

Agenda Item	6.5
Report No	PLN/040/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: **20 October 2020**

20/02709/FUL: Campbell Dickson

Report Title: Portree Hotel, Somerled Square, Portree

Report By: Acting Head of Development Management – Highland

1. **Purpose/Executive Summary**

1.1 **Description:** Erection of temporary decking, seating bays and dining pods

Ward: 10 - Eilean A' Cheò

1.2 **Development category:** Local

Reason referred to Committee: Objection from Community Council

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. **Recommendations**

2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 This application seeks temporary planning permission for the retention of an external seating area for the Portree Hotel positioned on the roadway, and immediately adjacent to pavement, running down the full length of the frontage of the premises. The extra seating provided is designed to compensate for a reduction in seating density within the hotel necessitated by the social distancing requirements of the Coronavirus (Scotland) Acts 2020 and regulation 4(1) of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (as amended).

3.2 The external seating area has been constructed on a 2.55m wide timber platform consisting of four contiguous elements which are stepped to compensate for the gradient of the road surface it sits upon. The upper three elements are each 6.5m long and, at either end, accommodate two 2m x 2m greenhouse-type structures providing weatherproof seating. Between each pair, there is a table and chairs under a black canvas patio umbrella. Steps lead up to the platform from the pavement at the centre of each element.

The fourth stepped element is 9.5m long and this extra length allows for two umbrella covered tables and chairs at either end of the two greenhouse structures as well as a third table and chairs between them. The greenhouse structures here have been positioned with their roof ridges perpendicular to the road frontage, in contrast to the other elements where the ridges run parallel with the street.

A black painted set of stepped railings has been installed along the whole roadside elevation and the ends of the platform. Potted standard trees have been placed on the inside of these railings at regular intervals.

3.3 The application states that the development is required for;
“Two years to be terminated following removal of Covid-19 restrictions”

3.4 The application states that works have already taken place because it was;
“Understood that for temporary provision planning was not required”

3.5 Pre-Application Consultation: None formally with the Planning Service

3.6 Supporting Information: The applicant has provided a response to the matters raised by the Skye and Lochalsh Access Panel consultation response

3.7 Variations: None

4. SITE DESCRIPTION

4.1 The Portree Hotel occupies a prominent position on and provides an important frontage to Somerled Square which is a key element of the Portree conservation area. The structure is positioned on the roadway and immediately adjacent to pavement running down the full length of this frontage. The seating deck is seen and read very much in the context of this hotel frontage and the choice of black railings and canvas umbrellas appears to have been chosen to respond to the signage and décor of the hotel façade.

- 4.2 The area of roadway occupied was previously used as a taxi rank parking area. These spaces have been temporarily relocated to the northern side of the square and this has necessitated the temporary relocation of disabled parking spaces some 50m along this side of the square and an overall temporary loss of 6 short stay car parking bays.

5. PLANNING HISTORY

- 5.1 None relevant to this proposal

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Neighbour notification and conservation area site notice only

Date Advertised: 28 July 2020

Representation deadline: 20 August 2020

Timeous representations: 1 from one household

Late representations: 2 from two households (one includes a petition on behalf of some Portree Hotel staff)

- 6.2 Material considerations raised are summarised as follows:

- a) Covid-19 measures taken by the hotel are appreciated by neighbours in respect of health protection
- b) Decking and seating adds a European feel and character to Somerled Square which is more welcoming
- c) Glass houses and plants look modern and attractive
- d) Achieves its social distancing purpose
- e) More of this type of development should be encouraged
- f) Should be regarded as a positive and long-term addition to the square
- g) The development has helped avoid staff losses from the hotel business
- h) Customers have commented positively on the appearance of the outdoor seating and the weather protection it provides
- i) Portree remains busy with tourists and the proposal has allowed the hotel to maintain its tourist offer – important also in maintaining the reputation of the Isle of Skye as a tourist destination which creates income for the taxis too.

- 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.

7. CONSULTATIONS

- 7.1 **Portree and Braes Community Council: Object**

- While we appreciate the difficult times facing all businesses in Portree and the steps taken by Govt to assist by relaxing legislation we feel in general that this construction is not in the spirit of the Covid relaxation of rules and appears to be an effort to create a permanent extension by manipulating and taking advantage of the temporary legislation.

- We therefore feel that the length of time applied for is excessive given the current Covid situation here in Scotland and should be curtailed to the end of Oct with removal no later than November 8th in line with the permit to occupy the public road space.
- This has caused problems for other businesses in Portree resulting in their displacement and while this may not be a planning concern relevant to this application it is a concern to the general public. As a result of the displacement of the taxi rank there has been a reduction of two disabled bays in front of the church affecting the most vulnerable in our community.
- Somerled Square is a conservation area and therefore we feel this structure is contrary to the standing and spirit of the legislation covering the square.

