

Agenda item	<b>6.6</b>
Report no	<b>PLN/020/19</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 5 March 2019

**Report Title:** 18/04459/FUL: The Highland Council  
Land 70M SW Of 4 Wood Park, Dunvegan Road, Portree

**Report By:** Area Planning Manager – North

### 1. Purpose/Executive Summary

**1.1 Description:** Erection of 15 residential units

**Ward:** 10 - Eilean A' Cheò

**Development category:** Local Housing Development

**Reason referred to Committee:** 5 or more letters of representation from five different addresses.

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.

### 2. Recommendation

**2.2** Members are asked to agree the recommendation to grant as set out in section 11 of the report.

### 3. PROPOSED DEVELOPMENT

3.1 This application seeks full planning permission for the erection of 15 residential units. This is a Highland Council application and all of the units will be affordable. The mix of units are as follows:

- Units 1-8 consist a pair of two storey blocks each containing four two bed flats.
- Unit 9 is a three bed semi-detached accessible house; this will be two storey with a single storey side projection.
- Unit 10 is a three bed semi-detached two storey house attached to Unit 9
- Unit 11–14 are three bed semi-detached two storey houses
- Unit 15 is a four bed detached accessible house, this will be two storey with a single storey side projection.

The external material palette will be standing seam metal on the roofs, with white rendered walls which are broken up with timber cladding or standing seam metal.

In addition, the application proposes a new access from the A87 Trunk Road which will terminate in a publically adopted hammer head. Connection will be made to the public water supply and foul drainage networks. Surface water drainage will be via SUDS scheme via a detention basin

3.2 No formal pre-application undertaken.

3.3 There is no existing vehicular access to the site. There is an existing public high pressure water main which runs along the south-eastern boundary of the site beyond which there is a single width access track which serves a number of existing residential properties, this track is owned by the Council. In addition, the public sewer runs along the sites frontage with the A87 Trunk Road.

3.4 The application was initially supported by a Design Statement and Drainage Assessment. Revised and additional statements and plans were received during the processing of the application in relation to flood risk, drainage and Peat Management. Road adoption information, swept path analysis, land level/ cross section information and a statement addressing third party comments were also submitted.

3.5 **Variations:** Amended plans and additional information was received 28.01.2019. This included an amended house type, amendments to the access road width, bin and cycle storage, peat management information, flooding and drainage information and boundary treatments.

### 4. SITE DESCRIPTION

4.1 The application site is located on the north-eastern side of the dual tracked A87 Trunk Road which runs through Portree up to Uig. It is a rectangular area of land which is located within an area of mainly residential properties, although there is a trade retail unit and a garage in the near vicinity. The site is currently rough land which sits at a lower level than that of the Trunk Road. To the west of the site on the opposite side of the A87 is a relatively dense and newly built affordable housing

scheme. To the north and east are larger detached properties. There is an extant planning permission for the erection of a house Ref 18/02838/FUL on ground to the south-east of the site between the property Creagory and the Am Fasgadh drop-in centre all of which are served by the existing access track which runs along the site's south-eastern boundary.

## 5. PLANNING HISTORY

5.1 None

## 6. PUBLIC PARTICIPATION

6.1 • Advertised : Unknown neighbour (14 days)

Representation deadline: 24.10.2018

Timeous representations: 4 letters received from 4 different households

Late representations: 2 letters received from 2 different households

- Following amendments/submission of additional information neighbours, consultees and other contributors were re-notified

Representation deadline: 14.02.2019

Timeous representations : 0

Late representations : 3 from 1 additional household.

6.2 Material considerations raised are summarised as follows:

- Loss of Amenity – loss of privacy for users of Amfasgadh, loss of privacy to existing neighbouring dwellings, development will be overbearing.
- New access detrimental to the traffic flow on the A87, upgrades required such as a roundabout, traffic calming measures and a new bus stop. Alternatively the existing access to Woodpark could be upgraded.
- Loss of pedestrian safety due to the new access onto the A87.
- The development is out of character in terms of scale and density.
- Lack of a peat management strategy.

6.3 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). Access to computers can be made available via Planning and Development Service offices.

## 7. CONSULTATIONS

7.1 **Flood Risk Management Team:** Three responses received.

Initial response 11.10.2018 raised no objection in terms of potential flooding from the Leasgeary River but required a 6m buffer no build area next to the river to avoid undermining the stability of the bank. However, they did raise an objection to the application on the grounds of the management of surface water. They requested the submission of a Drainage Impact Assessment (DIA). This was submitted 28.01.2019

Second response received 18.02.2019: maintained their objection and requested an amended DIA which demonstrated that the surface water discharge from the site will be limited to 18 l/s which is equivalent to the 1 in 200 year plus climate change pre-development storm event. It is not clear if this includes an allowance for climate change or what the corresponding discharge for lower return period storms would be.

In addition, simulation results for the 1 in 2 year, 1 in 30 year and 1 in 200 year plus climate change event for the network were requested. This needed to demonstrate that all storms will be managed within the site and that discharge will be limited to the corresponding pre-development discharge rate for each storm. In response additional information was received 20.02.2019

Final response received 21.02.2019: Confirmed that the DIA satisfactorily demonstrated that the surface water discharge from the site will be limited to the pre-development greenfield rates. On this basis they have withdrawn their objection. But have requested a condition which requires the submission of a final detailed drainage design.

**7.2 Transport Planning:** Two responses received.

Initial response received 15.10.2018, in which they supported the application in principle but required further information and amendments relating to the following:

- Drainage Impact Assessment submitted for our comment / approval
- Road and footway provision amended
- Acceptable waste management proposals provided
- Acceptable road adoption proposals provided.

Following the submission of additional information on 28.01.2019 a second response was received 04.02.2019 in which they confirmed that the additional information was acceptable with the exception of some minor details that will be resolved through the Road Construction Consent. They also recommend that when determining this application that the Proposed Site Plan submitted to support this applicant is the only roads related drawing that is approved and that the other drawings be considered as indicative only.

**7.3 Development Plans:** No objection and the proposed development is in overall conformity with the Council's development plan.

**7.4 SEPA:** No objection subject to a condition regarding the Peat Management Plan.

**7.5 Transport Scotland:** No objection

**7.6 Scottish Water:** No objection – confirmation that there is currently sufficient capacity to serve the development in terms of both water supply and foul drainage.

**8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

**8.1 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 55	Peat and Soils
Policy 56	Travel
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 74	Green Networks
Policy 75	Open Space

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

Policies 1-2 in respect of settlement development area boundaries and other land allocations

The land forms part of the wider H2 housing land allocation.

## 9. **OTHER MATERIAL CONSIDERATIONS**

### 9.1 **Draft Development Plan**

**The Proposed West Highland and Islands Local Development Plan (WestPlan)**  
– as submitted to Scottish Ministers

The Council is currently at an advanced stage of preparing WestPlan which will replace the existing local plans in that area. The Proposed Plan was agreed by Local Committees in January and February 2017 as the 'settled view' of the Council. At this point it became a material consideration in the determination of planning applications. The Council has since submitted the Proposed Plan and the Council's responses to all outstanding objections made on the Plan to the Scottish Government for Examination. Their target date for the completion of the Examination is 6th April 2019.

The site was not carried forward as an allocation for development in WestPlan mainly due to uncertainty over its availability for development and it having multiple landowners. The exclusion of this site from WestPlan was not objected to during the Proposed Plan consultation which means that its planning status will remain unchanged following the completion of the Examination. Nevertheless, the site is shown as 'grey land' within the Portree Settlement Development Area (SDA). The HwLDP Policy 34 'Settlement Development Areas' sets out support for development within SDAs if they meet the requirements of other general planning policies.

## 9.2 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2013)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

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

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Roads and Transport Guidelines for New Developments (May 2013)

Sustainable Design Guide (Jan 2013)

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

SPP published June 2014

- Policy Principles: paragraphs 28-29
- Development Planning paragraph 30
- Placemaking – paragraphs 38-46
- Development Planning paragraphs 48, 52 and 55
- Enabling delivery of new homes paragraphs 110 -122.
- Affordable housing paragraphs 126-131.
- Managing Flood Risk and Drainage paragraph 258

## 10. **PLANNING APPRAISAL**

10.1 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.

10.2 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.

### 10.3 **Development Plan Policy Assessment**

The application site is located within the Settlement Development Area (SDA) for Portree and therefore, Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas, if they are compatible with the existing pattern of development, landscape character, surrounding land uses, and meet the Design for Sustainability requirements of Policy 28. The proposed site forms part of a larger housing allocation (site reference H2) at Wood park.

Policy 28 of the Highland Wide Local Development Plan 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 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local

settlement pattern.

Policy 31 states that developer contributions may be sought when a development would result in a deficiency in public services. Policy 32 requires the provision of affordable housing at a minimum rate of 25% of the site's total/allocated capacity.

Policy 56 – Travel: requires sufficient information to be provided to allow the assessment of transport implications of the development and for proposals to be served by sustainable modes of transport.

Policy 55 requires the avoidance or effective management of peat and soils. Policy 64 requires a flood risk assessment for sites identified to be at risk of flooding. Part of the application site is identified to be at risk from fluvial flooding. Policies 65 and 66 require surface water and foul water drainage systems to meet standards that minimise the risk of pollution.

Policies 74 and 75 seek additional provision or enhancement of green spaces.

#### 10.4 **Material Considerations**

**Siting, Design and Visual Impact:** The site is located adjacent to the A87 Trunk road which is the main arterial road which runs through Portree; consequentially this development will be visible from public vantage points. It is located within an existing residential area which has a mixture of development densities and in terms of scale these are a mixture of single, 1½ and two storey units.

The site is long and narrow and the potential development envelope is constrained by the existing water main and sewer which run along the front and south-eastern side of the site. The land level will require to be built up to create a compliant internal road and access from the A87. Given the site's constraints the only viable option for the number of units was for a cul-de-sac approach with units on either side of the proposed adopted hammer head road. The units are considered to be adequately spaced and provide an acceptable level of garden/landscaped area. The scale, massing and design of the units are considered acceptable when viewed within the wider context and are commensurate with the development to the west of the site. The proposed palette of external materials will break up the visual appearance of the buildings and provide interest. The siting, design and visual appearance of the development is considered acceptable.

**Residential Amenity:** A number of contributors have raised concerns about the impact of the development upon the amenity of the existing properties adjacent to the site. These concerns are acknowledged and understood. Following receipt of the initial plans the Planning Service sought improvements to the layout of the site particularly in relation to the relationship between the existing house of No.4 to the rear of the site and the proposed units on plots 9 and 10. Although these proposed houses are set at a 90 degree angle from the neighbour and therefore there is unlikely to be any direct overlooking of habitable windows, the Planning Service was initially concerned about overlooking of the amenity space to the front of this property. It was recommended that this part of the scheme was re-designed with the likely conclusion that a reduction in the number of units would be required in order to achieve a satisfactory layout. In addition, the route of the proposed access road raised concerns about headlights shining into the front rooms of this property.

In response, the applicant stated that a reduction in the number of units would render the project financially unviable and would mean the loss of 15 much need affordable units. Instead, an amended house type was received which reduced the height of the closest element to no.4 down to a single storey. A 1.8m high boundary timber fence is also proposed along the boundary between no.4 and the units 9 and 10 to provide an element of screening. It is considered that these amendments have mitigated the impact on no.4 to a sufficient degree. Although subsequent comments received indicate that the occupier of no.4 doesn't feel these changes sufficiently address his concerns, it is noted that the fence will screen views from all the living rooms of the new properties which are situated on the ground floor, with only bedroom windows at first floor level affording views of the private land. It is also noted that no.4 has potential private amenity garden land to the side and rear of the property which will not be affected by the development.

The other existing property which will be affected by the proposal is 'Creagory'. This property is located adjacent to the minor track which runs along the south-eastern boundary of the site. This is a single storey property, with its principle elevation fronting onto the A87 Trunk road. However, there are two windows on the side elevation of this property which face the development. The separation distance between the existing house and the rear elevation of plot 15 is approx.17m with the existing access track running in between. To improve this relationship and any overlooking between directly opposing habitable ground floor windows it is recommended that a planning condition is attached which secures boundary improvements for the rear boundary of the plots which bound the south eastern boundary of the site. In terms of the first floor windows of plot 15 the angle of vision between the upper floor windows within the proposed house and the windows of Creagory which are at ground floor level only is such that there will be no direct overlooking.

Subject to a condition controlling boundary treatments it is considered on balance that the scheme is acceptable.

The other surrounding properties to the north and south-east and the consented house plot (18/02838/FUL) are not considered to be substantially affected by the proposal due to the set back distance of window to windows, the general separation distance between buildings and intervening vegetation.

These properties include the Amfasgadh drop-in centre for Skye & Lochalsh Mental Health Association. Comments received had indicated a concern that loss of privacy and seclusion might make users more reluctant to attend the facility. Although it is recognised that the access track to this property will be overlooked by the rear elevations of some of the proposed properties (Units 12-15), access to Amfasgadh site is by a separate route and the property is set well back from the development boundary and is heavily screened by mature vegetation and trees. Loss of privacy is therefore considered minimal.

**Access and Parking:** The application proposes a new access junction with the A87 Dunvegan Road; the rationale has been questioned by contributors. During informal discussions Transport Scotland advised that the upgrading of the existing



access to Woodpark was not their preferred option as it was directly opposite the existing Struan Road junction. As such a new access which is staggered from the existing junction was considered to most appropriate solution.

