

Agenda Item	6.3
Report No	PLN/005/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 January 2021

Report Title: 20/01717/FUL: Mr and Mrs H Morgan
Land 70M SW Of Lochbay House, Stein, Waternish,
Isle of Skye

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Erection of house

Ward: 10 - Eilean A' Cheò

Development category: Housing – Local Development

Reason referred to Committee: Number of objections

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks detailed planning permission for a single-storey house of overtly modern design. It features a generally triangular floor plan under an almost level flat roof. Elevations are to be constructed of stone rubble with Caithness stone feature panels around the rear entrance inset. The roof is to be finished in turf.
- 1.2 Access is to be created through the stone wall forming the north-western boundary of the site and makes provision for two cars to the rear of the property. The agent has submitted amended details indicating that foul drainage will utilise a land soakaway rather than discharge to sea.
- 1.3 The applicant undertook formal pre-application with the Planning Authority (17/00576/PREAPP), which included up to four dwelling houses. This particular site was option 2 and the pre-application advice stated that this site would not be acceptable if its scale and massing gave it undue prominence within its wider hillside setting. Consequentially, it was important that any design was modest and minimised its wider visual impact.
- 1.4 The application has been supported by a Design Statement, an Impact Statement of Stein Conservation Area and supporting appendices, an Air Source Heat Pump Specification and a Private Access Checklist.
- 1.5 Variations:
- Amended foul drainage scheme
 - Rendered visualisation to show external appearance

2. SITE DESCRIPTION

- 2.1 The site is an area of grassland adjacent to the south-west walled garden of Lochbay House, a listed building which stands in a prominent position at the north-western edge of the Stein conservation area.
- 2.2 The conservation area is centres upon Stein's historic buildings which are clustered close to the jetty. Lochbay House sits on land which rises steeply away from these buildings.

3. PLANNING HISTORY

- | | | | |
|-----|---------------------|-----------------------------------------------------------------------------------------------------------|-----------------------|
| 3.1 | Under Consideration | 20/01718/FUL: Erection of house – proposed development to the south east of the current application site. | Pending Determination |
| 3.2 | Under Consideration | 20/01719/FUL: Erection of house – proposed development to the east of the current application site. | Pending Determination |
| 3.3 | Advice Given | 17/00576/PREAPP: 4 possible dwellings within the curtilage of Lochbay House | May 2017 |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour/ Section 65 Affecting a Conservation Area

Date Advertised: 29.05.2020

Representation deadline: 19.06.2020

Site Notice displayed from 29 May 2020 (7 day minimum)

Timeous representations: 61

Late representations: 10

4.2 Material considerations raised are summarised as follows:

- a) Inadequate publicity/ impact of Covid 19, no site notice displayed.
- b) Impact upon the Conservation Area – does not preserve or enhance the area.
- c) Cumulative impact of the three applications
- d) Impact upon listed building
- e) Impact upon neighbour amenity
- f) Impact upon landscape and trees – visible from shore, from across the bay and the main Lochbay viewpoints. Within the SLA
- g) Remote from services
- h) Inappropriate design, impact of house and access track, too modernist, alien, not in keeping with the vernacular or the listed building
- i) Out of settlement pattern
- j) Blue line incorrect – dispute ownership / access rights over the track.
- k) Strain on water supply
- l) Road safety – accidents – shortage of parking – storage of bins
- m) Visual impact from the sea.
- n) Corncrakes on opposite side of the road. Impact on otters
- o) No community interest from owners.
- p) Sets a precedent for future development
- q) Impact of treatment plant discharging to the sea
- r) Windows need to be non-reflective to stop potential glare disturbing white-tailed eagles nesting on the cliffs.
- s) Too many holiday homes
- t) Stand of coniferous trees are nearing the end of their lives
- u) Fossil deposits could be disturbed/destroyed

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Historic Environment Team: No objection

- a building could be introduced in this location without significant adverse impacts to the character and appearance of the conservation area, or negatively affecting the setting and context of the listed building;
- Both house and walled garden are category C listed
- Minimal new infrastructure is required
- Not readily visible in views across the conservation other than southerly approach
- Height of building a factor in impact on setting of walled garden – ideally, roof should be lower than walled garden through lowering of building into hillside. Would also reduce under-build decking.
- A rendered image would help show that the drawings make the stone elevations appear starker than reality

5.2 Environmental Health: No objection to the installation of an air source heat pump

- a footnote should be attached requiring the installation to be in accordance with the Microgeneration Scheme guidance.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 – Trees and Development
- 57 - Natural, Built and Cultural Heritage
- 58 – Protected Species
- 59 – Other Important Species
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 West Highland and Islands Local Plan 2019 (WestPlan)

This plan reviewed and confirmed the boundaries for the designated Special Landscape Areas.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2013)

Highland Historic Environment Strategy (Jan 2013)

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

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

Protected Species March 2013

7.2 Scottish Government Planning Policy and Guidance

Historic Environment Policy for Scotland April 2019

8. PLANNING APPRAISAL

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

Section 64 requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) impact upon the listed building
- c) impact upon the conservation area
- d) impact upon the North-west Skye Special Landscape Area
- e) neighbour amenity;
- f) access and parking;
- g) protected species;

- h) developer contributions; and
- i) water supply and foul drainage.

Development plan/other planning policy

8.4 a) compliance with the development plan and other planning policy;

8.5 In this case the Development Plan is comprised of the West Highlands and Islands Local Development Plan and the Highland-Wide Local Development Plan, the relevant policies of which are listed above.

8.6 The application site is located adjacent to the Category C listed building (Lochbay House) and is located within the Stein Conservation Area and the North West Skye Special Landscape Area. Therefore, a key policy consideration is the schemes compliance with Policy 57 of the HwLDP, which sets out the tests against which developments that affect natural, cultural and built heritage features must be assessed. Policy 57 (1) states that for features of local/regional importance developments will be allowed if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource. This policy is supported by the Highland Historic Environment Strategy Supplementary Guidance, which seeks to ensure that the future management of change to the historic environment in Highland is based on an understanding of its economic, social and cultural values and that all future decisions are based on informed consideration of the heritage assets to ensure that they are protected and conserved for existing and future generations.

8.7 Policy 28 of the HwLDP also requires proposals to demonstrate sensitive siting and a high-quality design which is in keeping with local character and historic and natural environment and make use of appropriate materials. These requirements are also emphasised in policies 29 and 36 of the HwLDP.

8.8 The impact of the proposal upon these identified features has been carefully assessed and the development is considered to have responded with a carefully considered siting and an appropriate design. There is no outstanding objection from the Council's Historic Environment Team. For the reasons set out below it is considered the proposal is in compliance with the Development Plan and National Planning Policy in respect of the Historic Environment.

b) impact upon the listed building

8.9 The proposal is positioned some 11m below the south-west boundary of the walled garden of Lochbay House, separated from it by a new driveway and parking area. Lochbay House was added to the list with Category C status in September 1982 with the following description,

"...Later 19th century, 2 storey, 3 bay house, coursed rubble, stucco dressings. Centre projecting bay with round-headed centre door, narrow window above, crow-stepped gable and apex chimney. Gabled round-headed windows to outer bays, 1st floor; 10-pane glazing; end stacks; pitched slate roof. Modern wing to rear..."

- 8.10 Although the walled garden is not specifically referenced within the listing description, the walls constitute boundary and/or curtilage structures which benefit from the same listed status.
- 8.11 The proposed house is some 50-60m from the rear of the listed house, but its location adjacent to the rear garden wall suggests that it is capable of having an impact on the setting of the listed building. Section 59 of the Listed Buildings Act places a duty on the authority to give special regard to preserving the setting of the building.
- 8.12 The design of this proposal appears to have been guided in part by this constraint. It is not considered that this would be a suitable site for a house of traditional form and proportions. Third party comments have provided a most comprehensive history of the development of the Stein settlement and, as is often the case with buildings of 'status', Lochbay House appears to have deliberately been built in a relatively isolated and prominent position away from the main body of development.
- 8.13 In this location, even a single-story building of traditional design would tend to compete with the listed structure and detract from this historic setting. Although the principal elevation of the listed building faces away from the sea, the outlook from the rear of the property and its gardens would be severely compromised by a building with any degree of vertical emphasis. It is understood that this was also a key design requirement stipulated by the applicant for amenity reasons.
- 8.14 The submitted design addresses these constraints through the use of an overtly modern architectural style which allows for a low, single storey building with a virtually flat mono-pitch roof. The almost triangular floor plan allows the structure to respond to the natural fall in the site away from Lochbay House and down to the shore some 85m away. The rear elevation runs parallel to the rear garden wall and is dug down a little such that it rises 3m above the ground with the eave at the same height as the top of the adjacent listed wall. The mono-pitch roof rises very gently from this end of the building to the front leaving the seaward elevations some 5m above ground level including an under-build projection. At this height the front eave of the roof still remains lower than the north-eastern end of the listed garden wall.
- 8.15 Following the historic environment team's consultation comment about lowering the finished floor level even further, the agent raised concerns. These were that, whilst the lowered roof would only make an incremental difference to the impact on the listed building, the engineering, earth moving, and spoil disposal required would create visual problems themselves. There was a danger the site would look over-engineered. The net effect was considered by the historic environment team and the suggested alteration to the finished floor level was withdrawn.
- 8.16 The design intent of minimised impact upon the setting of the listed building is augmented by the palette of visually recessive external materials. The vast majority of the external elevations are to be constructed in rubble stonework. Around the main entrance insert on the north-eastern and western elevations there are contrasting 'masonry panels' which the agent has clarified to be horizontal bands of Caithness stone. The roof is to be turf covered.

