

Agenda Item	6.1
Report No	PLN-089-22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 6 December 2022
Report Title: 22/00221/PIP : Compass Building And Construction Services Ltd
Land 80M North Of 9 Storr Road, Portree
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Masterplan for erection of 66 residential units

Ward: 10 - Eilean A' Cheò

Development category: Major

Reason referred to Committee: Major Development and 5 or more objections

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

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning in principle permission for a residential development comprising up to 66 residential units, open space, landscaping, access road and associated infrastructure. A separate application has been submitted with the detail of the first phase of the development and is subject to a separate report to the committee (21/05951/FUL). The proposed development is likely to comprise a mix of flats, houses and self build plots. Detailed designs for each of the unit types and the final mix of units will be brought forward through future applications.
- 1.2 There is an existing unadopted and incomplete road which terminates along the northern boundary of the site, and it is anticipated that this will serve as the access points to the site when it is completed as part of the Portree Link Road
- 1.3 The applicant did not seek formal pre-application advice from the planning authority prior to submission of the application. It did however undertake pre-application consultation with the community. This took the form of virtual online events due to the restrictions related to the coronavirus pandemic. The events took place using MS Teams on 2nd September and 23rd October 2021. The applicant has provided a pre-application consultation report which summarises the key issues highlighted by members of the public. These include: impact on services; drainage; amenity impacts; and roads and transport impacts.
- 1.4 The application has been supported by:
- Design and Access Statement;
 - Pre-Application Consultation Report;
 - Tree Survey;
 - Drainage Impact Assessment;
 - Transport Statement;
 - Supporting Statement.
- 1.5 Since validation of the application, the indicative number of residential units has reduced from 73 down to 66. This was to accommodate concerns regarding the indicative layout and design highlighted by officers.

2. SITE DESCRIPTION

- 2.1 The land is located in an area of mixed grassland and meadow within the Home Farm development. The application site is bounded to the south by properties on Storr Road, to the north by properties on Cearn Romasdail and Rathad Na H-airigh, and to the west by properties in Fladda Crescent and Asgrib Place. The east of the site is bounded by mature trees with open fields beyond.
- 2.2 Access will be via the Portree Link road as identified in the WestPlan, 2019. The PT02 land allocation is one of seven allocations which is identified within the WestPlan as having specific developer requirements relating to the completion

and/or proposed extension of the Portree Link Road.

- 2.3 There are no statutory natural heritage designations within the site boundary. The nearest is the Inner Hebrides and Minches Special Area of Conservation (SAC), which is designated for the harbour porpoise and is located approx. 1.3km to the south-east of the site. The closest terrestrial designation is the Rigg-Bile SAC which is designated for its mixed woodland on rocky slopes and vegetated sea cliffs. In addition, is the Site of Special Scientific Interest (SSSI) of Rigg-Bile which is designated for its geological features and maritime cliff vegetation and coastal woodland. Both of these designations are located approx. 2.km to the north east of the proposed site.
- 2.4 There are no national or local landscape designations within the application site boundary. The nearest national designation is The Cuillins National Scenic Area (NSA) is located over 12km to the south of the site. The nearest local designation is the Trotternish and Tianavaig Special Landscape Area (SLA) which at its closest point is just over 600m to the south-east of the site.
- 2.5 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. However, the existing Home Farm residential development was subject to archaeological investigation which found three principle prehistoric features and artefacts ranging from the late Neolithic to Iron Age within this wider area.
- 2.6 A culverted watercourse runs through the site and around the edge of the Home Farm development, it then flows into the Leasgeary River which runs to the west and south of the site. There is a small area of pluvial flooding in the centre of the site which is at risk of flooding based upon the 1 in 200 year plus climate change scenario.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|------------------|
| 3.1 | | 21/05951/FUL - Erection of 16 residential units and associated infrastructure - Phase 1 of Home Farm Development | Pending decision |
| 3.2 | 20.08.2022 | 21/02533/PAN - Residential development | Case closed |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 28 January 2022 and 01 July 2022
Representation deadline: 12 September 2022
Timeous representations: 5 (4 objections, 1 general comment)
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
- Impact on road safety due to increase in traffic;

- Loss of greenspace;
- Light and noise pollution;
- Impact on daylight / sunlight;
- Lack of amenities and infrastructure to support new homes;
- Lack of sustainable building techniques proposed;
- Impact on privacy;
- Need to deliver footpath to Storr Road; and
- Need to close footpath to Fladda Crescent.

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 **Portree and Braes Community Council** were consulted on the application but no further comments were forthcoming.

5.2 **Access Officer** does not object to the application. He notes that the access provision is indicative at this stage and, in time, he will require details of the path widths. He notes that the streets are proposed to be shared surface. He requests the provision of a sealed surface path across the site between

5.3 **Contaminated Land Team** do not object to the application. It has highlighted that there are no known contaminated land issues within the boundary of the application site.

5.4 **Environmental Health** do not object to the application. It has requests that the hours of construction be limited to 0800-1900 Monday to Friday and 0800-1300 on Saturdays. Further it seeks conditions to limit noise from any plant, machinery and / or ventilation equipment to be limited to Noise Rating Curve 20 and a dust management plan.