7.2 **Skye and Lochalsh Access Panel: Object**

- Concerned that Covid-19 restrictions could be in place for more than the two years requested and that therefore negative impacts on people with disabilities could last a long time
- The decking/seating area has not been designed for people with disabilities and contains a number of trip and other hazards for them
- No indication of illumination which is required for safe use by those with visual impairment
- Proposal has narrowed the adjacent footway, and this will force wheelchair users to leave the footway to get past the proposal. This will put them in obvious danger
- Use of the footway by staff adds to potential obstruction
- The relocated taxi rank has occupied accessible parking bays

7.3 **Historic Environment Team**

- In these exceptional times and to enable Portree Hotel to continue to trade whilst the Covid Act is in force, the development is, on balance, acceptable. However, it is important to stress that in normal circumstances this type of development would not be supported as it is neither sensitive nor appropriate to the character and appearance of the conservation area; it would not meet the statutory test set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and would be contrary to policy. As such, should consent be issued in this case, it should be temporary and time limited and on the clear understanding that no future planning consent will be granted to make this development permanent.
- It should be noted that the Portree Hotel is a prominent and important building in the Square and its frontage makes a positive contribution to the character of the conservation area. I do not see any obvious opportunity or potential to extend the frontage onto the Square or add any new permanent structure on the pavement to the front of the building.
- In broader terms, we do support the principle of utilising the Square more for outdoor seating whilst lessening the emphasis on cars and buses. However, it is important that any additional seating within the square does not diminish or degrade the historic built environment, but rather reflects, responds and relates to the architectural and historic character that makes the Square an attractive and popular place to visit.

7.4 Transport Planning Team

- A temporary street café permit was issued with a specified end date of 25 October 2020. It was considered against the extraordinary circumstances of the Covid-19 pandemic and the desire of the Council to support business recovery where possible. In normal circumstances no street café permit would be issued for this proposal. The temporary nature of the permission was emphasised to the applicant and was the first of a series of conditions. The shelters (greenhouses) were not shown on the street café permit application. Social distancing requirements have been reduced.
- Transport Planning object to the application due to the obstruction of the public road for a significant period (2 years have been requested by the applicant) with a solid construction which prevents/obstructs the public right of passage over that part of the public road for an unacceptable duration.
- The proposal has the following negative transportation impacts;
 - detrimental impact on pedestrians/wheelchair users/adults with buggies by the creation of a solid barrier along the edge of an already narrow footway
 - Recent guidance from the Mobility and Access Committee for Scotland (MACS) has stated that it is a legal requirement to consider the impacts of any temporary street measures on disabled people through an Equality Impact Assessment (EqIA).
 - will interfere with the operation of the bus/coach station
 - will interfere with winter maintenance operations gritting and snow clearance
 - will interfere with access to the below ground statutory services
 - Could delay access to the area for maintenance to the road surface – programmed for possible completion by mid-April 2021 if specific funding from the Roads Investment Funds is approved
 - displacing the taxi rank has impacts on the parking arrangements:
 - displacement of 2 x disabled parking bays to locations away from their established/well used site
 - requirement for hearses to use the temporary taxi rank at the Church.
 - Overall impact is the loss of 6 short stay (30 minutes) car parking bays in Somerled Square (north). This equates to (9x2x6) 108 lost short stay periods per day in the village centre. The cumulative impact of this proposal along with another 3 bays suspended through a separate street café arrangement in Somerled Square means a total of (9x2x9) 162 lost short stay periods per day.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
34 - Settlement Development Areas
43 - Tourism
57 - Natural, Built and Cultural Heritage

8.2 **West Highland and Islands Local Development Plan (2019)**

Placemaking Priorities for Portree include;

- Encourage town centre expansion that respects the architectural, cultural and natural heritage of the conservation area, the Lump, other greenspaces and public vistas notably to the Cuillin mountains.
- Diversify the tourism offer of the historic, central part of the village, including land at Bayfield and the harbour.

8.3 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 **Scottish Government Planning Policy and Guidance**

- Coronavirus (Scotland) Act 2020 (as amended)
- The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (as amended)
- Joint “PLANNING PROCEDURES AND COVID-19” letter from the Chief Planner and the Minister for Local Government, Housing and Planning dated 29 May 2020.

9.2 **Street Café – Temporary Agreement** (supporting Covid-19 Business Recovery)

- granted by Community Services (RandT) until 25 October 2020 (see Appendix 2)

9.3 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**

- s.64 General duty as respects conservation areas in exercise of planning functions

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.

Determining Issues

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.

Planning Considerations

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) the Covid-19 national legislation background to this proposal
- c) other regulatory issues – street café agreement

- d) the transport planning objection
- e) impact on the Portree Conservation Area
- f) the temporary time period
- g) disabled access

Development plan/other planning policy

10.4 The key development plan policy in respect of this application is considered to be Policy 57 which states that for features of local/regional importance such as Conservation Areas, the Council;

“...will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource...”

10.5 The above policy should be read in the context of the statutory duty imposed on the planning authority by s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states;

“...In the exercise, with respect to any buildings or other land in a conservation area, of any powers under [the planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area...”