- 8.17 Access to the site is to be taken from a private track running down the western side of Lochbay House from the public road to the 'The Boathouse' dwelling on the coast. A section of dry-stone wall is to be removed to facilitate a new access point with a driveway sloping down to two parking spaces between the rear of the proposal and the garden wall. A new, unattached section of stone wall is to be erected at the end of the parking area.
- 8.18 These design details are considered to successfully combine to produce a dwelling which does not compete with the prominence of the listed building in terms of either architectural design or the visual impact of its external finishes. Overtly modern architectural forms have often been successfully used to introduce new development in the vicinity of built heritage with the intent of avoiding visual 'rivalry' and it is considered that this goal has been achieved here. The listed building remains the dominant built form and the visual subservience of the proposal is considered to be greatly enhanced by the use of naturally recessive stone for the elevations. Any visual impact of the proposal impinging on the outlook and setting of the listed building will be mitigated by the use of turf on the roof of the proposal which will be seen in certain outward views from the listed building.
- 8.19 In respect of the setting of Lochbay House, the proposal is considered to meet the requirements of s.59 of the Listed Buildings Act and those of Policy 57.1.
- A condition is recommended to remove permitted development rights to allow the authority to control any future development to the building and its curtilage in the interests of the setting of the listed building.

c) impact upon the conservation area

- 8.20 Most of the large number of comments submitted in respect of this application stress the importance of the conservation area in the determination of this application. Stein has a locally unique history of a grandiose plan to create a 'model' fishing settlement which, although it never came to fruition, did serve to fashion the main development around the Inn and the jetty. The application site falls within the northern boundary of this original scheme and the boundaries of the conservation area appear to have been drawn to encompass most, if not all, of the land identified.
- 8.21 There has also been a debate within the correspondence about the extent to which there has been incremental growth within the settlement during recent decades and further back in time. It is certainly the case that, relative to the wider surrounding Waternish settlements, the Stein conservation area has seen very little development for a considerable period of time – and long before its designation. Most of the third-party comment suggests that this lack of historical development is 'the character' of the conservation area that should be 'preserved'.
- 8.22 However, conservation designation must also be understood as being a part of wider national planning policy. National planning policy is supportive of sustainable development. So, a conservation area designation should not be seen as a mechanism to resist all change and development, but rather as a instrument to guide appropriate development.

8.23 That said, the obvious explanation for the lack of new development within the conservation area is not planning control, but simply the lack of suitable sites. In this regard, it is recognised that this proposal makes no attempt to conform with either the settlement pattern or vernacular architecture. Rather, it chooses a location, an architectural form and external materials designed to allow the insertion of a new dwelling into the conservation area without disturbing its historic form and character. The central focus of this approach is to minimise the degree to which the proposal impinges upon public amenity.

8.24 The critical material consideration being emphasised here by the application is the degree to which the proposal will be seen from within the conservation area and in views into the conservation area from the surrounding landscape. Furthermore, with the same focus on public amenity, there is a need to assess what level of visual impact the proposal will have when it is publicly visible.

8.25 Views of the site from the main publicly assessable areas of the conservation area are very limited. It will probably be possible to glimpse the form of the building from the seaward end of the jetty but the intervening tree belt obscures most of the site. This same belt of trees entirely obscures the site from viewpoints in the heart of the conservation area such as outside the Inn. Views are possible from the eastern extremity of the conservation area, but this land is not very accessible or well frequented and the number of receptors will be minimal.

The site will certainly be visible from the elevated and busy B886 to the south and south-east but once one gets within 600m (as the crow flies) of the site, the tree belt once again begins to obscure direct views.

Moreover, visual impact from these distant elevated views is likely to be greatly moderated by the form and materials of the proposed building. The observer will be looking down from a distance of several hundred metres onto a turf roof set within a surrounding of trees and open croftland. Any stone elevations visible will also have a recessive appearance. The proposal is unlikely to draw the eye and detract from its conservation area setting.

An important point about the potential visual impact, through glare and reflection, of the substantial areas of window glass used in the design has been made. It is possible that a low sun in the west could reflect back to viewers to public views on and around the elevated settlement road. However, the probability and frequency of such an occurrence is likely to be low and little weight can be given to this consideration.

8.26 The above analysis has mentioned the significant screening impact of the belt of largely coniferous woodland on neighbouring land to the south-east of the proposal. In terms of the visibility of the proposal from Stein Inn, the jetty and the closer, western portion of the main road as one approaches Stein from the south-east, this belt of trees play an important part in reducing the proposal's visibility.

The owner of these trees has commented on the application and suggested that, as the trees are mature, they may well be felled within the next ten years. This raises a question as to how much weight can be given to their screening effect in this determination.

As trees within a conservation area, the planning authority has some control over the removal of these trees and is given a 6-week period from notification to decide whether to provide statutory protection to the trees or not.

The clear felling of this woodland would have a dramatic impact on the character of the conservation area – as evidenced by the submitted historic photographs of a relatively bare hillside.

If clear felling took place the proposed dwelling would be in clear view from the centre of the conservation area, but then so would Lochbay House and this would provide context and mitigation for its modern neighbour.

Ultimately, it is not considered that any great weight can be placed upon the issue of the removal of these trees. This determination has to be made on the character and appearance of the conservation area as it exists today and not on a speculative view of how it might appear in ten years' time.

- 8.27 It is concluded that the proposal meets the requirements of s.64 of the Listed Buildings Act and those of Policy 57.1.

A condition is recommended to control the detail of the external materials to be used.

d) impact upon the North-west Skye Special Landscape Area

- 8.28 One of the sensitivities to change within the assessment for this SLA is the that;

“...Development could impinge on the setting of historic features or landscapes...”

For the reasons provided above, the impact of this proposal on the listed building is considered acceptable.

- 8.29 The SLA is dominated by considerations of coastal landscape and several comments on the application have raised the issue of the impact of the proposal when seen from the sea.

- 8.30 It is certainly the case that the proposal will appear much more prominently when viewed from the sea to the west. However, consideration must also be given to the numbers of receptors that this might impact upon. Although leisure and tourist boat use is high in Loch Bay, the total number of receptors will still be relatively low and little weight can be given to this consideration.

e) neighbour amenity

- 8.31 In terms of separation distances from the nearest neighbouring properties, the proposal raises no concerns in terms of overlooking or general disturbance. Environmental Health is satisfied that the air-source heat pump will not cause disturbance so long as it is installed in accordance with the national Microgeneration Scheme guidance standards.

8.32 The shared use of the private track for access to the site by one further dwelling should not result in a material loss of amenity for its existing users. The issue of rights of access over this track are matters of civil law and not material planning considerations.

f) access and parking;

8.33 The private track joins the public road at the apex of a right-angle bend. This affords good visibility in either direction and also means that traffic speeds on this section of the road will be low.

8.34 The application suggests 90m visibility can be achieved in either direction. This may be slightly optimistic, but with realistic approach speeds of no more than 20mph, 60m of visibility will suffice and this can be achieved.

8.35 Given the increased use of the access, it is considered necessary to secure standard hard surfacing for the first 6m to protect the edge of the public road and avoid loose material migrating on to it. Provision of a bin store is also considered necessary. These matters can be secured through the recommended condition.

g) protected species

8.36 A number of comments have mentioned that there is Corncrake habitat in the vicinity of the site although not on the site itself.

8.37 There are no statutory nature conservation designations on the site. The authority is aware that there is good Corncrake habitat within the wider surrounding croftland but not on the site.

h) developer contributions

8.38 The Council adopted the Developer Contributions Supplementary Guidance in November 2018. However, under this no developer contributions towards secondary education at Portree or primary education at Knockbreck or Dunvegan are required, as there is sufficient capacity at present. The proposed single house does not trigger the requirement for an affordable housing or community facilities contribution. The threshold for contributions is also not currently met if the applicants two adjacent house sites (pending determination) are also included in the calculation.

i) water supply and foul drainage.