5.5 **Flood Risk Management Team** do not object to the application following submission of further information. It is satisfied that the fluvial flood risk to the site will be low. It requests that any planning permission granted secures a 6m buffer from the top of the bank of the watercourses on the site to remain free from development. It has reviewed the drainage impact assessment and noted that there are three drainage catchments on the site. It considers that the discharge from the site to watercourses can achieve the pre-development (greenfield) run-off rates subject to an appropriately designed drainage system. It requests a condition to secure surface water drainage system which will limit a northern network to the equivalent 2 year pre-development rate.

5.6 **Forestry Team** requested further information to determine the impacts on the trees around the site. He has requested conditions to secure a tree protection plan, arboricultural method statement, details of site supervision and compliance, landscaping plan (with maintenance schedule), details of factoring arrangements and a tree management plan.

5.7 **Historic Environment Team** do not object to the application. It notes that the site lies within an area of archaeological potential. It requests a condition to secure an

archaeological watching brief to be carried out during site clearance and excavation works.

- 5.8 **Transport Planning Team** do not object to the application. It initially raised concern over the level of information assessing the impact of the development on the local road network, lack of information on parking provision, concerns over the internal street layout and lack of ability to service the site for waste management based on the site layout.

Having received an updated site layout plan addressing concerns about layout and parking provision, it withdrew its concerns. It is satisfied with the road drainage proposals subject to detailed design. It has reviewed the applicants transport statement, and finds that the impacts on the local road network, subject to delivery of mitigation, to be acceptable.

It has requested conditions to secure: no occupation of the development until the access into the site from the Portree Link Road has been delivered; details of the final layout of the site; external appearance of the development; landscaping of the proposed development; details of access and parking arrangement details of water supply and drainage information; details of cycle parking; submission of a travel plan; submission of a construction traffic management plan; submission of an access management plan; details of phasing of delivery of road based infrastructure; and a scheme for electric vehicle charging.

- 5.9 **Scottish Water** do not object to the application. It has set out that it can not confirm capacity at the Portree Torvaig Water Treatment Works at this time. It has confirmed that there is capacity for a waste water connection to the Portree Waste Water Treatment Works. It has requested that the developer contact Scottish Water over impacts on existing Scottish Water assets in vicinity of the site. It highlights that no surface water connections may be made to the Scottish Water combined sewer.

- 5.10 **Transport Scotland** do not advise against the application subject to a condition to secure details of a residential travel pack to encourage a reduction in dependency on the private car. It has reviewed the applicant's submitted transport statement and is content with its findings.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 37 - Accommodation for An Ageing Population
- 47 – Inbye/Appportioned Croft Land
- 51 - Trees and Development
- 55 - Peat and Soils

56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other Important Species
60 - Other Important 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 Plan 2019 (WestPlan)**

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

- Encourage town centre expansion that respects the architectural, cultural and natural heritage of the conservation area, the Lump, other greenspaces and public vistas notably to the Cuillin mountains.
- Diversify the tourism offer of the historic, central part of the village, including land at Bayfield and the harbour.
- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.
- Safeguard a route for the possibility of a longer-term service access to the harbour from the A855 and around the south of the Lump.

- Safeguard land for a second phase of commercial and industrial expansion at Home Farm on the northern side of Portree.
- Preserve and extend Portree's green networks particularly its wooded river and burn sides.
- Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for development.

Improve public car parking and coach/bus drop-off provision within the village centre and encourage relocation of longer stay needs to more peripheral locations.

As stated above the land is allocated (site reference PT02: North of Storr Road) in the WestPlan for housing, with an indicative capacity of 45 units. This requires the developer to:

- Provide a minimum 6 metre buffer between watercourses and development.
- Active travel connections through the site
- Retain/enhance green corridors within and around site, particularly along the western southern and eastern edges including additional tree planting.
- All development to be accessed from the Portree Link Road and financial contributions toward provision of the Portree Link Road.
- Protected Species Plan.

6.3 Highland Council Supplementary Guidance

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

6.4 Scottish Government Policy and Other Guidance

- Revised Draft National Planning Framework 4 (November 2022)
- Scottish Planning Policy (Jun 2014)
- National Planning Framework 3 (Jun 2014)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)
- PAN 83 – Master Planning (Sept 2008)

7. Other Development Guidance

- 7.1 Skye Raasay Futures 2021 was adopted by the Skye and Raasay Area Committee in August 2021. This set out a total of 7 outcomes including: Strengthening Communities (where everyone has access to good quality affordable housing); Transport Infrastructure (integrated and well maintained network of high quality of sustainable transport options); and Diverse and Green Economy (embraces a range of employment opportunities).

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) design and layout
 - c) impact upon amenity
 - d) access, roads, parking and wider access.
 - e) natural heritage
 - f) built and cultural heritage
 - g) water supply and drainage
 - h) developer contributions, and
 - i) other considerations.