10.6 The other relevant policies of the development plan are listed at 8.1 above.

Particular attention is drawn to Policy 43: Tourism which states;

“Proposals for tourist facilities will be assessed as to whether:

- *the scale of the proposal is proportionate to its location/settlement;*
- *the site is within a settlement boundary and whether it will complement existing/allocated tourist facilities within that settlement;*
- *the proposal will increase the length of peoples stay, increase visitor spending or promote a wider spread of visitors;*
- *the proposal will safeguard, promote responsible access, interpretation and effective management or enhancement of natural, built and cultural heritage features...”*

b) The Covid-19 national legislation background to this proposal

10.7 The government’s legislative response to the pandemic are the two Coronavirus (Scotland) Acts 2020 and their related regulatory statutory instruments as identified at 3.1 and 9.1 above. In terms of their relevance to this proposal, Members will recall that businesses such as the Portree Hotel were required to cease trading for a period of time and then allowed to open under strict social distancing requirements. This inevitably meant reduced seating density within restaurant and bar areas. At the Portree Hotel these areas have been physically redesigned to comply. Although the 2m distance was subsequently reduced to 1m, the restrictions and reduced seating capacity continue.

On the 29 September 2020 the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 came into force with the effect of extending Part 1 of both Coronavirus Acts to 31 March 2021 (from the previous date of 6 October 2020) in recognition of the continuing threat posed by the virus.

10.8 In terms of the role of planning in supporting the recovery from the pandemic lockdown and specifically in the context of changing business practices during physical distancing restrictions, guidance has come in the form of letters from the Chief Planner – see 9.1 above. In the 29 May 2020 letter, the Chief Planner states; *“...Planning can play an important part in enabling business operations to get back up and running within the terms of the ongoing restrictions, and also support them to regain some lost ground and revenue as a direct result of the lockdown. It is important that we recognise these impacts of recent months, and the need to get people back to work, which might mean those businesses diversifying or needing to adjust the ways they operate to suit current circumstances. In planning, we can support well-measured temporary solutions.*

*We cannot produce an exhaustive list of what that might mean in practice, as there will be many circumstances in which reasonable, temporary relaxation of planning controls will help businesses to re-start and return some normality to life within our communities. Examples might include **taking a reasonable, positive and supportive approach to allow temporary use for on-street seating for cafes and bars, beer gardens and similar to accommodate physical distancing** [case officer emphasis]...Beyond any relaxation in planning to support temporary changes, there may of course be some matters to consider through other consenting and licensing regimes...”*

10.9 The applicant and a number of other similar businesses in Portree and elsewhere across the Highlands have invested in outdoor seating provision with varying degrees of weatherproofing on the understanding that planning permission would not be required for a temporary (though undefined) period. However, in the specific case of this proposal, it was considered that its scale, conservation area location and degree of permanence, necessitated the need for planning permission notwithstanding the above government advice.

c) Other regulatory issues – street café agreement

10.10 As suggested by the Chief Planner, this development has been made the subject of other regulatory control. As it is positioned entirely within the adopted road an agreement under s.59 of the Roads (Scotland) Act 1984 was required.

10.11 This ‘Street Café – Temporary Agreement’ includes a number of provisions of which the first sets a time limit for the agreement of the 25 October 2020. This document is reproduced at Appendix 2.

The Hotel has made a request for a further temporary agreement and have asked for an end date of 25 October 2021. It is understood that a decision on whether to grant this further permit is unlikely to be taken before the 20 October 2020 north planning committee.

10.12 Applications for Occasional Licenses for the development have been made to the Highland Licensing Board.

d) the transport planning objection

10.13 The transport planning team object to the proposal remaining in place beyond the 25 October 2020. The reasons for this objection are laid out in full at paragraph 7.4 above. They have advised that if the planning authority is minded to grant consent,

then an 'informative' should be attached setting out the statutory requirement for a Street Café Permit (Roads Scotland Act S.59) which is a separate and necessary permission.

- 10.14 These reasons focus on three general impacts;
- i. the obstruction of the road and pavement for other users caused by the proposal
 - ii. the hindrance of access to below ground services and to the carrying out of potential road surfacing operations
 - iii. the loss of parking caused by the displacement of the taxi rank
- 10.15 In terms of the obstruction of the road and pavement for other users, the planning service recognises the issues but would argue that they do not constitute a sufficient level of harm to justify a reason for refusal. The proposal does represent a solid barrier on the roadside of a 30m stretch of the relatively narrow adjacent pavement. This means that pedestrians cannot step off the pavement into the road in order to pass each other or to help negotiate the passage of staff from the hotel to the decking area. However, this situation doesn't amount to any actual narrowing of the pavement and is little different in reality to the circumstances when the taxi bays were occupied. It is difficult to accord much material weight to these concerns. The specific issue of impact upon disabled people is addressed at 10.32 below.
- 10.16 There is also an anxiety that works will interfere with the bus/coach station if this part of the road is denied to them when negotiating the corner of the Square. As a solid structure the proposal represents a greater level of obstruction than the taxis that previously occupied this part of the road. However, it is not considered that incidents of this type are likely to be very frequent, long-lasting or to cause major traffic disruption and so only limited weight can be placed on this consideration as a reason for refusal.
- 10.17 Equally, concerns that the structure will impede gritting and snow clearing operations are also considered unlikely to be very frequent given the climate on Skye. The risk of spread grit or ploughed snow damaging the structure is a risk that must be borne by the Hotel.
- 10.18 Conceivably there may be the need to access the services beneath the structure in an emergency or to resurface this part of the road if funding becomes available. The transport planning consultation notes that the Roads Investment Funds have recently been approved but that no specific commitment to resurfacing work in Somerled Square has yet been made. If it is, works would be expected to be completed by mid-April 2021. If deemed necessary, the decking could be removed to enable the works to occur, but this would be covered under the terms of a further Road permit if approved. However, even if the decking structure were to remain it would not preclude the vast majority of the project going ahead. Obviously, it would not be possible to re-surface the taxi rank area but, as a lightly used part of the road surface with limited wear and tear, its exclusion would be unlikely to represent a significant constraint.
- 10.19 In relation to these matters (and of relevance to the other issues above if they were to become much more frequent problems) some consideration must be given to clause 7 of the existing street café permit – see Appendix 2. This allows for the Council to give just seven days written notice to the Hotel to cease their use of the site and restore it to its original function. This is intended to allow the Council as

