

Agenda Item	7.10
Report No	PLN/035/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 April 2022

Report Title: 21/04800/FUL: Lochalsh and Skye Housing Association

Land 90M SE Of Dunvegan Primary School, Colbost, Dunvegan

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of 16 affordable housing units and access road

Ward: 10 - Eilean A' Cheò

Development category: Major Development

Reason referred to Committee: Major Development

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** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The applicant seeks full planning permission for the following development:

- The Erection of 16 affordable houses. The external material palette will be white rendered walls, with a grey metal roof, dark grey timber/aluminium composite windows and untreated larch board infill. The housing mix comprises:
 - 2 No. one bedroom single storey semi-detached houses (Plots 6 and 7);
 - 9 No. two bedroom single storey detached houses (Plots 1 to 5 and 13 to 16);
 - 5 No. three bedroom one 1 ½ storey terraced houses (Plots 8-12).
- upgrades to the shared access road with Dunvegan Primary School,
- new internal access roads
- surface water drainage system comprising a pond and swales,
- a community garden and an active travel link to / from Kilmuir Road.

The site forms part of a wider re-development project, which includes a replacement primary school and community sports pitch. A planning in principle application for the masterplan (21/04788/PIP) has been submitted and is pending determination.

1.2 Access to the site is via an existing single track private road from the A863 which currently serves the Primary school, surrounding croft land and two existing houses. The public water supply and foul drainage network pipes run across the site.

1.3 Pre-Application Consultation: The developer has undertaken extensive pre-application with the Planning Authority and consultees, via the Major Pre-Application Advice Service (20/02924/PREMAJ) and has participated in the Street Design Review Service (21/01483/SDR). Pre-application 20/02924/PREMAJ highlighted the following issues which needed to be addressed:

- The site is not allocated for development but does lie within the Settlement Development Area where there is a general presumption in favour of development. However, justification should be given as to why the allocated sites within the WestPlan have not been brought forward and how the proposal conforms with the placemaking priorities for Dunvegan.
- The proposed layout and density of the houses are not considered to respond to the contours and character of the area.
- The road layout and parking arrangements raise potential visual and practical issues from a Roads Authority point of view.
- Matters relating to neighbour amenity, lighting, noise and tree retention will need to be addressed.

- Contact with Scottish Water is required to confirm capacity on the public water and foul drainage networks.
- Further information in relation to access, active travel, pedestrian safety and cycle parking is required.
- A Flood Risk and Drainage Assessment is required.

The Street Design Review (21/01483/SDR), highlighted the following matters

- Main active travel route to the school should be accessible; developer to consider if it will be best provided as a footway forming part of the adopted public road. Minimise conflict between vehicles and pedestrians.
- Turning for the public road should not require vehicles manoeuvring in front of the school.
- Further consideration of the school bus drop-off areas is required.
- Servicing of the school may require reversing, in this scenario children should be segregated from the turning area.
- Confirm numbers of both drop off and of parking spaces for; visitors and school staff, parents and users of the pitch and give justification in a Transport Statement. Parking spaces, not drop off is required for nursery school children in association with an accessible route to the nursery entrance.
- Conflict between residents and parents for parking / drop off and turning to be considered and addressed by the design.
- Provide a clearly defined boundary to the public road.
- Provide an active gable end and courtyard parking.
- Confirm refuse collection requirements and ensure that they do not adversely impact on the housing block design.
- Ensure there is meaningful amenity space.
- Provide swept paths and minimise overhang onto footways.
- Confirm the visibility splay that can be achieved at all junctions and that this is in accordance with the Council's guidelines.
- Confirm appropriate SUDS proposals.
- Provide suitable supporting information regarding gradients of the road and footways and the extent of earthworks/slopes/ retaining features required.
- Street lighting proposals are required.

1.4 The application is supported by a Habitat Plan, Bat Survey and Ecology Report, Tree Protection and Constraints Plan an Arboricultural Method Statement, a Design and Access Statement, Drainage Impact Assessment, section plans and a Transport Statement.

1.5 Variations:

- Changes to the internal layout to address drainage and parking.
- Provision of further information in relation to drainage, access and the active travel route.

2. SITE DESCRIPTION

2.1 The application site currently comprises croft land and is located to the south of Dunvegan Primary School. To the north-east of the site is Kilmuir Road, which is a single-track public road, there is no vehicular link from this road to the site. The land slopes up from the A863 to Kilmuir Road in an undulating manner, with some steeper sections as shown by the contours on the submitted location plan. There are mature trees located adjacent to and along the southern part of the existing access road. The designated Core Paths at Dunvegan are located within the northern extent of the settlement and so will be unaffected by the proposal.

2.2 There are no statutory natural heritage designations within the site boundary. The nearest is the Inner Hebrides and the Minches Special Areas of Conservation within Loch Dunvegan which is designated for Harbour Porpoise and is located approx. 850m to the north-west. The closest terrestrial designation is the geological Site of Special Scientific Interest (SSSI) of An Cleireach which is located over 7km to the south-east of the proposed site.

The are no national or local landscape designations within the application site boundary. However, the site does sit at the edge of the designated North-West Skye Special Landscape Area (SLA).

There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The nearest listed building is located over 270m to the north-west of the access point from the A863.

3. PLANNING HISTORY

3.1		21/04788/PIP - Mixed Use Masterplan comprising 16 residential units, primary school, outdoor sports facilities and ancillary infrastructure	Pending determination
3.2	02.08.2021	21/03571/SCRE - Demolition of existing school, New primary school (approx. 1500m2 GEA total), New MUGA, New parking and school drop-off area, Provision of affordable housing with parking, new community sports pitch, upgrade existing access road and junction and build new road and turning area to serve both school and housing, New active travel link to Kilmuir road, Bin storage areas, SUDS drainage	EIA not required

3.3	11.06.2021	21/01860/PAN - Mixed use development comprising a new primary school, residential units, community playing field and ancillary infrastructure	Closed
3.4	21.07.2021	21/01483/SDR - Demolition of existing school, design and build of new school including drop-off and parking. Provision of 15no units of affordable housing	Advice given
3.5	09.09.2020	20/02924/PREMAJ - Primary School - Design and build of new school, demolition of existing school buildings, upgrade to access road, improvements to internal road layout and parking. Housing Development - up to 32 units on adjacent land including parking and surface water drainage, proposed footpath between the school/housing and Kilmuir Road. Previous application - 19/02221/PREMAJ	Advice given

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour – 14 days

Date Advertised: 22.10.2021

Representation deadline: 07.11.2021

Timeous representations: 2 (object to the application)

Late representations: 1 (support the application)

4.2 Material considerations raised are summarised as follows:

Objection Comment -

- Loss of croft land.
- Increase in traffic will adversely affect the adjacent property.
- Undermine the amenity of the adjacent property.

Support Comment –

- There is a need for affordable housing in Dunvegan

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 **Flood Risk Management Team** do not object to the application following the submission of additional information. The FRM Team initially objected to the scheme on the basis of a lack of information in relation to drainage and in particular regarding the following elements:

- A Drainage Impact Assessment (DIA) was requested at the pre-application stage, but this was not submitted with the original submission.
- Further details regarding the discharge point from the SUDS basin/pond.
- The existing on site drainage features needed to be incorporated into the site layout to ensure that their function is retained and that they are sized appropriately.
- Information in relation to post development run-off rates. The discharge rate should be limited to the existing pre-development runoff rate. Confirmation that the SUDS basins meet the Sewers for Scotland standard. Further details in relation to the vesting for the infrastructure was also requested.
- The scheme should also ensure that in the event of a flood event that the water can be contained within the site boundary without flooding buildings or critical roads or increasing flood risk elsewhere.

Following the submission of a DIA and supporting information which addressed the above matters the FRM team withdrew their objection subject to a planning condition controlling the final surface water drainage system.

5.2 **Transport Planning Team** do not object to the application following the submission of amended plans and further information. The Transport Planning Team initially objected on the basis of a lack of information regarding the following elements:

- Active Travel Link to the Kilmuir Road – including long section and gradient details were requested.
- Confirmation of the visibility splay available at the junction with the A863 and the house accesses onto the new road.
- Parking layout and Electric Vehicle Charging.
- Confirmation of the limits for the adoption of the road and traffic calming measures.
- Dimensions of the accesses and parking areas, provide turning for servicing vehicles at the end of the private road.
- Confirm the maintenance proposals for the shared access and parking proposals which are to be private.
- Submit refuse collection proposals
- Submit a DIA and confirm the design and maintenance proposals and discharge points. Confirm details of the swales and provide a long section through the surface water drainage to the discharge points.
- Provide land drainage proposals.
- Confirm the proposals for any embankments, cuttings and retaining walls.

Following the submission of additional information the Transport Planning team withdrew their objection subject to planning conditions securing the provision of a link road, active travel link, visibility splays onto the A863 and internal accesses to the houses, the 20mph Traffic Order, bin collection points, implementation of the parking layout, proposals for the fire and rescue tender including vehicular swept paths, drainage scheme and a Construction Traffic Management Plan.

5.3 **Development Plans Team** do not object to the application and consider that the development complies with the Local Plan and the placemaking priorities for Dunvegan. It requests that Developer Contributions towards community facilities are secured. It explains that the site is required to deliver a minimum of 25% affordable housing and there is a requirement for public open space on the site.

5.4 **Forestry Officer** does not object to the application subject to conditions securing landscape detail and implementation of the Tree Protection and Arboricultural Method Statement.

5.5 **Scottish Water** do not object to the application. It sets out that it cannot confirm whether there is capacity at this time and requests that the developer submits a Pre-Development Enquiry

5.6 **Crofting Commission** – no response received.