In addition, a number of contributors have raised concerns about the safety and capacity of the wider road network to accommodate the additional traffic generated by the development and safety in terms of its close proximity with the B885 Struan Road junction and pedestrians crossing from the development opposite the access point. In response to consultations on the application both Transport Scotland and the Council's Transport Planning Team offered no objections to the development on the grounds of increase volume of traffic and no additional wider road network improvements have been sought from either consultee.

The internal road and new junction onto the A87 will require Transport Scotland's approval under the Transport Scotland Roads Directorate and the Council's approval under the Road Construction Consent under the Road Scotland Act. This process will deal with the technical construction aspects of the road layout and geometry. However, the implementation of the access works will be controlled by a planning condition.

Within the development the parking and cycle storage provision will be provided in accordance with the Councils current standards. The implementation of these matters will be secured by a planning condition.

**Developer Contributions:** Policy 31 states that developer contributions may be sought when a development would result in a deficiency in public services. At the time the planning application was submitted and throughout the assessment period, the Developer Contributions Supplementary guidance adopted on 2nd November 2018 was in draft form. Determination of the application has been delayed due to the request for amended plans and additional information. All matters regarding developer contributions were established at an early stage in the assessment period of the application. It is considered, therefore, that any contributions should be based on the pre 2nd November 2018 rates.

The Development Plans Team have confirmed that a contribution towards the enhancement or creation of new community facilities at the Fingal Centre in Portree is required. The contribution is calculated at a rate of 0.69sqm of community facility space per dwelling using the build cost specified in the supplementary guidance. A total contribution of £15,285 is therefore required in connection with the development. It is anticipated that the developer will pay the contribution up front prior to the release of the planning permission.

<b>Summary of Developer Contributions – DCSG (2013)</b>			
<b>Infrastructure / Service Type</b>	<b>Answer</b>	<b>Contribution Rate (per House<sup>1</sup>)</b>	<b>Contribution Rate (per Flat<sup>2</sup>)</b>
Schools - Primary - Build Costs	N/A	TBC	TBC
Schools - Primary - Land Costs	N/A	-	-
Schools - Secondary - Build Costs	N/A	-	-
Schools - Secondary - Land Costs	N/A	-	-
<b>Schools Sub-Total</b>	1 x 5 Bed House 6 x 3 Bed Houses 8 x 2 Bed Flats	<b>N/A</b>	<b>N/A</b>
Cumulative Transport Contributions	N/A	-	-
Community Facilities	Contributions towards	£1,019	
	provision of fitness suite at Fingal Centre, Portree		
Affordable Housing	25% - On-site Provision	-	
Standard Transport Requirements	Seek Advice From Transport Planning	TBC by Transport Planning	
Green Infrastructure	In line with the Open Space in Residential Development SG - Open space provision at up to 40sqm per person is required	1,398m2 of open space required	
Water and Waste	Seek Advice From Flood Risk Management Team, SEPA and Scottish Water	TBC	
Public Art	N/A	-	
<b>Sub-Total Average Per 'Home'</b>		£1,019	
<b>Development Total</b>		£15,285	

*All costs are subject to indexation and reflect Q2 2018*

**Affordable Housing:** Policy 32 requires the provision of affordable housing at a minimum rate of 25% of the site's total/allocated capacity. This is a Highland Council owned site and the development of which will produce 15 units which are all affordable.

**Green Network and Open Space:** Residential developments of this scale normally require a contribution towards the provision of new/improved open space. In this case it would equate to 1,386sqm. However, in this instance given the density of development there is little opportunity to provide this onsite. The location of the site gives reasonable access to the open space at the primary school, the shinty pitch and the King George V recreational grounds. It is also considered that the developer contribution sought in relation to community facilities outlined above and that this site is delivering much needed affordable housing is sufficient to allow a relaxation in on-site provision. However, this exception should not be considered as establishing a precedent.

**Peat Management:** The site is underlain with significant volumes of peat and policy 55 requires developments to avoid disturbing peat or provide an effective management of the soils. Following a request by the Planning Authority the applicants have submitted a Peat Management Plan. Geotechnical information concludes that the peat deposits are not suitable bearing strata and as such excavation is required to provide a suitable foundation. The assessment anticipate that approximately 6907.5m<sup>3</sup> of peat will need to be excavated, however, this volume could be reduced by approx. 2436m<sup>3</sup> by using floating roads. The report considers that there is limited scope for reuse within the site for landscaping, but it is anticipated that the majority of the excavate peat will either be recycled off site or disposing of as waste.

SEPA have assessed the information and offer no objection subject to the recommendations of the peat management plan being secured by a planning condition. In particular the condition should ensure that only floating roads and hardstanding areas are used and that additional information is submitted in map form which details the locations and dimensions of peat re-use on site and peatland restoration off site. SEPA also note that there are a number of areas west of Portree that may be suitable for peatland restoration

**Flood Risk and Drainage:** The site lies adjacent to the predicted 1 in 200 year fluvial flood extents of the River Leasgeary on SEPA's online Flood Map. However, given the land level difference which is over 8m between the watercourse and nearest property, the Councils Flood Risk Management Team consider the site would be at a low risk of flooding from this source and offer no objection on this basis. However, they have recommended that a 6m buffer strip from the top of bank of the River Leasgeary should be maintained free from development in order to uphold bank stability and allow future maintenance – this will be controlled by a planning condition.

Part of the site is also located in an area of predicted pluvial flooding. The proposed Sustainable Drainage System (SuDS) will be via the form of free draining porous block paving for all private road and driveway areas. All adopted car parking and roofwater will drain to a SUDS Detention Basin, which is a landscaped depression that is normally dry except during rainfall events. The Detention Basin provides storage and treatment to the surface water before an eventual discharge via a limited outflow to the nearby River Leasgeary. The Flood Risk Management Team originally objected to the scheme on the basis of a lack of information regarding the management of the surface water drainage. Following the submission of a revised Drainage Impact Assessment they have removed their objection subject to a planning condition controlling the final design of the drainage system.

**Water Supply and Foul Drainage:** Connection will be made to the public water and foul drainage networks. The plans also detail a no build buffer zone at the front and side of the site to ensure that Scottish Water's existing sewer and water main infrastructure is not undermined by this development. Scottish Water have offered no objection to the application and have confirmed that there is currently sufficient capacity to accommodate the development. However, they have stated that the developers will need to submit a pre-development enquiry form; a footnote will be attached to the decision notice.

## 10.5 Other Considerations – not material

- The application proposes to alter the route of the existing access track to no.4. The owner of this property has commented that this will involve the loss of a prescriptive access right and its route to no.4 Woodpark. In addition, this contributor has stated that compensation is required as the development use applied for is different to that envisaged when his family sold the Council the land. Matters regarding legal access rights and compensation are not material planning considerations as they fall within civil law. However, it must be noted that planning permission does not and cannot override any existing legal rights.
- The proposed SUDS basin is located within 5m of the boundary of no.4; the owner has stated that this cannot occur without his expressed permission. The applicant has responded by stating that there is no minimum requirement. The 5m distance is when the SUDS device is an infiltration system such as a soakaway, which the basin is not. These matters will be controlled by the Building Standards Regulations.
- The owner of no.4 has stated that he is willing to offer the ownership of ground elsewhere for the SUDS system to be located. The planning application is not the platform upon which to make legal ownership change. This would need to be done through direct contact with the applicant. If following any separate negotiations a land transfer occurred which altered the position of the SUDS then it is likely that a new planning application would be required.
- With regards to a loss of amenity, a number of the contributors referenced another planning application in the south of the island which, amongst other reasons, was refused on grounds of overlooking (18/01441/FUL Demolition of garage & erection of ancillary accommodation Hillside South Obbe Kyleakin). This is not considered to be directly comparable as in this case it was the entire garden area of the property which was overlooked. In addition, each application must be assessed on its own respective merits.

## 10.6 Matters to be secured by Section 75 Agreement

None

## 11. CONCLUSION

- 11.1 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.

## 12. IMPLICATIONS

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

### 13. 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 / notes to applicant:

1. All housing within this development site shall comprise affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing definition as set out in Supplementary Planning Guidance: Developer Contributions dated 2018 (as amended, revoked or replaced; with or without modification).

**Reason:** In accordance with the development for which planning permission has been submitted and to secure the provision of affordable housing in accordance with the Council's Supplementary Planning Guidance: Developer Contributions Supplementary Guidance November 2018 (as amended, revoked or replaced; with or without modification).

2. No other development shall commence until the site access has been constructed in accordance with the approved drawing S3\_00\_101 Rev L received 28.01.2019. The junction shall be constructed to provide visibility splays of 2.4 x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction. Thereafter the visibility splays shall be maintained in perpetuity.

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

3. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

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

4. All roads and pavements within the application site shall be formed to base course level prior to the first occupation of any of the residential units hereby approved. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last flat within the development, or upon the expiry of a period of three years from the date of first occupation, whichever is the sooner.

**Reason :** In the interests of road safety, and that the works involved comply with applicable standards

5. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. S3\_00\_101 Rev L received 28.01.2019 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

6. No development shall commence until full details of the bin storage have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the bin storage shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

**Reason:** In the interests of amenity.

7. No development shall commence on site until details of the proposed location of the site compound, storage of equipment and associated facilities including staff parking have been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of neighbouring residential amenity and to ensure that the public road is not occupied.

8. No development shall commence until full details of the boundary treatment/screening to be installed along the boundary with the properties referred to as 'No.4 Woodpark' and 'Creagory' have been submitted to an approved in writing with the Planning Authority. Thereafter the approved details shall be installed prior to the first occupation of the development and thereafter maintained in perpetuity.

**Reason:** In the interests of mitigating the impact of the development on neighbouring properties.

9. No development shall commence until a revised Peat Management Plan, developed in consultation with SEPA has been submitted to, and approved in writing by the Planning Authority. This Management Plan shall include the recommendations and mitigation measures outlined in the Peat Management Plan (Nevis Environmental: received 28.01.2019. In addition, the revised plan shall map the locations, dimensions and methodology for the re-use of peat on site the application and detailed information about the peatland restoration off site. The development shall not be carried out other than in accordance with the approved Management Plan.

**Reason:** To ensure that a plan is in place to deal with the storage, reuse and management of peat.

10. 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 the interests of amenity.

11. No development shall commence until the final detailed drainage design has been submitted to and approved in writing by the Planning Authority. This information shall include simulation results for the 1 in 2 year, 1 in 30 year and 1 in 200 year plus climate change event for the full network. The information will also need to demonstrate that all storms can be managed within the site and that the discharge will be limited to the corresponding pre-development discharge rate for each storm. The development shall not be carried out other than in accordance with the approved details.

**Reason:** In order to ensure that there is no increase in flood risk to adjacent/downstream properties storms up to and including 1 in 200 year plus climate change event should be managed within the site without flooding to buildings.

12. No development, site excavation or groundwork shall commence until a Construction Phase Traffic Management Plan has been submitted to and agreed in writing by the Planning Authority. Thereafter the traffic management shall be undertaken in accordance with the approved details. Details within the plan shall address the following matters:

- Number and frequency of heavy goods vehicles movements; including those required for any earthworks/peat removal;
- Measures to control the movement of heavy goods vehicles to avoid all nearby school opening and finishing times; and

- Measures to control dust on the public road including an agreed dry threshold when spraying will be considered.

**Reason:** To ensure good traffic management in the interests of public safety and with sensitivity to the established amenity of the area.

13. A 6m buffer strip from the top of bank of the River Leasgeary must be maintained free from development in order to uphold bank stability, allow future maintenance.

**Reason:** In the interests of land stability and flood prevention.

### **REASON FOR DECISION**

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

### **TIME LIMITS**

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

### **FOOTNOTE TO APPLICANT**

#### **Initiation and Completion Notices**

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

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

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

#### **Accordance with Approved Plans 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.

### **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.

Please note that for developments of 10 or more domestic dwellings (or non-domestic equivalent) Scottish Water require a Pre-Development Enquiry (PDE) Form to be submitted directly to them prior to any formal Technical Application being submitted. This will allow them to fully appraise the proposals.

