

Agenda Item	6.2
Report No	PLN/027/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 20 April 2021

Report Title: 20/02588/FUL: Tulloch Homes Ltd
Land North Of 2 Bayfield Road, Portree, Isle of Skye

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Proposed development to create 6 (previously 8) flats

Ward: 10 - Eilean A' Cheò

1.2 **Development category:** Local Housing

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.

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 The applicant seeks full planning permission for the erection of six, two bed residential flats. The units will be contained within a single building and across three floors with the upper floor flats accommodated within the roof space of the building. The proposed external materials for the main building are slate on the roof with white rendered block walls with panels of light grey marley eternit cladding. In addition, the plans detail on-site parking for the residents, a surface water soakaway and single storey outbuildings which will be used for cycle and bin storage. The external materials for the bin and cycle storage will be render, timber cladding and slate on the roof. Ten parking spaces (including one accessible) is to be provided to the east of the building and accessed from Bayfield Road.

The site lies outwith the designated Conservation Area for Portree.

3.2 Due to the site's village centre location the development will be served by the existing public water and waste-water systems.

3.3 **Pre-Application Consultation:** A brief informal discussion was undertaken with the developer in which the Planning Authority highlighted concerns about;

- the scale of the building in relation to the street scene,
- the need for a dual active frontages onto Bayfield Road and Lisigarry Court, and
- the need for the development to accommodate on-site parking.

In addition, we recommended that they undertake formal pre-application consultation with the Planning Authority. However, no such formal pre-application consultation was received.

3.4 **Supporting Information:** Drainage Impact Assessment, Daylight analysis and cross section plans have been submitted in support of the application.

3.5 **Variations:** A number of variations have been made to the application to address matters raised by consultees, the case officer and third-party representations:

- Reduction in the number of flats from eight to six.
- This has resulted in the reduction of floors from four down to three.
- The removal of two of the residential units has reduced the on-site parking requirements. As a consequence, the parking spaces and steps on the lower land to the west of the scheme have been removed.
- Alteration to the design of the main building – inclusion of dormer windows.
- Alteration to the design and external materials of the bin store and confirmation that this facility will only be open to residents via a key system.
- Relocation of the soakaway.

4. SITE DESCRIPTION

4.1 The application site is located on the western side of Bayfield Road which is within the village centre of Portree. The site is currently a mix of vegetation and hardstanding which appears to act as an informal parking area. The site is elevated

in relation to Lisigarry Court and the public parking area at Bayfield. To the east of the site is the three-storey building of Bayfield House, the ground level of this building is elevated in relation to the application site. Bayfield House is a mix-use building and contains the Tourist Information Centre and residential units. To the north is an electricity sub-station and parking area for The Royal Hotel. To the north-west are the residential units at Varrigill House. To the south is a mixed-use building containing the job centre and residential units, this is a three-storey unit, but is read as a two-storey building from the Bayfield Road direction.

5. PLANNING HISTORY

5.1 None relevant

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown neighbour – 14 days

Date Advertised: 07.08.2021 and re-notification following the submission of amended plans 26.02.2021

Final representation deadline: 12.03.2021

Timeous representations: 8 representations from 8 households (although not all included a residential address.

Late representations: 0

6.2 Material considerations raised are summarised as follows:

- 1) Design and scale of the building is not in keeping with the more traditional architecture of a highland village.
- 2) Loss of light and privacy to Bayfield House and Varrigill House
- 3) Bin store location – will have an impact upon amenity of property to the south.
- 4) Too many units which is an overdevelopment of the site.
- 5) Additional noise and traffic will have amenity impacts.
- 6) No pedestrian footway - development would result in congestion and would be dangerous for both pedestrians and drivers.
- 7) Should be sited elsewhere on the periphery of the village.

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 **Development Plans:** No objection – principle of the development supported by the land use allocation covering the site. The external design of the original scheme could be improved. Provided confirmation of the developer contribution requirements for this development.

7.2 **Transport Planning:** Do not object to the application following the submission of amended plans and further information.

First response received 5th August 2020, objecting to the application on the basis of a lack of information. Required the submission of the following information;

- Confirmation of the width of the public road post development;
- Revised disabled parking space;
- Dimensioned parking layout;
- Increased level of resident and user cycle parking and revised storage facility;
- Confirmation of where the 9 displaced parking opportunities will be;
- Revised waste storage area and waste collection point
- Relocation of the soakaway to a distance of 5m from the edge of the road.

Second response received 22 Feb 2021, objection maintained and made the following points;

- Confirmation of the width of the public road post development;
- Parking space dimensions are acceptable
- Revised cycle parking and storage for residents and visitors is acceptable.
- Confirmation of where the 9 displaced parking opportunities will be;
- Revised waste storage area and waste collection point; and
- Relocation of the soakaway is acceptable.

Third response received 15 Mar 2021, objection to the application removed, and made the following points;

- Confirmation of the width of the public road post development – this is acceptable.
- Still require confirmation of where the 9 displaced parking opportunities will be; and
- Revised waste information is acceptable.

7.3 **Housing Development Manager:** No objection – confirmed the terms of the affordable housing contribution, which will be a via a commuted sum.

7.4 **Flood Risk Management Team:** No objection but request a planning condition, which secures further details of the permeable parking area and the rates of surface water runoff.

7.5 **Scottish Water:** No objection to the application. It cannot confirm whether there is capacity at this time and requests that the developer submits a Pre-Development Enquiry

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design

29 - Design Quality and Place-making

31 - Developer Contributions

- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 51 – Trees and Development
- 56 – Travel
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

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

Located within the Settlement Development Area for Portree

Located within the wider the mixed-use land allocation PT13 'Bayfield'

8.5 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2013)

Trees, Woodland and Development (Jan 2013)

Open Space in New Residential Developments (Jan 2013)

Sustainable Design Guide (Jan 2013)

House Extensions and Other Residential Alterations (May 2015)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

National Planning Framework 3 (2014)

Designing Streets (2010)

Creating Places (2013)

PAN 61 Planning for Sustainable Urban Drainage Systems (SUDS)

PAN 68 Design Standards

PAN 74 Affordable Housing

PAN 77 Designing Safer Places

PAN 79 Water and Drainage

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) Siting, Design and Visual Impact
 - c) Neighbour Amenity
 - d) Access and Parking
 - e) Developer Contributions/ Affordable Housing
 - f) Water Supply and Drainage

Development plan/other planning policy

- 10.4 The application site is located within the Portree settlement development area (SDA) which is the preferred area for most types of developments including housing. The site is also located within the wider Mixed-Use land allocation PT13 'Bayfield' as identified by the WestPlan. The whole 2.2ha land allocation is for Housing, Community, Business and Tourism, which an indicative residential housing capacity of 20 units. As such the principle of residential development on this site is considered acceptable. This is also subject to an assessment against the policies of the Highland-wide Local Development Plan (HwLDP), West Highlands and Islands Local Development Plan (WestPlan) and statutorily adopted supplementary guidance. A complete list of relevant policies is listed above, however, the most pertinent policies for this site are 28, 29 and 34 of the HwLDP. These policies support development proposals within settlement development areas if they are considered compatible in terms of their layout, siting and design and with public service provisions and individual and community residential amenity.

Policy 28 Sustainable Design aims to ensure development is sustainable and lists criterion against which proposals shall be assessed. Of particular note to this proposal is that proposals must "demonstrate sensitive siting and high-quality design...", whilst policy 29 requires new development to be designed to make a positive contribution to architectural and visual quality of the place in which it is located. To support this, the WestPlan also sets out a number of specific objectives for Portree, two of these Placemaking Priorities for Portree which are particularly relevant to this application are;

- "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."
- "Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities."

The need for high quality architectural siting and design is also highlighted within the developer requirements for the wider land allocation. For the following reasons it is considered that the amended scheme meets these requirements and is in compliance with the Development Plan.

Siting, Design and Visual Impact

- 10.5 The siting of residential development on this infill land is supported in principle by policy. However, it is considered important that the development is appropriate in terms of design and scale and presents active frontages from both Bayfield Road and when looking up towards the site from the Lisigarry Court/ Bayfield public car park direction. These matters were conveyed to the applicant during brief informal discussions which were held before the application was submitted. However, the original scheme was not considered to meet these expectations in terms of either scale or design.
- 10.6 The original proposal was for eight flats accommodated over four floors, this required the parking to be split over two levels, with 8 spaces off Bayfield Road and the other 4 located on the lower land to the west, which would require residents and visitors to use a flight of steps to access the flats. Concerns were raised by the case officer, Transport Planning and third parties over the site's ability to accommodate the scale of development proposed. The case officer requested that the scale of the building and the number of units were reduced. In addition, the incorporation of more traditional detailing such as dormer windows and slate on the main roof and the removal of the hipped roofs on the bike/cycle store were requested.
- 10.7 In response, the applicant has engaged with the Planning Authority and has taken onboard all concerns. The amended scheme has resulted in the removal of a floor of accommodation which has reduced the number of flats from eight to six. The reduced scale of the building is considered to be more appropriate when seen in the context of the surrounding built development. The external materials now include a slate roof, over white rendered walls with light grey eternit cladding. The final materials, in particular the chosen slate thickness and finish, will be controlled by a planning condition. The scheme now includes the use of dormer windows which ties into the detailing found on the adjacent building and provides some visual cohesion and design reference points with the existing development. This detailing is present on both the eastern and western elevations, thus helping to produce visually active frontages from the main public vantage points of the site. The alterations to the design of the bin and cycle stores with the removal of the hipped roofs is also welcomed.
- 10.8 In terms of landscaping, it is noted that there is existing vegetation on the site which will be removed to facilitate the development. Whilst it is acknowledged that there is no protection for the vegetation on this site, it is considered appropriate and in line with policy 51 to secure additional planting to compensate removal and to enhance the setting of any new development. This will be secured by a planning condition. Appropriate landscaping will also help to soften the appearance of the stone under-build and tie in with the existing vegetation in this location.
- 10.9 Overall, the secured amendments together with the recommended conditions are considered to produce an acceptable scheme which is now visually more in scale with the locality. In terms of design, the building will be clearly read as a modern addition within the street scene but now picks up on more traditional detailing found within the locality. Consequently, the scheme meets the aims of the policies and objectives outlined above and presents an acceptable form of infill development.