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 & Place-making

30 - Physical Constraints

31 - Developer Contributions

32 - Affordable Housing

34 - Settlement Development Areas

47 - Safeguarding Inbye/Appportioned Croftland

51 - Trees and Development

55 - Peat and Soils

56 - Travel

57 - Natural, Built & Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

63 - Water Environment

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

70 - Waste Management Facilities

72 - Pollution

74 - Green Networks

75 - Open Space

77 - Public Access

6.2 **West Highland and Islands Local Development Plan (WestPlan) 2019**

The whole site is located within the defined settlement development area (SDA) for Dunvegan. The Placemaking Priorities for Dunvegan are as follows:

- Enable investment in improved community facilities including a replacement school and new sports pitch.
- Consolidate the village with development opportunities being focused on sites close to existing facilities.
- Support existing services through providing a variety of employment land and a choice of housing sites.
- Safeguard, enhance and promote the natural and built heritage of the area, including through the protection and expansion of Green Networks through and around the village.
- Safeguard actively used croft land within the central/eastern side of the village and promote infill opportunities for the expansion of crofting townships.
- Work with Scottish Water and potential developers to secure additional water supply capacity to service expected growth.

6.3 **Highland Council Supplementary Planning Policy Guidance**

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy (2014)
- National Planning Framework 3 (2014) and the emerging content of NPF4
- Designing Streets (2011)
- Creating Places (2013)
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 2/2010 Affordable Housing and Land Audits
- PAN 61 Sustainable Urban Drainage Systems (SUDS)
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Other Development Guidance

- 7.2
- Skye Raasay Futures 2021

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.

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) siting, design and visual impact
- c) impact upon amenity
- d) access, roads, parking and wider access.
- e) impact on croft land
- f) natural heritage (including protected species, peat and trees)

- g) built and cultural heritage
- h) water supply and drainage, and
- i) developer contributions

Compliance with the development plan/other planning policy

- 8.4 Development Plan Policy is set out in the Highland-wide Local Development Plan, 2012 (HwLDP), the West Highland and Islands Local Development Plan, 2019 (WestPlan), and statutorily adopted supplementary guidance.
- 8.5 The site is located within the Dunvegan Settlement Development Area (SDA) as defined within the WestPlan. Policy 34 identifies that SDAs are the preferred locations for most types of developments including housing. The policy further states that the Council will support proposals within SDAs if they meet the requirements of Policy 28 – Sustainable Design and all other relevant policies of the Development Plan. Proposals will also be judged in terms of their compatibility with surrounding land uses and impacts on any natural, built and cultural heritage features.
- 8.6 Policy 28 requires sensitive siting and high-quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 repeats this emphasis on good design in terms of compatibility with the local landscape setting and settlement pattern. In this regard the proposal is considered to have responded positively to the concerns raised during the pre-application process in relation to density, design and layout.
- 8.7 The site is currently croft land. Policy 47 of the HwLDP states that all proposals should where possible avoid:
- siting on the better part of a croft in terms of its agricultural value; and
 - impeding use of the remaining croft land by virtue of its location.
- If proposals do not meet these criteria, then they will only be deemed acceptable where the following apply:
- there exists a proven/recognised wider community interest; and
 - in terms of other policy considerations, such as accordance with settlement pattern or impact on a natural, built or cultural heritage feature, they can be considered acceptable.
- 8.8 The application site is neither allocated for, nor safeguarded from, development. Representations have set out that there are alternative sites within Dunvegan which are better suited for this housing development. At the pre-application stage, the Planning Authority advised the applicant to submit a supporting statement and rationale for development of housing on this land rather than nearby land which are specifically allocated in the WestPlan. The applicant has stated that this site is preferable for the proposed development as it allows a multi-agency approach to delivery of affordable housing to meet an identified need, delivery of a new

primary school and a community sports facility. Locating development in this location allows infrastructure and funding streams to be shared. None of the allocated sites offer the ability to secure and support a wider re-development such as that proposed by the Masterplan – 21/04788/PIP.

8.9 Notwithstanding the above, the application must be determined against the requirements of the Development Plan. In this regard the Councils Development Plans Team consider that the proposal is aligned with the Development Plan and specifically with the Placemaking Priorities for Dunvegan outlined in section 7 above. Of particular note for this scheme is that development should seek to

- Consolidate the village with development opportunities being focused on sites close to existing facilities; and
- Safeguard actively used croft land within the central/eastern side of the village and promote infill opportunities for the expansion of crofting townships.

8.10 Skye and Raasay Futures was adopted in August 2021 and is a shared statement of the values, ambition and priorities for partners to work together to improve outcomes for everyone across the area. It also outlines how current and future actions and investments can help to address these priorities. It is intended to act as an investment portfolio for the future of Skye & Raasay and will create a credible and robust case for seeking future funding. The document sets out seven outcomes for people and place. The proposed development will contribute toward the following outcomes set out in the document:

- Outcome 2 - Strengthening Communities – A resilient, inclusive and resourceful community network where everyone has access to good quality, affordable housing options, appropriate access to essential services, and where Gaelic and the area's unique culture and identity is celebrated.
- Outcome 5 - Health and Education – Modern health, care and education facilities and services that are appropriate for the area and which make it resilient and an attractive place to live.

The document also highlights the development subject to this application and the associated masterplan application (21/04788/PIP) as a case study.

8.11 This is a relatively central site within Dunvegan, it is accessed from the main public road for the settlement, there are compatible surrounding land uses and it is close to education, medical and public water and drainage facilities. In addition, the Development Plans Team consider that from the supporting information, it is apparent that the impact on actively used in-by croft land is relatively minor and the economies of scale from developing both proposals together will help ensure delivery of much needed affordable housing and enhanced school provision. It is therefore considered to accord with the settlement Placemaking Priorities.

Siting, design and visual impact

- 8.12 As detailed above the applicants have engaged proactively with the Planning Authority and consultees through the formal pre-application and street design review process. During the pre-application stage it was considered that in principle the land could accept some development. However, concerns were raised in relation to layout and design, in particular this related to
- The scale and density of the housing - the pre-application originally proposed 32 residential units, however, the resultant layout was not considered to respond to the contours and character of the site and wider area.
 - A reduction in the number of units was recommended with the 'core' of the housing development being concentrated within the middle section of the site where the land is lower and visually more contained from wider public vantage points. From this core any development which was to be sited closer to the main roads (either the A850 or Kilmuir Road) should ideally be detached and more scattered in form and character.
 - The 32-unit layout also failed to provide an appropriate street frontage onto the main shared access road with the existing school and houses. This resulted in a scheme which lacked a sense of place or cohesion.
 - The use of two storey house designs was also not considered to be appropriate in this locality and it was recommended that single or 1 ½ storey designs were utilised instead.
 - The incorporation of substantial and remote parking areas from the residential units also raised a number of concerns in both practical and visual terms.
- 8.13 The applicant has responded positively to the concerns raised at the pre-application stage. The scheme presented in this planning application has drawn down the number of residential units from 32 to 16. The recommendation to position the 'core' of the development within the lower and more visually contained parts of the site has been incorporated into the scheme. The scale of houses has been reduced with the removal of the two storey designs. The majority of the units are now single storey and are sited as you approach the site from the access road off the A863. To reduce visual impact the four units located on the higher land (plots 13-16) will also be single storey. Five units will be 1 ½ storey houses (plots 8 to 12), however, these are concentrated within the central and flatter section of the site. The design and form of the houses is simple with an external material palette of white render, grey metal roofs and infill panels of untreated larch cladding. This is considered to be acceptable and responds well to the locality. The final external materials including boundary treatments will be secured by a planning condition.
- 8.14 The houses have been sited and orientated to provide a stronger street frontage than those detailed at the pre-application stage, and parking will be arranged in three clusters to reduce the visual dominance of vehicles. The plans also include a community garden which is accessed by a footpath. Plots 5 to 7 are presented to face this element of the scheme to provide a sense of security and community

for this development. The surface water drainage scheme has been integrated within the development with the use of a SUDS basin and swales located between the main public road and pedestrian footways.

- 8.15 Identified bin storage areas will be located near the access road to ensure that this aspect is managed on refuse collection day, full details of this can be secured by a planning condition. In addition, the final land levels and landscaping scheme will be secured via planning conditions. This will also include a scheme for the ongoing maintenance schedule and a factoring arrangement.
- 8.16 There is a requirement for 924 sqm of green space to be provided for within the scheme. The layout includes the provision of a community garden adjacent to plots 5-7, this provides an area of 960 sqm. In addition, there is space adjacent to plots 14 and 16 for a further 260 sqm. The proposal is considered to meet the requirements of this policy – implementation of this will be secured by a planning condition.
- 8.17 Overall, the scheme presented in this application is considered to have responded positively to officers' concerns raised at the pre-application stage. Subject to the aforementioned planning conditions the development is acceptable and accords with the settlement pattern, visual impact and sense of place requirements required by policies 28, 29 and 34 of the HwLDP.

Impact upon amenity

- 8.18 The closest existing properties are located over 90m from the nearest proposed unit. This separation distance and off-set building line is sufficient to protect existing amenity from overlooking or the development having an overbearing impact. However, in order to manage the construction process, a Construction Traffic Management Plan can be secured via a planning condition, this will aim to minimise the impacts from the construction works associated with the development.
- 8.19 A representation from the property adjacent to the site access has highlighted concerns that the infrastructure proposed would affect the 'look and feel' of their house. It has also set out it may affect their hospitality business and their long-term business plans. The closest part of the development to this property will be the proposed works to upgrade and widen the existing access track which leads up to the school. However, the proposed new alignment of this spinal road will result in the road being located further approx. 5m further to the north of this properties boundary, rather than the present situation in which the road almost abuts the boundary wall. The objector also stated that the increase in traffic associated with the 16 dwellings will be detrimental to their guests who have to reverse out onto the road leading up to the school in order to exit their property.
- 8.20 The applicants have no control over this sub-optimal situation and is not considered to warrant a refusal of the application. However, the increase in width of the access road may assist with any reversing from this property and speeds along this spinal road will be restricted by traffic calming measures which will be

controlled through the subsequent Road Construction Consent (RCC) process. In terms of the proposed houses, there will be a separation distance of approx. 190m between the proposed units and this existing property. This separation distance will avoid any substantive loss of amenity.