8.39 Connection is proposed to the public water supply. A number of contributors have suggested that the current water supply is inadequate and cannot support additional development. Scottish Water have made representations on the applicant's two adjacent sites (pending determination) and have offered no objection. However, Scottish Water state that to confirm capacity the developer will need to submit a pre-development enquiry form directly to them and thereafter a separate application must be made by the applicant to Scottish Water to request a mains connection. Planning permission granted by a Local Planning Authority does

not secure the provision of water services and it does not guarantee that there is sufficient network capacity available for new connections. The applicant will be advised of this through a footnote attached to any planning consent.

- 8.40 If a connection to the public water supply is not forthcoming due to capacity constraints or a failure to gain any necessary legal wayleaves, then a private water supply will be required. If this occurs, then a further planning permission is likely to be required with the adequacy of the supply controlled through the Environmental Health legislation.
- 8.41 Policy 65 of the HwLDP confirms that the Council's preference is that any private system should discharge to land rather than water. The agent has amended the original submission to include a land soakaway rather than the original discharge to the sea. The technical details of any private system are controlled through the Building (Scotland) Regulations and the CAR licence administered by SEPA, both of which will ensure that the development does not result in environmental harm. A condition covering these matters is also recommended.

Other material considerations

- 8.42 One contributor has suggested the site is rich in fossil deposits. Although archaeological watching briefs are sometimes required by planning permissions, palaeontological ones are not. Fossil records tend to be quite widely distributed and the area occupied by this one dwelling is not likely to result in a fundamental loss of this research resource.

Non-material considerations

- 8.43 There has been much speculation in third party comments about whether the house will be a holiday let or not. This is not a material planning consideration.

Equally, if it is used for holiday letting, its impact on other similar businesses is not a planning consideration and neither is the shortage of local cleaners for those concerns.

The degree of involvement an applicant has with the local community and whether they are a resident or not are not material considerations.

Concerns that any approval would set a precedent for further development is not material. Each proposal will be assessed on its individual merits.

Matters to be secured by Section 75 Agreement

- 8.44 None

9. CONCLUSION

- 9.1 The form and appearance of the proposed house has been specifically designed to minimise impact upon the setting of the adjacent listed building. It is considered to have successfully achieved these aims.

- 9.2 The chosen siting of the building coupled with its form and appearance have combined to produce a proposal with very little public amenity impact when seen from within and from without the conservation area. The visual impact on those long views which do exist is successfully mitigated by the recessive palette of external materials – natural stone beneath a turf roof. Impacts upon the North-west Skye SLA are similarly minimised.
- 9.3 The proposal is not considered likely to have any significant impacts upon neighbours or protected species.
- 9.4 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

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

Conditions and Reasons

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

Reason: In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

2. No other development shall commence until the site access onto the public road has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 13 January 2021), with the junction formed to comply drawing ref. SDB2 (without service bay)

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 all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

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

4. Prior to the first occupation of the dwellinghouse, parking spaces for a minimum of 2 cars shall be provided as detailed on the approved plans and shall thereafter be maintained for this use in perpetuity.

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

5. Notwithstanding the provisions of Article 3 and Classes 1-3 inclusive of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house hereby approved without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the adjacent listed building.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans 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.

Scottish Water

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

Septic Tanks 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_for_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.

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

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

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

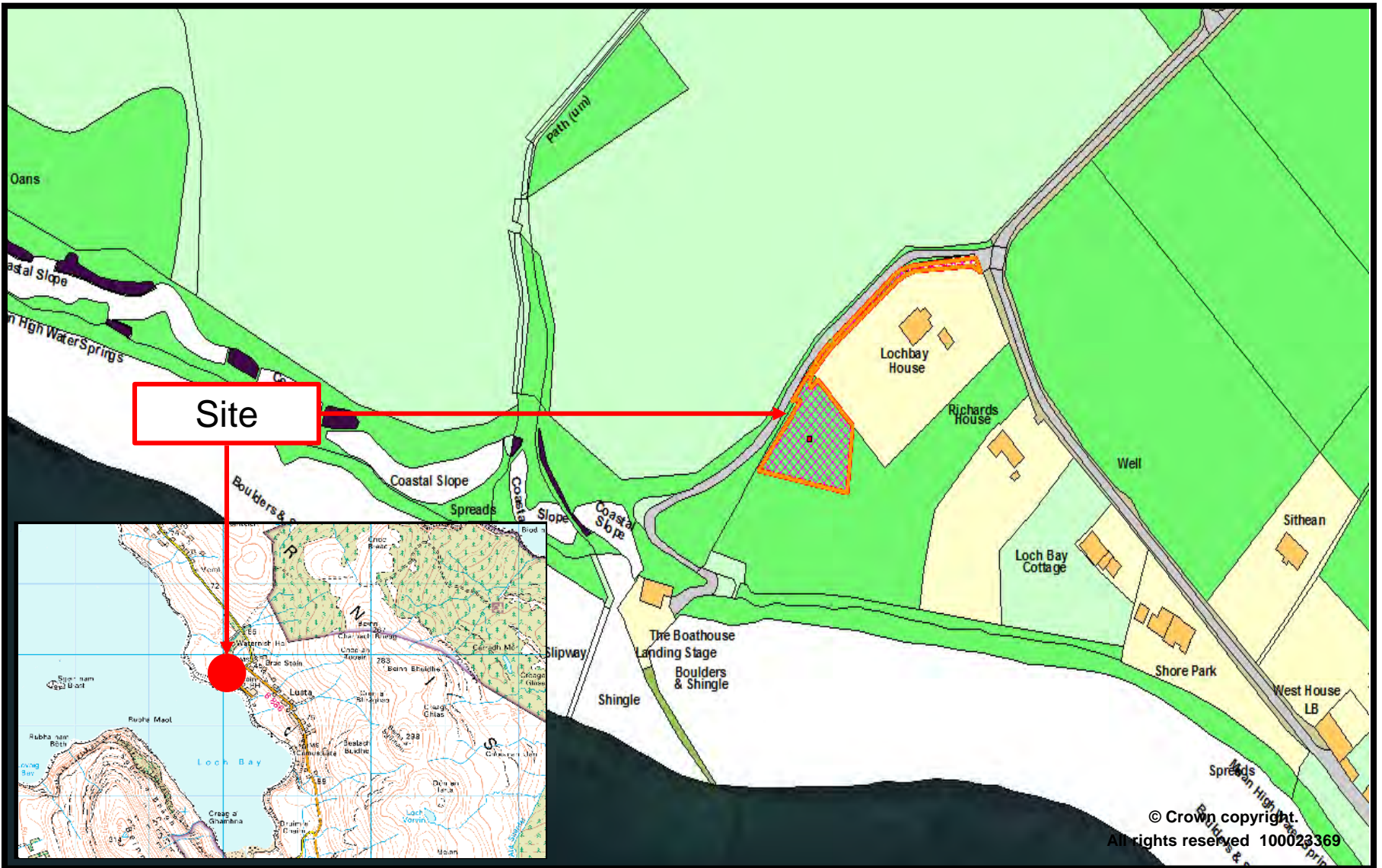
Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Air Source Heat Pump:

Environmental Health have advised that the heat pump must, be installed in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards For Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.

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 - 287.1-001 Location Plan
	Plan 2 - 287.1-P-002 Existing Site Layout Plan
	Plan 3 - 287.1-P-004 Proposed Site Layout Plan
	Plan 4 - 287.1-P-101 Floor Plan
	Plan 5 - 287.1-P-111 Elevations
	Plan 6 - 287.1-P-112 Elevations
	Plan 7 - 287.1-P-121 Section Plan
	Plan 8 - 287.1-P-P005 Proposed Site Section Plan
	Plan 9 - 287.1-P-0003 Rev A Proposed Site Layout Plan



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Planning and Development Service

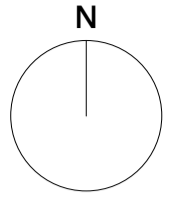
Location Plan
20/01717/FUL
Erection of house
January 2021



Scale:

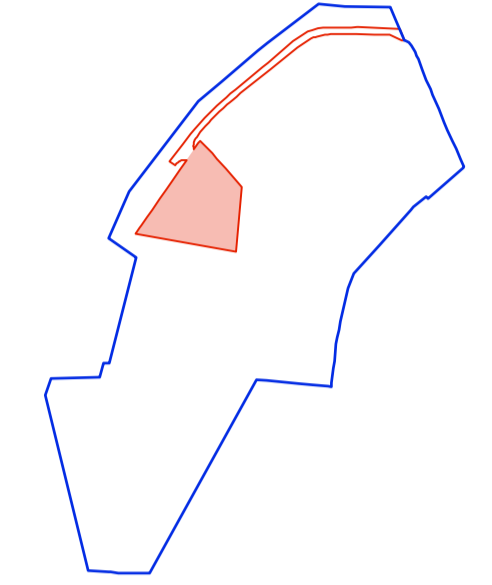
M 1:1000
0 50 100 [m]

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Revisions & Notes:

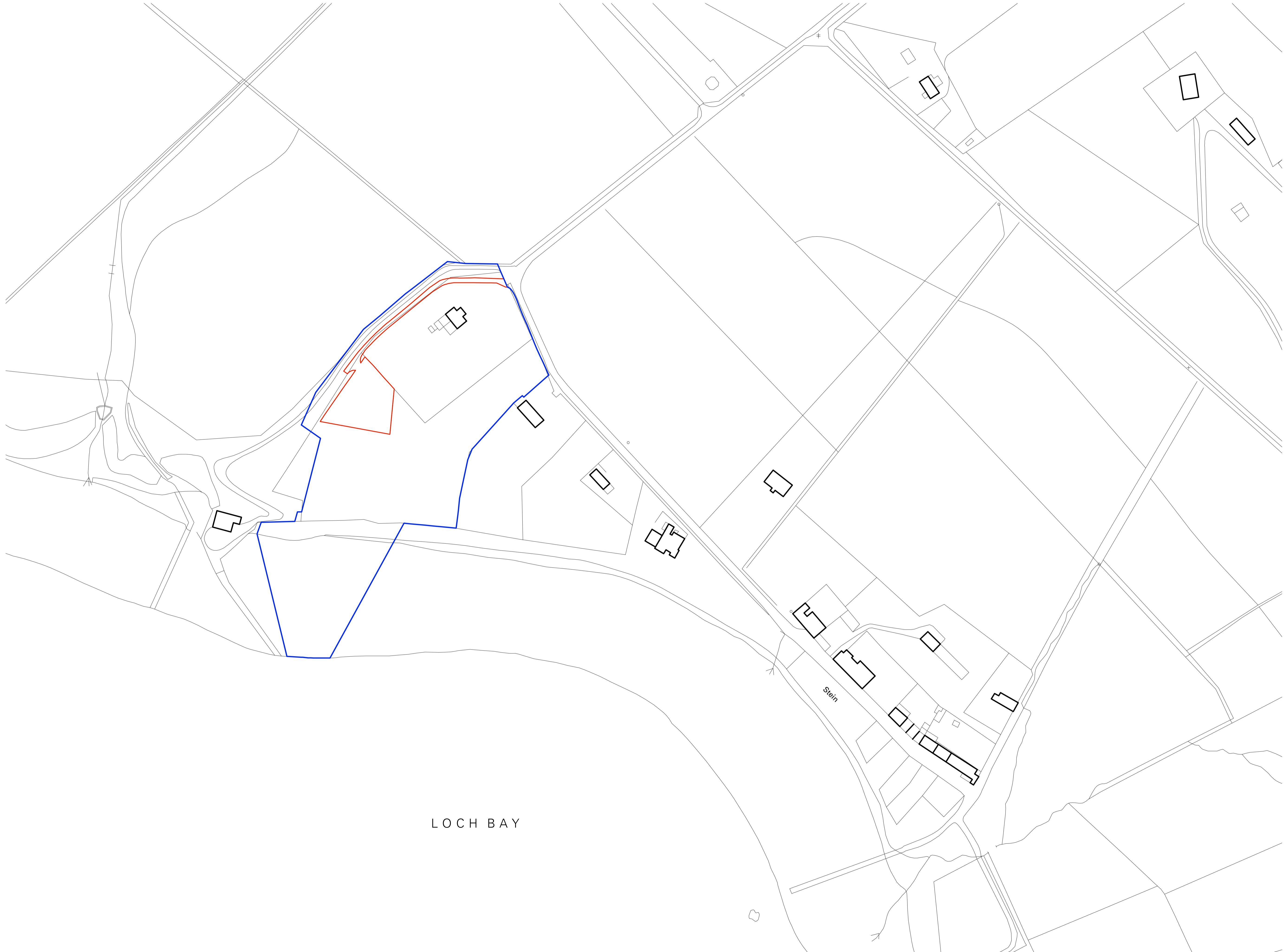


easting: 126040
northing: 856625

— applicant ownership
— Planning boundary



site area: 0.106 ha (or thereby)



LOCH BAY

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www.ruraldesign.co.uk
studio@ruraldesign.net

Project: **Proposed House at Lochbay [1]**

Client: **Huw Morgan**

Drawing: **Location Plan**

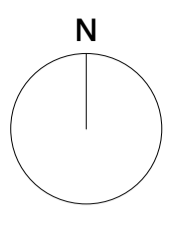
Scale: 1:1000 Drawn: SM Checked: AD

Status: Planning Date: April 2020 REV:

Drawing No: **287.1-P-001**

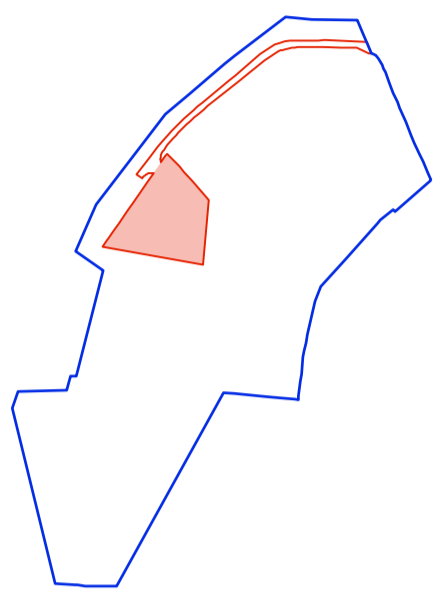


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If in doubt seek clarification from architect.
Revisions & Notes:



easting: 126040
northing: 856625

— applicant ownership
— Planning boundary



site area: 0.106 ha (or thereby)

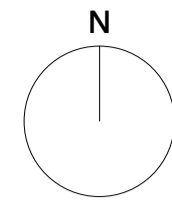
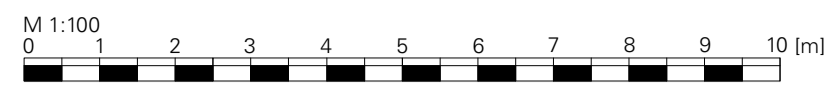
- 1. Lochbay House
- 2. garage
- 3. walled garden



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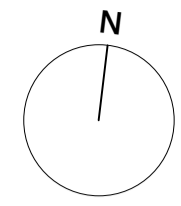
Project:	Proposed House at Lochbay [1]		
Client:	Huw Morgan		
Drawing:	Site Plan - As Existing		
Scale:	1:500	Drawn:	SM
Status:	Planning	Checked:	AD
		Date:	April 2020
		REV:	
Drawing No:	287.1-P-002		



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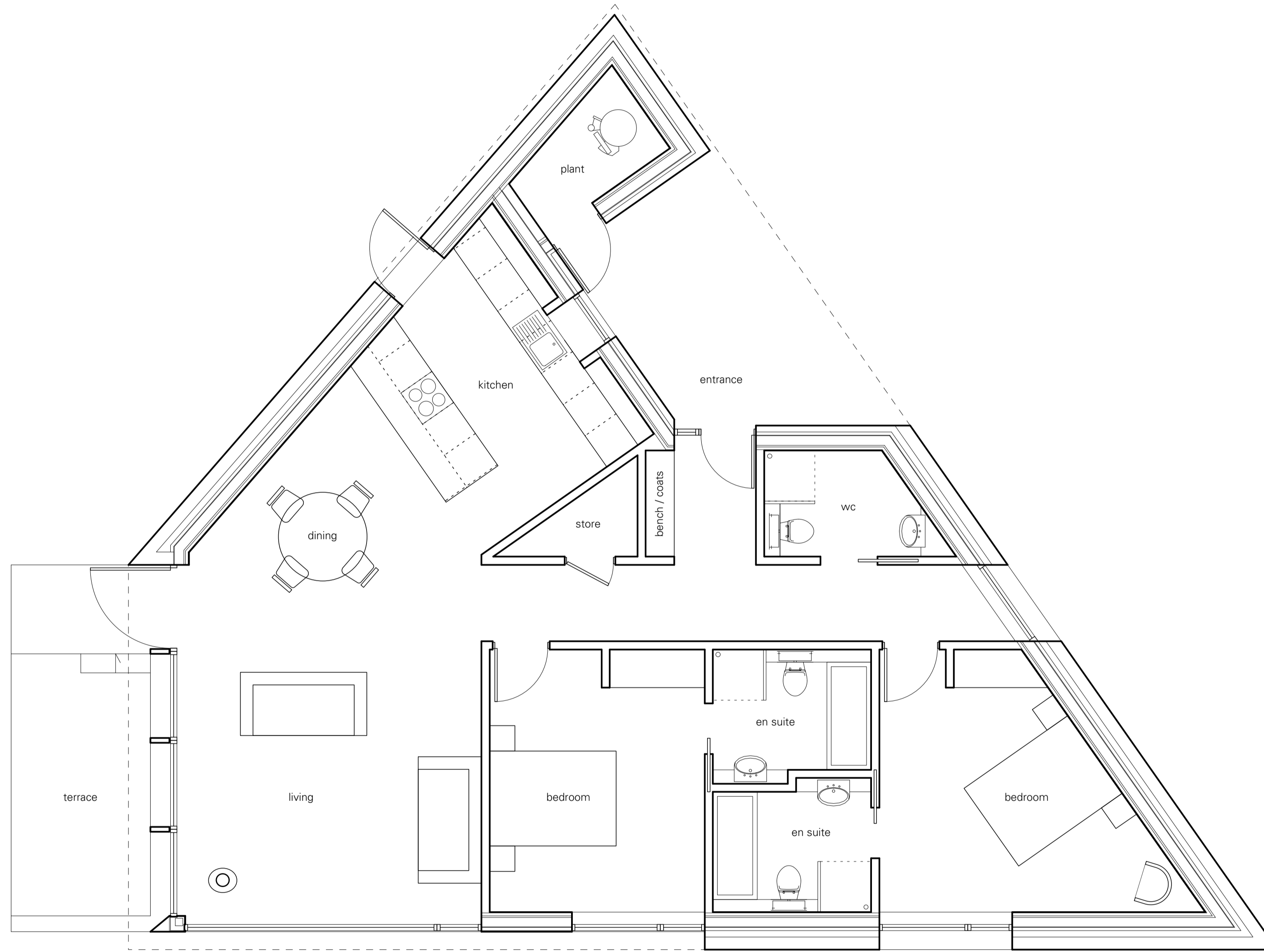
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www.ruraldesign.co.uk
studio@ruraldesign.net