### **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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2)

## **Mud and 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.

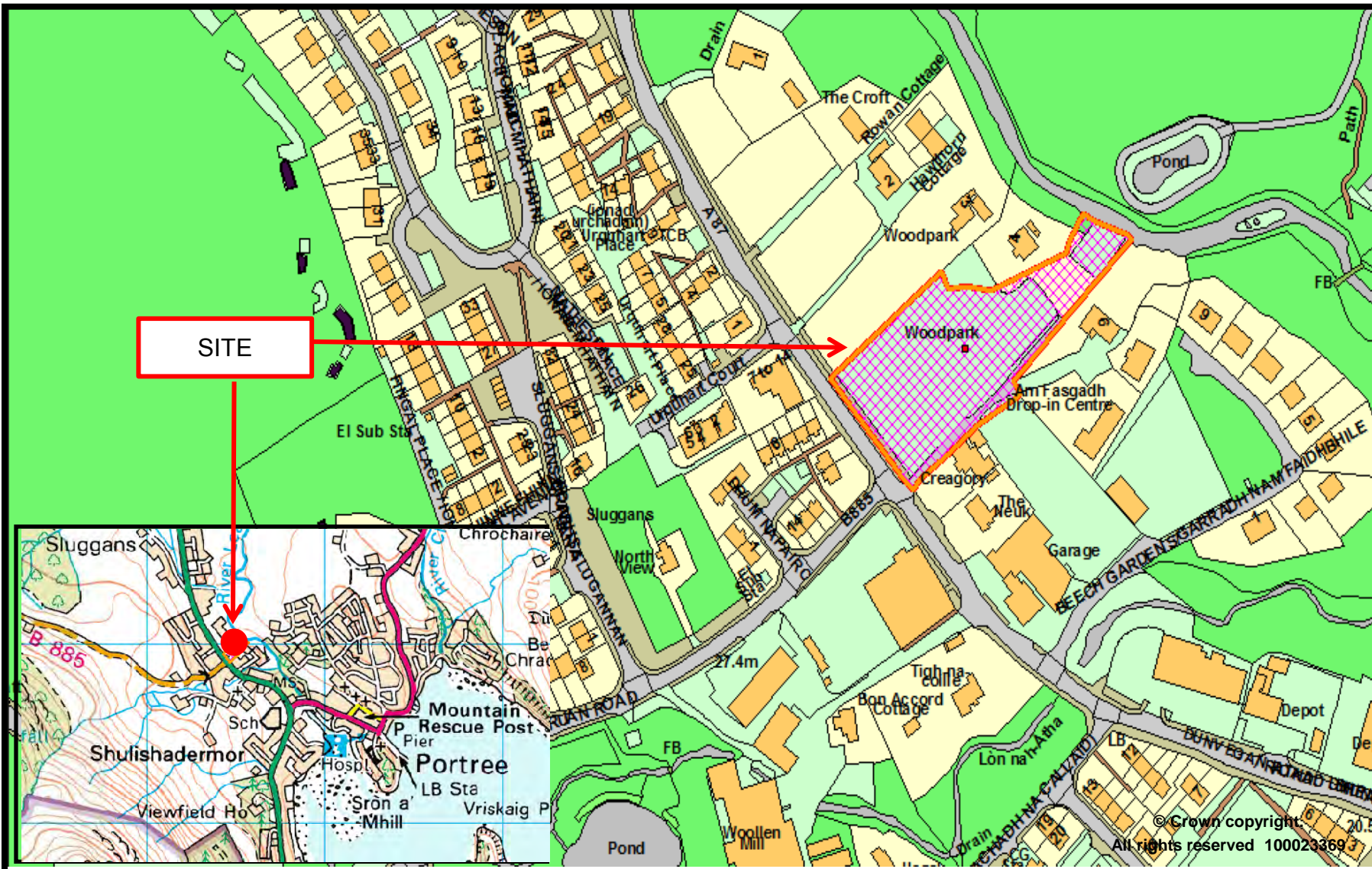
Designation: Area Planning Manager - North

Author: Alison Harvey

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

Relevant Plans:

- Plan 1 – LOCATION PLAN - 00-001 received 21.09.2018
- Plan 2 – SITE LAYOUT PLAN - S3-00-101 REV L received 28.01.2019
- Plan 3 – FLOOR/ELEVATION PLAN - B1-00-100 REV B received 28.01.2019
- Plan 4 – FLOOR/ELEVATION PLAN- B2-00-100 REV E received 28.01.2019
- Plan 5 – FLOOR/ELEVATION PLAN- B3-00-100 REV B received 28.01.2019
- Plan 6 – FLOOR/ELEVATION PLAN - B4-00-100 - REV C received 20.02.2019
- Plan 7 – SITE LEVELS PLAN 907 REV 2 received 28.01.2019
- Plan 8 – SITE SECTIONS PLAN 908 REV 2 received 28.01.2019
- Plan 9 – SITE SECTIONS PLAN 909 REV 2 received 28.01.2019
- Plan 10 - DRAINAGE LAYOUT PLAN 920 REV 3 received 20.02.2019
- Plan 11 - SUDS DETAILS 923 REV1 received 20.02.2019



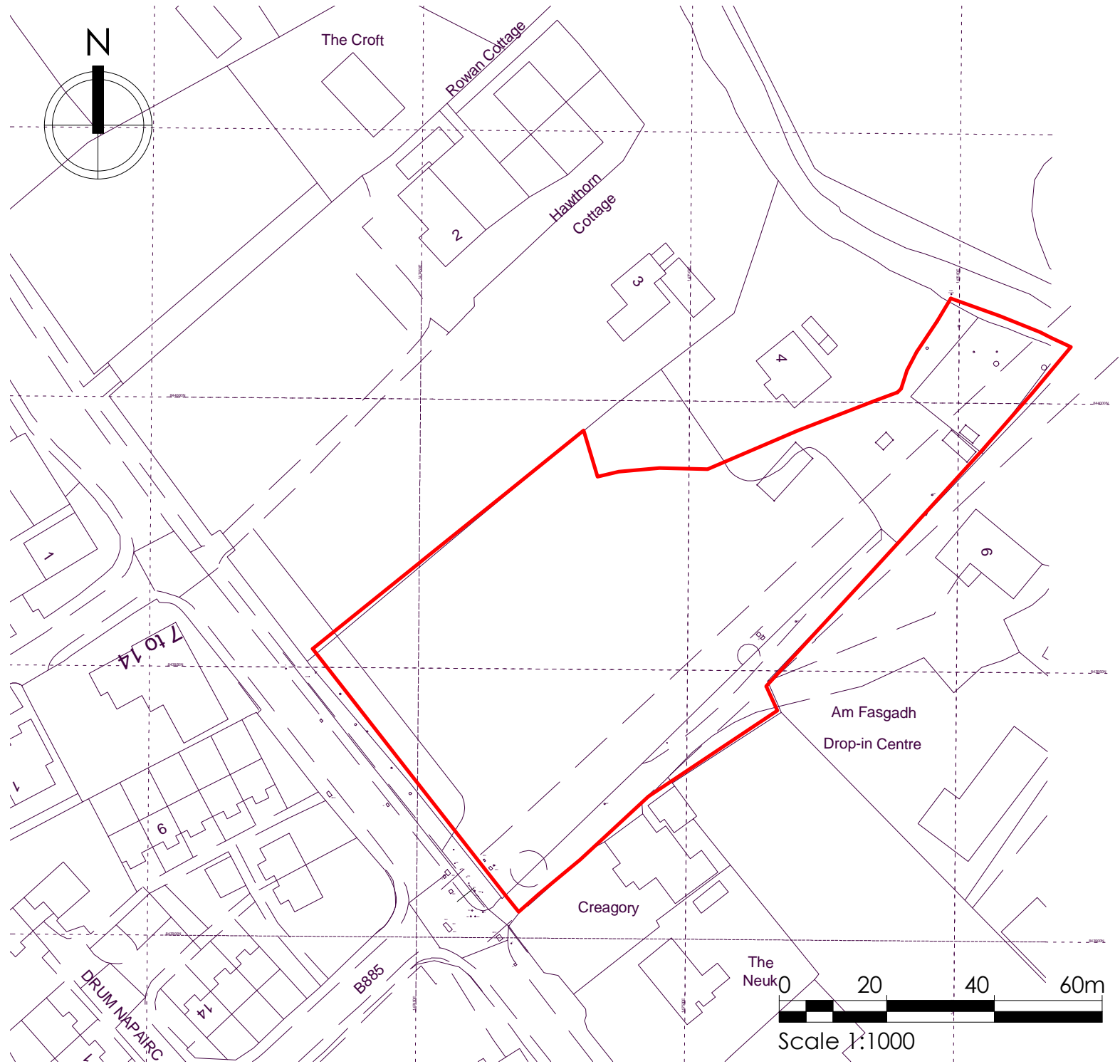
Planning and Development Service

**Location Plan**  
**18/04459/FUL**  
**Formation of housing development (15 units)**  
**March 2019**



Scale:

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**COLIN ARMSTRONG**  
ARCHITECTS



Client		
The Highland Council		
Project		
Woodpark, Portree		
Project number	1708	
Drwg No.	00-001	
Location Plan		
Project status	<b>Planning</b>	
Date created	20.09.18	
Drawn by	AL	
Rev.	Scale	Sheet
AL	1 : 1000	A4

Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the associated "Industry Guidance for Designers"

- Housing Mix**
- 5@ 3 bed 5
  - 1@ 3 bed 5 accessible
  - 1@ 4 bed 8 accessible
  - 8@ 2 bed 4
- 15no. units total

- Waste Storage/Collection Strategy:**
- Plots 1-4 - Fenced storage and collection point for 8no. 350l wheeled bins behind parking spaces 1&2.
  - Plots 5-8 - Fenced storage and collection point for 8 no. 350l wheeled bins to rear of parking spaces 3-8.
  - Plots 9-12 - In-curtilage bin storage and kerbside collection point adjacent to parking space 9 and adjacent to plot 12.
  - Plots 13-15 - In-curtilage bin storage and kerbside collection point at property driveway entrance

Rev	Description	Date
L	Planning - bins and junction amended	10.01.19
K	warrant response, disabled parking space	05.12.18
J	engineer coordination, driveway, retaining	28.11.18
I	units 9-12 reversed, waste strategy	21.11.18
H	roads response, parking/bins amended	31.10.18
G	detached driveway moved, draft warrant issue	10.10.18
F	layout amended to suit SW standoff	19.09.18
E	parking amended, paths shown	07.09.18
D	new mix, revised layout	03.09.18

  
**COLIN ARMSTRONG ARCHITECTS**

Lyle House, Fairways Business Park,  
Inverness IV2 6AA

T : 01463 712 288  
W : www.colinarmstrong.com



Client  
**The Highland Council**

Project  
**Woodpark, Portree  
Woodpark  
Portree**

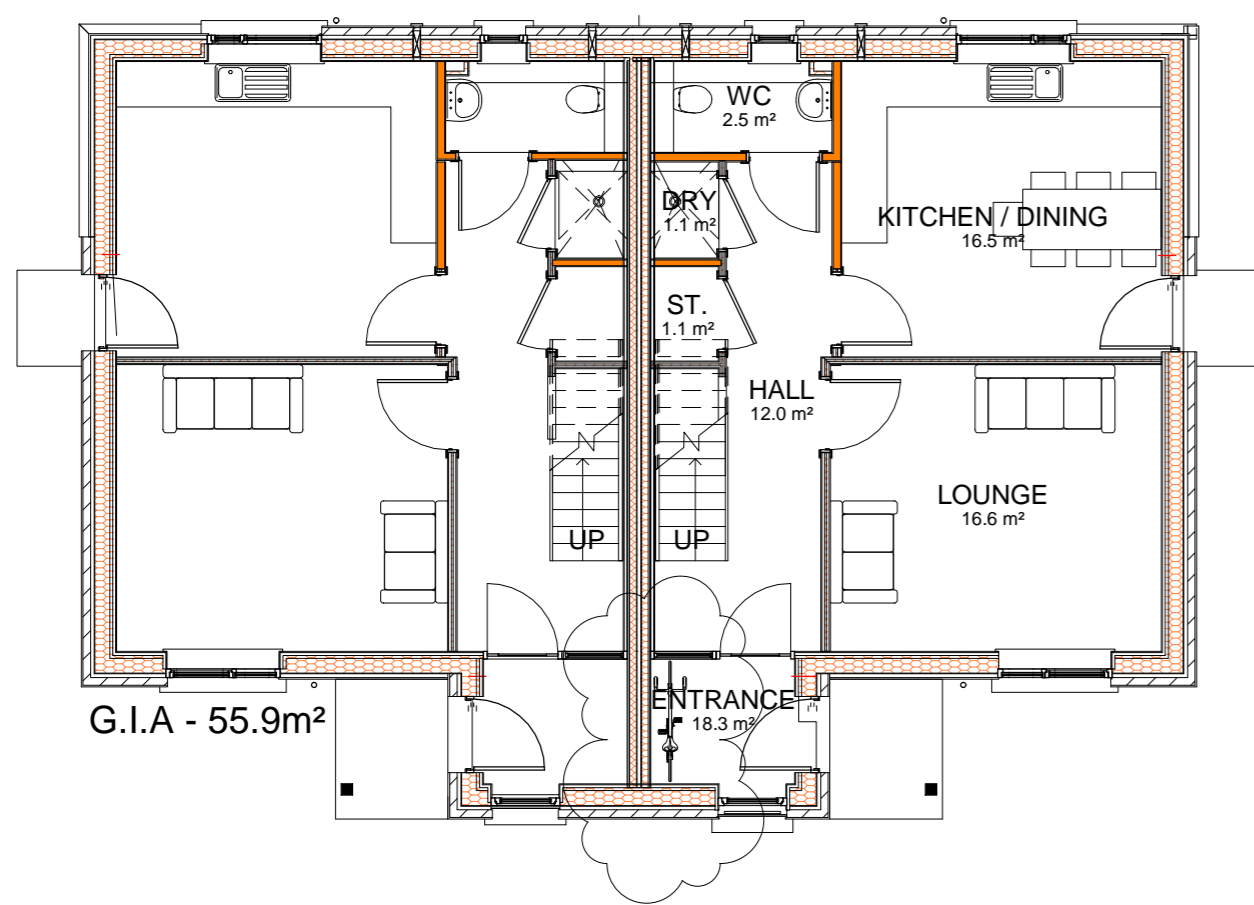
Project No.	1708
Drawing No.	S3_00_101
Revision	L