- 8.21 In terms of the proposed houses, the proposed layout and design of the units does not raise any substantial concerns in relation to overlooking or a loss of amenity for any of the future occupants.
- 8.22 Overall, the scheme is not considered to have a significant impact upon existing or future occupant amenity and complies with policy 28 of the HwLDP.

Access, roads, parking and wider access.

- 8.23 The existing private access track from the A863 which serves the current school, croft land and two residential properties will be upgraded to provide a new adoptable public road. The Councils Transport Planning Team initially objected to the application, however, this objection has since been withdrawn following the submission of additional information and subject to the recommended planning conditions. To manage the construction process, a Construction Phase Traffic Management Plan can be secured by condition to ensure that safe access by all modes can be controlled (this shall be in consultation with the school).
- 8.24 The plans detail that visibility splays of 2.4m x 90m is available in both directions from the access onto the A863, Transport Planning are content with this and request that this is secured by a planning condition. It is noted that the full technical detail of the access junction including the radii for the access will be secured via the Road Construction Consent (RCC) process. Transport Planning have confirmed that the amended plans show a suitable road with dimensions and a generally acceptable layout. However, the technical detail will be subject to detailed revision at Road Construction Consent stage. In addition, the finalised technical details will require traffic calming measures and designed as a permanent 20mph zone for road safety reasons given that it provides access to the primary school. A Traffic Order to secure the 20mph limit shall be promoted and this can be secured by a planning condition.
- 8.25 Visibility splays of 2.4m x 25m for the visibility splays from the internal access roads is required by Transport Planning, this can be secured by a planning condition. The parking layout and numbers proposed for the housing and community garden is acceptable and as per the request from Transport Planning implementation can be secured by a planning condition. In addition, Transport Planning have requested that a planning condition secures the final strategy for the turning of service vehicles within the site. Transport Planning have also requested that the refuse collection points are located on private land outwith the road boundary, this can be secured by a planning condition, the required dropped kerbs will be required as part of the RCC process. Details controlling earthworks and land levels can also be secured by a planning condition.

- 8.26 To facilitate and co-ordinate with the related master plan application (reference 21/04788/PIP) for the wider site including the primary school, this current application details an active travel route from Kilmuir Road which is a developer requirement for the DV09 land allocation on the school site. Pre-application advice provided to the applicant stated that given the single track and unlit nature of the Kilmuir Road a vehicular link would not be required to be provided for this development. However, Transport Planning have recommended a planning condition which safeguards a land corridor a minimum of 9.5m wide from the end of the proposed road to Kilmuir Road. This will safeguard the land in the long term thus ensuring that the land is available if a formal road is ever required in the future.
- 8.27 Instead, of a formal road Transport Planning for this development have requested that a remote and adoptable cycle/footpath link is made between the end of the new road and the Kilmuir Road. The relevant design standard was advised as the Council's 'Roads and Transport Guidelines for New Development' and Transport Scotland's 'Cycling by Design'. Pre-application advice was given that the gradient requirements could be relaxed with a maximum of 10% gradient, however, that further information in the form of long section plans would be required given the change in land levels experienced in this part of the site. this an indicative long section to check the gradient was requested.
- 8.28 During the course of the application, the required section/gradient information was submitted. On this basis, further detailed advice was sought from the Safer Routes to School Team and the Access Officer, and it became clear that the provision of a straight run of surfaced footpath at this gradient in this location raised safety concerns particularly during winter conditions. An option advocated by the Transport Planning Team is to rely on the existing remote path in use from the school grounds to the Kilmuir Road. This informal route is not as steep and because it is not surfaced does not raise the same concerns in winter conditions. The applicant in ongoing dialogue about this matter, but it is considered that a detailed layout and route of the active travel link to Kilmuir can be secured by a planning condition.

Impact on Croft Land

- 8.29 The application site is located on croft land and third parties have raised concerns with regards to its loss. The applicant has confirmed that a de-crofting application will be submitted to the Crofting Commission in due course. Grazing land to the north-east and south-west of the indicative housing area will be unaffected and the plans detail new stock proof fencing and gated access points to provide continued access. The Crofting Commission have been consulted on this planning application, but no response has been received. However, it must be noted that the granting of planning permission does not automatically mean that a de-crofting direction will be forthcoming from the Crofting Commission. This is a separate process to the planning application and will be subject to a separate de-crofting criterion set by the Crofting Commission.

- 8.30 As detailed previously policy 47 seeks to avoid the loss of inbye and apportioned land. Whilst there may be some conflict with this initial section of the policy, it is considered that overall, the proposed de-crofting of the land will facilitate substantial wider benefits to the community. Under this current application this will be in the form of affordable housing, with further wider benefits being secured under the wider masterplan application – 21/04788/PIP, in relation to a new school and community sports pitch. Overall, these benefits are considered to comply with the ‘wider community interest’ provision contained within policy 47 and is deemed acceptable.

Natural heritage (including, peat, protected species and trees)

- 8.31 There are no statutory natural heritage designations within the site boundary. However, the application is supported by an Ecology Report, Tree Report and a Bat Survey. The report found that the site largely consists of unimproved neutral or acid grassland. The Peat Management Plan which supports the wider masterplan application (21/04788/PIP) states that the housing site does not contain peat.
- 8.32 The Ecology report found no otter spraints or recent tracks and considered that the relatively high levels of disturbance and accessibility of the site mean it is very unlikely a natal holt would be present nearby. However, otters may pass through the site, particularly between dusk and dawn, utilising existing culverts and roadside drains. As such the report recommends that works adhere to NatureScot best practice when storing, maintaining, or removing culverts and altering drainage ditches.
- 8.33 The bat survey looked at the trees which were to be affected by the development for any potential roost features (PRFs). PRF's were identified in 2 trees. Tree 609, and tree 636, however, following an endoscopic inspection no bat roosts were present. The crevice in tree 609 was not suitable for roosting bats due to it being open and not actually forming a closed crevice. The report further states that there is a possibility that cracks in limbs of trees may form in the winter period due to high winds or heavy snow and bats may take advantage of these features. It is recommended that if the trees have not been felled before the end of February 2022, that a repeat bat survey is undertaken prior to felling. This can be secured by a planning condition.
- 8.34 To avoid potential impacts upon nesting birds, the report recommends that any scrub or tree removal is undertaken outside of the nesting season. If this is not possible then a survey walkthrough should be completed to check trees/scrub due to be removed for active nest sites – this can be secured by a planning condition.
- 8.35 With regards to trees, policy 51 of the HwLDP states: The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. The application is supported by a Tree Survey, Tree Protection Plan and Arboricultural Method Statement. The main housing site does not impact upon trees; however, a

number of trees have been identified for removal along the access road as they are likely to be affected by the improvements and extension to the existing access road which will service both the housing and the school. However, the Councils Forestry Team is content that these are generally poorer quality trees (Category C) which are not suitable for long term retention. There is a group of 7 trees within a private property to the south of the access road which are to be retained, with protection measures identified in Appendix 3.4 of the Tree Protection Plan. The Forestry Team offer no objection to the application subject to conditions controlling a landscaping and management scheme and the implementation of the tree protection measures.

Built and cultural heritage

- 8.36 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The nearest listed building is located over 270m to the north-west of the access onto the A863. As part of the wider masterplan application (21/04788/PIP) the Councils Historic Environment Team have commented that the wider area including the current application site have archaeological potential as such a planning condition is recommended to secure a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation.

Water supply and drainage

- 8.37 The applicant's intention is to connect to both the public water supply and foul drainage systems. This is considered to be in compliance with the requirements of policy 65 of the HwLDP which states that the Councils preference is that connection is made to the public sewer. Scottish Water have no objection to the scheme but requests that the developer submits a Pre-Development Enquiry to confirm capacity.
- 8.38 The Councils Flood Risk Management Team (FRM) initially objected to the scheme on the basis of a lack of information in relation to the proposed drainage strategy and the lack of a Drainage Impact Assessment (DIA). Areas of particular concern related to the identification of a suitable ultimate discharge point from the SUDS basin/pond and that existing on site drainage features were incorporated into the site layout to ensure that their function is retained and that they are sized appropriately. In addition, FRM required confirmation that post development run off rates are limited to the existing pre-development rates, confirmation that the SUDS basins meet the Sewers for Scotland standard and further details in relation to the vesting of the drainage infrastructure.
- 8.39 The application is now supported by a Drainage Impact Assessment (DIA). This employs Sustainable Drainage System (SuDS) principles and is designed to the Sewers for Scotland standard and is supported by policy 66 of the HwLDP. The plans detail a SUDS pond and swales adjacent to the main access road. The FRM team are content that the identified discharge point will not increase the flood risk downstream of the site. The SUDS scheme now demonstrates that the surface water will be attenuated to ensure that the post-development discharge is limited to the equivalent pre-development rate. The existing overland flow routes

drawings identify several existing drainage features within the site, including open ditches and culverted sections. The updated drainage layout drawings now show that all these features will be incorporated into the site layout and are located within the open accessible areas of the site. The drainage network for the housing site will be put forward for vesting by Scottish Water.

8.40 Following the submission of the DIA and the above information the FRM team have removed their objection subject to a planning condition controlling the final surface water drainage design. Transport Planning also recommend a planning condition is used to secure the final detail design for the drainage. Technical Approval of the shared surface water system by Scottish Water will be required prior to issue of Road Construction Consent. Transport Planning consider that swales are acceptable in principle, the final design will form part of the Road Construction Consent process.