Neighbour Amenity

- 10.10 Several representations raised the issue of impact upon neighbour amenity. In particular this related to the loss of light and privacy to both Bayfield House (located to the east) and Varrigill House (to the north-west).
- 10.11 As part of the amended plans the applicant included a daylight analysis assessment (Plan no. PL07). In line with the Council's (House Extensions and Other Residential Alterations) guidance for situations in which the proposal is face-to-face with another property, this assessment showed a 25-degree line/plane taken from the centre of the lowest habitable room window within Bayfield House. This illustrated that the whole of the proposal is located beneath this 25-degree plane and consequently that there will not be a significant impact caused by the blocking out of daylight or sunlight to the existing property.
- 10.12 The proposed development also sits south east of and at right-angles to the Varrigill House dwellings and so there is some potential for a loss of light to that existing property. In line with the aforementioned guidance in respect of this sort of orientation, a 45-degree assessment was undertaken. Such analysis would raise concerns if the proposed building breaches this test (i.e. lies above the 45-degree plane) in both the horizontal and vertical planes. The analysis shows that the proposed building lies above the 45-degree plane in the horizontal (plan view). However, for there to be substantive concerns over loss of light it would also have to breach the 45-degree vertical plane as set from the centre of the lowest and closest window in the existing building.
- 10.13 In this case there is a separation distance of approx. 17.2m between the existing and proposed buildings with a proposed ridge height of approx. 14.5m when taken from the identified measurement point of the identified window of concern. When the vertically aligned 45-degree plane is plotted the resultant line is unbroken by the development and consequently it can be concluded that the development will not result in a substantive loss of light to the existing property. The ridge line of the proposed building would need to be more than 17.2m above the level of the window for the 45-degree plane to be intercepted.
- 10.14 Concerns have also been raised with regards to the windows having an adverse impact upon the privacy of neighbours. The Council's guidance considers the minimum acceptable distance between windows of habitable rooms facing each other is 18m. The distance between the proposed building and Bayfield House is approx. 24.5m.
- The distance between the proposed windows and those in Varrigill House is approx. 19m. It must also be acknowledged that these are not face to face distances as described in the guidance but rather at right angles which will further reduce the effect. There is approx. 14m between the gable ends of the proposed building and the property to the south, however, these windows are small and only serve the bathroom so are not classed as being a habitable and are not considered to raise substantive concerns with regards to a loss of privacy.
- 10.15 Concerns have also been raised that this will create an unacceptable impact with regards to pollution from cars and general noise and disturbance to nearby residents. The site is set within the existing Portree village and is a class 9 residential land use which is considered to be compatible with the existing mix of

residential and commercial properties. The site is also located within a mixed-use land allocation which again supports residential use on this site. Matters surrounding construction noise and hours of operation are controlled through the Environmental Health Act – see standard informative.

- 10.16 Finally, concerns have been raised regarding the position of the refuse bins in relation to the property to the south. In particular, concerns related to a previous incident when an uncovered refuse bin caught fire following the discarding of a disposable BBQ into the bin. The bin caught alight, but the emergency services attended before the fire was able to spread.

The bins for this development will be stored in a covered building with a lockable door. The storage building is set back in the site and beyond the resident parking, so is likely to discourage passers-by from discarding their rubbish. The external materials will be slate on the roof with a rendered wall closest to the property to the south. These are non-combustible and will offer protection in the unlikely event of a fire. The building will also need to comply with the relevant Building (Scotland) Regulations and this will be controlled through the subsequent Building Warrant application. Consequently, it is considered that this arrangement will sufficiently protect the amenity of the property to the south. Implementation of the secured bin storage will be controlled by a planning condition.

- 10.17 Overall, the scheme is not considered to have a significant impact upon neighbour amenity and complies with policy 28 of the HwLDP.

Access and Parking

- 10.18 Transport Planning initially raised an objection to the scheme in relation, to the size of parking spaces, cycle storage, the width of the road post development, position of the soakaway and waste management arrangements. In addition, a number of third-party representations have raised issues relating to pedestrian safety and the number and location of the parking spaces. Following the submission of amended plans and further information the Transport Planning objection has now been removed.

- 10.19 As stated above, the scheme has been amended to reduce the number of units and therefore the parking requirements associated with the scheme. Consequently, all of the parking spaces are on land which is level with the building's entrance from Bayfield Road. Transport Planning have confirmed that the location, number and size of the parking spaces complies with their guidance. Furthermore, the relocation of the soakaway and the revised bin and cycle storage also now complies with Transport Planning's requirements. Concerns have been raised by third parties about the lack of a pedestrian footway and that the road would become congested. Although the Planning Authority have sympathies with the points raised, there is currently no pedestrian footway on either side of the road and this development is not considered to materially exacerbate this situation. Transport Planning are content that the width of Bayfield Road is acceptable and have not raised any pedestrian or road safety concerns. The location of the bin storage and the waste collection route is acceptable.

10.20 The amended scheme has resulted in the removal of the consultee objection and is considered to be acceptable under the policy, 28, 34 and 56 of the HwLDP. Planning conditions requiring the implementation of the parking, cycle and bin storage are recommended.

Developer Contributions/ Affordable Housing

10.21 Policy 31 Developer Contributions sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure.

Summary of Developer Contributions			
Infrastructure / Service Type	Answer	Contribution Rate (per house)	Contribution Rate (per flat)
Schools - Primary	Portree Primary – N/A and no capacity issues	-	-
Schools - Secondary	Portree High – N/A and no capacity issues	-	-
Community Facilities	Two projects are listed within the Portree High catchment in WestPlan Delivery Programme : 1) Expansion to provide new fitness suite at the Fingal Centre in Portree 2) Creation of new community hub as part of new Broadford primary school	£1,019 per unit	
Transport	N/A	-	-
Green Infrastructure	As per Open Space Supplementary Guidance and the Calculator	Total greenspace required (14 new residents x 40 sqm) is 555 sqm	
Public Art	See DCSG - Preference for on-site provision, e.g. high quality materials used at site entrances and prominent locations.	-	-
Affordable Housing	The site is required to provide at least 25% of the total units as affordable homes	-	-
Standard Transport Requirements	Seek advice from Transport Planning Team	-	-
Development Total		£6,114	

As per the summary table above, the Development Plans Team have confirmed that a contribution towards Community Facilities is required and this equates to £1,019 per unit. The applicant has confirmed that they are willing to enter into a s.75 legal agreement to secure this amount. In terms of the green space

requirement, the scheme does not represent a current loss of public open space and due to the scale of this infill site it is not considered that this could be provided for onsite. Due to the site's village centre location it is noted that future residents have access to a number of existing public spaces.

- 10.22 Policy 32 (Affordable Housing) of the HwLDP requires a contribution of 25% affordable housing for all developments of four or more houses. The Housing Development Manager has confirmed that the requirement can be delivered via a commuted sum which equates to £45,000. The applicant has confirmed that they are willing to enter into a s.75 legal agreement to secure this financial contribution.

Water Supply and Drainage

- 10.23 The applicant's intention is to connect to both the public water supply and foul drainage systems. Scottish Water have no objection to the scheme but requests that the developer submits a Pre-Development Enquiry to confirm capacity. This is considered to be in compliance with the requirements of policy 65 of the HwLDP which states that the Council's preference is that connection is made to the public sewer.

- 10.24 The application is supported by a Drainage Statement and includes a land soakaway. This employed Sustainable Drainage System (SuDS) principles which is supported by policy 66. The Council's Flood Risk Management Team (FRM) have no objection to the scheme but request a planning condition which secures further details of the permeable parking area and the rates of surface water runoff. In addition, the Building (Scotland) Regulations will further regulate this element of the scheme. Subject to the aforementioned condition it is considered that the development complies with policy 66.

Non-material considerations

- 10.25 a) The issues of loss of property value or loss of a view are not a material planning considerations.
- b) A number of third-party representations have raised the issue of a loss of parking due to this development, general issues relating to the lack of parking in the area and non-residents using the private parking spaces allocated for Bayfield House. The Transport Planning Team have also requested that the applicant demonstrate where parking opportunities for the displaced 9 vehicles are likely to be.

It is noted that a number of vehicles do park on this land. However, it is not identified as formal public parking and the informal parking doesn't appear to have any formal agreement from the landowner (the applicant). The plans detail sufficient land to accommodate parking for the future residents of the development.

Whilst it is recognised that there is a shortage of parking within Portree, particularly during the tourist season, it is not for the developer to rectify this. The need is recognised and has driven the Council's re-development and expansion of parking spaces at Bayfield car park, but this development will not result in the loss of formal parking and is not a material planning consideration for this application.

The matter of non-residents parking in allocated spaces for Bayfield House, again, whilst regrettable, is not under the control of the applicant and is not material to this application.

- c) Comments have been received in respect of the impact of construction noise and disturbance on the welfare and wellbeing of neighbouring residents. This is recognised by the Authority and construction hours are tightly controlled to minimise disturbance - see paragraph 10.15 above. In general, the noisiest periods of construction are generally short-lived and temporary.

Matters to be secured by Section 75 Agreement

- 10.26
 - a) Developer contributions of £1019 per unit towards community facilities,
 - b) Affordable housing commuted sum of £45,000

- 10.27 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers unless significant meaningful progress has been achieved and is extended by agreement, for the following reason:

The proposed application has failed to conclude a legal agreement required to secure an affordable housing commuted sum and developer contributions towards community facilities. As such the application has failed to address the identified deficiencies in public services which would result from the development and thus is contrary to the provisions of Policies 31 and 32 of the Highland-wide Local Development Plan.

11. CONCLUSION

- 11.1 The site is part of a wider mixed-use land allocation which includes residential development, so is supported in principle by the Development Plan. The applicant has worked with the Planning Authority to bring forward modifications to the scheme to address consultee and third-party concerns. This included a reduction in the number of units and changes to the external appearance of the building. The scheme does not raise substantive concerns with regards to a loss of amenity. There are no outstanding consultee objections.
- 11.2 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 Y issued

Conclusion of Section 75 Obligation Y

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 the interests of visual amenity.
2. Prior to the first occupation of the development hereby approved, the car parking and pedestrian access arrangements detailed on approved plan ref. PL05 REV D and approved under condition 3 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.
3. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. The information shall include full details of the proposed porous surfacing for the parking area. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any of the development.
Reason: To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.
4. Prior to the first occupation of the development hereby approved the communal bin storage building shall be constructed fully in accordance with the approved plans ref. PL04 REV D and PL05 REV D and thereafter maintained in perpetuity.
Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

5. Prior to the first occupation of the development hereby approved the communal cycle storage building and outdoor cycle stand shall be constructed fully in accordance with the approved plans ref. PL04 REV D and PL05 REV D plans and thereafter maintained in perpetuity.

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

6. 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. The location and design, including materials, of any existing or proposed walls, fences and gates;
- ii. 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
- iii. 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 visual and resident amenity.

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.