Proposed Site Layout

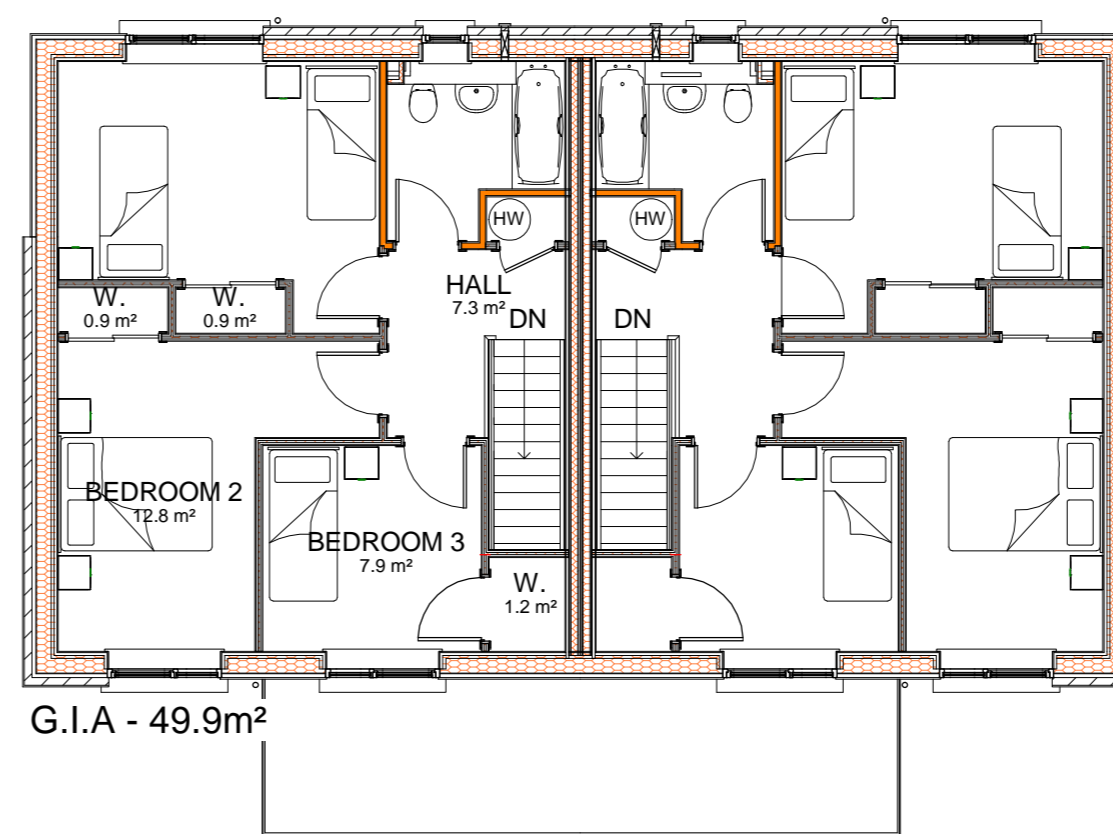
Status	Planning
Date Created	16.11.17
Scale	1 : 500
Drawn by	AL
Sheet	@ A3



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Printed on : 10/01/2019 15:25:00



**Ground Floor Plan**  
Scale - 1 : 100  
0 2 4 6m  
Scale 1:100



**First Floor Plan**  
Scale - 1 : 100



**Front (Entrance) Elevation**  
Scale - 1 : 100



**LH Side Elevation**  
Scale - 1 : 100



**Rear Elevation**  
Scale - 1 : 100



**RH Side Elevation**  
Scale - 1 : 100

Rev	Description	Date
B	Cycle space shown	10.01.19
A	Layout altered	25.04.17

**COLIN ARMSTRONG**  
ARCHITECTS

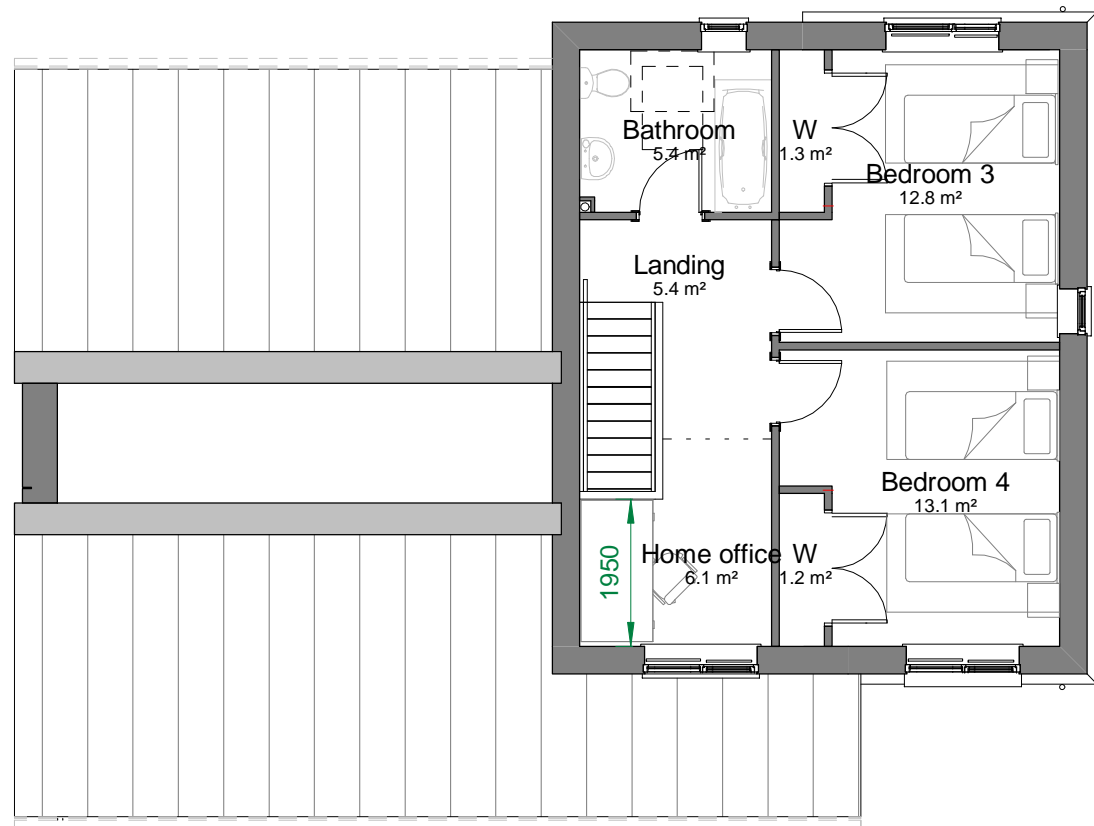
Lyle House, Fairways Business Park,  
Inverness IV2 6AA  
T : 01463 712 288  
W : www.colinarmstrong.com



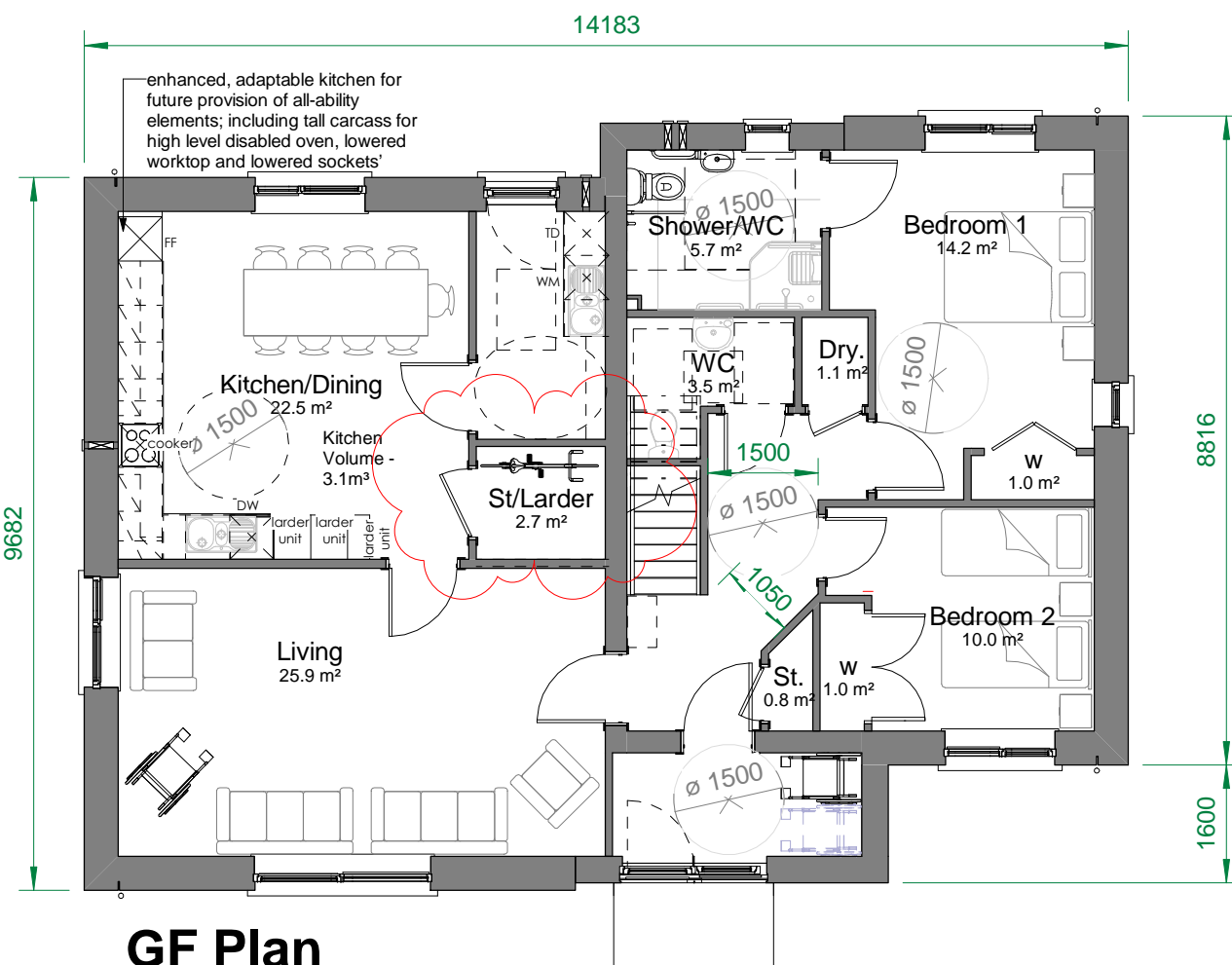
Client:	Highland Council
Project:	Housing Development at Woodpark, PORTREE
Project No.:	1708
Drawing No.:	B1_00_100
Revision:	B
General Arrangement:	3B5P Semi-detached
Status:	Planning
Date Created:	Jan '17
Drawn by:	RG
Scale:	As indicated
Sheet:	A1

Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'.



**FF Plan**  
Scale - 1 : 100



**GF Plan**  
Scale - 1 : 100



**East**  
Scale - 1 : 200



**South**  
Scale - 1 : 200



**West**  
Scale - 1 : 200



**North**  
Scale - 1 : 200



Rev	Description	Date
E	Bike space shown	10/01/19
D	Layout and elevation amendments	03/12/18
C	Kitchen oriented to site	07/09/18
B	Client changes	04/01/18
A	Client changes	23/11/17