Developer Contributions

8.41 Policy 31 (Developer Contributions) of the HwLDP 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	Dunvegan Primary – N/A	-	-
Schools - Secondary	Portree High – 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	
Active Travel Contributions	Seek advice from Transport Planning	-	-
Green Infrastructure	As per Open Space Supplementary Guidance and the Calculator	Total greenspace required is 924 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		£16,304	

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, so £16,304 in total. These prices are based on quarter 2 2018 prices and require to be index linked to current prices. The applicant has confirmed that a payment for these contributions will be made prior to planning permission being released if Members are minded to grant the application.

- 8.42 Policy 32 (Affordable Housing) of the HwLDP requires a contribution of 25% affordable housing for all developments of four or more houses. This application is for a fully affordable housing scheme and the applicants are Lochalsh and Skye Housing Association. Consequentially, the provision of affordable housing can be secured by a planning condition rather than requiring parties to enter into a section 75 legal agreement.

Matters to be secured by Section 75 Agreement

- 8.43 None

9. CONCLUSION

- 9.1 Housing on this land is considered to be a minor departure from the West Highland and Islands Local Plan, as it seeks to deliver residential development on land which is not allocated for development rather than being delivered on the formally allocated sites. However, this minor departure is considered to be acceptable in this instance, as there are clear benefits for the area in delivering affordable homes to meet current need and demand and helping to facilitate the wider re-development of Dunvegan Primary School and public sports pitch, helping to deliver the priorities set out in the Skye Raasay Futures document adopted by the Skye and Raasay Area Committee in 2021. The applicant contends that development in this location allows infrastructure and funding streams to be shared which has acted as a catalyst to enable this shared development to be progressed. None of the allocated sites offer the ability to secure and support a wider re-development such as that proposed by the Masterplan – 21/04788/PIP. These benefits are recognised by the Councils Development Plans Team who have raised no objection to the scheme. However, it is recognised that these benefits must be balanced against the concerns which have been raised in representations.

- 9.2 The applicants have worked pro-actively with the Planning Authority and consultees to address concerns raised at the pre-application stage and have worked to overcome objections lodged in relation to flood risk management and roads. There are no outstanding consultee objections to the application. Subject to the recommended planning conditions this scheme will facilitate the delivery of much needed affordable housing and would not have a significantly detrimental impact on the area.
- 9.3 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): Provision of 16 affordable homes
- 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 – Yes

- Payment of a developer contribution for community facilities (Total of £16,304 to be index linked to from Q2 2018 prices to today's prices prior to payment)) to be secured before the planning decision notice is released to the applicants.

Subject to the above actions, it is recommended to **APPROVE** the application subject to the following conditions and reasons

1 Affordable Housing

No development shall commence on site until a scheme for the provision of on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Developer Contributions Supplementary Guidance 2018 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:

- i. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 25% of the total number of housing units proposed within the application site;
- ii. the timing of the construction of the affordable housing;

- iii. the arrangements for the management of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Thereafter the affordable housing shall be provided in accordance with the approved scheme.

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

2 **Visibility Splays – A863**

No other development shall commence until the site access onto the A863 has been upgraded with visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) formed in each direction from the centre line of the junction and thereafter maintained in perpetuity.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

3 **Parking**

Prior to the first occupation of the development hereby approved, the parking spaces as detailed on the approved plans shall be provided within the application site. Thereafter, all parking spaces shall be maintained for this use in perpetuity.

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

4 **Traffic Regulation Order**

No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads, within the development, to no more than 20mph, have been submitted to and approved in writing by the Roads Authority, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be delivered by the developer.

Reason: In the interests of safety of all road users in the residential development.

5 **Visibility splays – housing access**

Prior to the occupation of the first house, the access junctions onto the new road shall be formed with visibility splays of 2.4 x 25m in each direction (the X dimension and Y dimension respectively) for all the proposed has been submitted and approved in writing by the Planning Authority. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of

1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension. Thereafter, the visibility splays shall be maintained in perpetuity.

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

6 **Bin storage**

No development shall commence until the final design, construction details, location and external materials for the shared bin collection points has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved details shall be implemented prior to the first occupation of the development hereby approved. For the avoidance of doubt the shared bin collection points shall be within private land and not within the public road boundary.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

7 **Turning areas**

No development shall commence until detailed and dimensioned turning proposals for the fire and rescue tender including vehicular swept paths have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented prior to the first occupation of the development hereby approved and thereafter maintained in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

8 **Kilmuir Road Link**

No development shall commence until a scheme for the delivery of connecting the development site to Kilmuir Road for non-motorised users is submitted to and approved in writing by the Planning Authority. This shall include details of the design, surfacing of the route suitable to the underlying landform and anticipated use of the route and directional signage. Thereafter the scheme shall be implemented prior to first occupation of any residential unit within the development.

Reason: In the interests of sustainability by providing non car-based transport.

9 **Kilmuir Road Link safeguarding**

No development, works or planting shall take place unless otherwise first agreed in writing by the Planning Authority on land between Kilmuir Road and the site which shall extend to a minimum corridor of 9.5m. This area shall be safeguarded to allow for the future construction of a road from the end of the proposed road to Kilmuir Road.

Reason: To ensure the long-term safeguarding for a potential vehicular link from Kilmuir Road as required by WestPlan, 2019.

10 **Construction Management Plan**

No development shall commence until a Construction Traffic Management Plan (CTMP) (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall be developed in conjunction with Dunvegan Primary School. It shall include

1. No Heavy Goods Vehicle (HGV) traffic movements or deliveries to the site during school pick up or drop off times for Dunvegan Primary School.
2. Details of the HGV movements proposed along the construction routes (including to quarries where these routes are along the local public road network.)
3. A suitable contact name and number for the public and the Council to use in case of any concerns about Traffic Management.
4. A vacuum road sweeper shall be provided if required by the Council due to mud or dust arising from the site or the construction vehicle movements it generates.

The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

11 **Surface water drainage**

No development shall commence until the finalised surface water drainage design has been submitted to and approved in writing by the Planning Authority. It should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, (or any superseding guidance prevailing at the time). It shall demonstrate that all discharge from the site will be limited to the pre-development greenfield (Qbar) rate for all storms up to and including the 1 in 200-year return period storm event.

Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the occupation of the relevant phase or sub-phase.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

12 **Surface water drainage – maintenance**

The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

13 **External materials – residential units**

No development 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.

14 **External materials – road and paths**

No development shall commence until a detailed specification for all proposed internal road and path 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.

15 **Street lighting**

No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented and maintained in perpetuity.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

16 **EV charging**

No development shall commence until a final scheme has been submitted detailing the provision of electric car charging points within the development. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

17 **Above ground infrastructure**

No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development has been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained

18 **Landscaping - levels/ boundary treatments**

No development shall commence until details of a final scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. Any engineered slopes or retaining walls on the site;
- iii. The maximum depths of fill and cut on the site. Show the top and the toe of all the embankments and cuttings and confirm the maximum slope;
- iv. The earthworks balance on the site (how much fill is to be imported or disposed of off-site) and any proposals for bunds or landscaping using fill from the site;
- v. A plan showing the proposed contours of the proposed road and the housing platforms and where these tie into the existing ground levels;
- vi. A plan showing existing landscaping features and vegetation to be retained;
- vii. The location and design, including materials, of any existing or proposed boundary walls, fences and gates;
- viii. Details of the Community Garden;
- ix. 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, the incorporation of native species would be welcomed.

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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

19 **Landscape Implementation**

No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

Ensuring that the landscaping plan approved under condition 18 is implemented to the agreed standard; and

The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

20 **Maintenance and Factoring**

No development shall commence on site until a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

21 **Tree Protection**

No development shall commence until a suitably qualified arboricultural consultant has been employed at the applicant's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To secure the successful implementation of the approved tree protection measures.

22 **Archaeological watching brief**

No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason. In order to protect the archaeological and historic interest of the site.

23 **Nesting birds**

No tree or shrub felling works shall commence on site within the bird breeding season (March - August inclusive), unless a bird survey walkthrough has been undertaken and a report submitted to, and approved in writing by, the Planning Authority. The report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed, and the development does not have an adverse impact on protected species or habitat.

24 **Bat Survey**

No tree felling works shall commence on site until a bat survey has been undertaken. The report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the site and its environs are surveyed, and the development does not have an adverse impact on protected species or habitat.

25 **Land Drainage**

No development shall commence until a finalised land drainage scheme of implementation has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that land drainage is provided timeously and avoids overland flooding.

26 **Construction Environmental Management Document (CEMD)**

No development shall commence until a Construction Environmental Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority. The Document shall include:

- a) A Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- b) Processes to control / action changes from the agreed Schedule of Mitigation
- c) The following specific Construction and Environmental Management Plans (CEMP):
 - I. Habitat and Species Protection Plan
 - II. Pollution prevention plan
 - III. Dust management plan
 - IV. Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise
 - V. Site waste management plan;
 - VI. Measures to protect private water supplies; including an emergency response plan;
- d) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
- e) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- f) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved Construction Environmental Management Document.

Reason: In the interests of protecting the receiving environment and amenity.

27 **Construction Compounds**

Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas

(including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

Reason: In order to safeguard the amenity of neighbouring properties

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.

INFORMATIVES

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.