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

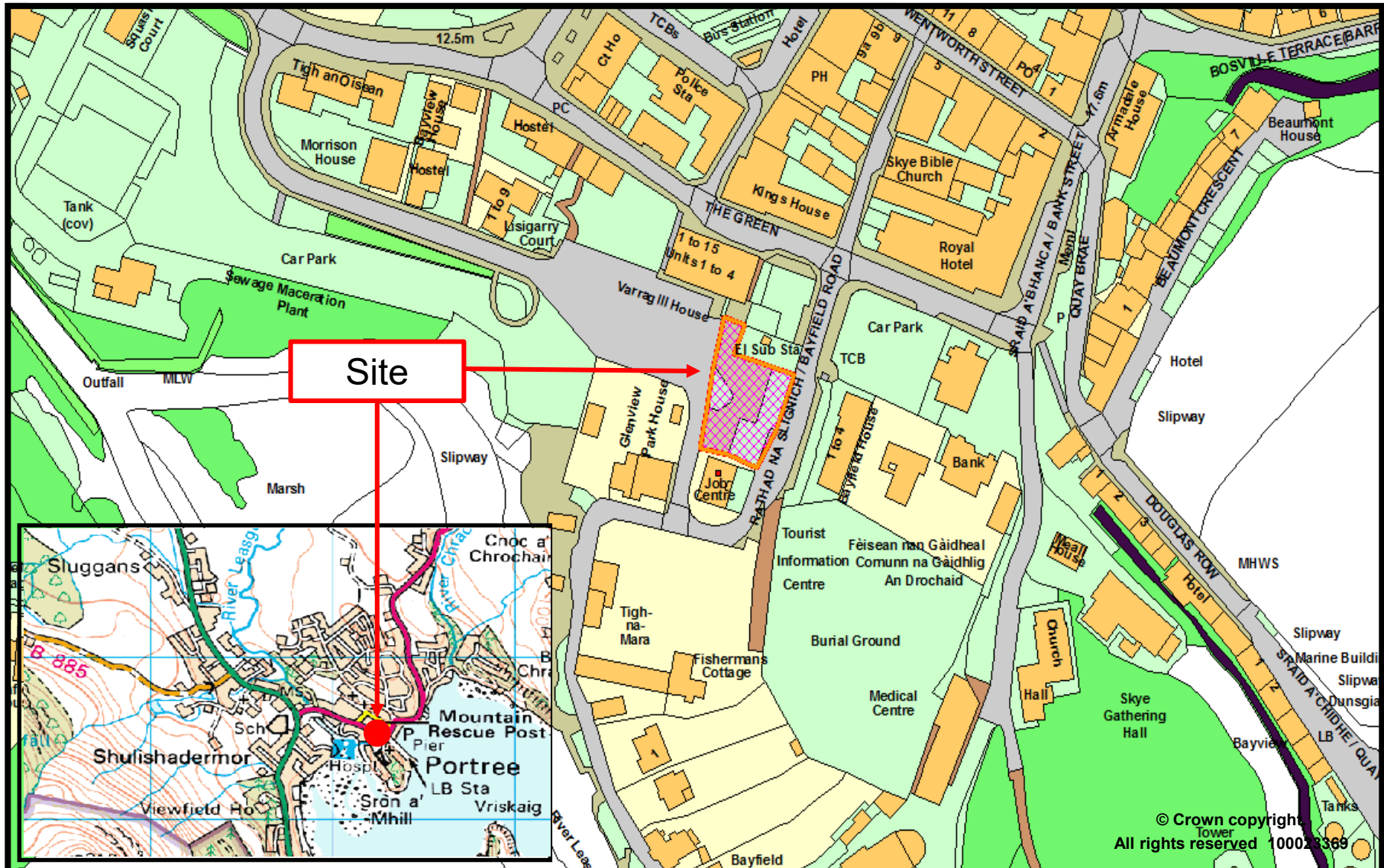
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance 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

Designation: Acting Head of Development Management – Highland

Author: Alison Harvey

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

Relevant Plans: Plan 1 - PL01 REV H – ELEVATION, SITE LAYOUT AND FLOOR
Plan 2 - PL02 REV E – SITE SECTION PLAN
Plan 3 - PL03 REV E – SITE SECTION PLAN
Plan 4 - PL04 REV D – CYCLE AND BIN STORE
Plan 5 - PL05 REV D - LOCATION PLAN
Plan 6 - PL07 REV A – DAYLIGHT ANALYSIS



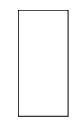
The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Location Plan
20/02588/FUL

Proposed development to create 6 (previously 8) flats

April 2021



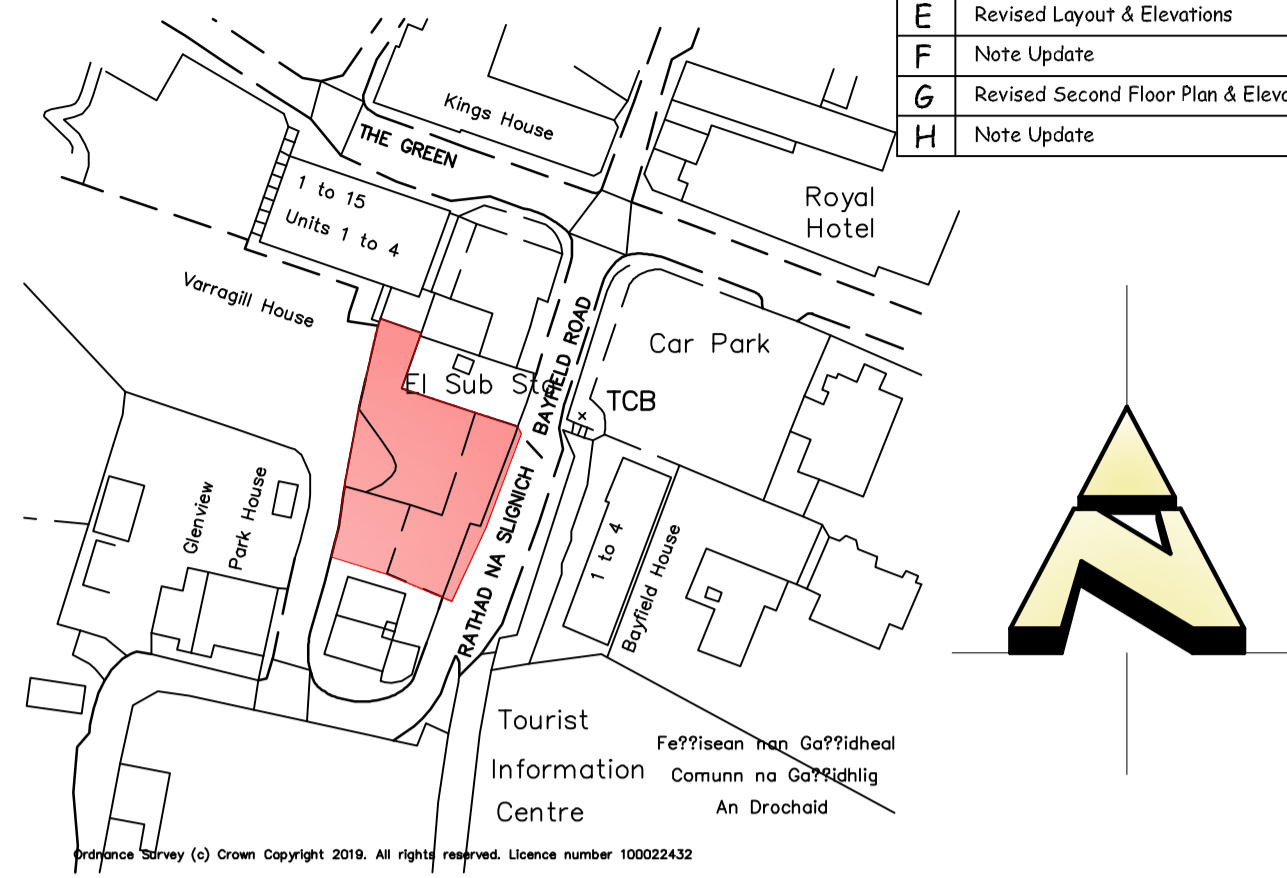
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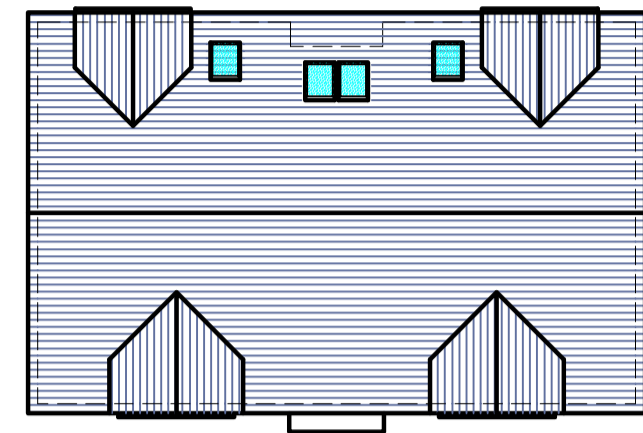
Amendments	Date
A First Issue	Nov 19
B Parking Area shown in Blue	Dec 19
C Revised Layout & Elevations	May 20
D Revised Layout & Elevations	June 20
E Revised Layout & Elevations	Dec 20
F Note Update	Dec 20
G Revised Second Floor Plan & Elevations	Jan 21
H Note Update	Jan 21

- FINISHES:**
- Roof: Graded Natural Slate or Mock Slate t.b.c.
 - Walls: Render Block - White
 - Walls: Marley Eternit Cladding - Light Grey
 - Basecourse: Fyfestone - Grey
 - Rainwater Goods: uPVC Marley Deep Flow - Black
 - Windows: PVC - Grey
 - Fascia & Soffit: PVC - Grey

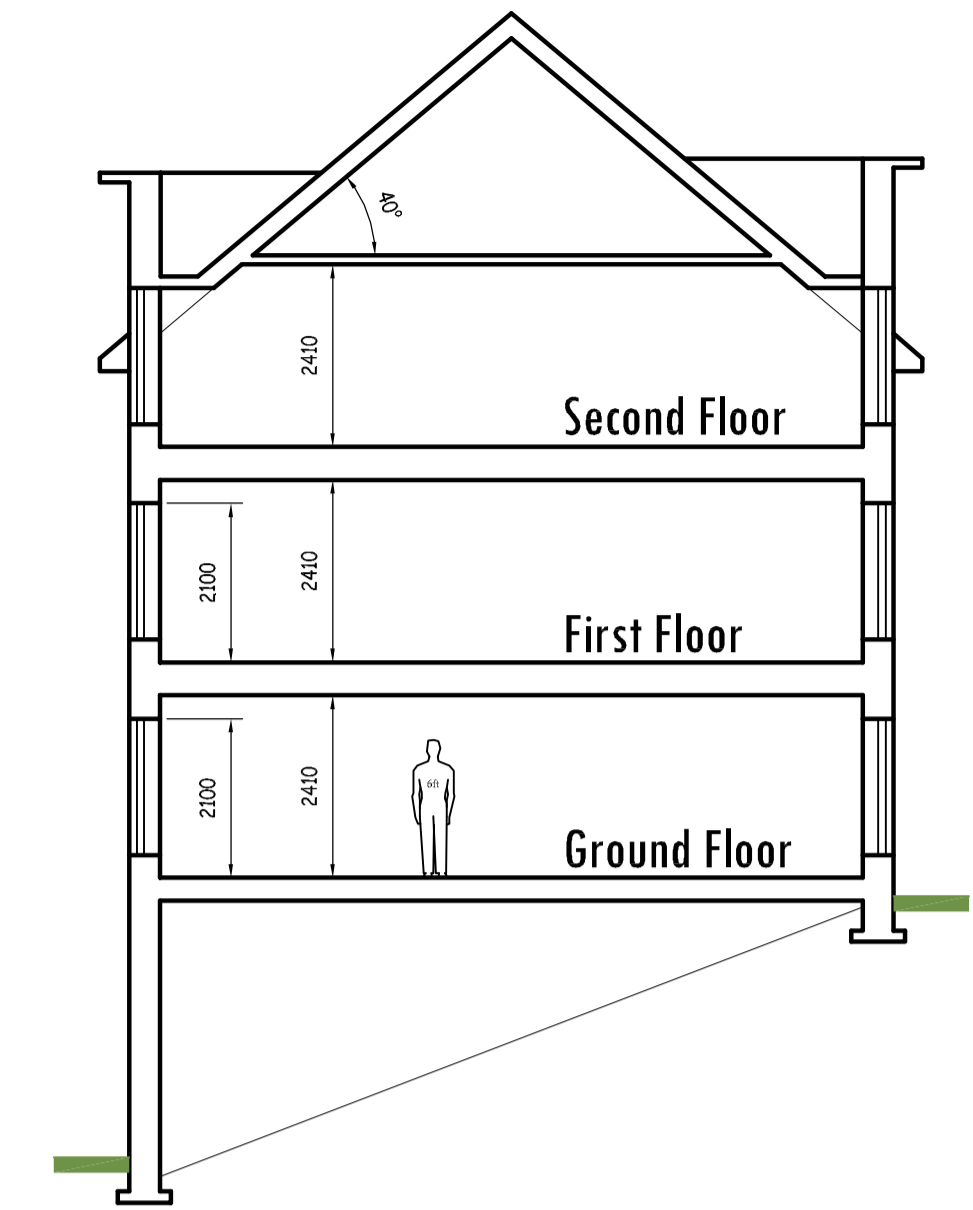
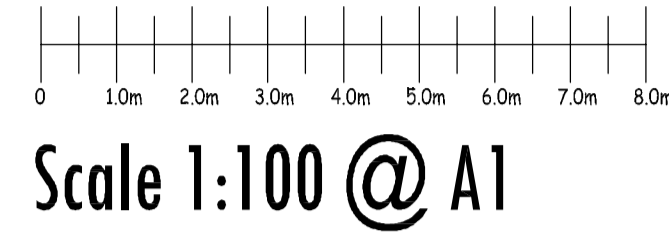
TOTAL: 6no FLATS
Gross Internal Areas or thereby:
Ground Floor:
• 2no @ APPROX. 57.4m/sq OTB
First Floor:
• 2no @ APPROX. 59.6m/sq OTB
Second Floor:
• 2no @ APPROX. 58.1m/sq OTB