Roads Authority to secure works to the structure in the most serious circumstances. It means that in the event of a particularly severe winter, emergency repair/resurfacing work or repeated coach manoeuvring problems, the Council has reserved the right to require removal (or adjustment) of the structure to allow a resolution of the problem.

With this clause in place, refusing the application because these events 'might' occur is not necessary or justified on planning grounds. It should also be noted that once the problem is rectified, there would be no reason why the seating area could not be re-erected for the remainder of its planning permission (if the permit were reinstated).

- 10.20 It is recognised that the knock-on effect of the relocation of the taxi rank and disabled parking bays is a net reduction of 6 short stay car parking bays. Although this is a very small proportion of the total parking available in Portree, it is a more significant proportion of the short stay parking provision in the square and close to the village centre. It should be noted that there are premises in Portree where parking spaces have been used on a temporary basis to support business operations. However, when weighing this disadvantage against the fundamental purpose of the proposal - which is to retain employment at the Portree Hotel and support the wider economy - it is considered that the livelihoods of hotel staff, during this temporary period, must be put ahead of parking convenience for the general population.
- 10.21 The consultation response also suggests that the reduction in social distancing from 2m to 1m in the hotel means that the extra floorspace is no longer required. However, it seems more logical to conclude that any social distancing requirement has reduced normal available hotel floorspace and so created the need for external floorspace to be created.
- 10.22 The issues raised by this objection are all valid and understood. However, for the reasons given above they do not amount to a reasonable, justified or defensible reason for refusal of the planning application.

e) Impact on the Portree Conservation Area

- 10.23 As this is a retrospective planning application, its visual impact upon the character and appearance of the conservation area can be readily assessed. In its favour, there is no doubt that the black painted railings and black table sunshades successfully complement the prominent signage and colour scheme on this elevation of the hotel. Coupled with the potted standard trees, these features also diminish the visual impact of the somewhat incongruous greenhouse-type seating pods which, as a result, read as very lightweight, simple structures with less overall impact on the street scene than would have otherwise been the case.
- 10.24 However, as the consultation response from the historic environment team makes clear, these positive visual qualities cannot hide the fact that this development is a temporary response to a specific business challenge, rather than a carefully thought out provision aiming to preserve and enhance its conservation area setting. The team's consultation states that the development is neither sensitive nor appropriate to the character and appearance of the conservation area. They go on to stress that the Portree Hotel is a prominent and important building within

Somerled Square and that its frontage makes a positive contribution to the character of the conservation area. Consequently, any development of this type, which obscures and redefines the historic frontage, is unlikely to be considered acceptable.

- 10.25 The team also state that if a longer term demand for external seating exists, then a proposal which utilises and redesigns the central square area is much less likely to diminish or degrade the historic built environment and much more likely to succeed in reflecting, responding and relating to the positive architectural and historic character of the Square.
- 10.26 The historic environment team conclude that the proposal is only acceptable because of the need to allow the hotel to continue to operate in the pandemic context. As such, any permission should be time limited.

f) The temporary time period

- 10.27 The application recognises that any permission should be temporary. The application form states that permission is required for “*Two years to be terminated following removal of Covid-19 restrictions*”.
- 10.28 There is, unfortunately, a high degree of uncertainty in respect of the future of the Covid-19 pandemic. As identified at 10.7 above, the government has already extended the provisions of the Coronavirus Acts a further six months to the end of March 2021. This responds to the lack of clarity in respect of sustained progress in overcoming the virus internationally and at home. In this context, a time limit for the proposal based on the lifting of social distancing restrictions is considered too vague and ill-defined.
- 10.29 Equally, a time limit of the 25 October 2020 - to match the street café temporary agreement - would appear ill-matched to the national legislative picture and to be excessively onerous. It seems likely that the restrictions justifying this development will continue into the beginning of the 2021 tourist season. This is particularly the case given the First Minister’s announcements to the Scottish Parliament on 7th October 2020.
- 10.30 Even so, there is limited evidence that the development will still be required throughout the 2022 tourist season as suggested by the requested two-year permission. At present, it is difficult to predict the likely length that the pandemic will endure for. It is therefore recommended that a one-year time limit is placed upon the development – allowing it to remain until the end of the 2021 main tourist season (31 October 2021).
- 10.31 Should the pandemic and social distancing restrictions remain at 31 October 2021, the applicant will be able to make a further planning application to replace the time limit with one further into the future if it can be justified on the pandemic evidence and advice available at that time.