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 & 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_f_or_working_on_public_roads/2

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

Mud & 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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from NatureScots area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

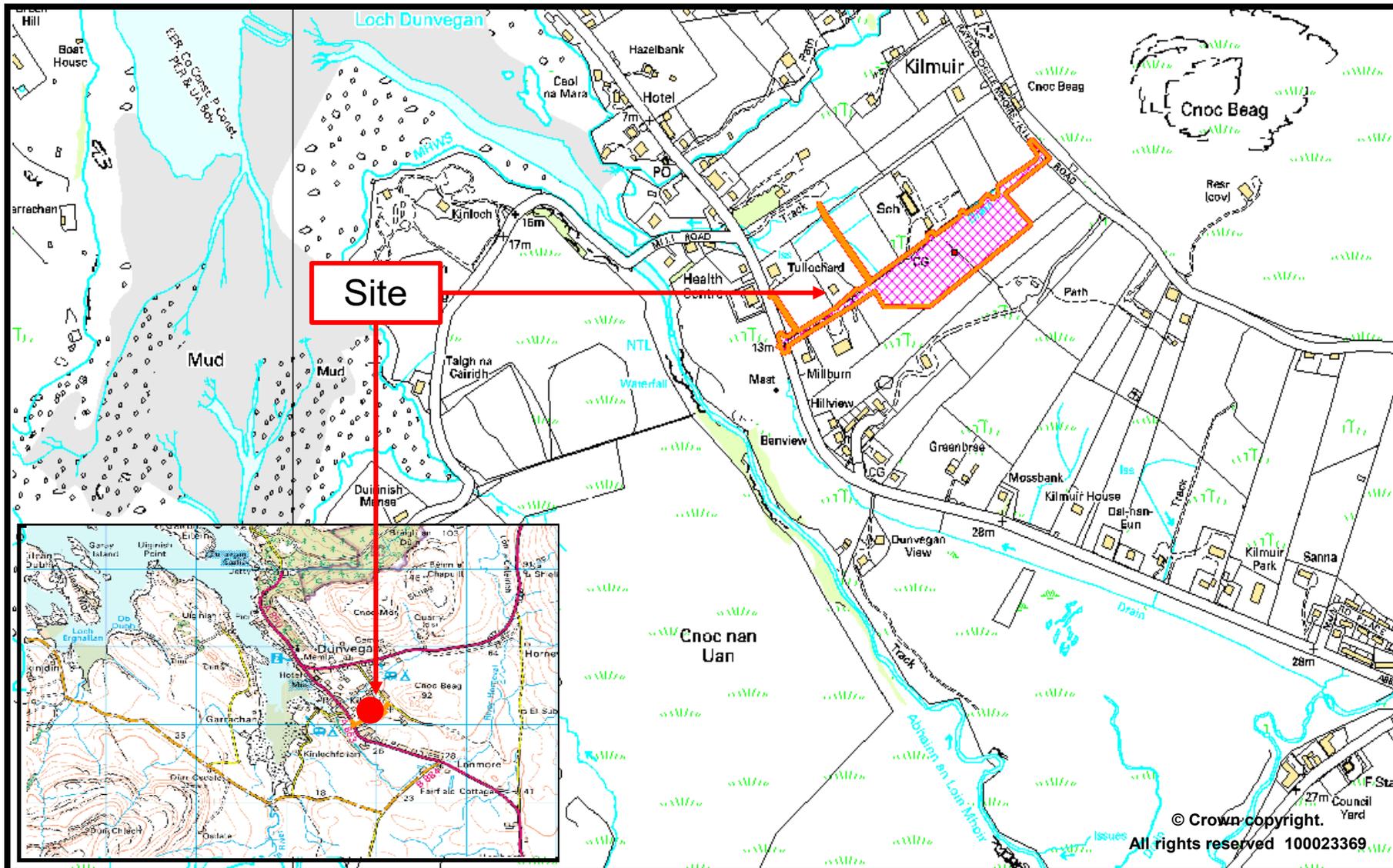
Designation: Area Planning Manager - North

Author: Alison Harvey

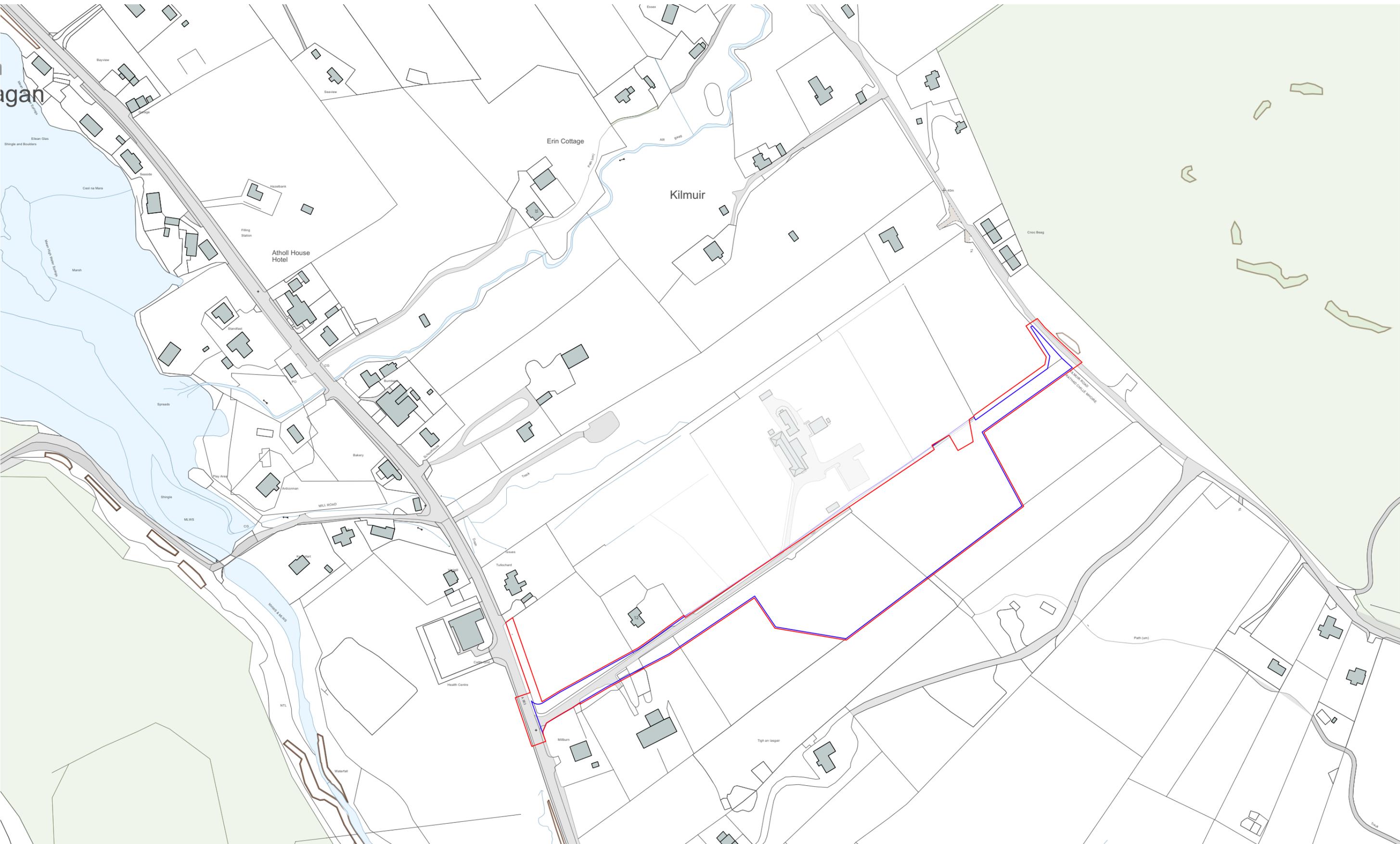
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
LOCATION PLAN	912-001		01 Apr 2022
PROPOSED SITE LAYOUT PLAN	912-010		01 Apr 2022
PROPOSED BLOCK PLAN	912-021		01 Apr 2022
ROAD LAYOUT PLAN - UPPER	912-023		01 Apr 2022
ACCESS JUNCTION	912_022		01 Apr 2022
SITE LAYOUT PLAN	912_025		01 Apr 2022
FLOOR-ELEVATION PLAN	912-201		07 Oct 2021
FLOOR-ELEVATION PLAN	912-202		07 Oct 2021
FLOOR-ELEVATION PLAN	912-203		07 Oct 2021



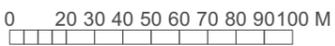
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Site Address:
 Dunvegan Primary School, Kilmuir Road, Dunvegan, IV55 8GU

- Land to be acquired by the applicant
- 2.03ha Land affected by Planning Application for Housing

1 Location Plan
 Scale: 1:2500



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DRAWING SET
PLANNING

DRAWING TITLE
LOCATION PLAN

DRAWING NUMBER
912_001

SCALE
1:2500 @A3

CLIENT
912_LSHA

DRAWN BY
IH

DATE
10 MAY 2019

B 31/03/2022 Drainage red line revised

Rev Rev Date Note

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Kilmuir

Atholl House Hotel

New turning head

Corridor reserved for potential road link
Active Travel Path to Kilmuir Road

Grazing retained

New housing

Community Garden

New housing

New Active Travel Path

Drainage route

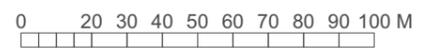
Grazing retained

Widen road and
improve junction

Site Address:
Dunvegan Primary School, Kilmuir Road, Dunvegan, IV55 8GU

- Land to be acquired by the applicant
- 2.03ha Land affected by Planning Application for Housing

1 Site Plan
Scale: 1:2000



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DRAWING TITLE
PROPOSED SITE PLAN

DRAWING NUMBER
912_010

SCALE
1:2000 @A3

CLIENT
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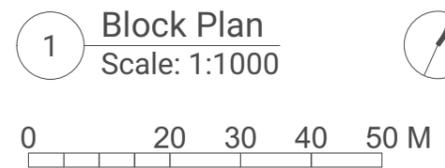
DATE
22 FEB 2021

Rev	Rev Date	Note
B	31/03/2022	Drainage red line revised

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Rev	Rev Date	Note
B	2022-03-28	Drainage red line revised. Ditch added