Site Location Plan Scale 1:1250 @ A1



Roof Plan Scale 1:200 @ A1



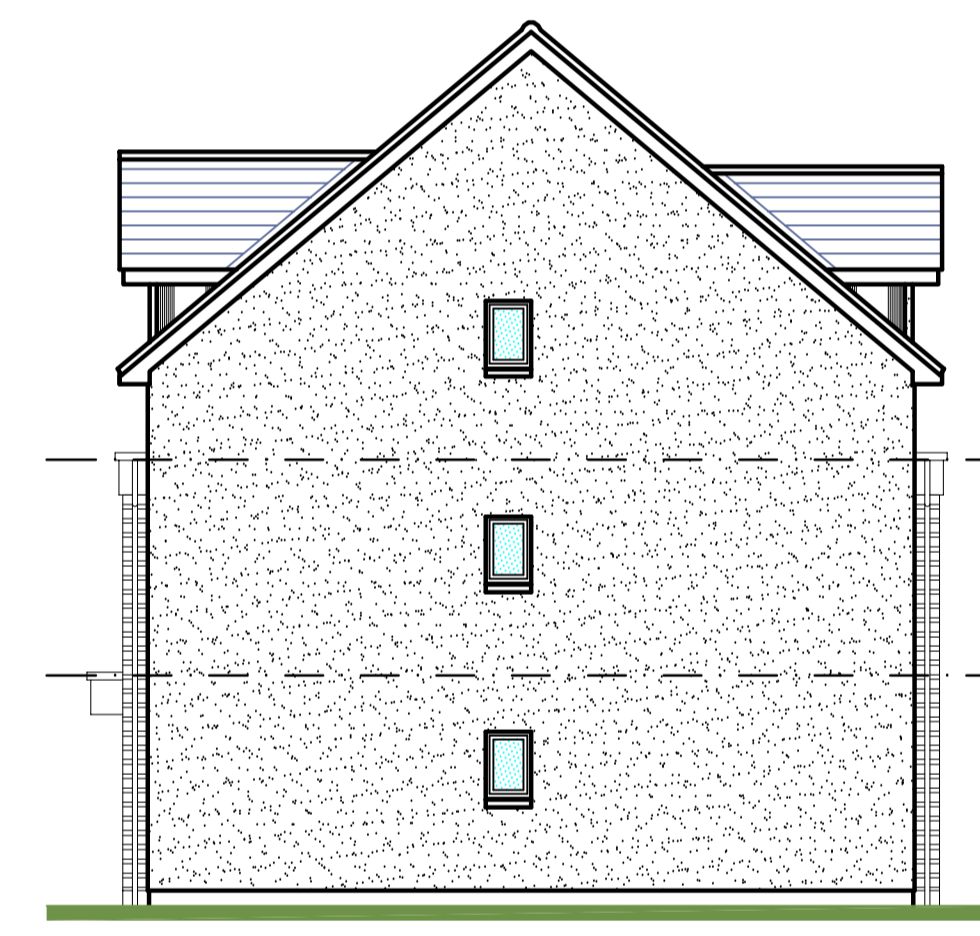
Cross Section Scale 1:100 @ A1



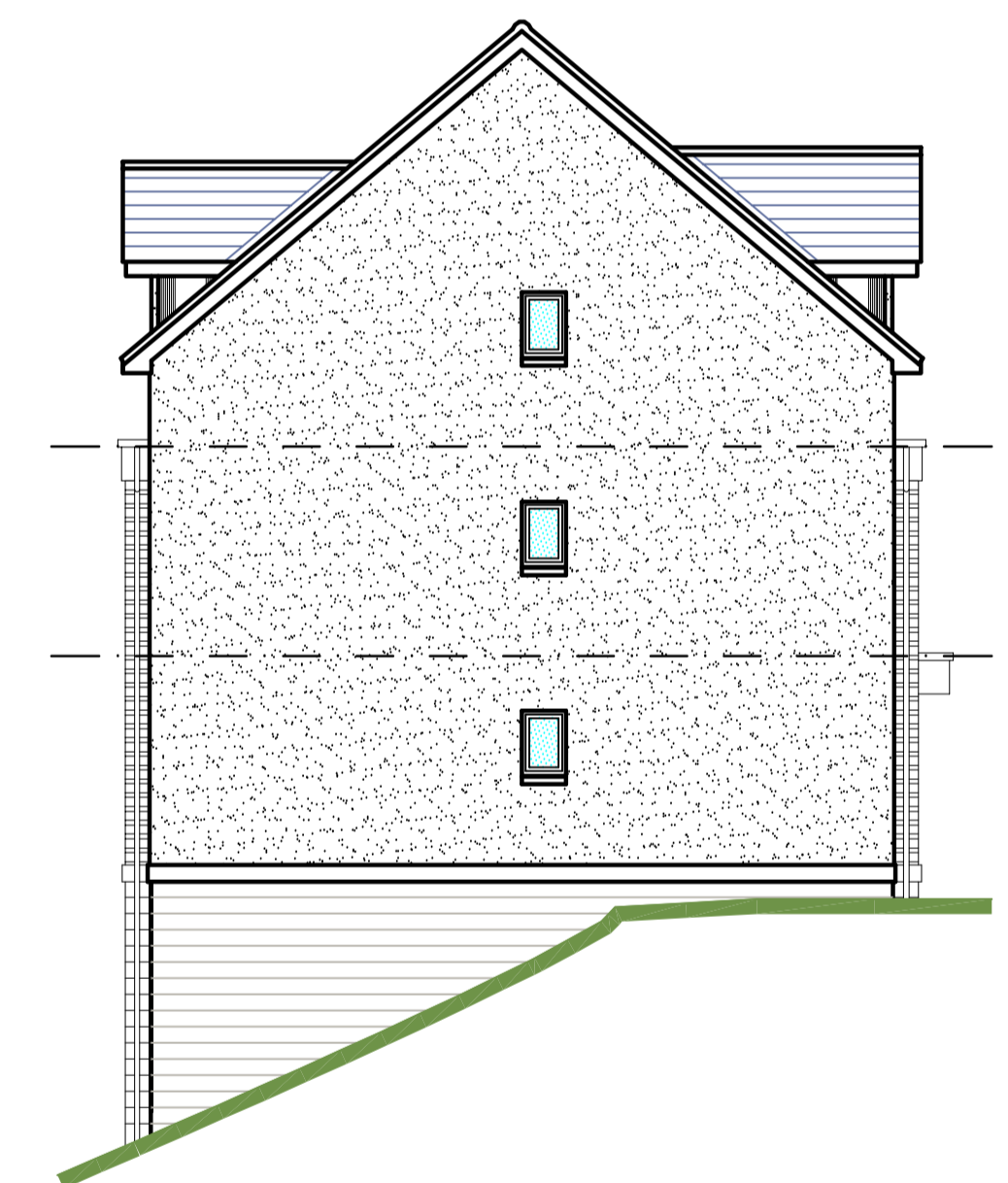
West Elevation Scale 1:100 @ A1



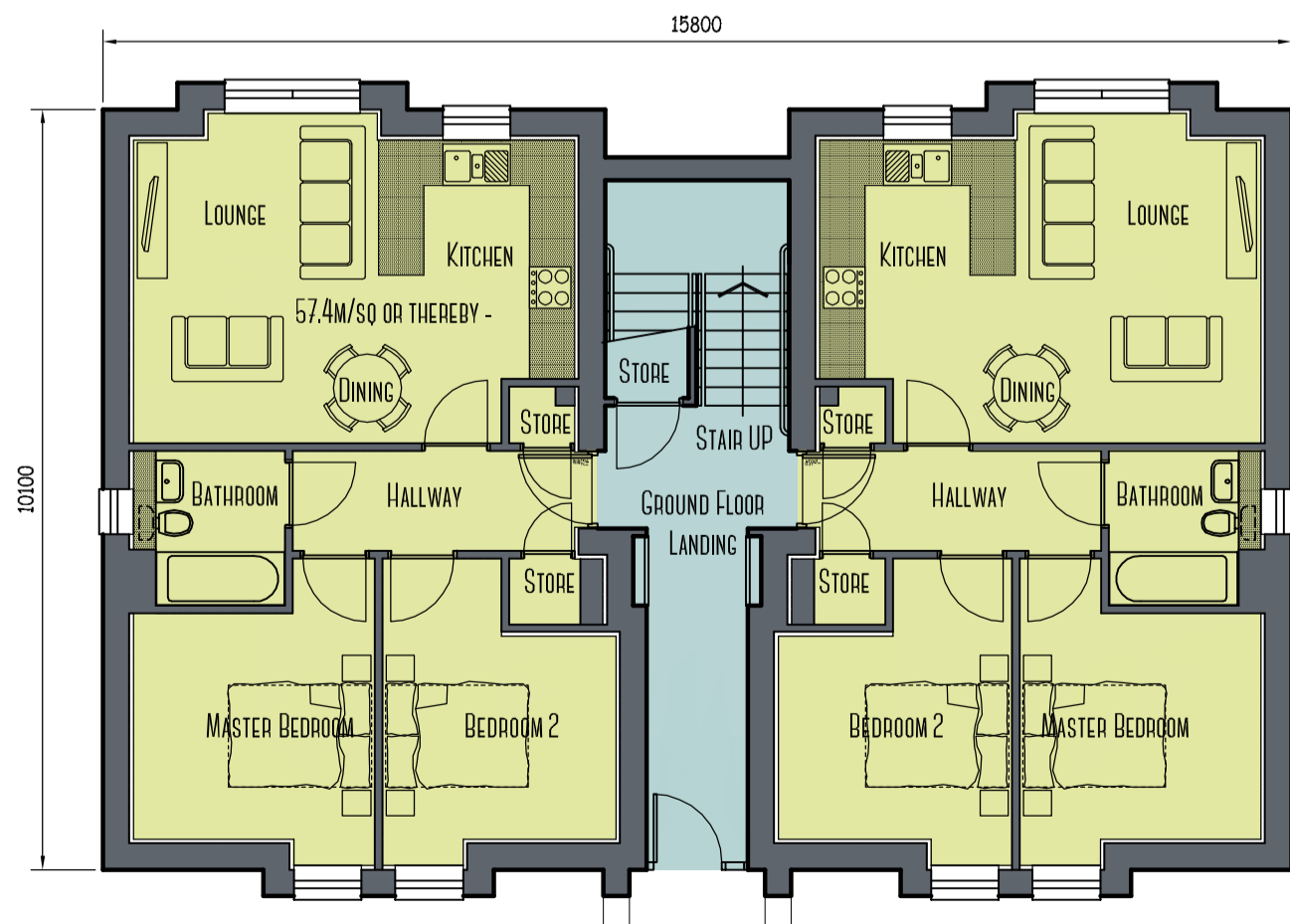
East Elevation Scale 1:100 @ A1



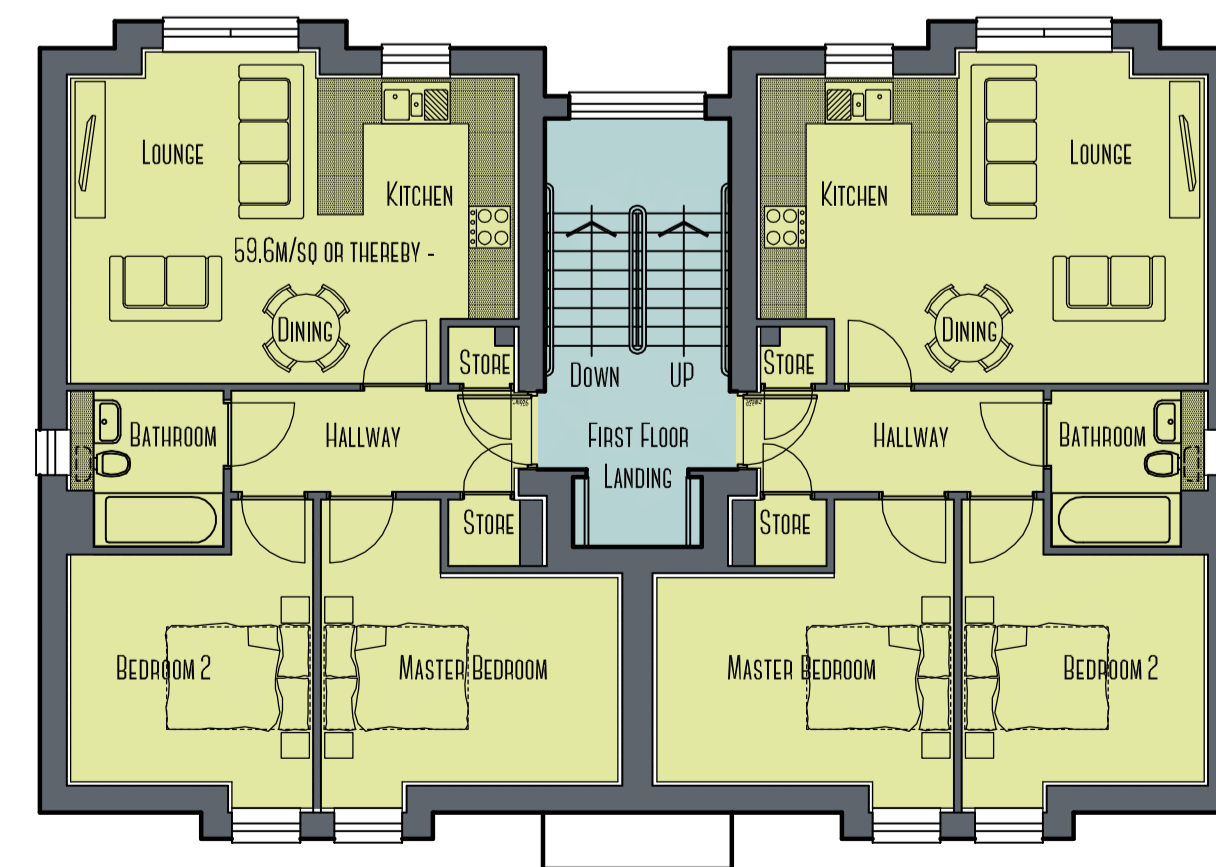
North Elevation Scale 1:100 @ A1



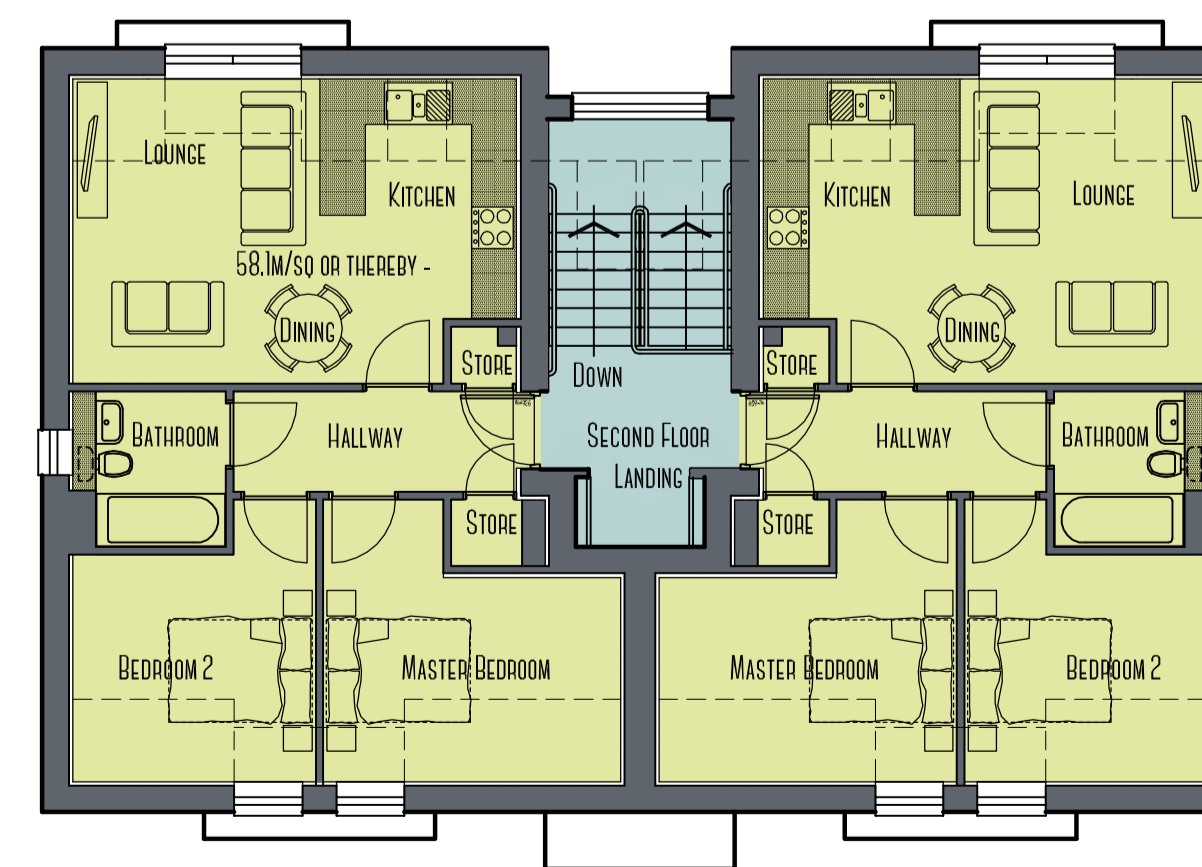
South Elevation Scale 1:100 @ A1



Ground Floor Layout Plan Scale 1:100 @ A1



First Floor Layout Plan Scale 1:100 @ A1



Second Floor Layout Plan Scale 1:100 @ A1

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DOMESTIC, COMMERCIAL & INDUSTRIAL

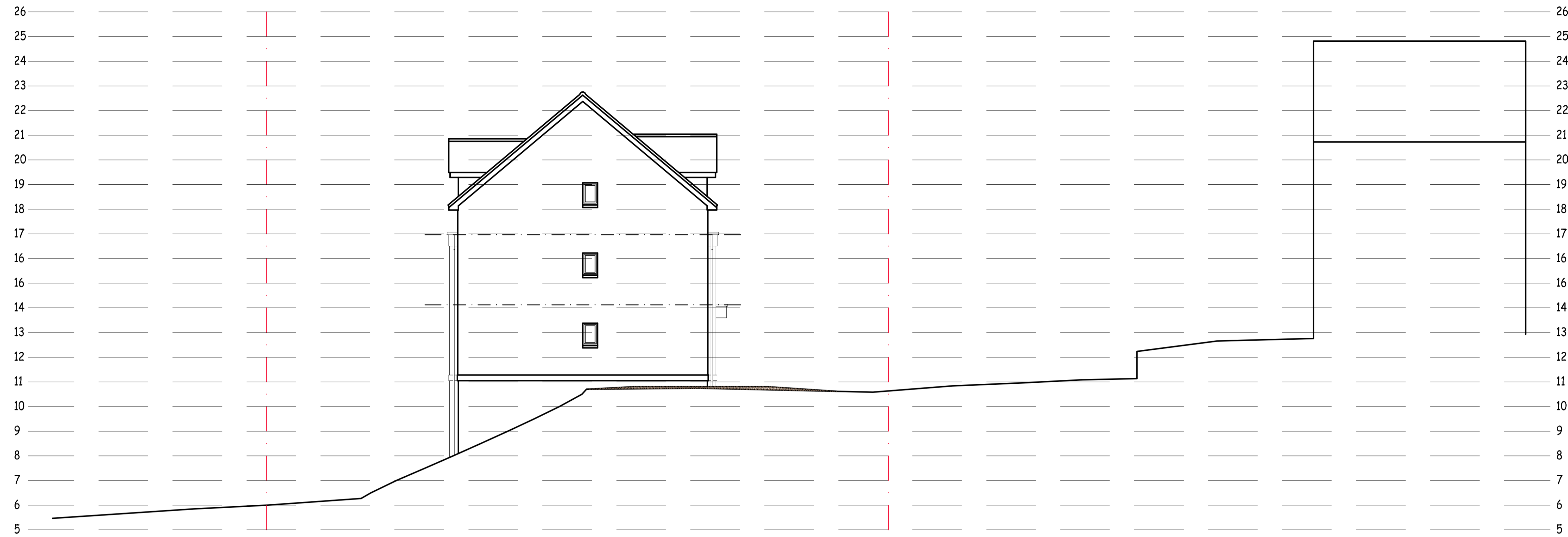
Client	Tulloch Homes Ltd		
Project	Proposed Flatted Development Bayfield Road Portree, Skye		
Title	Proposed Plans, Elevations & Section		
Scale	As Shown	Date	Nov 19
Drawn by		Issue	KM
Job No	2457	Drawn by	PL01
Issue		Issue	H

