

Agenda Item	5.1
Report No	PLN/052/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 7<sup>th</sup> August 2024

**Report Title:** 24/02233/PAN: Kero Properties Ltd  
Land 85M SE Of West Highland Free Press, 1 Pairc Nan Craobh Industrial Estate, Broadford

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Proposed mixed-use development including houses, flats and short stay accommodation, shops, financial and professional services, distillery with visitor experience, public house and ancillary development

**Ward:** 10 - Eilean A' Cheò

### Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

## **1.0 BACKGROUND**

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 12<sup>th</sup> June 2024. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
  - Location Plan.
- 1.4 There will be two in-person consultation events, the first took place on Thursday 13<sup>th</sup> June 2024 between 2pm and 6.30pm at Broadford Village Hall, and the second is anticipated to take place in September 2024 at the same venue, date and time to be confirmed. The first event was advertised on 30<sup>th</sup> May 2024 in the West Highland Free Press, 13 days prior to the public consultation dates and within the required statutory period. The advert for the next event will be placed in the West Highland Free Press, for which the date is to be confirmed.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Broadford and Strath Community Council, as well as local Members. The applicant undertook a posters and leaflets drop in local businesses on 30<sup>th</sup> May 2024 to advise the community of the first consultation event. Also, the Community Council shared details of the event on their social media. The agent clarified that for the second event, they have identified other ways to publicise the project through groups met at the first event.
- 1.6 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The proposal is for the erection of mixed-use development consisting of houses, residential flats and short-term letting units, shops, financial and professional services, a distillery with visitor experience, food and drink with public house and ancillary development.
- 2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in December 2023 for the same description of works (HC ref. 23/05953/PREMAJ).

## **3.0 SITE DESCRIPTION**

- 3.1 The PAN boundary covers approximately 1.8ha taking in a relatively flat, corner plot of land located between High Road and the A87 trunk road running through Broadford.

It is a prominent location within the town and forms part of the Pairc Nan Craobh Industrial Estate. The High Road serves the Broadford Medical Centre and the hospital as well as several residential properties further to the North. Broadford Backpackers Hostel, including 6 lodges, borders the site to the North. Some light industrial-style buildings are located to the West of the site. A core path runs along the Southern boundary, nearer the A87 road.

- 3.2 The site has been allocated in the local development plan (WestPlan 2012) for mixed use (retail, business/tourism) – allocation BF12: South East of Industrial Estate. This requires any development on the site to be in accordance with planning permission 12/02781/FUL (Change of use of land for a mixture of Class 1, 2, 4 and 5 uses). The below screenshot illustrates further obligations for any proposal on the site;

#### **BF12: South East of Industrial Estate**

**Use:** Mixed Use (Retail, Business/Tourism)

**Area (ha):** 2.2

**Indicative Housing Capacity:** N/A

**Developer Requirements:** Development in accordance with planning permission 12/02781/FUL. Alternative proposals must address: High standard of architectural siting and design with consideration given to the site's prominent gateway location and proximity to the existing commercial core on the southern side of the A87; Minimum 6 metre buffer between watercourses and development; Integrate watercourses as recreational and natural features within the development; Flood Risk Assessment (no development in areas shown to be at risk of flooding); Compensatory tree planting strategy; A native species woodland buffer to be provided along the eastern boundary of the site; Archaeological Investigation; Protected species survey may be required; Active travel connections through the site and to the village; Transport Statement; Peat management plan to demonstrate how impacts on peat have been minimised, and vegetation survey to demonstrate how impacts on wetlands have been avoided. Presence of deep peat and wetlands may limit area that can be developed.