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DRAWING SET
PLANNING

DRAWING TITLE
BLOCK PLAN

DRAWING NUMBER
912_021

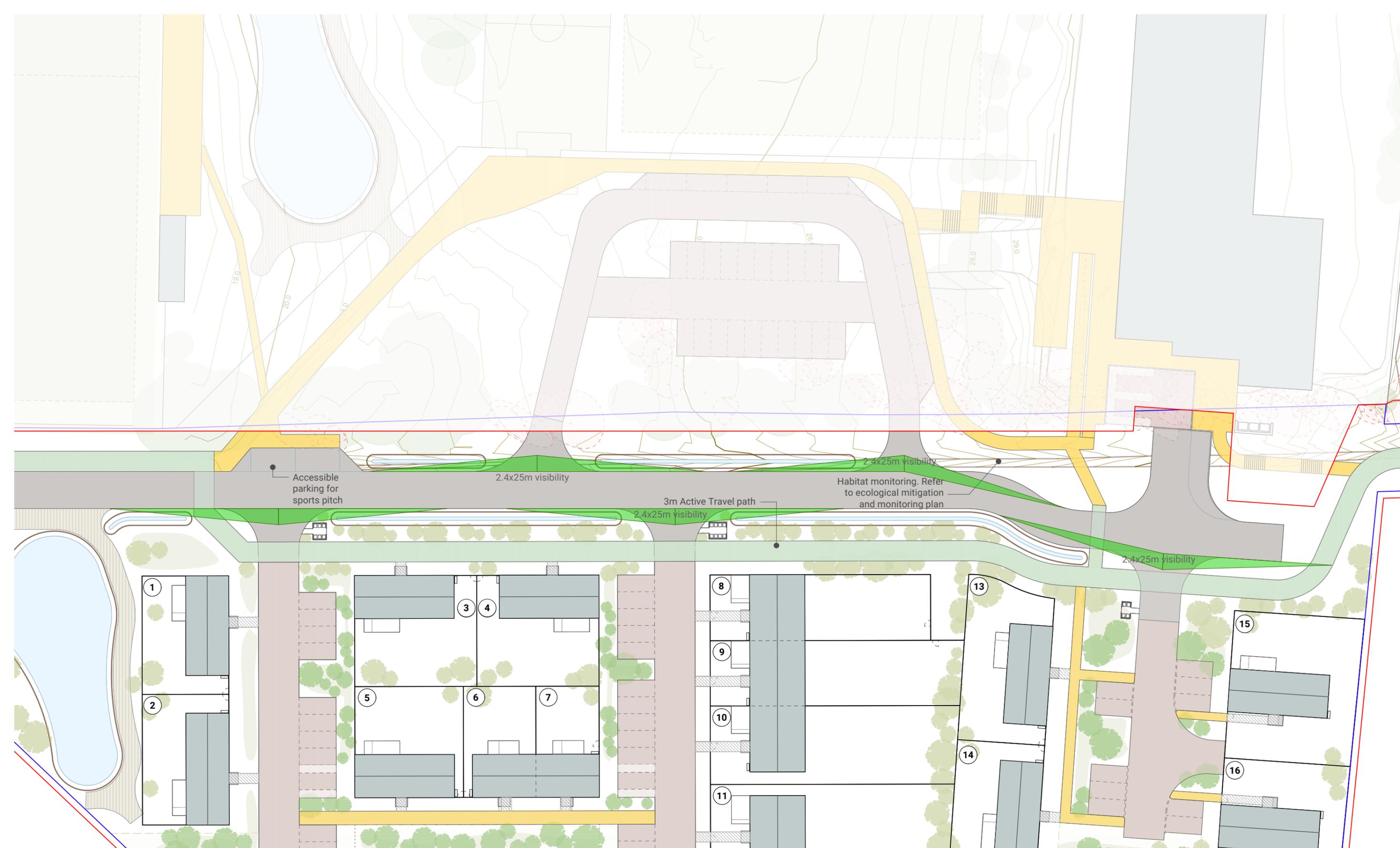
SCALE
1:1000 @A3

CLIENT
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DATE
10/07/2020

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1 Road Layout (Upper)
Scale: 1:500



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DRAWING SET
PLANNING

DRAWING TITLE
ROAD LAYOUT (UPPER)

DRAWING NUMBER
912_023

SCALE
1:500 @A3

CLIENT
912_LSHA

DRAWN BY
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DATE
22 FEB 2021

Rev	Rev Date	Note
B	31/03/2022	Drainage red line revised

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Visibility to the south



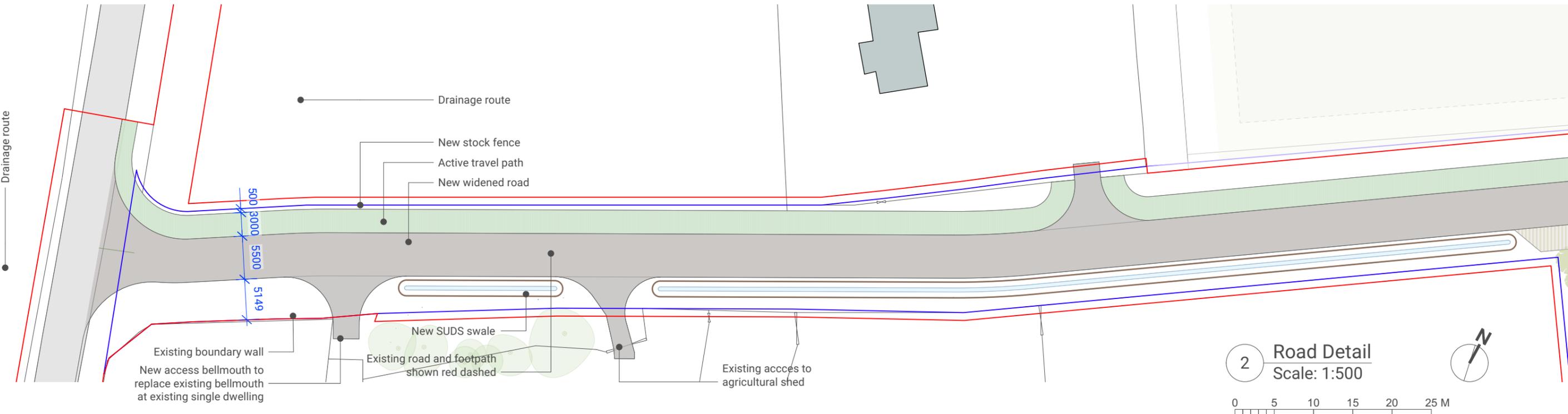
Approaching the junction looking to the south



Approaching the junction looking to the north



Visibility to the north



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DRAWING SET
PLANNING

DRAWING TITLE
A863 JUNCTION

DRAWING NUMBER
912_022

SCALE
AS SHOWN

CLIENT
912_LSHA

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DATE
22 FEB 2021

Rev	Rev Date	Note
B	18/02/2022	Drainage red line revised. Visibility note removed
A	09/11/2021	Updated parking & Plot 2 design

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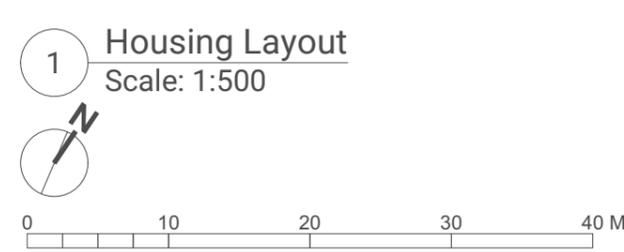
- Adoptable Road: tarmac
- Private Road (School): tarmac
- Private Road (Residential): natural colour brick/cobble
- Adoptable Active Travel Path: tarmac
- Private Path: school
- Private Path (Residential: hardstanding surface to match local pavements
- Private Path: light colour paving
- SUDS servicing: hard-binding gravel
- Existing Trees
- Proposed Trees
- Proposed Trees
- Proposed low shrubs and wild grass

SCHEDULE OF ACCOMMODATION AND PARKING

HOUSING
 16No. Units
 Parking Spaces = 34
 Accessible Parking Spaces = 2

COMMUNITY GARDEN
 Parking Spaces = 2

EV = EV Charge point



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DRAWING SET
PLANNING

DRAWING TITLE
HOUSING LAYOUT

DRAWING NUMBER
912_025

SCALE
1:500 @A3

CLIENT
912_LSHA

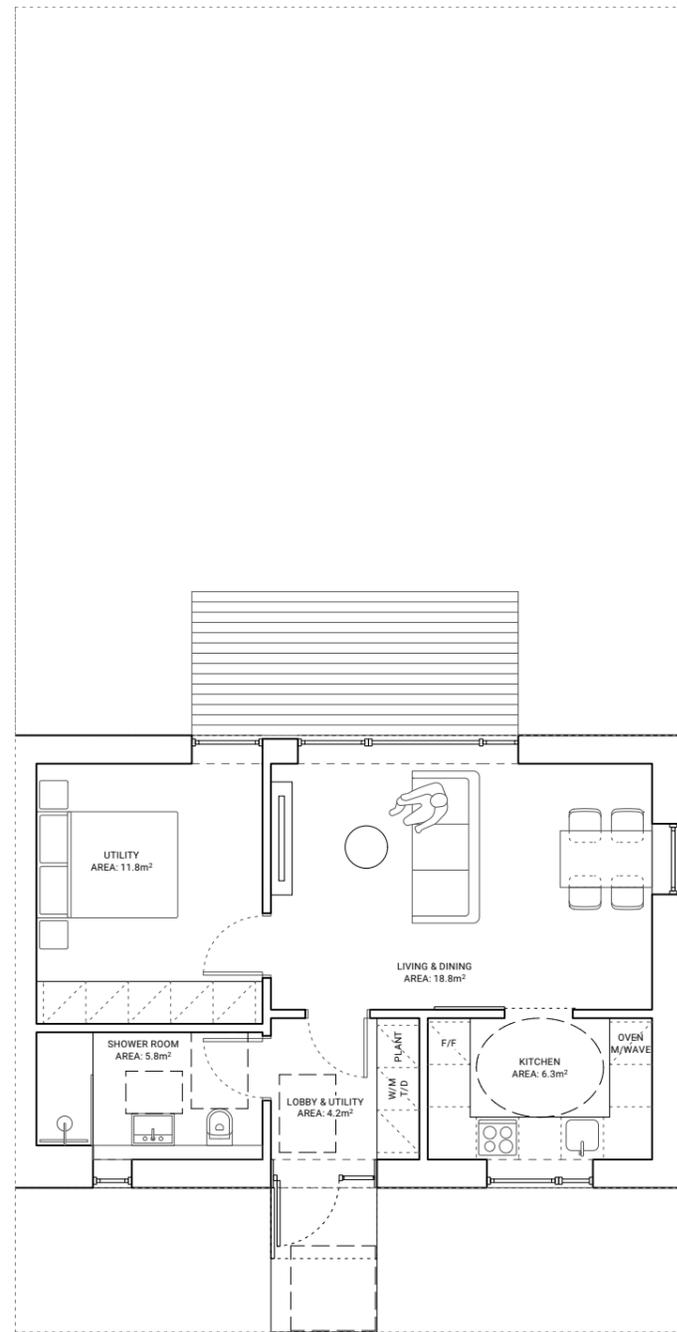
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DATE
22 FEB 2021