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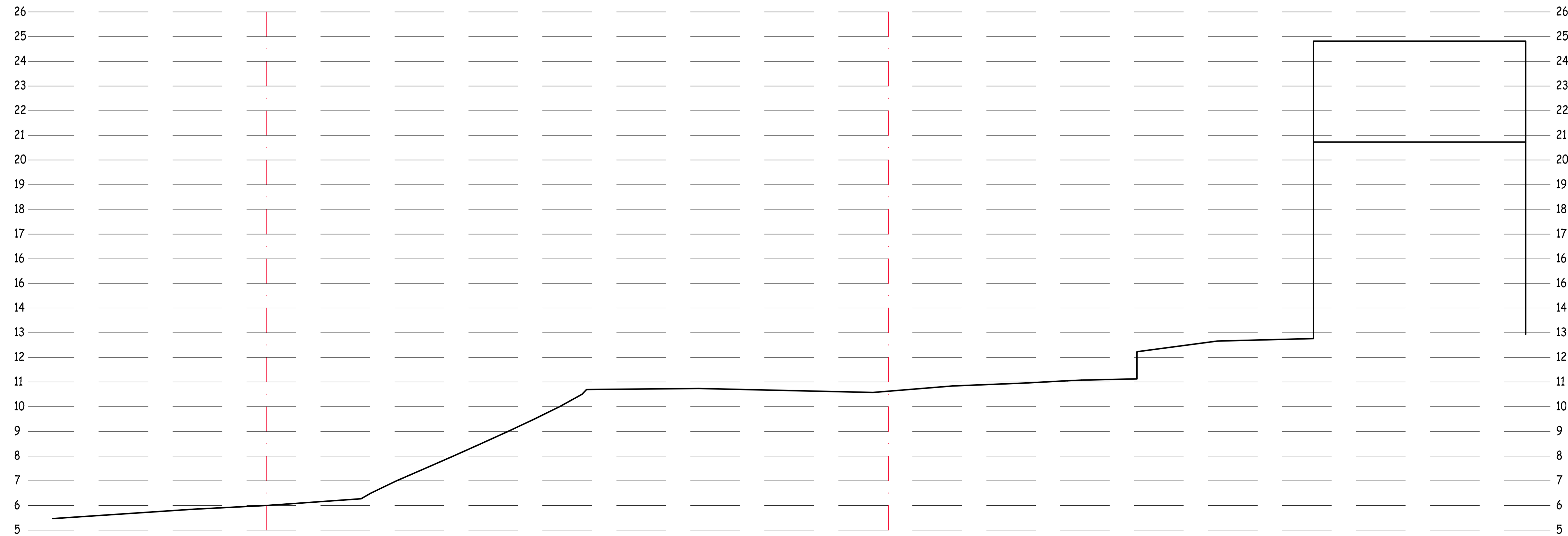
Proposed flatted Development at :- Bayfield Road, Portree, Skye.

Amendments	Date
A First Issue	May 20
B Revised Layout & Elevations	June 20
C Update	July 20
D Revised Layout & Elevations	Dec 20
E Revised Second Floor Plan & Elevations	Jan 21



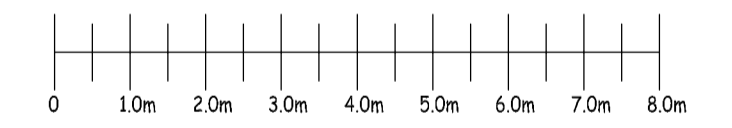
Proposed Section Through 'A'-'A' Scale 1:100 @ A1

SITE



Existing Section Through 'A'-'A' Scale 1:100 @ A1

SITE



Scale 1:100 @ A1

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DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Tulloch Homes Ltd

Project: Proposed Development
Bayfield Road
Portree, Skye

Title: Site Sections 'A'-'A' & Site Layout Plan

Scale	As Shown	Date	Nov 19	Drawn by	KM
JobNo	2457	Drawn by	PL02	Issue	E

JobNo	2457	Drawn by	PL02	Issue	E
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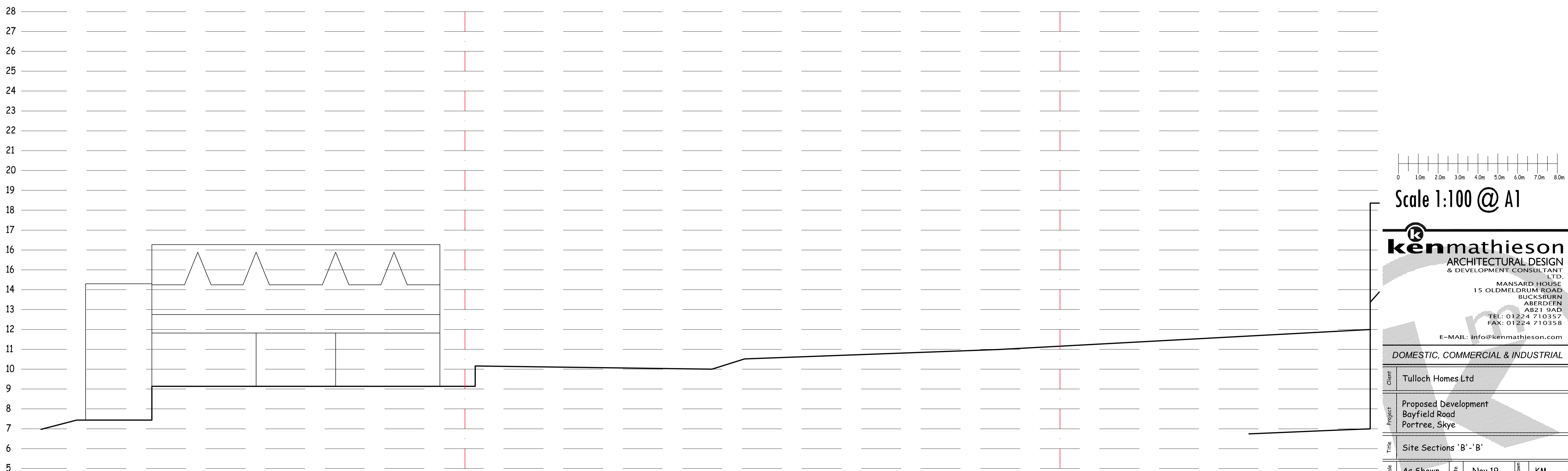
Proposed flatted Development at :- Bayfield Road, Portree, Skye.

Amendments	Date
A First Issue	May 20
B Revised Layout & Elevations	June 20
C Update	July 20
D Revised Layout & Elevations	Dec 20
E Revised Second Floor Plan & Elevations	Jan 21



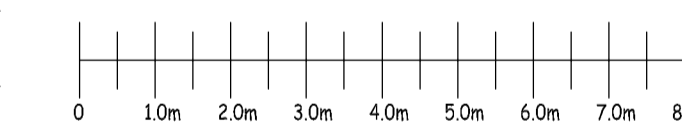
Proposed Section Through 'B'-'B' Scale 1:100 @ A1

SITE



Existing Section Through 'B'-'B' Scale 1:100 @ A1

SITE



Scale 1:100 @ A1

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DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Tulloch Homes Ltd

Project: Proposed Development
Bayfield Road
Portree, Skye

Title: Site Sections 'B'-'B'

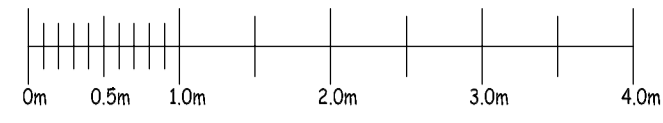
Scale	Date	Drawn By
As Shown	Nov 19	KM

Job No	Issue
2457	E

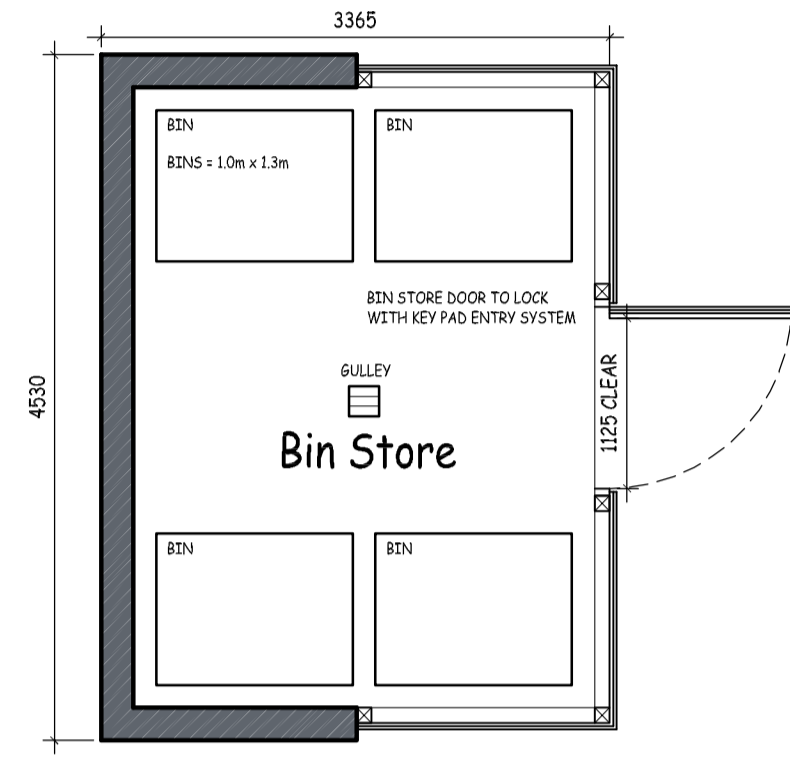
For Planning Purposes Only
This drawing is not to be used for warrant or construction issue

Proposed flatted Development at :- Bayfield Road, Portree, Skye.