## **4.0 DEVELOPMENT PLAN**

The following policies are relevant to the assessment of the proposal:

### **4.1 National Planning Framework 4 (NPF4) (2023)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 18 - Infrastructure First

Policy 22 - Flood Risk and Water Management

Policy 23 - Health and Safety

Policy 25 - Community Wealth Building

Policy 26 - Business and Industry

Policy 27 - City, Town, Local and Commercial Centres

Policy 28 - Retail

4.2 **Highland Wide Local Development Plan (2012) (HwLDP)**

28 - Sustainable Design  
29 - Design Quality & Place-making  
31 - Developer Contributions  
32 - Affordable Housing  
34 - Settlement Development Areas  
40 - Retail Development  
41 - Business and Industrial Land  
43 - Tourism  
51 - Trees and Development  
55 - Peat and Soils  
57 - Natural, Built & Cultural Heritage  
61 - Landscape  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
77 - Public Access

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

Within Broadford Settlement Development Area, within land allocation BF12 (Mixed Use – retail/business/tourism)

4.3 **Highland Council Supplementary Guidance**

Developer Contributions (November 2018)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Managing Waste in New Developments (Mar 2013)  
Roads and Transport Guidelines for New Developments (May 2013)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

**5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) neighbour amenity including operational noise/odour impacts;
- c) construction impacts;
- d) roads and transport;
- e) flood risk and drainage impacts;
- f) impact on trees;
- g) design, landscape and visual impact (including cumulative impacts);
- h) economic impact and tourism;
- i) public access; and,
- j) any other material considerations raised within representations.

**6.0 CONCLUSION**

6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key

issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## **7.0 IMPLICATIONS**

7.1 Not applicable.

## **8.0 RECOMMENDATION**

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North

Author(s): Karolina Slotwinska

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

Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)  
Plan 2 – Location Plan

**The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019**

**Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021**

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council.

**Data Protection**

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: [https://www.highland.gov.uk/directory\\_record/1052173/planning\\_applications\\_consents\\_and\\_notice\\_of\\_review](https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review)

I have read and understood the privacy notice.

**Contact Details**

Applicant	Kero Properties Ltd.	Agent	Teri Porter
Address	19 Adelphi Aberdeen AB11 5BL	Address	Porter Planning 39 St Vincent Place Glasgow G1 2ER
Phone	c/o agent	Phone	07832 207 326
Email	c/o agent	Email	teri@porterplanning.com

**Address or Location of Proposed Development**

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice.

Land 85M SE Of West Highland Free Press, 1 Pairc Nan Craobh Industrial Estate, Broadford, Isle Of Skye

(NB – this is the address used by the Highland Council within pre-application correspondence. Please refer to attached location plan for ease of reference)

**Description of Development**

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m<sup>2</sup> of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

Proposed mixed-use development including houses, flatted development for residential use and short stay accommodation, shops, financial and professional services, distillery with visitor experience, food and drink with public house, associated infrastructure, landscaping, engineering works and ancillary development.

**Pre-application Screening Notice**

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?  
If yes, please provide a copy of this Opinion.

 Yes No**Community Consultation**

State which other parties have received a copy of this Proposal of Application Notice.


<b>Community Council/s</b>	<b>Date Notice Served</b>
Broadford & Strath Community Council	24th May 2024
<b>Local Elected Members</b>	<b>Date Notice Served</b>
Cllr John Finlayson <a href="mailto:john.finlayson.cllr@highland.gov.uk">john.finlayson.cllr@highland.gov.uk</a>	24th May 2024
Cllr Drew Millar <a href="mailto:Drew.Millar.cllr@highland.gov.uk">Drew.Millar.cllr@highland.gov.uk</a>	24th May 2024
Cllr Calum Munro <a href="mailto:calum.munro.cllr@highland.gov.uk">calum.munro.cllr@highland.gov.uk</a>	24th May 2024
<b>Members of Scottish Parliament and Members of Parliament</b>	<b>Date Notice Served</b>
<b>Constituency MSP (Skye, Lochaber and Badenoch):</b> Kate Forbes MSP <a href="mailto:Kate.Forbes.msp@parliament.scot">Kate.Forbes.msp@parliament.scot</a>	24th May 2024
<b>MP (Ross, Skye &amp; Lochaber):</b> Rt Hon Ian Blackford <a href="mailto:ian.blackford.mp@parliament.uk">ian.blackford.mp@parliament.uk</a>	24th May 2024