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 whole application site is located within the Portree 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 As stated above the land is allocated (site reference PT02: North of Storr Road) in the WestPlan for housing, with an indicative capacity of 45 units. Consequentially, the principle of housing development on this site is supported by the Development Plan. The developer requirements identified in the Development Plan, and highlighted earlier in this report, are considered later in this report.
- 8.8 As detailed above, the WestPlan (2019), also identifies several Placemaking Priorities for Portree, the most applicable are:
- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.
 - Preserve and extend Portree's green networks particularly its wooded river

and burn sides.

- Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for development.

8.9 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 and 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 affordable housing 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 4 - An integrated and well maintained network of high-quality sustainable transport options which support social inclusion, a competitive economy and deliver the wider ambitions for the area

The document highlights the need for affordable housing. In addition, the Portree Link Road is a specific case study and is a project that has the potential to both transform the way people move around Portree and unlock much needed housing development coupled with a range of regeneration opportunities across the town.

8.10 As set out above, National Planning Framework 4 (NPF4) was published in draft form in November 2021 with a revised draft laid before the Scottish Parliament on 08 November 2022. As such, the document is going through the final parliamentary process and is no longer open to consultation, and, following a period for consideration by Scottish Ministers, it is anticipated that the revised draft will be adopted, subject to any changes made by Ministers agreed through parliamentary processes, as the new principal planning policy and spatial strategy for Scotland. Therefore, significantly more weight can be attached to NPF4 than to previous revisions. However, for the time being at least, National Planning Framework 3, Scottish Planning Policy, and the adopted Development Plan are the extant adopted documents. It will be up to Scottish Ministers to determine the weight to be afforded to it in reaching their decision depending on the status of the document at the time of reaching their determination on this application. It is anticipated that the Planning Authority may wish to make further representation to the application if it is not determined at the time of adoption of NPF4 or if substantive changes are made to NPF4 prior to adoption by Scottish Ministers.

8.11 The policies in the revised draft NPF4 most relevant to this proposal include:

- Policy 1 – Tackling the climate and nature crisis
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural places
- Policy 6 – Forestry, woodland and trees

- Policy 7 – Historic assets and places
- Policy 12 – Zero waste
- Policy 13 – Sustainable transport
- Policy 14 – Design, quality and place
- Policy 15 – Local living and 20 minute neighbourhoods
- Policy 16 – Quality homes
- Policy 18 – Infrastructure first
- Policy 20 – Blue and green infrastructure
- Policy 22 – Flood risk and water management
- Policy 23 – Health and safety.

Design and layout

- 8.12 The application is for planning permission in principle. In assessing applications of this nature, the Planning Authority need to be satisfied that enough space has been identified for the uses proposed for the site and that the uses are in appropriate locations.
- 8.13 The Design and Access Statement submitted in support of the application identifies that, after taking into account all on site constraints, there was an opportunity to increase the density of development on the site beyond that identified in the Local Development Plan. While the original submission set out that the site had a capacity for 73 residential units, officers had concerns over the impact this increase in units would have on the quality of development which could be delivered, particularly as a result of the location of the open space and dominance of car parking on street. Following discussions with the applicant it was agreed that the site layout would be modified to address these concerns. This led to a reduction in unit numbers on the site by 9.
- 8.14 The site slopes upward from generally from south west to north east and is surrounded by properties on the north, south and west. While presenting as an infill opportunity, this also led to challenges to maintenance of the amenity of existing properties. The applicant has set back the proposed development in the indicative layout and used the topography of the site, along with orientation and scale of properties within the development to avoid impacts as a result of overlooking. While it will affect the outlook from the rear of a number of properties, this is not a material consideration. The layout shows a minimum distance of 18m which is considered acceptable. The final design of the properties will be required to have cognisance of the properties adjacent to the site boundary in its design.
- 8.15 Based on the mix, and scale, of properties indicatively shown in the masterplan, the applicant has undertaken a shadow analysis of the development. This shows that during the summer months, no shadow will be cast across the existing properties to the north of the development. In autumn and spring months, it is likely that a level of overshadowing to the edges of gardens of properties to the north will be experienced, but no shadow will be cast across the existing properties to the north. Given the low winter sun, it is likely that there will be shadows cast toward and onto the existing properties to the north in December. The level of shadow cast onto the existing properties will be similar to that experienced elsewhere in the Home Farm development as a result of proximity and scale of development.