g) Disabled access

- 10.32 As identified in detail at 7.2 above, the Skye and Lochalsh Access Panel made a number of objections to the development based upon its lack of accessible provision for people with disabilities.

- 10.33 The applicant has chosen to respond to these points. The main details of this response are;
- the development is entirely on the road and has not resulted in any narrowing of the pavement
 - some provisions for disabled access to the proposal have been made but the nature of the sloping site and stepped design are recognised to be less than ideal. However, the existing facilities inside the hotel continue to offer a much more accessible experience.
 - The taxi rank has been moved about 50m to the north and this has required the disabled parking spaces to be moved a similar distance to the west – but they remain available.
- 10.34 The case officer concurs with these points. The hotel, as a whole, still offers adequate facilities for the disabled customer without the need to utilise the outside seating subject to this application. In effect, for disabled customers, nothing has changed. It is recognised that overall village centre parking has been reduced temporarily, but the number of taxi rank and disabled spaces has been maintained with only a slight increase in the distance from the village centre to the relocated spaces.
- 10.35 The transport planning consultation response raised the issue of recent Mobility and Access Committee for Scotland (MACS) guidance relating to Covid response provisions such as this. It references the legal requirements of the 2010 Equality Act and a requirement for an Equality Impact assessment (EqIA) and local consultation.
- 10.36 It is important to recognise that these are not obligations that a planning authority is required to undertake as part of its determination of planning applications. The transport planning team suggest they are a requirement as part of the street café permit granting process.
- 10.37 As reported above, the planning authority has consulted with the local Access Panel and the applicant has engaged with them over their consultation response. As previously explained, the argument that the pavement has been reduced in width is not considered to be accurate or valid. In all other respects the provision of facilities for disabled customers at the Portree Hotel remains unchanged. The reduced internal space continues to offer the disabled provisions available before Covid and this is facilitated by the extra space provided for able-bodied customers by the decking area.
- Through the normal planning consultation, notification and advertisement processes, the local population and the Access Panel have had the opportunity to engage with the applicant and the planning authority over these matters. The applicant has demonstrated an awareness of the issues and provided an explanation of how potential problems have been overcome.

Other material considerations

10.38 There are no other material considerations.

Non-material considerations

10.39 Speculation as to the applicant's long-term intentions for the development, as raised by the Community Council, is not a material planning consideration.

Matters to be secured by Section 75 Agreement

10.40 None

11. CONCLUSION

11.1 The development is not considered acceptable for permanent permission within this prominent and sensitive conservation area location, however there are significant extenuating circumstances that have led to the recommendation to grant temporary planning permission. It is clear the virus is not going to go away in the short term, and there are very real concerns about the sustainability of businesses throughout the Highlands.

11.2 The concerns set out in the report are acknowledged however, it is recognised this proposal is a legitimate response to the constraints imposed by legislation aimed at combating the spread of Covid-19 infection. As such it is considered acceptable on a temporary basis whilst the pandemic justification remains and until the end of October 2021 in the first instance.

11.4 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): Considered above.

12.4 Climate Change/Carbon Clever: Not applicable.

12.5 Risk: Not applicable.

12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N issued

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

Conditions and Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 31 October 2021 (the 'cessation date'). Within one month of the cessation date, the application site shall be cleared of all development approved under the terms of this permission.

Reason: In recognition of the temporary nature of the proposed development and its Covid-19 justification and to enable the Planning Authority to secure removal and restoration of the site.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