<b>Names / details of other parties</b>	<b>Date Notice Served</b>
NA	NA

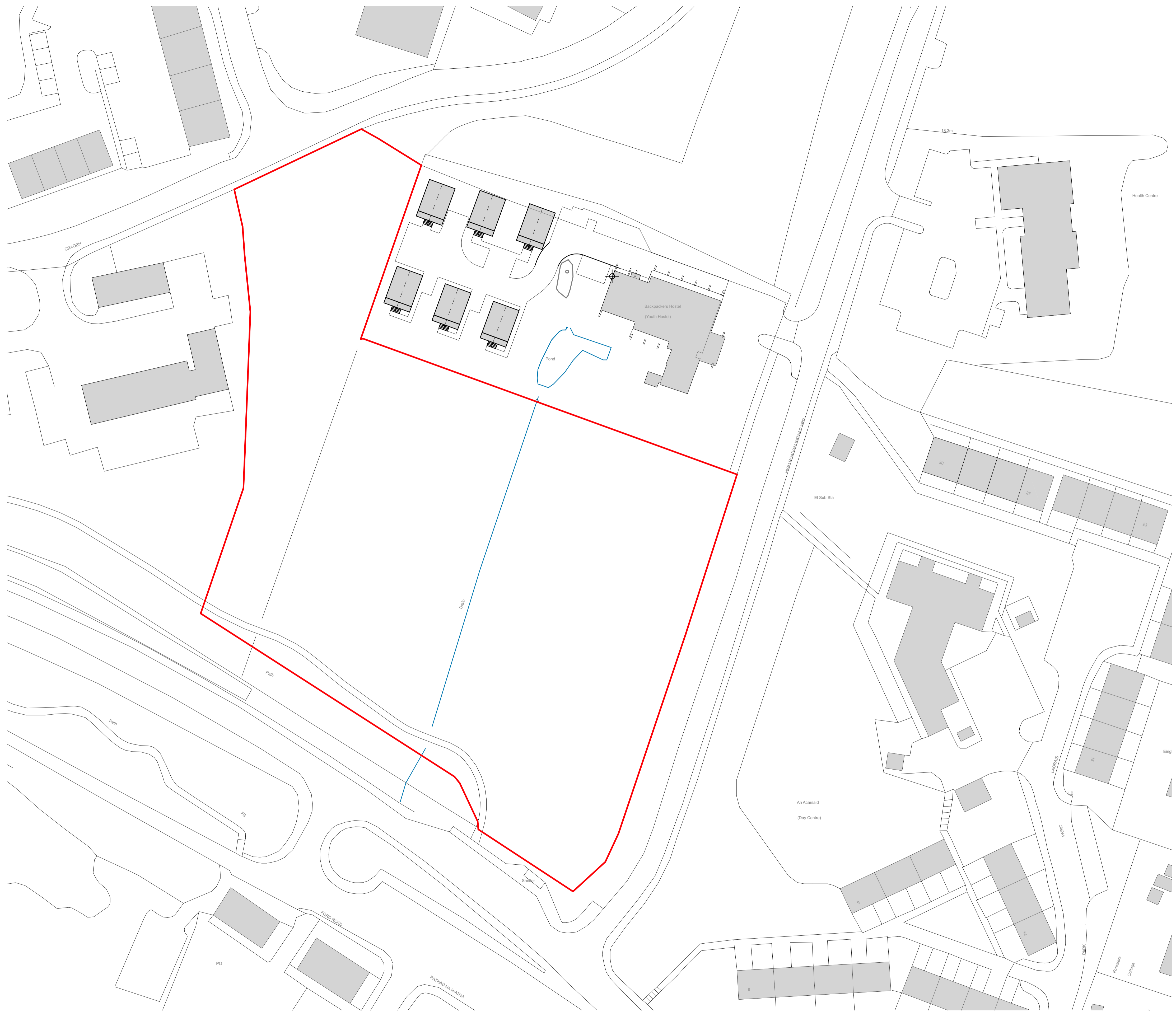
<b>Details of Proposed Consultation</b>		
<b>Proposed Public Event 1</b>	<b>Venue</b>	<b>Date and Time</b>
In-person consultation event	Broadford Village Hall Broadford Skye	Thursday 13 <sup>th</sup> June 2024 2pm to 6.30pm
<b>Proposed Public Event 2</b> <i>(at least 14 days after Public Event 1)</i>	<b>Venue</b>	<b>Date and Time</b>
In-person consultation event	Broadford Village Hall Broadford Isle of Skye IV49 9AG	TBA Anticipated August 2024