- 8.16 A clear street hierarchy has been put forward by the applicant with a distributor road wrapping around the site creating a loop back to the site entrance. The remainder of the hierarchy is defined by parking courts and active travel routes. The applicant has identified an indicative active travel network within the site to make an accessible, direct and pleasant network of paths for recreation and active travel. Existing informal paths into the site from Storr Road, Rathad Na H-Airaigh and to the north have been integrated into the development layout. The details of the construction of these paths can be secured by condition. This is in accordance with the developer requirements of the WestPlan. The layout and hierarchy are indicative and will require further consideration in future matters specified in conditions application. With that said, it is considered that the approach to accessibility in the masterplan layout is positive.
- 8.17 The indicative layout of the development has ensured that there is a positive relationship between residential units and the street. This includes setting parking back off the main street at the main entrance to the site and around the central open space. The Design Statement which accompanies the application identifies the houses within the development to be no more than two storeys in height, but the flatted block would be up to three storeys in height. The location of these are at the lower part of the site, in a location which will be separated from existing properties by trees and are not dissimilar in scale as the existing development in the Home Farm development. The Design Statement also identifies a palette of materials to be employed in the site which comprises weatherboard cladding, render and concrete slate effect roof tiles. The indicative mix of unit types and the materials to be used within the development is considered to be appropriate and will facilitate the delivery of a high quality development, with a sense of place and identity.
- 8.18 While concern has been raised in representation over the loss of open space, the principle of development on the site is established via the allocation in the West Plan. It was however recognised by officers that there was a lack of meaningful open space within the indicative layout when the application was submitted. Following discussions with the applicant, officers secured a central open space within the development, overlooked by residential properties and crossed by attractive paths. This should include the provision for areas for play. The provision of this is welcomed. Further open space will be provided around the accesses to the site for both vehicles and non-motorised users.
- 8.19 A public art strategy will be required to be delivered through the site. This will generally be via design of the development and bespoke landscaping.
- 8.20 The proposed development would be delivered across a minimum of two phases. The applicant has highlighted that the first phase will comprise 16 residential units, the layout for which is subject to separate application. A detailed phasing plan will be required in advance of commencement of development of the site as a whole. This will also be required to set out phasing for key infrastructure and landscaping across the site.

Access, Roads, Parking and Wider Access

- 8.21 Access for the development will require to be taken from the Portree Link Road. The

Council has submitted an application for the detailed layout and design of the Portree Link Road with a view to commencing construction on the Portree Link Road in 2023. WSP on behalf of Transport Planning have set out that the development should not be occupied until the time that the access to the site from the Portree Link Road is substantially complete. This is considered appropriate. In line with all other development in this area of Portree, developer contributions will also be secured toward the provision of the Portree Link Road. The developer will be required to pay £4000 per dwelling toward the construction of the Portree Link Road. It is considered that this mitigation is proportionate to the impact on the road network.

- 8.22 The information submitted in relation to impact on the local road network is considered acceptable to WSP on behalf of Transport Planning, with the document identifying there will not be a significant impact on the local road network subject to delivery of the Portree Link Road. Further, Transport Scotland do not consider there will be an impact on the safety and free flow of the trunk road network in proximity of the site.
- 8.23 As set out earlier in the report the applicant has set out a range of paths around the development to facilitate active travel. Utilising the new paths which will be delivered through the development, safe routes to Portree Primary School and Portree High School will be available. With mitigation implemented, application site is considered to be well connected to both via active travel and recreational routes. An Access Management Plan and a Safe Route to School Plan can be secured by condition.
- 8.24 It is understood that Transport Scotland's project to simplify the A87(T) / A855 junction by installing a signal controlled junction is progressing and will assist in mitigating the impacts of the development.
- 8.25 Any future application will be required to provide details of car and cycle parking in accordance with the Roads and Transportation Guidelines for New Developments. At this time WSP on behalf of Transport Planning are satisfied with the approach to parking. Final details can be secured by condition.
- 8.26 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition. In addition Transport Scotland have requested a residential travel pack to be produced to encourage residents of the properties to use more sustainable modes of transport. This can be secured by condition.

Natural Heritage

- 8.27 There are no statutory natural heritage designations within the site boundary. There are a mix of habitats across the site including grasslands, watercourses and trees. The construction of the development will have an impact on these habitats. However mitigation can be secured in the form of pre-commencement species surveys, ecological clerk of work supervision and provision of appropriate habitats within the new open spaces to be created.

- 8.28 The applicant provides a tree survey and a site layout showing the trees to be removed and those to be retained. This has surveyed all 22 of the trees on site and the group of trees on the site. A minimum of 3 trees will require to be removed to accommodate the development and others will have their root protection areas impacts. This is regrettable. However a significant number of trees can be accommodated within the proposed landscaping. There are however opportunities through the later phases of development to refine the layout and retain more trees than that shown on the indicative masterplan. The final details of the landscaping and tree protection can be secured by condition.

Built and Cultural Heritage

- 8.29 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The proposed development is unlikely to have a significant adverse impact on the setting of any sites or buildings designated for their built or cultural value.
- 8.30 In relation to potential direct impact the Councils Historic Environment Team (HET) recognises that the site is within an area of archaeological potential. The results of the survey work done to date indicate remains are likely to be present on the site and there is the potential for further buried remains to survive. As such HET recommend that an archaeological watching brief is taken forward during any site clearance and excavation work. This should be secured by a planning condition.

Impact on the Water Environment (including flood risk and drainage)

- 8.31 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 in relation to the public water supply network.
- 8.32 Areas of the site, adjacent to the watercourses, are at risk of fluvial flooding in a 1 in 200 year plus climate change flood event. Having considered the findings of the Flood Risk Assessment, the Council's Flood Risk Management Team are satisfied with the findings of the report and accept their findings. It has highlighted that the watercourses on the south west boundary of the site are the start of watercourses, as a result the risk of flooding from the watercourses is low. It has recommended a buffer of 6m from the top of the banks of the watercourses are provided in the final layout for the development. This can be secured by condition.
- 8.33 Surface water drainage on the site will comprise both treatment of surface water and attenuation of surface water. The surface water drainage system will discharge to the watercourses on the site at greenfield run off rates via the attenuation basins within the landscaped areas at south west of the site. The applicant has committed to designing the drainage system in accordance with Sewers for Scotland Fourth Edition. The final details of the surface water drainage system will require to be secured by condition, as per the requirements of Transport Planning and Flood Risk Management teams.