**COLIN ARMSTRONG ARCHITECTS**

Lyle House, Fairways Business Park, Inverness IV2 6AA

T : 01463 712 288  
W : www.colinarmstrong.com

Client: Highland council

Project: Housing Development Woodpark Portree

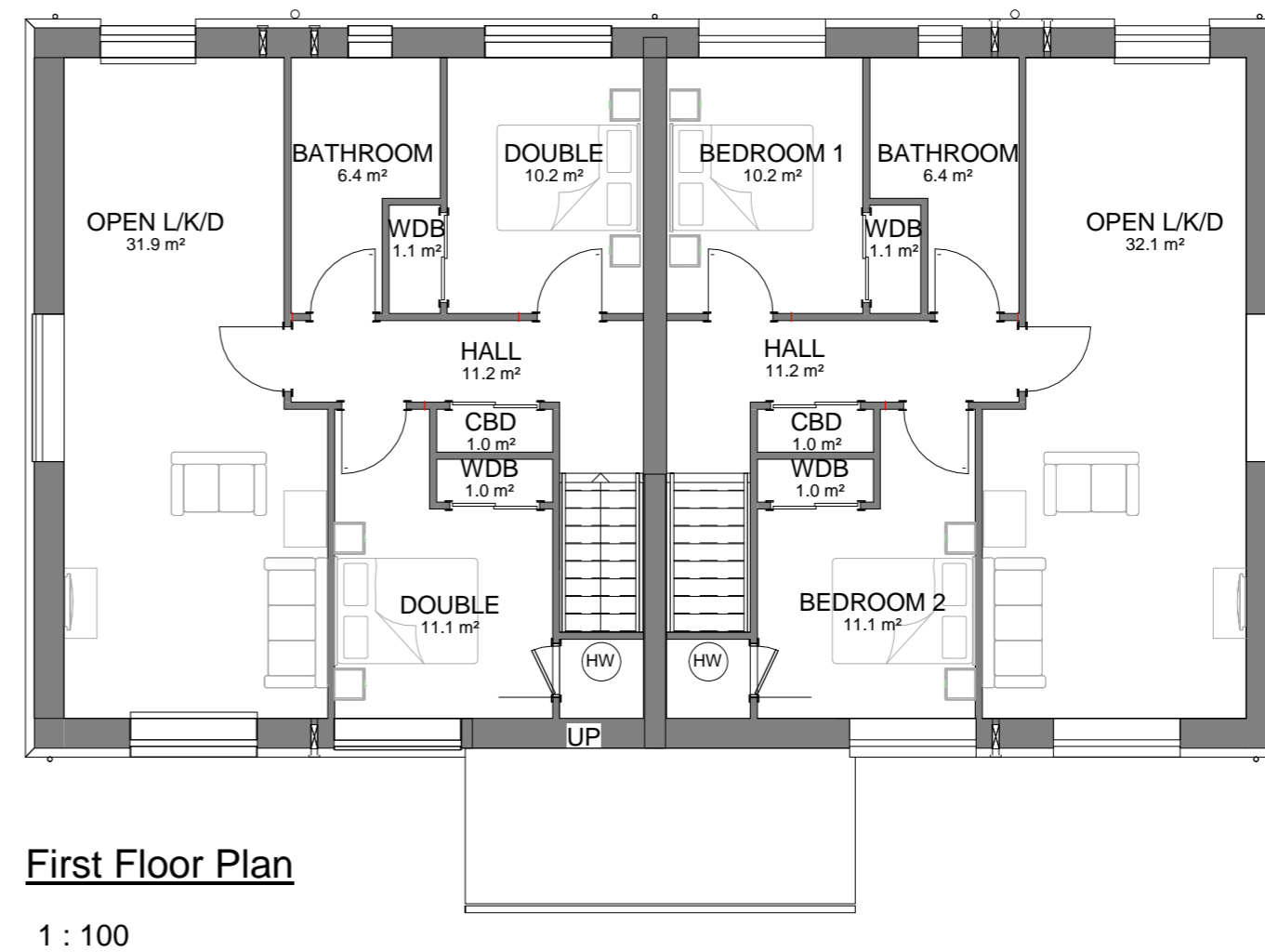
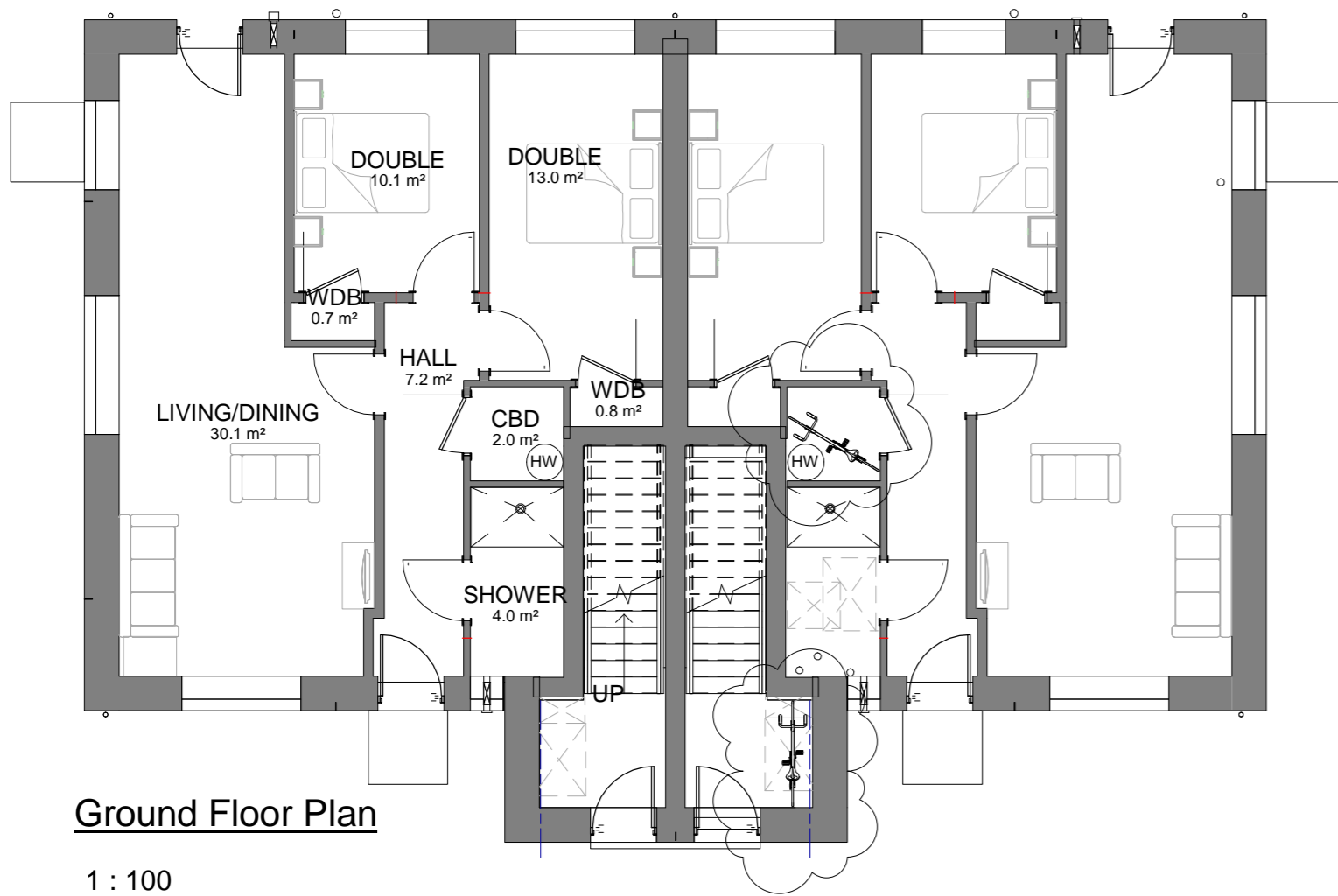
Project No.	1708
Drawing No.	B2_00_100
Revision	E
General Arrangement 4B8P Detached House	

Status	Planning	Drawn by	AL
Date Created	Nov '17	Sheet	A3
Scale	As indicated		

From file: X:\Documents\1708 Woodpark, Portree\02\_WORK IN PROGRESS\2.1 BIM Models\WARRANT\CAA\_1708\_B2\_R12\_4B8P Detached House\WARRANT\16-12-24



entrance view



Elevation 2 - a

1 : 100



Elevation 3 - a

1 : 100



Rev	Description	Date
B	Bicycle space shown	10.01.19
A	Materials change	17.09.18



**COLIN ARMSTRONG**  
ARCHITECTS

Lyle House, Fairways Business Park,  
Inverness IV2 6AA

T : 01463 712 288  
W : www.colinarmstrong.com



Client  
**Highland Council**

Project  
Housing Development  
Woodpark  
Portree

Project No. 1708

Drawing No. 83\_00\_100

Revision B

House Type 3  
(2B 4P Flats)

Status  
**Planning**

Date Created 07.09.18 Drawn by AL

Scale 1 : 100 Sheet @ A1



Elevation 4 - a

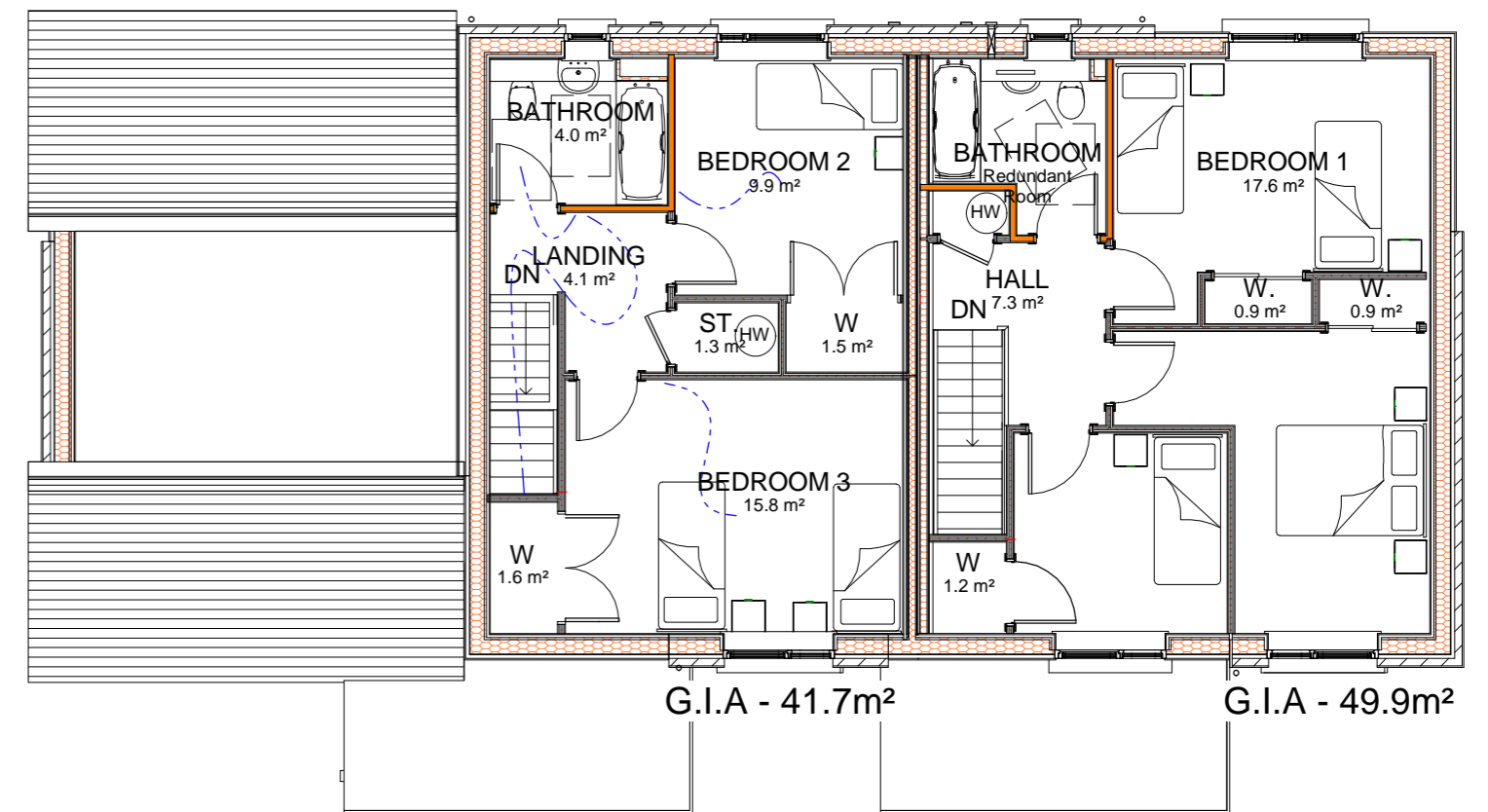
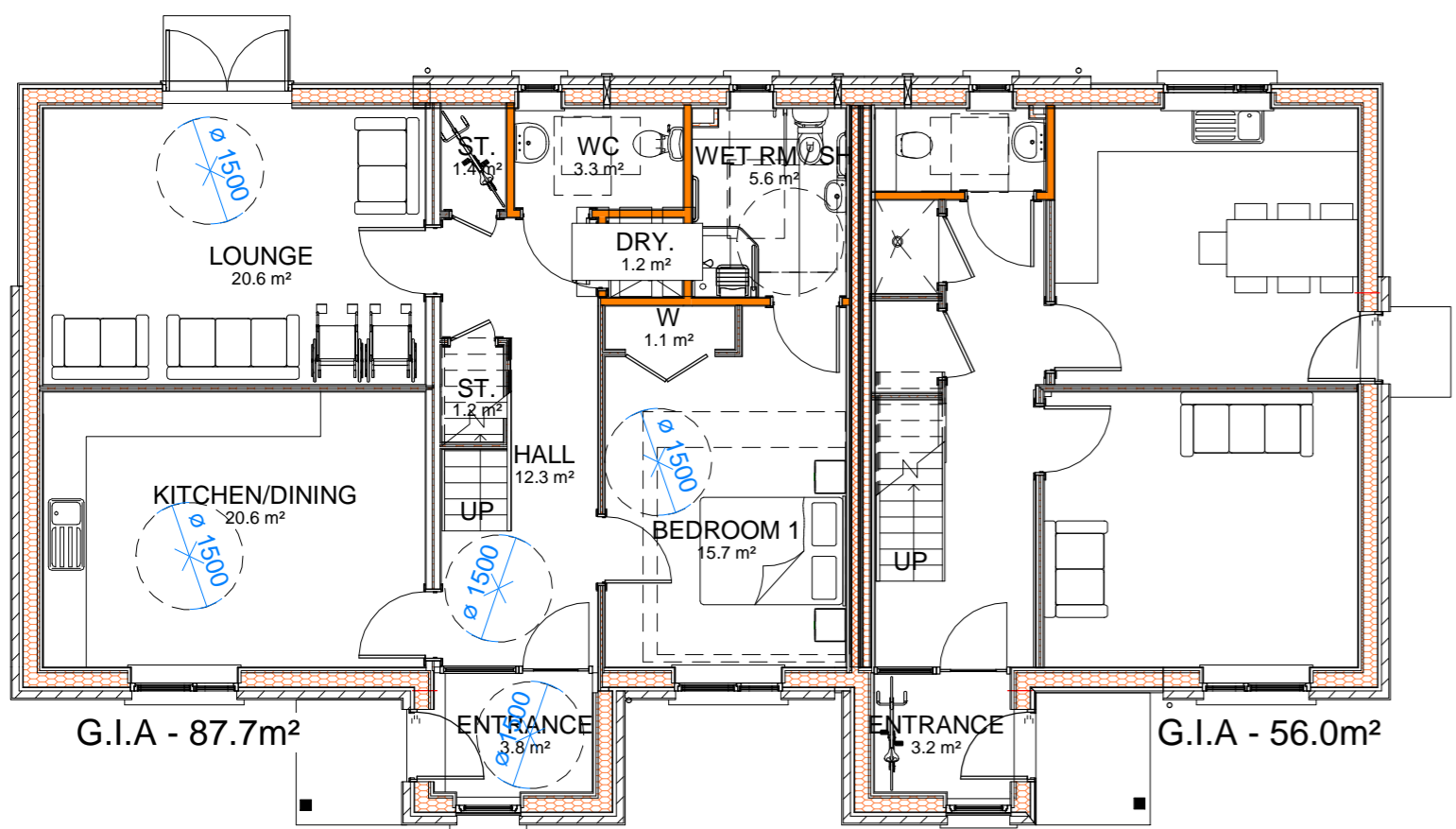
1 : 100



