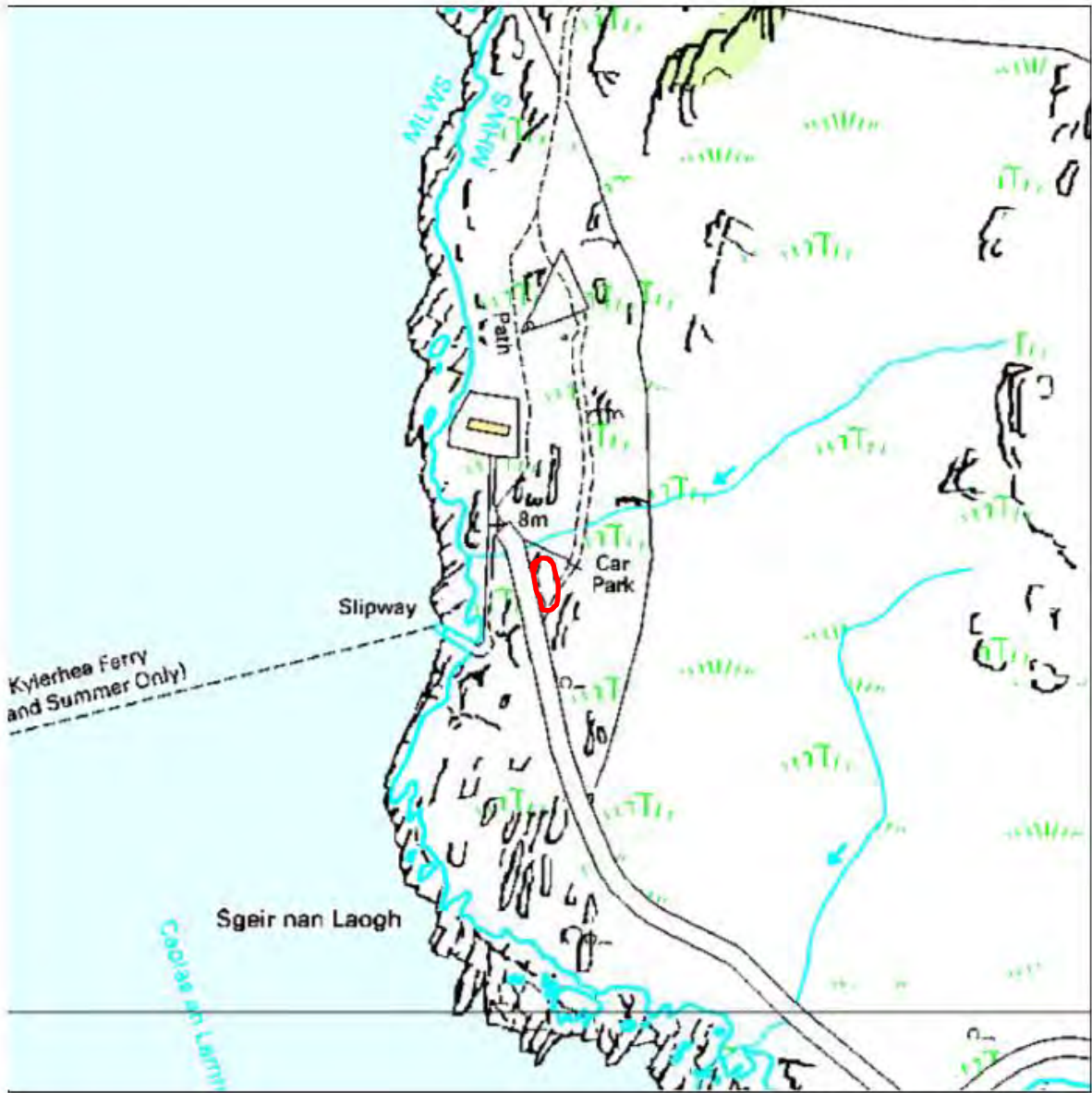


LOCATION MAP
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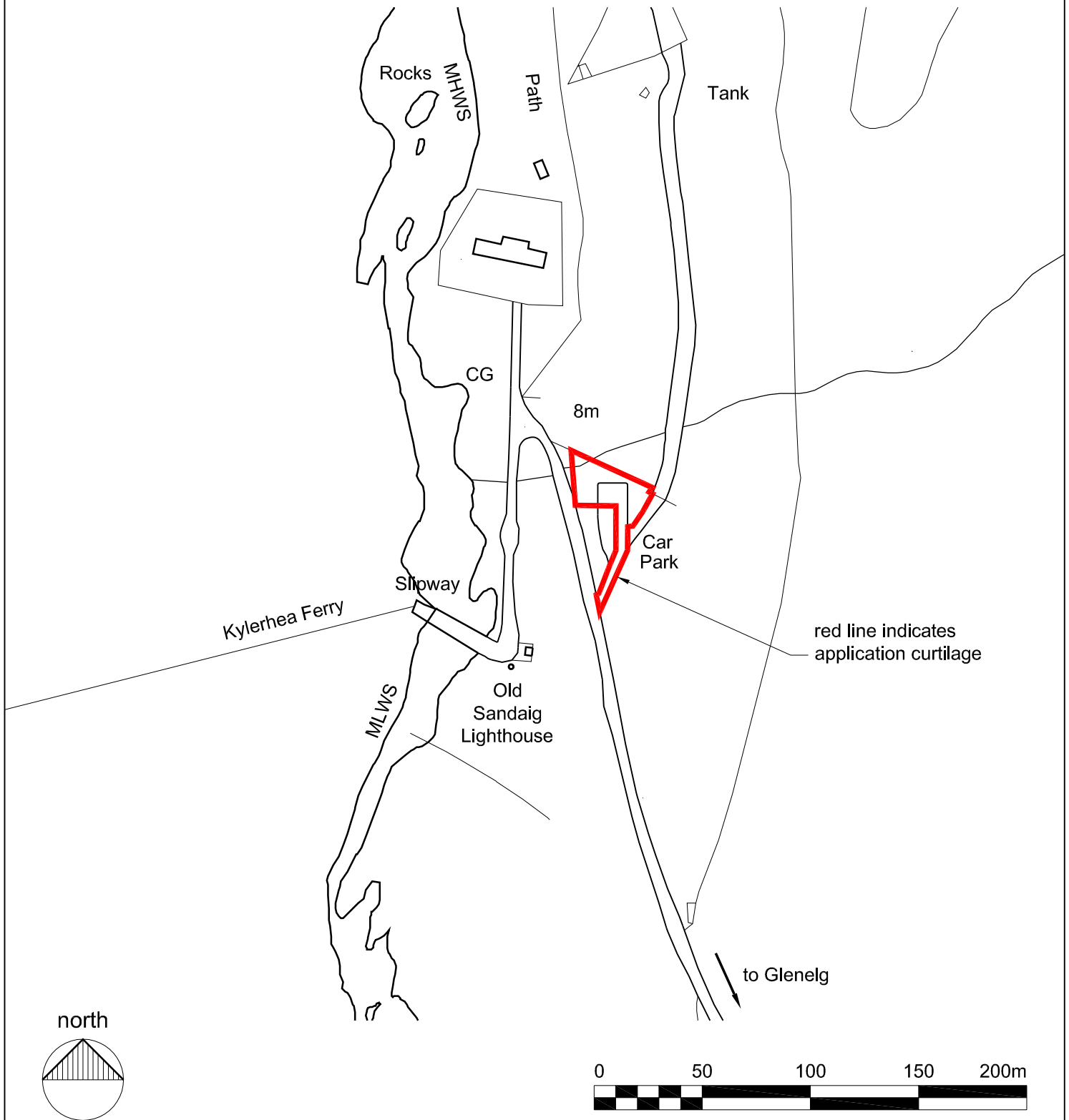
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Scale : 1:4699



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red line indicates application curtilage