Impact on Amenity (including construction impacts)

- 8.34 Depending on the heating and ventilation systems of the housing, noise impact assessments may be required. These can be secured by condition.
- 8.35 Matters of privacy and overshadowing have been considered through the design and layout section of the report.
- 8.36 In order to manage the construction process, a Construction Environment Management Plan can be secured via a planning condition, this will aim to minimise the impacts from the construction works (including noise) associated with the development. In addition, a planning condition is also recommended to control the location of the construction site compounds and spoil management to minimise impacts upon neighbouring properties.
- 8.37 A construction traffic management plan will be required. This will be required to detail construction traffic routes, construction site operation times and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up and drop off times at Portree Primary School and Portree High School.
- 8.38 Representations have raised concern over the impact of light pollution as a result of the proposed development. Street lighting will be provided throughout the development in the interests of public safety. This will be designed following Council guidance and be covered by the Road Construction Consent process. It is however envisaged that the lighting within the development will be the low light spread, LED street lights which are common across the wider area.

Impacts on Infrastructure

- 8.39 Representations have raised concern over the lack of amenities and infrastructure to support the development. 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.
- 8.40 The development is located within the Portree Primary School and Portree High School Catchment Areas.
- 8.41 The proposed development, based on a worst case scenario of all the properties being houses, will generate 19.8 primary school pupils and 8.58 secondary school pupils. These figures have been derived from the published Pupil Product Ratios in the Developer Contributions Supplementary Guidance. The impact on the school estate has been considered in the context of the recently published 2022 School Roll Forecasts.
- 8.42 The School Roll Forecasts demonstrate that there is sufficient capacity within both primary and secondary education facilities to accommodate the proposed development. As this is the case no developer contributions are required to enhancements in education infrastructure to mitigate the impacts of the

development.

- 8.43 The Development Plans Team have confirmed that the housing elements of the application detailed under this masterplan, will require to contribute towards enhanced community facilities within the area within the Portree High catchment area. This could include expansion of the Fingal Centre to provide a new fitness suite, creation of a new community hub in Broadford Primary School or to another community facility which may be identified through the Skye and Raasay Futures document. The contribution will be £1,019 per residential This is based on quarter 2 2018 prices and require to be index linked to current prices.
- 8.44 As set out earlier in this report, the development will be required to contribute toward the completion of the Portree Link Road which is being forward funded by the Council via an infrastructure loan fund and the capital programme. Each residential unit will be required to contribute £4,000 based on quarter 2 2022 prices.
- 8.45 Policy 32 (Affordable Housing) of the HwLDP requires a contribution of 25% affordable housing for all developments of four or more houses. It is understood that the applicant is working with Lochalsh and Skye Housing Association on the provision of affordable housing. The breakdown of affordable housing provision across the site will require to be secured by legal agreement.

Other material considerations

- 8.46 The Councils Contaminated Land Team do not object to the application and are content with the finding of the Geo-environmental Risk Assessment Report. However, it requests that a remediation and validation report is secured by a planning condition.

Matters to be secured by Section 75 Agreement

- 8.47 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Contributions to the delivery of enhanced community facilities within the Portree High School Catchment Area (£1,019 per dwelling);
 - b) Contributions to the provision of the Portree Link Road (£4,000 per dwelling and £40 per m² of retail or business floor space);
 - c) Minimum of 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.
- 8.48 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 or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed

legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

The proposed application has failed to conclude a legal agreement required

to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 (Developer Contributions and Policy 32 (Affordable Housing of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the West Highland and Islands Local Development Plan.

9. CONCLUSION

- 9.1 The site is allocated for housing in the WestPlan, albeit at a lower density than that proposed through this application. There are significant benefits to Portree and the wider area as a result of this proposal, including the opportunity deliver a significant number of affordable homes to meet current need and demand and facilitation of the delivery of the Portree Link Road. The applicant has brought forward a masterplan which accords with good practice and will help to deliver outcomes of the recently adopted Skye and Raasay Futures document. While the indicative number of units outlined in the development plan have been breached, following negotiation on the indicative layout between the applicant and Council officers, the increase in numbers is acceptable given the quality of design and layout that demonstrates efficient use of land. These benefits must be balanced against the challenges in delivering a scheme of this scale.
- 9.2 The key challenges for the proposal have been those related to traffic and transport impacts. Subject to the mitigation proposed being delivered for both vehicular movements and for active travel users, and detailed designs being considered through future matters specified in conditions applications, it is considered the development can be accommodated. Further the applicant has agreed to mitigation to manage and off-set the impacts arising from the development.
- 9.3 Subject to a suite of conditions to manage the design and layout of the development, the indicative masterplan is acceptable and will facilitate the delivery of a high quality development which would not have a significantly detrimental impact on our communities.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: The application provides opportunity to provide electric vehicle charging points.
- 10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Conclusion of Section 75 Y
Obligation

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons and the prior conclusion of a legal agreement

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following—

For Phase 1

- i. The expiry of THREE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For Phase 2

- i. The expiry of FOUR YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

For any subsequent phase

- i. The expiry of FIVE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

In respect of each phase, this permission will lapse on the expiration of the period of—

- i. For Phase 1, TWO YEARS;
- ii. For Phase 2, TWO YEARS;
- iii. For any subsequent phase, TWO YEARS;

from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on

different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later, unless that phase of the development to which the permission relates is begun before that expiration.