n/a – retrospective application

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

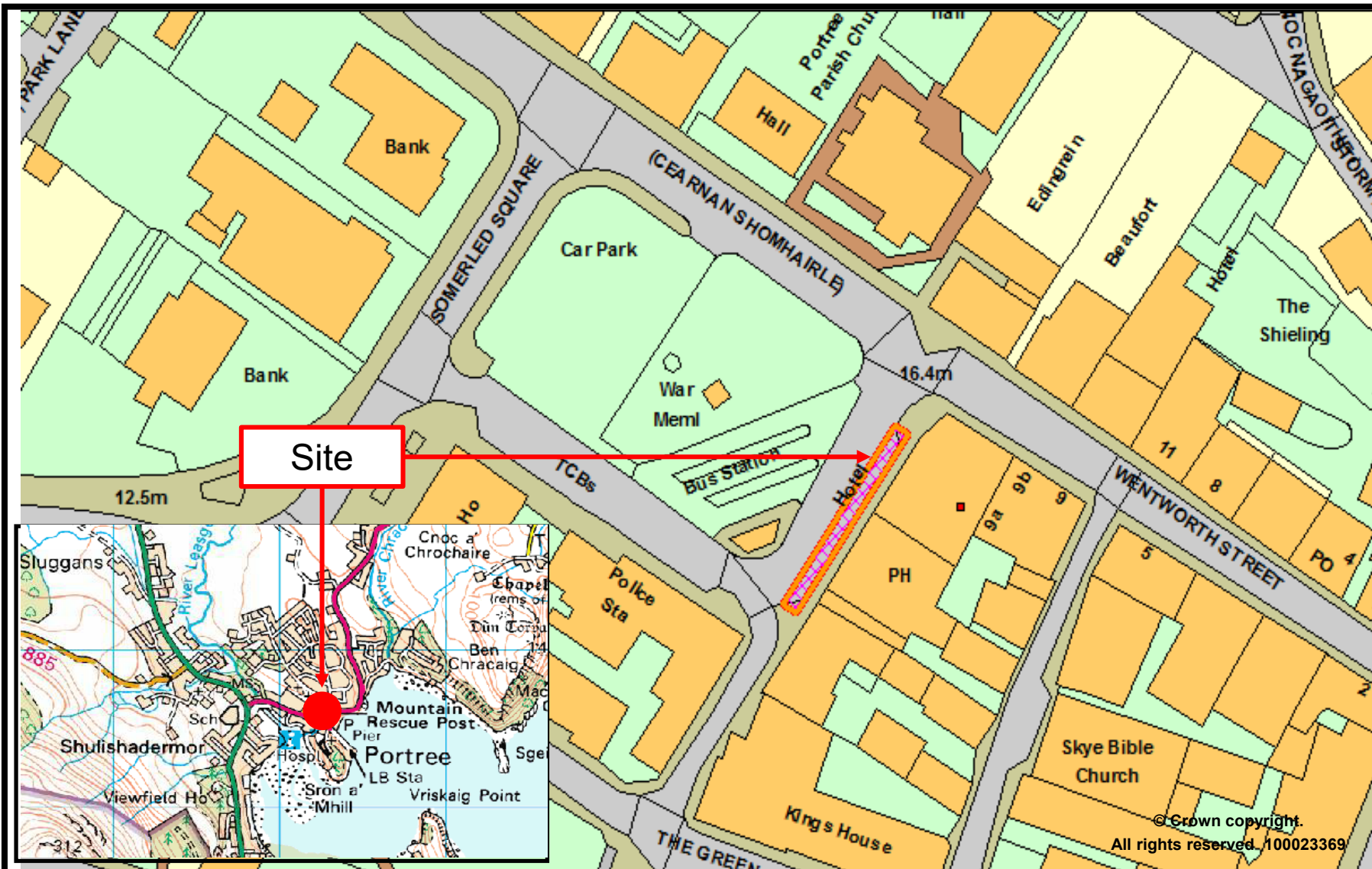
Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland)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

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

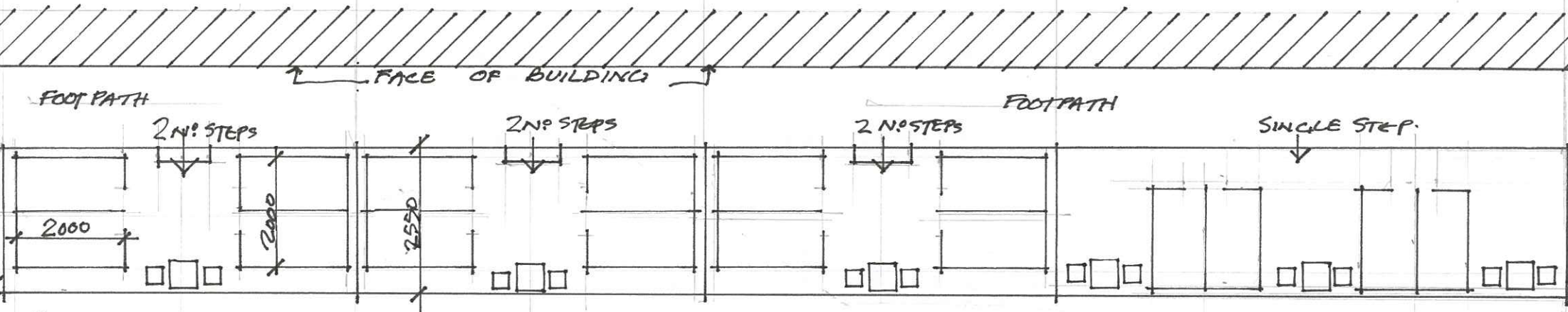
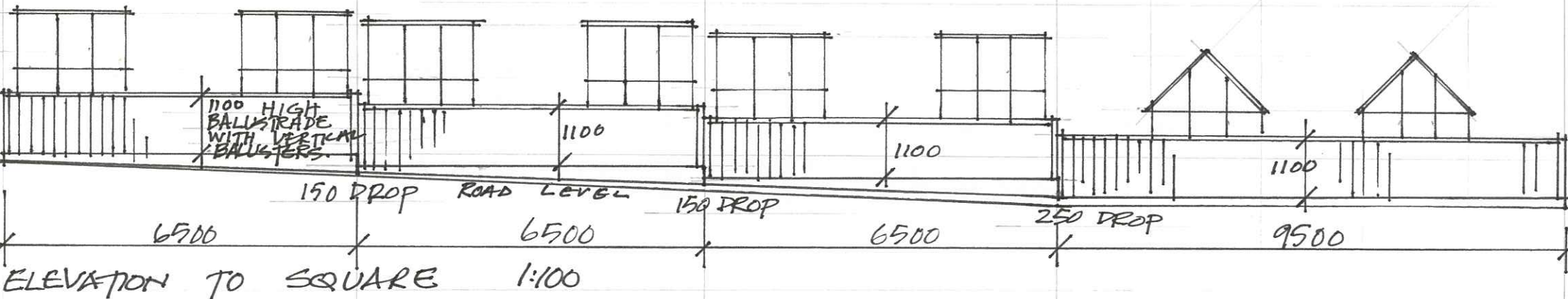
Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Designation: Acting Head of Development Management – Highland
Author: Mark Harvey
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 000001 Elevations
Plan 2 - 000002 Section Plan
Plan 3 - 000003 Location Plan
Plan 4 - Committee Location Plan