Location Plan Skye Ferry Company Facility, Glenelg

Scale: 1:2500

Date: 04 Sept 2015

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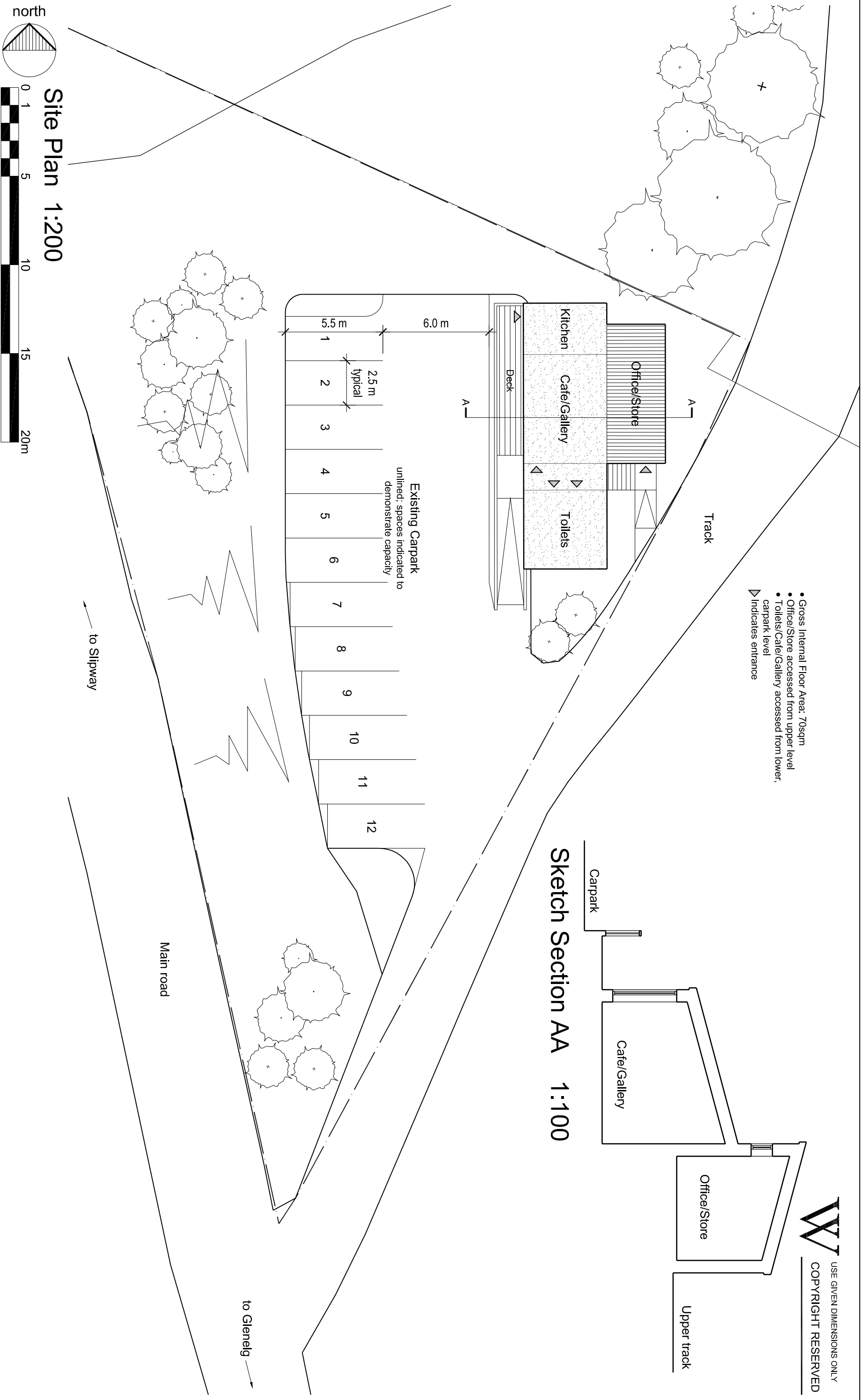
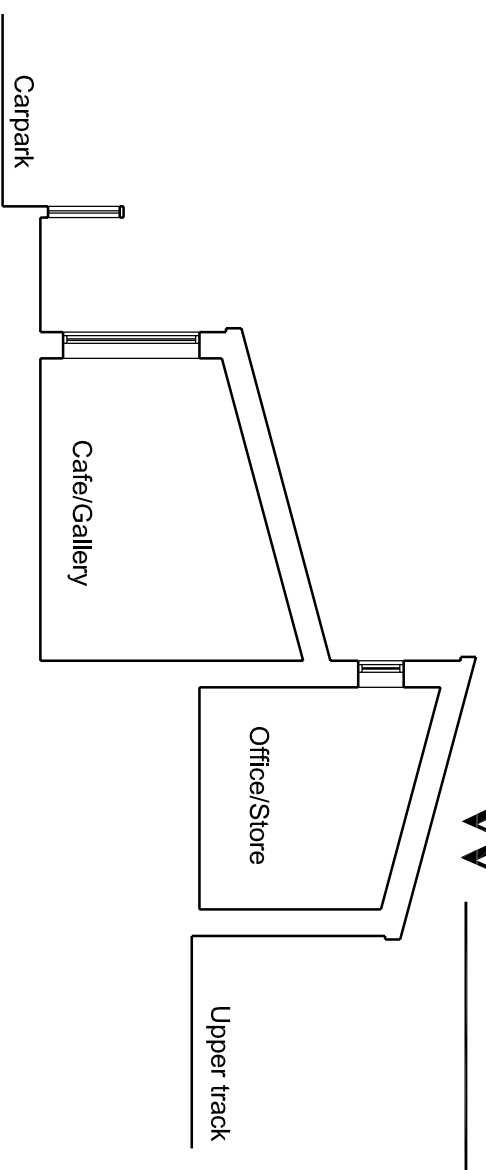
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A4

- Gross Internal Floor Area: 70sqm
- Office/Store accessed from upper level
- Toilets/Cafe/Gallery accessed from lower, carpark level
- ▷ Indicates entrance

Sketch Section AA 1:100



Site Plan 1:200