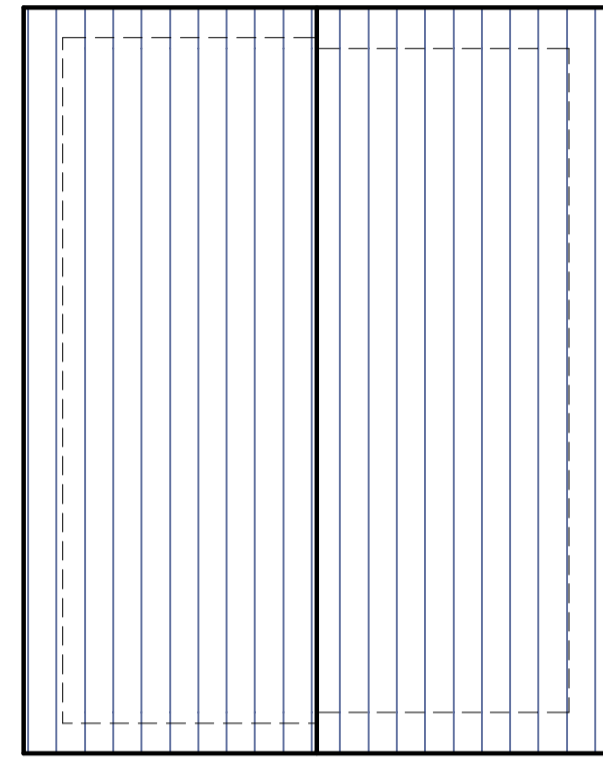
Amendments	Date
A First Issue	June 20
B Revised Layout & Elevations	Dec 20
C Note Update	Dec 20
D Bin Store Updated	March 21