<b>Publication of Event</b>		
<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
Planning / Public Notice at least 7 days before event	West Highland Free Press	Event 1 – 30 <sup>th</sup> May 2024  Event 2 - TBA

<b>Details of any other consultation methods (date, time and with whom)</b>
<p>Mail drop will be carried out on 30<sup>th</sup> May 2024 to local residents and businesses. Request also made for Community Council to share details of the event on social media.</p> <p>Project website will be launched to coincide with Event 1. Details will be posted on 13<sup>th</sup> June 2024.</p>

Signed		Date	24 <sup>th</sup> May 2024
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**Drawing Key:**  
 Site Boundary Line  
 Area = 1.28ha (3.17 acres)

**General Notes:**

These drawings are subject to future design development. All drawings should be referenced to separate notes.

All dimensions are to be checked on site prior to construction and any discrepancies reported to the information originator(s).

Unless stated otherwise, these designs shown are subject to detailed site surveys, investigations & legal definition, CDM regulations and the approval of the relevant Local Authority, Statutory Undertakers, Fire Officers, Engineers and any other design specialists.

This design is copyright of FourWard Architecture & Masterplanning Ltd. project specific and confidential. No part of the design is to be used or copied in any way without the express prior consent of FourWard Architecture & Masterplanning Ltd.

Any areas shown are approximate only at the current state of design. Areas may be affected by future design development and construction tolerances. Take account of these factors before planning any financial or property development purpose or strategy and seek confirmation of latest areas before decision making.

To ensure complete coordination during construction all drawings must be read in conjunction with relevant information provided by Architecture, Civil / Structural Engineers, M&E Engineers, and all other specialist consultants or sub-contractor's drawings, specifications and information. Any discrepancies reported to the information originator(s).

- Health & Safety Notes:**
1. Refer to the Site specific Brief and Risk Management design review document to identify any foreseeable significant hazards and risks that need to be identified.
  2. Risk of injury from hidden/unknown services within the ground being missed from site investigations even though a GPR survey has been carried out.
  3. Risk of injury to people working, during transportation / movement of plant / machinery and the movement & transportation of modular units. Lifting and transportation plan required for transportation of models from factory, including on site crange through to being securely fixed into position. Principle Contractor to ensure traffic management system is in place alongside lifting plan and risk assessments.
  4. Access routes may require use of the access road by both the contractor and of new residents. The contractor will need to ensure appropriate traffic management plan is implemented for any different phases and both residents and visitors to site are appraised of this. The construction sites must be secured at all times to ensure access is limited to approved personnel only.
  5. Modern Methods of Construction (MMC) are to be employed, there may be danger of injury to operatives working with materials or methods outwith their experience. The Principle Contractor must provide operatives with task specific training on working with MMC, thorough site induction and regular training.
  6. When excavating the site there is a danger of striking underground services. Survey required of services to be carried out prior to starting on site to confirm their locations and condition.

Broadford South Location Plan 1:500



Project  
**Broadford South, The Isle of Skye**

Stage  
**03 Spatial Coordination**

Layout Title  
**Broadford South - Location Plan**

Drawing Number  
**023-22009 - 03-ST-30**

Status  
**INFORMATION**

Scales @ A1  
**1:500**

Rev ID  
**01**

Date  
**05/12/2023**

Rev.	Date	Revisions	W/P	N/W
01	05/12/2023	First Issue		

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