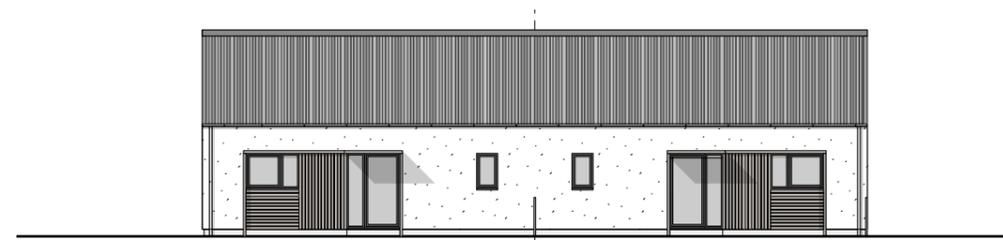
Rev	Rev Date	Note
C	18/02/2022	Drainage red line revised. Add EV point & visitor parking

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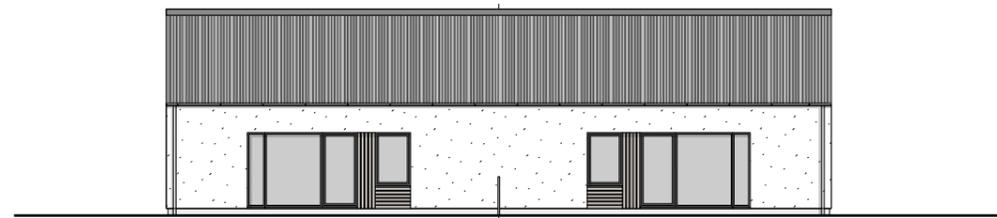
DETACHED BLOCK - 1 BEDROOM - 48.8m² - TYPICAL FLOORPLAN AND ELEVATIONS



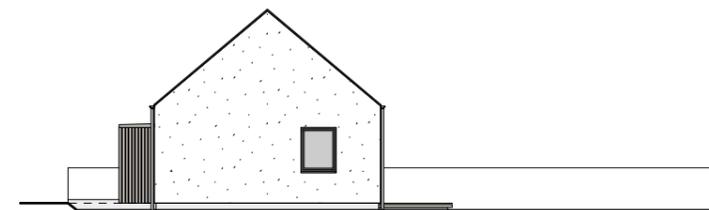
1 Ground Floor
Scale: 1:100



2 Street Elevation
Scale: 1:200



3 Garden Elevation
Scale: 1:200



4 Gable Elevation
Scale: 1:200

Schedule of materials

- Grey profiled metal roof
- White rendered walls
- Dark grey timber/aluminium composite windows
- Untreated larch board infill



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DRAWING SET
PLANNING

DRAWING TITLE
1 BEDROOM - SEMI-DETACHED

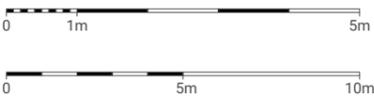
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SCALE
1:100/1:200 @A3

CLIENT
912_LSHA

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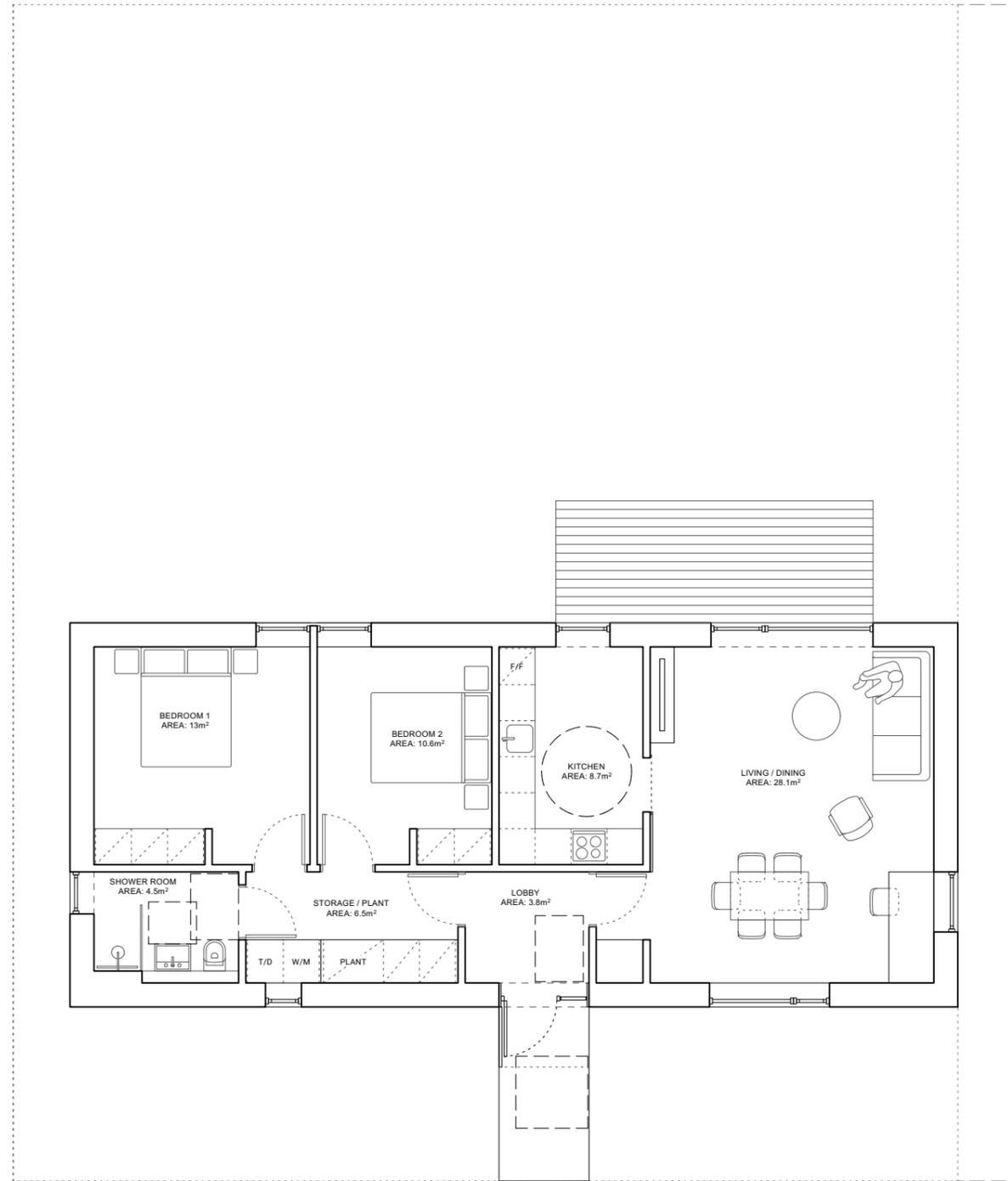
DATE
29/09/2021



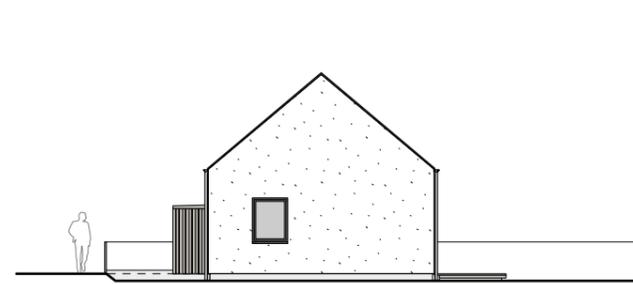
Rev	Rev Date	Note
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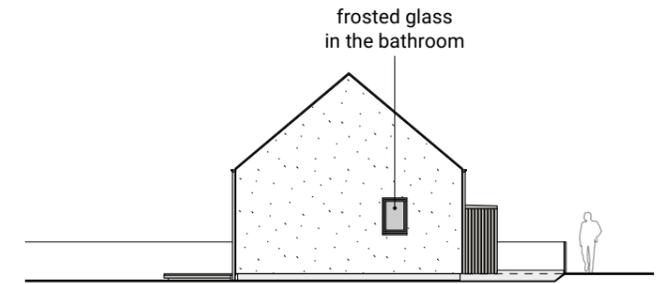
DETACHED BLOCK - 2 BEDROOM - 78.4 m² - TYPICAL FLOORPLAN AND ELEVATIONS