Reason: In accordance with the provisions of Section 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (As Amended).

2. Planning Permission in Principle is hereby granted for a development comprising no more than 66 residential units and no more than 800 square metres of commercial uses upon 2.68 hectares to be developed in accordance with the indicative Master Plan hereby approved, unless otherwise modified by the conditions attached to this planning permission in principle.

No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units has been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

3. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved Master Plan, Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-
 - a. the siting, design and external appearance of all buildings and other structures which shall be no more than 3 storeys in height;
 - b. details of sustainable design considerations inclusive of energy strategy;
 - c. the means of access to the site including connections to the Portree Link Road for all modes of transport;
 - d. the layout of the site, in accordance with Designing streets principles;
 - e. road layout including:
 - i. the road hierarchy;
 - ii. typical form of the routes forming the hierarchy;
 - iii. junction layouts and design with projected traffic figures

- supported by traffic modelling;
 - iv. junction and forward visibility requirements;
 - v. junction spacing both within the development and on the distributor road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of waste management routes inclusive of waste management vehicle tracking;
 - ix. details of provision for cyclists and pedestrians (including linkages to the Portree Link Road) with junctions and crossing designed to facilitate active travel;
 - x. provision for disabled users following consultation with the Skye Access Panel;
 - xi. details of safer routes to school;
 - xii. details of the location and type of service strips within the intended adoptable road boundary.
- f. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
 - g. the provision of covered cycle parking including resident cycle parking in houses and communal secure covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
 - h. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
 - i. details of public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
 - j. the details of, and timetable for, the hard and soft landscaping of the site;
 - k. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
 - l. the provision for service vehicles following occupation of the development;
 - m. details of the provision of surface water drainage systems, including access for maintenance, across the phase or sub-phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements of said infrastructure;
 - n. details of the water and waste water connections, with connection to the public water and waste water networks;

- o. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);
- p. details of existing trees, shrubs and hedgerows to be retained;
- q. details of existing and proposed site levels with fall arrows supported by a cut and fill calculation and plan;
- r. details of finished floor levels;
- s. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward; and
- t. detailed designs of all watercourse crossings in the site.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

4. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority for each phase or sub-phase of the development. The plan shall show:-

- a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
- c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to;
 - i. Pedestrian access to any and all core paths;
 - ii. Construction details of all paths, inclusive of material finishes and drainage details;
- d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
- e. Links to the Highland Council's core paths and green frameworks

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

5. No development shall commence within each Phase, or sub-Phase, until a Construction Environmental Management Document has been submitted to and approved in writing by the Planning Authority. The Document shall include:
- a) An updated 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) Provision of details plans showing any areas for spoil storage and site compounds
 - 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 (inclusive of specific plans for nesting birds and reptiles)
 - (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;
 - (vii) Breeding Bird Survey and Protection Plan (if works at to take place during the bird breeding season (March – August inclusive)
 - 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: To protect the environment and amenity from the construction and operation of the development.

6. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by

construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect and enhance nature conservation from construction activities.

7. Any details pursuant to Condition 2 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which 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). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

8. 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.

9. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

Reason: In the interests of amenity.

10. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

Reason: In the interests of amenity, to manage waste and prevent pollution.

11. All roads intended to link with future phases of development or to other adjoining sites shall be taken to the edge of the application site with no impediments.

Reason: To ensure that future roads and routes can be provided without

impediment.

12. No development shall commence each phase or sub- phase until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during school pick up or drop off times for Portree Primary School and Portree High School. 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.

13. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking

14. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: to ensure that the proposed cycle parking is safe and secure for use by the public.

15. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces, outdoor sports and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' for that Phase shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

16. Before the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces and/or woodland and/or sports facilities, features or parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase, shall be submitted to and agreed in writing by the planning Authority. The agreed scheme, which shall

accord with the Highland Council's adopted standards contained within 'Open Space in Residential Development', shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site are maintained in accordance with the Council's standards.

17. Any details pursuant to condition 2 above shall include and be informed by a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development. This will include a timetable for investigation, which shall require to be submitted for the written approval of the planning authority. All arrangements thereby approved shall be implemented by the applicant/developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

18. Any details pursuant to Condition 2 above shall be informed by:
- a. Arboricultural Assessment;
 - b. Tree Constraint and Protection Plan
 - c. Arboricultural Method Statement;
 - d. Tree and Woodland Management Plan for retained trees Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time).

Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

19. Any details pursuant to Condition 2 for each phase or sub-phase shall include details of a scheme of hard and soft landscaping works related to that phase or sub-phase. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space including 1:20 scale plans showing the detail of the feature;

- iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
- v. 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, with no fruit bearing trees; and
- vi. 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 that phase of development to which the scheme relates.

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, 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.

20. Any details pursuant to Condition 2 shall include a 6m buffer from the top of the bank of any watercourse where no development can take place.

Reason: To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

21. Any details pursuant to condition 2 shall include:
- a. a scheme for provision of a connected and permeable active travel network within the site connecting to the wider path network and providing safe routes to Portree Primary School and Portree High School. Thereafter, the scheme shall be implemented in full prior to the occupation of any residential unit in the phase or subphase it relates;
 - b. a scheme for the design and implementation of path links to Storr Road and Flodda Road, to a minimum width of 3m inclusive of all surfacing details. The agreed scheme shall be implemented prior to occupation of any residential unit within the development. in line with the approved scheme.

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

22. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:

- a. identification of locations for communal electric vehicle charging points serving flatted developments and any areas of communal parking within the development;
- b. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
- c. a timescale for implementation for infrastructure within each phase or sub phase; and
- d. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

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

23. No trees within the application site, shall be cut down, uprooted, topped, lopped (including roots) or willfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

24. Any details pursuant to Condition 2 shall include a scheme for the inclusion of public art within the development. The scheme shall include:
- a. Detailed design of public Art provision including but not limited to provision of interpretation panels related to the history of the area,;
 - b. locations of any and all public art provision;
 - c. the management and maintenance of any and all public art provision; and
 - d. a timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place.

25. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and the Portree and Braes Community Council unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the construction programme, timing and type of development within future development phases. The liaison group, or element of any combined liaison group

relating to this development, shall be maintained until the development has been completed and is occupied.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period.

26. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place within 6 metres of the top of the bank of any watercourse without planning permission being granted on application to the Planning Authority.

Reason: To ensure that development which is normally permissible without the need for a planning application is carefully managed and does not encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

27. 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 have 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.

28. Any details pursuant to Condition 2 shall be informed and supported by a watercourse improvement and management plan focussing on the water features in the western portion of the site inclusive of riparian corridors.

Thereafter the approved plan shall be implemented prior to completion of any development within phase 2.

Reason: In the interests of protection and enhancement of the water environment.

29. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. In particular this Travel Plan shall identify measures to be implemented, the system of management monitoring, review, reportion and the duration of the plan. This shall include measures for extending and / or increasing the frequency of the existing local bus services and associated financial contribution. Thereafter the Travel Plan shall be implemented following occupation of the first residential unit within the development.

Reason: To be consistent with the requirements of Scottish Planning Policy and PAN 75 Planning for Transport.

30. No phase of development shall be occupied until all roads and pavements within the application site as they relate to each particular phase or sub-phase are formed to base course level. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential home within the phase or sub-phase to which the road related, or upon the expiry of a period of three years from the date of first occupation within that phase, whichever is the sooner.

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

31. No dwelling shall be occupied until the Portree Link Road has been laid out and constructed substantially in accordance with the indicative layout, or such other drawings as may subsequently be approved in writing by the planning authority.

Reason: In the interests of road safety and the effective management of the transport network.

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.

INFORMATIVES

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to

contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

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

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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.