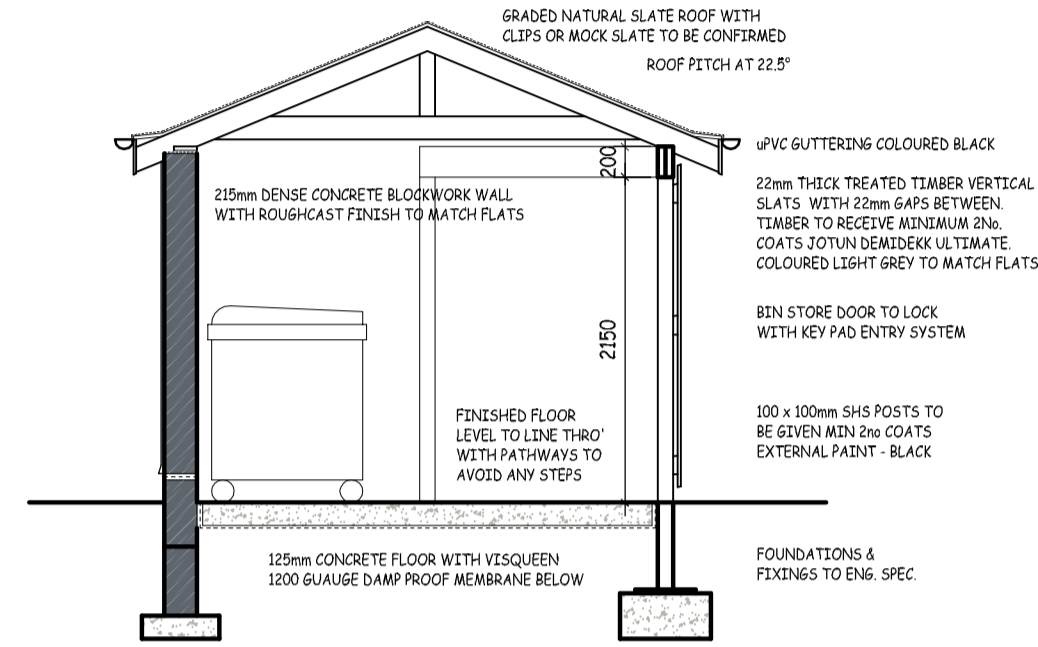
Scale 1:50 @ A1



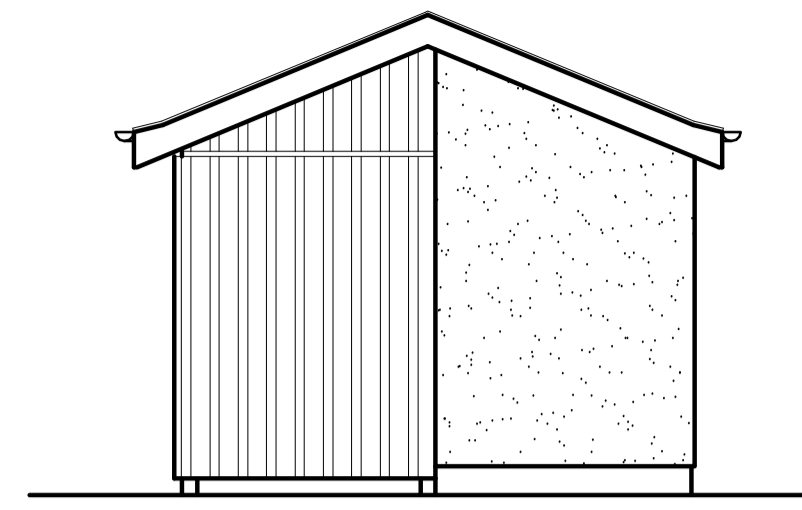
Layout Plan Scale 1:50 @ A1



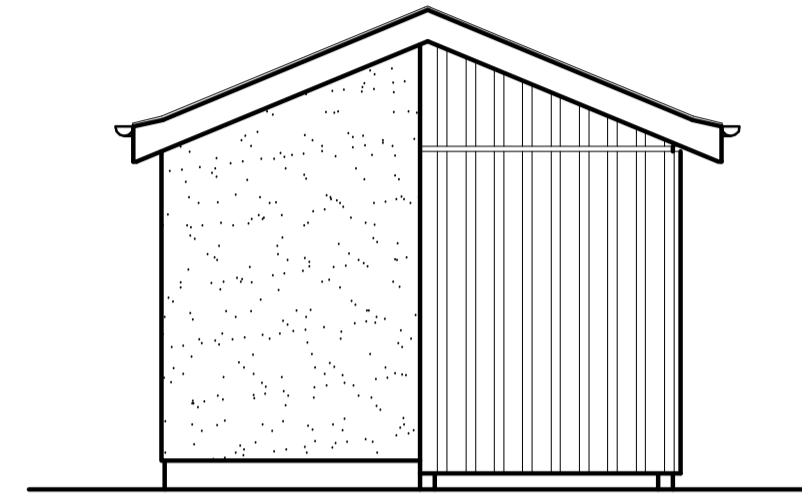
Roof Plan 1:50



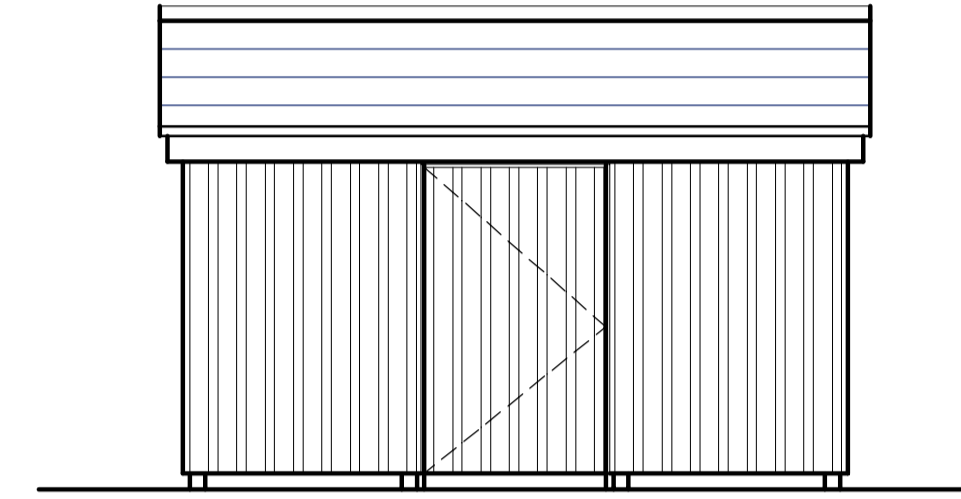
Cross Section Scale 1:50 @ A1



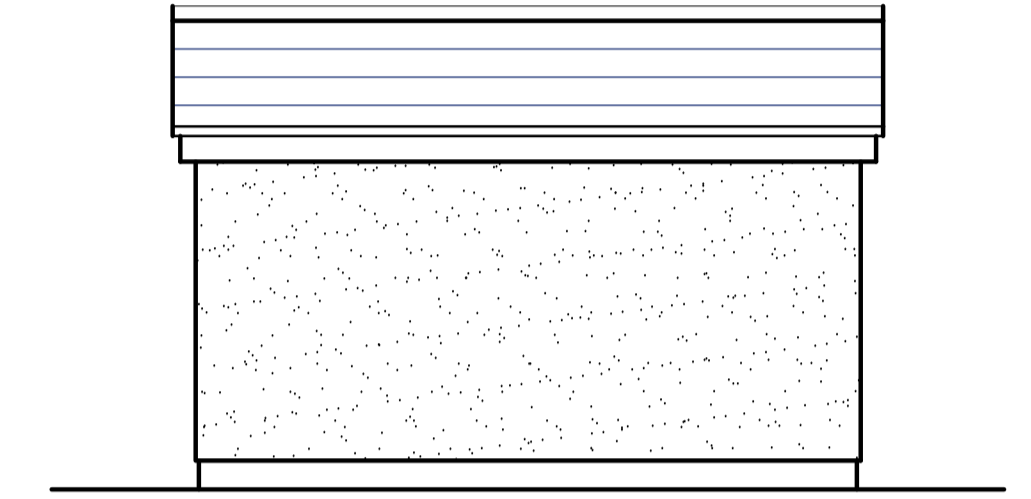
West Elevation 1:50



East Elevation 1:50



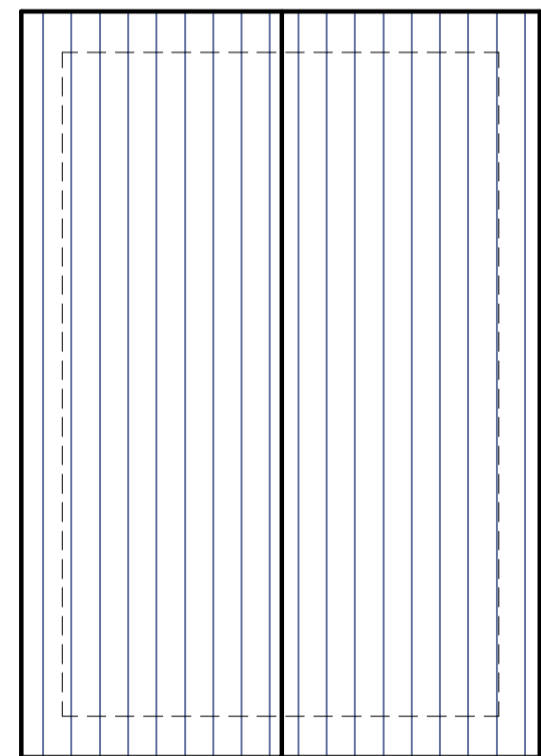
North Elevation 1:50



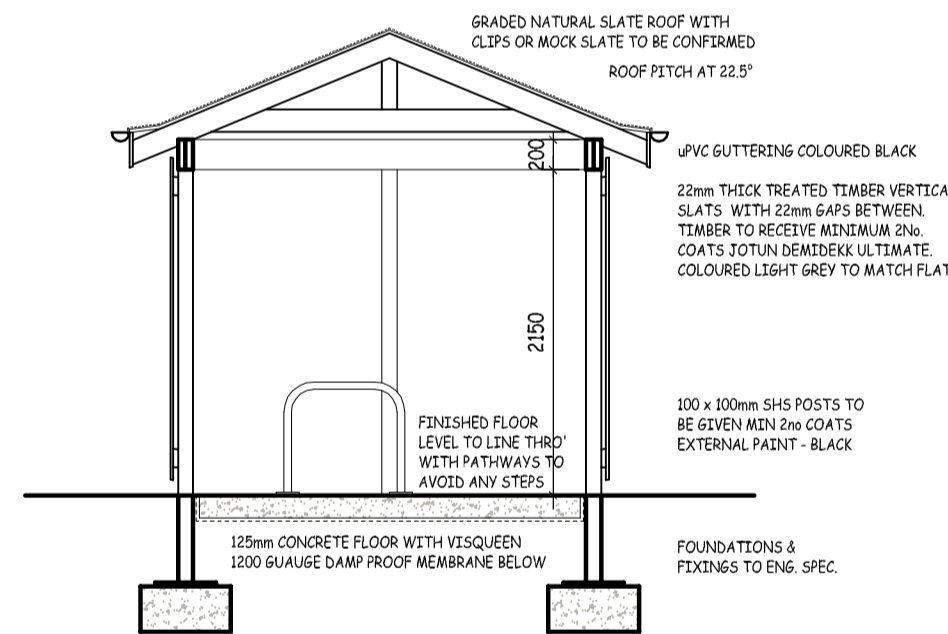
South Elevation 1:50



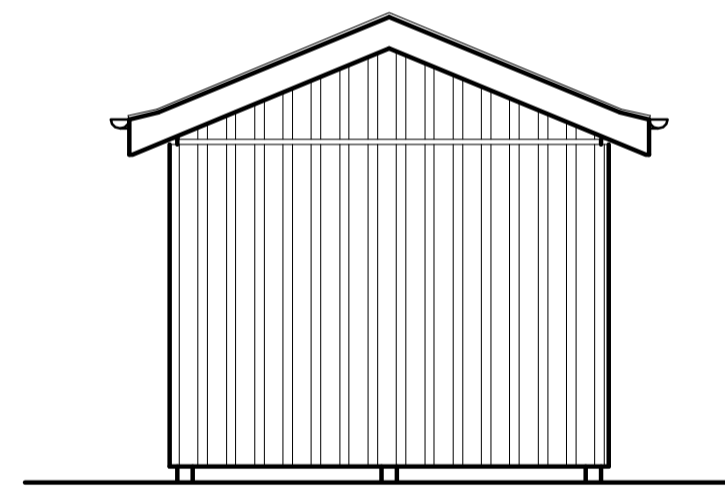
Layout Plan Scale 1:50 @ A1



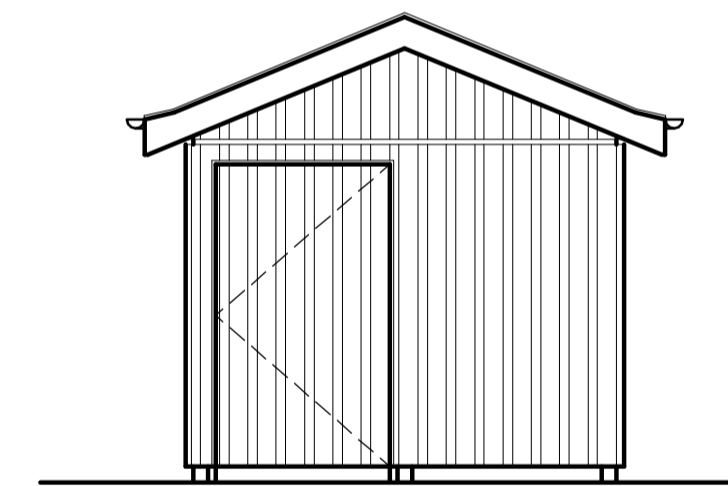
Roof Plan 1:50



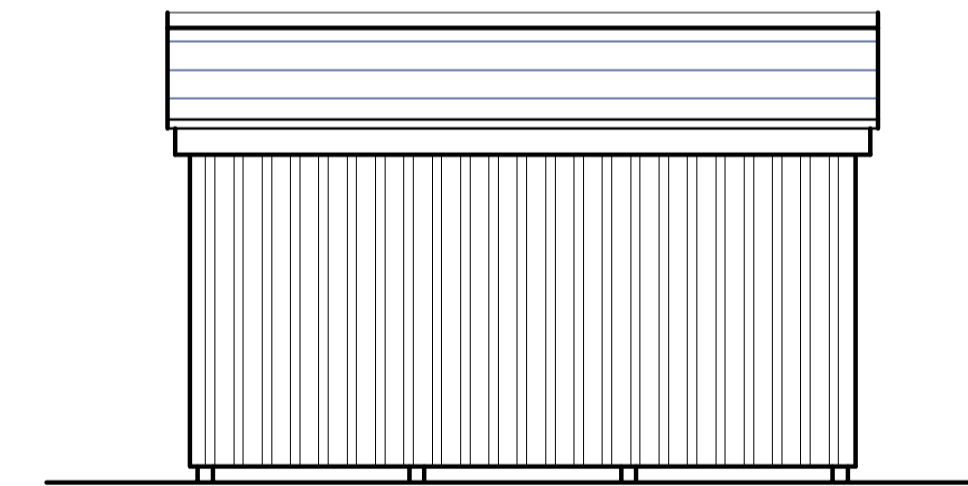
Cross Section Scale 1:50 @ A1