Project:	Proposed House at Lochbay [1]		
Client:	Huw Morgan		
Drawing:	Site Plan - As Proposed [detail]		
Scale:	1:100	Drawn:	SM
Status:	Planning	Checked:	AD
		Date:	April 2020
		REV:	
Drawing No:	287.1-P-004		



M 1:50
0 1 2 3 4 5[m]

Gross Internal Floor Area : 115 sqm



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Project: **Proposed House at Lochbay [1]**

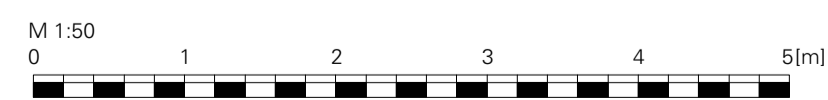
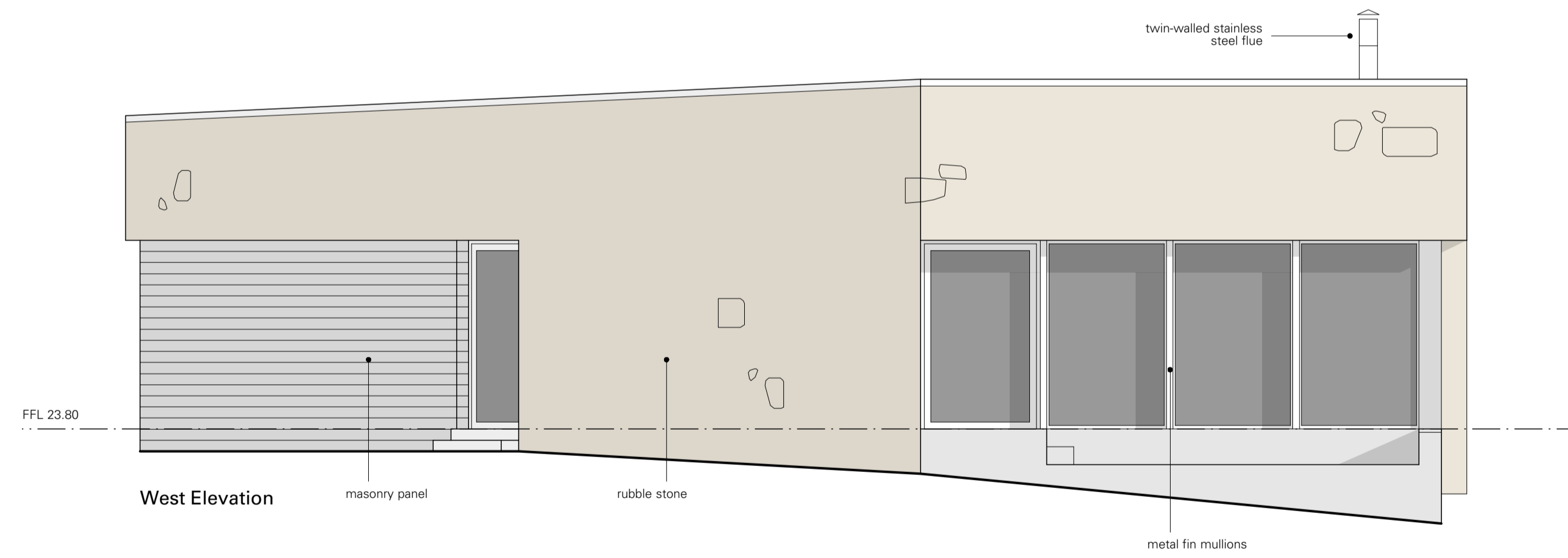
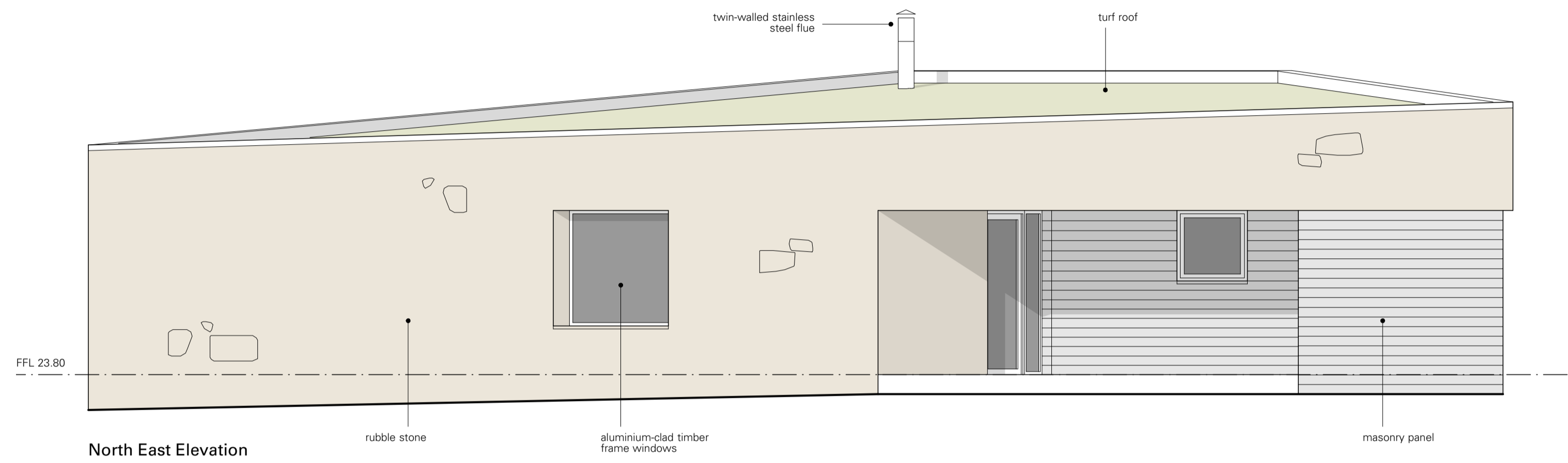
Client: **Huw Morgan**

Drawing: **General Arrangement**

Scale: 1:50 Drawn: SM Checked: AD

Status: Planning Date: April 2020 REV:

Drawing No: **2871-P-101**



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Project: **Proposed House at Lochbay [1]**