Elevation 1 - a

1 : 100





**Ground Floor Plan**  
Scale - 1 : 100

**First Floor Plan**  
Scale - 1 : 100



**Front (Entrance) Elevation**  
Scale - 1 : 100



**LH Side Elevation**  
Scale - 1 : 100



**Rear Elevation**  
Scale - 1 : 100



**RH Side Elevation**  
Scale - 1 : 100

Rev	Description	Date
C	Layout handed to suit Planning changes	20.02.19
B	Planning Issue	20.02.18
A	Client Changes	04.01.18

**COLIN ARMSTRONG**  
ARCHITECTS

Lyle House, Fairways Business Park,  
Inverness IV2 6AA  
T : 01463 712 288  
W : www.colinarmstrong.com

Client:  
**Highland Council**

Project:  
**Housing Development at,  
WOODPARK,  
PORTREE**

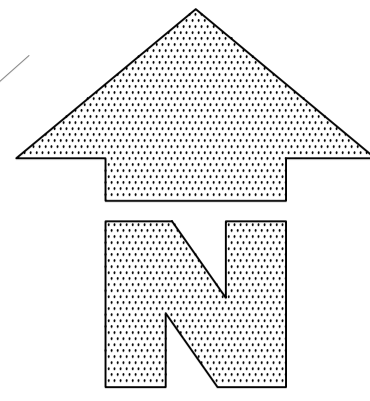
Project No. **1708**  
Drawing No. **B4\_00\_100**  
Revision **C**

General Arrangement  
**3BSP Semi with Accessable**

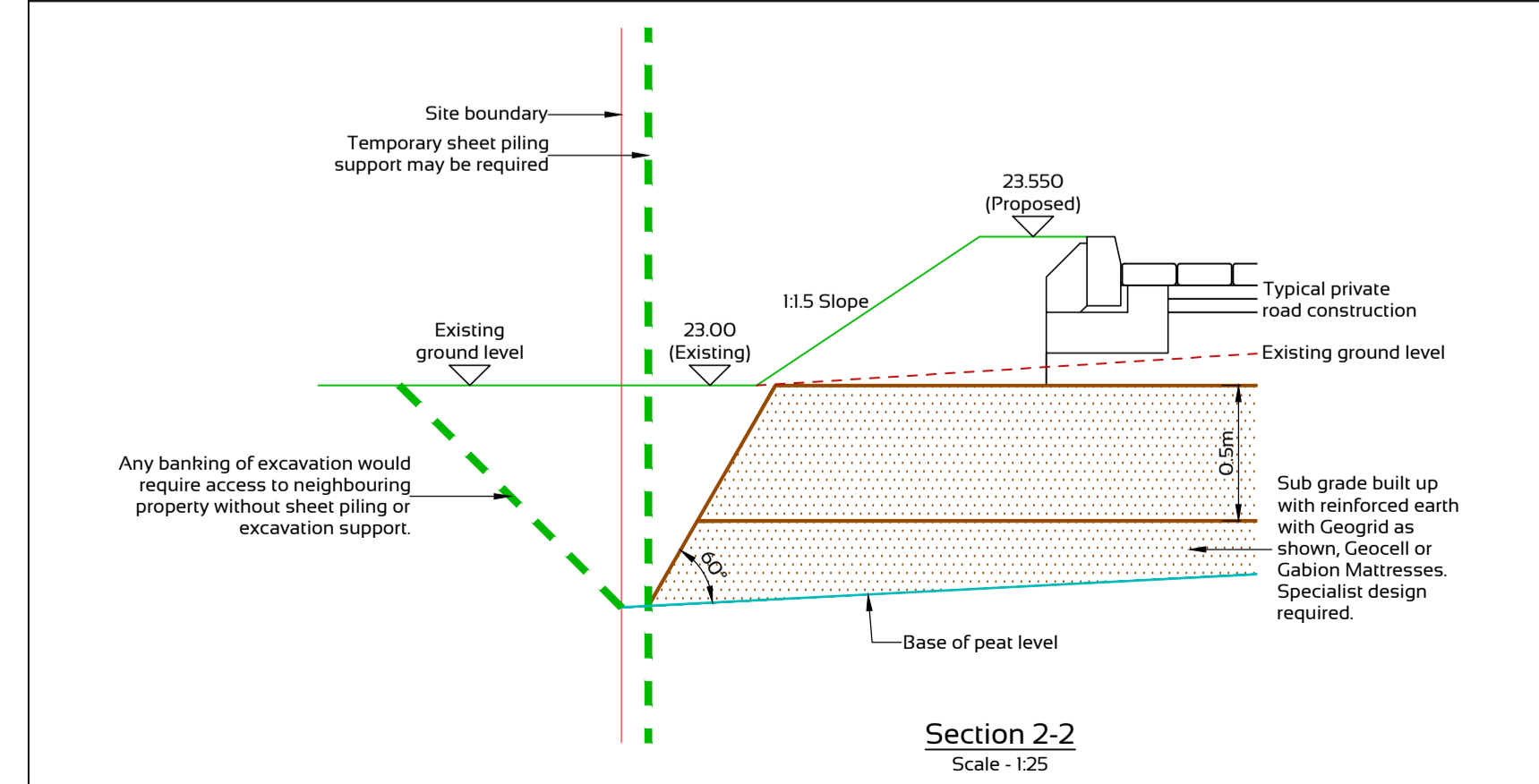
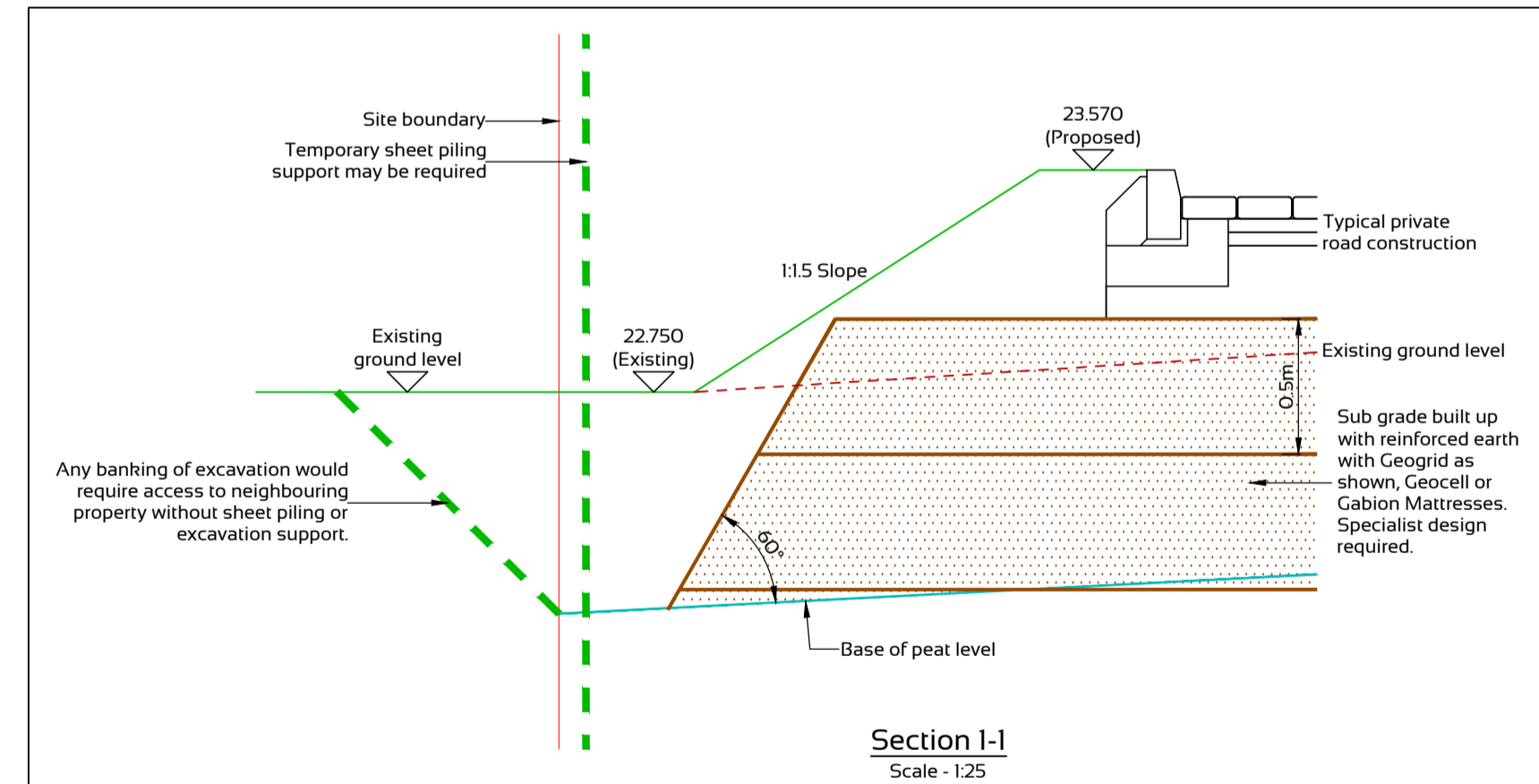
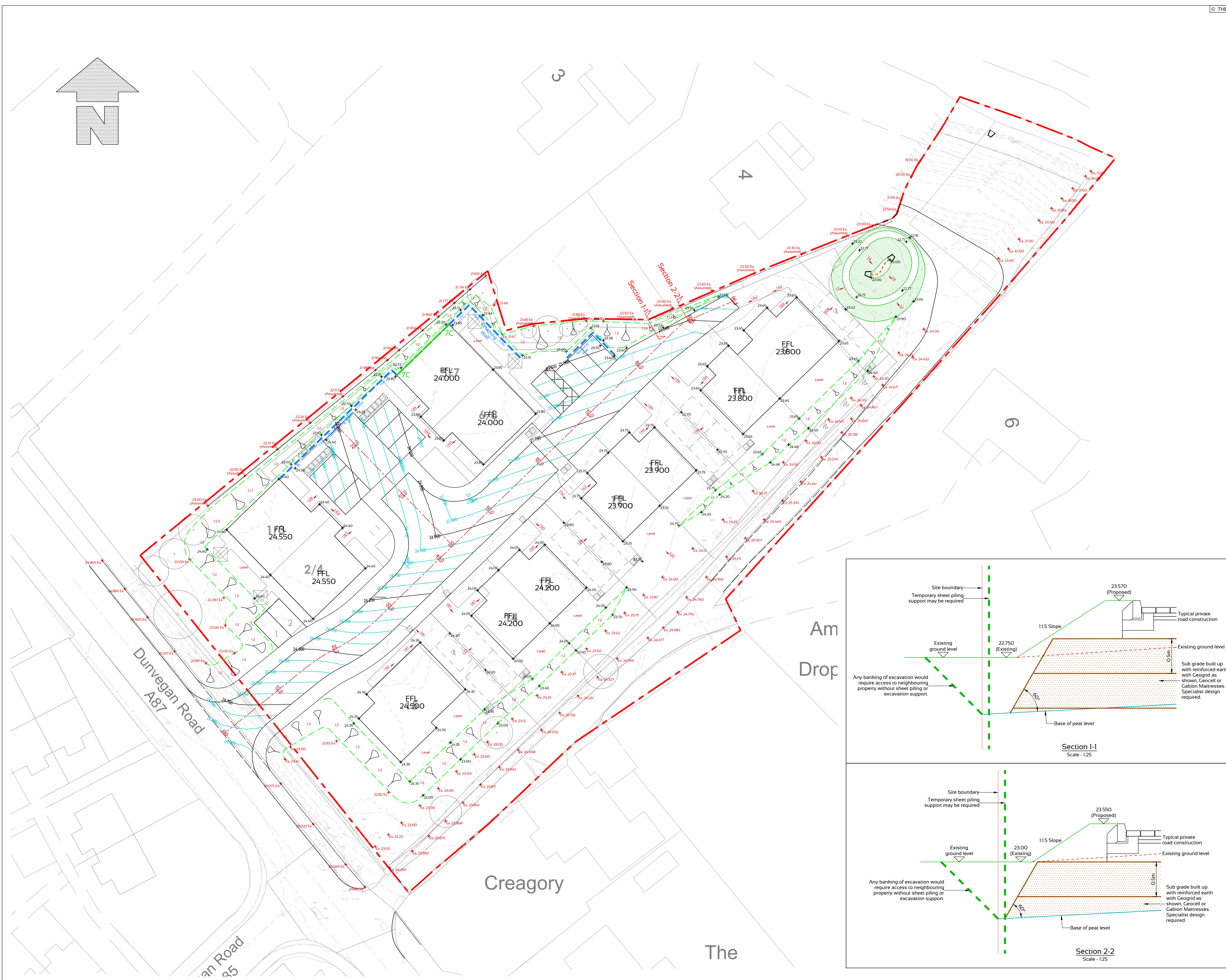
Status  
**Planning**

Date Created **Oct '17** Drawn by **AL**  
Scale **As indicated** Sheet **A1**

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Printed on: 20/02/19 14:12:03



- Legend**
- FFL ??? Finished Floor Level
  - + ??? Proposed Ground Level
  - Embankment/ Slope
  - Major Contour
  - Minor Contour
  - Gradients
  - Retaining Wall (With Heights)
  - Dropped basecourse
  - +???.? Ex Denotes existing level to be retained.