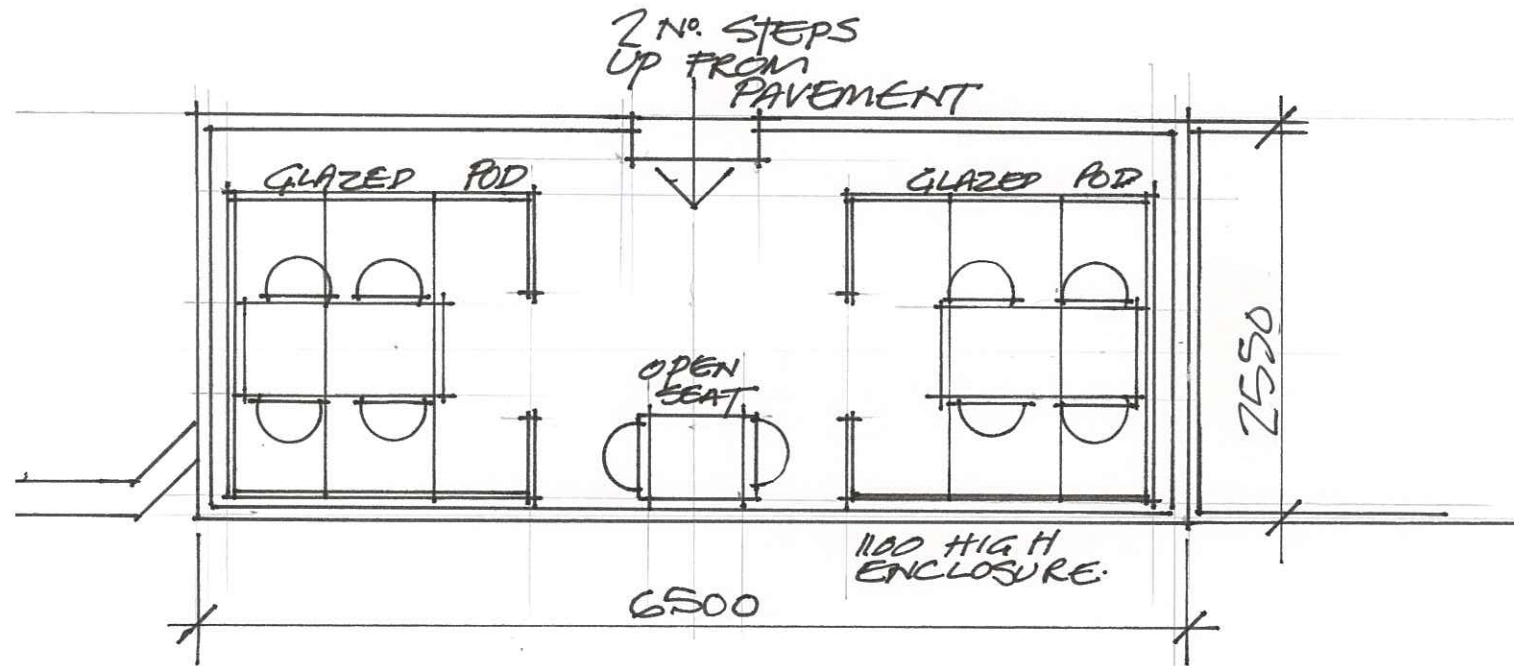
PROPOSED EXTERNAL SEATING TO PORTTREE HOTEL
 SOMERLED SQUARE, PORTTREE. JULY 2020. SCALE 1:100. DG. PH 3.
 PLANS & ELEVATIONS.



PLAN OF SEATING AREA 1:100 TOTAL 73.95M.

ROADWAY. SOMERLED SQUARE.