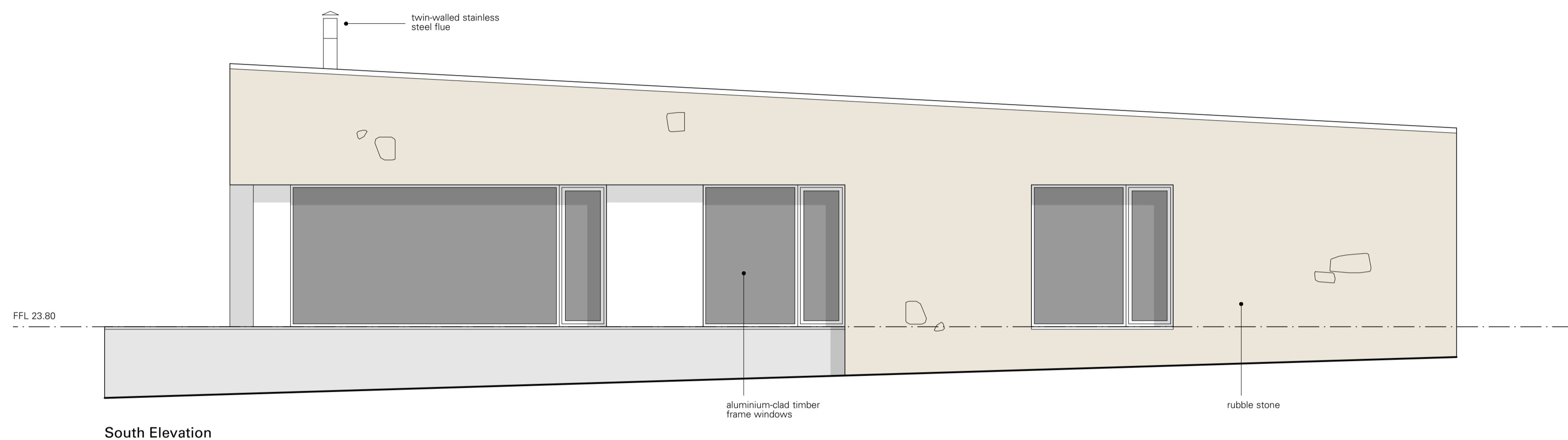
Client: **Huw Morgan**

Drawing: **Elevations 1**

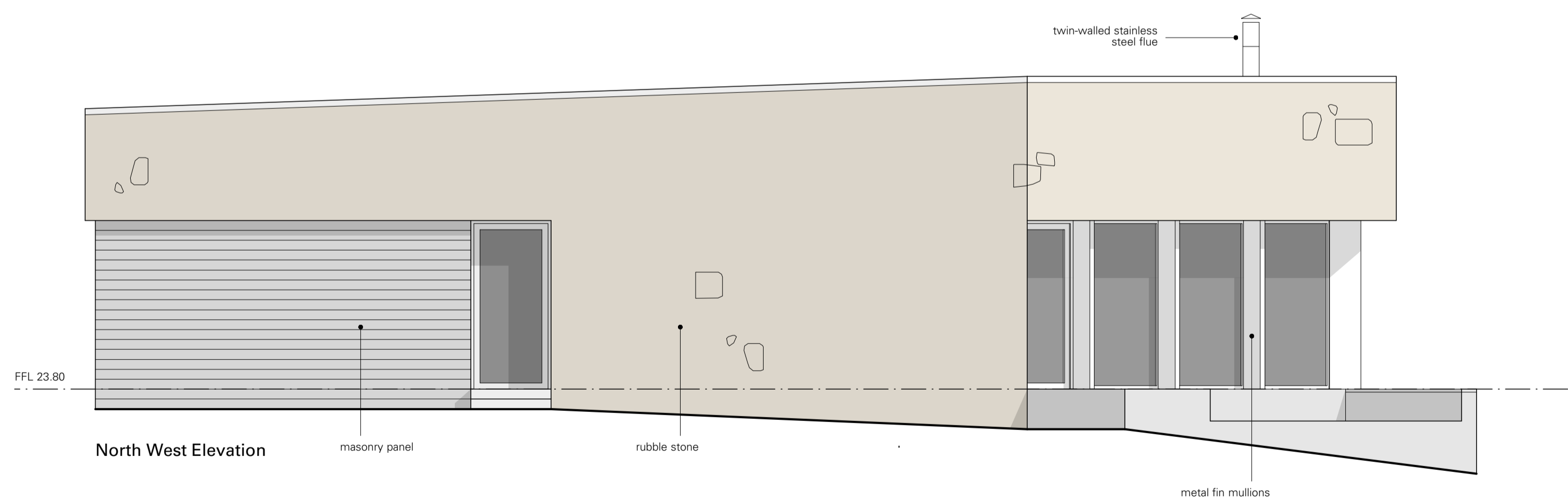
Scale: 1:50 Drawn: SM Checked: AD

Status: Planning Date: April 2020 REV:

Drawing No: **287.1-P-111**



South Elevation



North West Elevation



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Project: **Proposed House at Lochbay [1]**