2.	Site levels updated to suit current site layout.	25/01/19	CRM/BAC
1.	Site levels updated to suit current site layout.	10/12/18	CRM/BAC
	INITIAL ISSUE	30/10/18	CRM/BAC
Rev	AMENDMENTS	Date	By Eng

This drawing to be read in conjunction with:  
 Drawing Nos. \_\_\_\_\_  
 Bar Schedule Nos. \_\_\_\_\_

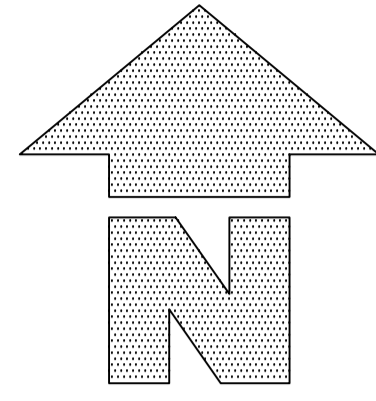
**Housing Development**  
 Woodpark, Portree,  
 Skye

**The Highland Council**

**Site Levels**  
 Scale 1:250 @ A1



Drawn by	CRM	Contract No.		Drawing No.	Rev.
Checked by	BAC	A/170083		907	2
Engineer	GRD				



Am Fasgadh  
Drop-in Centre

Creagory

2.	Drawing updated to suit current site layout.	25/01/19	CRM/BAC
1.	Section locations updated to suit current site layout.	10/12/18	CRM/BAC
	INITIAL ISSUE	31/10/18	CRM/BAC
Rev	AMENDMENTS	Date	By Eng

This drawing to be read in conjunction with:  
 Drawing Nos. \_\_\_\_\_  
 Bar Schedule Nos. \_\_\_\_\_

Housing Development  
 Woodpark, Portree,  
 Skye

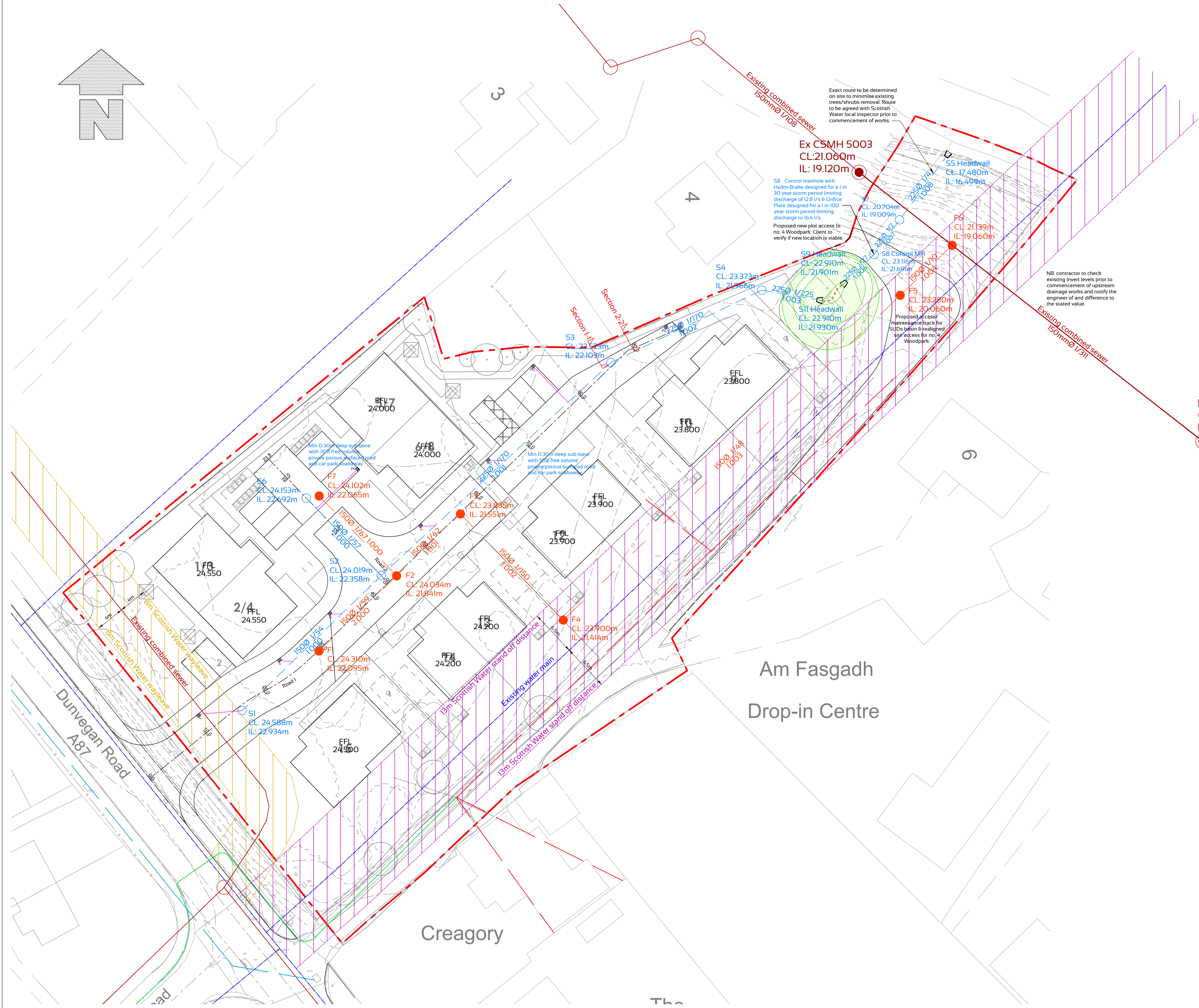
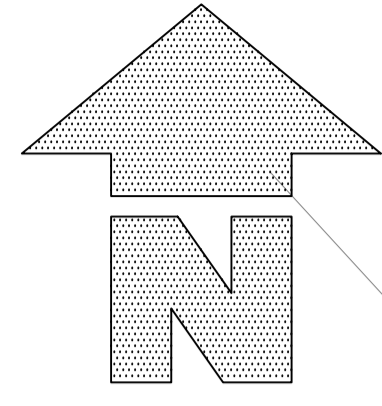
The Highland Council

Site Sections Plan  
 Scale 1:250 @ A1



Drawn by	CRM	Contract No.		Drawing No.		Rev.	
Checked by	BAC		A/170083		908		2
Engined by	GRD						





Ex CSMH 5901  
CL:22.420m  
IL: 18.930m

Am Fasgadh  
Drop-in Centre

Creagory

Dunvegan Road  
A87

Rev	AMENDMENTS	Date	By	Eng
3.	General amendments made to Drainage Layout.	20/02/19	CRM/BAC	
2.	Drainage layout updated to suit current site layout.	25/01/19	CRM/BAC	
1.	Drainage layout updated to suit current site layout.	10/12/18	CRM/BAC	
	INITIAL ISSUE	30/10/18	CRM/BAC	

This drawing to be read in conjunction with:  
Drawing Nos.  
Bar Schedule Nos.

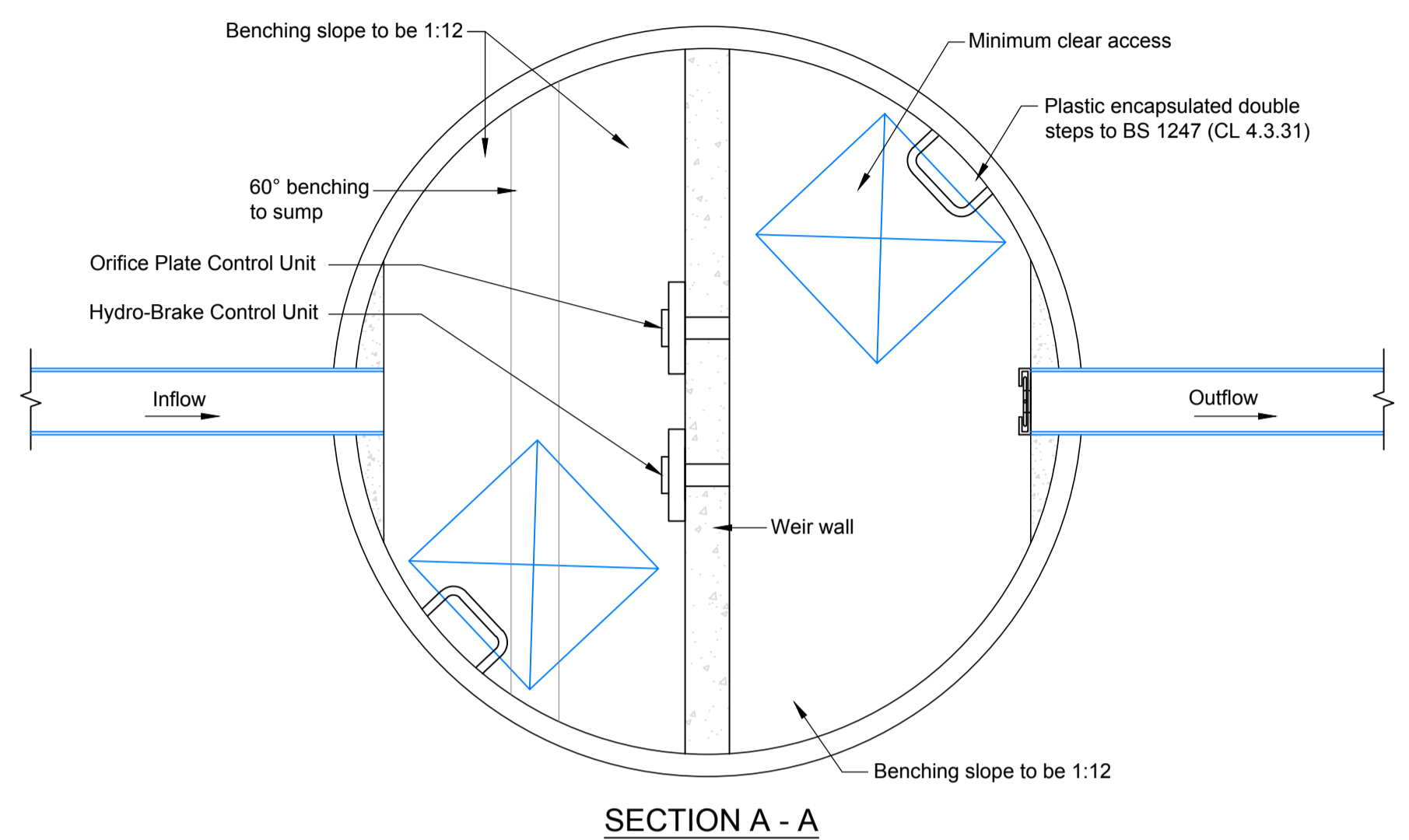
Housing Development  
Woodpark, Portree,  
Skye