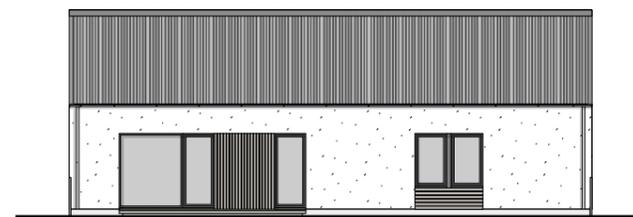
1 Ground Floor
Scale: 1:100



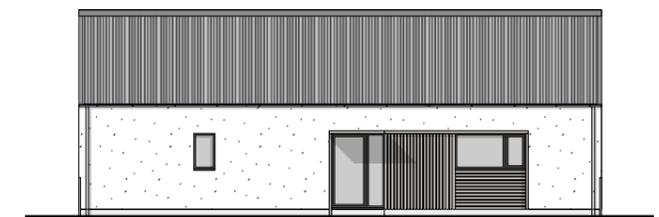
4 Gable Elevation Facing Public Spaces
Scale: 1:200



5 Gable Elevation Facing Neighbours' Gable
Scale: 1:200



2 Garden Elevation
Scale: 1:200



3 Street Elevation
Scale: 1:200

Schedule of materials

- Grey profiled metal roof
- White rendered walls
- Dark grey timber/aluminium composite windows
- Untreated larch board infill



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DRAWING SET
PLANNING

DRAWING TITLE
2 BEDROOMS - DETACHED

DRAWING NUMBER
912_202

SCALE
1:100/1:200 @ A3

CLIENT
912_LSHA

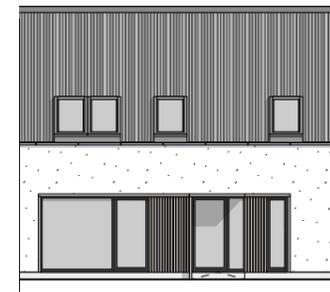
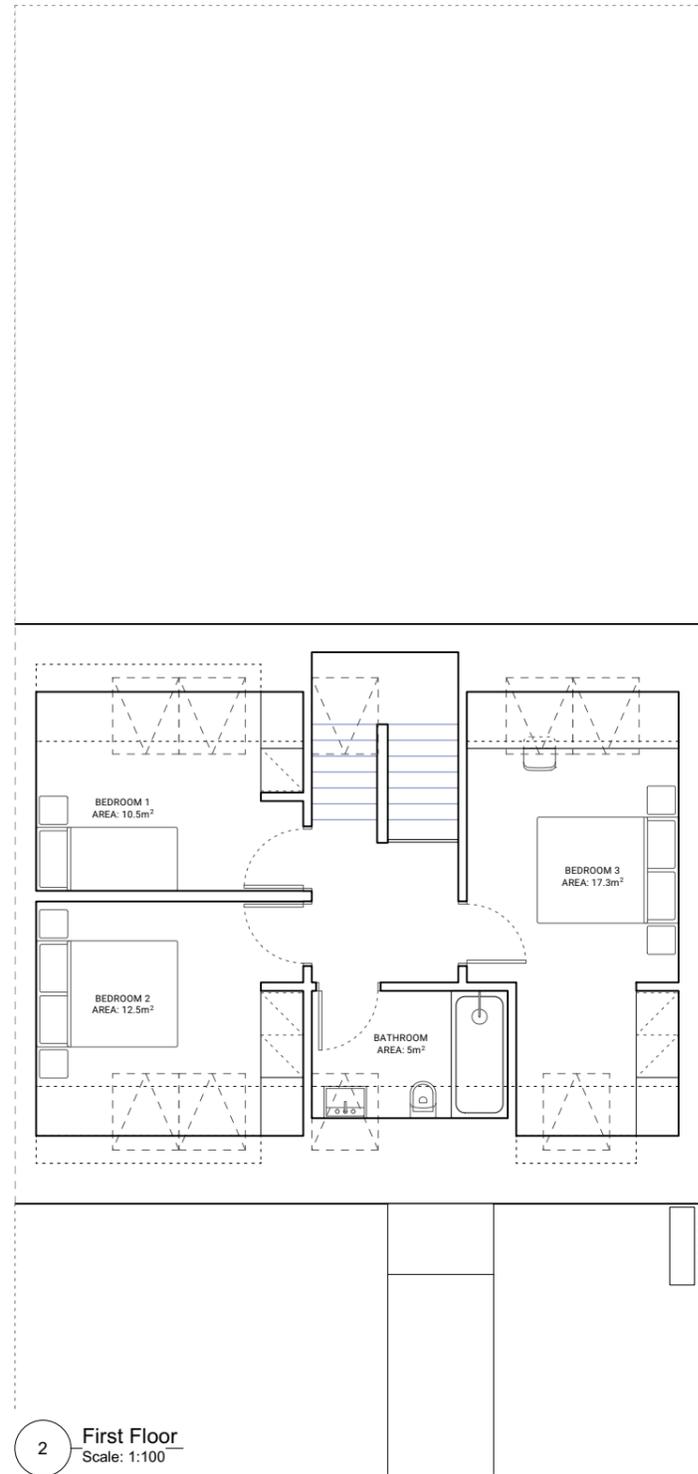
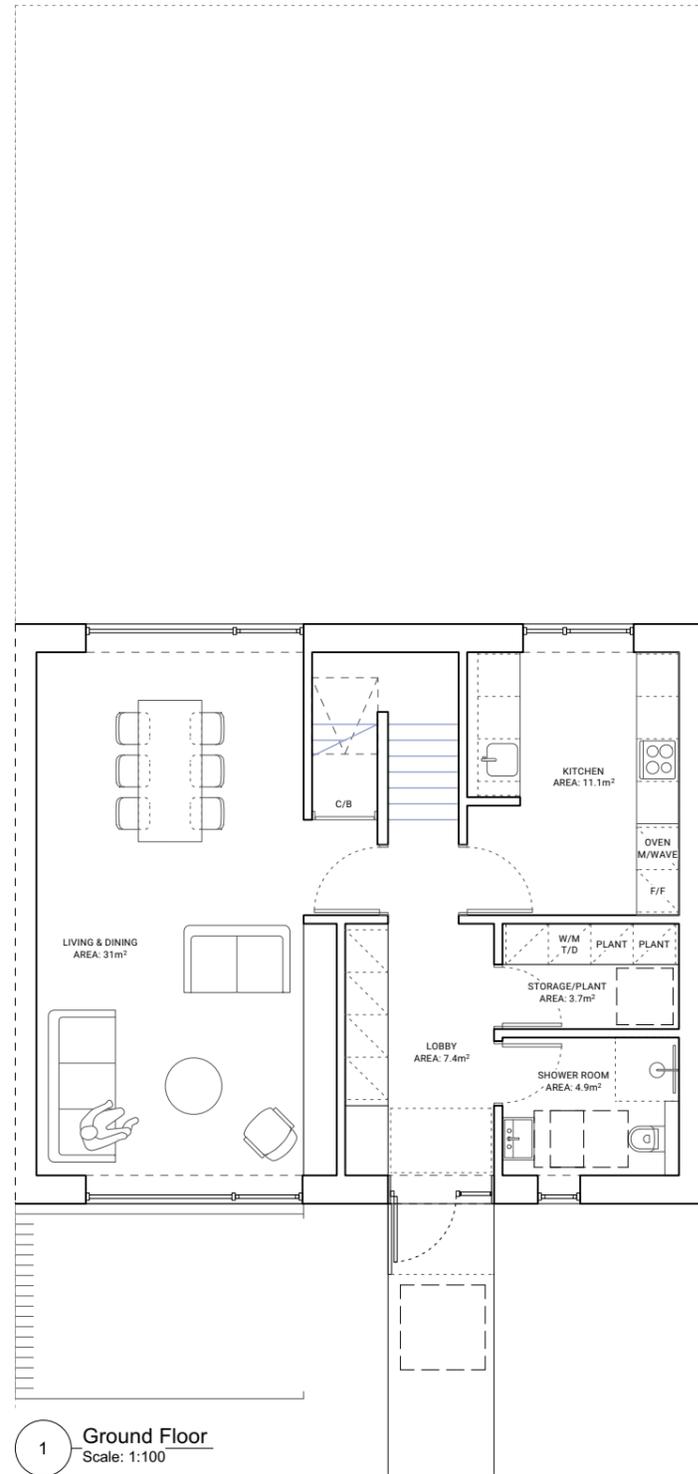
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DATE
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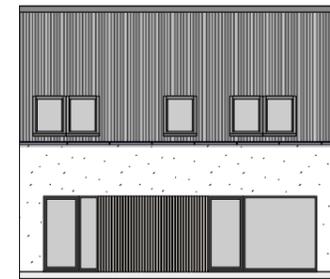
Rev Rev Date Note

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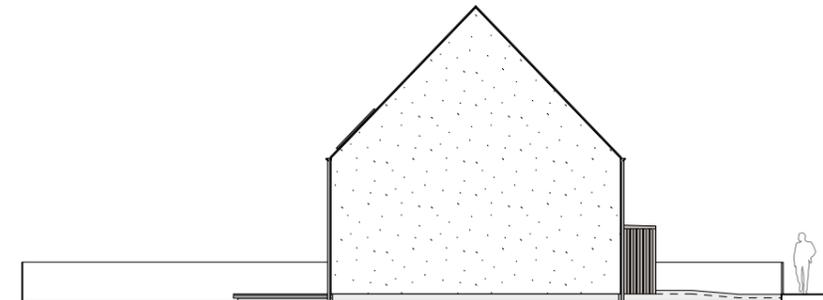
TERRACE BLOCK - 3 BEDROOM - 124.4 m² - TYPICAL FLOORPLANS AND ELEVATIONS



3 Street Elevation
Scale: 1:200



4 Garden Elevation
Scale: 1:200



5 Gable Elevation
Scale: 1:200

Schedule of materials

- Grey profiled metal roof
- White rendered walls
- Dark grey timber/aluminium composite windows
- Untreated larch board infill



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DRAWING SET
PLANNING

DRAWING TITLE
3 BEDROOMS - TERRACE

DRAWING NUMBER
912_203

SCALE
1:100/1:200 @A3

CLIENT
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DATE
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Rev	Rev Date	Note

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