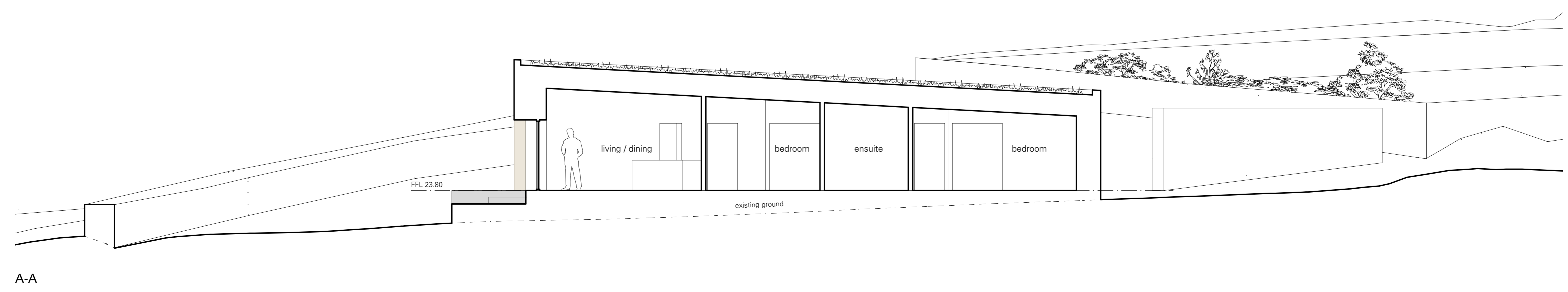
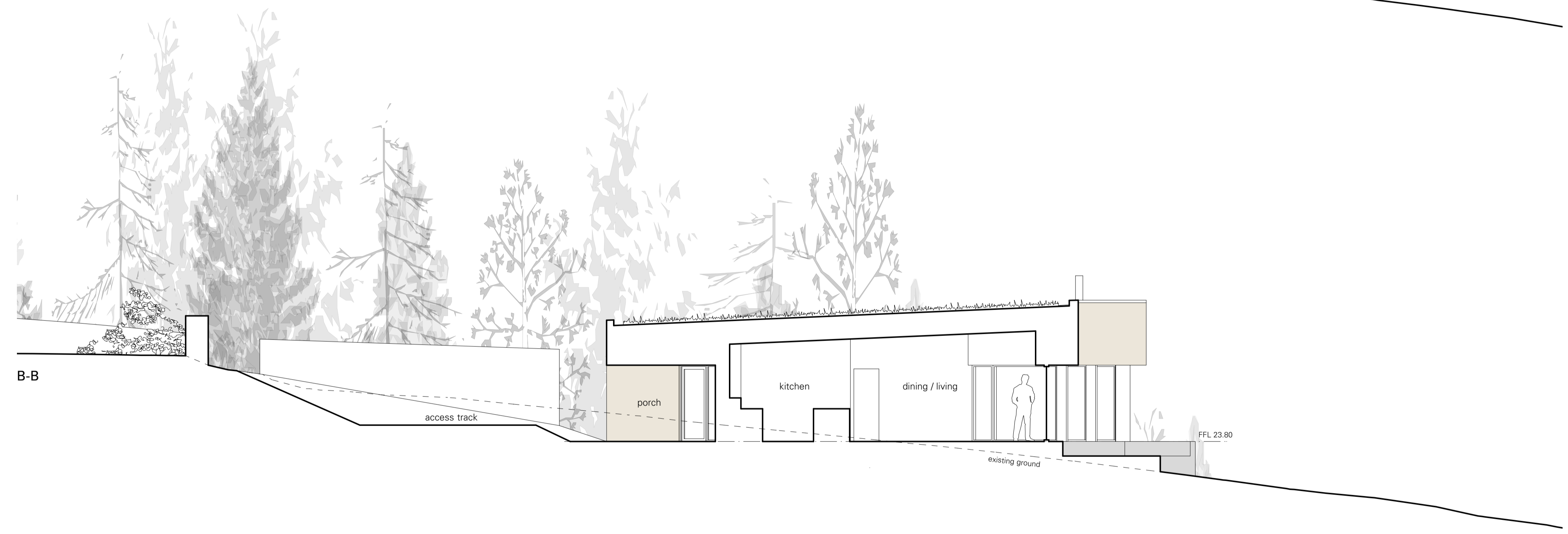
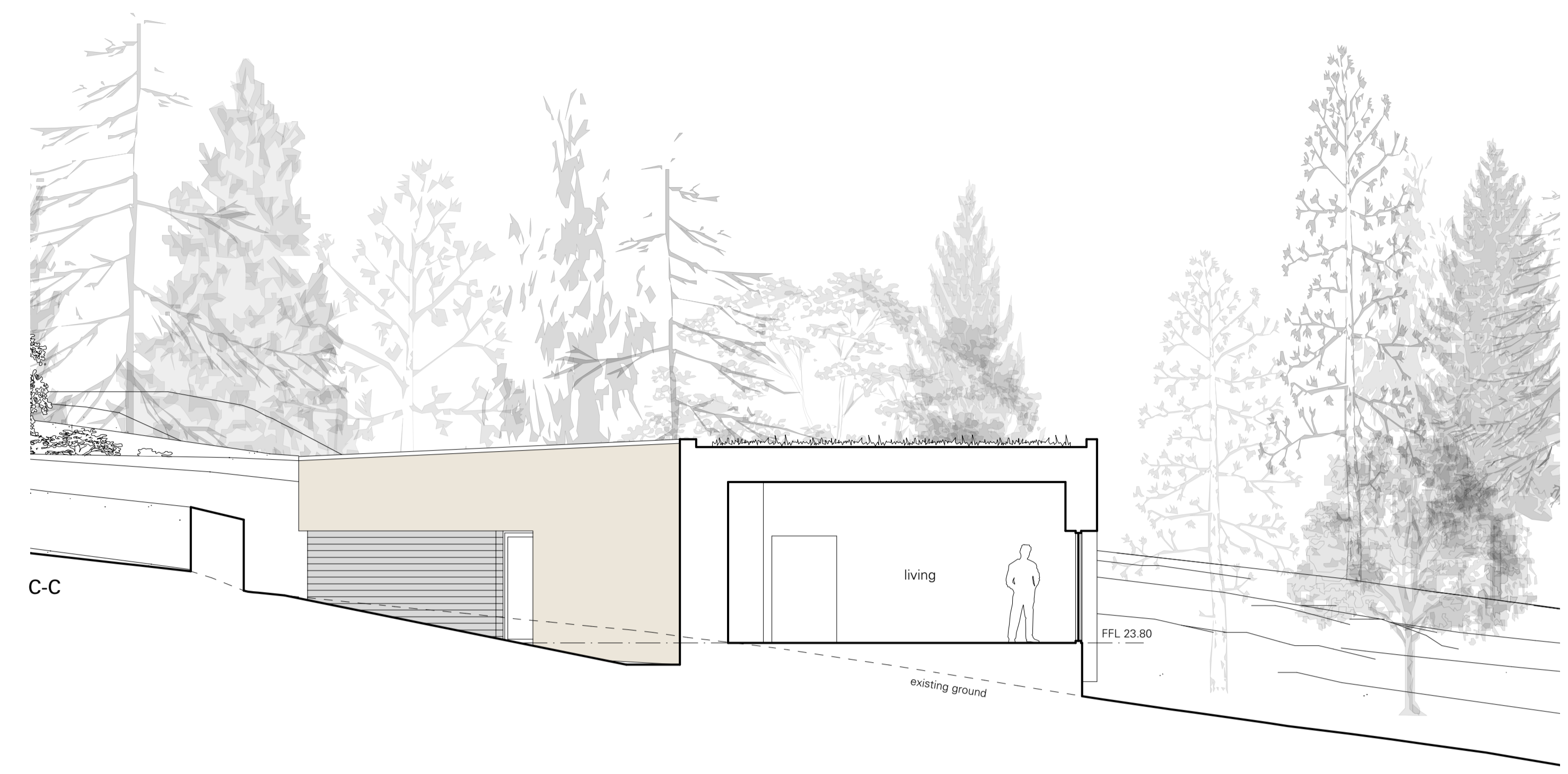
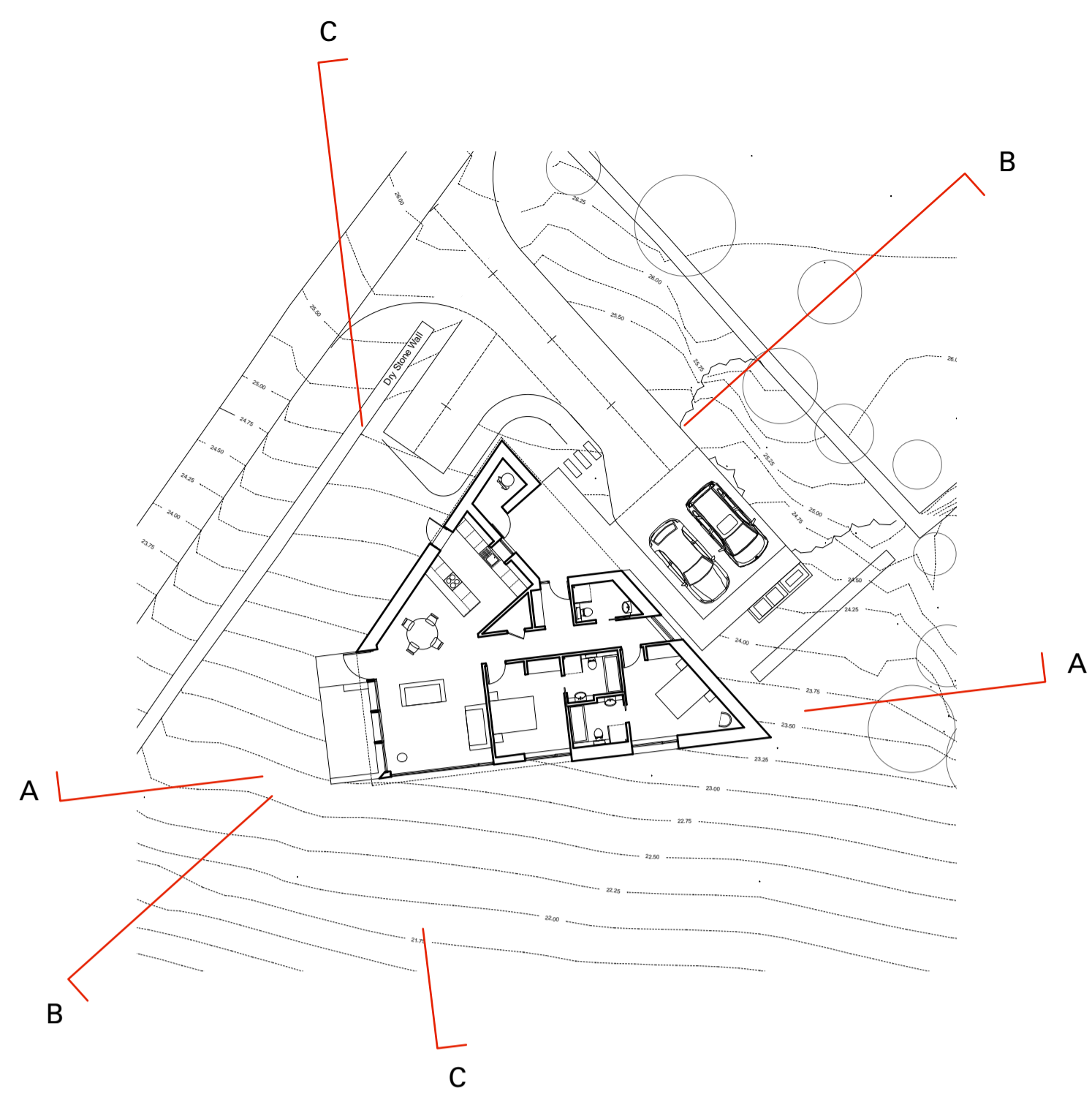
Client: **Huw Morgan**

Drawing: **Elevations 2**

Scale:	Drawn:	Checked:
1:50	SM	AD
Status:	Date:	REV:
Planning	April 2020	

Drawing No:

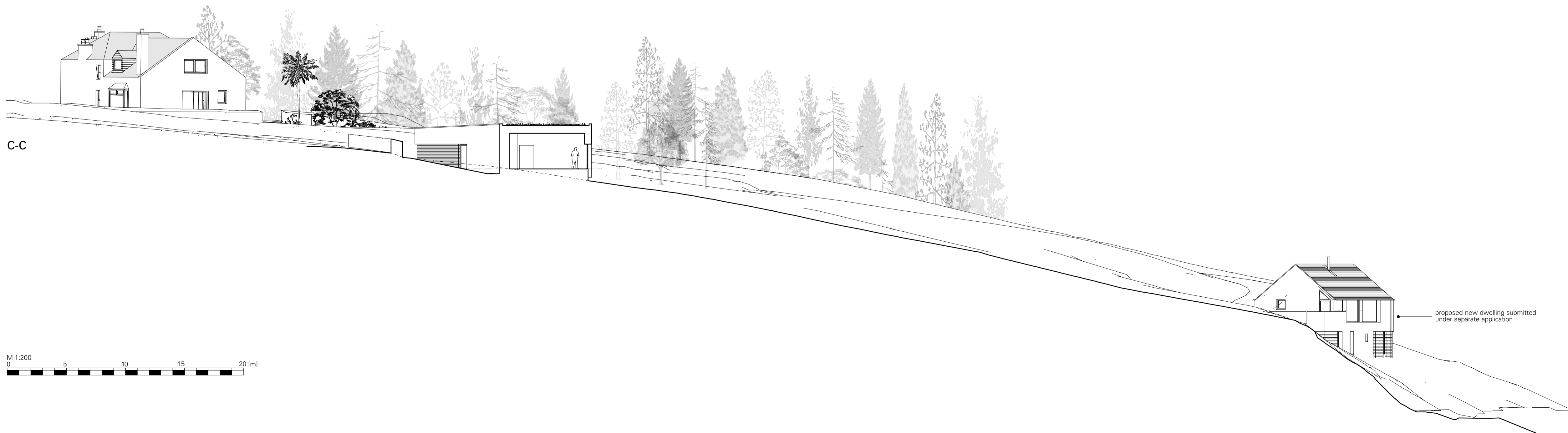
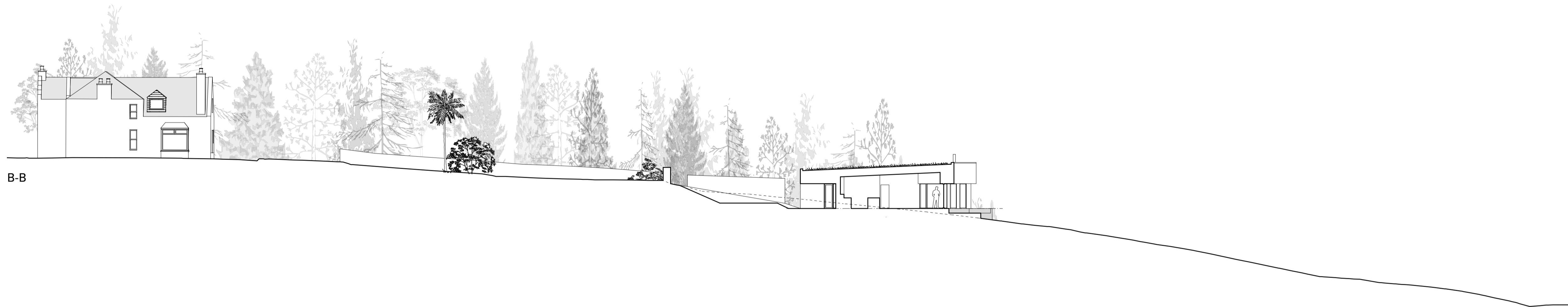
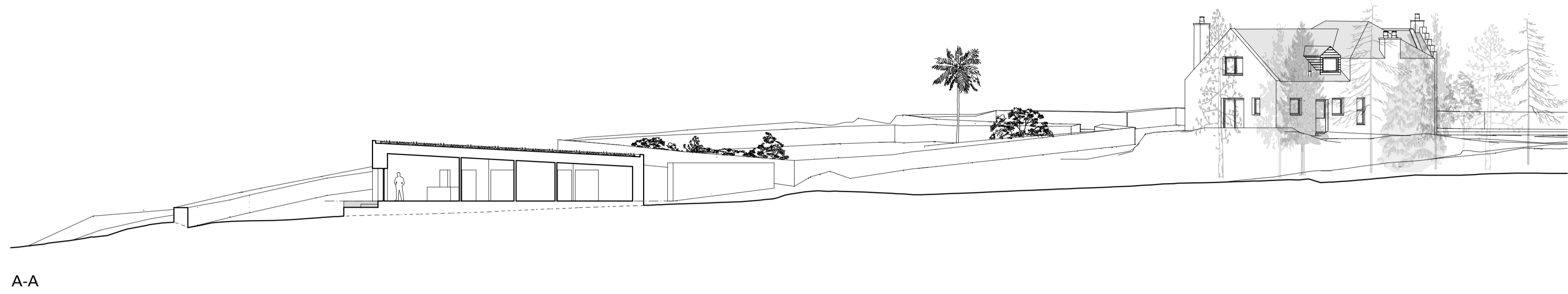
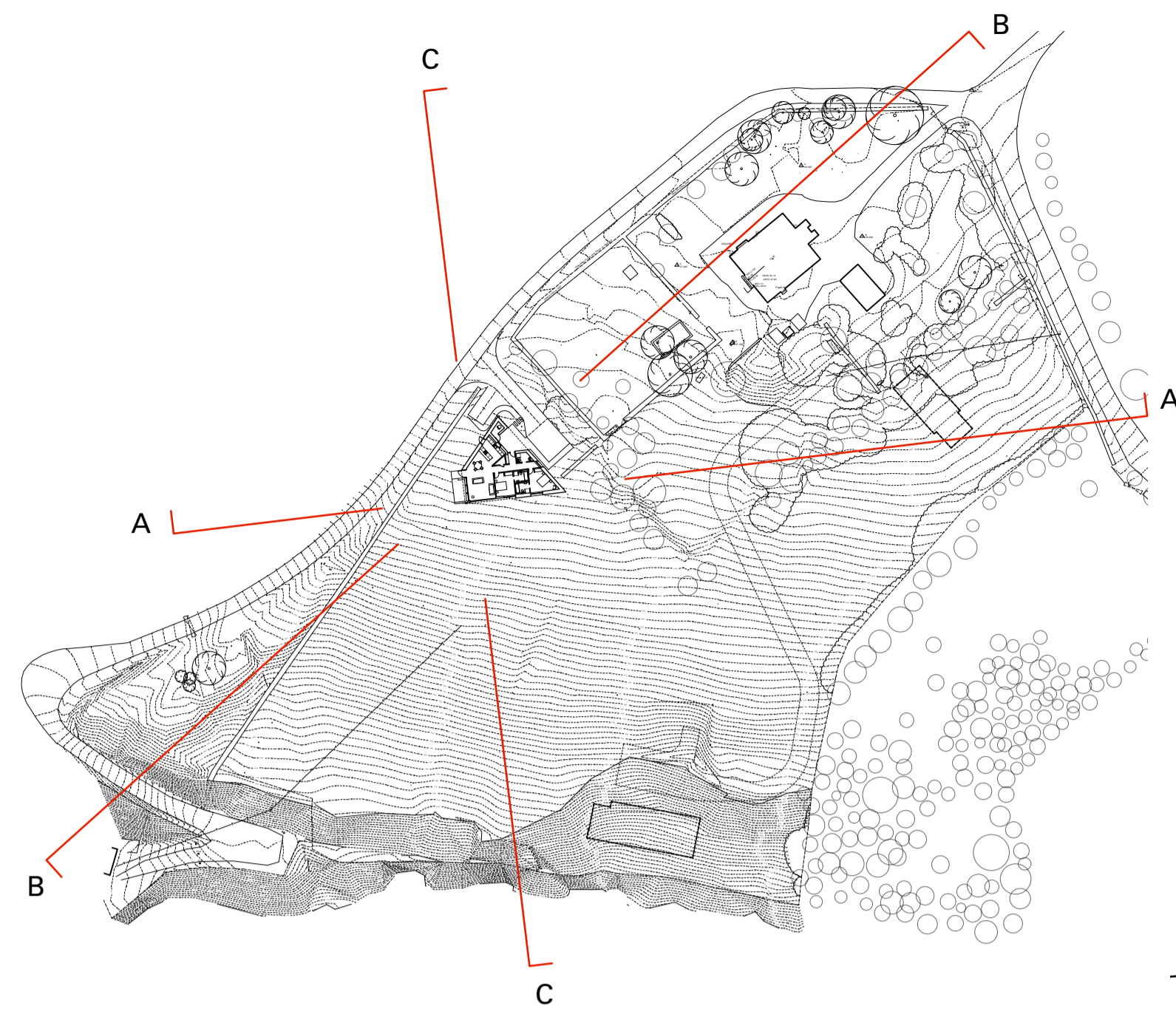
2871-P-112



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Project:	Proposed House at Lochbay [1]	
Client:	Huw Morgan	
Drawing:	Sections	
Scale:	Drawn:	Checked:
1:75	SM	AD
Status:	Date:	REV:
Planning	April 2020	
Drawing No:	2871-P-121	



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Project: **Proposed House at Lochbay [1]**

Client: **Huw Morgan**

Drawing: **Site Sections - As Proposed**

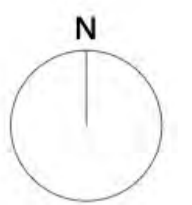
Scale: 1:200 Drawn: SM Checked: AD

Status: Planning Date: April 2020 REV:

Drawing No: **287.1-P-005**



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Revisions & Notes:



easting: 126040
northing: 856625

— applicant ownership
— Planning boundary



site area: 0.106 ha (or thereby)

1. Lochbay House
2. garage
3. walled garden
4. proposed access / parking
5. proposed stone wall
6. proposed two bedroom house
7. proposed foul drainage
8. proposed bin collection point
9. proposed new dwelling submitted under separate application



Sightlines

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studio@ruraldesign.net

Project:	Proposed House at Lochbay [1]		
Client:	Huw Morgan		
Drawn:	Site Plan - As Proposed		
Scale:	Drawn:	Checked:	
1:500	SM	AD	
Status:	Date:	REV:	
Planning	April 2020		
Drawing No:	287.1-P-003A		