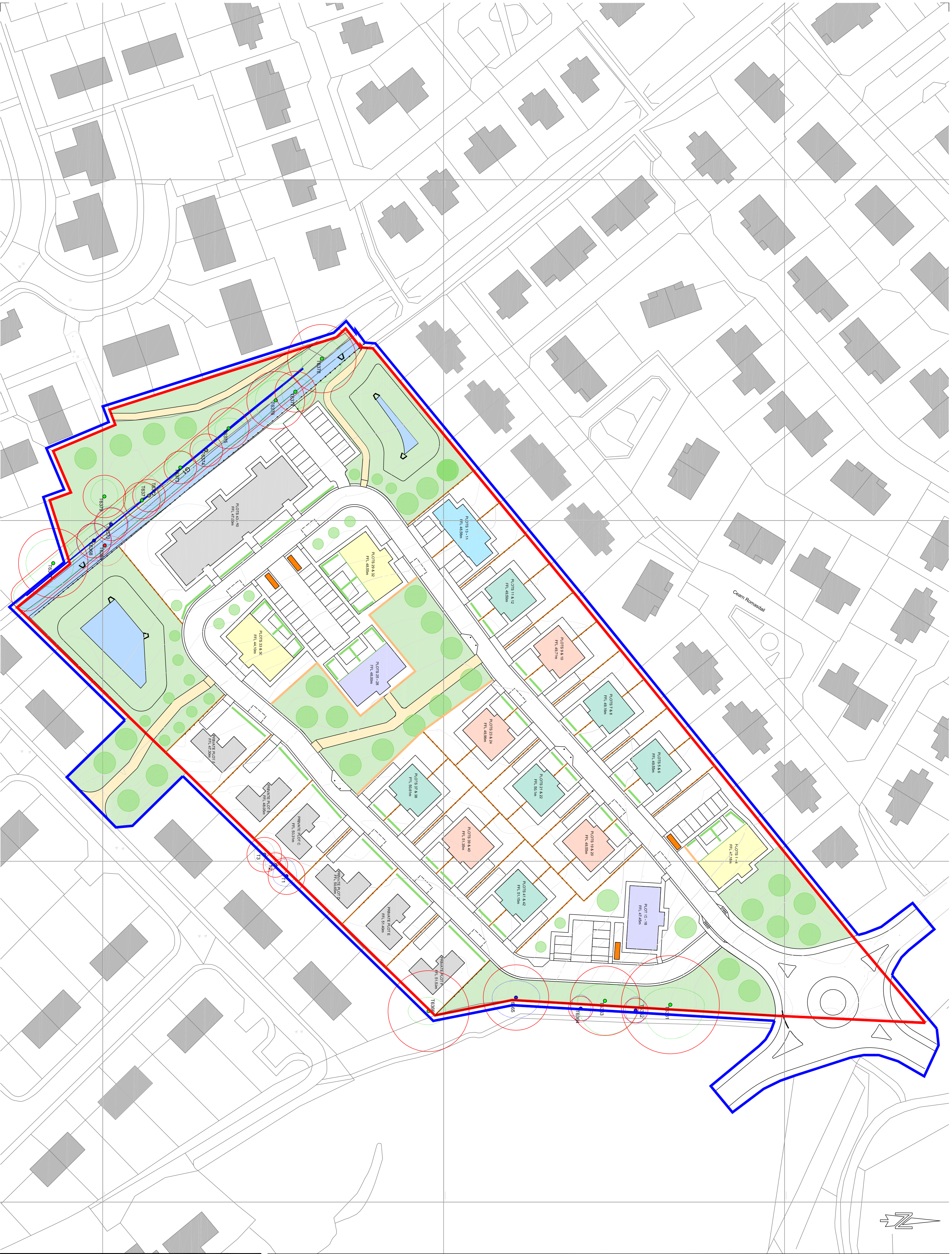
Protected Species – Halting of Work

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>

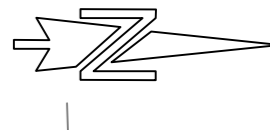
Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Simon Hindson, Strategic Projects Team Leader
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Indicative Site Layout Plan

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked	Base Date	Payment Trigger	Accounting Dates	Clawback Period
Community Facilities	Provision of enhanced community facilities in the Portree High School catchment area	£1,019	£1,019	£252,712	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Affordable Housing									
On-site provision	Minimum 25% delivered on site to a scheme to be agreed (inclusive of penalty clause)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agreement for Delivery Needed	Yes	N/A	N/A	N/A	N/A	N/A	Prior to commencement of development	N/A	N/A
Transport									
Road Infrastructure (Residential)	Contribution toward the delivery of the Portree Link Road	£4,000	£4,000	£992,000	BCIS	Q2 2022	TOC/CC	Apr/Oct	15 or 20



ALL DRAWINGS TO BE CHECKED ON SITE FOR CONFORMANCE WITH THE CURRENT REGULATIONS AND SHOULD NOT BE REPRODUCED IN ANY FORM WITHOUT PRIOR APPROVAL.



Key

3B9P Semi Detached House
Overall total = 8 Units

2B9P Cottage Flat (4 in a block)
Overall total = 12 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

3B9P Semi Detached House (GF Ac)
Overall total = 4 Units

- Total Units Housing Units = 42
- 3 Storey Flats = 18
- Private Houses = 6
- Master Plan Overall = 66
- Hedge / Boundary Planting
- Fence
- Feature planter wall
- Bin Store 6m x 1.5m



Rev A - Updated following feedback from Planning - June 2022



CRGP ARCHITECTS
www.crgp.co.uk

CLIENT
Compass Building and Construction Services Ltd

PROJECT
Home Farm, Portree, Skye

DRG: TITLE
Overall Site Plan

STATUS
PLANNING

DESIGN	PHASE	SCALE	1:500
CHECKED	DATE	DATE	23.11.21
JOB NO.	102-0079	DATE	23.11.21
DRG. NO.-REV.	102-0079 - L(90)002 A		

ALL DIMENSIONS TO BE CHECKED ON SITE
DO NOT SCALE FROM THIS DRAWING.
USE FIGURED DIMENSIONS ONLY.
IF IN DOUBT ASK
THIS DRAWING IS THE COPYRIGHT OF CRGP LTD. AND SHOULD NOT BE
REPRODUCED IN ANY FORMAT WITHOUT PRIOR APPROVAL.



0m 100m 200m

Rev A - Updated following feedback from Planning - June 2022

CRGP Limited
Unit 9 The Green House
Beechwood Business Park
Inverness IV2 3BL



also in Glasgow

Tel: 01463 718 200

web: www.crgp.co.uk

CLIENT

Compass Building and
Construction Services Ltd

PROJECT

Home Farm, Portree,
Skye - Phase 1

DRG. TITLE

Location Plan

STATUS

PLANNING

DRAWN P/maed SCALE 1:2000
CHECKED BM/F ORIGINAL A3
JOB NO. 102-0079 DATE 20.12.21
DRG. NO.-REV.
102-0079 L(00)001 A