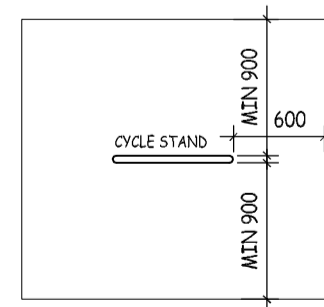
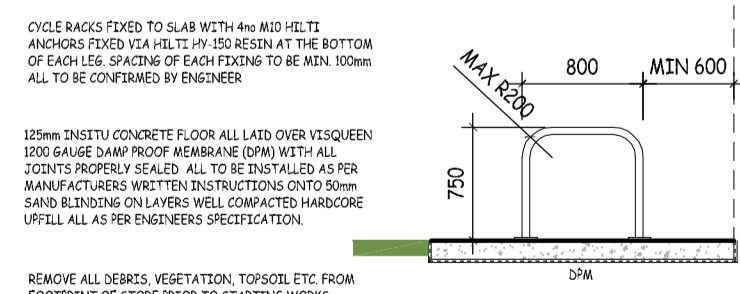
West Elevation 1:50



East Elevation 1:50



North & South Elevation 1:50



Cycle Rack Info Scale 1:50 @ A1

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Client: Tulloch Homes Ltd

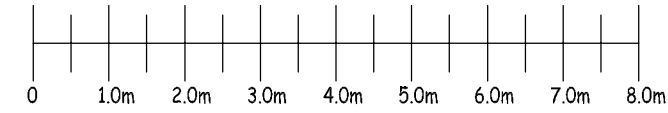
Project: Proposed Development
Bayfield Road
Portree, Skye

Title: Site Sections 'A'- 'A' & Site Layout Plan

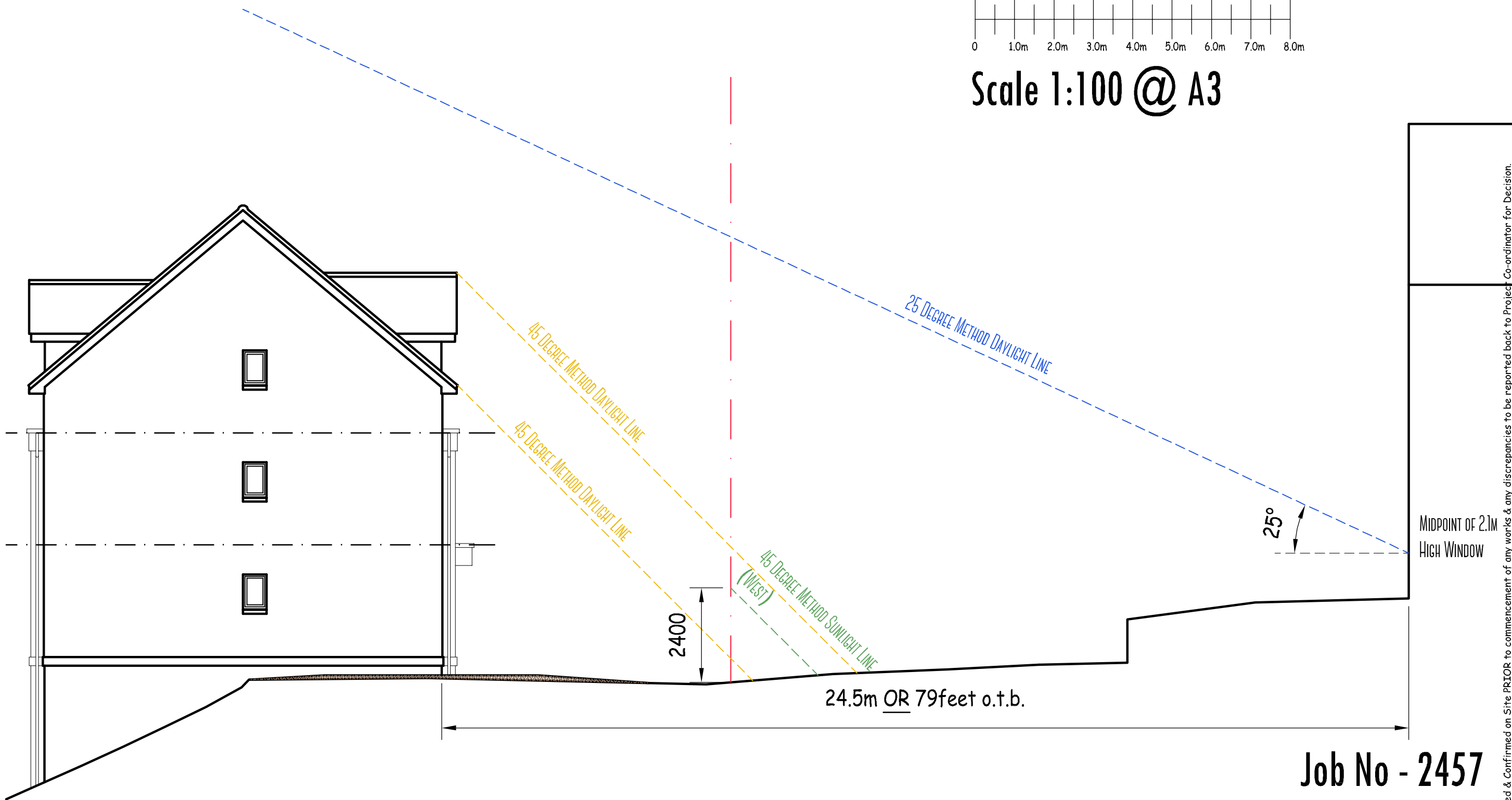
Scale: As Shown Date: Nov 19 Drawn by: KM

Job No: 2457 Issue: PL04 Issue: D

Proposed flatted Development at :- Bayfield Road, Portree Skye.



Scale 1:100 @ A3



Daylight Elevations Scale 1:100 @ A3

Job No - 2457
 Drg No - PL07
 Issue - A