The Highland Council

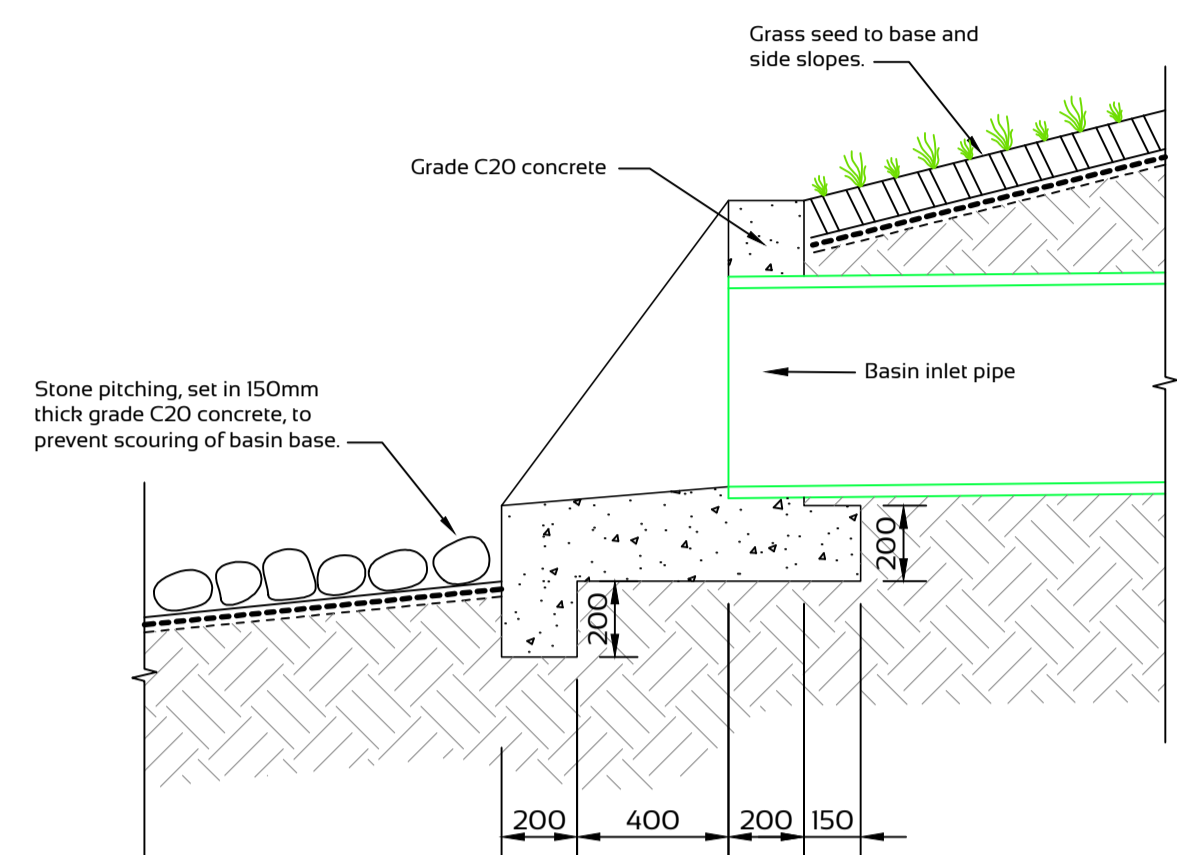
Drainage Layout  
Scale 1:250 @ A1



Drawn by	Checked by	Engineer	Contract No.	Drawing No.	Rev.
CRM	BAC	GRD	A/170083	920	3

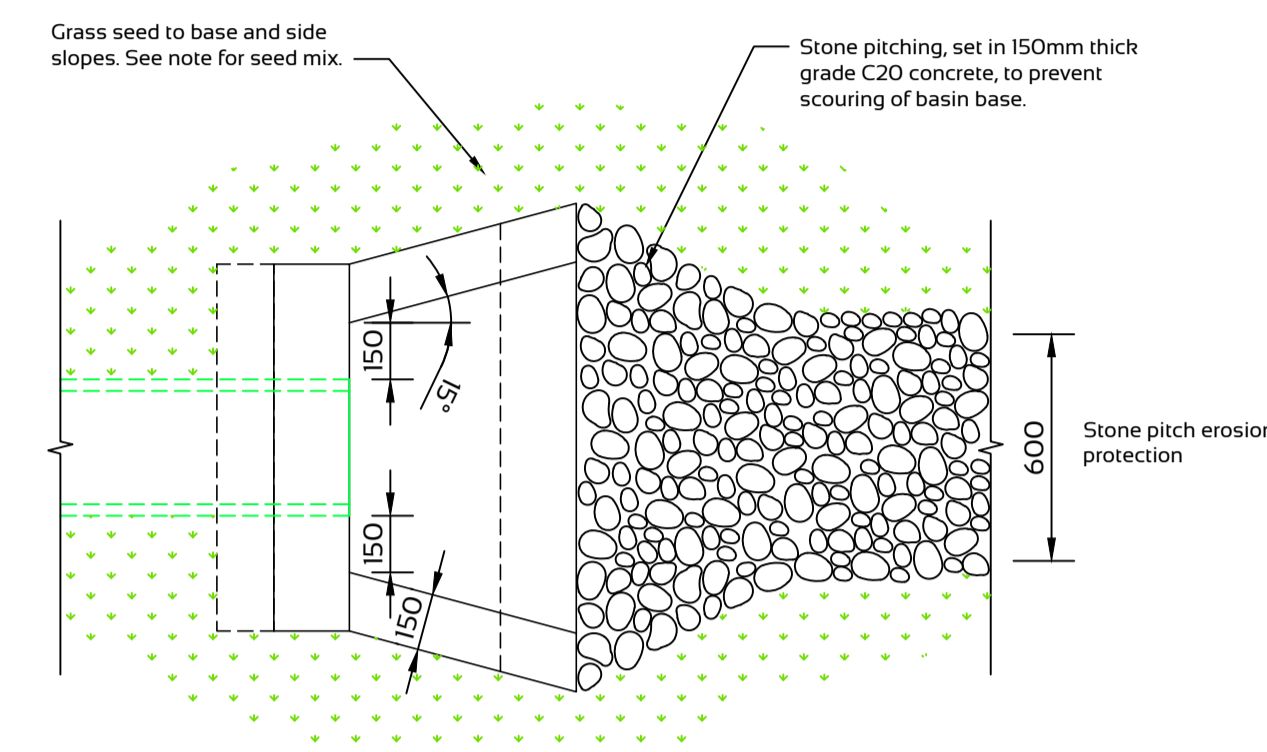


SECTION A - A



Basin Inlet Headwall (Section)

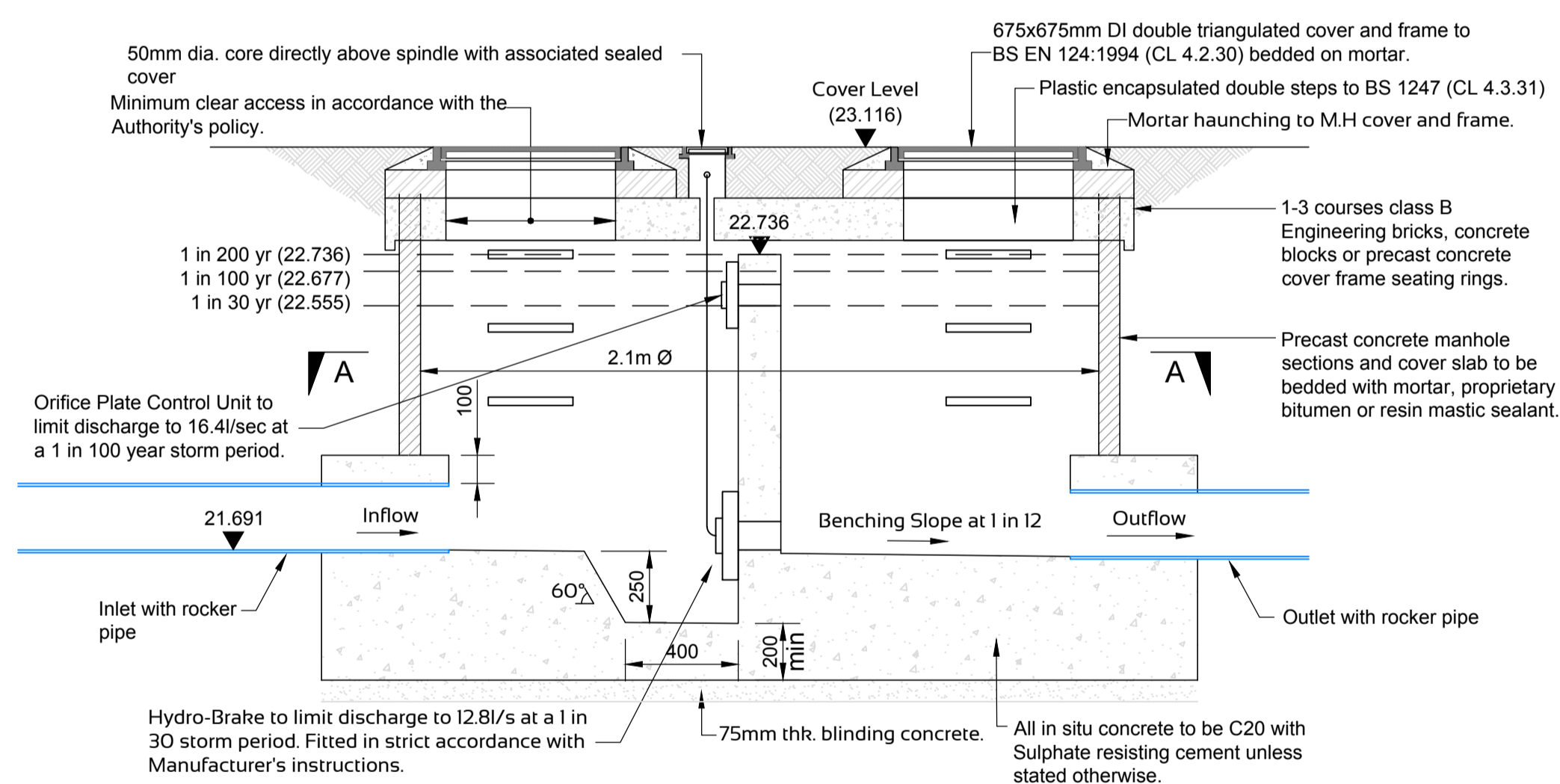
Scale 1:20



Basin Headwall (Plan)

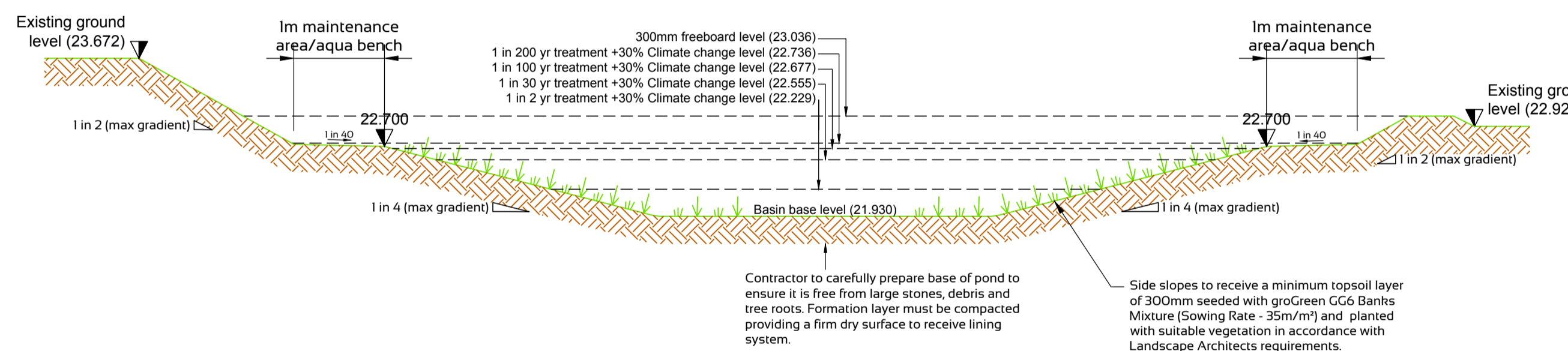
Scale 1:20

NOTE:  
For pipe diameters greater than 350mm, a square galvanised steel grating, 200mm larger than the pipe diameter, to be fitted to headwall over end of pipe. Grating to have 50mm x 12mm flat bars fixed vertically at 100mm centres to hinged frame with a padlock hasp.



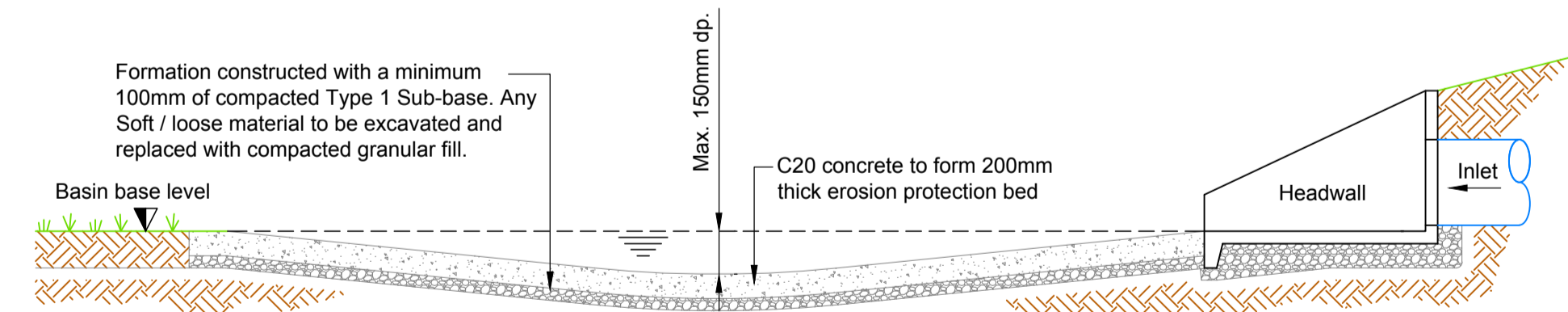
CONTROL MANHOLE CONSTRUCTION DETAIL

Scale 1:20



TYPICAL EMBANKMENT CONSTRUCTION OF BASIN

Scale 1:50



TYPICAL INLET & SEDIMENT FOREBAY OF BASIN

Scale 1:50

Rev	Description	Date	By	Eng
1.	Control manhole detail updated to suit current proposals.	20/02/19	CRM/BAC	
	INITIAL ISSUE	10/12/18	CRM/BAC	
	AMENDMENTS			

This drawing to be read in conjunction with:	
Drawing Nos.	
Bar Schedule Nos.	

Residential Development  
Woodpark, Portree,  
Skye

The Highland Council

SUDS Details  
Scale: As Shown @ A1



Drawn by: CRM	Contract No.:	Drawing No.:	Rev.:
Checked by: BAC	A/170083	923	1
Engineer: GRD			