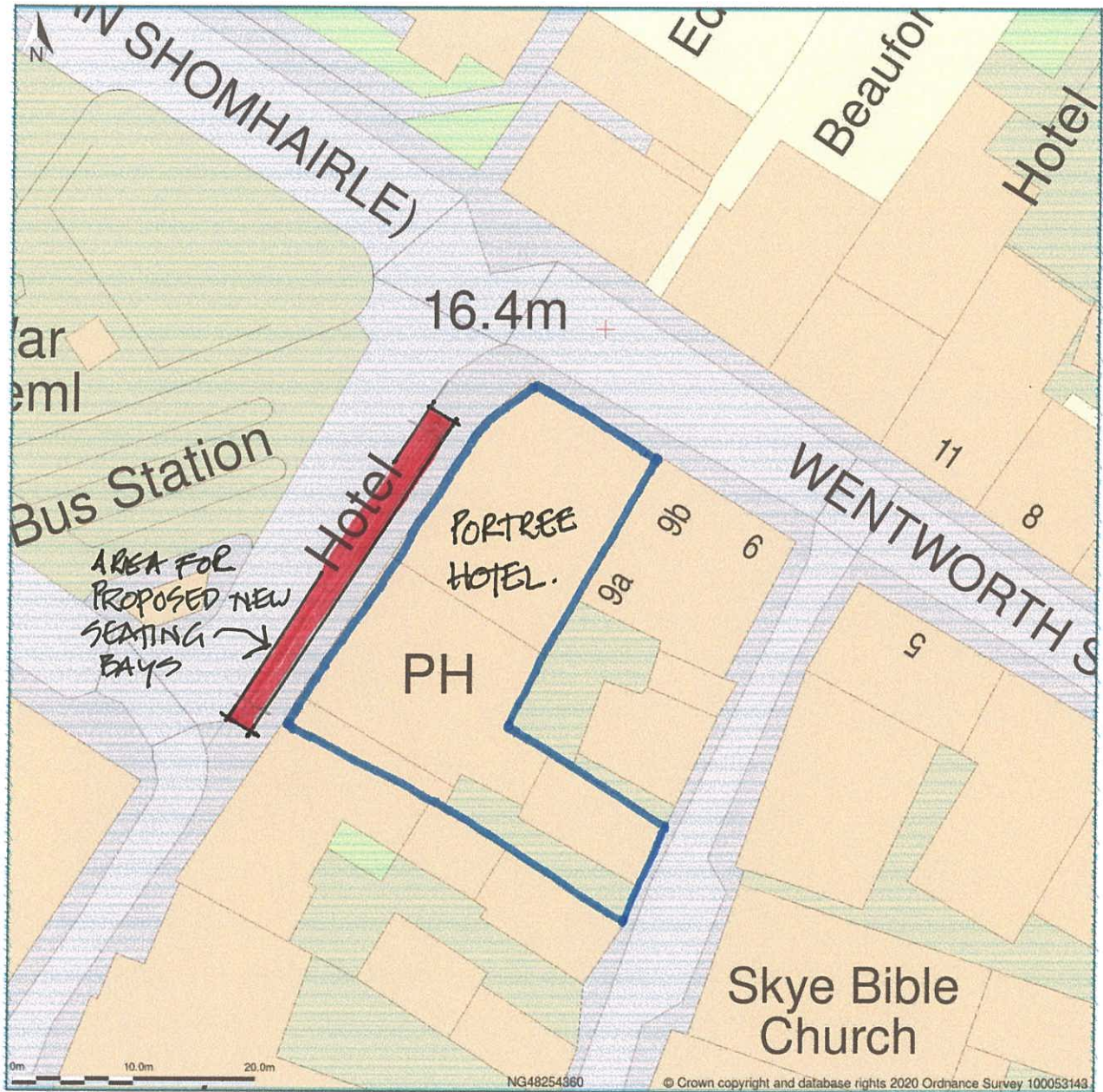
PROPOSED EXTERNAL SEATING TO FORTREE HOTEL, SOMERLED SQUARE
PORTREE. JULY 2020 SCALE 1:50 TYPICAL LAYOUT OF BAY DG. PH4.



EACH BAY CONSTRUCTED OF LARCH DECKING
ON 150 mm DEEP TIMBER SUPPORTING STRUCTURE
ENCLOSED BY 1100 mm HIGH BALUSTRADE WITH
VERTICAL BALUSTERS AT MAX 100 mm CRS.

GLAZED PODS TO BE ALLOY FRAMES WITH
SLIDING ACCESS DOOR & SAFETY GLAZING
THROUGHOUT.

Portree Hotel, Somerled Square, Portree, Highland, IV51 9EH



Block Plan shows area bounded by: 148214.0, 843561.04 148304.0, 843651.04 (at a scale of 1:500), OSGridRef: NG48254360. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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PROPOSED EXTERNAL SEATING TO PORTREE HOTEL,
SOMERLED SQUARE, PORTREE. JULY 2020.
SCALE 1:500 SITE/LOCATION DG. PH 5.